

**A SPECIAL MEETING OF THE BOARD OF DIRECTORS
UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
602 E. HUNTINGTON DRIVE, SUITE B, MONROVIA, CA 91016
8:00 A.M. – DECEMBER 22, 2021**

**SPECIAL NOTICE
Teleconference Accessibility**

Pursuant to the newly adopted provisions of the Brown Act (and consistent with the Board's Resolution ratifying the declaration of a state of emergency by the State of California in response to the COVID-19 pandemic, the Upper District will hold its board meeting via teleconference or the most rapid means of communication available at the time. Instructions to participate in the teleconference are below:

Attendee Join Zoom Meeting
<https://us02web.zoom.us/j/81568629153>

Meeting ID: 815 6862 9153

Telephone Dial:
1 (669) 900 - 6833

Meeting ID: 815 6862 9153

Public comments may be made through teleconference when prompted by the President during the public comment period. Public comments may also be provided by emailing venessa@usgvmwd.org in advance of the meeting. Please indicate "PUBLIC COMMENT" in the subject line.

AGENDA

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL OF BOARD OF DIRECTORS
3. ADOPTION OF AGENDA [1]
4. PUBLIC COMMENT
Anyone wishing to discuss items on the agenda should do so now. A three-minute time limit on remarks is requested.
5. CONSENT CALENDAR [1]
 - (a) Adopt Resolution No. 12-21-631, Re-ratifying the Proclamation of a State of Emergency by Governor Newsom, and Reauthorizing Remote Teleconference Meetings.
6. ACTION/DISCUSSION ITEMS [1]
 - (a) Rejection of All Bids Received in Response to the Invitation to Bid on Upper District's Tenant Improvement Project. *(Staff memorandum enclosed.)*

Recommendation

Staff recommends that the Board of Directors reject all bids received pertaining to Upper District's tenant improvement project and authorize the General Manager to rebid the project.

7. INFORMATION ITEMS (These items are for the information of the Board of Directors and require no action) [2] - None
8. ATTORNEY'S REPORT [2]
9. GENERAL MANAGER'S REPORT [2]
10. DIRECTOR'S COMMENTS [2]
11. FUTURE AGENDA ITEMS [1]
12. ADJOURN TO CLOSED SESSION – None.
13. ADJOURNMENT - To a regular meeting of the Board of Directors to be held on January 12, 2022 at 8:00 a.m. via teleconference or the most rapid means of communication available at the time.

LEGEND: [1] INDICATES ACTION ANTICIPATED BY BOARD OF DIRECTORS ON THIS ITEM
[2] INDICATES INFORMATION ITEM - NO BOARD ACTION NECESSARY

PRESIDENT ED CHAVEZ, PRESIDING

American Disabilities Act Compliance (*Government Code Section 54954.2(a)*)



To request special assistance to participate in this meeting, please contact the Upper District office at (626) 443-2297

or Valeria@usgvmwd.org at least 24 hours prior to meeting.



RESOLUTION NO. 12-21-631

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, AND REAUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD FOR THE NEXT MEETING

WHEREAS, the Upper San Gabriel Valley Municipal Water District ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions: and

WHEREAS, the Board of Directors on December 8, 2021 adopted Resolution Number 12-21-630, finding that the requisite conditions exist for the legislative bodies of District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953 and these emergency conditions persist to exist; and

WHEREAS, the Board of Directors does hereby find that the COVID-19 pandemic, the Delta and Omicron variant viruses and the fact that not all people have been vaccinated have caused, and will continue to cause, conditions of peril to the safety of persons within the District boundaries that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the District's legislative bodies shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953 by providing virtual and audio access to the public, staff and Directors.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Board of Directors hereby considers the conditions of the state of emergency in the District boundaries and proclaims that since a local emergency persists throughout those boundaries, and in view of the fact that substantial part of the population remains unvaccinated and COVID-19 virus continues to mutate to new variants, holding in-person meetings would create a health risk to the public, staff and Directors.

Section 3. The Board hereby ratifies the Governor Newsom's Proclamation of State of Emergency.

Section 4. The staff and consultants of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. This Resolution shall take effect immediately upon its adoption and shall be effective for 30 days from passage, or until such time the Board of Directors makes additional findings or adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the District's legislative bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953, whichever comes first.

PASSED, APPROVED, AND ADOPTED this 22nd day of December, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

Ed Chavez, President

ATTEST:

Katarina Garcia, Secretary

(SEAL)

APPROVED AS TO FORM:

Martin Koczanowicz, District Counsel



MEMORANDUM



ITEM 6. (a) ACTION

DATE: December 22, 2021
TO: Board of Directors
FROM: General Manager
SUBJECT: Reject All Bids for Upper District’s Tenant Improvement Project

Recommendation

Staff recommends that the Board of Directors reject all bids and direct staff to readvertise the project for bidding.

Background

On October 14, 2021, the notice inviting bids for Upper District’s tenant improvements project was advertised in the Greensheet. The three contractors that have pulled the plans and attended the mandatory pre-bid meeting On October 25th indicated that a four-month construction period is sufficient. At the request of one of the contractors, the bid opening date, originally scheduled for Monday November 15th was extended and moved to Tuesday, November 23rd at 2 p.m. to generate more accurate and competitive bids for the project estimated at \$2.30 million.

Upper District received the three (3) bids listed below at the close of the bid period on November 23, 2021. The District’s fiscal year 2021/22 capital budget includes \$3 million for the new building.

Contractor	Project Bid
E. Avico, Inc.	\$2,685,956.00
Gillman Builders, Inc.	\$3,634,000.00
Dalke and Sons	\$3,838,680.00

On December 8, 2021 the Board of Directors authorized the General Manger execute a contract with the apparent low bidder E. Avico, Inc. On December 9th the District received a bid protest from Gillman Builders, Inc. alleging that E. Avico, Inc. is not registered with the Department of Industrial Relations (DIR) as required by California Labor Code. Staff consulted with legal counsel and verified that registration with DIR is required and E. Avico, Inc. was not registered with DIR at the time of bidding and is therefore not a qualified bidder. In addition, the bids submitted by Gillman Builders, Inc. and Dalke and Sons did not include all forms and information required in the District’s solicitation for bids and were deemed nonresponsive for the following reasons: Gillman Builders, Inc. did not fully complete the Bidders Declaration Form (missing bid bond amount), their bid bond was a not-to-exceed \$250,000 which is less than the required 10% of the bid amount, and the percentage of work done by listed subcontractors was not provided as required; Dalke and Sons also did not provide the percentage of work done by listed subcontractors as required.

Given these circumstances, and to move the project forward, staff is recommending the Board reject all bids and direct staff to readvertise the project for bidding.