

**RESOLUTION NO. 2019-44**

**A RESOLUTION AMENDING THE FY 2018-19 CAPITAL IMPROVEMENT PROGRAM (CIP) BY REAPPROPRIATING \$100,000 OF CDBG FUNDS FROM “STREET IMPROVEMENTS - CITYWIDE (CDBG) (FY 15-16 TO FY 17-18),” PROJECT NO. 428-2590-XXXXX-64807 TO “STREET IMPROVEMENTS - CITYWIDE (CDBG) (FY 18-19 TO FY 20-21),” PROJECT NO. 428-2590- XXXXX-67925; AND , MAKING A FINDING OF NECESSITY**

**WHEREAS**, the City Council desires to amend the FY 2018-19 Capital Improvement Budget for CDBG funds;

**WHEREAS**, the City Council desires to reappropriate \$100,000 of CDBG funds; and,

**WHEREAS**, the City Council desires to make a Finding of Necessity for awarding this project with additional subcontractors not listed in the original Gentry Brothers, Inc. bid.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pomona as follows:

**SECTION 1.** The City Council amends the FY 2018-19 CIP Budget by:

- a. Unappropriating \$100,000 of Mayoral CDBG Funds from “Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-XXXXX-64807, and
- b. Appropriating \$100,000 of Mayoral CDBG Funds to “Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21),” Project No. 428-2590-XXXXX-67925.

**SECTION 2.** The City Council makes a Finding of Necessity for awarding this project with additional subcontractors not listed in the original Gentry Brothers, Inc. bid, due to the following facts:

- a. Allowing additional DBE/WBE/MBE subcontractors is in conformity with the City’s stated bid documents intention for affirmative action.
- b. It is necessary for the public good to make the most improvements in the most economical fashion possible and the Gentry Brothers, Inc. bid allows the City to do this,
- c. None of the apparent three(3) lowest bidders met the 10% DBE goal with their original bids,
- d. The City is required to make timely expenditure of both the RMRA/SB-1 and the CDBG funds intended to be used for the work to be awarded,

- e. Gentry Brothers, Inc. has otherwise been found to be the lowest responsible and responsive bidder,
- f. The City reserved it's rights with the original bid documents to waive any irregularities or informalities in the bids or in the bidding of this work,
- g. The City hereby waives the additional subcontractors not listed in the original Gentry Brothers, Inc. bid as in irregularity (and/or informality)
- h. Proceeding to the next apparent lowest bidder would eliminate contingency funding that is needed to address any issues that may arise during the construction of this work.
- i. Gentry Brothers, Inc. use of additional DBE/WBE/MBE subcontractors is in keeping with the City's original bid documents intention to utilize local business and labor,
- j. Gentry Brothers, Inc. belated use of additional DBE/WBE/MBE subcontractors is still in keeping with the City's original bid documents intention for the bidders and Contractor to make a good faith effort to use DBE/WBE/MBE subcontractors, and
- k. Gentry Brothers, Inc. use of additional DBE/WBE/MBE subcontractors substantially meets the bid documents goal of using 10% DBE involvement in the completion of this work.

**SECTION 2.** The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its approval.

**APPROVED AND ADOPTED THIS 15<sup>th</sup> DAY OF APRIL 2019.**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Rosalia A. Butler, City Clerk

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Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

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Christi Hogin, Interim City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 15<sup>th</sup> day of April, 2019 by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

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Rosalia A. Butler, City Clerk

19-1269