WHEREAS, pursuant to applicable law, the Ohlone Community College District (“District”) successfully passed a local general obligation bond for the purpose of constructing and modernizing certain college facilities within the District (“Bond Program”);

WHEREAS, pursuant to applicable law, the District will be awarding construction contracts to various contractors in furtherance of the Bond Program (“Contracts”);

WHEREAS, the District will be awarding a contract for construction of Academic Core Buildings at the District’s Fremont campus (“Project”);

WHEREAS, pursuant to California Public Contract Code section 3400 (“PCC § 3400”) and other applicable law, the District wishes to, in specific instances, designate specific materials, products, things, or service in its bids or requests for proposals;

WHEREAS, PCC § 3400 states that a community college district cannot limit “the bidding, directly or indirectly, to any one specific concern,” when letting “contracts for the construction, alteration, or repair of public works,” unless the District makes a finding that is described in the invitation for bids or proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

- “In order that a field test or experiment may be made to determine the product’s suitability for future use.” (PCC § 3400 (c)(1))
- “In order to match other products in use on a particular public improvement either completed or in the course of completion.” (PCC § 3400 (c)(2))
- “In order to obtain a necessary item that is only available from one source.” (PCC § 3400 (c)(3))
- To respond to certain emergency situations (PCC § 3400 (c)(4))

WHEREAS, the District desires to “sole source” the following products:

1. Structural Steel Buckling Restrained Brace Frame System: CoreBrace
2. Security System:
   a. Access Control and Alarm Monitoring: AMAG Technology
   b. Video Surveillance: Genetec; and

WHEREAS, the District desires to list CoreBrace in the specifications for the structural steel buckling restrained brace frame system (“Brace Frame System”) as the only acceptable material, product, thing, or service for the Project, because CoreBrace is the only manufacturing source that can provide the structural steel buckling restrained brace frame system to comply with the drawings and specifications for the Project as it has been approved by the State of California Division of State Architect.

WHEREAS, the District desires to specify the above security and fire alarm system products (“Fire and Security Systems”) as the only acceptable material, product, thing, or service for the Project, because the Fire and Security Systems match the fire alarm system and the security system already in use on the District’s Fremont campus, where the Project is located.

WHEREAS, specifying a single brand for the Fire and Security Systems for the Project simplifies technological integration of the Project into and compatibility with the District’s established fire alarm and security systems.

WHEREAS, specifying a single brand for the Fire and Security Systems for the Project simplifies the replacement, maintenance, and service of the fire alarm and security systems, because staff are already familiar with the District’s established fire and security systems.

WHEREAS, District staff recommend that the Board determine and establish that CoreBrace Brace Frame System and the designated Fire and Security Systems shall each be respectively specified for the Project.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE OHLONE COMMUNITY COLLEGE DISTRICT DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. That the above recitals are true and correct.

Section 2. That CoreBrace Brace Frame System is the only acceptable material, product, thing, or service for the Project, because CoreBrace is a necessary item that is only available from one source.

Section 3. That the designated Fire and Security Systems are the only acceptable material(s), product(s), thing(s), or service(s) for the Project, because the designated Fire and Security Systems are comprised of materials, products, things, or services already in use on the Ohlone Community College Fremont campus, where the Project is located.

Section 4. That the District’s President and/or her designee is authorized pursuant to this Resolution to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.
STATE OF CALIFORNIA  

ALAMEDA COUNTY

I, Gari Browning, do hereby certify that the foregoing Resolution No. ___/15-16 was duly adopted by the Board of Trustees of the Ohlone Community College District at a meeting thereof held on the ___ day of January, 2016, and that is was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By: ________________________________

Secretary
Section 5. ADOPTED, SIGNED AND APPROVED this ___ day of January, 2016:
BOARD OF TRUSTEES OF THE OHLINE
COMMUNITY COLLEGE DISTRICT

__________________________________________
President

ATTEST:

__________________________________________
Secretary