

7. CONTRACT APPENDIX, SUBPART C

SPECIAL CONDITIONS

- A. The timing mechanism utilized by PlanetBids is controlling and determining as to the time of the Bidder's submittal of the Bid. Bidders are solely responsible for timely submission of their Bids to the OWNER in accordance with the Notice Inviting Bids. Bids cannot be submitted past the bid submission deadline. Any attempt to submit a bid late will be rejected by the PlanetBids system.
- B. The Bidder must enter pricing in the electronic bid form for any and all line items or a lump sum bid amount, as required. The pricing provided in the electronic bid form will be the only valid bid pricing for determination of the low bid. The Bidder must attach a pdf file(s) to the electronic submission containing all the completed and signed Bid Documents. Bidders experience technical difficulties with the bid submission may contact PlanetBids System Support at 818-992-1771. Neither the OWNER or the OWNER's bid management system make any guarantee as to the timely availability of assistance, or assurance that any given problem will be resolved by the bid submission date and/or time.
- C. All labor, materials, equipment, and transportation required for proper installation, operation, and performance of facilities shown on the contract drawings, and described herein, in accordance with the stated intent of the Project, shall be new (no used, rebuilt or remanufactured items may be incorporated in the Work) and provided at the expense of the Contractor. Contractor shall not ship, or have shipped, any materials, tools, equipment, or any item directly to the OWNER without prior authorization. Such shipments, if made, will be refused.
- D. Keys to work areas, if required, must be obtained through the Construction Manager. Receipt of keys shall be signed for by the Contractor or authorized representative. A refundable deposit, in an amount of \$100 per key is required. Upon completion of the Work, all keys shall be returned. If Contractor fails to return all keys issued, Contractor shall be liable for the total cost of labor and material to re-key all areas accessible with the lost keys.
- E. Traffic control, if required, shall be approved by the OWNER's representative prior to commencing work each day.

Contractor, his employees and material suppliers shall observe all Chaffey College traffic and parking regulations.

Contractor and his employees shall park in an area to be designated by the Construction Manager.

Refer to Specification Section 01 50 00 for additional provisions and requirements.

Temporary parking permits will be issued by Campus Parking Services (located in the Campus Police Department office) to the Contractor for his employees.

Campus Police Department
(909) 652-6911 – After-hours Line
(909) 652-6632 – Direct Line

- F. If, in the opinion of OWNER's Safety Officers, the Contractor and/or his representatives are jeopardizing the health and safety of the campus community, the Safety Officers, or their designees, have the authority to stop any job or portion thereof until appropriate corrections are made. Campus Police Officers, the Associate Superintendent of Administrative Services and Administrator of Campus Safety are, at all times, considered Safety Officers. If job supervisor is not available or adequate on the job site during the entire time of the construction, the Inspector may shut down the job.
- G. Contractor shall be aware of construction noise on the job and make necessary adjustments to

ensure neighboring homes, offices, and classrooms minimal disturbance. Construction Manager will, upon request of Contractor, check with the scheduling office. Contractor is to avoid scheduling activities where construction noise may become an issue.

- H. All telephone lines and equipment shall be left intact by the Contractor. If wires/cables are not in conduit and phones are detachable, the Contractor shall notify the Construction Manager. If telephone lines/equipment are damaged during construction, it shall be the Contractor's responsibility to replace damaged items to operational use at his cost.

All (Interior) properties, structures, and equipment, etc., not indicated or specified to be removed, shall be properly and adequately protected from damage during the entire contract period. If any of these items are damaged or disturbed in any way by the Contractor, his employees or assignees, they shall be restored to their original condition at the Contractor's expense.

All (Exterior) properties, structures, equipment, trees, fences, shrubs, etc., not indicated or specified to be removed, and all existing utility lines, including irrigation, shall be properly and adequately protected from damage during the entire contract period. If any of these items are damaged or disturbed in any way, by the Contractor, his employees or assignees, they shall be restored to their original condition at the Contractor's expense. Any lawn area that is damaged shall be resodded at Contractor's expense. Restoration of landscaped areas shall be completed to the satisfaction of the OWNER's Interim Vice President of Administrative Services.

If, in the opinion of an OWNER's Safety Officer, or their designee, an area requiring barricades is left unsafe and the Contractor or his representative is not available, barricades will be set up by Campus Police and the Contractor billed for time and barricade rental. Barricades not returned to Campus Police will be charged to the Contractor.

- I. In accordance with the Hazardous Communication Standards and Employee's Right to Know law, OWNER requires Contractor to ensure that a Material Safety Data Sheet (MSDS) for any material or substance so requiring that is used on the job is readily available and accessible on the Project Site and a copy provided to the Interim Vice President of Administrative Services. OWNER requires Contractor to ensure the proper labeling of any substance brought onto the Rancho Cucamonga College Campus so that person(s) working with the material, or within the general area of the material, is/are informed about the hazards of the substance and follow proper handling and protection procedures.

OWNER also requires Contractor to comply with the provisions of the California Health and Safety Code Section 25249, et seq., which requires Contractor to post and give notice to any person who may be exposed to any chemical known to the State of California to cause cancer. Contractor agrees to familiarize himself with such statutory provisions and to fully comply with these code requirements.

In the event of a hazardous materials spill at the Project Site or within the boundaries of the Rancho Cucamonga College Campus. Contractor will immediately notify the Associate Superintendent of Administrative Services and Emergency Operations and Administrator of Campus Safety in order to mitigate the spill and minimize its effect on the environment.

**Troy Ament, Associate Superintendent of Administrative Services
and Emergency Operations**

(909) 652-6735 – Direct Line
(909) 238-3764– Cell Available 24/7

(909) 367-4225 – Cell for Brandon Toepfer – Interim Director of Facilities and Physical Plant
Campus Police Department Dispatch
(909) 652-6911 – Direct Line Available 24/7

- J. Any information provided as INFORMATION AVAILABLE TO BIDDERS will be available on the OWNER'S PlanetBids Vendor Portal that can be accessed through the Purchasing Services website at [Purchasing Services | Chaffey College](#), and is subject to the following provisions:

- (1) The information is made available solely for the convenience of bidders and is not part of the Bid and Contract Documents.
- (2) The OWNER has not determined the accuracy or completeness of such information, and all such information is made available to bidders without any representation or warranty by OWNER whatsoever as to its accuracy, completeness, or relevancy.
- (3) The information does not relieve the bidders of the responsibility for determining the accuracy of the information provided, and bidders shall independently evaluate such information for their use and shall be solely responsible for use or interpretation of such information.
- (4) Any such use or interpretation shall not be the basis of any claim against the OWNER.

For Website:

INFORMATION AVAILABLE TO BIDDERS: www.chaffey.edu/purchasing/. The Information Available to Bidders is made available solely for the convenience of bidders and is subject to the provisions of the Special Conditions, Paragraph J.

- K. OWNER has approved resolutions to specify contractors to install specific products and materials consistent with Public Contract Code section 3400 for SIEMENS INDUSTRY, INC. ("Siemens") and QUARK COMMUNICATIONS, INC. ("Quark") (Quark and Siemens may collectively be referred to as a "Sole Source Entity" or collectively as the "Sole Source Entities"), which are attached to these Special Conditions as Schedule 1 ("Resolution(s)"). The following shall apply:

- a. Siemens Industry, Inc. As set forth in the Resolution for Siemens, Siemens is the sole source entity for the fire alarm scope of Work, and Bidder shall use the following products, materials, or supplies pursuant to the Resolution, in addition to any other Siemens product included in the Drawings and Specifications and covered by the Resolution ("Siemens Products") for that scope of Work:
 - i. Fire alarm control panels
 - ii. Remote annunciators
 - iii. Manual stations
 - iv. Smoke detectors
 - v. Control modules
 - vi. Horns & strobes
 - vii. Water flow switches
- b. Quark Communications, Inc. As set forth in the Resolution for Quark, Quark is the sole source entity for the BAS Controls and Lighting Automation scope of Work (including, but not limited to HVAC and lighting controls), and Bidder shall use the following products, materials, or supplies pursuant to the Resolution, in addition to any other Quark product included in the Drawings and Specifications and covered by the Resolution ("Quark Products") for that scope of Work:
 - i. Quark InetSupervisor Brand Systems
 - ii. BAS control panels
 - iii. Sensors
 - iv. Actuators
 - v. Control devices
 - vi. Rhea Servers
 - vii. Lighting Controllers
 - viii. Lighting Switches
 - ix. Lighting Sensors
- a. No Substitutions. Bidders are required to use Siemens Products and Quark Products for the scopes of Work identified above, and OWNER will **NOT** accept any "or equal" for

devices, equipment, and controls so specified.

- b. No Other Subcontractor. For the above scopes of Work, OWNER will accept no other entity or Subcontractor to perform the Work other than the Sole Source Entity. Bidder will enter into contract with the Sole Source Entities for their respective scopes of Work. If Bidder mistakenly includes any scope of Work in a subcontract with any entity other than a Sole Source Entity, Bidder waives any claim for additional compensation or time.
- c. Intent to Sole Source. The intent of the Resolutions is to mandate that Bidder utilize the respective Sole Source Entity to install Siemens Products and Quark Products. Bidders are required to examine the Drawings and Specifications for the scopes of Work above. Without limiting any other provision of the Contract Documents, if there is any discrepancy, error, omission, or ambiguity in the Drawings and Specifications related to the Siemens Products or Quark Products, Bidder waives any entitlement or claim for compensation or time if the discrepancy or ambiguity is not addressed with the OWNER prior to the date for Bid submission.
- d. Material Breach of Contract. Failure by a Bidder to enter into contract with the Sole Source Entities for the applicable scope of Work within sixty (60) days of OWNER's issuance of the Notice to Proceed will constitute a material breach of this Contract.

L. Not Used.

SCHEDULE 1 TO SPECIAL CONDITIONS

ADOPTED SOLE SOURCE RESOLUTIONS FOR QUARK AND SIEMENS

[DOCUMENTS BEGIN ON FOLLOWING PAGE]



Chaffey College

Governing Board

EXTRACT OF
OFFICIAL PROCEEDINGS
OF THE GOVERNING BOARD
CHAFFEY COMMUNITY COLLEGE DISTRICT

December 14, 2023

Members present: Ms. Brugger, Mr. McDougal, Ms. Negrete-McLeod, Mr. Ovitt,
Ms. Olivares-Lambert, Ms. Newman (Student Trustee)

Members absent: None

BUSINESS/FISCAL AFFAIRS

The Governing Board adopted Resolution 121423, a resolution of the Governing Board of the District designating proprietary Siemens products, brands and/or services for low voltage systems, as described herein and in the attached resolution, pursuant to California Public Contract Code Section 3400.

Yeas: Ms. Brugger, Mr. McDougal, Ms. Negrete-McLeod, Mr. Ovitt,
Ms. Olivares-Lambert, Ms. Newman (advisory)

Nays: None

Absent: None

Certified to be a true and correct copy of the minutes.

Henry D. Shannon
Governing Board Secretary

jas-12/14/23

5885 Haven Avenue, Rancho Cucamonga, California 91737-3002 909/652-6102 Fax: 909/652-6104 www.chaffey.edu

RESOLUTION NO. 121423

**A RESOLUTION OF THE GOVERNING BOARD OF
CHAFFEY COMMUNITY COLLEGE DISTRICT
DESIGNATING CERTAIN PRODUCTS, BRANDS OR
SERVICES PURSUANT TO PUBLIC CONTRACT CODE
SECTION 3400**

WHEREAS, pursuant to Public Contract Code Section 3400(b) the Chaffey Community College District ("District") may make a finding(s) designating certain products, things, or services by specific brand or trade name for the statutorily enumerated purposes; and

WHEREAS, the District's Governing Board ("Board") has reviewed the District's current facilities, general contracts, plans, and specifications in order to evaluate the District's need to establish uniform, complete and compatible Fire Alarm and Security Systems ("Low Voltage Systems") District-wide in order to facilitate the use of the most reliable, dependable, cost efficient and feasible products throughout the District; and

WHEREAS, the Governing Board approved a similar resolution December 15, 2022 and this resolution would be to designate proprietary Siemens products, brands and/or services for low voltage systems for another one year; and

WHEREAS, the uniform Low Voltage Systems will allow the District to ensure that the Low Voltage Systems utilized on all future District facility projects match the Low Voltage Systems in use at other District facilities as permitted pursuant to Public Contract Code Section 3400(b)(2); and

WHEREAS, District staff will be trained in the maintenance, repair, and replacement of the Low Voltage Systems described in the Specification and will maintain a stock of the equipment needed for replacements and maintenance; and

WHEREAS, District staff have determined that proprietary Siemens security system products and services will permit centralized monitoring of security for all District facilities; and

WHEREAS, based on the Board's above described review and Public Contract Code Section 3400(b)(2), the Board has determined that District must require and specify the use of certain proprietary Siemens products, things, or services on District projects.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE CHAFFEY COMMUNITY COLLEGE DISTRICT AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The District, pursuant to Public Contract Code Section 3400, intends to establish uniform, complete, and compatible Low Voltage Systems specifications District-wide in order to facilitate the use of the most reliable, dependable, cost-efficient, and feasible products throughout the District.

Section 3. The District has found compatibility, cost, ease of maintenance, and utility of Low Voltage Systems problematic and believes it necessary to establish a uniform District Low Voltage Systems Specifications in order to avoid incompatibility issues, as well as durability and reliability issues, and costs

associated with experimenting and replacing incompatible and useless Low Voltage Systems and to avoid the waste of District funds associated with addressing incompatible components.

Section 4. The District and its consultants have undertaken considerable research into the products/brands of Low Voltage Systems described in the Specification. District staff will be trained in the maintenance, replacement, and repair of the Low Voltage Systems described in the Specification and the District will maintain a stock of the equipment needed for replacements and maintenance.

Section 5. District staff has determined that the Low Voltage Systems has demonstrated their reliability, durability, and quality.

Section 6. Pursuant to Public Contract Code Section 3400(b)(2), the District's Board hereby designates the certain products/brands of Low Voltage Systems for the District's use in future projects so as to establish one complete uniform District-wide Low Voltage Systems system, thus, avoiding incompatibility of products, as well as replacement and maintenance problems.

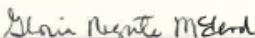
Section 7. The designation of certain proprietary Siemens security system products and services of Low Voltage Electronic products shall be effective for 12 months from the date of this Resolution.

Section 8. At the end of the 12-month period, District staff will review the products/brands and evaluate whether re-adoption or discontinued use of the designated proprietary Siemens security system products and services is appropriate including presenting a recommendation to the Superintendent/President or his/her designee. The Superintendent/President or his/her designee shall then consider District staff's recommendations and either re-approve or discontinue the designation of the products/brands contained herein and/or approve additional/replacement products/brands.

Section 9. The Superintendent/President or his/her designee shall present changes, if any, for its ratification.

PASSED AND ADOPTED by the Governing Board of the Chaffey Community College District at Rancho Cucamonga, California, this 14th day of December 2023, at a regular meeting by the following vote:

I, Gloria Negrete McLeod, Clerk of the Governing Board of the Chaffey Community College District of San Bernardino County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said board at the regular meeting thereof at the date and place and by vote stated, which resolution is on file and of record in the office of said board.



Gloria Negrete McLeod
Clerk, Governing Board



Chaffey College

Governing Board

EXTRACT OF OFFICIAL PROCEEDINGS OF THE GOVERNING BOARD CHAFFEY COMMUNITY COLLEGE DISTRICT

May 26, 2022

Members present: Ms. Brugger, Mr. Ovitt, Mr. McDougal, Ms. McLeod,
Ms. Olivares-Lambert, Ms. Douge (Student Trustee)

Members absent: None

BUSINESS/FISCAL AFFAIRS

The Governing Board adopted Resolution No. 052622 to require and specify the use of the certain products, things, or services on District projects as described in the resolution.

Yeas: Ms. Brugger, Mr. Ovitt, Mr. McDougal, Ms. Olivares-Lambert
Ms. Douge (advisory)

Nays: None

Absent: Ms. McLeod

Certified to be a true and correct copy of the minutes.

Henry D. Shannon
Governing Board Secretary

jas-5/26/22

5885 Haven Avenue, Rancho Cucamonga, California 91737-3002 909/652-6102 Fax: 909/652-6104 www.chaffey.edu

RESOLUTION NO. 052622

**A RESOLUTION OF THE GOVERNING BOARD OF CHAFFEY
COMMUNITY COLLEGE DISTRICT DESIGNATING CERTAIN
PRODUCTS, BRANDS OR SERVICES PURSUANT TO PUBLIC
CONTRACT CODE SECTION 3400**

WHEREAS, pursuant to Public Contract Code Section 3400(c), the Chaffey Community College District ("District") may make a finding(s) designating certain products, things, or services by specific brand or trade name for the statutorily enumerated purposes; and

WHEREAS, the District's Governing Board ("Board") has reviewed the District's current facilities, general contracts, plans, and specifications in order to evaluate the District's need to establish uniform, complete and compatible campus building automation systems District-wide to facilitate the use of the most reliable, dependable, cost efficient and feasible products throughout the District; and

WHEREAS, the District has installed the Quark Communications Inc. manufactured, supplied, and installed InetSupervisor™ brand building automation/lighting control systems in sixteen (16) Chaffey campus locations in place of the aging Andover Controls; and

WHEREAS, to continue the campus building retrofit program, it is essential to maintain campus-wide system continuity to achieve higher cost efficiencies associated with standardized building automation systems and controls as further described herein. It is also advantageous that these systems and controls are furnished exclusively by a proven regional vendor that is currently servicing and supporting our existing campus systems; and

WHEREAS, District staff has undertaken considerable research into these and other programs and services for building automation systems to determine the best options to optimize building energy and operating efficiencies and has determined the InetSupervisor™ programs have demonstrated reliability, durability, quality, and provide added energy efficiency; and

WHEREAS, the continued acquisition of InetSupervisor™ systems will allow the District to ensure that the building automation/lighting control systems-related hardware and software which are operated and maintained on all future District facility projects match the existing InetSupervisor™ systems in use at the sixteen (16) previously updated District facilities as permitted pursuant to Public Contract Code Section 3400(c)(2); and

WHEREAS, District staff has been trained in the operation, programming, maintenance, and repair of the InetSupervisor™ systems and will maintain a stock of the equipment needed for replacements and maintenance; and

WHEREAS, District staff has determined that proprietary InetSupervisor™ system products and services will permit centralized computer monitoring of HVAC and lighting controls at all District facilities; and;

WHEREAS, InetSupervisor is the adopted building automation/lighting control system District standard for all Measure P bond facilities construction and revocations.

WHEREAS, based on the Board's above-described review and Public Contract Code Section 3400(c)(2), the Board has determined that the District must require and specify the use of certain proprietary and sole source Quark Communications Inc. distributed InetSupervisor™ system products, things, or services on District projects.

RESOLUTION NO. 052622 (CONT.)

NOW, THEREFORE, BE IT RESOLVED BY CHAFFEY COMMUNITY COLLEGE DISTRICT AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The District, pursuant to Public Contract Code Section 3400, intends to establish uniform, complete and compatible building automation/lighting control system specifications District-wide in order to facilitate the use of the most reliable, dependable, cost efficient and feasible products throughout the District.

Section 3. The District has found that compatibility, cost efficiency, ease of operation and control, low maintenance, and utility of existing building automation systems is problematic. As such, the District believes it is essential to standardize its InetSupervisor™ District building automation/lighting control system specifications in order to avoid incompatibility issues. Such incompatibility issues include reduced building system reliability along with the operational, maintenance and training issues that add unnecessary costs associated with specifying multiple systems in new facilities or replacing unserviceable building automation systems in existing facilities. The goal is to avoid incompatible and non-conforming systems to gain building HVAC and lighting system operational efficiencies to provide greater occupant comfort and the associated energy savings without the added cost burden on limited District resources.

Section 4. The District and its consultants have undertaken considerable research into the products/brands of InetSupervisor™ systems described in the specification. District staff has been trained in the operation, maintenance, replacement, and repair of the InetSupervisor™ system described in the specification and the District will maintain a stock of the equipment needed for replacements and maintenance.

Section 5. District staff has determined that the subject InetSupervisor™ system products provided by Quark Communications Inc. have demonstrated their reliability, durability, and quality.

Section 6. Pursuant to Public Contract Code Section 3400(c)(2), the District's Board hereby designates that certain products/brands of Quark Communications Inc. InetSupervisor™ systems for the District's use in future projects so as to establish one complete uniform District-wide building automation/lighting system, thus, avoiding the incompatibility of non-standardized products, and thus to minimize the operational and control issues associated with related installation, computer control, maintenance, and training-related problems.

Section 7. The designation of certain proprietary and sole source InetSupervisor™ systems distributed by Quark Communications Inc., along with associated software programs, products, diagnostic services, repairs, and upgrades related to the InetSupervisor™ systems, shall be effective for sixty (60) months from the date of this Resolution.

Section 8. At the end of the sixty (60)-month period, District staff will review the subject products/brands and evaluate whether re-adoption or discontinued use of the designated proprietary and sole source InetSupervisor™ system products and services provided by Quark Communications Inc. is appropriate, including presenting a recommendation to the Superintendent/President or his/her designee. The Superintendent/President or his/her designee shall then consider District staff's recommendations and either re-approve or discontinue the designation of the products/brands contained herein and/or approve additional/replacement products/brands.


Section 9. The Superintendent/President or his/her designee shall present changes, if any, for its ratification.

RESOLUTION NO. 052622 (CONT.)

PASSED AND ADOPTED by the Governing Board of the Chaffey Community College District at Rancho Cucamonga, California, this 26th day of May, 2022, at a regular meeting by the following vote:

Ayes: 4
Noes: 0
Abstentions: 0
Absent: 1

I, Kathleen Brugger, Clerk of the Governing Board of the Chaffey College Community College District of San Bernardino County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at the regular meeting thereof at the date and place and by vote stated, which resolution is on file and of record in the office of said Board.


Kathleen Brugger
Clerk, Governing Board

END OF SPECIAL CONDITIONS