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Memo

To Board of Education
From Joe Dominguez, Deputy Chief Facilities
Marion McWilliams, General Counsel
Board Meeting Date January 25, 2017
Subject Resolution Adopting Best Value Procedures and Guidelines

Action Requested Approval by the Board of Education of RESOLUTION NO. 1617-0010 OF THE OAKLAND UNIFIED SCHOOL DISTRICT ADOPTING BEST VALUE PROCEDURES AND GUIDELINES PURSUANT TO EDUCATION CODE SECTION 17406

Discussion Effective January 1, 2017, under Education Code section 17406, the District must award Lease Leaseback (LLB) Projects based on a competitive solicitation process to the proposer providing the best value to the District, taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. These new statutory provisions apply to LLB Projects and related contracts, including those for which the Division of State Architects (DSA) has not finally approved plans and specifications. Before awarding a Facilities Lease and Site Lease for the LLB Project, the District's Governing Board must adopt and publish required procedures and guidelines ("Best Value Methodology") for evaluating the qualifications of proposers that ensure the best value selections by the District are conducted in a fair and impartial manner. This resolution sets forth a recommended methodology.

Recommendation Approval by the Board of Education of RESOLUTION NO. 1617-0010 OF THE OAKLAND UNIFIED SCHOOL DISTRICT ADOPTING BEST VALUE PROCEDURES AND GUIDELINES PURSUANT TO EDUCATION CODE SECTION 17406

Fiscal Impact None

Attachments

- Resolution No. 1617-0010

**RESOLUTION NO. 1617-0010
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
ADOPTING LEASE LEASEBACK BEST VALUE PROCEDURES AND
GUIDELINES
PURSUANT TO EDUCATION CODE SECTION 17406**

WHEREAS, the Oakland Unified School District ("District") desires to undertake lease-leaseback projects ("LLB Projects") in accordance with applicable law;

WHEREAS, effective January 1, 2017, under Education Code section 17406, the District must award LLB Projects based on a competitive solicitation process to the proposer providing the best value to the District, taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required;

WHEREAS, the Best Value competitive solicitation process applies to construction contracts for new LLB Projects in the District, including those for which the Division of State Architects (DSA) has not finally approved plans and specifications;

WHEREAS, before awarding a Facilities Lease and Site Lease for the LLB Project, the District's Governing Board must adopt and publish required procedures and guidelines ("Best Value Methodology") for evaluating the qualifications of proposers that ensure the best value selections by the District are conducted in a fair and impartial manner;

WHEREAS, the District's Best Value Methodology shall be mandatory when awarding LLB Projects;

WHEREAS, District staff has developed a Best Value Methodology to evaluate the qualifications of proposers, which is attached hereto as **EXHIBIT A**;

WHEREAS, the Best Value Methodology incorporates the required procedures of Education Code section 17406(a)(2), including, identification of criteria, methodology for evaluating each criterion, and the weight assigned to each criterion; and

WHEREAS, the District desires to adopt and publish the Best Value Methodology to evaluate the qualifications of proposers for its LLB Projects.

NOW, THEREFORE, the Board of Education of the Oakland Unified School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That the above recitals are true and correct.

Section 2. That the Board of Education hereby determines that it is in the best interest of the school district to authorize lease-leaseback project procurement for the construction of District projects pursuant to Education Code Section 17406.

Section 3. That the Best Value Methodology is adopted and published pursuant to Education Code section 17406.

Section 4. That the District's Superintendent, or designee, is authorized to implement the Best Value Methodology when evaluating the qualifications of proposers when awarding contracts for its LLB Projects and to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

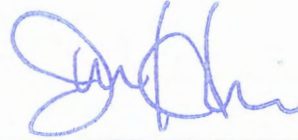
APPROVED, PASSED AND ADOPTED by the Board of Education the Oakland Unified School District on this 25th day of January, 2017, by the following vote:

AYES: Roseann Torres, Aimee Eng, Shanthi Gonzales, Jody London, Jumoke Hinton Hodge, Vice President Nina Senn, President James Harris

NOES: None

ABSTAIN: None

ABSTENT: None



James Harris
President, Board of Education of the
Oakland Unified School District

Attested to:



Antwan Wilson
Superintendent and Secretary, Board of Education of the
Oakland Unified School District

EXHIBIT A

BEST VALUE METHODOLOGY FOR DISTRICT'S LEASE-LEASEBACK PROJECTS PURSUANT TO EDUCATION CODE SECTION 17406

1. Procedure for Soliciting Proposals

- a. The District shall prepare a request for sealed proposals ("RFP") from qualified proposers. The District shall include in the RFP:
 - i. an estimate of the price of the Project;
 - ii. a clear, precise description of any preconstruction services that may be required, and the facilities to be constructed;
 - iii. the key elements of the instrument to be awarded;
 - iv. a description of the format that proposals must follow, including the elements they must contain;
 - v. the standards the District will use in evaluating proposals;
 - vi. the date upon which proposals are due; and
 - vii. the timetable the District will following in reviewing and evaluating proposals.
- b. The District shall give notice of the RFP by publishing the notice:
 - i. in accordance with the requirements of Public Contract Code section 20112, by publishing notice in a newspaper of general circulation published in the District, or if there is no such paper, then in some newspaper of general circulation circulated in the county; and
 - ii. in a trade paper of general circulation at least once a week for two weeks.
- c. In order to submit a proposal, a proposer shall be prequalified in accordance with subdivisions (b) to (m), inclusive, of Public Contract Code section 20111.6.
- d. If electrical, mechanical, and plumbing subcontractors are used, they shall be subject to the same prequalification requirements for prospective bidders described in subdivisions (b) to (m), inclusive, of Public Contract Code section 20111.6, including the requirement for completion and submission of a standardized prequalification questionnaire and financial statement that is verified under oath and is not a public record.

2. Contents of Requests for Proposals

- a. The RFP shall identify all criteria that the District will consider in evaluating the proposals and qualifications of the proposers, by considering, relevant experience, safety record, price proposal, and other factors specified in the RFP.

- b. The price proposal shall include, at the District's discretion, either a lump-sum price for the Project 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.
- c. The RFP shall specify whether each criterion will be evaluated pass-fail, or will be scored as a best value score, and whether proposers must achieve any minimum qualification score for award of the contract.

3. Methodology and Weighting System

- a. The District's criteria and rating system is as follows:

CRITERIA ITEM	DESCRIPTION	MAXIMUM POINTS
Local Business Board Policy	Compliance w/ District's S/LBE policy (BP & AR 7115)	Pass-Fail
Price Points	Price Points include without limitation, preconstruction services cost, developer fee/profit & overhead, subcontractor mark-up, general conditions cost, contingency, and financing terms; District's S/LBE policy applies	25 points
Technical Expertise	Technical Expertise and relevant experience with like-Projects	40 points
Safety	Safety record	5 points
Schedule	Project Schedule sample	10 points
Staffing	Proposed Staffing and Management Approach	10 points
Financial Strength	Includes without limitation Working Capital, Net Worth, Ability to Bond and restrictions, if any, Insurance limits	10 points
		MAXIMUM POINTS: <u>100</u>

- b. Based on these criteria and rating system, District staff assigns points to each proposer and calculates the percentage of points assigned for each criterion and for the total maximum points. The higher the percentage point, the higher the proposer is ranked, and the more it reflects the better combination of price and qualifications for the Project.

4. Evaluation and Award

Proposals shall be evaluated and the Project awarded in the following manner:

- a. All proposals received shall be reviewed to determine those that meet the format requirements and the standards specified in RFP.
- b. District shall evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the RFP, 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.
- c. The District's Board of Education shall award the Project to the responsive proposer whose proposal is determined, in writing by the Board of Education, to be the best value to the District.
- d. If the selected proposer refuses or fails to execute the tendered proposed contract, the Board of Education may award the contract to the proposer with the second highest best value score if it 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 Board of Education may award the instrument to the proposer with the third highest best value score if it deems it to be for the best interest of the District.
- e. 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.

5. Discretion to Reject Proposals

The District's Board of Education, at its sole discretion, may reject all proposals and request new proposals

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