TAMALPAIS UNION HIGH SCHOOL DISTRICT
Larkspur, California

RESOLUTION NO. 23-05

RESOLUTION ADOPTING BEST VALUE PROCEDURES AND GUIDELINES PURSUANT TO EDUCATION CODE SECTION 17406

WHEREAS, the Tamalpais Union High School District ("District") desires to undertake lease-leaseback projects ("LLB Projects") in accordance with applicable law; and

WHEREAS, pursuant to Education Code section 17406, the District must award LLB Projects based on a competitive solicitation process to the proposer providing the best value to the District, taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required; and

WHEREAS, before awarding a Facilities Lease and Site Lease for the LLB Project, the District's Board of Trustees must adopt and publish required procedures and guidelines ("Best Value Procedures") for evaluating the qualifications of proposers that ensure the best value selections by the District are conducted in a fair and impartial manner; and

WHEREAS, the Best Value Procedures, which are attached hereto as **EXHIBIT A**, incorporate the required procedures of Education Code section 17406; and

WHEREAS, the District's Best Value Procedures shall be mandatory when awarding LLB Projects; and

WHEREAS, the District desires to adopt and publish the Best Value Procedures pursuant to Education Code section 17406.

NOW, THEREFORE, the Board of Trustees of the Tamalpais Union High School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That the above recitals are true and correct.

Section 2. That it is in the District's best interest to authorize lease-leaseback project procurement for the construction of District projects pursuant to Education Code section 17406.

Section 3. That the Best Value Procedures are adopted and published pursuant to Education Code section 17406.

Section 4. That the District's Superintendent, or designee, is authorized to implement the Best Value Procedures when evaluating the qualifications of proposers when awarding contracts for its LLB Projects and to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

[CONTINUED ON NEXT PAGE]

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Tamalpais Union High School District on this 10th day of October 2023, by the following vote:

AYES: Uhlhorn, Saavedra, Harlander, Loebbaka

NOES: 0

ABSTAIN: 0

ABSENT: Roenisch

I, Tara Taupier, Secretary to the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees of the Tamalpais Union High School District at their meeting of October 10, 2023, which Resolution is on file in the office of said Board.

Taupier

Tara Taupier, Secretary
Board of Trustees
Tamalpais Union High School District

Attested to:

Loebbaka

Karen Loebbaka, President
Board of Trustees
Tamalpais Union High School District

EXHIBIT A

BEST VALUE PROCEDURES FOR DISTRICT'S LEASE-LEASEBACK PROJECTS PURSUANT TO EDUCATION CODE SECTION 17406

1. Procedure for Soliciting Proposals

a. The District shall prepare a request for sealed proposals ("RFP") from qualified proposers. The District shall include in the RFP:

i. an estimate of the price of the Project;

ii. a clear, precise description of any preconstruction services that may be required, and the facilities to be constructed;

iii. the key elements of the instrument to be awarded;

iv. a description of the format that proposals must follow, including the elements they must contain;

v. the standards the District will use in evaluating proposals;

vi. the date upon which proposals are due; and

vii. the timetable the District will following in reviewing and evaluating proposals.

b. The District shall give notice of the RFP by publishing the notice:

i. in accordance with the requirements of Public Contract Code section 20112, by giving notice of the request for sealed proposals in a trade paper of general circulation published in the county where the project is located, with the latest notice published at least 10 days before the date for receipt of proposals; and

ii. in a trade paper of general circulation at least once a week for two weeks.

c. In order to submit a proposal, a proposer shall be prequalified in accordance with subdivisions (b) to (m), inclusive, of Public Contract Code section 20111.6.

d. If electrical, mechanical, and plumbing subcontractors are used, they shall be subject to the same prequalification requirements for prospective bidders described in subdivisions (b) to (m), inclusive, of Public Contract Code section 20111.6, including the requirement for completion and submission of a standardized prequalification questionnaire and financial statement that is verified under oath and is not a public record.

2. Contents of Requests for Proposals

a. The RFP shall identify all criteria that the District will consider in evaluating the proposals and qualifications of the proposers, by considering, relevant experience, safety record, price proposal, and other factors specified in the RFP.

b. The price proposal shall include, at the District's discretion, either a lump-sum price for the Project or the proposer's proposed fee to perform the services requested, including the proposer's proposed fee to perform

preconstruction services or any other work related to the facilities to be constructed, as requested by the District.

c. The RFP shall specify whether each criterion will be evaluated pass-fail, or will be scored as a best value score, and whether proposers must achieve any minimum qualification score for award of the contract.

d. For each scored criterion, the school district shall identify the methodology and rating or weighting system that will be used by the school district in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score.

3. Evaluation and Award

Proposals shall be evaluated and the Project awarded in the following manner:

a. All proposals received shall be reviewed to determine those that meet the format requirements and the standards specified in the RFP.

b. District shall evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the RFP, and shall assign a best value score to each proposal. Once the evaluation is complete, all responsive proposals shall be ranked from the highest best value to the lowest best value to the District.

c. The District's Board of Trustees shall award the Project to the responsive proposer whose proposal is determined, in writing by the Board of Trustees, to be the best value to the District.

d. If the selected proposer refuses or fails to execute the tendered proposed contract, the District's Board of Trustees may award the contract to the proposer with the second highest best value score if it deems it to be for the best interest of the District. If the second selected proposer refuses or fails to execute the tendered instrument, the District's Board of Trustees may award the instrument to the proposer with the third highest best value score if it deems it to be for the best interest of the District.

e. Notwithstanding any other law, upon issuance of a contract award, the District shall publicly announce its award, identifying the entity to which the award is made, along with a statement regarding the basis of the award. The statement regarding the District's contract award and the contract file shall provide sufficient information to satisfy an external audit.

4. Discretion to Reject Proposals

The District's Board of Trustees, at its sole discretion, may reject all proposals and request new proposals.

[END OF BEST VALUE PROCEDURES]