

**BOARD OF TRUSTEES SPECIAL MEETING AGENDA**

**Tuesday, May 16, 2023**

**Library**

**4:30 p.m. – Regular Session**

*Any materials required by law to be made available to the public prior to a meeting of the Board of Education of the District can be inspected at the above address during normal business hours. Individuals who require special accommodations including, but not limited to, American Sign Language interpreter, accessible seating or documentation in accessible formats should contact the superintendent or designee within a reasonable time before the meeting date.*

**Governing Board Members**

Shannon Clay, President  
Kelly Salas-Ernst, Clerk  
Thomas Gibbons, Trustee  
Daniella Pearce, Trustee  
Jeania Reasner, Trustee

**I. PUBLIC SESSION: 4:30 p.m. Call to Order and Flag Salute**

**II. Welcome Guests**

**III. ITEMS SCHEDULED FOR ACTION**

**A. Approval of the revised Resolution 2023-05-09, Resolution of the Board of Education of the Blochman Union School District Approving the Guaranteed Maximum Price for the Benjamin Foxen Elementary School MUR and School Renovation Project.**

**\*\*\* IT IS RECOMMENDED THAT the Board of Education approve the revised Resolution 2023-05-09, Resolution of the Board of Education of the Blochman Union School District Approving the Guaranteed Maximum Price for the Benjamin Foxen Elementary School MUR and School Renovation Project as presented.**

**MOVED:**

**SECOND:**

**VOTE:**

**Shannon Clay:**

**Jeania Reasner:**

**Daniella Pearce:**

**Kelly Salas-Ernst:**

**Thomas Gibbons:**

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**IV. PUBLIC COMMENTS**

**PUBLIC COMMENTS ARE WELCOME**

The Blochman Union School District will receive public comments about items not appearing on today's agenda, as well as other matters within the subject matter jurisdiction of the Board. All such

comments will be received during the Public Comments section of the agenda. Individuals who address the Board are limited to three (3) minutes to speak on any item and a total of 10 minutes on all items for their presentation. The Board may limit the total time for all public comment to 30 minutes. Persons needing additional time are requested to submit the information in writing.

For comments concerning matters not on the agenda, open meeting laws and fairness to other residents who may have an interest in your topic prohibit the Board from taking action or engaging in extended discussion of your concerns. The Board may direct staff to meet at a later date with speakers who have specific concerns or needs. The Board may also direct that an issue be placed on a future agenda for discussion and consideration. This permits the Board and staff members to prepare and receive necessary information and for the public to be aware that a topic is being formally considered. We appreciate your cooperation.

**V. Adjourn**

**Time:** \_\_\_\_\_

**MOVED:**

**VOTE:**

**Shannon Clay:**

**Daniella Pearce:**

**Thomas Gibbons:**

**SECOND:**

**Jeania Reasner:**

**Kelly Salas-Ernst:**

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**RESOLUTION NO. 2023-05-09 (REVISED)**

**RESOLUTION OF THE BOARD OF EDUCATION OF THE BLOCHMAN UNION SCHOOL DISTRICT APPROVING THE GUARANTEED MAXIMUM PRICE FOR THE BENJAMIN FOXEN ELEMENTARY SCHOOL MUR AND SCHOOL RENOVATION PROJECT**

**WHEREAS**, the Blochman Union School District (“District”) plans to construct the Benjamin Foxen Elementary School MUR and School Renovation Project (“Project”) utilizing the lease-leaseback construction delivery method, whereby the District will lease a site that it owns to a contractor who will construct improvements thereon and lease the project and the underlying site back to the District; and

**WHEREAS**, Education Code Section 17406 authorizes the governing board of a school district to let to any person, firm or corporation any real property belonging to the District if the instrument by which the property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term of the lease, and provides that title to that building shall vest in the school district at the expiration of that term; and

**WHEREAS**, the award of any lease-leaseback contract pursuant to Education Code section 17406 is to be based on a competitive solicitation process to the proposer providing the “best value” to the school district, taking into consideration the proposer’s demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required; and

**WHEREAS**, pursuant to Education Code section 17406(b)(1), “best value” means a competitive procurement process whereby the selected proposer is selected on the basis of objective criteria for evaluating the qualifications of proposers with the resulting selection representing the best combination of price and qualifications; and

**WHEREAS**, on April 18, 2023, the Board of Education approved Diani Building Corp. as the lease-leaseback contractor for the Project and authorized Diani Building Corp. to perform preconstruction services; and

**WHEREAS**, the Project will be constructed in two Phases. Phase I includes the replacement of the existing acoustical wall and ceiling panels inside the MUR, replace the existing kitchen floor, addition of power outlets in the kitchen, infill the boarded-up windows in the MUR, remove or refinish the MUR interior wood panels, paint interior of the MUR, and infill the opening at the stage, and relocate the hand sink. Phase II includes the replacement of the doors and windows throughout the Project, and exterior painting.

**WHEREAS**, Diani Building Corp. has completed the preconstruction services for Phase I of the Project; and

**WHEREAS**, in order to construct the Project using the lease-leaseback delivery method, it is necessary that the District enter into a site lease, in which the site will be leased to the Contractor; a sublease which provides for the sublease of the site and the lease of the project by the Contractor back to the District; and a construction services agreement that contains construction provisions with which Contractor shall comply with respect to the construction of the Project.

**NOW, THEREFORE, THE BOARD OF EDUCATION OF THE BLOCHMAN UNION SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1.** Recitals. All of the recitals herein contained are true and correct.

**Section 2.** Phase I Guaranteed Maximum Price. The Phase I Guaranteed Maximum Price and contingencies have been negotiated as follows:

Guaranteed Maximum Price: \$339,143.00

Construction Contingency (included in GMP): \$14,537.00

Design Contingency (included in GMP): \$14,537.00

District's Contingency (outside of the GMP): \$0

**Section 3.** Phase II. The Phase II work will be performed under a separate Guaranteed Maximum Price and contingencies that will be negotiated between the District and the Contractor.

**Section 4.** Other Acts; Delegation. The District's Board of Education hereby approves a delegation of authority and appoints its Superintendent, or the designee of the Superintendent, who is/are hereby authorized and directed to carry out the intent of this Resolution and to further make minor changes, if needed, to the lease-leaseback agreement. Said delegation shall be valid until otherwise rescinded by the Board.

**Section 5.** Effective Date. This Resolution shall take effect upon adoption.

APPROVED, PASSED AND ADOPTED by the Board of Education of the Blochman Union School District this 16th day of May, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

I, Shannon Clay, President of the Blochman Union School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.

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President of the Board of Education  
Blochman Union School District

I, Kelly Salas-Ernst, Clerk of the Board of Education of the Blochman Union School District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Education of the Blochman Union School District at a special meeting thereof held on the 16th day of May, 2023, by the following forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Blochman Union School District this 16th day of May, 2023.

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Clerk of the Board of Education  
Blochman Union School District

JOB NAME: Foxen ES Phase 1 R2

ESTIMATOR: PAH

BID DATE: 5-May-23

JOB WALK: TBD

LAST CALC'D:

11-May-23

01:59 PM



| **** BASE BID **** |   |                     | ACTUAL  | ACTUAL     |
|--------------------|---|---------------------|---------|------------|
| SPEC. NO.          | DESCRIPTION                               | AMOUNT              | PER     | \$/BLDG SF |
|                    |   |                     | BLDG SF | 6600       |
| 1                  | 01000 SUPERVISION - 2.5 MONTHS            | \$ 22,214.00        |         |            |
| 2                  | 01500 GC's - SITE MAINTENANCE             | \$ 26,525.00        |         |            |
| 3                  | 02060 DEMOLITION / PATCHING               | \$ 15,109.00        |         |            |
| 11                 | 06100 CARPENTRY                           | \$ 44,984.00        |         |            |
| 12                 | 06200 FINISH CARPENTRY                    | \$ 4,699.00         |         |            |
| 13                 | 09260 DRYWALL / METAL STUDS               | \$ 1,663.00         |         |            |
|                    | 098400 ACOUSTIC AMERICA PANELS            | \$ <b>64,264.48</b> |         |            |
| 14                 | ABATEMENT                                 | \$ 18,360.00        |         |            |
| 15                 | 096723 HIGH PERFORMANCE RESINOUS FLOORING | \$ 20,200.00        |         |            |
| 16                 | 099100 PAINTING                           | \$ 15,400.00        |         |            |
| 17                 | PLUMBING - ALLOWANCE                      | \$ 4,500.01         |         |            |
| 18                 | ELECTRICAL                                | \$ 52,800.00        |         |            |
| 37                 |   | \$ -                |         |            |
|                    | <b>TOTAL</b>                              | \$ 290,733.64       |         |            |

|        |                                 |                   |
|--------|---------------------------------|-------------------|
|        | TOTAL OF BASE BID \$            | 290,734.00        |
| 5.0%   | CONSTRUCTION CONTINGENCY \$     | 14,537.00         |
| 5.0%   | DESIGN CONTINGENCY \$           | 14,537.00         |
| 5.0%   | MARK-UP \$                      | 15,264.00         |
| 1.215% | BOND \$                         | 4,071.12          |
| 16.2%  | <b>TOTAL BASE BID AMOUNT \$</b> | <b>339,143.00</b> |

TOTAL BID WITH ALTERNATES \$ 339,143.00