

## **Board of Trustees Agenda Item**

**Board Meeting Date:** June 18, 2012

**Title of Item:** Lease-Leaseback Construction Procurement Process for the Foothill College Library & ISC; Measure C Project #121

### **Background and Analysis:**

Measure C project #121, Library & ISC consists of the renovation of Foothill College buildings 3500 and 3600. Discussions between District and College staff, Gilbane Maas and the project's architect, Ratcliff, have concluded that the Lease-Leaseback project delivery method is the most appropriate delivery method for this project. The project is currently in the programming phase, and pre-construction services by the selected contractor can begin during early design phase to assist in defining the budget and ensuring the quality of the project.

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.

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:

- September, 2012 - Approval of the Lease-Leaseback contractor based upon a Request for Qualifications and Request for Proposals process, and award of a pre-construction services agreement.
- March, 2014 - Approval of a Site Lease and a Facilities Lease with the Lease- Leaseback contractor including a guaranteed maximum price to construct the project.

**Recommendation:** The Executive Director of Facilities, Operations, and Construction Management recommends that the Board approve the initiation of a construction procurement process under the Lease-Leaseback provision of Education Code section 81335 for Measure C Project #121, Foothill College Library & ISC Renovation 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