

RESOLUTION NO. 2019 - 67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA AUTHORIZING AN EXCEPTION TO THE DOLLAR THRESHOLD LIMITS IN SECTION 2-1003(C)(4) OF THE POMONA MUNICIPAL CODE FOR ENGAGEMENT OF CUMMING CONSTRUCTION MANAGEMENT, INC. FOR PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH PROJECT NO. 441-6725-XXXXX-73368

WHEREAS, the City desires to engage a consultant to provide professional construction management (PCM) services associated with a design-build parking structure project No. 441-6725-73368 (the “Project”);

WHEREAS, Section 2-1003(C) of the Pomona Municipal Code permits the City to establish a list of prequalified consultants from whom the City may seek proposals for professional services for public works projects in excess of thirty thousand dollars (\$30,000) but less than the amount (\$220,000) provided in Public Contract Code section 22032(b) pursuant to its informal Request for Proposals (RFP) process;

WHEREAS, the City conducted an informal RFP process for PCM services and sought proposals for the Project from the eight prequalified consultants;

WHEREAS, the proposals received by the City exceed the amount provided in Public Contract Code section 22032(b) and the total estimated cost for PCM services for this Project based on the proposal submitted by Cumming Construction Management, Inc. and selected by the City is expected to be approximately \$311,000;

WHEREAS, Section 2-1003(C)(4) of the Pomona Municipal Code would require the City to utilize the formal bid process that is set forth in Section 2-977 of the Pomona Municipal Code;

WHEREAS, the City needs to needs to expeditiously engage the selected PCM firm, Cumming Construction Management, Inc., in order to keep the Project timeline intact;

WHEREAS, the need for pre-construction services is pressing because the City has received many highly detailed requests for information (RFI) from the prospective design-build teams that plan to respond to the RFP to build the parking structure, and the City needs the PCM firm to help respond to many of these RFI’s and to provide ongoing assistance in the design-build team selection process;

WHEREAS, given the openly competitive and comprehensive RFQ/RFP process that the City utilizes to establish the prequalified list of consultants and in light of Pomona’s Charter City status, the City Council may authorize an exception to Section 2-1003(C)(4) of the Pomona

Municipal Code to allow for the City to engage Cumming Construction Management, Inc. for PCM services associated with this Project.

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

SECTION 1. That, based upon staff reports, presentations, public testimony, and other matters presented during consideration of this matter, the City Council finds and declares the foregoing recitals to be true and correct, and are expressly incorporated as a material part of this Resolution.

SECTION 2. That the City Council hereby authorizes an exception of the dollar threshold limits in Section 2-1003(C)(4) of the Pomona Municipal Code for engagement of Cumming Construction Management, Inc. for professional construction management services associated with this Project.

SECTION 3. The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its approval, and is authorized to execute such other documents and certificates necessary to complete the transaction contemplated in this Resolution.

APPROVED AND ADOPTED THIS _____ DAY OF JUNE 2019.

ATTEST:

POMONA CITY COUNCIL

Rosalia A. Butler, MMC, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Best Best & Krieger LLP

By: _____
Interim City Counsel

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the CITY OF POMONA CITY COUNCIL do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the ____ day of JUNE 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this ____day of June 2019.

Rosalia A. Butler, MMC, City Clerk