RESOLUTION NO. 2021-05-02

RESOLUTION OF THE BOARD OF EDUCATION OF THE JEFFERSON SCHOOL DISTRICT APPROVING THE AWARD OF PRECONSTRUCTION AND LEASE-LEASEBACK SERVICES FOR THE CORRAL HOLLOW PROJECT

WHEREAS, the Jefferson School District ("District") plans to construct the Corral Hollow Project (the "Project") utilizing the lease-leaseback construction delivery method, whereby the District will lease a site that it owns to a contractor who will construct improvements thereon and lease the project and the underlying site back to the District; and

WHEREAS, Education Code Section 17406 authorizes the governing board of a school district to let to any person, firm or corporation any real property belonging to the District if the instrument by which the property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term of the lease, and provides that title to that building shall vest in the school district at the expiration of that term; and

WHEREAS, the award of any lease-leaseback contract pursuant to Education Code section 17406 is to be based on a competitive solicitation process to the proposer providing the "best value" to the school district, taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required; and

WHEREAS, pursuant to Education Code section 17400(b)(1), "best value" means a competitive procurement process whereby the selected proposer is selected on the basis of objective criteria for evaluating the qualifications of proposers with the resulting selection representing the best combination of price and qualifications; and

WHEREAS, on December 15, 2020, the District's Board of Trustees approved the Request for Proposals for the Project setting forth the criteria and scoring of the proposals, including relevant experience, safety record, price proposal, and other criteria specified by the District; and

WHEREAS, the Proposal Evaluation Committee evaluated the qualifications of the proposals based upon the criteria and evaluation methodology set forth in the RFP, assigned scores to each proposal, and once the evaluation process was complete, the District determined the proposer with the best value score; and

WHEREAS, based on the Proposal Evaluation Committee's assessment of proposals, John F Otto Inc. dba Otto Construction ("Contractor") achieved the highest best value score; and

WHEREAS, in order to construct the Project using the lease-leaseback delivery method, it is necessary that the District enter into a site lease, in which the site will be leased to the Contractor; a sublease which provides for the sublease of the site and the lease of the project by the Contractor back to the District; and a construction services agreement that contains

construction provisions with which Contractor shall comply with respect to the construction of the Project.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE JEFFERSON SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Recitals. All of the recitals herein contained are true and correct.

Section 2. Determination of Best Value Contractor. The Jefferson School District implemented a Request for Proposals and, in accordance with Education Code section 17406, determined that John F Otto Inc. dba Otto Construction was responsive and received the best value score based on the evaluation of objective criteria contained in the RFP.

Section 3. Award of Preconstruction and Lease-Leaseback Agreement. The District's Board of Education hereby awards of the preconstruction services, and lease-leaseback contract to John F Otto Inc. dba Otto Construction for all Corral Hollow Elementary School projects. The Lease-Leaseback Agreement includes the Site Lease, Sublease, and Construction Services Agreement. The preconstruction services for Project will not exceed $ 40,000.

Section 4. Guaranteed Maximum Price. After any preconstruction services are completed, and subcontractors are selected by John F Otto Inc. dba Otto Construction for the Project, the guaranteed maximum price and contingencies for the Project shall be negotiated and finalized, with amendments to the Lease-Leaseback Agreement (the "Amendments"). The District's Board of Education must approve the Amendments and a final guaranteed maximum price prior to the start of any construction work on the Project.

Section 5. Other Acts; Delegation. The District's Board of Trustees hereby approves a delegation of authority and appoints its Superintendent, or the designee of the Superintendent, who is/are hereby authorized and directed to carry out the intent of this Resolution. Said delegation shall be valid until otherwise rescinded by the Board.

Section 6. Effective Date. This Resolution shall take effect upon adoption.

APPROVED, PASSED AND ADOPTED by the Board of Education of the Jefferson School District this ___ day of _____, 20__, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

I, _____, President of the Jefferson School District Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of the resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.

_____
President of the Board of Education
Jefferson School District

I, _____, Clerk of the Board of Education of the Jefferson School District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Education of the Jefferson School District at a regular meeting thereof held on the ___ day of _____, 2018, by the following forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Jefferson School District this ___ day of _____, 20__.

_____
Clerk of the Board of Education
Jefferson School District