

Board of Trustees Agenda Item

Board Meeting Date: January 19, 2010

Title of Item: Lease Leaseback Construction Delivery Model; Follow-up discussion from the December 7, 2009 Board meeting.

Background and Analysis:

Use of a Lease / Leaseback type of procurement for our upcoming Measure C projects entitled Physical Sciences and Engineering Center at Foothill and Mediated Learning Center at De Anza is being evaluated.

Both of these projects are large projects in the \$35M construction value range. Using a Lease Leaseback type of contract delivery model under the authority of Ed Code Section 81335 has distinct advantages over the traditional design-bid-build method. A presentation was made on December 7, 2009 that summarizes the process and the advantages.

Attached is additional information on this construction delivery method for follow-up discussion with the Board.

Additionally, a draft Request for Qualifications, for the Physical Sciences and Engineering Center is attached.

Recommendation: For Information


| | |
|---------------------------|---|
| Submitted by: | Charles Allen |
| Additional contact names: | Carmen Redmond, Andy Dunn, Vice Chancellor, ext. 6201 |
| Is backup provided? | Yes |



FOOTHILL-DE ANZA
Community College District



Foothill College




De Anza College

Board of Trustees Presentation

Measure C Lease-Leaseback Construction Delivery Option Additional Discussion

(follow-up from December 7, 2009 Board Meeting)

January 19, 2010



FOOTHILL-DE ANZA
Community College District

Talking Points

- ❖ **Legal opinion discussion with Phil Jaret**
 - ❖ Education Code Section 81335
 - ❖ Fairness and outreach
 - ❖ Final decision after establishing GMP
 - ❖ Board resolution
 - ❖ Validation action

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Talking Points

❖ **Scope of Services for Lease Leaseback (LLB) Contractor includes**

- ✓ Pre-construction
 - ✓ Document review and schedule preparation
 - ✓ Develop guaranteed maximum price
 - ✓ Enter into lease / construction agreement with District
- ✓ General contractor during construction phase

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Talking Points

❖ **Request for Qualifications**

- ✓ Public advertizing / maximum outreach
- ✓ Screening for “short list” (3 – 6) based upon criteria that includes the following
 - ✓ Firm’s Experience and qualifications
 - ✓ Project team experience and qualifications
 - ✓ Past performance including litigation history

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Talking Points

❖ Request for Proposals

(will be issued to the 3 to 6 most qualified firms based upon the RFQ phase)

✓ Selection criteria

- ✓ Experience, qualifications and past performance
- ✓ Approach and methodology
- ✓ Subcontractor pre-qualification procedures
- ✓ Interview results
- ✓ Price proposal
 - ✓ Preconstruction services
 - ✓ Contractor's Construction and Post-construction services
 - ✓ Contractor Contingency
 - ✓ Contractor Overhead and profit

5

Talking Points

Price Competition in preparing the Guaranteed Maximum Price

| | | |
|---|------------|---------------------------------|
| ¹ Direct Cost | \$\$\$\$ | Subcontractors bids |
| ² Contractor's Construction and Post-construction services | \$ | Fee proposal (% of Direct Cost) |
| ² Contractor's Contingency | \$ | Fee proposal (% of Direct Cost) |
| ² Contractor's Overhead & Profit | \$ | Fee proposal (% of Direct Cost) |
| Total | \$\$\$\$\$ | |

Notes:

- 1 Price competition from subcontractors bids
- 2 Price competition in RFP phase for General Contractor selection

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Talking Points

❖ Cost Comparison

(Lease Leaseback (LLB) Contractor v. Firm Fixed Price Low Bid)

| <u>Element of Cost</u> | <u>Increase/Decrease</u> |
|---|--------------------------|
| Direct Construction | ~ Equal |
| District (Construction Management) Administration | LLB Contractor Lower |
| Delay Cost | LLB Contractor Lower |
| Claims / Claims Avoidance | LLB Contractor Lower |
| Design Professional Construction Administration | LLB Contractor Lower |

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Talking Points

❖ Changes clause — contractor will be responsible for conflicts, ambiguities or omissions in the contract documents

- ✓ By signing the guaranteed maximum price, the Lease Leaseback Contractor agrees that he has reviewed and accepted the Construction Documents as complete and that he has no right for change orders or extra work due to conflicts, ambiguities or omissions in the contract documents (other than as defined in the contingency amount)
- ✓ Unforeseen conditions, design and owner requested changes can be implemented with contract modifications after negotiations

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Talking Points

❖ Option not to award

- ✓ District is not obligated to award the contract to the Lease Leaseback Contractor
- ✓ After review of the Guaranteed Maximum Price offered by the Lease Leaseback Contractor, the District can elect to not award a contract and may procure the construction of the project by other means

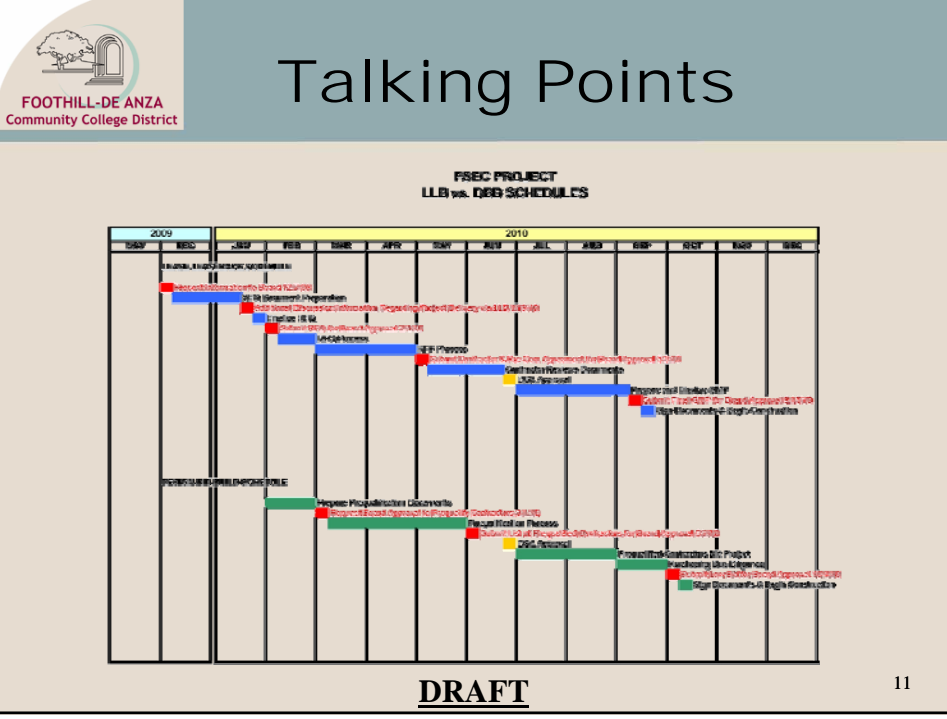
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Talking Points

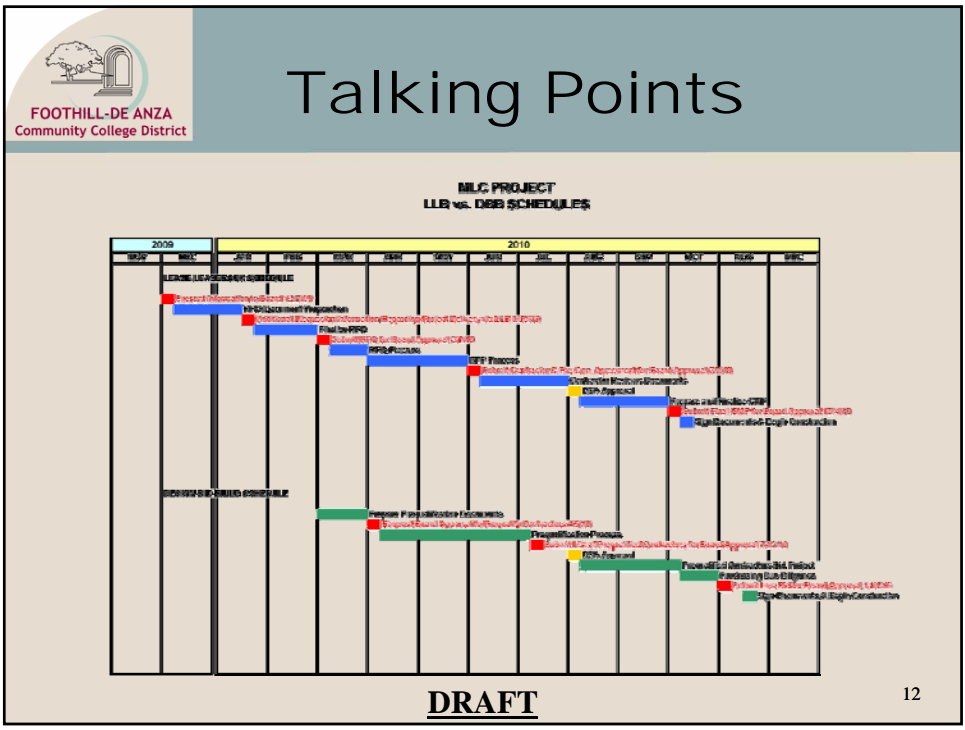
❖ Other contract clauses including (standard District construction clauses)

- ✓ Project Stabilization Agreement
- ✓ Standard Bonds, Insurance, and Indemnifications
- ✓ DSA approved plans and specifications
- ✓ DSA inspector of record
- ✓ Liquidated Damages
- ✓ Non-collusion affidavit
- ✓ Other normal construction contractual protections

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11



12



Talking Points

❖ Backup Information

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Talking Points

❖ Lease Leaseback (LLB) contractor contingency creates up front price competition to get the lowest contingency while guaranteeing performance covering

- ✓ Conflicts, ambiguities or omissions in the plans and specifications
- ✓ Conflicts, ambiguities or omissions in the subcontractors documents
- ✓ Contractor controlled scheduling issues
- ✓ Constructability issues

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Talking Points

❖ Incentive to bring subcontractors bids in within District estimate

- ✓ Contract documents will be drafted in a manner to make the LLB Contractor responsible for a portion of the costs of re-design (Architect responsible for Design Team's cost) if needed to bring project costs down to District construction estimate

15

Talking Points

❖ Shared Savings Clause

- ✓ Incorporation of a shared savings clause
 - ✓ Savings identified after construction start would be shared
 - ✓ Any savings identified would only be acted upon after approval by Architect and College
 - ✓ Complete terms and conditions being developed

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**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
REQUEST FOR QUALIFICATIONS # 1248-160**

**LEASE-LEASEBACK SERVICES FOR:
PHYSICAL SCIENCES & ENGINEERING CENTER
FOOTHILL COLLEGE
LOS ALTOS HILLS, CALIFORNIA**

Submit Proposals no later than 4:00 p.m on _____, 2010 to:

Foothill-De Anza Community College District
Building D170 Purchasing and Material Services
12345 El Monte Road Los Altos Hills, CA 94022
Attn: Carmen Redmond, Purchasing Services Director
(650) 949-6166
redmondcarmen@fhda.edu

Additional Contact Information:

Linda Mahi Executive Assistant
(650) 949-5193
mahilinda@fhda.edu

KEY DATES

Mandatory pre-submittal conference: 10:00 a.m. on _____, 2010

•

Submit all questions regarding this RFQ: on or before - _____, 2010

•

RFQ Responses (Statement of Qualifications): due no later than 4:00 p.m.
on _____, 2010

•

Interview dates and RFP due dates to be determined

•

Recommendation for Board of Trustees to adopt resolution approving all project documents
and the filing of a validation action. Also, a recommendation that the Board of Trustees
award a contract for preconstruction services to the selected contractor estimated: May 3,
2010

REQUEST FOR QUALIFICATIONS #1248-160
LEASE-LEASEBACK SERVICES FOR:
PHYSICAL SCIENCES & ENGINEERING CENTER
FOOTHILL COLLEGE
LOS ALTOS HILLS, CALIFORNIA

SECTION 1. INTRODUCTION

The Foothill De Anza Community College District (the District) is issuing this Request for Qualifications (RFQ) requesting Statements of Qualifications (SOQ's) from contractors qualified to provide the District with services described in this document for construction of the **Physical Sciences and Engineering Center project at Foothill College (the Project)**. This document describes the Project, the required scope of work, the selection process and the minimum information that must be included in the SOQ's.

The submittal process for the Contractor consists of two parts:

- Request for Qualifications (RFQ): This RFQ consists of an open invitation to Contractors to submit SOQ's that propose their firm as best qualified to build the Project.
- Request for Proposal (RFP): Based upon responses to the RFQ, the District will rank the contractors, create a list of finalists, and invite three or more of the top-ranked finalists to respond to a Request for Proposal. The responses to the RFP must include the proposed fee structure.

The District plans to enter into a Preconstruction Services Agreement with the selected Contractor(s) to develop a Guaranteed Maximum Price for the project, and expects thereafter to enter into Facilities Lease and Site Lease Agreements wherein the District will lease District-owned land to the Contractor and the Contractor will agree to construct the Project pursuant to the District's Construction Provisions and the Contractor's responses to this RFQ and the related RFP. See Exhibit PA, Exhibit FL, Exhibit SL, and Exhibit CP of this RFQ for sample agreements and construction provisions. The District will receive incremental title to the constructed property in accordance with payments made. The District will pay for and take title to all improvements no later than completion of construction of the Project, at which time the leases will be terminated.

The contracts, if the District chooses to award them, will be awarded by the Board of Trustees pursuant to the provisions of Education Code 81335 et. seq.

The District reserves the right to cancel or modify the RFQ and/or RFP process at any time and to reject any or all responses to the RFQ and/or RFP.

SECTION 2. MANDATORY PRE-SUBMITTAL CONFERENCE

A mandatory pre-submittal conference will be held on beginning at 10:00 a.m. TBD, 2010 in the Plant Services Conference Room, Building D160, which is located at Foothill College, 12345 El Monte Road, Los Altos Hills, California. Information specific to this solicitation will be provided as well as general Project information, including Reference Documents listed in Section 12. A tour of the Project site will be conducted as a part of the conference.

SECTION 3. DEFINITIONS

Definitions shall be those provided in the Facilities Lease (Exhibit FL), Site Lease (Exhibit SL), Preconstruction Services Agreement (Exhibit PA), and Construction Provisions (Exhibit CP).

SECTION 4 . BACKGROUND

The Foothill-De Anza Community College District provides a dynamic learning environment that fosters excellence, opportunity and innovation in meeting the education needs of our diverse students and community. With two campuses located in the heart of Silicon Valley, Foothill-De Anza serves the communities of Cupertino, Los Altos, Los Altos Hills, Mountain View, Palo Alto, Stanford, Sunnyvale, and portions of San Jose.

For more than 40 years, Foothill-De Anza has demonstrated excellence and innovation in academic programs and student services. As one of the largest community college districts in the United States, Foothill-De Anza provides credit classes for about 44,000 students per quarter.

On June 6, 2006, the voters approved a Proposition 39 Bond known as Measure C in the amount of \$490,800,000. A portion of the proceeds from Measure C bond funds will be utilized by the District to construct the **Physical Sciences & Engineering Center** at Foothill College as described in Section 7.

SECTION 5. SUBMITTAL REQUIREMENTS

5.1 Submission of Statement of Qualifications (SOQ)

To be considered for selection, Respondents must submit a written response to this RFQ which addresses all of the requirements of this RFQ. The SOQ must be submitted **no later than 4:00 p.m._TBD, 2010** to:

Foothill De Anza Community College District
Building D170 Purchasing & Material Services
12345 El Monte Road
Los Altos Hills, California 94022
Attn: Carmen Redmond, Purchasing Services Director

Respondents must submit one (1) unbound original and five (5) bound copies of the completed SOQ in a sealed envelope identified as **“RFQ #1248-160 - LLB SERVICES FOR PHYSICAL SCIENCES & ENGINEERING CENTER”** with the Respondent's name and address clearly indicated.

No SOQ's will be accepted after 4:00 p.m. TBD, 2010. Late SOQ's will be returned to the submitter unopened.

The District reserves the right to request, receive, and evaluate supplemental information and clarifications during its evaluation of SOQ's and proposals. The District will conduct this process in a fair and impartial manner.

The District reserves the right to waive non-material irregularities in any response.

The District reserves the right to cancel or amend this RFQ or to extend the date responses are due. Incomplete SOQ's or incorrect information may be cause for disqualification.

Issuance of this RFQ does not commit the District to award a contract or to pay any costs incurred in preparation of a SOQ or any response to this RFQ. The District reserves the right to reject any or all SOQ's.

All materials submitted to the District will become the property of the District and will not be returned. All information submitted in response to the RFQ will be considered official information acquired in confidence and the District will maintain its confidentiality to the extent permitted by law.

5.2 Amendments

If Amendments to this RFQ are issued, Respondents must acknowledge receipt of Amendments in their RFQ responses. Failure to acknowledge and respond to any Amendments issued by the District may cause the Respondent's Statement of Qualifications to be deemed non-responsive.

5.3 Questions

Any questions or requests for clarifications to this RFQ must be submitted in writing to the Purchasing Department, ATTN: Carmen Redmond, by fax to (650) 948-5194 or by mail to the above address by _____TBD_____, 2010 at 4 p.m. . Questions received after the above-noted deadline may be answered at the discretion of the District. Amendments will be faxed or sent by messenger service to all the companies that sent representatives to the mandatory pre-submittal conference.

5.4 Project Stabilization Agreement

As a part of the response to this RFQ Respondents must sign and agree to be bound by the terms and conditions of the Project Stabilization Agreement agreed to by the Foothill De Anza Community College District and the Santa Clara & San Benito Counties Building & Construction Trades Council. (Attachment RFQ-3)

SECTION 6. SELECTION PROCESS & TIMETABLE

Upon receipt of the responses to the RFQ, the District's Selection Committee will evaluate and score them. The District intends to negotiate a contract with the Contractor most qualified, as determined by the District to be in the best interest of the District, at compensation that the District determines is fair and reasonable. Should the District be unable to negotiate a satisfactory contract with the Contractor considered the most qualified at a price the District deems reasonable, negotiations with that Contractor may be formally terminated. The District may then undertake negotiations with the second most qualified Contractor, as determined by the District to be in the best interest of the District, or may pursue other methods of project delivery.

6.1 Selection Process

Step 1 – Response to District's RFQ

- Contractors submit their Statements of Qualifications to provide the District with services described in this RFQ.
- The District's Selection Committee evaluates, scores, and ranks the SOQ's.
- Based upon its evaluation of the RFQ responses, the District will invite the top-ranked Contractors to complete and submit responses to a Request for Proposal and to participate in an interview.

Step 2 –Interview of the Contractors selected in step 1

- Based on the District-provided documents and site visit, the selected Contractors will be requested to discuss, during the interview, their approach and methods for carrying out the Project, budgetary range of construction costs, the Contractor's approach to project scheduling, methodology for managing project costs, and how the Contractor's team brings value to the Project.
- The District's Selection Committee will evaluate and score the proposals and the interviews.

Step 3 – Evaluation of RFP responses and Ranking of Contractors

- Based on the evaluation of the RFP responses, qualifications, and interview results, the District will select one or more Contractor(s) with whom to attempt to negotiate a Preconstruction Services Agreement. If negotiations are not successful with the top-ranked contractor, the District will attempt to negotiate a contract with the second-ranked contractor and so on.

6.2 Selection Timeline

The following dates provide a general guideline and are subject to change by the District. Specific interview times will be arranged with short-listed Respondents.

- Mandatory pre-submittal conference: TBD, 2010 at 10 a.m.
- RFQ Responses due: TBD, 2010 at 4 p.m.
- Interview selected Contractors & issue RFP: TBD, 2010
- Selection of Contractors: TBD, 2010
- Recommendation of approval by Board of Trustees: May 3, 2010

SECTION 7. PROJECT DESCRIPTION & SCOPE OF WORK

The Foothill College Physical Sciences & Engineering Center consists of a complex of three Type II-B steel-framed buildings totaling 57,000 square feet, with related site work and parking, on a project site of approximately 7 acres. The largest building (38,000 s.f.) houses chemistry and physics teaching laboratories; smaller buildings house classrooms (12,000 s.f.); and faculty offices and public areas (7,000 s.f.). The Project has been designed to achieve USGBC LEED Silver certification. The Contractor will be required to meet that goal. The project construction budget is \$41,800,000.

The Contractor will work under the direction of the District's Executive Director of Facilities and the Bond Director and in conjunction with the District's Program Manager and the District's Architect. The Program Manager will assist the District as project manager and owner's representative during all phases of the work; the Program Manager will not act as construction manager for the Project.

- District's Architect: Ratcliff
- District's Program Manager: Gilbane Maas

7.1 Preconstruction Services

The District intends to execute a Preconstruction Services Agreement with the selected Contractor to partner with the District's staff, Program Manager and Architect to provide preconstruction services that will lead to the Contractor providing to the District a Guaranteed Maximum Price (GMP) for the project.

- The scope of Preconstruction Services will generally consist of review of existing documents and site conditions, scheduling, estimating, subcontractor bidding and development of the GMP, as described fully in the Preconstruction Services Agreement (Exhibit PA).
- Construction Documents are currently at 95% completion stage, and have been submitted for review to the Division of the State Architect. Approved documents will be secured during the Preconstruction Services phase.

7.2 Construction and Post-Construction Services

When the District proceeds with the construction phase of the Project, the selected Contractor will act as a general contractor pursuant to the Site Lease, Facilities Lease and Construction Provisions to complete the Project's construction for the GMP.

- The scope of services required are fully described in the Site Lease, Facilities Lease and Construction Provisions (Exhibits SL, FL and CP).

The District will require an open-book policy with the Contractor and its construction team. The District will retain access to subcontractor bids, pricing backup, contingency breakdown and tracking, general conditions breakdown and tracking, and Contractor fees.

Change Orders will be issued against established project contingencies for District-directed changes and unforeseen conditions only.

SECTION 8. GUARANTEED MAXIMUM PRICE

Contractors are not required to include a Guaranteed Maximum Price (GMP) when responding to the RFQ. However, Contractors who are invited to respond to the RFP will be required to submit fee proposals and an estimated GMP. At the completion of Preconstruction Services or at a different mutually agreed-upon milestone, the selected Contractor will be required to provide a finalized GMP for the construction phase that includes the direct cost of construction plus the Contractor's fees. The Contractor's fees shall not exceed the fee percentages proposed in its RFP response multiplied by the actual direct cost of the construction.

The final project cost will be determined after bids for all subcontractors are taken. The following components, as defined in the Construction Provisions (Exhibit CP), will be included in the GMP:

- Direct Cost of the Work as determined by the subcontractor bids.
- Contractor's Construction Services fee.
- Contractor's Overhead and Profit.
- Contractor's Contingency

SECTION 9. STATEMENT OF QUALIFICATION FORMAT AND CONTENT

The Statement of Qualifications (SOQ) should be concise, well organized and demonstrate the Contractor's qualifications. The Statement of Qualifications may be no longer than forty (40) single-sided or twenty (20) double-sided pages on 8½" x 11" paper, inclusive of cover letter, table of contents, resumes, and pictures. Separator pages or dividers and the Request for Qualifications Declaration form are not included in the page limitation.

All Contractors are required to follow the format specified below. The content of the SOQ must be clear, concise, and complete. Each section of the SOQ must be tabbed according to the lettered titles shown below to aid in information retrieval and review by the District.

SOQ Cover:

Include the RFQ's title and SOQ due date, the name, address, fax number and telephone number of the principal firm.

Table of Contents:

Include a complete and clear listing of headings and pages, and list attached documents.

Request for Qualifications Declaration: (Attachment RFQ-1)

Respondents are solely responsible for completing the attached Request for Qualifications Declaration, to be attached to the Statement of Qualifications submission. The signatory shall be a person with official authority to bind the company. Failure to complete the Request for Qualifications Declaration, using the format provided, will render the Respondent's SOQ non-responsive and subject it to rejection by the District.

A. Cover Letter:

Provide general company background and location of the Contractor's offices and the ability of the Contractor to respond to the District requirements in a timely manner. Identify key team members (such as sub-consultants) and include the title and signature of the Contractor's contact person for this Proposal. Describe how the Scope of Work (see Section 7) and the Evaluation Criteria (see Section 10) will be addressed and accomplished for the District.

The signatory shall be a person with official authority to bind the company.

B. Licensing Requirements:

Contractors must hold a General Building Contractor "B" License, which is current, valid and in good standing with the California Contractor's State License Board. Provide the following information for each license:

- Name of license holder exactly as on file.
- License classification.
- License Number.
- Date issued.
- Expiration date.
- Whether license has been suspended or revoked in the past five (5) years. If so, explain.

C. Methods and Strategic Plan:

Based upon review of the draft Attachments and Reference Documents provided with this RFQ, briefly describe your basic approach and methods for managing and carrying out the Project. Do not exceed one (1) page.

D. LLB Qualifications & Experience:

Provide a description of the Contractor's experience in providing construction and LLB services under Education Code 81335 et. seq. for Community Colleges and/or Education Code 17406 et. seq. for public schools, or experience providing LLB services for other public entities. Describe Contractor's role in preconstruction services to ensure quality of bid documents and adherence to project budgets. Include the name(s) and telephone number(s) of the client's project manager or primary point of contact.

E. Project-specific Experience:

Provide evidence of at least five (5) projects completed in the past seven (7) years specifically related to the Scope of Work, with the awarding and completion dates and costs noted. Each must include the name(s) and telephone number(s) of the client's project manager or primary point of contact. Those featured projects and information provided on any additional projects should demonstrate:

- Experience with higher education projects of scope similar to the Project.
- Experience with buildings containing teaching or research laboratories, or buildings of equivalent mechanical complexity.
- Experience with buildings of similar quality of construction.
- Experience with projects having Division of State Architect oversight or the direct oversight of a public agency's inspection services.
- Experience with projects achieving LEED certification.
- Use of BIM (Building Information Modeling) in construction activities.
- Participation of key personnel proposed for the Project.
- TO BE EXPANDED BEFORE ISSUING RFQ

F. Past Performance Record:

Complete the questionnaire provided in the Request for Qualifications Declaration (Attachment RFQ-1) and submit any documentation required by that document. Information provided may be deemed to indicate an unsatisfactory record of performance and result in rejection of the SOQ. Failure to disclose requested information will result in automatic rejection of the SOQ and disqualification of the Contractor from participation on District projects.

G. Claims History:

Complete the questionnaire provided in the Request for Qualifications Declaration (Attachment RFQ-1) and submit any documentation required by that document. Information provided may be deemed to indicate an unsatisfactory record of performance. Failure to disclose requested information will result in automatic rejection of the SOQ and disqualification of the Contractor from participation on District projects.

H. Organization Chart:

Provide an organizational chart containing the names of all key positions (including but not limited to project managers and superintendents), and sub-consultants. Indicate task assignments and qualifications of proposed individuals for the positions. The District's evaluation will consider the entire team. No changes in the successful Contractor's team composition will be allowed without prior written approval of the District.

I. Location:

State the proximity of the Contractor's local office(s) to Foothill College, including the types and number of professionals employed by the LLB locally. Describe the Contractor's ability to maintain executive-level oversight and immediate response to critical project issues, and availability of support for construction-site staff.

J. Safety Record:

Complete the questionnaire provided in the Request for Qualifications Declaration (Attachment RFQ-1) and submit any documents required by that document.

K. Financial Information & Financial Capacity to Deliver Project:

Complete the questionnaire provided in the Request for Qualifications Declaration (Attachment RFQ-1) and submit the documentation required by that document: the Declaration of Financial Condition (Attachment RFQ-2) with the contractor's most recently reviewed or audited financial statements for the last three years; and insurance information.

L. Other required submittals:

The following attachments must be returned, fully completed, as part of the SOQ in response to this RFQ.

Attachment RFQ-1: Request for Qualifications Declaration (with attached safety program)

Attachment RFQ-2: Declaration of Financial Condition (with attached financial statements)

Attachment RFQ-3: Project Stabilization Agreement (PSA)

SECTION 10. EVALUATION FACTORS

The purpose of this Request for Qualifications, and the subsequent Request for Proposals, is to enable the District to select the most qualified firm. After making the selection, the District intends to enter into negotiations with that firm for construction of the Project pursuant to the Lease-Leaseback provisions of Education Code Section 81335 et. seq.

The District will use the qualification-based selection process outlined herein. An Interview and Selection Committee composed of key District officials and consultants will review and evaluate all Statements of Qualifications, will conduct interviews, and will review and evaluate responses to the RFP. The Committee will consist of representatives from the District, Foothill College, the District's Architect and the District's Program Manager. It may also include others invited by the District

Statements of Qualification received by the District will be evaluated according to the evaluation factors listed in this RFQ. During the RFQ evaluation, cost or price will not be evaluated. However, during the RFP evaluation, all evaluation factors combined, other than cost or price, will be significantly less important than cost or price. The proposals will be scored according to numeric values.

The District will compare and evaluate all qualifying SOQ's and select a Contractor that, in the sole and absolute discretion of the District, can fully meet the requirements of the District, based upon the following factors:

- Conformance with the specified RFQ format and content.
- Specialized experience and technical competence of the Contractor, (including principal firm and sub-consultants) considering the types of service required; the complexity of the Project; record of performance; and the strength of the key personnel who will be dedicated to the project.
- Demonstrated ability to meet project budgets and timelines.
- Demonstrated ability to provide constructability reviews and value engineering.
- Demonstrated ability to provide exemplary construction services, including the identification and profile of key personnel assigned to the Project.
- Ability and willingness to work collaboratively and cooperatively with District staff, Program Manager, Architect and other team members.
- Experience in working with the Division of the State Architect.
- Financial resources and stability of the Contractor.
- Litigation history of the Contractor.
- Experience, expertise and knowledge of the lease-leaseback process.
- Staff capacity, depth and current workload.
- Training and experience of key personnel.
- Nature and quality of the Contractor's completed work.
- Geographical proximity of contractor's permanent offices of Contractor's permanent offices to the project site.
- Experience with delivery of LEED certified projects.
- Experience using BIM on public facilities projects.

SECTION 11. FORM OF AGREEMENT

The District intends to enter into agreement for the required services using the standard forms of agreement listed below and attached as Exhibits. Respondents must confirm, in their execution of the Request for Qualifications Declaration (Attachment RFQ-1), that they have reviewed the standard forms of agreement and are in agreement with their terms and conditions.

Preconstruction Services Agreement (Exhibit PA)

Site Lease (Exhibit SL)

Facilities Lease (Exhibit FL)

Construction Provisions – Exhibit D to Facilities Lease (Exhibit CP)

SECTION 12. REFERENCE DOCUMENTS

The following Reference Documents are provided to the Respondent to assist in its preparation of the response to this RFQ.

- A. Draft Request for Proposal
- B. Summary Construction Schedule
- C. 95% Construction Documents
 - o Construction Drawings
 - o Special Conditions
 - o Division 1 Specifications
 - o Technical Specifications
- D. Environmental Impact Report
- E. Geotechnical Reports

DRAFT

-End of Document-

Board of Trustees Agenda Item

Board Meeting Date: January 19, 2010

Title of Item: Measure C Spending Plan

Background and Analysis:

An updated analysis of costs to date and planned future spending has been conducted based upon the latest project schedules for all Measure C projects including technology and equipment acquisitions. Additionally, a forecast of future commitments (contract awards) has been made based upon the latest project schedules. Finally, an overlay of actual and possible future bond sales has been overlayed on the spending and commitment plan.

All of this information is graphically presented in the attached. This presentation provides a visual representation of:

- 1) Spending progress to date
- 2) Planned future spending and commitments
- 3) Actual bond sales (series A & B) and target future bond sales

This information provides a background for discussion of key activities including:

- 1) Progress to date
- 2) Large capital project schedules
- 3) Possible future bond sale activities

Recommendation: For Information

| | |
|---------------------------|---------------------------------------|
| Submitted by: | Charles Allen |
| Additional contact names: | Andy Dunn, Vice Chancellor, ext. 6201 |
| Is backup provided? | Yes |

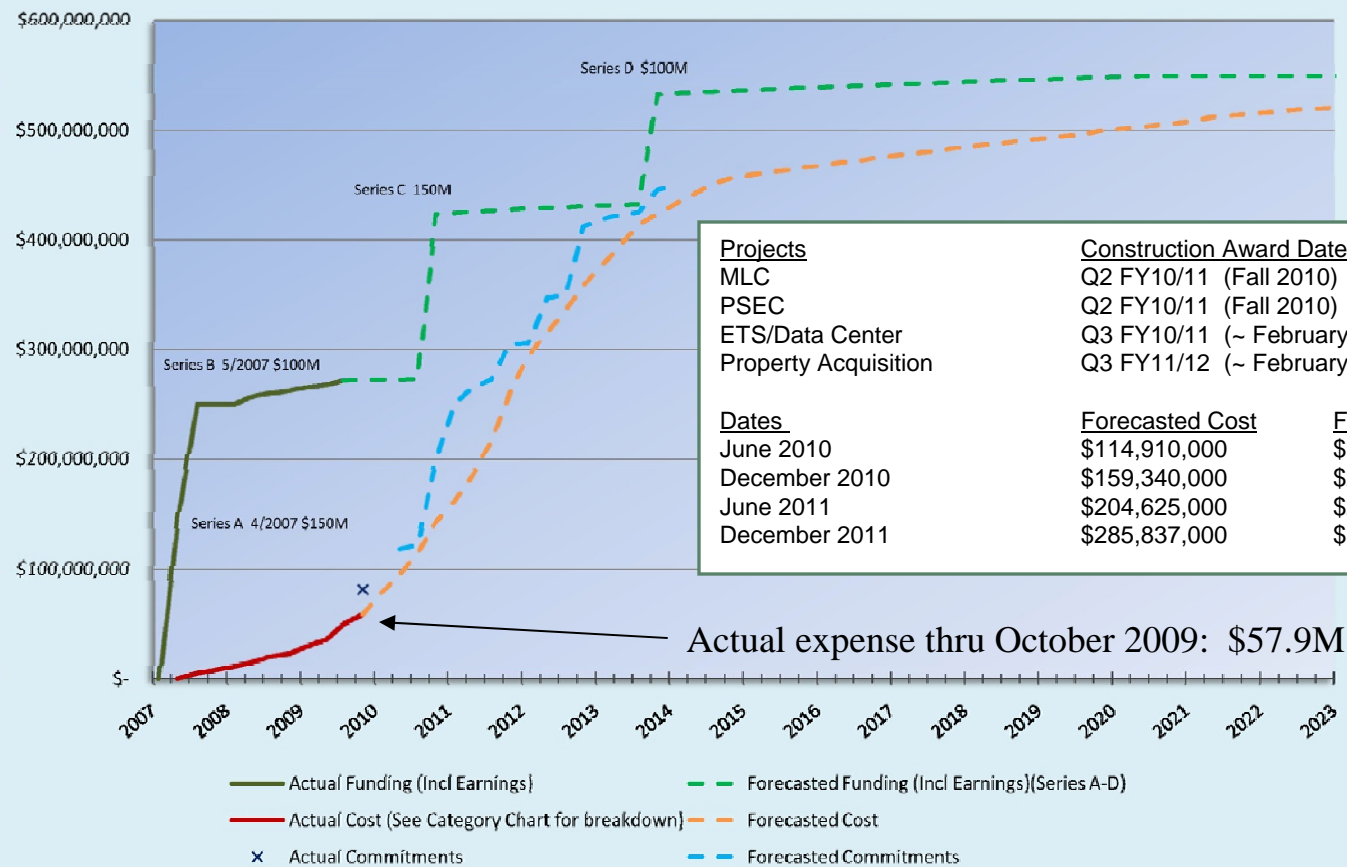


FOOTHILL-DE ANZA
Community College District

Funding / Spending / Commitments Plan

Measure C Spending and Commitment Plan (Series A-D)

Actual Expense Data thru Period Ending October 31, 2009,
Reconciled thru Period Ending September 30, 2009



Board of Trustees Agenda Item

Board Meeting Date: January 19, 2010

Title of Item: Options and alternatives for installation of additional photovoltaic arrays.

Background and Analysis:

Solar photovoltaic arrays have been installed successfully at each college over the past several years. Consideration for installation of more arrays is being considered for a number of reasons including:

- 1) Cost savings since it reduces the amount of purchased electricity from off site utility suppliers.
- 2) Increased cost predictability in our utility budget
- 3) Helps reduce greenhouse gas emissions.

The attached is intended to facilitate a discussion on this topic.

Recommendation: For Information

| | |
|---------------------------|---------------------------------------|
| Submitted by: | Charles Allen |
| Additional contact names: | Andy Dunn, Vice Chancellor, ext. 6201 |
| Is backup provided? | Yes |



FOOTHILL-DE ANZA
Community College District



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Board of Trustees Presentation

Measure C Additional Photovoltaic Investment Discussion

January 19, 2010



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Additional Photovoltaic Installations Talking Points

- ❖ Reduces green house gas emissions
- ❖ Provides a hedge (cost protection) against
 - ❖ Climbing electricity prices
 - ❖ The state's current 20% renewables requirement (RPS Standard) which will increase over time
 - ❖ Anticipated CO2 surcharges on fossil fuel based electricity
- ❖ Provides for more predictability of costs for electricity

2



Additional Photovoltaic Installations

Talking Points

❖ Background

- ✓ Annual electricity bill = \$2,200,000
 - ✓ Escalation could be 5% - 10% annually
 - ✓ In 5 years, annual electricity bill could be \$3,000,000/year
 - ✓ In 10 years, annual electricity bill could be \$4,000,000/year
- ✓ These additional costs will adversely impact the general fund in a way that will far exceed any likely funding (apportionment) increase

3



Additional Photovoltaic Installations

Talking Points

❖ Alternatives / Consequences

- 1) No additional PV installations
 - ✓ Increased electricity costs could equate to 1 – 3 layoffs each year for the next five years
- 2) An additional 2600kw capacity (~\$20,000,000 investment; \$10,000,000 / college)
 - ✓ Will save ~\$600,000 per year in electricity costs (prior to debt service costs)

4



Additional Photovoltaic Installations

Talking Points

❖ Funding Options

- 1) \$5,000,000 (\$2,500,000 / college): Re-direct allocated bond dollars from:
 - 1) Technology / Instructional Equipment
 - 2) Renovation / small capital / maintenance projects
 - 3) Contingency release
 - 4) Other
- 2) \$3,000,000: Re-direct allocated bond dollars from "Pay off existing debt"
- 3) \$5,000,000: Re-direct allocated bond dollars from Property Acquisition
- 4) \$5,000,000: Direct 5 years of future interest earnings to PVs
 - 1) May require short term financing
- 5) \$2,000,000: Five years of PG&E rebates
 - 1) May require short term financing

5



Additional Photovoltaic Installations

Talking Points

❖ Next steps

- 1) Evaluate financing options
- 2) Prepare bond list revisions / fund transfers
- 3) Finalize college plans
- 4) Board approval of bond list revisions / financing / project plans
- 5) Acquire contractors
- 6) Board approval of selected contractor
- 7) Complete installations not later than October 2011

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Additional Photovoltaic Installations

Wrap up

❖ Additional discussion