

CONEJO VALLEY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
RESOLUTION #19/20-12

APPROVE REQUEST FOR PROPOSALS FOR PRECONSTRUCTION AND
LEASE-LEASEBACK SERVICES AND FORM OF PRECONSTRUCTION SERVICES
AGREEMENT AND LEASE-LEASEBACK AGREEMENTS

WHEREAS, the Conejo Valley Unified School District ("District") plans to construct the Westlake High School new STEM Building project ("Project") using the lease-leaseback construction delivery method whereby the District will lease the site that the District owns, to a contractor who will construct improvements thereon and lease the Project and the underlying site back to the District;

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;

WHEREAS, any lease-leaseback contract pursuant to Education Code section 17406 shall be based on a competitive solicitation process and awarded to the proposer providing the "best value" (as defined in Education Code section 17400), taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required;

WHEREAS, pursuant to Education Code section 17406(a)(2), the District's Board of Education ("Board") will adopt and publish required procedures and guidelines for evaluating the qualifications of proposers to ensure the best value selections by the District are conducted in a fair and impartial manner;

WHEREAS, in order to ensure that moneys sufficient to pay all costs will be available for the Project, the District will appropriate funds for the lease-leaseback Project from the current fiscal year the lease-leaseback contract is awarded;

WHEREAS, in order to construct the Project using the lease-leaseback delivery method, it is necessary that the District enter into a site lease for the Project, in which the site will be leased to a contractor, and a sublease which provides for the sublease of the site and the lease of the Project by the contractor to the District, and that certain other action be taken and authorized;

WHEREAS, the sublease for the Project will include construction provisions with which contractor shall comply with respect to construction of the Project ("Construction Services Agreement");

WHEREAS, in accordance with Education Code section 17406(b)(1), the District intends to have the selected lease-leaseback contractor for the Project perform preconstruction services for the Project;

WHEREAS, before written approval of the plans and specifications for the Project by the Department of General Services' Division of the State Architect, the selected lease-leaseback contractor shall perform no preconstruction services for which a contractor is required to be licensed in accordance with Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code, and for which Division of the State Architect approval is required;

WHEREAS, the District desires by a majority of the vote of the Board and pursuant to Education Code section 17604 and similar statutes, to delegate authority to the District's Superintendent, or his or her designee, to evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the attached Request for Proposals, to assign a best value score to each proposal, and once the evaluation process is complete, to rank all responsive proposals from the highest best value to the lowest best value to the District, and to otherwise carry out the intent of this Resolution. The Board further delegates authority to the District's Superintendent, or his or her designee, to make revisions to the form agreements and documents attached hereto including the "Site Lease", "Sublease", "Construction Services Agreement", and "Preconstruction Services Agreement"; and

WHEREAS, the Board has been presented with the form of each document referred to herein relating to the transaction contemplated hereby and the Board has examined and approved each document as to form and desires to authorize and direct evaluation of proposals in accordance with Education Code section 17406.

NOW, THEREFORE, BE IT RESOLVED the Board of Trustees of the Conejo Valley Unified School District does hereby determine, resolve and order as follows:

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

SECTION 2. Request for Proposals. The form of the Request for Proposal to be issued for the Project to proposers meeting the requirements set forth in Education Code section 17406 and attached hereto as Exhibit "A" is hereby approved and adopted by the Board.

SECTION 3. Site Lease and Sublease. The form of agreements entitled, "Site Lease", "Sublease" and "Construction Services Agreement", each attached to the Request for Proposal and presented during this meeting and each to be entered into by and between the District and the proposer providing the best value to the District, are hereby approved and adopted subject to any further revisions which are acceptable to both the District and its legal counsel.

SECTION 4. Preconstruction Services Agreement. The form of agreement entitled, "Preconstruction Services Agreement" attached hereto as Exhibit "B" and presented during this meeting to be entered into by and between the District and the selected lease-leaseback contractor proposer providing the best value to the District, is hereby approved and adopted subject to any further revisions which are acceptable to both the District and its legal counsel.

SECTION 5. Approval of Process and Documents. The Governing Board hereby approves the lease-leaseback process, the competitive solicitation process as set forth in the Request for Proposal and the "Site Lease", "Sublease" and "Construction Services Agreement" attached hereto as Exhibit "A", and the form "Preconstruction Services Agreement" attached hereto as Exhibit "B".

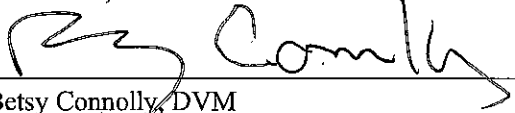
SECTION 6. Other Acts, Delegation. The District's Board hereby approves a delegation of authority and appoints its Superintendent, or his or her designee, who is hereby authorized and directed, to evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the attached Request for Proposals, to assign a best value score to each proposal, and once the evaluation process is complete, to rank all responsive proposals from the highest best value to the lowest best value to the District, and to otherwise carry out the intent of this Resolution. The Board further delegates authority to the District's Superintendent, or his or her designee, to make revisions to the form agreements and documents attached hereto including the "Site Lease", "Sublease", "Construction Services Agreement", and "Preconstruction Services Agreement". All actions taken pursuant to this delegation of authority shall be subject to ratification of the Board. Said delegation shall be valid until otherwise rescinded by the Board.

SECTION 7. Effective Date. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 5th day of November, 2019 by the Governing Board of the Conejo Valley Unified School District of Ventura County, California, by the following vote:

AYES: 4 NOES: 1 ABSENT:


I, Betsy Connolly, President of the Conejo Valley Unified School District Governing Board, 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.



Betsy Connolly, DVM
President, Board of Education

I, Bill Gorback, Clerk of the Board of Education of the Conejo Valley Unified School District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Education of the Conejo Valley Unified School District at a regular meeting thereof held on the 5th day of November, 2019, by the following forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Conejo Valley Unified School District this 5th day of November, 2019.



Bill Gorback
Clerk, Board of Education