

**RESOLUTION OF THE BOARD OF EDUCATION OF
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 80-1617**

**RESOLUTION AUTHORIZING DESIGN-BUILD PROCUREMENT AND CONSTRUCTION OF
THE WILSON ELEMENTARY SCHOOL REPLACEMENT PROJECT
PURSUANT TO EDUCATION CODE SECTION 17250.10 ET SEQ.**

WHEREAS, Education Code section 17250.10 et seq. (“Design-Build Statute”) provides that a school district, with the approval of its governing board, may procure design-build contracts for projects in excess of one million dollars (\$1,000,000), awarding the contract to either the low bid or the best value; and

WHEREAS, “design-build” is defined in Education Code section 17250.15(d) to mean a “project delivery process in which both the design and construction of a project are procured from a single entity”; and

WHEREAS, Education Code section 17250.20(b) provides that a school district procuring a design-build contract shall develop guidelines for a standard organizational conflict-of-interest policy, consistent with applicable law, regarding the ability of a person or entity that performs services for the school district, relating to the solicitation of a design-build project, to submit a proposal as a design-build entity or to join a design-build team; and

WHEREAS, the West Contra Costa Unified School District (“District”) is in the process of planning the design and construction of the Wilson Elementary School Replacement project (“Project”); and

WHEREAS, District staff estimates the total construction cost of the Project to be approximately Twenty-Eight Million Dollars (\$28,000,000); and

WHEREAS, the Legislature has found and declared in the Design-Build Statute that the design-build method of project delivery has led to benefits, including reduced project costs, expedited project completion, and design features that are not achievable through the traditional design-bid-build method; and

WHEREAS, District staff has reviewed possible construction delivery methods for the Project, including traditional design-bid-build as well as design-build as authorized by the Design-Build Statute, and has concluded that the use of a design-build delivery method for the Project offers the potential advantages to the District expressed in the Design-Build Statute; and

WHEREAS, the Design-Build Statute authorizes the award to be based on the proposal that represents the “best value” to the District, which the Design-Build Statute defines to mean “a value determined by evaluation of objective criteria that may include, but are not limited to, price, features, functions, life-cycle costs, experience, and past performance”; and

WHEREAS, the Board has determined that it is in the best interest of the District to enter into a design-build contract with a design-build entity whose proposal is determined by the District to have offered the best value to the public and that is able to provide appropriately licensed contracting, architectural, and engineering services to design and construct the Project;

NOW THEREFORE, BE IT RESOLVED, that the Board of Education of the West Contra Costa Unified School District hereby finds, determines, declares, orders, and resolves as follows:

1. The foregoing recitals are true and correct.
2. Proceeding under a design-build construction delivery method, as authorized by the Design-Build Statute, offers advantages to the District as indicated herein that are not available under other available delivery methods such as traditional design-bid-build.
3. It is in the best interest of the District to enter into a design-build contract with a design-build entity whose proposal is determined by the District to have offered the best value to the public, and that is able to provide appropriately licensed contracting, architectural, and engineering services both to design the Project based on the performance specifications and criteria furnished by the District and to construct the same based on detailed construction documents prepared by the successful design-build entity, as approved by the Division of the State Architect and the District.
4. That the District's Superintendent or his designee is authorized to utilize the design-build best value selection method for the Project and that the design-build competition shall progress as set forth in the Design-Build Statute. Additionally, guidelines for a standard organizational conflict of interest code, consistent with applicable law, regarding the ability of a person or entity that has performed services for the District relating to the development of the performance specifications or design criteria to join or participate in the solicitation of the design-build entity shall be developed consistent with Education Code section 17250.20 and be presented to the Board for consideration.
5. That the District's Superintendent or his designee, in progressing with the design-build competition as set forth in the Design-Build Statute, is authorized to issue a Request for Qualifications ("RFQ") that includes a Prequalification Questionnaire in the form authorized by the Design-Build Statute, and implement the scoring and evaluation process required thereby, in order to prequalify or short-list design-build entities to submit sealed proposals in the manner specified in a Request for Proposals ("RFP"), as set forth in the Design-Build Statute.
6. That the District's Superintendent or his designee, in further progressing with the design-build competition as set forth in the Design-Build Statute, is authorized to issue the RFP that invites prequalified design-build entities to submit competitive sealed proposals in the manner prescribed by the RFP and that includes, but is not limited to, the following elements: (a) identification of the basic scope and needs of the Project, the estimated cost of the Project, the methodology that will be used by the District to evaluate proposals, that the contract will be awarded on the basis of a best value determination, and any other information deemed necessary by the District to inform interested parties of the contracting opportunity; (b) significant factors that the District reasonably expects to consider in evaluating proposals, including but not limited to, cost or price and all nonprice-related factors; (c) the relative importance or the weight assigned to each of the factors identified in the RFP; and (d) that the District may reserve the right to request proposal revisions and hold discussions and negotiations with proposers for which applicable procedures to be followed will be incorporated to ensure that any discussions or negotiations are conducted in good faith.
7. Upon prequalifying and receiving competitive proposals from design-build entities for the Project pursuant to the Design-Build Statute, the Board will consider the design-build entity offering the best value to the public and which is able to provide appropriately licensed contracting,

architectural, and engineering services to design and construct the Project, and the Board will consider whether to award a design-build contract for the Project to that design-build entity.

8. That the District's Superintendent or his designee is authorized to take those actions necessary to prequalify and receive competitive proposals from design-build entities for the Project pursuant to the Design-Build Statute and the requirements of this Resolution.
9. That the District, should the Board not award a design-build contract for the Project to a design-build entity for whatever reason, may proceed with another delivery method for the construction of the Project which the Board determines to be in the best interests of the Project, District, and public, such as traditional design-bid-build or other delivery method.

APPROVED, PASSED AND ADOPTED by the Governing Board of the West Contra Costa Unified School District on this twelfth day of April 2017, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

President, Governing Board
West Contra Costa Unified School District

ATTEST:

Secretary, Governing Board
West Contra Costa Unified School District