

RESOLUTION NO. 2025-06

A RESOLUTION OF THE BOARD OF SUPERVISORS FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, ALSO SITTING AS THE GOVERNING BOARD OF THE FOLLOWING: BIG BEAR VALLEY RECREATION AND PARK DISTRICT, BLOOMINGTON RECREATION AND PARK DISTRICT, BOARD GOVERNED COUNTY SERVICE AREAS, SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, AND SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, RESCINDING RESOLUTION NO. 2018-21 AND ADOPTING A NEW RESOLUTION DELEGATING AUTHORITY REGARDING REQUESTS FOR SUBSTITUTION OF SUBCONTRACTORS ON PUBLIC WORKS CONSTRUCTION PROJECTS

On Tuesday January 14, 2025, on motion of Supervisor/Director Hagman, duly seconded by Supervisor/Director Baca, Jr. and carried, the following resolution is adopted by the Board of Supervisors and Board of Directors for the County and Districts, State of California.

WHEREAS, on March 20, 2018 (Item No. 67), the San Bernardino County (“County”) Board of Supervisors (“Board”), also sitting as the Governing Board of the Big Bear Valley Recreation and Park District, Bloomington Recreation and Park District, Board Governed County Service Areas, San Bernardino County Fire Protection District, and San Bernardino County Flood Control District (hereinafter collectively referred to as “District(s)”), adopted Resolution No. 2018-21 delegating authority regarding requests for substitution of subcontractors on public works construction projects;

WHEREAS, the Board desires to rescind Resolution No. 2018-21 and adopt a new resolution relating to delegating authority regarding requests for substitution of subcontractors on public works construction projects;

WHEREAS, the Board regularly awards public works construction projects pursuant to its authority under sections 20120 *et seq.* and 22000 *et seq.* and other sections of the Public Contract Code and has authorized the Chief Executive Officer and the Purchasing Agent to award public works construction contracts pursuant to County Code sections 14.0102 and 14.0114 and Public Contract Code sections 22032 and 22034;

WHEREAS, for purposes of this Resolution “Awarding Authority” refers to the entity/individual that signed and approved, or will sign and approve, the construction contract, such as the Board of Supervisors, the Chief Executive Officer or the Purchasing Agent as authorized by County Code sections 14.0102 and 14.0114;

WHEREAS, prime contractors awarded County and District public works construction contracts occasionally request approval to substitute a subcontractor listed in the prime contractor’s bid;

WHEREAS, Public Contract Code section 4100 *et seq.* sets forth the mandated procedures and requirements for considering a request to substitute a subcontractor and allows the Board to delegate the authority to approve substitutions where appropriate;

WHEREAS, the referenced code sections incorporate the current versions of the code sections and any future amended versions of the referenced code sections; and

WHEREAS, the Board desires to delegate to the Chief Executive Officer, Director of the Project and Facilities Management Department, Fire Chief, Director of the Department of Public Works, Director of the San Bernardino County Flood Control District, and the Chief Flood Control District Engineer (collectively “Duly Authorized Officers”), the authority to (1) determine compliance

with Public Contract Code sections 4100 *et seq.* when a request for substitution of a subcontractor is submitted to the County or District, and (2) approve substitutions where no hearing is required.

NOW, THEREFORE BE IT RESOLVED, by the San Bernardino County Board of Supervisors as follows:

1. The recitals set forth above are true and correct and incorporated herein by this reference.
2. The Board hereby delegates to each Duly Authorized Officer, the authority to evaluate requests for substitution of subcontractors on County and District public works construction projects and approve such requests, upon consultations with County Counsel, if the following conditions, as may be applicable, are met:
 - a. The Duly Authorized Officer determines that the prime contractor's request to substitute a subcontractor is authorized pursuant to Public Contract Code sections 4107(a), 4107(b) or 4107.5, Labor Code section 1771.1 or another applicable code section.
 - b. The subcontractor either:
 - i. Is provided written notice in accordance with Public Contract Code sections 4107(a) or 4107.5, as applicable, and consents to the substitution or fails to object to the notice within the time provided by the applicable Public Contract Code section; or
 - ii. Desires to voluntarily assign or transfer the subcontract pursuant to Public Contract Code section 4107(b).
 - c. The listed subcontractor does not submit an objection to the substitution within the time provided by the applicable Public Contract Code section that would trigger a hearing on the substitution request.
 - d. The Duly Authorized Officer determines that the requirements of Public Contract Code section 4100 *et seq.* for substitution of subcontractors have been met.

PASSED AND ADOPTED by the Board of Supervisors and Board of Directors for the County and Districts, State of California, by the following vote:

AYES: SUPERVISORS/DIRECTORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS/DIRECTORS: None

ABSENT: SUPERVISORS/DIRECTORS: None

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STATE OF CALIFORNIA)
)
 SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors/Secretary of the Board of Directors of San Bernardino County, Board Governed County Services Areas, San Bernardino County Flood Control District, Big Bear Valley Recreation and Park District, Bloomington Recreation and Park District, and San Bernardino County Fire Protection District hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors/Board of Directors, by vote of the members present, as the same appears in the Official Minutes of said Boards at their meeting of January 14, 2025. #76 MBA

LYNNA MONELL
Clerk/Secretary

By _____
Deputy