

RESOLUTION NO. 030-21/22

APPROVAL OF THE DESIGNATION OF SPECIFIC MATERIAL(S), THINGS(S), PRODUCT(S), OR SERVICE(S) FOR ROOF REPLACEMENT PROJECTS PURSUANT TO PUBLIC CONTRACT CODE SECTION 3400(C)(2)

WHEREAS, pursuant California Public Contract Code section 3400 (“**PCC § 3400**”) and other applicable law, the District wishes to list and/or designate in its bids for future projects a specific product and/or material; and

WHEREAS, PCC § 3400(c)(2) provides that the District may specify particular material(s), product(s), thing(s), or service(s) in its specifications for bids in connection with the construction, alteration, or repair of public works upon a finding by the District Board that particular material(s), product(s), thing(s), or service(s) are necessary “in order to match other products in use on a particular public improvement either completed or in the course of completion”; and

WHEREAS, PCC § 3400(c) requires that the District include in its Invitation to Bid for a public work specifying material(s), product(s), thing(s), or service(s) in its specifications a description of the finding that “a particular material, product, thing, or service is designated by specific brand or trade name” for the public works for on any of the specific purposes identified in PCC §§ 3400(c)(1) through (4); and

WHEREAS, on the District’s Project, the District desires to list Tremco Modified Bituminous Roofing Membrane Roofing Systems and related components (“Tremco Products”) as the only acceptable material, product, or thing for use as roofing components on District Projects because the specified Tremco Products “match” Tremco roofing products and roofing installation previously “completed” and installed at other District sites. (PCC § 3400 (c)(2)); and

WHEREAS, although PCC § 3400(c)(2) does not require the Board to make specific findings as to why it wishes to match other products in use, the District believes this action is desirable to, among other reasons, and to the extent applicable to the Tremco Products, because:

- The ongoing maintenance, repair, and other work that District staff and/or service providers will have to perform on District site roofs will be simplified, more efficient, and less costly if those persons do not have to service different and varied roofs and roofing components.
- The warranties and guarantees for the Tremco Products will be easier to coordinate, track, and call upon in the years to come if they are with the same manufacturer of the particular roofing systems.
- It would be beneficial for the entire District to reduce District costs by implementing uniform roofing products on District projects, facilitating maintenance, engineering and overall reliability.

WHEREAS, the District will endeavor to list, whenever feasible, more than one roofing system when more than one product or system is acceptable and has already been used at improvement(s) either completed or in the course of completion and the above conditions are sufficiently satisfied.

NOW THEREFORE BE IT RESOLVED, the Governing Board of the Livermore Valley Joint Unified School District hereby resolves, determines, and finds the following:

1. That the foregoing recitals are true.
2. The ongoing maintenance, repair, and other work that District staff and/or service providers will have

to perform on District roofing systems will be simplified, more efficient, and less costly if those persons do not have to service different and varied roofing systems.

3. The warranties and guarantees for the Tremco Products and previously install Tremco Products will be easier to coordinate, track, and call upon in the years to come if they are with the same manufacturer of the particular roofing products.
4. It would be beneficial for the entire District to reduce District costs by implementing uniform roofing systems and products at District schools, facilitating maintenance, engineering and overall reliability.
5. The District will endeavor to list, whenever feasible, more than one roofing system when more than one product or system is acceptable and has already been used at improvement(s) either completed or in the course of completion and the above conditions are sufficiently satisfied.
6. That Tremco Products and related systems are the only material, product, or thing for use on future projects, because the Tremco Products match the Tremco Products and roofing systems completed and installed in other District school sites in connection with a public works.
7. That the District shall list in its invitation to bid for future projects that Tremco Products and roofing systems are the only acceptable roofing systems for use on future District projects, and shall describe in the invitation for bids for future projects the Board's finding pursuant to PCC § 3400(c)(2).
8. That the District's Superintendent, or the Superintendent's designee, is authorized pursuant to this Resolution to take any action which is necessary to complete the procedures necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Governing Board of the Livermore Valley Joint Unified School District, in this 11th day of January, 2022, by the following vote:

AYES: Bueno _____ Prusso _____ Guzmán _____ Wang _____ White _____

NOES: Bueno _____ Prusso _____ Guzmán _____ Wang _____ White _____

ABSTENTIONS: Bueno _____ Prusso _____ Guzmán _____ Wang _____ White _____

ABSENT: Bueno _____ Prusso _____ Guzmán _____ Wang _____ White _____

Clerk of the Board of Education
Livermore Valley Joint Unified School District of Alameda County
and Contra Costa County, State of California