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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH EXBON DEVELOPMENT, INC., WITHOUT ADDITIONAL ADVERTISING FOR BIDS, FOR THE RE-ROOF AT STEARNS PARK COMMUNITY CENTER, IN AN AMOUNT NOT TO EXCEED \$762,810, PLUS A 15 PERCENT CONTINGENCY IN THE AMOUNT OF \$114,422, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$877,232

WHEREAS, on August 9, 2018, the City of Long Beach (the "City") scheduled a bid opening for sealed competitive bids for the Re-Roof at Stearns Park Community Center, located at 4520 E. 23<sup>rd</sup> Street, Long Beach, CA 90815 (the "Project"); and

WHEREAS, on August 9, 2018, only one (1) bid was received for the Project; and

WHEREAS, Exbon Development, Inc. ("Exbon") submitted the sole bid for the Project, however it was deemed non-responsive because it failed to meet one of the administrative requirements related to subcontractor outreach as outlined in the bid documents for the Project; and

WHEREAS, as a result, no bids were received that met the bidding requirements as outlined in the bid documents for the Project; and

WHEREAS, Public Contract Code Section 20166 permits the City to dispense with competitive bidding if no bids are received, and it states, "if no bids are received, the legislative body may have the project done without further complying with this chapter" (i.e., the City may directly engage contractors without further competitive

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 bidding);

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
3 follows:

4 Section 1. The City Council finds that after fully complying with the Public  
5 Contract Code, no responsive bids were received for the Re-Roof at Stearns Park  
6 Community Center Project.

7 Section 2. Pursuant to Public Contract Code Section 20166, the City  
8 Manager, or designee, is hereby authorized to enter a contract with Exbon Development,  
9 Inc., including any necessary amendments thereto, for the Re-Roof at Stearns Park  
10 Community Center, located at 4520 E. 23<sup>rd</sup> Street, Long Beach, CA 90815, in an amount  
11 not to exceed Seven Hundred Sixty-Two Thousand Eight Hundred Ten Dollars  
12 (\$762,810), plus a fifteen percent (15%) contingency in the amount of One Hundred  
13 Fourteen Thousand Four Hundred Twenty-Two Dollars (\$114,422), for a total contract  
14 amount not to exceed Eight Hundred Seventy-Seven Thousand Two Hundred Thirty-Two  
15 Dollars (\$877,232), without additional advertising for bids.

16 Section 3. This resolution shall take effect immediately upon its adoption  
17 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of September 18, 2018 by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Supernaw,  
Mungo, Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Price, Andrews, Richardson.

  
\_\_\_\_\_  
City Clerk

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