

Board of Trustees
Joyce Dalessandro
Barbara Groth
Beth Hergesheimer
Amy Herman
John Salazar

Superintendent
Rick Schmitt



Union High School District

MINUTES
OF THE
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
REGULAR BOARD MEETING

APRIL 3, 2014

THURSDAY, APRIL 3, 2014
6:30 PM

DISTRICT OFFICE BOARD ROOM 10120
710 ENCINITAS BLVD., ENCINITAS, CA. 92024

PRELIMINARY FUNCTIONS..... (ITEMS 1 – 6)

1. CALL TO ORDER; PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS 6:00 PM

President Dalessandro called the meeting to order at 6:00 PM to receive public comments on Closed Session agenda items. No public comments were presented.

2. **CLOSED SESSION** **6:01 PM**

The Board convened to Closed Session at 6:01 PM to discuss the following:

- A. Consideration and/or deliberation of student discipline (3 cases)
- B. To consider personnel issues, pursuant to Government Code Sections 11126 and 54957; limited to consideration of the appointment, employment, evaluation of performance, discipline /release, dismissal of a public employee or to hear *complaints or charges brought against such employee by another person or employee unless the employee requests a public session.* (1 Issue)

REGULAR MEETING / OPEN SESSION..... 6:30 PM

ATTENDANCE

BOARD OF TRUSTEES AND STUDENT BOARD REPRESENTATIVES

Joyce Dalessandro	Allie Schneider, Canyon Crest Academy
Barbara Groth	Brandon Hong, Torrey Pines High School
Beth Hergesheimer	Noel Kildiszew, La Costa Canyon High School
Amy Herman	Arielle Michaelis, San Dieguito Academy
John Salazar	

DISTRICT ADMINISTRATORS / STAFF

Rick Schmitt, Superintendent
Eric Dill, Associate Superintendent, Business
Torrie Norton, Associate Superintendent, Human Resources
Mike Grove, Ed.D., Associate Superintendent, Educational Services
Rick Mariam, Director, Nutrition Services
Siri Perlman, Nutrition Specialist Supervisor
Joann Schultz, Executive Assistant to the Superintendent / Recording Secretary

3. RECONVENE REGULAR MEETING / CALL TO ORDER (ITEM 3)

The regular meeting of the Board of Trustees was called to order at 6:31 PM by President Joyce Dalessandro.

4. PLEDGE OF ALLEGIANCE (ITEM 4)

President Dalessandro led the Pledge of Allegiance.

5. REPORT OUT OF CLOSED SESSION (ITEM 5)

The Board met in closed session and the following action was taken:

It was moved by Ms. Groth, seconded by Ms. Herman, to approve the request for early readmit from expulsion for Student ID #1206020, conditional upon student behavior review in August, 2014. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

It was moved by Ms. Groth, seconded by Ms. Hergesheimer, to approve the stipulated expulsion for Student ID #1207585. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

It was moved by Ms. Groth, seconded by Ms. Herman, to approve the stipulated expulsion for Student ID #670392. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

6. APPROVAL OF MINUTES OF THE REGULAR BOARD MEETING OF MARCH 20, 2014

It was moved by Ms. Groth, seconded by Ms. Herman, to approve the Minutes of the March 20, 2014 Regular Board Meeting, as presented. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

NON-ACTION ITEMS (ITEMS 7 - 10)7. STUDENT UPDATES STUDENT BOARD REPRESENTATIVES
Students gave updates on events and activities at their schools.

8. BOARD REPORTS AND UPDATES BOARD OF TRUSTEES

Mr. Salazar attended the TPHS boy's lacrosse game.

Ms. Hergesheimer attended the Torrey Pines High School Foundation (TPHS) fundraiser held at the Belly Up, TPHS WASC team reception on Sunday, and the City of Encinitas/School District Liaison meeting on March 24th.

Ms. Groth attended the TPHS WASC team interview on Tuesday, and toured TPHS.

Ms. Herman toured San Dieguito High School Academy, attended the TPHS WASC team interview on Tuesday, and the Canyon Crest Academy Foundation event March on 31st.

Ms. Dalessandro toured San Marcus High School with district staff, attended the Torrey Pines High School WASC reception on Sunday, the TPHS Advance Math Open House event, and the WASC interview on Tuesday at TPHS.

9. SUPERINTENDENT'S REPORTS, BRIEFINGS, LEGISLATIVE UPDATES.....RICK SCHMITT, SUPERINTENDENT
Superintendent Schmitt gave an update on school safety and facilities.10. "LIVE WELL SAN DIEGO!" PROCLAMATION PRESENTATION.....COUNTY BOARD OF SUPERVISORS
San Diego County Board of Supervisors representative Chuck Matthews, Health and Human Service Agency Deputy Director, North Regions, presented the Board of Trustees with a proclamation commending the District for outstanding commitment to the community, and declaring April 3, 2014 to be "San Dieguito Union High School District Day" throughout the County, in recognition of the "Live Well San Diego!" initiative.**CONSENT ITEMS**..... (ITEMS 11 - 15)

It was moved by Ms. Hergesheimer, seconded by Ms. Groth, that all Consent Agenda Items 11-15, be approved, as amended (**revised Items 11B and 15L-1, as attached*), and listed below. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

11. SUPERINTENDENT

A. GIFTS AND DONATIONS

Accept the Gifts and Donations, as presented.

B. FIELD TRIP REQUESTS

Approve the Field Trip Requests, *as attached*.

**Revised 11B, Field Trips, distributed at the meeting.*

12. HUMAN RESOURCES

A. PERSONNEL REPORTS

Approve matters pertaining to employment of personnel, salaries, leaves of absence, resignations, changes in assignments, extra duty assignments, and consultant services:

1. Certificated and/or Classified Personnel Reports.

B. APPROVAL/RATIFICATION OF AGREEMENTS

(None Submitted)

13. EDUCATIONAL SERVICES

A. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreement and authorize Christina M. Bennett or Eric R. Dill to execute the agreement:

1. Blackboard, Inc., to provide Blackboard Learn Content Management GUI Administration Certification online training and Blackboard Learn Community Engagement GUI Administration Certification online training, during the period April 2, 2014 and ending no later than March 17, 2015, for an amount not to exceed \$2,200.00, to be expended from the General Fund 03-00.
2. Rosetta Stone, Ltd., to provide 40 licenses to use Rosetta Stone Classroom Version 3 online fixed term licenses for all commercially available languages and levels for use on Windows and Mac computers and access to all product specific mobile applications for iOS or select Android devices, during the period April 1, 2014 through June 30, 2015 and then continuing with annual renewals corresponding to our fiscal year unless terminated with 30 day advance written notice, in the amount of \$1,490.00 for the remainder of the 2013-14 fiscal year and \$5,960.00 for 2014-15 fiscal year, to be expended from Title 1 General Fund/Restricted 06-00.

B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS

(None Submitted)

14. PUPIL SERVICES / SPECIAL EDUCATION**SPECIAL EDUCATION**

A. APPROVAL/RATIFICATION OF NON-PUBLIC SCHOOL / NON-PUBLIC AGENCY CONTRACTS, INDEPENDENT CONTRACTOR AGREEMENTS, AND/OR MEMORANDUMS OF UNDERSTANDING

Approve entering into the following non-public school / non-public agency master contracts (NPS/NPAs), independent contractor agreements (ICAs), and or memorandums of understanding (MOUs), and authorize Christina M. Bennett or Eric R. Dill to execute all pertinent documents.

1. Heritage Schools, Inc. (NPS/NPA), to provide therapeutic programs for troubled youth, during the period July 1, 2013 through June 30, 2014, at the rates of \$105.00 per diem for basic education, \$70.00 per hour for speech therapy, \$75.00 per hour for occupational therapy, \$400.00 per educational assessment, \$75.00 per diem for education related mental health services (ERMHS), and \$228.00 per diem for room and board, to be expended from the General Fund/Restricted 06-00.

B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS

Approve/ratify amending the following agreements and authorize Christina M. Bennett or Eric R. Dill to execute the agreements:

1. New Alternatives, Inc. (NPA), amending the agreement to include the services and prices shown on the attachment, during the period July 1, 2013 through June 30, 2014, to be expended from the General Fund/Restricted 06-00.

C. APPROVAL/RATIFICATION OF PARENT SETTLEMENT AND RELEASE AGREEMENTS

Approve/ratify the following Parent Settlement and Release Agreements, to be funded by the General Fund 06-00/Special Education, and authorize the Director of Special Education to execute the agreements:

1. Student ID #8036418058, for reimbursement for Parentally Placed Public School Student (PPPSS) to High Bluff Academy and related educational expenses, during period March 12, 2014 through June 30, 2016, in an amount not to exceed \$51,000.00.

PUPIL SERVICES**D. APPROVAL/RATIFICATION OF AGREEMENTS**

(None Submitted)

15. BUSINESS / PROPOSITION AA**BUSINESS****A. APPROVAL/RATIFICATION OF AGREEMENTS**

Approve/ratify entering into the following agreements and authorize Christina M. Bennett, Eric R. Dill, or Rick Schmitt to execute the agreements:

1. PCS Revenue Control Systems, Inc., for the annual support and maintenance for the suite of software products for Nutrition Services Department to process and track parent payments for student lunches, as well as inventory, ordering, and other control mechanisms, during the period July 1, 2014 to June 30, 2015, and then continuing annually unless terminated by either party prior to the renewal date, in the amount of \$4,164.75, to be expended from the Cafeteria Fund 13-00.

B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS

(None Submitted)

C. AWARD/RATIFICATION OF CONTRACTS

(None Submitted)

D. APPROVAL OF CHANGE ORDERS

(None Submitted)

E. ACCEPTANCE OF CONSTRUCTION PROJECTS

(None Submitted)

F. APPROVAL OF BUSINESS REPORTS

Approve the following business reports:

1. Purchase Orders
2. Membership Listing (None Submitted)

PROPOSITION AA**G. APPROVAL/RATIFICATION OF AGREEMENTS**

Approve/ratify entering into the following agreements and authorize Christina M. Bennett, Eric R. Dill, or Rick Schmitt to execute the agreements:

1. Johnson Consulting Engineers, Inc., Electrical Design Work at Canyon Crest Academy, during the period April 4, 2014 through October 4, 2014, in the amount of \$1,500.00, to be expended from Building Fund-Prop 39 Fund 21-39.

H. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS

Approve/ratify amending the following agreements and authorize Christina M. Bennett or Eric R. Dill to execute the agreements:

1. Lionakis, to amend the Earl Warren Middle School Replacement Campus contract, CA2014-17 to provide additional civil engineering services, in an amount of \$39,450.00, to be expended from Building Fund – Prop 39 Fund 21-39.
2. Siemens Industry, Inc., Energy Services Contract to begin work on phase 2 of the mechanical, operational, and energy efficiency related improvements at Oak Crest Middle School, Diegueno Middle School and La Costa Canyon High School, as noted in the energy service contract B2009-17, to be performed upon receipt of a written notice to proceed from the District, during the period April 4, 2014 through April 4, 2015, for an amount not to exceed \$1,898,740.00, to be expended from Building Fund-Prop 39 Fund 21-39.

I. AWARD/RATIFICATION OF CONTRACTS

Award/ratify the following contracts and authorize Christina M. Bennett or Eric R. Dill to execute all pertinent documents:

1. E.C. Constructors, Inc., Bid Package #1 Oak Crest Middle School Art and Technology Modernization CB2014-10, during the period April 11, 2014 through August 15, 2014, in the amount of \$588,325.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
2. Commercial & Industrial Roofing Inc., Bid Package #2 Oak Crest Middle School Art and Technology Modernization CB2014-10, during the period April 11, 2014 through August 15, 2014, in the amount of \$48,089.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
3. Peltzer Plumbing, Inc., Bid Package #3 Oak Crest Middle School Art and Technology Modernization CB2014-10, during the period April 11, 2014 through August 15, 2014, in the amount of \$146,000.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
4. ACH Mechanical Contractors, Bid Package #04 Oak Crest Middle School Art and Technology Modernization CB2014-10, during the period April 11, 2014 through August 15, 2014, in the amount of \$121,700.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
5. Ace Electric, Inc., Bid Package #05 Oak Crest Middle School Art and Technology Modernization CB2014-10, during the period April 11, 2014 through August 15, 2014, in the amount of \$198,000.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
6. E.C. Constructors, Inc., Bid Package #01 Demolition, Grading and Concrete Diegueno Middle School Entry Enhancement Media Center and CB2014-13, during the period April 11, 2014 through August 15, 2014, in the amount of \$703,612.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
7. E.C. Constructors, Inc., Bid Package #02 General Construction Diegueno Middle School Entry Enhancement Media Center CB2014-13, during the period April 11, 2014 through August 15, 2014, in the amount of \$430,767.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
8. Commercial & Industrial Roofing Inc., Bid Package #03 Diegueno Middle School Entry Enhancement Media Center CB2014-13, during the period April 11, 2014 through August 15, 2014, in the amount of \$85,619.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
9. Peltzer Plumbing, Inc., Bid Package #04 Diegueno Middle School Entry Enhancement Media Center CB2014-13, during the period April 11, 2014 through August 15, 2014, in the amount

of \$198,000.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.

- 10. Countywide Mechanical Systems, Inc., Bid Package #05 Diegueno Middle School Entry Enhancement Media Center CB2014-13, during the period April 11, 2014 through August 15, 2014, in the amount of \$74,896.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
- 11. Rowan Electric, Inc., Bid Package #06 Diegueno Middle School Entry Enhancement Media Center CB2014-13, during the period April 11, 2014 through August 15, 2014, in the amount of \$331,000.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.
- 12. Rocky Coast Builders, Inc., Oak Crest Middle School Field Access Ramp CB2014-12, during the period April 11, 2014 through August 15, 2014, in the amount of \$932,417.00, to be expended from Building Fund-Prop 39 Fund 21-39, pending DSA approval of plans.

J. APPROVAL OF CHANGE ORDERS
(None Submitted)

K. ACCEPTANCE OF CONSTRUCTION PROJECTS
(None Submitted)

L. ADOPTION OF RESOLUTION / LEASE-LEASEBACK

Adopt the following resolutions, and authorize Christina M. Bennett or Eric R. Dill to execute the necessary documents:

- 1. Resolution approving and authorizing execution of Site Lease, Sublease Agreement, and Construction Services Agreement for the Lease-Leaseback Agreement with Balfour Beatty Construction Company for the construction of the New Middle School #5, to be expended from Building Fund-Prop 39 Fund 21-39, *as attached*.

**Revised 15L-1, Lease-Leaseback Agreement with Balfour Beatty, distributed at the meeting.*

- 2. Resolution approving and authorizing execution of site lease, sublease agreement, and construction services agreement for the lease-leaseback agreement with Byrom-Davey, Inc. for the Canyon Crest Academy Phase 2 Construction Project, to be expended from Building Fund-Prop 39 Fund 21-39, as presented.

DISCUSSION / ACTION ITEMS (ITEMS 16-21)

16. APPROVAL OF TENTATIVE AGREEMENT WITH THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA), CHAPTER 241

Motion by Ms. Groth, seconded by Ms. Hergesheimer, to approve the Master Contract Tentative Agreement with the California School Employees Association, Chapter 241, effective July 1, 2012, through June 30, 2015, as presented. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

17. ACCEPTANCE OF THE 2012-13 ANNUAL PROPOSITION AA BUILDING FUND AUDIT REPORT

Motion by Ms. Groth, seconded by Ms. Hergesheimer, to accept the 2012-13 Annual Proposition AA Building Fund Audit Report, as presented. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

18. APPROVAL OF PROPOSED INSTRUCTIONAL CALENDARS, 2015-16 & 2016-17 SCHOOL YEARS

Motion by Ms. Groth, seconded by Ms. Hergesheimer, to approve the proposed Instructional Calendars for 2015-16 and 2016-17 school years, as presented. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

19. APPROVAL OF REVISION TO SUPERINTENDENT EMPLOYMENT CONTRACT

This item was pulled from the agenda and no action was taken.

20. ADOPTION OF RESOLUTION / STATUTORY FEE INCREASE / WITH URGENCY

- A. PUBLIC HEARING – The public hearing was opened at 7:11 PM by President Dalessandro. There being no public comment, the hearing was closed at 7:12 PM.
- B. Motion by Ms. Groth, seconded by Ms. Herman, to adopt the resolution levying fees on development projects, with urgency (30-day maximum), as presented. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

21. APPROVAL AND ADOPTION OF PROPOSED REVISIONS TO BOARD POLICIES (3): #4216.3-03.2, "CHIEF FINANCIAL OFFICER" & #4216.3-09-3; "DIRECTOR OF STUDENT INFORMATION SERVICES"; AND #4341.1 ATTACHMENT A, MANAGEMENT SALARY SCHEDULE

Motion by Ms. Hergesheimer, seconded by Ms. Groth to approve and adopt the proposed Revisions to Board Policies (3): #4216.3-03.2, "Chief Financial Officer" & #4216.3-09.3, "Director of Student Information Services", and #4341.1 Attachment A, Management Salary Schedule, as presented. Ayes: Dalessandro, Groth, Hergesheimer, Herman, Salazar; Noes: None. Motion unanimously carried.

INFORMATION ITEMS..... (ITEMS 22 - 29)

22. BUSINESS SERVICES UPDATE ERIC DILL, ASSOCIATE SUPERINTENDENT

Mr. Dill had nothing further to report.

23. HUMAN RESOURCES UPDATE TORRIE NORTON, ASSOCIATE SUPERINTENDENT

Ms. Norton had nothing further to report.

24. EDUCATIONAL SERVICES UPDATE.....MIKE GROVE, ASSOCIATE SUPERINTENDENT

Dr. Grove gave updates on the high school selection process, and Math instructional materials.

25. PUBLIC COMMENTS – Ms. Heidi Welsh addressed the Board about her daughter not being selected in the San Dieguito High School Academy lottery, the high school selection lottery process, the size of enrollment at San Dieguito High School Academy, the La Costa Canyon High School culture, the process of local students adjusting to their inability to go to their neighborhood school, and requested the Board make an exception to the enrollment for students who live close to the Academy's.

26. FUTURE AGENDA ITEMS – None presented.

27. ADJOURNMENT TO CLOSED SESSION – No closed session was necessary.

28. CLOSED SESSION – Nothing to further to report.

29. ADJOURNMENT OF MEETING - Meeting adjourned at 7:27 PM.


Beth Hergesheimer, Board Clerk

05-01-14
Date


Rick Schmitt, Superintendent

05-01-14
Date

FIELD TRIP REQUESTS
SDUHSD BOARD MEETING
April 3, 2014

Item #	Date	Sponsor, Last Name	First Name	School Team/Club	Total # Students	Total # Chaperones	Event Description / Name of Conference	City	State	Loss of Class Time	\$ Cost
1	04-26-14	Foss	Jason	LCC Boys Lacrosse	32	4	Varsity Boys Lacrosse Game	Tustin	CA	None	LCC Foundation / Parent Donations
2	04-24-14 - 04-27-14	Stiven	Tim	CCA Envision Conservatory for the Humanities	4	5	World Affairs Council "World Quest" National Competition Finals	Washington	DC	1 Day	CCA Foundation / Parent Donations
3	05-17-14 - 05-18-14	Stiven	Tim	CCA Envision Conservatory for the Humanities	10	6	ECH Presentation to LA USD Theater Workers	Los Angeles	CA	None	CCA Foundation / Parent Donations
4	04-12-14	Brubaker	Mark	LCC JV Volleyball	14	5	JV Volleyball Tournament	Mission Viejo	CA	None	LCC Foundation / Parent Donations
5	04-23-14 - 04-27-14	Kessler	Rachel	CCA Robotics	7	10	First Tech Challenge (FTC) Robotics World Championship	St. Louis	MO	3	CCA Foundation / Parent Donations

* Dollar amounts are listed only when District/site funds are being spent.
Other activities are paid for by student fees or ASB funds.

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: April 2, 2014

BOARD MEETING DATE: April 3, 2014

PREPARED BY: John Addleman, Director of Planning Services
Eric Dill, Assoc. Superintendent, Business

SUBMITTED BY: Rick Schmitt, Superintendent

SUBJECT: **ADOPTION OF RESOLUTION / LEASE-
LEASEBACK / BALFOUR BEATTY
CONSTRUCTION COMPANY / BYROM-DAVEY,
INC.**

EXECUTIVE SUMMARY

Balfour Beatty Construction Company

**Revised - This section has been updated to reflect revisions to the Guaranteed Maximum Price (GMP), general conditions and construction management fee as a result of value engineering and other projected savings.*

On June 16, 2011, District staff presented the results and recommendation from a request for qualifications for construction services. Balfour Beatty Construction Company is one of the three firms selected to provide construction services. The three firms were of ten firms responding to that request. The services performed by Balfour Beatty Construction Company continue to be outstanding and therefore it is staff's recommendation that Balfour Beatty Construction Company continue to provide construction services to the District under a lease-leaseback contractual arrangement for the construction of the New Middle School #5 project, excluding the track and play field area.

Administration, staff, and district counsel have been working with Balfour Beatty Construction Company to develop a Site Lease, Sublease Agreement, and Construction Services Agreement for Lease-Leaseback. The total cost of the project is expected to cost approximately \$52.6 million, including land acquisition and soft costs. As it pertains to the Construction Services Agreement, Balfour Beatty Construction Company has provided a preliminary Guaranteed Maximum Price (GMP) of \$34,295,500 for the New Middle School #5 project. The GMP includes a construction management fee of \$606,962, general conditions of \$2,583,470, and a construction contingency of \$2,427,848 as reflected in the attached Preliminary GMP. At project completion, any unused portion of the construction contingency will be released back into available Prop AA project funds.

The construction of Middle School #5 would be completed in two increments. The first increment would include the road, parking lot, and two-story classroom building to be available for occupancy in the Fall of 2015, the balance of the site will be available in the Fall of 2016.

Byrom-Davey, Inc.

On February 6 and 13, 2014 the District advertised a Request for Qualifications (RFQ) CB2014-09 for Lease/Leaseback Services for Stadium and Field Projects. Byrom-Davey, Inc. was selected to provide construction services from among four firms that had responded to the request. Byrom-Davey, Inc. has successfully performed for the District as a general contractor on a number of projects that were awarded under traditional low-bid processes; its fees continue to compare favorably to other firms as discussed below.

Administration, staff, and district counsel have been working with Byrom-Davey, Inc. to develop a Site Lease, Sublease Agreement, and Construction Services Agreement for Lease-Leaseback. The total cost of the project is expected to cost approximately \$16.1 million, including soft costs. As it pertains to the Construction Services Agreement, Byrom-Davey, Inc. has provided a preliminary Guaranteed Maximum Price (GMP) of \$13,499,609 for the Canyon Crest Academy Phase 2 Construction project. The GMP, Byrom-Davey, Inc. includes general conditions of \$655,212, and a construction contingency of \$611,638 as reflected in the attached Preliminary GMP. Byrom-Davey, Inc. will not charge a construction management fee. At project completion, any unused portion of the construction contingency will be released back into available Prop AA project funds.

Lease/Leaseback Framework

Lease/Leaseback projects are constructed pursuant to the provisions set forth in Education Code Section 17406, which authorizes school district governing boards, without advertising for bids, to lease property currently owned by a school district to any person, firm, or corporation for a minimum of \$1 per year as long as such lease requires the other party to construct (or provide for the construction) of a building or buildings upon the subject property and that title to the subject property and the buildings vest in the school district at the expiration of the lease. This statutory language requires that school districts first lease its property to a chosen builder. This delivery method to construction has been recognized by the State Legislature as a proven method to deliver school facilities on time, on budget, and with a reduced level risk associated with design issues, delays, and cost overruns.

The Lease/Leaseback arrangement includes three documents:

- A Site Lease that leases the District's property to the Builder,
- A Sublease Agreement that leases the District's property from the Builder back to the District, and
- A Construction Services Agreement for Lease-Leaseback.

Bidding Requirements

In order to establish the final GMP, both Balfour Beatty Construction Company and Byrom-Davey, Inc. will conduct competitive bids under the supervision of the District. Both firms will seek a minimum of three bids for each specialized construction trade package and, if possible, a minimum of seven bidders requested for all portions of non-specialized work to ensure the

best pricing and bidding environment for the District. After the bid, the final GMP will be presented to the Board at a future meeting for approval to amend the agreement.

RECOMMENDATION:

It is recommended that the Board adopt the following resolutions, and authorize Christina M. Bennett or Eric R. Dill to execute the necessary documents:

1. Resolution approving and authorizing execution of Site Lease, Sublease Agreement, and Construction Services Agreement for the Lease-Leaseback Agreement with Balfour Beatty Construction Company for the construction of the New Middle School #5, to be expended from Building Fund-Prop 39 Fund 21-39, as shown in the attached supplement.
2. Resolution approving and authorizing execution of Site Lease, Sublease Agreement, and Construction Services Agreement for the Lease-Leaseback Agreement with Byrom-Davey, Inc. for the Canyon Crest Academy Phase 2 Construction Project, to be expended from Building Fund-Prop 39 Fund 21-39, as shown in the attached supplement.

FUNDING SOURCE:

Building Fund-Prop 39 Fund 21-39

Balfour Beatty Construction Company

April 2, 2014

Preliminary GMP Summary

	Middle School #5
Management Fee	\$ 606,962.00
General Conditions including	
Insurance and Bond	\$ 2,583,470.00
Construction	\$ 28,677,220.00
Contingency 7%	<u>\$ 2,427,848.00</u>
Total Preliminary GMP	\$ 34,295,500.00

	QTY	UNIT	EXTENSIONS			
			LABOR	MAT'L	EQUIP	TOTAL
GENERAL CONDITIONS						
Supervision	90	WKS	518,400	-	-	\$ 518,400
Field Office Rental with Furniture	21	MTH	-	-	24,906	\$ 24,906
Clerk	90	WKS	248,400	-	-	\$ 248,400
Field Office Supplies	90	WKS	-	10,800	-	\$ 10,800
Field Telephone	21	MTH	-	-	22,575	\$ 22,575
Small Consumables/Tools	90	WKS	-	-	4,320	\$ 4,320
Field Toilets & Wash Stations	21	MTH	-	-	19,299	\$ 19,299
Project Gas & Diesel	21	MTH	-	35,700	-	\$ 35,700
Dumpster Rental (Office Only)	21	MTH	-	-	6,090	\$ 6,090
Safety Equipment/Fire Extinguishers	90	WKS	-	-	6,480	\$ 6,480
Construction Fence	4800	LF	-	-	17,760	\$ 17,760
Daily Clean	90	WKS	-	-	8,550	\$ 8,550
Trailer Clean	90	WKS	-	-	10,350	\$ 10,350
Project Management	90	WKS	518,400	-	-	\$ 518,400
Project Executive	21	MTH	94,500	-	-	\$ 94,500
SWPPP Certification/Safety Training	90	WKS	-	-	3,780	\$ 3,780
Assistant Supervision	52	WKS	247,520	-	-	\$ 247,520
Inspector's Office	18	MTH	-	-	2,790	\$ 2,790
BIM Specialist	16	WKS	69,760	-	-	\$ 69,760
Scheduler	90	WKS	78,120	-	-	\$ 78,120
Project Engineer	90	WKS	428,400	-	-	\$ 428,400
General Superintendent	90	WKS	-	-	-	\$ -
SPECIAL EQUIPMENT						
Equipment Maintenance/Depreciation	21	MTH	-	-	49,980	\$ 49,980
Const Field Office Mob/Demob	3	MV	-	-	16,692	\$ 16,692
Inspector's Office Mob/Demob	2	MV	-	-	1,304	\$ 1,304
Copier/Printer Lease (2 BBC/IOR)	21	MTH	-	-	12,285	\$ 12,285
SPECIAL CONDITIONS						
Temp Electrical Connection	1	LS	-	-	16,000	\$ 16,000
Temp Water Meter (SDWD)	1	LS	-	-	1,155	\$ 1,155
Temp Electrical Use	8	MTH	-	-	3,880	\$ 3,880
Temp Water Use	21	MTH	-	-	5,775	\$ 5,775
Jobsite Signage	1	LS	-	4,500	-	\$ 4,500
Traffic Signage/Control	1	LS	-	2,500	1,963	\$ 4,463
Jobsite Computer/Network/AV	1	LS	-	-	13,000	\$ 13,000
Contract Closeout	1	LS	-	-	25,800	\$ 25,800
Bid Advertisement	2	EA	-	-	346	\$ 346
Subtotal			2,203,500	53,500	326,470	\$ 2,583,470
PROJECT TOTALS			2,203,500	53,500	326,470	\$ 2,583,470

Total General Conditions		\$ 2,583,470
Fee	1.75%	\$ 606,962
Total Construction Sub /contractor Hard Costs		\$ 28,677,220
Contingency 7%	7%	\$ 2,427,848
		\$ 34,295,500

The Following costs are included in the General Conditions above and are based on stated percent of \$34,295,500 and will be adjusted upon final costs as will the fee of 1.75%

Builders Risk	0.30%	\$ 102,887
GL Insurance	1.04%	\$ 356,673
Bond	1.00%	\$ 342,955