

# SAN YSIDRO SCHOOL DISTRICT GOVERNING BOARD AGENDA

**TO:** Governing Board

**BOARD MEETING DATE:** June 2, 2017

**FROM:** Julio Fonseca, Ed.D.  
Superintendent

**SCHOOL/DEPARTMENT:**  
Business Services and District Operations  
J. Arturo Sanchez Macias, Deputy Superintendent

**AGENDA ITEM:** AMENDMENT TO BALFOUR BEATTY CONSTRUCTION, LLC  
SITE LEASE AND FACILITIES LEASE - GUARANTEED MAXIMUM PRICE

**BACKGROUND INFORMATION:**

Due to the Reconfiguration and Modernization Projects at La Mirada and Smythe Schools, there are several construction and specialized trades that are needed. Balfour Beatty, the District's Multi-Prime Construction Management Company in coordination with Quality Bidders, conducted a bidding process for qualified and experienced companies to provide proposals in their area of expertise. Now that the final sets of DSA documents have been approved and the bidding process has been completed and vendors selected, it is necessary to amend the Guaranteed Maximum Price (GMP) to proceed with the modernization projects. The new GMP amount is \$22,945,064.00.

The Guaranteed Maximum Price (GMP) (Exhibit C) was previously Board approved as follows:

- April 14, 2016 (*Original*)      \$3,000,000.00    |    ▪ November 10, 2016 (*Amended GMP*)    \$18,918,073.00

The Official Bids include disciplines in over 21 Trades as indicated below:

1. Survey	8. Roofing, Roof Demo	15. Specialities, Wheelchair Lift
2. Building Abatement	9. Sheet Metal	16. Signage
3. Structural Concrete	10. Glazing, Storefront	17. Plumbing, Underground Utilities
4. Wood Framing	11. GYP, Insulation, Plaster	18. Mechanical
5. Structural Steel	12. Door Frames, HW	19. Electrical
6. Architectural Woodwork	13. Tile	20. Landscaping, Irrigation
7. Grading, Site Demo...	14. Flooring	21. Final Clean

**RECOMMENDATION:**

Approve the amendment to the Guaranteed Maximum Price (GMP) and to Exhibit C Section 3 Terms of the Balfour Beatty's Site Lease and Facilities Lease Agreements for the Reconfiguration and Modernization Projects at Smythe and La Mirada Schools in the amount not to exceed \$22,945,064.00 from the Building fund, Developer Fees, Certificates of Participation (COPs) proceeds, Redevelopment Agency funds and other special revenue available.

Renewal   
  New   
  Amendment   
  Ratify   
  Other

Business Services Reviewed:

Financial Implications?

Are funds for this item available in the 2016-17 & 2017-18 Budget?

Requisition #

Yes     No

Yes     No

NOT TO EXCEED

\$22,945,064.00

Refer to "Recommendation"  
section above

(Amount)

(Name of funding source and/or location)

(Funding account number)

Recommended for:     Approval     Denial       Certification Requested     Yes     No

**Superintendent's Office Certification:**

Julio Fonseca, Ed.D., Superintendent  
Secretary to the Board

**GUARANTEED MAXIMUM PRICE AMENDMENT**

THIS GUARANTEED MAXIMUM PRICE AMENDMENT ("Amendment") is attached to and made part of the Site Lease and Facilities Lease Agreements dated as of April 14, 2016 (collectively, the "Contract"), by and between San Ysidro School District ("District") and Balfour Beatty Construction, LLC ("Developer"), for the development and construction of certain improvements in San Ysidro, California at La Mirada Elementary School, located at 222 Avenida De La Madrid, and Smythe Elementary School, located at 1880 Smythe Avenue (the "Project").

The terms of this Amendment shall prevail in the event of any conflict with the terms of the Contract. All capitalized terms not defined herein shall have the meanings set forth in the Contract. This Amendment modifies the Contract in the following particulars only:

1. Pursuant to Facilities Lease, Exhibit C, Section 2.2.1, the Parties agree the Guaranteed Maximum Price ("GMP") payable to the Developer for the Project is Twenty-Two Million Nine Hundred Forty-Five Thousand Sixty-Four Dollars (\$22,945,064).

2. Facilities Lease, Exhibit C, Section 3 is deleted in its entirety and replaced with the following:

**"Tenant Improvement Payments.** Prior to the District's taking delivery or occupancy of the Project, District shall pay to Developer Twenty One Million Two Hundred Forty-Eight Thousand Five Hundred Forty-One Dollars and Ninety-Two Cents (\$21,248,541.92) ("Tenant Improvement Payment(s)"), based on the amount of Work performed according to the Developer's Schedule of Values and pursuant to the provisions for Tenant Improvement Payments, including Final Payment set forth in **Exhibit D** to the Facilities Lease."

3. Facilities Lease, Exhibit C, Attachment 2 is deleted in its entirety and replaced with the revised Attachment 2 attached hereto and incorporated herein by reference.

IT IS SO AGREED.

**CONTRACTOR:**

**DISTRICT:**

BALFOUR BEATTY CONSTRUCTION, LLC

SAN YSIDRO SCHOOL DISTRICT

Signature: 

Signature: \_\_\_\_\_

By: Brian Cahill  
Title: President, California Division

By: J. Arturo Sanchez Macias  
Title: Deputy Superintendent

## ATTACHMENT 2 DETAILS OF GUARANTEED MAXIMUM PRICE

### SAN YSIDRO SCHOOL DISTRICT SUMMARY OF LA MIRADA & SMYTHE ELEMENTARY SCHOOLS

Description	Percentage		Amount
Precon Services	1.25 %	\$	283,272
<b>Subtotal:</b>		<b>\$</b>	<b>283,272</b>
Construction Costs Both Schools:		\$	18,304,253
Construction Contingency	2.50 %	\$	457,606
District Contingency	2.50 %	\$	457,606
<b>Subtotal:</b>		<b>\$</b>	<b>19,219,466</b>
General Conditions	7.95 %	\$	1,801,612
Contract Mark-up	4.25 %	\$	963,126
Cost of Bond	1.00 %	\$	226,618
General Liability Insurance	1.04 %	\$	235,683
Builder's Risk Insurance	0.95 %	\$	215,287
<b>Subtotal:</b>		<b>\$</b>	<b>3,442,326</b>
<b>TOTAL PROJECT VALUE INCLUDING PRECON:</b>		<b>\$</b>	<b>22,945,064</b>