

RESOLUTION ADOPTING PROCEDURES AND GUIDELINES FOR SELECTION OF LEASE-LEASEBACK CONTRACTOR (Education Code §17406)

WHEREAS, for lease-leaseback construction contracts awarded on or after January 1, 2017, Education Code section 17406 requires California school districts to use a best value process to select the lease-leaseback contractor; and

WHEREAS, for such lease-leaseback contracts, Education Code section 17406 requires the governing board of the school district to adopt required procedures and guidelines for evaluating the qualifications of proposers that ensure that the best value selections by the school district are conducted in a fair and impartial manner; and

WHEREAS, for such lease-leaseback contracts, Education Code section 17406 states that the best value process shall be a competitive procurement process where the contractor is selected on the basis of objective criteria for evaluating the qualifications of the proposers with the resulting selection representing the best combination of price and qualifications; and

WHEREAS, Education Code section 17406 requires that the lease-leaseback contractor selection process shall at a minimum include that statute’s requirements.

NOW THEREFORE BE IT RESOLVED that the procedures and guidelines specified in Education Code section 17406(a)(2)(A)-(G), effective January 1, 2017 (see Exhibit A to this Resolution) are adopted for use when the _____ School District seeks proposals for a public project using the lease-leaseback delivery method pursuant to Education Code section 17406.

The foregoing Resolution was adopted by the Governing Board of the _____ School District of _____ County, State of California, at a meeting held of said Board held on the ____ day of _____, 201__, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

President, Governing Board
_____ School District

I, _____, Clerk of the Governing Board of the _____ School District, County of _____, State of California, do hereby certify that the foregoing is a true copy of the Resolution adopted by said Board at a regular meeting thereof, at the time and by the vote therein stated, which original Resolution is on file in the office of said Board.

Clerk, Governing Board
_____ School District

EXHIBIT A

Procedures and Guidelines for Selection of a Lease-Leaseback Contractor

A. The _____ School District (“District”) shall prepare a request for sealed proposals from qualified proposers. The District shall include in the request for sealed proposals an estimate of the price of the project, a clear, precise description of any preconstruction services that may be required and the facilities to be constructed, the key elements of the instrument to be awarded, a description of the format that proposals shall follow and the elements they shall contain, the standards the District will use in evaluating proposals, the date on which proposals are due, and the timetable the District will follow in reviewing and evaluating proposals.

B. The District shall give notice of the request for sealed proposals in the manner of notice provided in Section 20112 of the Public Contract Code and in a trade paper of general circulation published in the county where the project is located, with the latest notice published at least 10 days before the date for receipt of the proposals.

C. A proposer shall be prequalified in accordance with subdivisions (b) to (m), inclusive, of Section 20111.6 of the Public Contract Code in order to submit a proposal. If used, electrical, mechanical, and plumbing subcontractors shall be subject to the same prequalification requirements for prospective bidders described in subdivisions (b) to (m), inclusive, of Section 20111.6 of the Public Contract Code, including the requirement for the completion and submission of a standardized prequalification questionnaire and financial statement that is verified under oath and is not a public record.

D. The request for sealed proposals shall identify all criteria that the District will consider in evaluating the proposals and qualifications of the proposers, including relevant experience, safety record, price proposal, and other factors specified by the District. The price proposal shall include, at the District’s discretion, either a lump-sum price for the instrument to be awarded or the proposer’s proposed fee to perform the services requested, including the proposer’s proposed fee to perform preconstruction services or any other work related to the facilities to be constructed, as requested by the District. The request for proposals shall specify whether each criterion will be evaluated pass-fail or will be scored as part of the best value score, and whether proposers must achieve any minimum qualification score for award of the instrument under this section.

E. For each scored criterion, the District shall identify the methodology and rating or weighting system that will be used by the District in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score.

F. Proposals shall be evaluated and the instrument awarded under this section in the following manner:

1. All proposals received shall be reviewed to determine those that meet the format requirements and the standards specified in the request for sealed proposals.

2. The District shall evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the request for sealed proposals, and shall assign

a best value score to each proposal. Once the evaluation is complete, all responsive proposals shall be ranked from the highest best value to the lowest best value to the District.

3. The award of the instrument shall be made by the governing board of the District to the responsive proposer whose proposal is determined, in writing by the governing board of the District, to be the best value to the District.

4. If the selected proposer refuses or fails to execute the tendered instrument and related documents within the time period specified in the request for sealed proposals, the governing board of the District may award the instrument to the proposer with the second highest best value score if the governing board of the District deems it to be for the best interest of the District. If the second selected proposer refuses or fails to execute the tendered instrument, the governing board of the District may award the instrument to the proposer with the third highest best value score if the governing board of the District deems it to be for the best interest of the District.

5. Notwithstanding any other law, upon issuance of a contract award, the District shall publicly announce its award, identifying the entity to which the award is made, along with a statement regarding the basis of the award. The statement regarding the District's contract award and the contract file shall provide sufficient information to satisfy an external audit.

G. The governing board of the District, at its discretion, may reject all proposals and request new proposals.