

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO: 2019 - 02**

**A RESOLUTION TO PROVIDE NOTICE TO THE COUNTY OF SAN LUIS OBISPO TO
REJECT ADDITIVE BID ITEMS FOR THE OCEANO DRAINAGE IMPROVEMENT
PROJECT AND AUTHORIZING THE DISTRICT'S INFRASTRUCTURE RELOCATION
WORK TO BE PERFORMED BY EMPLOYEES OF THE DISTRICT OR BY AWARD OF
NEGOTIATED CONTRACTS BY THE GENERAL MANAGER**

WHEREAS, on July 25, 2018 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 Oceano Drainage Improvement Project (County Project), which requires the District to relocate certain existing water and wastewater infrastructure that conflict with the County Project design; and

WHEREAS, the Reimbursement Agreement provided the option for the District's permanent infrastructure modifications to be included in the scope of work for the County Project as an additive bid item and further provided the District with the ability to reject having the relocation of the District's infrastructure performed as part of the County Project's construction contract; 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 relocation of its infrastructure can be more economically performed by not have it included in the County Project's construction contract; and

WHEREAS, the Public Contracts Code 22000 et seq., also known as the Uniform Public Construction Cost Accounting Act provides the District with alternative bid options; and

WHEREAS, on March 12, 2019, the District issued a notice inviting bids on the District scope of work to relocate water and wastewater infrastructure required by the County Project ("Independent Bid"); 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 4, 2019, the District received no bids submitted in response to the District's Independent Bid; and

WHEREAS, pursuant to Section 22038(c) of the Public Resources Code, since no bids were received for the relocation of the water and wastewater infrastructure in response to the District's notice inviting bids, the relocation of the District's infrastructure "may be performed by the employees of the public agency by force account, or negotiated contract"; and

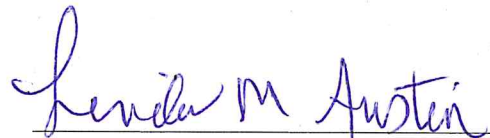
WHEREAS, pursuant to Public Contracts Code 22034 (c) the District may delegate the authority to award contracts to the general manager.

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

1. Pursuant to Reimbursement Agreement Section E.4, the District hereby authorizes the District General Manager, at his discretion, 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. Pursuant Section 22038(c) of the Public Contracts Code, the District shall perform its infrastructure relocation work with agency employees or negotiated contract at the discretion of the General Manager.
3. Pursuant to Section 22034(c), the District General Manager, at his discretion, is granted authority to award negotiated contracts for the completion of its infrastructure relocation work subject to approval by legal counsel as to legal form and effect if the District does not self-perform.
4. The District General Manager is authorized to proceed with other coordination and work necessary to perform the relocation work.

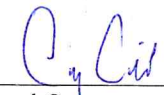
PASSED AND ADOPTED by the Board of Directors of the Oceano Community Services District on April 10, 2019 by the following vote:

AYES: Director Gibson, Director Villa, Director Replogle
Vice President White
NOES: None
ABSTAIN: None
ABSENT: President Austin



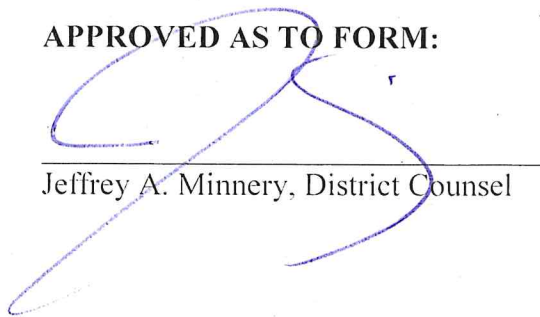
President, Board of Directors
of the Oceano Community Services District

ATTEST:



Board Secretary of the
Oceano Community Services

APPROVED AS TO FORM:



Jeffrey A. Minnery, District Counsel