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August 27, 2017

Kolvira Chheng, Asst. Superintendent of Business Services  
Alum Rock Union Elementary School District  
2930 Gay Avenue  
San Jose, CA 95127

Re:      **Response to Request for documents: Measure J and I Program and Construction Management Agreements**

Kolvira

The following is in response to the District's various August 4, 2017 letters regarding the request for Del Terra's documentation of its' 2013 and 2016 Measure 'J' Program Management and Construction Management Agreements and the 2016 Measure 'I' PM-CM Agreement.

The August 4<sup>th</sup> letters indicate that Del Terra shall inform the District as to the volume of the related documentation by August 24<sup>th</sup> for the a) 2013 and 2016 Measure 'J' PM agreements and b) 2016 Measure 'I' PM-CM agreement. The documentation was also requested to be delivered by August 28<sup>th</sup>. However, the August 4<sup>th</sup> letters regarding the 2013 and 2016 Measure 'J' CM agreements do not list a date specific for informing the District of the volume of documentation or delivery to the District.

In our August 24<sup>th</sup> weekly District and Del Terra bond planning meeting we discussed several topics such as, even though the August 4<sup>th</sup> letters reference FCMAT's findings, it has been proven that FCMAT reported erroneous and false information regarding both the district and Del Terra. The FCMAT report states that no documentation existed at the District of Del Terra's performance. As my attorney and I had clearly stated the evidence of Del Terra's services and contracts have existed within the District's possession. Moreover, as stated in the August 24<sup>th</sup> meeting, and in compliance with the August 4<sup>th</sup> letters, I discussed with you and Lowell Shira, the extensive volume and existence of documentation that is available and how project documentation has been in the District's possession for the past several years. Such as various DSA Close Out documentation exists in both the 2<sup>nd</sup> floor storage area at the District Office and within the District Facilities, Bonds and Leases office. There is also existing PM and CM documentation that also exists in the Facilities, Bond and Leases office as well as the Business Office. The true issue is not that there is a lack of documentation, the problem lies with the lack of any level of communication between FCMAT and Del Terra or FCMAT's follow up with the Director of Facilities, Bonds and Leases.

Accordingly, in the August 24<sup>th</sup> meeting the District stated it will advise as to its further desire for DSA Close Out documentation and what level of Del Terra's voluminous documentation it wishes to receive and in what format.

As I also stated there is existing PM and CM documentation within the District's possession. Moreover, what is needed is to inventory the plans, specifications, and other PM/CM documentation that exists with the District and then reconcile what other documentation the District would continue to request from Del Terra; this is similar to the DSA Close Out scenario. As I stated regarding the DSA Matrix, the letter prematurely states that the Matrix is confusing. As I clarified, if prior to writing the August 4<sup>th</sup> letter had

someone requested to meet with Del Terra to review the Matrix, we could have explained the details of the report; how effective it is and how it captures the necessary information in order to develop the Action Plan to close out the remaining DSA files. Once I explained the Matrix to both you and Lowel at our August 24<sup>th</sup> meeting, I believe the report then seemed more reasonable.

Regarding the PM Documentation requested, I stated that the August 4<sup>th</sup> letters are redundant as to the information requested and do not correlate to the actual projects implemented under the various contracts. Since it is now proven that the FCMAT report is erroneous and false, it would be more effective to have had a discussion between the District and Del Terra in working together to achieve the documentation goals of the District and comply with the various PM and CM Agreements.

I suggest a more effective and logical approach to delivering documentation to the District, is to first identify what is in the district's possession, then determine what further documentation the District still desires for its' files. At that time, Del Terra can provide the necessary documentation to complete the District's recordkeeping.

Further, I also stated that the turning over of documentation as requested in the August 4<sup>th</sup> letters, is the same effort necessary in a Program Wind down. The documentation wind down effort, as an industry standard practice, usually takes 60 calendar days. The August 4<sup>th</sup> letters provide only 24 calendar days, whereas I stated in our August 3<sup>rd</sup> meeting, the day before the August 4<sup>th</sup> letters, that I was going to be out of town and unavailable from August 13<sup>th</sup> to 18<sup>th</sup>, which only leaves 18 calendar days to comply with the Districts original request for documentation. Eighteen calendar days to meet the District's original August 4<sup>th</sup> request is unreasonable and not consistent with industry practices.

If the district still desires for a full copy of all documentation of the Measure 'J' 2013 and 2016 PM Agreements and 2016 Measure 'I' PM-CM Agreement, then I respectfully request the industry standard of 60 calendar days to comply. However, if the district desires a more reasonable and useful manner of ensuring its own files are appropriately maintained with project documentation, then I suggest to follow a plan similar to what was described above. That is, allow Del Terra to confer with the District's Director of Facilities, Bonds and Leases and the Business Dept personnel to identify the documentation which already exists within the District and then allow you to evaluate the level of remaining documentation required.

In either scenario that you select, Del Terra stands ready to comply with the district's direction and within industry practices and compliance with our agreements. I look forward to discussing the next steps in assisting the District in their record keeping efforts.

Sincerely



Luis D. Rojas  
President and CEO