

**RESOLUTION NO. 2017-2018-010**

**RESOLUTION OF THE BOARD OF EDUCATION OF THE BEVERLY HILLS  
UNIFIED SCHOOL DISTRICT APPROVING THE AWARD OF PRECONSTRUCTION  
AND LEASE-LEASEBACK SERVICES FOR THE BEVERLY HILLS HIGH SCHOOL  
B1 AND B2 PROJECT**

**WHEREAS**, the Beverly Hill Unified School District (“District”) plans to construct the Beverly Hills High School B1 and B2 project (“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 qualifications based solicitation, taking into consideration the proposer’s demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required; and

**WHEREAS**, on September 26, 2017 the District’s Board of Education approved the Request for Qualifications (“RFQ”) setting forth the criteria and scoring of the qualifications, including relevant experience, safety record, and other criteria specified by the District; and

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

**WHEREAS**, notwithstanding any other law, upon issuance of a contract award, the school 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; and

**WHEREAS**, based on the Proposal Evaluation Committee’s assessment of proposals, See listing of Contractors Attached. (“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 BEVERLY HILLS UNIFIED 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 Beverly Hills Unified School District implemented a Request for Qualifications and, in accordance with Education Code section 17406, determined that (See listing) was responsive and received the best value score based on the evaluation of objective criteria contained in the RFQ.

**Section 3.** Award of Lease-Leaseback Agreement. The District's Board of Education hereby awards of the lease-leaseback contract to (See listing) for the Project. The Lease-Leaseback Agreement which includes the Sublease, Site Lease and Construction Services Agreement were included in the RFQ.

**Section 4.** Guaranteed Maximum Price. After any preconstruction services are completed, and subcontractors are selected by (See listing) for the Project, the guaranteed maximum price for the Project shall be negotiated and finalized for the Project. The District's Board of Education must approve the 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 Education 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 Beverly Hills Unified School District this 14<sup>th</sup> day of November, 2017, by the following vote:

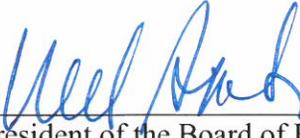
AYES: 5

NOES: 0

ABSENT: 0

ABSTAINED: 0

I, Mel Spitz, President of the Beverly Hills Unified School District Board of Education, 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.



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President of the Board of Education  
Beverly Hills Unified School District

I, Michael Bregy, Clerk of the Board of Education of the Beverly Hills Unified School District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Education of the Beverly Hills Unified School District at a regular meeting thereof held on the 14<sup>th</sup> day of November, 2017, by the following forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Beverly Hills Unified School District this 14 day of Nov., 2017.



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Clerk of the Board of Education  
Beverly Hills Unified School District

Attachment Listing Contractors

(Order not reflective of ranking)

1. Pinner Construction
2. West Coast Air
3. Bernards Brothers
4. 2H Construction
5. ProWest

Qualified Contractors that did not score above threshold in paper-screening

1. Bernards Brothers
2. 2H Construction
3. Pinner Construction