

EAST KERN CEMETERY DISTRICT MINUTES OF REGULAR BOARD MEETING

September 19, 2022

The meeting was called to order by Chairman Yaw at 5:00 pm.

ROLL CALL: Chairman Victor Yaw was present. Trustees: Harold Smith & Owen Carder were present. Vice-Chairman Glenda Willie was excused and Trustee Buford Land was absent. Manager Paul Holzer was present. The Pledge of Allegiance was led by Chairman Yaw.

PUBLIC PRESENTATION: There were none at this time. (according to FreeConferenceCall.com detail, there was a call in from Barbara Parker, however there was no announcement of her participation)

APPROVAL of the AGENDA and MINUTES: Trustee Smith made a motion to approve the Agenda & Minutes as presented. Trustee Carder seconded. Roll Call Vote: Ayes – Yaw, Smith & Carder; Absent – Willie & Land. Motion carried.

APPROVAL OF MONTHLY BUDGET AND VOUCHERS: Trustee Carder made a motion to approve the monthly budget and vouchers #G083122. Trustee Smith seconded. Roll Call Vote: Ayes – Yaw, Smith & Carder; Absent – Willie & Land. Motion carried.

MANAGER'S REPORT: The Manager informed the Board that:

- The District performed 1 interment since the last meeting (T – MC)
- Still awaiting response from California City Manager, Doug Dunford, regarding water rates at the CCMP. The Manager has made several attempts by phone and by email.

SAFETY REPORT: The Manager assured the Board that there have been no incidents of safety to report and that every effort is made to ensure a safe work environment. Additionally, Safety Officer Carder visited the MC on Aug. 18 and the CCMP on Aug. 19. During his visit, he noted that fire extinguishers had been installed on equipment & in vehicles, and noted that garages were clean & orderly and safety gear was stocked and accessible.

PENDING ITMES: There are no Pending Items at this time.

CONTINUED BUSINESS: There is none at this time.

NEW BUSINESS: **A. OPEN-REVIEW-AWARD/DENY BIDS for CCMP DRIVEWAY:** The Manager presented Chairman Yaw with the sealed bids for him to open. Bids were received from (in order of receipt): Porter Concrete Construction, DOD Construction, Nagle Earthworks & Advanced Concrete. All bids were received by the due date of Sept. 16 @ 12. Prior to the opening of the bids, the Manager informed the Board that he had placed Public Notices in the A.V. Press, Bakersfield Californian, Mojave Desert News and the Rosamond News, specifying a Public Works Job at the CCMP and job walk on Sept. 2. There were only 2 contractors that attended the job walk, Porter Concrete Const. & Parker Const. The Manager was contacted by phone by 6 other contractors requesting a bid packet, which the Manager provided (plans, public notice, scope of work, etc.). The Manager did not make the job walk a mandatory part of the bidding process, however, it should be noted that the phone-in contractors did not have “eyes & feet” on the physical project and did not ask questions concerning District work & productivity. Additionally, the Manager reminded the Board that there is no District Policy that automatically awards bids to the lowest bidder. At this time, the Manager asked Chairman Yaw to open the 5 proposals, in order of receipt. Chairman Yaw, at this time opened each proposal stating name of contractor and bid amount. In order of receipt: Porter Concrete Construction - \$176, 475 – no start date (NSD) or timeline; DOD Construction - \$206,100 – 2 weeks from award and 45 days; Nagle Earthworks - \$176,616 – NSD or timeline; Advanced Concrete - \$148,575 – upon award and 10-15 days; R.E. Chaffee Construction - \$205,990 –

NSD or timeline. Trustee Carder had concerns regarding how to guarantee job completion and how to hold contractors liable. The Manager informed the Board that there is no guarantee, however, the Board can require the awarded contractor obtain and present a bond. In the event that a contractor doesn't complete the job, the District can petition the bond holder for the payment, thru legal means. Additionally, in the event that a contractor does not complete the job, the District must contact another contractor to finish the job, which may cost the District even more than the original job estimate. Chairman Yaw asked if anyone had any other questions or input. There were general concerns regarding material availability (concrete, rebar, etc), logistics and the lowest bid of \$148,575 since it was considerably lower than the next lowest bid and the job site had not been physically visited by the contractor. Concerning the lowest bid, Trustees seemed to have reservations that the contractor may have overlooked something in the plans, worried about "add-ons" and not understand that there is a need for access for patrons and work. Trustee Smith reminded the Board that Porter Concrete Const. has done numerous jobs locally and for local entities and has a burden to continue quality, reliability and efficient service. Chairman Yaw asked if there were any other questions or comments, to which there were none and solicited a motion. Trustee Smith made a motion to accept & award contract to Porter Concrete Const. in the amount of \$176,475. Trustee Carder seconded. Roll Call Vote: Ayes – Yaw, Smith & Carder; Absent – Willie & Land. Motion carried.

BOARD MEMBER ANNOUNCEMENTS: Yaw – Mojave Seniors dinner Sept. 22 @ 12:00 – Veterans Bldg. The Mojave Seniors will be serving hamburgers, hot dogs & sausage sandwiches. Chairman Victor Yaw will be participating and become a member of Honor Flight (a program that honors Veterans for their service and flies them to Washington D.C.)

ORAL COMMUNICATIONS: There were none at this time.

ADJOURNMENT: Trustee Carder made a motion to adjourn at 5:36pm.

Respectfully Submitted by:
Paul Holzer,
District Manager / Board Secretary

NOTE: On Tuesday September 20, the Manager contacted all participating contractors to inform them of the Board's decision. Some asked for the results of the submitted bids, to which the Manager provided. Representatives from Advanced Concrete, Lupe & Sal, called to ask why they were not awarded the contract. The Manager explained that Trustees had some concerns about the cost difference between the next lowest bidder and theirs, the timeline and if there may be future "add-ons" because there may have been something overlooked. Sal stated that it was a lot of work to put that proposal together and was vocally upset and didn't understand why their company was not awarded the job and assured the Manager that they are a quality company and the reason they proposed a quick timeline is because of their efficiency and staff. The Manager further explained that the Board does not have a policy that states it automatically awards the lowest bidder for any job. The Board retains the right to discuss and analyze their options. Sal asked when & how the meetings are conducted and if anybody can attend. The Manager informed Sal that all District Board Meetings are "Open & Public" unless there is a "Closed Session" item and held on the third Monday of each month @ 5:00pm, barring holidays. Sal asked the Manager, if he had been present at the meeting, could he have made any comments or answered any questions. The Manager assured Sal that there is a section for "Public Comment" and that if he had attended the meeting and the Board had questions, they would have presented those questions to him, regarding Advanced Concrete.