

RESOLUTION NO. 10-24

A RESOLUTION OF THE BOARD OF DIRECTORS OF TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT DISPENSE BIDDING PROCEDURE DUE TO BEST ECONOMIC RESULT

1. Recitals.

1. In 2023, the Tehachapi-Cummings County Water District (**District**), through approvals from the Board of Directors, secured bond proceeds and awarded a contract for engine procurement for the 2023 Engine Replacement Project for Pump Plants 2 and 3. The next phase of the project is installation of the engines at Pump Plants 2 and 3 and appurtenances by a qualified contractor (**Project**).
2. By Resolution No. 9-19 the District amended and restated its Purchasing Policies and Procedures, delegating to the General Manager the authority and power as Purchasing Agent to purchase equipment, materials, supplies and services.
3. Section 4 of Resolution No. 9-19 permits the District to dispense with bidding procedures in certain circumstances including, “when use of a preferred vendor is deemed prudent” or “when, in the opinion of the purchasing agent and with the approval of the Board of Directors, in light of the purposes to be accomplished, the best economic result for the public would be to dispense with bidding. In the latter event, the Board of Directors shall base its approval on the purposes to be accomplished, the uniqueness of the equipment, materials, supplies, or services, the uniformity of result (when material to the proposed purchase), whether competitive bidding would produce an economic advantage, whether it is practically impossible to obtain what is required by competitive bidding, and like considerations. Documentation to support approval of waiver of bidding requirements shall be provided by the Purchasing Agent.”
4. The requirements of the Project are unique and involve several specialties and skills including mechanical, electrical, HVAC, and controls installation.
5. Lyles Utility Construction, LLC (**Lyles**) is competent and familiar with the District’s pumping facilities, having been the contractor who successfully completed the Plant 1 Engine Installation Project.
6. Procuring contracting services for even simple services has proven difficult for the past several years. This Project is highly specialized, and time is of the essence.
7. The General Manager has advised the Board that in light of the purposes to be accomplished, it would be prudent, and the best economic result for the public would be, to dispense with bidding requirements for the Project.
8. The General Manager has provided the Board information and documentation supporting his opinion that, hiring Lyles would ensure uniformity of result and competitive bidding would not likely produce an economic advantage, and delay design and construction of the Project to the detriment of the public.

B. Resolutions.

NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED by the Board of Directors of TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT as follows:

1. Each of the above recitals is true and correct and the Board so finds and determines.
2. Lyles has recent, relevant, specialized experience installing the exact same engines and appurtenances in virtually the exact same buildings (Plant 1 complete and Plants 2 and 3 proposed) which will ensure uniformity of results.
3. The Board of Directors of the Tehachapi-Cummings County Water District determines that it would be prudent and the best economic result for the public would be to dispense with bidding and award a sole-source design/build contract to Lyles Utility Construction, LLC.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT this 1st day July 2024.



Robert W. Schultz, Board President

ATTEST:



Catherine Adams, Board Secretary

SECRETARY'S CERTIFICATE

I, CATHERINE ADAMS, Secretary of the Board of Directors of Tehachapi-Cummings County Water District, hereby certify as follows:

The foregoing is a full, true, and correct copy of Resolution No. 10-24 duly adopted at a special meeting of the Board of Directors of the District duly and legally held at the regular meeting place thereof on July 1st, 2024. All of the members of the Board of Directors received due notice of the meeting and a majority thereof was present. At the meeting, the resolution was adopted by the following vote:

AYES: Ables, Hall, Sasia, Schultz, Zanutto

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST: 
Catherine Adams, Board Secretary

(SEAL)