MONTE VISTA HIGH SCHOOL PROJECT BACKGROUND

Summer 2015 project that Alpine has moved to block

The 2009 Master Facility Plan for the Grossmont Union HS District calls for the modernization of many facilities on the campus of Monte Vista High School, and to date more than 58 classrooms have been modernized with Proposition H and U dollars, enhancing the educational experience of 1,635 students at Monte Vista HS. In January 2015, the 50-year-old PE facility modernization at the campus was completed and now provides students modern facilities for physical education and training.

Last year, the District commenced design work for the next phase of work at Monte Vista HS with construction planned for the summer of 2015 on a $8.6 million project that would bring significant facility upgrades to the school. Specifically, Buildings 700, 800 and 800A on the Monte Vista campus are planned for modernization and include improvements to the following areas: choral, band/orchestra classrooms, food service kitchen, ASB classroom, restrooms, computer lab classrooms, and automotive and metal shop classrooms. Modernized classrooms will meet ADA accessibility standards, technology and infrastructure standards and provide energy efficient lighting and air conditioning systems. Improvement of these specific buildings is specified in Proposition U.

The District plans to undertake the modernization effort entirely in the summer of 2015 for two primary reasons. First, it is least disruptive to the campus educational environment to perform the work in the summer, thereby minimizing the disruption to students on the campus. Second, the program can save money by avoiding costly interim classroom housing spaces.

The timeframe for construction is extremely limited and there is little margin for error or missing the completion date. The California Education Code allows districts to use a construction delivery method called Lease-Lease back whereby the District can select the contractor to undertake the work for a guaranteed maximum price and a specified schedule. In utilizing this approach, the District shifts to the contractor the risk for completion of the work on time and for a specified price.

Although not required by Education Code, the District solicited proposals for this work from respected and experienced firms, including CW Driver, Turner Construction, Balfour Beatty Construction and Erickson Hall Construction Company. Erickson Hall was selected for several reasons, including price, construction approach, team experience with the District and a track record of successfully performed Lease-Lease-back projects for the District, including the Agriculture Center project at El Capitan in 2012.

VALHALLA HIGH SCHOOL PROJECT BACKGROUND

Summer 2015 project that Alpine has moved to block

The 2009 Master Facility Plan for the Grossmont Union HS District calls for the modernization
of classrooms, air conditioning and lighting systems, and fire/life/safety systems, at Valhalla High School. The school serves more than 2,100 students, and only 6 of the 54 main building classrooms have been modernized with Proposition H and U dollars. Original phasing plans would have allowed design and construction to commence as early as 2010 however DSA mandated a smoke evacuation study of the facility which delayed the project and resulted in significant cost increases to the smoke exhaust and fire suppression systems. In addition, DSA mandated the construction occur as a single phase in lieu of multiple phases so the safety systems could be implemented for the entire structure.

Commencing in summer of 2015, the District will begin to modernize the 155,000 square feet, 4-story high school at a cost estimated at $30 million dollars. The 12-month project will upgrade 49 classrooms, including CTE, theater and choir facilities, Special Education suite, restrooms, and student support services. The facility will have upgraded fire/life/safety, ADA and minor site work. Modern LED lighting will meet current code requirements for energy efficiency. The work includes abatement, demolition, re-arrangement and reconstruction of classrooms, offices and support spaces, enclosing the Level 400 atrium and new finishes throughout the facility including flooring and glazing. The project also includes new fire sprinklers, mechanical/electrical/plumbing systems, new low voltage systems, smoke evacuation systems, and a dust collection system in the woodshop. Site work includes ADA access renovations, limited site paving, stairs, site utilities and landscape and irrigation improvements.

The work to the high school is scheduled around a timeframe for construction that is extremely limited and there is little margin for error or missing the completion date. The California Education Code allows districts to use a construction delivery method called Lease-Leaseback whereby the District can select the contractor to undertake the work for a guaranteed maximum price and a specified schedule. In utilizing this approach, the District shifts to the contractor the risk for completion of the work on time and for a specified price.

Although not required by Education Code, the District solicited proposals for this work from respected and experienced firms, including CW Driver, Turner Construction, Balfour Beatty Construction and Erickson Hall Construction Company. The firm of CW Driver was selected for the project based upon price, construction approach, team experience with the building and the District, and a track record of successfully performed Lease-Leaseback projects for the District, including the mechanical system replacement and site utilities at Valhalla in 2009 – a $9.5 million effort in 8 weeks, and the science lab building project at Monte Vista HS.

**GROSSMONT HIGH SCHOOL PROJECT BACKGROUND**

*Summer 2015 project that Alpine has challenged*

The 2009 Master Plan specifically calls for the demolition of deteriorated classrooms and the construction of new academic classrooms as well as the modernization of high school guidance counseling spaces and college/career center.
The $11 million project meets the requirements of the bond language and began in 2014 with the demolition of the 60-year-old administration building, the old auto shop building, classroom building 100, the Grossmont Resource Center building, the Special Education office buildings and other ancillary structures to make way for the new, two-story Student Support Services building and the new, two-story Arts Classroom building. The Arts Classroom building will have 6 classrooms including 2-D and 3-D arts, the ASB program and a special education classroom. The Student Support Services building will house the guidance counseling, the College/Career Center and campus administrative staff.

Once demolition of the old buildings was completed in late 2014, the area was completely regraded in preparation for the new buildings. The graded pads are fenced and visible from the front of campus. The new Student Support Services building serves as the main entry point and campus gateway for visitors and students alike. Site work will include additional parking, new accessible pathways and a revamped bus drop off area along with a new toilet building that supports the stadium during events. This project will transform Grossmont High School, the oldest school in the District, and enhance the educational experience for the school’s 2,320 students.

OVERVIEW OF LEASE-LEASEBACK DESIGN BUILD APPROACH

Applies to Monte Vista and Valhalla projects outlined above

Lease-leaseback projects are constructed pursuant to the provisions set forth in Education Code Section 17406, which authorizes school district governing boards, without advertising for bids, to lease property currently owned by a school district to any person, firm, or corporation as long as such lease requires the other party to construct a building or buildings upon the subject property and that title to the subject property and the buildings vest in the school district at the expiration of the lease. This statutory language requires that school districts first lease its property to a chosen contractor.

This delivery method of construction has been recognized by the State Legislature as a proven method to deliver school facilities on time, on budget, and with a reduced level of public agency risk associated with design issues, delays and costs overruns.

Prior to entering into the Site and Facilities Lease, school districts must have plans for the Projects prepared and approved. School districts generally retain an architect to develop and obtain the required approvals for the plans.

It is most beneficial to the school district to identify the builder the school district will utilize for the project early in the process so they can participate in ensuring quality plans are well coordinated with the contractor and minimize costly errors.

Validation Actions

The delivery method has had great success though it has not been without its detractors. Many
have failed to grasp the provisions of the Education Code that allow the LLB delivery when the
Public Contract Code regulates construction practices.

While the Courts have consistently ruled that LLB is a valid and legal construction delivery
method, many school districts, including GUHSD, request a judgment from the Superior Court to
“validate” its board actions, lease-leaseback documents (Site Lease, Facilities Lease, and
Construction Provisions), and any financing documents associated with the project. Validation
actions are preemptive suits by which public entities ask the court to validate certain financial
arrangements. Government Code Section 53982 provides that an action to determine the validity
of any resolution, ordinance, agreement, or method of financing may be made pursuant to
California Code of Civil Procedure Section 860. Although there have been a couple of recent
challenges to validation actions filed for LLB projects elsewhere in the state, the courts have
unanimously upheld LLB as a valid construction delivery method available to school districts.

In fact, in two very recent appellate court decisions dealing with LLB contracts entered into by
the Los Alamitos School District and Torrance School District, the appellate courts confirmed
that competitive bidding is not required for LLB, and that Education Code Section 17406
provides clear statutory authority for the LLB delivery method. (Los Alamitos Unified School

By obtaining a validation action judgment, the school district can ensure that challenges to the
design build project cannot be made after construction commences. Therefore, any would-be
bidding contractor or disgruntled tax payer can be precluded, for example, from seeking an
injunction to halt construction until such a challenge can be settled.

It has been GUHSD’s preference to undertake such validation actions through the Courts. No
objections have ever been raised relative to the delivery method for any project undertaken by
GUHSD.

**SAMPLING OF OTHER SCHOOL PROJECTS APLINE’S LAWSUIT IS BLOCKING**

**Granite Hills**

*Being blocked by Alpine lawsuit*

Two buildings, 30 & 80, both were constructed in 1959 with the original campus
construction. Building 30 formerly housed administration, which relocated to the new Student
Support Services building. Building 30 is now vacant. Once modernization is complete, 6 state
of the art classrooms will serve general academic teaching stations for math and social science.

The 80 building housed the student support services functions and a classroom and a computer
lab. The classroom and lab are still in use. The student support function moved to the newly
constructed Student Support Services building. When modernized 4 regular classrooms and 2
computer labs will be created. Included in both projects is new air conditioning, technology,
LED lighting, ADA compliance. The construction value of the work is approximately $3m. A total of 12 teaching stations will be completed with the project. The project also qualifies for State funding (though there is no State funding available now). Construction of both these projects was slated to begin immediately after the Student Support Services Building, which would have saved construction management mobilization costs and been more efficient from a management standpoint.

**West Hills**  
*Being blocked by Alpine lawsuit*

The current facility serves severe special education students is in need of improvement for the hygiene facilities especially. Students, some with ambulatory constraints, must walk to administration center to use the restroom - over 400 feet. The project would expand and modernize the restroom and hygiene facility to be fully accessible and easier for staff to support the needs of the students. Additionally, a culinary life skills facility would be improved and fully accessible.

**Helix Charter**  
*Being blocked by Alpine lawsuit*

Fire lane work. California Department of State Architect and the La Mesa Fire Marshall require the existing fire lane to be upgraded (widened and reinforced) so that a fire truck can use it and have access to buildings within 150 feet. The work is bond funded.