

RESOLUTION NO. \_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, WAIVING THE FORMAL COMPETITIVE BIDDING PROCESS AND AWARDING A CONSTRUCTION CONTRACT TO ENERGY SMART GROUP FOR THE CITY HALL ELECTRIC VEHICLE CHARGING STATION INSTALLATION PROJECT IN THE AMOUNT OF \$261,026, AND AUTHORIZING RELATED ACTIONS**

**WHEREAS**, the City of Commerce, in an effort to expand sustainable transportation infrastructure and reduce greenhouse gas emissions, pursued funding through the Communities in Charge (CIC) rebate program to support the installation of electric vehicle (EV) charging stations at City Hall, and was awarded a rebate through the CIC program (attached herein as Exhibit A); and

**WHEREAS**, the EV charging equipment specified in the rebate application is manufactured by ChargePoint, Inc., whose products are Energy Star certified, FedRAMP authorized, and deployed at municipalities and public agencies throughout the United States; and

**WHEREAS**, on April 27, 2026, ChargePoint formally designated Energy Smart Group (ESG) as its certified and exclusive authorized partner for the City of Commerce's EV charging infrastructure project (attached herein as Exhibit B), consistent with ChargePoint's standard channel management practice of assigning a single certified partner per project to maintain accountability, ensure system compatibility, and protect warranty and service continuity; and

**WHEREAS**, ChargePoint, Inc. holds an active cooperative purchasing Master Agreement with Sourcewell (Agreement No. 021825, attached herein as Exhibit C), awarded through a competitive procurement process that satisfies competitive bidding requirements, and valid through September 18, 2029. The City of Commerce, as an eligible public agency, may utilize Sourcewell cooperative contracts in accordance with its purchasing policies and applicable California law without conducting a separate competitive bidding process; and

**WHEREAS**, ChargePoint requires that all equipment be installed and commissioned by a certified partner in order to maintain eligibility for full warranty coverage, network activation, and ongoing technical support. Engaging a non-certified or non-designated installer would risk voiding warranty protections, limiting service support, and causing potential network activation failures; and

**WHEREAS**, the Communities in Charge rebate agreement specifies the equipment and project parameters to which the City is bound. Substituting a different equipment manufacturer or installer not compatible with ChargePoint's certified partner

requirements would jeopardize the City's rebate award; and

**WHEREAS**, Energy Smart Group is a certified ChargePoint partner authorized to supply, install, commission, and support ChargePoint systems throughout Los Angeles and Orange County, and assisted the City during the pre-project phase, including the rebate application process and engineering design, making ESG uniquely qualified to execute the installation; and

**WHEREAS**, the total estimated project cost is \$330,198, of which \$119,000 will be funded through the Communities in Charge Grant and \$211,198 will be funded from Measure AA Funds available from savings in other projects, requiring no additional appropriation; and

**WHEREAS**, staff recommends waiving the formal competitive bidding process pursuant to the City's purchasing authority and applicable law, based on the use of the Sourcewell Cooperative Purchasing Agreement, ChargePoint's manufacturer designation requirements, and Communities in Charge rebate program constraints, and awarding the construction contract to Energy Smart Group.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:**

**Section 1.** The City Council hereby waives the formal competitive bidding process pursuant to the City's Purchasing Policy and applicable law, based on the use of the Sourcewell Cooperative Purchasing Agreement (attached herein Exhibit C), ChargePoint's manufacturer designation requirement, and Communities in Charge rebate program constraints.

**Section 2.** The City Council hereby awards a Design-Build Contract to Energy Smart Group for the City Hall Electric Vehicle Charging Station Installation Project in the amount of \$261,026.

**Section 3.** The Mayor is hereby authorized to execute the Design-Build Contract with Energy Smart Group in a form approved by the City Attorney.

**Section 4.** The City Council hereby authorizes up to 15% (\$39,154) of the construction contract amount for construction contingency to cover unforeseen conditions.

**Section 5.** The City Council hereby authorizes up to 10% (\$30,018) of the total construction contract and contingencies for Construction Management and Inspection services.

**Section 6.** The City Council hereby authorizes to proceed with Construction

Management and Inspection Services pursuant to existing on-call agreement for consultant services.

**Section 7.** The total estimated project cost of \$330,198 shall be funded as follows: \$119,000 from the Communities in Charge Grant and \$211,198 from Measure AA Funds available from savings in other projects. No additional budget allocation is required.

**Section 8.** This Resolution shall take full force and effect immediately upon adoption by the City Council.

**PASSED, APPROVED and ADOPTED this 26<sup>th</sup> day of May 2026.**

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Kevin Lainez, Mayor

ATTEST:

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Pat Jacquez-Nares, Interim City Clerk

**EXHIBIT A**

**EXHIBIT B**

**EXHIBIT C**