

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 01-2022

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CHABOT LAS POSITAS COMMUNITY COLLEGE DISTRICT APPROVING AND AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR LEASE LEASEBACK SERVICES PURSUANT TO EDUCATION CODE SECTION 81335 AUTHORIZING USE OF THE LEASE LEASEBACK CONSTRUCTION DELIVERY METHOD FOR THE CONSTRUCTION OF A NEW STEM BUILDING (BIOLOGY PHASE TWO) FACILITY

WHEREAS, the Chabot Las Positas Community College District (“District”) owns certain real property located at Chabot College, 25555 Hesperian Blvd., in the City of Hayward, County of Alameda and State of California (“Project Site”).

WHEREAS, California Education Code § 81335 permits the governing board of school districts to lease to any person, firm, or corporation any real property owned by the District if the instrument by which such property is leased requires the lessee to construct on the leased premises, or provide for construction thereon, of improvements for the use of the District during the term of the lease, and provided that title to those improvements shall vest in the District at the expiration of the lease ("Lease Leaseback Process"); and

WHEREAS, the Board of Trustees of the District (“Board”) desires to use the Lease Leaseback Process for the permanent improvement of the Project Site with the design and construction of a new library and learning connection facility ("Project"); and

WHEREAS, District will issue a Request for Proposal (“RFP”) dated on or about October 1, 2021 requesting statements of qualifications from prospective lease leaseback firms; and

WHEREAS, pursuant to the RFP, the District will then review all responsive proposals received from lease leaseback firms and evaluate such responses based on quality of proposal, estimated price and background and experience, among other factors; and

WHEREAS, once a lease leaseback firm is selected in accordance with the RFP, the District will negotiate a preliminary Guaranteed Maximum Price (“GMP”) for the Project and prepare all necessary documents for execution and final Board approval, including a preconstruction services agreement, site lease, facilities lease and construction provisions, that shall govern the design and construction of the Project by the selected lease leaseback firm; and

WHEREAS, in order to complete the work within the contemplated timelines, construction planning and scheduling, maximize the value of the funds available, commence the submittal process and procure long lead time for key trade items, the District has determined it is necessary and in the District’s best interests to begin work on the Project as soon as possible.

NOW, THEREFORE, the Board of Trustees of the Chabot Las Positas Community College District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The Board authorizes the Chancellor, or designee, to issue the RFP.
3. The Board authorizes the use of the Lease Leaseback Process for the permanent improvement of the Project Site.
4. The Board authorizes the Chancellor, or designee, to take all actions necessary or appropriate to effectuate the purposes of the foregoing resolution.
5. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Chabot-Las Positas Community College District this day of September 14, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

I, Secretary of the Governing Board of Chabot-Las Positas Community College District of Alameda County, State of California, certify that the foregoing is a full, true, and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

Date

Secretary of the Board of Trustees of the
Chabot-Las Positas Community College District,
County of Alameda, State of California