

**OCEANO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO: 2018 - 02**

**A RESOLUTION TO REJECT THE ADDITIVE BID IN THE COUNTY AIR PARK DRIVE  
PROJECT AND TO REJECT ALL BIDS RESPONSIVE TO THE DISTRICT'S  
INDEPENDENT BID OF THE AIR PARK DRIVE PROJECT WORK**

**WHEREAS**, on September 13, 2017 the Oceano Community Services District ("District") Board of Directors approved a Reimbursement Agreement with the County of San Luis Obispo relating to the County's Air Park Drive Bridge Replacement Project ("Air Park Project"), which requires the District to relocate certain existing water and wastewater infrastructure that conflicts with the County's project design; and

**WHEREAS**, the Reimbursement Agreement provided the District's permanent utility modifications be included in the scope of work for the County's Air Park Project as an additive item and further provided the District authority to reject the bid price on the additive bid; and

**WHEREAS**, the Reimbursement Agreement also provided the District with the ability to alternatively bid the permanent relocation work to obtain competitive bids; and

**WHEREAS**, on or about March 22, 2018, the District independently went out for bid on the District scope of work related to the Air Park Drive Project ("Independent Bid") wherein the District reserved the right to reject all bids and self-perform the work as provided by Public Contract Code Section 22038; and

**WHEREAS**, pursuant to the Reimbursement Agreement, the County has provided the District written notice as to the lowest responsive bidder as determined by the County's Public Works Department and the District has determined to reject having the District relocation work included as an additive item in the County's Construction Contract; and

**WHEREAS**, on April 5, 2018, the District opened, received, and considered the bids submitted in response to the District's Independent Bid; and

**WHEREAS**, based upon the documents, staff report, information, and public input provided to and duly considered by the District at the time of the adoption of this Resolution, the District has determined and declares the District scope of work for the Air Park Project can be more economically performed by employees of the District; and

**WHEREAS**, pursuant to Section 22038 of the Public Resources Code, upon the passage of a four-fifths vote of the District declaring that the project can be performed more economically by the employees of the District, all bids may be rejected and the District may self-perform the subject work; and

**WHEREAS**, the District has confirmed that notice to the apparent low bidder of the Independent Bid has been timely provided in compliance with Section 22038 of the Public Resources Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Oceano Community Services District that:

1. Pursuant to Reimbursement Agreement Section E.3, the District hereby directs the District General Manager to provide the County with timely written notice that the District is rejecting having the permanent relocation of the District facilities performed as part of the County's Project's Construction Contract.
2. The District finds and declares that the District scope of work for the Air Park Project can be performed more economically by the employees of the District.
3. Pursuant Section 22038 of the Public Resources Code and upon a four fifths vote of the District, the District rejects all bids submitted in response to the District's Independent Bid and authorizes the District General Manager to notify said bidders.
4. The District General Manager is granted authority to comply with all other requirements of the Reimbursement Agreement in order to effectuate the rejection of the additive item.
5. The District General Manager is authorized to proceed with the coordination necessary to prepare for the District's performance of the relocation work as identified herein and in the Reimbursement Agreement.

**PASSED AND ADOPTED** by the Board of Directors of the Oceano Community Services District on April 19, 2018 by the following vote:

**AYES: Director Brunet, Director Angello, Director Coalwell, Vice President Austin, President White**

**NOES: None**

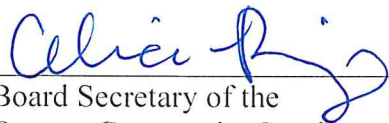
**ABSTAIN: None**

**ABSENT: None**



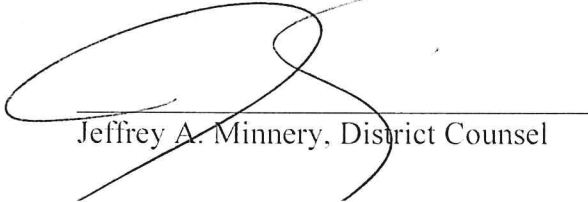
President, Board of Directors  
of the Oceano Community Services District

**ATTEST:**



Board Secretary of the  
Oceano Community Services

**APPROVED AS TO FORM:**



Jeffrey A. Minnery, District Counsel