



Agenda Item Details

Meeting	May 14, 2024 - Regular Meeting, 5:00 p.m.
Category	I. Superintendent's Consent Agenda
Subject	29. Approval of Amended and Restated Master Site Lease and Master Facilities Lease Agreements for Construction Services of the Albert Einstein Academy Charter Elementary School Whole Site Modernization Phase 1B Project (GMP No. 2) (Lease-Leaseback) with Erickson-Hall Construction Company and Allocation of \$37,500,000 of Measure U Charter Bond Funds to Complete the Project; BUDGETED: YES, PROPOSITION Z, MEASURES YY, MEASURE U FUNDS
Access	Public
Type	Action (Consent)
Fiscal Impact	Yes
Dollar Amount	35,000,407.21
Budgeted	Yes
Budget Source	Proposition Z, Measures YY and U Funds

Public Content

RECOMMENDATION: Approve Amended and Restated Master Site Lease and Master Facilities Lease Agreements ("A&R Agreements") for construction services of the Albert Einstein Academy Charter Elementary School Whole Site Modernization Phase 1B project (GMP No. 2, CZ21-0777-24-A3-G2) with Erickson-Hall Construction Company and allocate \$37,500,000.00 of Measure U Charter Bond funds to complete the project. The term of the A&R Agreements is effective May 14, 2024, and continues until the Project is complete.

FISCAL IMPACT: Total not-to-exceed Construction Services: \$35,000,407.21.

This total not-to-exceed amount includes:
Preliminary Tenant Improvements: \$31,082,608.75
Allowances: \$1,500,000.00
Contractor Contingency: \$764,095.00
Lease Payments: \$1,635,926.78
Interest due on lease payments: \$17,776.68

Budget Strings:
9037-9040X-00-6230-8500-0000-21400-8665 (Proposition Z Funds)
9037-9050X-00-6230-8500-0000-21500-8665 (Measure YY Funds)
9037-9070X-00-6230-8500-0000-21700-8665 (Measure U Funds)

PRIOR YEAR FISCAL IMPACT: Approved by the board on June 8, 2021, total not-to-exceed for Preconstruction Services: \$252,923.00. Approved by the board on July 26, 2022, total not-to-exceed for Construction Services (GMP 1): \$17,994,003.33. Approved by the board on June 27, 2023, total not-to-exceed for added Preconstruction Services: \$59,300.00.

IMPACT TO DISTRICT STAFFING: None.

CONSULTATION WITH BOARD ADVISORY COMMITTEE: Not applicable.

BACKGROUND: On November 10, 2020, the board adopted a resolution for procedures for evaluating the qualifications of lease-leaseback contractors and the issuance of a request to prequalify for Group G, which are projects at or above \$26,000,001.00 in estimated value. On November 12, 2020, the district issued a Request to Prequalify and for Statements of Qualification for Preliminary and Construction Services for Group G Lease-Leaseback Projects.

On December 17, 2020, 16 contractors submitted Statements of Qualifications (SOQs) to the district's RFQ. After evaluating each of the SOQs under the established criteria and procedures, district staff determined that nine of the contractors met the requirements of the RFQ for Group G Projects. From those nine qualified contractors, the district issued a subsequent Request for Proposal ("RFP") for Preconstruction Services for the Albert Einstein Academy Charter Elementary School Whole Site Modernization project, utilizing the lease-leaseback delivery method under Education Code section 17406 et seq. The best value criteria for scoring proposals included, but was not limited to, demonstrated competence, relevant experience, compensation, timeliness, and staffing capacity to perform the required work.

Based on the strengths of the proposal submitted, Erickson-Hall Construction Company was determined to provide the best value to the district. The remaining two firms were ranked in descending order based upon their proposals. Erickson-Hall Construction Company was deemed the responsive and responsible proposer for this project, which is located at 3035 Ash Street, San Diego, CA 92102. On June 8, 2021, the board approved the Master Site Lease and Master Facilities Lease Agreements ("Original Agreements") for the total value of preconstruction services only, with the intention of amending the Agreements at the time of construction and submitting them to the Board for the construction of the Project at a later date.

On July 26, 2022, the board approved the First Amendment to Master Site Lease and Master Facilities Lease Agreements ("First Amendment") for the construction of a new multipurpose room/kindergarten classroom Building 'D', site work around the new building, site utilities related to the construction of the new building, and renovations to the existing MDF room in the Administration Building 'B' (GMP No. 1).

On June 27, 2023, the board approved the Second Amendment to Master Site Lease and Master Facilities Lease Agreements ("Second Amendment") to continue providing preconstruction services. The added preconstruction services were directly related to scope of work for GMP No. 2. This included additional design and constructability reviews, value engineering, cost estimating services, schedule, logistics and phasing revisions, additional planning, and bidding services as well as design team coordination.

Erickson-Hall Construction Company has completed the preconstruction services for the Project and the Division of the State Architect (DSA) has approved the plans and specifications. On February 13, 2024, Erickson-Hall Construction Company competitively bid the construction portion of work to subcontractors to obtain the total value of their Guaranteed Maximum Price (GMP) for the Construction Services of the Whole Site Modernization Phase 1B (GMP No. 2) project.

The parties also desire to make certain administrative and substantive changes to the Master Site Lease and the Master Facilities Lease to match the current district standards for Lease-Leaseback contracts for the administrative benefit of both parties. These Amended and Restated Agreements ("A&R Agreements") also include the (GMP) for the Construction Services of the Whole Site Modernization Phase 1B (GMP No. 2) project.

The district and Erickson-Hall Construction Company desire to restate the original Agreements in their entirety, together with the First Amendment and Second Amendment to the Master Site Lease and Master Facilities Lease as part of this certain Amended and Restated Master Site Lease and Master Facilities Lease ("A&R Agreements").

On May 10, 2011, the board approved a resolution in support of service-disabled, veterans-owned businesses (SDVOB) and disabled veteran business enterprises (DVBE) which established a three percent required participation of DVBE's for all district construction contracting opportunities. Erickson-Hall Construction Co. submitted a 9.6 percent DVBE participation in its proposal.

CEQA ENVIRONMENTAL REVIEW: Approval of the proposed amendment is subject to the requirements of the California Environmental Quality Act (CEQA), Public Resources Code (PRC) section 21000 et. seq., and its implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, sections 15300.2 et. seq., as amended). On June 8, 2021, the board determined that the Albert Einstein Academy Charter Elementary School Whole Site Modernization Project was exempt from environmental review pursuant to CEQA Guidelines Section 15301 – Existing Facilities and approved a Notice of Exemption (NOE) (Attached). Based on the foregoing, staff has determined that the proposed amendment is consistent with the previously approved project, was fully analyzed in the referenced NOE, and no further CEQA review is required.

[Originator/Contact: Lee Dulgeroff, Senior Executive Director, Facilities Planning and Construction, Office of the Deputy Superintendent, Operations, 858.637.3516, ldugeroff@sandi.net]

1_Fully Executed MSL MFL (Original Award-Precon Services) 06.08.21.pdf (3,093 KB)

2_Fully Executed 1st Amend to MSL MFL 07-26-22.pdf (1,957 KB)

3_Fully Executed 2nd Amend to MSL MFL+Precon 06.27.23.pdf (422 KB)

4_Partially Executed 3rd Amend to Amend & Restated MSL MFL (GMP No. 2) 5.28.24.pdf (3,980 KB)

Einstein_ES_WSM_NOD_2Aug2022_filed.pdf (920 KB)

Administrative Content

Workflow

Workflow

- Apr 25, 2024 5:13 PM :: Submitted by Jennifer Almond. Routed to Ashley Mains for approval.
- May 6, 2024 9:46 AM :: Approved by Ashley Mains. Routed to George Harris for approval.
- May 6, 2024 6:18 PM :: Approved by George Harris. Routed to Linda Hippe for approval.
- May 8, 2024 5:08 PM :: Approved by Linda Hippe. Routed to Sandra Chong for approval.
- May 8, 2024 6:46 PM :: Approved by Sandra Chong. Routed to Kimberly Chapin for approval.
- May 9, 2024 1:02 PM :: Approved by Kimberly Chapin. Routed to Gary Stanford for approval.

May 9, 2024 2:49 PM :: Approved by Gary Stanford. Routed to Lee Dulgeroff for approval.

May 9, 2024 4:09 PM :: Approved by Lee Dulgeroff. Routed to Jodie Macalos for approval.

May 10, 2024 12:50 PM :: Approved by Jodie Macalos. Routed to Drew Rowlands for approval.

May 10, 2024 1:34 PM :: Final approval by Drew Rowlands

Last Modified by Drew Rowlands on May 10, 2024