

**MORGAN HILL UNIFIED SCHOOL DISTRICT
ADOPTING PROCEDURES AND CRITERIA
FOR EVALUATING QUALIFICATIONS AND
PROPOSALS OF LEASE-LEASEBACK CONTRACTORS**

WHEREAS, the Morgan Hill Unified School District (“**District**”) desires to utilize the lease-leaseback delivery method pursuant to Education Code section 17406, for **the Britton Middle School Student Union and Administration Building Project** ~~some of the District’s construction projects~~; and

WHEREAS, pursuant to Education Code section 17406, school districts must award lease-leaseback contracts based on a competitive solicitation process to the proposer providing the best value to the District; and

WHEREAS, before awarding a lease-leaseback contract, the governing board of the school district must adopt and publish procedures and guidelines for evaluating the qualifications of prospective lease-leaseback contractors (“**Evaluation Procedures**”) which ensure that the best value selections by the District are conducted in a fair and impartial manner; and

WHEREAS, District staff has developed the Evaluation Procedures, an exemplar of which, is attached hereto as **Exhibit A**; and

WHEREAS, as part of the Evaluation Procedures and to comply with Public Contract Code section 20111.6, the District requires that contractors prequalify with the District by submitting the District’s prequalification questionnaire pursuant to the District’s procedures; and

WHEREAS, as part of the Evaluation Procedures, the District may elect to issue:

- Request(s) for qualifications (“**RFQ**”) to qualify contractors for a specific project(s), or to create a pool of qualified contractors, and in response, contractors shall submit a statement of qualifications to the District; and
- Request(s) for proposal (“**RFP(s)**”) for a project(s) to contractors qualified for a specific project(s), or to an established pool of qualified contractors, requesting that contractors submit proposals to the District in response to the RFP(s); and
- Combined RFQ(s) and RFP(s) for a project(s) requesting that contractors submit both statement(s) of qualifications and proposal(s) (“**RFQ/P(s)**”) for project(s) to the District, and the District shall utilize and adapt the Evaluation Procedures accordingly; and

WHEREAS, the RFQs, RFPs, and/or RFQ/Ps may require the contractors to identify, prequalify and/or qualify subcontractors, which will be conducted through a separate procurement process that will comply with the applicable District prequalification requirements, the subcontractor procurement process in Education Code section 17406(a)(4)(B), and with additional subcontractor procurement processes to better ensure that the District receives complete and competitive pricing from the Contractor (“**Subcontractor Procurement Process**”); and

WHEREAS, the District, ~~at its discretion,~~ shall conduct interviews with and/or perform reference check on some or all of the contractors that respond to RFQs, RFPs, and RFQ/Ps, which will be evaluated according to the criteria and scoring set forth in **Exhibit B** attached hereto; and

WHEREAS, the District desires to adopt the Evaluation Procedures as required pursuant to Education Code section 17406(a)(2) to create a pool of qualified contractors for projects and/or to award District lease-leaseback projects to the contractor presenting the best value to the District; and

WHEREAS, the District will qualify contractors based on the criteria attached hereto as **Exhibit B**, and select contractor(s) for projects according to the best value criteria for the RFPs attached hereto as **Exhibit C** (collectively, “**Scoring**”), which shall be adapted if the District issues RFQ/Ps; and

NOW, THEREFORE, the Governing Board of the Morgan Hill Unified School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. The above recitals are true and correct.

Section 2. The Board adopts the Evaluation Procedures, inclusive of **Exhibit A** through **Exhibit C** attached hereto, and repeals and replaces any previously adopted lease-leaseback procedures with these Evaluation Procedures.

Section 3. The District’s Superintendent or designee is authorized to implement the Evaluation Procedures and is authorized to make revisions to the criteria and Scoring that do not impact the overall fairness and impartiality of the solicitation process, with such permissible changes inclusive of, without limitation, combining an RFQ and an RFP and adjusting the criteria, District determination, Scoring, changing the size, scope and number of past projects, adding an essential criterion related to a specific type of project (e.g., past experience with a specific type of construction), etc.

Section 4. The District’s Superintendent or designee is authorized to issue separate or combined RFQ(s), RFP(s) and RFQ/P(s) for contractors for District lease-leaseback projects, and to take any action that is necessary to complete the procedures necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

Section 5. The District’s Superintendent or designee is authorized to develop and implement a Subcontractor Procurement Process for RFQ(s), RFP(s) and RFQ/P(s) for District lease-leaseback projects that complies with Education Code section 17406 and this Resolution.

This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on April 9, 2021 by the following vote:

AYES: Escoto, Gittens, Horner, Montes, Orosco, Patterson, Sullivan

NOES:

ABSENT:

ABSTAIN:

DATED: April 9, 2021

SIGNED: 

Wendy Sullivan, President
Board of Education

I, Steve Betando, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on April 9, 2021 which resolution is on file in the office of said Board.

DATED: April 9, 2021

SIGNED: 

Steve Betando, Secretary
Board of Education

List of Exhibits

- Exhibit A** District's Procedures for Evaluating the Qualifications of Prospective Lease Leaseback Contractors
- Exhibit B** District's Scoring and Criteria: SOQs, Interviews and References
- Exhibit C** District's Scoring and Criteria: Responses to RFP(s)

Exhibit A

District's Procedures for Evaluating the Qualifications of Prospective Lease-Leaseback Contractors

District's Evaluation / Best Value Selection Process. The Contractor will be selected based on the "best value" as determined by the District based on the criteria identified in the District's scoring of SOQs, Proposals, references, and interviews. If the District uses an RFQ/P, the District may or may not create a pool of qualified Contractors and these steps, including the District's determination, may be adjusted by District staff accordingly.

STEP 1: Scoring of Prequalification Questionnaire	Only Prequalified Contractors will proceed to STEP 2 .
STEP 2: Scoring of SOQs / Proposals	Minimum points required in STEP 2 for Firms to proceed to STEP 3 : _____ Total maximum possible points from STEP 2 is _____
STEP 3: Scoring of Interviews (optional)	The District will only interview Firms (if it conducts interviews of Firms) that have the required minimum score after STEP 2 . The District, at its discretion, may elect to forego conducting interviews. If the District conducts interviews, then the following shall apply: Minimum points required in STEP 3 for Firms to qualify: _____ Total maximum possible points from STEP 3 is _____
STEP 4: Scoring of Reference Checks (optional)	The District will only contact references (if it conducts reference checks) that have the required minimum score after STEP 2 . The District, at its discretion, may elect to forego conducting reference checks. If the District conducts reference checks, then the following shall apply: Minimum points required in STEP 4 for Firms to qualify: _____ Total maximum possible points from STEP 4 is _____

DISTRICT'S BEST VALUE DETERMINATION

If the District qualifies contractors for the pool or selects contractors for projects, it will do so as follows:

- If the District does not conduct interviews and does not conduct reference checks, the District shall use the points from **STEP 2** as the basis for its best value determination.
- If the District conducts interviews and does not conduct reference checks, the District shall use the points from **STEP 3** as the basis for its best value determination, assuming the Firm has the minimum number of required points.
- If the District conducts reference checks and does not conduct interviews, the District shall use the points from **STEP 2** added with the points from **STEP 4** as the basis for its best value determination, assuming the Firm has the minimum number of required points.
- If the District conducts interviews and conducts reference checks, the District may choose to do either in any order it determines. The District shall use the points from **STEP 2** added with the points from **STEP 3** or **STEP 4**, whichever occurs last, as the basis for its best value determination, assuming the Firm has the minimum number of required points for both **STEPS**.

District staff reserve the right to create a panel of evaluators to score Contractors, and then average those scores at each STEP to determine Contractors' scores.

Exhibit B

District's Scoring and Criteria: SOQs, Interviews and References

STEP 2 – SOQ Scoring

The following scoring will be used in evaluating the Firm's SOQ responses to the following criteria, which will be determined by reviewing all relevant portions of the SOQ. If the District issues an RFQ/P, then District staff will adjust the SOQ scoring matrix to include items in **Exhibit C**, in which case the adjusted scoring shall constitute the "best value" scoring and criteria.

Item	Description	Maximum Qualification Points	Firm's Qualification Points
1. Past K-12 Projects	Firm demonstrates past experience and expertise with past K-12 projects.	75-125	
2. LLB Projects	Firm demonstrates past experience and expertise with past LLB projects and process on projects of similar size.	75-125	
3. Schedule	Firm demonstrates ability to prepare and meet achievable construction schedules, schedule management procedures, and successful handling of potential delays.	25-75	
4. Personnel / Subconsultants	Firm's team members, especially team leaders, demonstrate applicable experience and expertise to perform Services.	25-75	
5. Preliminary Services	Firm demonstrates past experience and expertise to perform all Preliminary Services.	25-75	
6. Cost Savings / Value Engineering	Firm demonstrates past experience and expertise to perform value engineering services for the Projects.	25-75	
7. Budget	Firm demonstrates past experience and expertise to manage costs and stay within budgets on LLB projects.	25-75	
8. Skilled and Trained Workforce	Firm demonstrates past experience complying with skilled and trained workforce requirements.	25-75	
9. Subcontractor Procurement	Firm demonstrates the capability to participate in the District's process for the open book solicitation of subcontractors.	25-75	
10. Current Work Commitments	Firm describes current and projected workload.	5-25	

11. Bonding Capacity	Firm demonstrates it has sufficient bonding capacity.	5-25	
12. Conflict of Interest	Any potential or actual conflict of interests.	5-25	
13. Safety	Firm demonstrates a strong commitment to project safety and indicates a history of safe worksites.	5-25	
14. Compensation	Firm's compensation information provided is competitive and within the District's past experience for compensation for similar construction projects.	150-250	
15. References	Strength of references, if any	5-25	
16. Comments to Contract	Extent and content of requested revisions to contract documents	50-100	
17. Additional Information	Strength of additional information provided by Firm.	5-25	
	TOTAL POINTS		

STEP 3 – Interview Criteria and Scoring (If Interviews are Conducted)

Firms meeting or exceeding the minimum total qualification points through Step 2 may be invited to interview with the District. The subject matter for the interview will be at the District's discretion but shall include, at a minimum, the following topics.

Item	Maximum Qualification Points	Firm's Qualification Points
1. Past Projects/Experience: Firm's articulation of Firm's history, education, and background; Firm's experiences working with similar, past projects; issues faced and how addressed (i.e. claims, bonding/surety involvement, owner relations, citations, etc.); and questions, concerns, and highlights from the SOQ.	20-50	
2. District Project(s): Firm's articulation of how it will construct the Project(s), its ideas related to constructability, and other construction-specific ideas, concerns, or related issues (i.e. schedules, budgets, subcontractor selection, etc.).	20-50	
3. Subcontractor Selection: Firm's articulation its process for ensuring that any gaps in scope in the plans or subcontractor bids will be competitively priced, and	20-50	

demonstrating that its process for procuring and selecting subcontractors will result in the best value to the District.		
4. Personnel/Leadership: Firm's articulation of its Project-designated personnel, leadership, subcontractor relations, apprenticeship program, ability to perform the Services etc. Firms must bring the project team who will be on the project and confirm availability for the Project. No substitutions.	20-50	
5. Overall Ability and General Suitability. Firm's articulation of its overall skills, ability to complete the Projects, and general suitability for the District's purposes (i.e. implementation of District policies and procedures, compliance with District Programs, political atmosphere, additional information, etc.).	20-50	
6. Schedule. Firm's draft schedule is reasonable and within the District's past experience for schedules for this type of Project.	20-50	
7. Working with Design Team / Project Inspector. Firm's articulation of its ability to work with and collaborate with the project design team and to what degree it is involved in architect plans; also its ability to work with project inspectors.	20-50	
8. Budget and Change Orders. Firm's articulation on whether it could guarantee the budget and its indication on what it determines is a reasonable percentage of change orders for the Project(s), if any.	20-50	
9. Additional Services. Firm's articulation of what scopes or work are not part of the firm's general pricing.	20-50	
TOTAL POINTS		

STEP 4 – References Criteria and Scoring (If References are Checked)

The District may, in its discretion, elect to score references in response to a RFQ, RFP, or RFQ/P. In the event that the District elects to include reference scoring, the scoring for either the RFQ, RFP, or RFQ/P shall be adjusted accordingly.

1. Contacts references identified by the Contractor and scores those responses.
2. Fill out the information in Section I of the Qualification Evaluation – Reference Form and then call the contact person.
3. Ask the questions in Section II of the Qualification Evaluation – Reference Form. Ensure that you obtain the information regarding whether the Firm’s performance in that area was “unsatisfactory,” “below average,” “average” or “above average.” Assign the corresponding score for each answer in Section III.
4. Complete Section III of the Qualification Evaluation – Reference Form with the information received during the call.
5. Use a separate Qualification Evaluation – Reference Form for each call.
6. Make three (3) complete reference calls for each Firm.
7. Enter the “Total Score for This Project” of all the Qualification Evaluation – Reference Forms for that Firm into an “Averaging” Worksheet.

<u>Sample “Averaging” Worksheet for 3 reference calls per Firm – See next page</u>	
“Total Score for This Project” from first call	
“Total Score for This Project” from second call	
“Total Score for This Project” from third call	
Total	
Total divided by three (÷ 3) [DIVIDE SCORE BY NUMBER OF CALLS] This is the score for the Firm for the References Step in the evaluation process.	

(Optional) Reference Scoring Continued

References – Qualification Evaluation Form

Section I - General Project Information

Name of Firm:	Total Contract Costs:
	Contract Start/End Dates:
Project Title:	Actual Completion Date:
Scope of Work:	
Name of Public Agency:	Telephone Number of Contact Person:
Name of Contact Person:	Date and Time of Interview of Contact Person:
Architect Firm:	Principal Architect in Charge of Project:

Section II – Telephone Interview Questions

1. **Quality of Work.** Were there quality-related problems on the project? Were these problems attributable to the Firm? Was the Firm cooperative in trying to resolve problems? If not, provide specific examples. **Please rate the Firm with respect to quality of work as either unsatisfactory, below average, average, or above average.**

2. **Scheduling.** Rate the Firm's performance with regard to adhering to project schedules. Did the Firm meet the project schedule? If not, was the delay attributable to the Firm? **Please rate the Firm with respect to scheduling as either unsatisfactory, below average, average, or above average.**

3. **Subcontractor (Project) Management.** Rate the Firm's ability to manage and coordinate subcontractors (if no subcontractors, rate the Firm's overall project management). Was the Firm able to effectively resolve problems? If not, provide specific examples. **Please rate the Firm with respect to project management as either unsatisfactory, below average, average, or above average.**

4. **Change Orders.** Rate the Firm's performance with regard to change orders and extras. Did the Firm unreasonably claim change orders or extras? Were the Firm's prices on change orders and extras reasonable? If not, provide specific examples. **Please rate the Firm with respect to change orders as either unsatisfactory, below average, average, or above average.**

5. **Working Relationships.** Rate the Firm's working relationships with other parties (i.e. owner, designer, subcontractors, etc.) and the District. Did the Firm relate to other parties in a professional manner? If not, provide specific examples. **Please rate the Firm with respect to working relationships as either unsatisfactory, below average, average, or above average.**

6. **Responsiveness.** Rate the Firm's responsiveness to telephone calls, emails, meetings, requests for action, etc. Did the Firm respond to inquiries promptly and substantively? If not, provide specific examples. **Please rate the Firm with respect to responsiveness as either unsatisfactory, below average, average, or above average.**

7. **On-Site Firm Staff.** Rate the Firm's on-site staff relating to their management of the site, communication and interaction with owner's staff, and familiarity with project scope and status. **Please rate the Firm's on-site staff as either unsatisfactory, below average, average, or above average.**

8. **Paperwork Processing.** Rate the Firm's performance in completing and submitting required project paperwork (i.e. submittals, drawings, requisitions, payrolls, etc.). Did the Firm submit the required paperwork promptly and in proper form? If not, provide specific examples. **Please rate the Firm with respect to paperwork processing as either unsatisfactory, below average, average, or above average.**

9. **Value Engineering.** Rate the Firm's performance in analyzing designed building features, systems, equipment, and material selections for the purpose of achieving essential functions at the lowest life cycle cost consistent with required performance, quality, reliability, and safety. **Please rate the Firm with respect to providing value engineering services as either unsatisfactory, below average, average, or above average.**

Numerical Rating

If the contact person rates the Firm unsatisfactory in any area, please attempt to provide written comments in Section II to explain the rating(s) assigned.

Firm's Name: _____

		Unsatisfactory	Below Average	Average	Above Average	Rating
1.	Quality of Work	0	5	15	20	
2.	Scheduling	0	5	10	15	
3.	Subcontractor (Project) Mgt.	0	5	10	15	
4.	Change Orders	0	5	10	15	
5.	Working Relationship	0	5	10	15	
6.	Responsiveness	0	5	10	15	
7.	On-Site Staff	0	5	10	15	
8.	Paperwork Processing	0	2	5	10	
9.	Value Engineering	0	2	5	10	
Total Score for This Project						

Exhibit C

District's Scoring and Criteria: Responses to RFP(s)

The District intends that the Contractor with the **highest RFP score** for a District Project will be the successful Contractor for that Project. If the District issues an RFQ/P, then District staff may include items from this “best value” and scoring of RFPs in the SOQ scoring matrix, in which case the adjusted scoring shall constitute the “best value” scoring and criteria.

	Criteria	Maximum Points	Firm's Points
1. Proposed Price for Preliminary Services	Firm's amount and additional information provided is competitive and within the District's past experience for charges for Preliminary Services.	75-125	
2. Proposed Guaranteed Maximum Price	Firm's amount and additional information provided is competitive and within the District's past experience for charges for an Initial Guaranteed Maximum Price for the Project.	250-350	
3. Subcontractor Procurement	Firm demonstrates that it has complied (or can and will comply) with the District's subcontractor procurement process.	25-75	
4. LLB Contract	Firm's comments regarding the District LLB Form of Contract are reasonable.	50-100	
5. Accessories, Additional Components, and Upgrades	Firm's pricing and ability to provide the District with accessories, additional components, warranties and upgrades for the Project.	25-75	
6. Financing Cost	Firm's amount and additional information provided for financing of the Project's construction cost.	25-75	
7. Personnel / Subconsultants	Firm's confirmation of availability and expertise of Firm's team members, especially team leaders, demonstrate applicable experience to perform Services.	25-75	
8. Schedule	Firm's draft schedule is reasonable and within the District's past experience for schedules for this type of Project.	25-75	

9. Work Commitments	Firm current and projected workload do not unnecessarily restrict its ability to perform the Project.	25-75	
	TOTAL POINTS		

INTERVIEWS DURING RFP SELECTION
The District, at its discretion and in order to seek clarification from Firm(s) related to proposals, may conduct interviews during its evaluation of RFPs with some or all of the Firms that respond to an RFP. District staff may <u>not</u> use interviews to allow contractors to substantively revise or change their proposals.