

**RESOLUTION NO. 21/22-10  
OF THE  
MODESTO CITY SCHOOLS  
RESOLUTION SUPPORTING AWARD OF LEASE-LEASEBACK AGREEMENTS  
FOR THE PETER JOHANSEN HIGH SCHOOL HVAC REPLACEMENT AND  
ELEVEN (11) SITES HVAC CONTROLS UPGRADE PROJECT**

**WHEREAS**, the Modesto City Schools (“District”) is currently undertaking project known as the PETER JOHANSEN HIGH SCHOOL HVAC REPLACEMENT AND ELEVEN (11) SITES HVAC CONTROLS UPGRADE PROJECT (“Project”);

**WHEREAS**, on March 8, 2021, the District’s Board of Education (“Board”) adopted Resolution No. 20/21-23, adopting and publishing revised required procedures and guidelines (“Best Value Methodology”) for evaluating the qualifications of proposers on the Project to ensure the best value selections by the District are conducted in a fair and impartial manner pursuant to Education Code section 17406;

**WHEREAS**, the District incorporated the Best Value Methodology in a Request for Qualifications and Proposals (“RFQ/P”), which was advertised in The Modesto Bee once a week for two weeks, commencing on September 3, 2021, and completed on September 10, 2021 and submitted on September 3, 2021 for advertising in the Valley Builders Exchange, Inc. trade paper once a week for two weeks, commencing on September 10, 2021, and completed on September 17, 2021;

**WHEREAS**, attached hereto as **Exhibit “A”** is a copy of the Proof of Publication;

**WHEREAS**, District staff have reviewed proposals for the Project submitted in response to the Request for Qualifications and Proposals issued on September 3, 2021, in accordance with the adopted Best Value Methodology and taking into consideration the proposers’ demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required;

**WHEREAS**, after consideration of all of the proposals, the Board hereby awards the Site Lease and Facilities Lease (“Lease-Leaseback Agreements”) for the Project to Robert E. Boyer Construction, Inc., who was the highest ranked respondent according to the adopted Best Value Methodology;

**WHEREAS**, Robert E. Boyer Construction, Inc. has been prequalified pursuant to Education Code section 17406, Public Contract Code section 20111.6 and the RFQ/P requirements;

**WHEREAS**, Education Code section 17406 provides that the school district’s governing board shall issue a written decision supporting its contract award and stating in detail the basis of the award; and

**WHEREAS**, attached hereto as **Exhibit “B”** is a copy of the written findings of the Board supporting the Board’s award of the Lease-Leaseback Agreements to Robert E. Boyer Construction, Inc. for the Project.

**NOW THEREFORE**, the Modesto City Schools Board of Education hereby resolves, determines, and finds the following:

**Section 1.** That the foregoing recitals and the findings are true.

**Section 2.** That the District complied with the procedure set forth in Education Code section 17406, the Best Value Methodology adopted by the District and the Request for Qualifications and Proposals issued by the District.

**Section 3.** That Robert E. Boyer Construction, Inc. provided the best value to the District for the Project, taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required.

**Section 4.** That, based on the foregoing, it is in the best interest of the District to award the Lease-Leaseback Agreements to Robert E. Boyer Construction, Inc. for the Project.

**Section 5.** That the Superintendent and designee(s) are authorized and directed to take any and all actions that are necessary to carry out, give effect to and comply with the terms and intent of this Resolution.

**PASSED AND ADOPTED** by the Board of Education of the Modesto City Schools, this 8<sup>th</sup> day of November 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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President of the Board of Education of the  
Modesto City Schools

Attested to:

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Clerk of the Board of Education of the  
Modesto City Schools

Resolution No. 21/22-10  
November 8, 2021

**EXHIBIT A**  
**PROOF OF PUBLICATION**

8/30/2021

The Modesto Bee

**ACCOUNT INFORMATION**

MODESTO CITY SCHOOLS IP  
426 LOCUST ST.  
MODESTO, CA 95351  
209-574-1613  
mcsbids@mcs4kids.com  
MODESTO CITY SCHOOLS

**SCHEDULE FOR AD NUMBER IPL00392220**

September 3, 2021  
The Modesto Bee  
September 10, 2021

**Public Notice**

Modesto City Schools  
426 Locust St., Modesto, CA 95351

**NOTICE TO PROPOSERS**

Notice is hereby given that Modesto City Schools is inviting responses to a Request for Qualifications/Proposal, **RFQ/P No. 21-4759 Lease-Leaseback Construction Services (Peter Johansen High School HVAC Replacement and Eleven (11) Sites HVAC Controls Upgrade Project)**. This is a pre-qualification process for Lease-Leaseback Construction Services only and not a hard bid; the District will not be accepting subcontractor bids.

Sealed proposals will be received in the Modesto City Schools Purchasing Dept., 426 Locust St., Modesto, CA 95351 no later than 12:00 p.m. PT on Thursday, October 14, 2021. Late proposals will be returned unopened. Proposals will not be opened publicly.

RFQ/P Instructions are on file and may be viewed in the District's Purchasing Department, 426 Locust St., Modesto, CA 95351 (209) 574-8490 or may be downloaded from <https://www.mcs4kids.com/district/purchasing/open-bids>. Additional specifications and drawings will be posted no later than September 22, 2021.

A mandatory informational meeting/job walk will be conducted on Tuesday, September 21, at 3:30 p.m. at Peter Johansen High School, 641 Norseman Drive, Modesto, CA 95357.

All questions, clarifications, and Requests for Information (RFI) regarding this RFQ/P must be submitted in writing only to mcsbids@mcs4kids.com no later than 5:00 p.m. on Tuesday, September 28, 2021. Questions submitted after this deadline will not be answered.

Modesto City Schools reserves the right to reject any and all proposals and/or to waive any irregularity or informality.

Angela Zeoli  
Director I, Purchasing  
W00000000  
Publication Dates

9/10/2021

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VALLEY BUILDERS EXCHANGE  
www.valleybx.com

\* INDICATES UNCONFIRMED BIDDER  
+ REQUESTING M/W/D/DVBE OR SECT 3 BIDS  
\$ SUBS MAY BE REQUIRED TO BOND

**RFQ/P LEASE-LEASEBACK CONSTRUCTION SERVICES FOR JOHANSEN HS HVAC REPLACEMENT AND ELEVEN (11) SITES HVAC CONTROLS UPGRADE**

**NEW**

10/14/21 12:00 PM 21-02760 Modesto Addenda/Memo's: 0 Eng. Est.: \$6,552,000

Prebid Conf: MAND A Mandatory Informational Meeting Will Be Conducted On Tuesday, September 21, 2021, At 3:30 P.M. The Meeting Will Be Held At Peter Johansen High School, 641 Norseman Drive, Modesto, Ca 95357.

partnerships, corporations, associations, or professional organizations to provide constructability review, value engineering, master scheduling, cost estimating, budgeting, and construction services for the development and construction for the Peter Johansen High School HVAC Replacement and Eleven (11) Sites HVAC Controls Upgrade.

Plan Issuer: Modesto City Schools - Purchasing zeoli.a@mc4kids.com PH: 209-574-1613

9/17/2021

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Plan Issuer: Modesto City Schools - Purchasing zeoli.a@mc4kids.com PH: 209-574-1613

Bidders: City: Fax: Office:  
\* Robert E. Boyer Construction, Inc. Sonora 209-586-5099 209-586-5010

## **EXHIBIT B**

### **FINDINGS REGARDING THE AWARD OF THE LEASE-LEASEBACK AGREEMENTS FOR THE PETER JOHANSEN HIGH SCHOOL HVAC REPLACEMENT AND ELEVEN (11) SITES HVAC CONTROLS UPGRADE PROJECT**

**WHEREAS**, Robert E. Boyer Construction, Inc. followed page length and layout direction and included requested document attachments as described by the Request for Qualifications/Proposals; and

**WHEREAS**, Robert E. Boyer Construction, Inc. has experience with the local environment and a local presence for interfacing with the District; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received PASS on a PASS/FAIL scale for conflict of interest; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received PASS on a PASS/FAIL scale for the firm's safety record; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received PASS on a PASS/FAIL scale for proposed changes to the District's form of agreement; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 56 out of 60 points for price and price point awarded (i.e., fees, general conditions, contingency percentage, interest rate proposed on lease payments); and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 55 out of 55 points for previous school district lease-leaseback experience; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 30 out of 30 points for technical expertise and relevant experience with like-Projects; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 30 out of 30 points for the project duration; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 25 out of 25 points for management and staffing approach, including skilled and trained workforce; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 25 out of 25 points for workforce and available skilled and qualified subcontractors; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 10 out of 10 points for overall financial strength of the firm, including cash, working capital and line of credit; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 10 out of 10 points for acceptable history of claims and litigation; and

**WHEREAS**, Robert E. Boyer Construction, Inc. received 5 out of 5 points for the availability of bonding capacity for the project; and

**WHEREAS**, Robert E. Boyer Construction, Inc.'s overall combined score was 246 out of 250 points based on RFQ/P evaluation criteria, which was the greatest number of points in accordance with the methodology described in the RFQ/P and was ranked as the best value to the District out of five qualified proposals submitted.