

## **TOWN COUNCIL STAFF REPORT**

Title: Adopt a resolution making sole source findings for McCoy Arts and Cultural Center flooring

Meeting Date: May 21, 2025

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### **RECOMMENDATION:**

Adopt the resolution making the findings sole sourcing certain carpet and resilient vinyl tile flooring materials for the McCoy Arts and Cultural Center (MACC).

### **BACKGROUND:**

Town Council has recently taken several actions to move the development of the McCoy Arts and Cultural Center (MACC) project along, including awarding a design contract to HMC (March 19), authorizing a joint development and use agreement with Kern Community College District (April 16), authorizing the purchase and sale agreement with the Mammoth Lakes Foundation (May 7), and approving an agreement with the Mammoth Lakes Performing Arts Foundation (May 7) for operations support. The project has now been let out to bid, with an expected bid closing date of June 20, and construction contract award date of July 2.

Typically, Public Contract Code section 3400 requires public works contracts to allow contractors to request substitutions for specified products if the requested products are considered of equal quality. However, when it is necessary for certain products to exactly match other products already in use on a particular public project, findings may be made requiring that specific product to be used with no substitutions accepted.

### **ANALYSIS:**

The MACC is designed as an addition to the existing Edison Hall which has recently been renovated. The MACC hallway flooring materials, including certain carpet and resilient tile, are intended to flow smoothly from one phase into another without interruption. Therefore, they must exactly match the hallway flooring materials used in the Edison Hall in order to prevent inconsistencies between the buildings such as irregularity in surface texture, surface elevations, and performance or maintenance characteristics.

Staff recommends Town Council make the findings that:

1. Resilient tile material “LVT-1”, to be used in the MACC lobby hallway, and carpet flooring material “CPT-2”, to be used in the MACC supporting space hallway, shall be sole sourced as indicated in the project plans and specifications, with no substitutions permitted, in order to prevent potential safety hazards and undesirable

- performance and maintenance characteristics which could result from the substitution of different products.
2. The resolution of findings shall be included in the project contract documents as a component of the Special Conditions, to be issued by bid addendum.

**FINANCIAL CONSIDERATIONS:**

Specifying a particular product by brand or trade name without allowing substitutions may result in a contractor incorporating a less competitive price in their bid for providing those products. However, the overall scale of the potential cost impact compared to the size of the project is expected to be negligible.