

**RESOLUTION NO. 24-25-002**

**BOARD OF EDUCATION OF THE EUREKA CITY SCHOOLS  
DECLARING THE FUTILITY OF PUBLIC BIDDING FOR  
THE ADDITIONAL ALTERATIONS TO THE SCIENCE BUILDING C WORK  
AT EUREKA HIGH SCHOOL, AND  
APPROVING A CHANGE ORDER FOR THAT WORK**

**WHEREAS**, the Eureka City Schools (“Agency”) and Adams Commercial General Contracting, Inc. (“Contractor”) entered into a contract for Contractor for Alterations to the Building C (Science Classrooms) at Eureka High School (“Project”);

**WHEREAS**, the Agency used competitive bidding for the Project under Public Contract Code section 20111(b) and Contractor was the lowest responsive, responsible bidder for the Project and was awarded a contract for the Project for Nine Million Nine Hundred Seventy Nine Thousand Six Hundred Eighty and NO/100 Dollars (\$9,979,680.00) (“Contract Price”);

**WHEREAS**, the Agency would like to issue a change order for additional work on the Project (“Additional Work”);

**WHEREAS**, Contractor has provided a quote for the Additional Work and is able to complete the Additional Work for Six Thousand Three Hundred Eighty-Seven and 84/100 Dollars (\$6,387.54), which may exceed the limit for change orders that are not competitively bid, as established by Public Contract Code section 20118.4;

**WHEREAS**, the Agency’s architect, FF & J Architects, Inc., and Agency staff believe that the Contractor’s quoted price to perform the Additional Work is reasonable because the work was performed on a time and materials basis and was able to be performed during the normal course of construction with minimal delay to the project schedule;

**WHEREAS**, going out to bid for the Additional Work would result in substantial delay to the Project, the Additional Work, and other public works projects on building C (Science Classrooms), resulting in significantly increased costs for the Agency due to the significant work stoppage time required by the general contractor to wait for the bidding and award of contract to occur for the structural and fire life safety conditions to be corrected and finishes installed;

**WHEREAS**, Additional Work must be provided by the Contractor to ensure continuity of quality and appearance of the work. The work includes installation of smoke seals on the existing corridor classroom doors to restore their fire rated assembly classification and installation of braces at the emergency shower/eye washes to stabilize at the top of the vertical pipe.

**WHEREAS**, hiring a contractor other than the Contractor to perform the Additional Work would result in waste and delay, the general contractor currently has licensed and qualified subcontractors on site to perform this work. Using these subcontractors allows for a fully coordinated and seamless installation minimizing delays which would increase the expense of the Agency because the Contractor has already mobilized on site, is familiar with the Agency's needs, is acquainted with the Project, and has assembled its staff and crew to begin the Project;

**WHEREAS**, bringing in a new contractor to perform the Additional Work, which is related and similar to the work being performed by Contractor for the Project, would create coordination and interference problems with the Contractor, which would increase the Agency's expense as there would be additional overhead operating costs added by both the current contractor on site and any new contractor brought on to perform this work as well as create coordination conflicts with all the other subcontractors working within the building.;

**WHEREAS**, if the Agency were to bid the Additional Work, the prices of those bids would likely be higher than the price of Contractor's quote for the Additional Work because Contractor is already mobilized on the Project, thus reducing costs such as overhead, potential overtime costs to perform the work within the limited time frame available, add costs not needed as contractors would add costs to cover unknown conditions which might arise when performing work on existing structures and utility lines;

**WHEREAS**, the work must be completed in order for the contractor to be able to complete the work in the base contract. The work is required to allow for the reopening of the class rooms for the 2024-2025 school year;

**WHEREAS**, California law provides that "Where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply" (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694), and that public entities need not comply with competitive bidding processes where to do so would be impractical or futile and would not serve the purposes of competitive bidding. (*Los Angeles Dredging Company v. City of Long Beach* (1930) 210 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631; *Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331);

**WHEREAS**, competitively bidding the Additional Work will not affect the final result to the Agency except to further increase the cost of the Project and delay completion of the Project as the work was performed on a time and materials basis while maintaining the construction schedule and maintaining a safe work environment for both the workers and the students and staff using the cafeteria while the construction activities are occurring, and it would not produce an advantage to the Agency;

**NOW THEREFORE**, the Board of Education of the Eureka City Schools hereby resolves, determines, and finds the following:

1. That the foregoing recitals are true.
2. For the sufficient and independent reasons stated above, a competitive public bidding process for the Additional Work would be unavailing, would not produce an advantage to the public or the Agency, and would not serve the goals of the competitive bid process in that it would not obtain the best economic result for the public.
3. Based on the foregoing, it would be incongruous, futile, and unavailing to publicly bid the Additional Work.
4. Accordingly, Agency's governing body hereby approves a change order with the Contractor to perform the Additional Work, which change order is attached hereto as Exhibit "A," without further advertising for or inviting of bids.

The foregoing Resolution was adopted by the governing body of the Eureka City Schools at a regularly scheduled meeting on the 29th day of August 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Gary Storts

Secretary of the Board of Education of  
Eureka City Schools of  
Humboldt County, State of California

## **Exhibit A**

### **Change Order No. 20**

See attached change order no. 20 consisting of two pages, dated August 16, 2024.

**CHANGE  
ORDER**

*AIA DOCUMENT G701*

OWNER	<input checked="" type="checkbox"/>
CONTRACTOR	<input checked="" type="checkbox"/>
ARCHITECT	<input checked="" type="checkbox"/>
FIELD	<input type="checkbox"/>
INSPECTOR	<input checked="" type="checkbox"/>

PROJECT:  
Eureka High School  
1915 J Street  
Eureka, CA 95501

Change Order Number: 020  
Date August 16, 2024  
Architect's Project No. EC21.01.54

TO CONTRACTOR:  
Adams Commercial General Contracting, Inc.  
217 E Street  
Eureka, CA 95501

Contract Date: October 21, 2022  
Contract For: Alterations to Science Bldg. C

20.1 Sheet A.1 (PCO 78)

- a. At existing fire rated doors into rooms C102, C103, C104, C105, C106, C107, C108, C109, C113 from each corridor furnish and install "Pemko" S88 smoke seals on each jamb and head.

Requested by: District, Architect

Reason: These existing doors were not a part of the scope of work. It was discovered during the punch walk of the building these doors did not have smoke seal gasketing as required by building codes at a fire rated door. Smoke seals must be installed to restore the fire assembly integrity of these openings.

Add \$ 948.33

20.2 Sheet A.1, (PCO 78)

- a. In rooms C1303, C107, C108, C109 and C124 furnish and install a brace at the top of the emergency shower/eye wash assemblies per drawing ASK-30.

Requested by: District, Architect

Reason: These emergency showers are only attached to the floor per the manufacturer's design. The district is concerned these showers will be pushed on and break loose the water lines to the showers. Adding a brace at the top of the shower assemblies will prevent the showers from moving when pushed against

Add \$ 5,439.51

Total Add this Change Order is : \$ 6,387.84

Change Order No. 20  
Alterations to Science Building C  
Eureka High School  
Eureka City Schools  
Project No. EC21.01.54  
August 16, 2024  
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**NOT VALID UNTIL SIGNED BY THE OWNER, ARCHITECT AND CONTRACTOR**

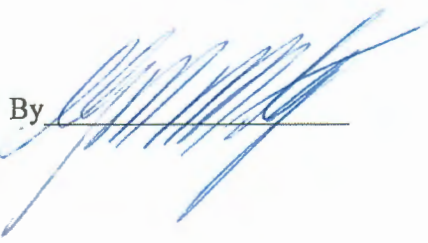
The original <b>(Contract Sum)</b> was -----	\$ 9,979,680.00
Net Change by previously authorized Change Orders -----	\$ 1,442,528.29
The <b>(Contract Sum)</b> prior to this Change Order was-----	\$ 11,422,208.29
The <b>(Contract Sum)</b> will be <b>(increased)</b> by this Change Order in the amount of -----	\$ 6,387.84
The new <b>Contract Sum</b> including this Change Order will be-----	\$ 11,428,596.13
The Contract Time will be <b>(unchanged)</b> by 0 Calendar Days (0 Working Days). -----	(0) days
The date of Substantial Completion as of the date of this Change Order therefore is	June 11, 2024

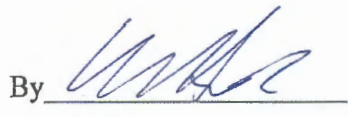
**NOTE:** This summary does not reflect changes in the Contract Sum, Contract Time, or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

**ARCHITECT**  
F F & J Architects, Inc.  
2101 Geer Road, Suite 308  
Turlock, CA 95382

**CONTRACTOR**  
Adams Commercial General Contracting, Inc.  
217 E Street  
Eureka, CA 95501

**OWNER**  
Eureka City Schools  
2100 J Street  
Eureka, CA 95501

By 

By 

By \_\_\_\_\_

Date AUG. 16, 2024

Date 8/16/2024

Date \_\_\_\_\_