

File ID Number: 13-0842
Introduction Date: 5/22/13
Enactment Number: 13-0910
Enactment Date: 5-22-13
By:

**OAKLAND UNIFIED SCHOOL DISTRICT
OFFICE OF THE SUPERINTENDENT
May 22, 2013**

TO: Board of Education

FROM: Tony Smith, Ph. D, Superintendent
Timothy White, Associate Superintendent for Facilities Planning & Management

SUBJECT: Increased Construction Budget Expenditure and Amendment of Facilities Lease To Lease Back Agreements Pertaining to the Calvin Simmons Improvements and New Construction Project

ACTION REQUESTED

Approval by the Board of Education of Resolution No. **1213-0128** **Approval of Increased Construction Budget Expenditure and Amendment of Facilities Lease to the Lease Back Agreement Pertaining to the Calvin Simmons Improvements and New Construction Project**, in the amount of \$1,200,000.00 for the Calvin Simmons Improvements and New Construction Project ("Project") #07140, increasing the Guaranteed Project Cost (GPC), for reasons stated herein, from \$12,641,513.00 to \$13,841,513.00.

BACKGROUND

The budget for the Calvin Simmons Improvements and New Construction Project, file I.D. # 12 -1337, was approved by the Board of Education on May 23, 2012 in the amount of \$16,135,000.00. The Guaranteed Project Cost ("GPC") for the Project submitted by the Developer, Cahill/Focon JV ("Developer") was \$12,641,000.00. The funds left remaining in the approved budget for the Project, after allocation of the GPC equal \$3,493,000.00.

Staff is requesting that the Board of Education approve a transfer of funds from the existing budget for the Project to increase the GPC due to unforeseen conditions and owner requested items, outside the Developer's control.

The redistribution of the Project budget will result in the following GPC and contingency changes:

Under Article 2.1.6 of Exhibit C to the Facilities Lease, the District Allowance is for the exclusive use of the District for additional owner generated Project costs and unforeseen conditions is listed as \$435,174.00. The transfer will increase the District Allowance from \$435,174.00 to \$1,635,174.00.

Under Exhibit C, Attachment 2, the GPC is listed as \$12,641,000.00 and following the transfer, will increase to \$13,841,000.00.

The total redistribution of existing Project budget funds is \$1,200,000.00.

The transfer of existing Project funds will remedy the insufficient allocation due to two (2) unforeseen active sanitary sewer lines currently located underneath both the existing and the new school. The increase will also compensate for the classroom deficit attributed to the Grade Configuration Change From 9-12 to 6-12 by the Board of Education approved Resolution No. 1112-0081 on November 16, 2011.

FISCAL IMPACT:

\$1,200,000.00. (Delta between original \$12,641,513.00 GPC and new \$13,841,513.00 GPC that transfers funds from the approved \$16,135,000.00 budget.)

RECOMMENDATION:

Approval by the Board of Education of Resolution No. ~~0128~~ ¹²¹³⁻ **Approval of Increased Construction Budget Expenditure and Amendment of Facilities Lease to the Lease Back Agreements Pertaining to the Calvin Simmons Improvements and New Construction Project**, in the amount of \$1,200,000.00 for the new construction project ('Project") #07140, increasing the Guaranteed Project Cost (GPC), for reasons stated herein, from \$12,641,513.00 to \$13,841,513.00.

**BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 1213-0128**

**APPROVAL OF INCREASED CONSTRUCTION BUDGET EXPENDITURE AND AMENDMENT OF LEASE
BACK AGREEMENTS PERTAINING TO THE CALVIN SIMMONS IMPROVEMENTS AND NEW
CONSTRUCTION PROJECT**

WHEREAS, the Board of Education approved Resolution No. 1112-0732 (Enactment No. 12-1434) on May 23, 2012, designating \$16,135,000.00 as the approved project budget for the Calvin Simmons Improvements and New Construction Project ("the Project"); and

WHEREAS, the Board approved (Resolution No.1112-0728) on May 23, 2012, the Lease Leaseback Method of Construction Delivery for and authorized the execution of Site Lease Agreement, Facilities Lease Agreement and Other Acts Relating to the Calvin Simmons Middle School Modernization and New Construction Project ("the Project") with Cahill/Focon, JV ("Developer") for the Guaranteed Project Cost (GPC) of \$12,641,513.00; and

WHEREAS, Project unforeseen conditions and owner requested changes outside of the Developer's control have occurred resulting in an increase in costs by \$1,200,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves an \$1,200,000.00 increase in the GPC with Developer from \$12,641,513.00 to \$13,841,513.00, with said increase to be taken from (appropriated) said project budget approved May 23, 2012; and

BE IT FURTHER RESOLVED that the Board authorizes and approves Amendment of the Site Lease Agreement, Facilities Lease Agreement and Other Acts Relating to the Project to the extent necessary to effectuate the increase in the GPC with Developer.

PASSED AND ADOPTED by the Board of Education the Oakland Unified School District, this 22nd day of May, 2013, by the following vote:

AYES: Jody London, Roseann Torres, Christopher Dobbins, James Harris,
Vice President Jumoke Hinton Hodge and President David Kakishiba

NOES: None

ABSTAINED: None

ABSENT: None

CERTIFICATION

I, Edgar Rakestraw, Secretary of the Board of Education of the Oakland Unified School District, Alameda County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 22nd day of May, 2013, with a copy of such Resolution being on file in the Office of the Board of Education of said District.



Edgar Rakestraw, Jr.
Secretary, Board of Education

LEGISLATIVE FILE


File ID No. 12-1337
Introduction Date 5-23-2012
Enactment No. 12-1434
Enactment Date 5-23-12
By TS

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Board of Education
May 23, 2012

To: Board of Education

From: Tony Smith, Ed.D., Superintendent
Timothy E. White, Associate Superintendent of Facilities Planning & Management, Buildings & Grounds and Custodial Services

Subject: **Authorizing and Approving the Project Budget Increase for the Calvin Simmons Improvements and New Construction Project in the amount of \$4,295,000.00, increasing the current amount of \$11,840,000.00 to \$16,135,000.00**



ACTION REQUESTED

Approval by the Board of Education of Resolution No. 1112-0732 - Authorizing and approving the Project Budget Increase for the Calvin Simmons Improvements and Career Tech Lab in the amount of \$4,295,000.00, increasing the current amount of \$11,840,000.00 to \$16,135,000.00.

BACKGROUND

In keeping with the Oakland Unified School District's commitment to the improvement and development of its K-12 facilities, the District has embarked on a groundbreaking plan to create a district-wide modernization of the District's schools.

STRATEGIC ALIGNMENT

Among the key purposes of the District's Facilities Master Plan is to provide an academic environment for the Oakland community that will give every student, educator, and community member using our facilities the best possible opportunity for learning.

Through implementation of the Facilities Master Plan, the District intends to improve the District's facilities in terms of structural integrity, safety, reliability of operating (mechanical) systems, access to modern resources, number and type of appropriate laboratories and specialized instruction rooms, opportunities for physical education, and attractiveness, such that the Oakland Public Schools are second to none. Operation of the District schools under the planned approach is intended to ensure safety, cleanliness, and orderliness for all individuals participating in the learning process.

The basic facility needs of students such as proper lighting, functional roofs, noise control and well maintained buildings, not only convey the message that we value our students and teachers but may foster a sense of school pride and community ownership which may improve attitudes towards learning. The implementation of the Facilities Master Plan is our first step in that direction.

FISCAL IMPACT

The funding source for this project budget is General Obligation Bond-Measure B.

RECOMMENDATION

Approval by the Board of Education of Resolution No. 1112-0732 - Authorizing and approving the Project Budget Increase for the Calvin Simmons Improvements and Career Tech Lab in the amount of \$4,295,000.00, increasing the current amount of \$11,840,000.00 to \$16,135,000.00.

ATTACHMENTS

Resolution No. 1112-0732 - Authorizing and approving the Project Budget Increase for the Calvin Simmons Improvements and Career Tech Lab in the amount of \$4,295,000.00, increasing the current amount of \$11,840,000.00 to \$16,135,000.00.

Site	Measure	Project Number	Project Budget	Project Budget Increase	Total Project Budget
Calvin Simmons Improvements and Career Tech Lab	Measure B	07140	\$11,840,000.00	\$4,295,000.00	\$16,135,000.00

**RESOLUTION OF THE
BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 1112-0732

**AUTHORIZING AND APPROVING THE PROJECT BUDGET INCREASE FOR
CALVIN SIMMONS IMPROVEMENTS AND CAREER TECH LAB PROJECT**

WHEREAS, in keeping with the Oakland Unified School District's commitment to the improvement and development of its K-12 facilities, District staff has prepared the listed New Project Budget, Project Code and Key Code with an attached detailed explanation of the budget component costs; and

WHEREAS, authorization and approval of the Project Budget Increase for the Calvin Simmons Improvements and Career Tech Lab Project, the budget increase is attributable to the following issues: scope development to meet site needs (turf field/landscaping/electrical upgrade) in connection with the relocation of the Lab Building at 2111 International to Calvin Simmons; and scope development related to modernization work to accommodate the new middle school approved for Life Academy effective fall 2012, and;

WHEREAS, the following table represents the Project Budget Increase for this project, which incorporates all project costs and fees per the attached Board Budget Breakdown to this Resolution, which provides a detailed summary of the costs comprising the Project Budget Increase:

Site	Measure	Project Number	Project Budget	Project Budget Increase	Total Project Budget
Calvin Simmons Improvements and Career Tech Lab	Measure B	07140	\$11,840,000.00	\$4,295,000.00	\$16,135,000.00

RESOLUTION OF THE
BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 1112-0732

AUTHORIZING AND APPROVING THE PROJECT BUDGET INCREASE FOR
CALVIN SIMMONS IMPROVEMENTS AND CAREER TECH LAB PROJECT

Page 2

NOW, THEREFORE, BE IT RESOLVED, that the Project Budget Increase for the Calvin Simmons Improvements and Career Tech Lab Project in the amount stated herein for the purpose listed are hereby approved.

Passed by the following vote:


AYES: David Kakishiba, Gary Yee, Christopher Dobbins, Noel Gallo,
Vice President Jumoke Hinton Hodge and President Jody London

NOES: Alice Spearman

ABSTAINED: None

ABSENT: None

I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted, at a Regular Meeting of the Governing Board of the Oakland Unified School District held on May 23, 2012.


Edgar Rakestraw, Jr.
Secretary, Board of Education

File ID Number: 12-1937
Introduction Date: 5-23-12
Enactment Number: 12-1934
Enactment Date: 5-23-12
By: 82

ATTACHMENT A
Resolution 1112-0732

Calvin Simmons Improvements and Career Tech Lab

Project Number: 07140

Key Code: 2059901820

Project Description: Budget increase is attributable to the following issues: scope development to meet site needs (turf field/landscaping/electrical upgrade) in connection with the relocation of the Lab Building at 2111 International to Calvin Simmons; and scope development related to modernization work to accommodate the new middle school approved for Life Academy effective fall 2012.

Budget Code	Budget Description	Original Total		Total
4400	Cap Exp Over \$500 but under thr	\$ -	\$	-
6105	Site Purchase	\$ -	\$	-
6112	Appraisals	\$ -	\$	-
6132	Escrow Costs	\$ -	\$	-
6160	Surveying Costs	\$ 100,000.00	\$	100,000.00
6150	Site Support Costs	\$ -	\$	-
6145	Relocation Assistance	\$ -	\$	-
6170	Hazardous Waste	\$ -	\$	-
6175	Demolition	\$ -	\$	-
6180	Utility Hookup Fees	\$ -	\$	-
6190	Other Site Costs	\$ -	\$	-
6215	Architect/Engineering Costs	\$ 1,184,000.00	\$	1,184,000.00
6222	DASH Fees	\$ 50,000.00	\$	50,000.00
6232	CEDE Fees	\$ -	\$	-
6242	Energy Analysis	\$ -	\$	-
6252	Preliminary Tests	\$ -	\$	-
6262	Other Planning Costs	\$ 50,000.00	\$	50,000.00
6271	Main Construction	\$ 8,972,000.00	\$ 4,295,900.00	\$ 13,267,900.00
6272	Construction Management	\$ -	\$	-
6274	Other Construction	\$ -	\$	-
6276	Moving Expenses	\$ -	\$	-
6278	Interim Housing	\$ -	\$	-
6265	Testing	\$ 100,000.00	\$	100,000.00
6235	Inspections	\$ 200,000.00	\$	200,000.00
6299	Contingency (Budget Use Only)	\$ 1,184,000.00	\$	1,184,000.00
6410	Furniture and Equipment	\$ -	\$	-
6414	Desktop Computers	\$ -	\$	-
6415	Network Equipment	\$ -	\$	-
6416	Printers	\$ -	\$	-
6417	Video Equipment	\$ -	\$	-
6418	Computer Servers	\$ -	\$	-
6420	Other Technology Equipment	\$ -	\$	-
	Totals	\$ 11,840,000.00	\$ 4,295,900.00	\$ 16,135,900.00

12-1337

OAKLAND UNIFIED SCHOOL DISTRICT
FACILITIES PLANNING AND MANAGEMENT DEVELOPMENT
BUDGET INCREASE AUTHORIZATION FORM

11/2-0730

FORM INITIATION DATE: May 11, 2012
PROJECT NAME: Simmons Improv./Career Tech Lab
PROJECT TYPE: New Construction/Modernization
FUNDING SOURCE: Measure B
PROJECT NUMBER: 07140
SITE NUMBER: 205
PROJECT MANAGER: Al Anderson

REASON FOR BUDGET INCREASE:

Budget increase is attributable to the following issues: scope development to meet site needs (turf field/landscaping/electrical upgrade) in connection with the relocation of the Lab Building at 2111 International to Calvin Simmons; and scope development related to modernization work to accommodate the new middle school approved for Life Academy effective fall 2012.

INITIAL PROJECT BUDGETS:

(For Accounting Use Only)

BUDGET KEY CODE	BUDGET OBJECT CODE	DESCRIPTION	AMOUNT
	6271	Construction	\$ 4,295,000.00
		Subtotal	\$ 4,295,000.00

Original Budget \$ 11,840,000.00
Budget Increase (# --) \$ 4,295,000.00
Revised Budget Amount \$ 16,135,000.00

AUTHORIZED SIGNATURES:



DIRECTOR OF FACILITIES

5/17/12

DATE

ASSISTANT SUPERINTENDENT

DATE

BOARD APPROVAL:

CONTRACT ADMINISTRATOR

DATE

- CC CONTRACT ADMINISTRATION FOR SUBMITTAL TO BOARD
- ACCOUNTING FOR BUDGET LOADING
- GKK / MCCARTHY FOR INPUT INTO PROJECT TOOL



Oakland Unified School District

Board of Education
LaEscuelita Education Center
1050 2nd Avenue,
Workspace B-237 (2nd Floor)
Oakland, CA 94606-2212
(510) 878-8199 Voice
(510) 273-3235 Fax
(510) 273-3474 TTY/TDD
boe@ousd.k12.ca.us

Legislation Details (With Text)

File #: 12-1316 **Version:** 1 **Name:** Lease Lease Back Agreement, Facilities - Cahill/Focon Joint Venture - Calvin Simmons Middle School Modernization and New Construction Project

Type: Agreement or Contract **Status:** Passed

File created: 5/23/2012 **In control:** Facilities Committee

On agenda: **Final action:** 5/23/2012

Enactment date: 5/23/2012 **Enactment #:** 12-1338

Title: Approval by the Board of Education of Resolution No. 1112-0728 - Approving the Execution and Delivery of the Site Lease Agreement, Facilities Lease Agreement and Other Acts Relating to the Calvin Simmons Middle School Modernization and New Construction Project, Located at Calvin Simmons Middle School, 2101 35th Avenue, Oakland, CA 94601-3124 with Cahill/Focon Joint Venture for Developer's Guaranteed Project Cost not to exceed \$12,641.513.

Sponsors:

Indexes:

Code sections:

Attachments: 12-1316 LLBAF - Cahill/Focon Joint Venture - Calvin Simmons Middle School Modernization and New Construction Project

Contact:

Date	Ver.	Action By	Action	Result
5/23/2012	1	Board of Education	Adopted	Pass

Title
Approval by the Board of Education of Resolution No. 1112-0728 - Approving the Execution and Delivery of the Site Lease Agreement, Facilities Lease Agreement and Other Acts Relating to the Calvin Simmons Middle School Modernization and New Construction Project, Located at Calvin Simmons Middle School, 2101 35th Avenue, Oakland, CA 94601-3124 with Cahill/Focon Joint Venture for Developer's Guaranteed Project Cost not to exceed \$12,641.513.

Body
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Board Office Use: Legislative File Info.	
File ID Number	11-2990
Introduction Date	11-7-11
Enactment Number	11-2463
Enactment Date	11-16-11



OAKLAND UNIFIED
SCHOOL DISTRICT

**Resolution of
GOVERNING BOARD
OF THE OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No 1112-0081

School Portfolio Management – Life Academy - Grade Configuration Change From 9-12 to 6-12 – Effective School Year 2012-2013

WHEREAS, the Strategic Plan unanimously adopted by the Board of Education calls for restructuring that considers the number and type of schools the District operates; and

WHEREAS, the District currently operates three schools serving grades K-8 and one school serving grades 6-12 that are oversubscribed and maintain long waiting lists; and

WHEREAS, the City of Oakland hosts nine charter schools serving grades K-8 and five charter schools serving grades 6-12 that are popular among families and serve approximately 4,660 students; and

WHEREAS, research indicates the benefits of extended learning opportunities and continuous relationships among adults and students that supports increased academic achievement particularly for students that require additional support, which supports the benefits of increasing school program options for families that include grade configurations that serve students longer; and

WHEREAS, the District has identified a trend in academic performance as evidenced by CST test scores demonstrating a drop in performance over-all when students make the transition from 5th to 6th grade and from 8th to 9th grade, which for some students may be mitigated by school programs that bridge these transitions; and

WHEREAS, the school quality standards approved by the Board of Education as part of the District's Five Year Strategic Plan specifically state that a Quality Central Office "helps schools manage key student transitions between grades, among levels of schooling, and between schools," and

WHEREAS, the District has developed preliminary criteria to evaluate the readiness of a school proposing to change its grade configuration that includes the following:

- Demonstrated success serving the academic, social and emotional needs of students
- Staff and family interest in the proposed grade configuration change
- Staff and leadership capacity to successfully develop and implement an expanded grades program



- Facility feasibility analysis that determines the required costs associated with modifications necessary to accommodate a grade configuration change; and
- Analysis of the demographic and enrollment implications of the proposed grade configuration change; and

WHEREAS, the District has determined that Life Academy has demonstrated sustained academic success in preparing students for College and Career as evidenced by their course offerings and students success in these courses, graduation rates, and college acceptance rates; and

WHEREAS, the District has determined that the staff and families of Life Academy are interested in and in support of the school expanding to serve grades 6-12; and

WHEREAS, the District has evaluated the facility where the school is currently located and determined that modifications necessary to support the expanded grades program can be funded within the scope of the current facilities modernization allocation for the Calvin Simmons campus, which would include efforts to upgrade the facility in support providing a welcoming environment for both schools located on the campus; and

WHEREAS, the District is committed to providing school design support through an Expanding Grades Design process with the inclusion of a design team that involves teachers, parents, and community partners, facilitated by the Coordinator for School Portfolio Management that will ensure the development of a comprehensive Expanded School Plan by May 1, 2012 to be recommended to the Board of Education; and

WHEREAS, the District has determined that Life Academy provides a unique program emphasizing the science and health that would be of educational benefit to all students throughout Oakland and in order to ensure greater access for all students, as well as to promote the ethnic and racial diversity of the program, the school would operate as an Open Enrollment program, similar to the current MetWest High School program, without an identified attendance area, and would actively work to provide information to families throughout the District,

NOW, THEREFORE, BE IT RESOLVED THAT, upon the recommendation of the Superintendent of Schools, the Board hereby approves and designates Life Academy, currently a 9-12 grade school, as an Open Enrollment 6-12 grade school, effective school year 2012-2013 and authorizes the addition of one grade a school year, commencing with 6 grade, with the school obtaining full 6-12 grade status in school year 2014-2015; and

BE IT FURTHER RESOLVED that the Superintendent of Schools or his designee is authorized to take any and all action, save an action required of the Governing Board by law, regulation or Board Policy, to effectuate the foregoing.



Passed by the following vote:

AYES: David Kakishiba, Gary Yee, Noel Gallo, Christopher Dobbins,
Alice Spearman, Vice President Jumoke Hinton Hodge and President Jody London

NOES: None

ABSTAIN: None

ABSENT: None

I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted at a Regular Meeting of the Governing Board of the Oakland Unified School District held on November 16, 2011.

Edgar Rakestraw, Jr.
Secretary, Board of Education

File ID Number: 11-2990
Introduction Date: 11-7-11
Enactment Number: 11-2468
Enactment Date: 11-16-11
By: ER

OAKLAND UNIFIED SCHOOL DISTRICT
OFFICE OF THE SUPERINTENDENT
May 22, 2013

TO: Board of Education

FROM: Tony Smith, Ph. D, Superintendent
Timothy White, Associate Superintendent for Facilities Planning &
Management

SUBJECT: Increased Construction Budget Expenditure and Amendment of
Facilities Lease To Lease Back Agreements Pertaining to the Calvin
Simmons Improvements and New Construction Project

ACTION REQUESTED

Approval by the Board of Education of Resolution No. ____ **Approval of Increased Construction Budget Expenditure and Amendment of Facilities Lease to the Lease Back Agreement Pertaining to the Calvin Simmons Improvements and New Construction Project**, in the amount of \$1,200,000.00 for the Calvin Simmons Improvements and New Construction Project ("Project") #07140, increasing the Guaranteed Project Cost (GPC), for reasons stated herein, from \$12,641,513.00 to \$13,841,513.00

BACKGROUND

The budget for the Calvin Simmons Improvements and New Construction Project, file I.D. # 12 -1337, was approved by the Board of Education on May 23, 2012 in the amount of \$16,135,000.00. The Guaranteed Project Cost ("GPC") for the Project submitted by the Developer, Cahill/Focon JV ("Developer") was \$12,641,000.00. The funds left remaining in the approved budget for the Project, after allocation of the GPC equal \$3,493,000.00.

Staff is requesting that the Board of Education approve a transfer of funds from the existing budget for the Project to increase the GPC due to unforeseen conditions and owner requested items, outside the Developer's control.

The redistribution of the Project budget will result in the following GPC and contingency changes:

Under Article 2.1.6 of Exhibit C to the Facilities Lease, the District Allowance is for the exclusive use of the District for additional owner generated Project costs and unforeseen conditions is listed as \$435,174.00. The transfer will increase the District Allowance from \$435,174.00 to \$1,635,174.00.

Under Exhibit C, Attachment 2, the GPC is listed as \$12,641,000.00 and following the transfer, will increase to \$13,841,000.00.

The total redistribution of existing Project budget funds is \$1,200,000.00.

The transfer of existing Project funds will remedy the insufficient allocation due to two (2) unforeseen active sanitary sewer lines currently located underneath both the existing and the new school. The increase will also compensate for the classroom deficit attributed to the Grade Configuration Change From 9-12 to 6-12 by the Board of Education approved Resolution No. 1112-0081 on November 16, 2011.

FISCAL IMPACT: \$1,200,000.00. (Delta between original \$12,641,513.00 GPC and new \$13,841,513.00 GPC that transfers funds from the approved \$16,135,000.00 budget.)

Recommendation:

Approval by the Board of Education of Resolution No. _____ **-Approval of Increased Construction Budget Expenditure and Amendment of Facilities Lease to the Lease Back Agreements Pertaining to the Calvin Simmons Improvements and New Construction Project,** in the amount of \$1,200,000.00 for the new construction project ('Project") #07140, increasing the Guaranteed Project Cost (GPC), for reasons stated herein, from \$12,641,513.00 to \$13,841,513.00.