12:00 p.m.

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Approval of Agenda**

4. **Public Comments** – Under Government Code 54954.3, members of the public have the right to address the Board on any matter within the Board’s jurisdiction. However the Board may not take action on any non-agenda item. Individual speakers will be allowed three minutes to address the Board. Twenty minutes have been allocated for this portion of the agenda. Additional time is allowed at the end of the meeting if there was not enough time to speak during public comments.

5. **Items for Board Discussion**

   5.1 **Potential Project Delivery Methods of Construction for Building K** (Diane Desher) **INFORMATION ITEM** (additional information/documents are available on the District Website)

   **Background:** Staff will present project delivery methods for the construction of Building K at Alhambra High School. Legal Counsel from Dannis Woliver and Kelley will discuss the lease-lease back method and district staff will lead the discussion of other delivery methods as well as a summary of the advantages and disadvantages of Project Labor Agreements. HY Architects will share the timeline, budget and conceptual plan for Building K.

   The Board will be asked to provide input and direction regarding budget options for building K during this discussion.
6. **Items for Board Action**

6.1 **Resolution Adopting Prequalification Process for Lease-Leaseback Developers and MEP Subcontractors for Lease-Leaseback Project for Building K Pursuant to Public Contract Code Section 20111.6** as presented in Exhibit A (Diane Deshler)

**ACTION ITEM**

**Background:** On October 12, 2015, District’s Counsel, Dannis Woliver Kelley, presented an update on Lease-Leaseback Construction Delivery Method, the recent appellate court decision, Davis v. Fresno Unified School District and its implications with regard to the District’s use of this delivery method on future projects. Education Code section 17406 and Public Contract Code section 20111.6 require the District to require contractors to “prequalify” potential prime contractors (also referred to as “lease-leaseback developers”) and first tier, electrical, mechanical, or plumbing subcontractors holding one of the following licenses, C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46 (collectively “MEP subcontractors”) before entering into an agreement for lease-leaseback projects. In addition to eligibility to use the lease-leaseback project delivery method, this process is intended to create a responsible and responsive bid pool, while preserving competition and fostering a level playing field. In addition, by ensuring that the potential bidders all meet minimum requirements designated by the public entity, this process also decreases the District’s exposure to undue risk, e.g., contractor default, defective work, claims, and skewed bid results.

District staff is requesting that the Board approve prequalification procedures for lease-leaseback developers and MEP subcontractors described in the attached documents and authorize District staff to proceed with the prequalification process in compliance with Public Contract Code section 20111.6 regarding Building K at Alhambra High School.

The following prequalification documents are attached hereto:

- **Resolution No. 2016-9** of the Martinez Unified School District Adopting Prequalification Process for Lease-Leaseback Developers, including:
  - Exhibit “A”: Prequalification Questionnaire;
  - Exhibit “B”: Prequalification Rating System with Appeal Process; and

- **Resolution No. 2016-10** of the Martinez Unified School District Adopting Prequalification Process for MEP Subcontractors for Lease-Leaseback Projects, including:
  - Exhibit “A”: Prequalification Questionnaire;

**Recommendation:**

Staff recommends that the Board approve, pass, and adopt Resolution Nos. 2016-9 and 2016-10 adopting the Prequalification Processes and authorize District staff to proceed with the prequalification processes.

7. **Additional Comments from the Public** (This item is applicable only if there was insufficient time for all speakers under “Public Comments”.)

8. **Comments from the Superintendent, Board Members and Future Agenda Items**

9. **Adjournment** – The next Regular Meeting of the Board of Education will be March 14, 2016.