

RESOLUTION NO. 23-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, RESCINDING THE CONSTRUCTION CONTRACT AWARD TO
ENERGY SMART GROUP AND AWARDING A CONSTRUCTION CONTRACT TO
VIDEO VOICE DATA COMMUNICATIONS FOR THE CITY HALL ELECTRIC
VEHICLE CHARGING STATION INSTALLATION PROJECT**

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 back parking lot, and was awarded a rebate through the CIC program (attached herein as Exhibit A); and

WHEREAS, on May 26, 2026, the City Council adopted a Resolution, waiving the formal competitive bidding process and awarding a design-build construction contract for the City Hall Electric Vehicle Charging Station Installation Project to Energy Smart Group (ESG) in the amount of \$261,026.24, based on ESG's role in assisting the City with the engineering design and project development process and ESG's designation by ChargePoint, Inc. as a certified partner for the project; and

WHEREAS, subsequent to the adoption of the Resolution, staff conducted further review of the roles held by the parties involved in the project and determined that ESG's role has been that of the City's rebate and engineering design consultant, assisting with the Communities in Charge rebate application and design process, rather than that of the installing contractor; and

WHEREAS, the entity certified and authorized by ChargePoint, Inc. to supply, install, commission, and support the ChargePoint EV charging equipment for the project, and to perform the construction work, is Video Voice Data Communications (VVD); and

WHEREAS, the City received correspondence from ESG advising the City that ESG rescinded the construction contract award and recommending that the City award the construction contract to VVD;

WHEREAS, ChargePoint, Inc. holds an active cooperative purchasing Master Agreement with Sourcwell (Agreement No. 021825), 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 Sourcwell 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, and VVD is certified and authorized by ChargePoint to install EV charging systems throughout Los Angeles and Orange Counties (see attached herein Exhibit B); and

WHEREAS, the Communities in Charge rebate agreement specifies the equipment and project parameters to which the City is bound, and substituting a different equipment manufacturer or installer not compatible with ChargePoint's certified partner requirements would jeopardize the City's rebate award; and

WHEREAS, ESG's prior work assisting the City in securing the CIC rebate and supporting the engineering design process is unaffected by this correction, and ESG will continue to be available to support the project in its consulting capacity as needed; and

WHEREAS, the total estimated project cost remains \$330,198.20, of which \$119,000 will be funded through the Communities in Charge Grant and \$211,198.20 will be funded from Measure AA Funds available from savings in other projects, requiring no additional appropriation; and

WHEREAS, staff recommends rescinding the contract award to Energy Smart Group and awarding the construction contract to VVD, with the formal competitive bidding process remaining waived on the same basis previously found by the City Council on May 26, 2026, namely the use of the Sourcewell Cooperative Purchasing Agreement, ChargePoint's manufacturer designation requirements, and Communities in Charge rebate program constraints.

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

Section 1. The City Council of the City of Commerce hereby finds and declares that the foregoing recitals are true and correct and incorporates them herein as findings and as a substantive part of this Resolution.

Section 2. The City Council hereby rescinds the construction contract award to Energy Smart Group for the City Hall Electric Vehicle Charging Station Installation Project made on May 26, 2026.

Section 3. The City Council hereby reaffirms the waiver of 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, ChargePoint's designated certified installer (VVD), and Communities in Charge rebate program

constraints.

Section 4. The City Council hereby awards a Construction Contract to VVD for the City Hall Electric Vehicle Charging Station Installation Project in the amount of \$261,026.24.

Section 5. The Mayor is hereby authorized to execute the Construction Contract with VVD in a form approved by the City Attorney, and the City Manager or his designee is authorized to execute any documents related to the Project including rebate, or amendments to the agreement with VVD.

Section 6. The City Council hereby authorizes up to 15% (\$39,153.94) of the construction contract amount for construction contingency to cover unforeseen conditions.

Section 7. The City Council hereby authorizes up to 10% (\$30,018.02) of the total construction contract and contingencies for Construction Management and Inspection services.

Section 8. Transtech Engineers, Inc. is hereby authorized to proceed with Construction Management and Inspection Services pursuant to their existing on-call agreement for consultant services.

Section 9. Except as expressly modified herein, all other terms, conditions, and findings set forth in the Resolution No. 2026-30 adopted May 26, 2026, shall remain in full force and effect.

Section 10. This Resolution shall take full force and effect immediately upon adoption by the City Council.

PASSED, APPROVED and ADOPTED this 28th day of July 2026.

Kevin Lainez, Mayor

ATTEST:

Pat Jacquez-Nares, Interim City Clerk

EXHIBIT A

EXHIBIT B