

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

DRAFT

BOARD OF DIRECTORS MEETING MINUTES

LOCATION: 52 Arlington Avenue, Kensington

DATE: May 16, 2019

SPECIAL MEETING

Vice President Hacaj opened the meeting at 9 a.m. and took roll. Directors Deppe, Sherris-Watt and Modavi were present. Vice President Hacaj noted that President Nottoli was traveling and therefore would not be present.

Old Business

Kensington Community Center: Seismic Upgrades and Building Alterations; award of contract to the second lowest bidder, KCK Builders.

General Manager Tony Constantouros introduced the item by noting that at the April 11, 2019 meeting of the Board of Directors, a contract in the amount of \$1,594,200 for the seismic upgrades and building alterations, including bid alternates, to the Kensington Community Center was awarded to Eagle Builders. Since that time, efforts to reach Eagle Builders have not been successful and it appears that the firm has apparently gone out of business.

With approval of General Counsel Ann Danforth, and as the public works bidding process requires, our architect, Mr. William Glass recommended that the contract be awarded to the second lowest bidder because there was no response from Eagle Builders by the required date of May 12, 2019.

The second lowest bidder is KCK Builders. The total bid from KCK Builders, including the bid alternates that were approved by the Board, is \$1,669,400. KCK has extended its bid beyond the expiration date of April 12, 2019. KCK's bid is \$75,200 more than the bid submitted by Eagle Builders. The District has initiated the process to recover this additional cost from Eagle Builders' bidder's bond, which is guaranteed by a surety. General Counsel Danforth noted that the District has a very strong case to recover these additional costs since Eagle was obliged to execute contract documents and did not.

Board vote on KCK Contract

Director Sherris-Watt moved that the District award a contract for improvements to the Kensington Community Center including seismic upgrades, building alternations and approved bid alternates to KCK Builders in the amount of \$1,669,400. Director Deppe

seconded the motion. Directors Deppe, Sherris-Watt and Hacaj voted in favor of the motion. Director Modavi voted Present. The motion passed 3-0.

Director Sherris-Watt made a motion to authorize the General Manager to finalize and sign the contract with KCK Builders subject to review and approval of Counsel. Director Deppe seconded the motion. Directors Deppe, Sherris-Watt and Hacaj voted in favor of the motion. Director Modavi voted Present. The motion passed 3-0.

Adjournment to Closed session. Director Deppe motioned to adjourn to closed session. Director Sherris-Watt seconded the motion. Directors Modavi, Deppe, Sherris-Watt and Hacaj voted in favor. The motion passed 4-0. The Board adjourned to closed session at 9:16 a.m.

The Board returned from closed session at 9:50 a.m. and reported that it had given direction to the District's General Counsel.

Adjournment of meeting. Vice President Hacaj made a motion to adjourn the meeting. Director Sherris-Watt seconded the motion. Directors Modavi, Deppe, Sherris-Watt and Hacaj voted in favor of the motion. The motion passed 4-0. The meeting adjourned at 9:51 a.m.

Prepared by: Sylvia Hacaj

Date approved by the Board:

Tony Constantouros, General Manager

Eileen Nottoli, Board President