

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DECLARING A PROPER PURPOSE FOR SEPARATION OF EMERGENCY AND NON-EMERGENCY DEMOLITION CONTRACTS IN THE PROCUREMENT PROCESS

WHEREAS, City Charter section 1208 and Fresno Municipal Code section 4-102 require advertised competitive bidding for materials, supplies, equipment, and public work of improvement involving the expenditure of City monies in excess of \$158,000 (Formal Bid Limit); and

WHEREAS, Council may make findings it is beneficial to split or separate a transaction for a proper purpose other than solely to avoid the requirements of competitive bidding pursuant to Fresno Municipal Code section 4-107(e), and such separation is authorized by resolution passed by a majority of affirmative votes of the Council and containing a declaration of the facts constituting a proper purpose; and

WHEREAS, The Code Enforcement Division of the City Attorney's Office performs structural demolitions on private property on an as-needed basis. The need for demolition varies, including prolonged lack of maintenance of vacant and abandoned structures, dilapidation, fire damage, or other elements causing the structure to be uninhabitable and dangerous; and

WHEREAS, the need for demolition is sudden in some cases where the structure poses an imminent danger to life, health, safety, or adjacent property; and

WHEREAS, qualified staff from the Code Enforcement Division of the City Attorney's Office conducts field assessments to determine current conditions of a property

and makes a determination whether an emergency summary abatement demolition is necessary to prevent collapse, further collapse, and to remove imminent hazards to the general public; and

WHEREAS, once Code Enforcement staff determines an emergency demolition is necessary, a delay in the service to demolish dangerous structures could have a detrimental effect, such as the loss of life; and

WHEREAS, emergency demolition services require special and immediate 24/7 response by the service provider; and

WHEREAS, emergency summary abatement demolition services typically require "pancaking" structures or portions of structures and providing security fencing to eliminate imminent dangers to the minimum extent necessary; and

WHEREAS, the City desires to authorize contracting emergency and non-emergency demolitions separately due to the nature of each type of demolition; and

WHEREAS, the nature of emergency demolitions requires them to be performed on an expedited basis contrasted with non-emergency demolitions which can be planned well in advance and the need to perform the emergency demolitions quickly requires the procurement to be split into two separate contracts emergency and non-emergency demolitions; and

WHEREAS, the City Attorney's Office will work with the Purchasing Manager of the Finance Department to issue a Request for Proposals seeking requirements contract bids under the Formal Bid Limit solely for conducting emergency demolition services to the minimum extent necessary to eliminate imminent dangers; and

WHEREAS, the City Attorney's Office will separately work with the Purchasing Manager of the Finance Department to issue Requests for Proposals seeking bids for non-emergency demolition services on a case-by-case basis when imminent dangers are not present to necessitate immediate action.

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

1. The foregoing facts constitute a proper purpose for separation of emergency and non-emergency demolition contracts in the procurement process, specifically to ensure the preservation of life, health, or property without delay.
2. The foregoing facts are sufficient to prove that the separation of emergency and non-emergency demolition contracts is in accordance with Fresno Municipal Code Section 4-107(e) and is not for the purpose of evading the Formal Bid Limit.
3. This resolution shall be effective upon final approval.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Date
Deputy

APPROVED AS TO FORM:
RINA M. GONZALES,
Interim City Attorney

By: _____
Brandon M. Collet Date
Supervising Deputy City Attorney