

REDLANDS UNIFIED SCHOOL DISTRICT

AUTHORIZING CHANGE ORDER PAYMENT IN EXCESS OF TEN PERCENT; BID 7-24

RESOLUTION #22, 2024/25

WHEREAS, the Board of Education of the Redlands Unified School District previously awarded a bid contract for the construction of HVAC installation for the gymnasium at Citrus Valley High School to Dalke & Sons Construction, Inc.

WHEREAS, Public Contract Code 20118.4 limits changes or alterations that the Board of Education may authorize to a contract for construction of a public project without securing bids from other contractors to the greater of the amount of the specified in Public Contract Code 20111 or 20114; or 10% of the original contract price.

WHEREAS, where changes to a contract for construction of a public project exceed ten percent (10%) of the original contract price, bidding change order work exceeding 10% is contemplated by Section 20118.4.

WHEREAS, California courts recognize that a legal exception to the statutory bidding requirements exists 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, the original Contract Price of the Contract awarded the Contractor for the Project was \$413,716.00.

WHEREAS, additional change order work is necessary to complete the Project, as reflected in the attached Change Order No. 1; the aggregate costs of the items of Project work subject to Change Order No. 1 is \$62,632.87.

WHEREAS, the Contract Price adjustment of Change Order No. 1 will result in a Contract Price adjustment that exceeds 10% of the original Contract Price.

WHEREAS, it would be more costly and time-consuming to bid the additional work subject to Change Order No. 1 since it is integral to the Project and the work being performed by the Contractor.

WHEREAS, competitively bidding the additional work covered by Change Order No. 1 would result in the delay of the completion of the Project.

WHEREAS, the additional work of Change Order No. 1 must be performed to complete the Project and failure to complete the Project will disrupt or delay delivery of education services.

WHEREAS, it would cause an incongruity and not produce any advantage to the District to competitively bid the work of Change Order No. 1 since such competitive bid work could result in multiple contractors being required to perform work less efficiently and effectively than by one contractor.

NOW, THEREFORE, BE IT RESOLVED that the Deputy Superintendent or the Purchasing Director have been authorized to sign related documents, as it relates to Change Order No. 1, with Dalke and Sons Construction Inc. on behalf of the Board.

The foregoing resolution was passed and adopted by the Governing Board of Redlands Unified School District on November 12, 2024 by the following vote:

GOVERNING BOARD OF THE
REDLANDS UNIFIED SCHOOL
DISTRICT

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____
