

SEQUOIA UNION HIGH SCHOOL DISTRICT
BACKGROUND INFORMATION FOR
AGENDA ITEMS FOR 10/7/15, BOARD MEETING

1. CALL TO ORDER

Anyone wishing to address the Board on closed session matters may do so at this time.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. PUBLIC COMMENT

6. APPROVAL OF CONSENT CALENDAR

Board action to approve the following items is taken simultaneously with one motion which is not debatable and requires an unanimous roll call vote for passage. The action indicated on each item is deemed to have been considered in full and action taken as worded therein. If a member of this Board, the Superintendent, or the Public so requests, any item shall be removed from this section and placed on the regular order of business.

MOTION: *waive reading of the Consent Calendar, accept the reports, adopt the resolutions, and approve other items.*

a. AUTHORIZATION TO HIRE OWNER'S REPRESENTATIVE (consent)

SITUATION

The Menlo-Atherton G-Wing Increment II Project will begin construction in the middle of October, 2015, and will deliver classrooms for occupancy in the winter of 2017. Ralph Adams of 217 Enterprise, Ltd., will coordinate and manage this project as owner's representative.

FISCAL IMPACT

No impact to General Funds; all funds will be paid through Measure "A" bond funds.

RECOMMENDATION

That the Board of Trustees authorizes the Superintendent to hire 217 Enterprise, Ltd. (Ralph Adams) as a contractor to provide project management services to the District for the G-Wing Increment II Project in an amount not to exceed \$184,875.

b. AUTHORIZATION TO HIRE MIG/TRA ENVIRONMENTAL SCIENCES TO CONDUCT AN ENVIRONMENTAL IMPACT REPORT FOR 150 JEFFERSON DRIVE, MENLO PARK (consent)

SITUATION

At the behest of county counsel and our California Environmental Quality Act (CEQA) consultant, staff recommends that a full environmental impact report (EIR) for the proposed new Menlo Park school at 150 Jefferson Drive be conducted. The EIR provides the greatest level of review provides ample opportunity for community input and solidifies any issues prior to proceeding with the construction of the new school.

On February 4, 2015, the Board approved hiring MIG/TRA Environmental to provide CEQA services for a mitigated negative declaration in the amount of \$93,050. Since staff is now recommending doing an EIR instead, the additional cost for CEQA services is \$62,970. Staff recommends approval of the additional cost.

FISCAL IMPACT

No impact to General Fund; all costs to be paid by Measure A bond funds.

RECOMMENDATION

That the Board of Trustees authorizes the Superintendent to hire MIG/TRA Environmental Sciences at an additional cost of \$62,970 to conduct a CEQA Environmental Impact Report for 150 Jefferson Drive, in Menlo Park.

- c. ADOPTION OF RESOLUTION NO. 1560, APPROVING AWARD OF SOUL SOURCE CONTRACT TO PRE-FAST CONCRETE WALL SYSTEMS, INC. FOR FABRICATION, SUPPLY AND INSTALLATION OF A PREFAST PLANTCRAFTED BUILDING GYMNASIUM AT THE SUHSD EAST PALO ALTO ACADEMY (by roll call vote)

SITUATION

On September 17, 2014, pursuant to the lease-leaseback authority contained in section 17406 of the California Education Code, the Board approved a Project Agreement with Charles Pankow Builders, Ltd. (“Pankow”) related to the installation of a new gymnasium at East Palo Alto Academy (Myrtle Street). In connection with the approval of the Project Agreement, the Board accepted a proposal dated August 28, 2014, from PreFast Concrete Wall Systems, Inc. (“PreFast”), for the fabrication, supply and installation of a Plantcrafted Building Gymnasium and auxiliary support building and PreFast assigned its rights and obligations with respect to the project to Pankow. The project agreement contemplated that District would enter into a lease-leaseback agreement with Pankow for the supply and installation of the gymnasium building and for associated work on the Myrtle Street campus.

However, in the interim, the California Court of Appeal entered its decision in *Davis v. Fresno Unified School District*, 237 Cal. App. 4th 261 (2015) which, among other things, calls into question the range of circumstances under which school districts may employ the lease-leaseback project delivery method. In light of *Davis*, staff does not recommend that the District enter into a lease-leaseback agreement with Pankow. Rather, staff recommends that the project be competitively bid to the extent possible.

However, since the *Davis* decision came down in the midst of design work for the PreFast building already done and paid for and customized to fit the constrained space at this campus, and because the District has an existing agreement with PreFast pursuant to the August 28, 2014, proposal for the supply of the gymnasium building that would constrain the District’s ability to secure the building from a different source, staff recommends that the Board approves the award of a sole source contract to PreFast for the fabrication, supply and installation of a Plantcrafted Building Gymnasium and auxiliary support building at the Myrtle Street campus.

Counsel has prepared a resolution included with this item that approves the award of this sole source contract. California courts have held that sole source contracts are allowed as an exception to otherwise applicable competitive bidding requirements when the nature of the subject of the contract is such that competitive proposals would be unavailing or would not produce an advantage and advertising for competitive bidding would thus be undesirable or impractical.

For the reasons stated in the attached resolution and in this report, staff believes that a sole source contract with PreFast for the fabrication, supply and installation of the Plantcrafted Building Gymnasium and auxiliary support building is appropriate in this case. All other work associated with the Myrtle Street gymnasium project aside from the fabrication, supply, and installation of the Plantcrafted Building Gymnasium and auxiliary support building reflected in the August 28, 2014 proposal would be competitively bid.

The Prefast plant crafted product, is a precast concrete and structural steel building and assembled on-site for a timely installation. It is a 10,112 square foot building that includes a 2528 square foot support space customized to district specifications.

FISCAL IMPACT

No impact to General Fund; all costs to be paid by Measure A bond funds and state matching funds.

RECOMMENDATION

That the Board of Trustees adopts Resolution No. 1560 approving award of a sole source contract to PreFast Concrete Wall Systems, Inc., for the fabrication, supply, and installation of a PreFast Plantcrafted Building Gymnasium at SUHSD East Palo Alto Academy.

7. ACTION ITEM

- a. APPROVAL OF BID FOR MENLO-ATHERTON INCREMENT II NEW CLASSROOM BUILDING G-WING PROJECT

SITUATION

Bids are due on October 6, 2015, for the new G Wing Classroom Building at the Menlo-Atherton High School. Staff will review the bids on the evening of October 6 and identify the apparent lowest responsible and responsive bidder to bring this information to the Board of Trustees at its special meeting on October 7, 2015.

Because District staff will have identified the apparent lowest qualified bidder at the bid opening the day prior to the Board meeting, the deadline for submission of bid protests will not yet have passed. Therefore, staff recommends that the Board of Trustees approves a bid protest resolution process that vests the Superintendent with the authority to resolve bid protests. In particular, staff recommends a bid protest process along the following lines:

- Bid protests must be filed with the District within three working days of the bid opening.
- Timely submitted bid protests will be reviewed and evaluated by the District's Chief Facilities Officer, who shall submit to the Superintendent a recommendation regarding resolution of the protest.
- The District's Superintendent will render a final determination and disposition of the bid protest.
- If disposition of the bid protest requires the District to forego contracting with the lowest qualified bidder, the Superintendent shall so inform the Board.

FISCAL IMPACT

No impact to the General Fund; all construction costs for the new G-Wing will be paid for by Measure A monies.

RECOMMENDATION

That the Board of Trustees approves the lowest qualified bid for the Menlo-Atherton G-Wing (Increment II), and authorizes the Superintendent to enter into contract for the project, pending resolution of any bid protests timely submitted to the District; and that the Board, through this action, also authorizes the Superintendent to resolve any bid protests that may arise.

8. ADJOURNMENT