



**WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
RESOLUTION NO. 26081801**

**AUTHORIZATION FOR APPROVAL OF CHANGE ORDER #14
MISSION COLLEGE LIBRARY RENOVATION PROJECT**

WHEREAS, the Governing Board of the West Valley-Mission Community College District ("District") previously awarded a contract for construction work known as Mission College Library Renovation Project ("Project") to SC Builders ("Contractor").

WHEREAS, the District is required to comply with California Public Contract Code §20659, which limits the changes or alterations that the Board of Trustees may, without the formality of securing bids from other contractors, authorize to a contract for construction of a public project as defined in California Public Contract Code §20651 to the greater of the amount specified in Public Contract Code §§20651 or 20655; or 10% of the original contract price.

WHEREAS, the District is required to comply with the public bidding requirements of Public Contract Code §20659, which requires bidding of change order work in excess of ten percent (10%) of the original construction contract.

WHEREAS, California courts recognize a legal exception to the statutory bidding requirements when a public agency determines that competitive bidding would be futile, unavailing, undesirable, impractical, impossible, and would cause additional delay and additional cost (*Meakin v. Steveland* (1977) 68 Cal.App.3d 490; *Los Angeles Dredging v. Long Beach* (1930) 210 Cal. 348).

WHEREAS, subsequent to the award of the Contract for the Project to the Contractor, it was determined that additional work was necessary to complete the Project ("Changes") as a result of District directed revisions to the Project and unforeseen conditions.

WHEREAS, the original contract amount was \$16,018,622; prior to the date of these Resolutions, the Board of Trustees previously approved no Change Orders for Project Changes that increased the Project Contract Price.

WHEREAS, additional Changes with aggregate costs of \$1,720,315.65 are necessary to complete the Project as reflected in Change Order #14, attached hereto as Exhibit A.

WHEREAS, the costs of the additional Changes described in Change Order #14 along with the costs for changes approved under Change Orders #1-13 will result in the Project Contract Price being increased by more than 10% of the original Contract Price.

WHEREAS, the Contractor is intimately familiar with the Project and is ready, willing and able to perform the additional work set forth in the Change Order #14.

WHEREAS, it would be more costly and time-consuming to bid the additional work reflected in Change Order #14 since it is integral to the Project and the work being performed by the Contractor.

WHEREAS, competitive bidding the additional work covered by Change Order #14 would result in the delay of the completion of Project construction.

WHEREAS, the additional work reflected in Change Order #14 must be performed before the Project can be completed and failure to complete the Project will disrupt the education of students.

WHEREAS, it would work an incongruity and not produce any advantage to the District to competitively bid the work of Change Order #14 since such competitive bid work could result in multiple contractors being required to perform work more efficiently and effectively performed by one contractor.

NOW, THEREFORE, the Governing Board of the District hereby finds, determines, resolve as follows:

RESOLVED, the Board does hereby find and determine that the foregoing recitals and determinations are true and correct and are hereby incorporated by this reference.

FURTHER RESOLVED, that it would work an incongruity and not produce any advantage to the District to competitively bid the completion of the additional work set forth in Change Order #14.

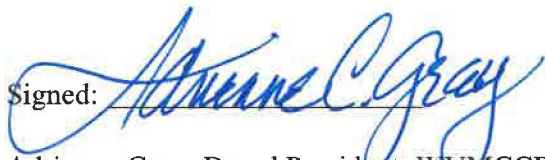
FURTHER RESOLVED, that the District: (i) approves Change Order #14; (ii) authorizes completion of the additional work reflected in Change Order #14 by the Contractor without competitively bidding such work; and (iii) approves payment under Change Order #14 to the Contractor in accordance with the terms and conditions of the Change Order and the Project Contract Documents.

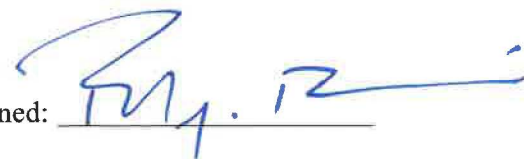
FURTHER RESOLVED, that the completion and approval of the additional work described the Change Order #14 is necessary to ensure completion of the Project and use of the facilities by students and staff.

FURTHER RESOLVED, that the Governing Board delegates to the Vice Chancellor of Administrative Services, or his/her designee, authority to execute Change Order #14 and such other actions necessary to fulfill the intent of these Resolutions.

FURTHER RESOLVED, that these Resolutions shall be effective as of the date of adoption.

Dated:

Signed: 
Adrienne Grey, Board President, WVMCCD

Signed: 
Bradley J. Davis, Chancellor, WVMCCD

BOARD OF TRUSTEES

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