

Board of Trustees Agenda Item

Board Meeting Date: February 6, 2012

Title of Item: Lease-Leaseback Construction Procurement Process for the De Anza College ATC Renovation Project

Background and Analysis:

Information was provided to the Board of Trustees on December 7, 2009 and January 19, 2010 concerning the use of a Lease-Leaseback construction procurement process for Measure C projects. The information included a discussion of the legal aspects of the process as well as the likely risks and benefits associated with construction using the authority provided under the Education Code section 81335. On August 31, 2010, a default judgment was issued by the Santa Clara County Superior Court which confirmed the validity of the use of this procurement process. Since that time the Board has approved the use of Lease-Leaseback procurement for three projects: the Mediated Learning Center, the Physical Sciences & Engineering Center, and the District Data Center.

The procurement process for this project will be consistent with the process used for previously-approved projects, and it will include the same key decision/Board approval steps. The Board will be requested to review and approve key decisions and actions in the procurement process over a period of time. Target dates for key actions associated with the project are as follows:

- July, 2012 - Approval of the Lease-Leaseback contractor based upon a Request for Qualifications and Request for Proposals process.
- July, 2012 - Award of a pre-construction services agreement for the Lease- Leaseback contractor.
- Fall, 2012 - Approval of a Site Lease and a Facilities Lease with the Lease- Leaseback contractor including a guaranteed maximum price for building renovation based on DSA-approved plans and Specifications.
- Winter, 2012 – Construction commences on the ATC building.

Recommendation: Executive Director of Facilities, Operations, and Construction Management Charles Allen recommends Board approval of the initiation of a construction procurement process under the Lease-Leaseback provision of Education Code Section 81335 for the ATC project subject to the subsequent Board approvals as noted

Submitted by:	Charles Allen, Exec. Dir.of Facilities, Operations, and Construction Management
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Is backup provided?	No