

SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

TO: Board of Trustees
FROM: Gloria Macías Harrison, Board Finance Committee Chair
REVIEWED BY: Jose F. Torres, Interim Chancellor
PREPARED BY: Farrah Farzaneh, Director, Facilities Planning & Construction
DATE: June 11, 2020
SUBJECT: Consideration of Approval to Adopt Resolution #2020-06-11-FPC01 approving the Use of Design-Build Construction Delivery Method

RECOMMENDATION

It is recommended that the Board of Trustees adopt Resolution #2020-06-11-FPC01 approving the use of Design-Build Construction Delivery Method for various projects and authorizing related acts pursuant to Education Code 81700 *et seq.*

OVERVIEW

The San Bernardino Community College District desires to construct various projects using the Design-Build Construction Delivery Method. Design-build will be incorporated, along with other traditional delivery methods, throughout the Measure CC Bond Program and will be applied where appropriate and fitting for the project.

Education Code section 81700 *et seq* authorizes the governing board of a community college district, upon deciding that it is in the best interest of the community college district, to enter into a design-build contract for both the design and construction of a community college facility if that contract exceeds \$2,500,000.00.

ANALYSIS

The benefits of a Design-Build Construction Delivery Method include accelerated completion of the projects, cost containment, reduction of construction complexity, and reduced exposure to risk for community college districts; this method is also found to be cost-effective. Benefits to community college districts are achieved by shifting the liability and risk for cost containment and project completion to the design-build entity.

INSTITUTIONAL VALUES

Resource Management for Efficiency, Effectiveness, and Excellence

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the approval of this Board item.

RESOLUTION #2020-06-11-FPC01 OF THE BOARD OF TRUSTEES OF THE
SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
APPROVING THE USE OF THE DESIGN-BUILD CONSTRUCTION DELIVERY METHOD FOR VARIOUS PROJECTS AND
AUTHORIZING RELATED ACTS PURSUANT TO EDUCATION CODE 81700 *ET SEQ.*

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WHEREAS, the San Bernardino Community College District (“District”) desires to construct various projects including those set forth in Exhibit “A” attached hereto at San Bernardino Valley College and Crafton Hills College (collectively, “Project” or “Projects”) using the design-build construction delivery method whereby the District will select a design-build entity (“Builder”) to design and construct the Projects;

WHEREAS, Education Code section 81700 *et seq.* authorizes the governing board of a community college district, upon making a determination that it is in the best interest of the community college district, to enter into a design-build contract for both the design and construction of a community college facility if that contract exceeds two million five hundred thousand dollars (\$2,500,000.00);

WHEREAS, the District’s Board of Trustees (“Board”) has determined that the design-build process is in the best interest of the District for the design and construction of the Projects pursuant to Education Code section 81700 *et seq.* because: the Legislature has recognized the merits of the design-build procurement process in the past by authorizing its use for projects undertaken by the University of California, specified local government projects, including school districts, and state office buildings; the Legislature has found and declared that the benefits of a design-build contract project delivery system include accelerated completion of the projects, cost containment, reduction of construction complexity, and reduced exposure to risk for community college districts; the Legislature also found that the cost-effective benefits to community college districts are achieved by shifting the liability and risk for cost containment and project completion to the design-build entity;

WHEREAS, the Board hereby determines and finds that the design-build process for the design and construction of the Projects provides features not achievable through the traditional design-bid-build method including, allowing for direct coordination between the designer and builder since they are one entity, thereby, allowing major decisions regarding Project components and design elements to be coordinated at an earlier stage, optimizing and reducing Project costs and expediting Project completion;

WHEREAS, Board hereby further determines and finds that utilizing the design-build construction delivery method for the Projects allows the District to determine Project costs earlier and enables the District to select a Builder that has the ability to design and construct the Projects within the established budgets and will contractually be obligated to construct the Projects within the approved budgets, and to shift design risk to a quality Builder on complex projects and renovations;

WHEREAS, the District will select the Builder using the “best value” procurement methodology pursuant to Education Code sections 81703 and 17250.25(b);

NOW, THEREFORE, the Board of Trustees of the San Bernardino Community College District does hereby find, determine, declare, and resolve as follows:

Section 1. Recitals. All of the recitals herein contained are true and correct.

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Section 2. Determination of Best Interests of the District. The Board determines that it is in the best interest of the District to use the design-build construction delivery method pursuant to Education Code section 81700 *et seq.* for construction of the Projects.

Section 3. Cost of Each Project. The Board finds that the project expenditure for the design and construction for each individual Project will exceed two million five hundred thousand dollars (\$2,500,000.00).

Section 4. Other Acts; Delegation. The Board hereby approves a delegation of authority and appoints the Interim Chancellor, Jose Torres, or his designee, who is hereby authorized and directed, to determine which Projects in Exhibit "A" will use the design-build construction delivery method, to revise and negotiate agreements and documents, and to do any and all things necessary, in consultation with the staff and District legal counsel, that he or she may deem necessary or advisable in order to effectuate the purpose and intent of this Resolution, all subject to ratification of the Board. Said delegation shall be valid during the solicitation process and construction of the Projects, or until otherwise rescinded by the Board.

Section 5. Effective Date. This Resolution shall take effect upon adoption.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the San Bernardino Community College District on the 11th day of June 2020, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

I, Dr. Anne L. Viricel, Chair of the San Bernardino Community College District Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of the resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.

Chair of the Board of Trustees
San Bernardino Community College District

I, Gloria Macias Harrison, Clerk of the Board of Trustees of the San Bernardino Community College District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Trustees of the San Bernardino Community College District at a regular meeting thereof held on the 11th day of June 2020, by the following forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the San Bernardino Community College District this 11th day of June 2020.

Clerk of the Board of Trustees
San Bernardino Community College District

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EXHIBIT “A”

List of Projects *

San Bernardino Valley College:

- Instructional & Student Services Building (ISSB)
- Career Pathways Phase 2
- Administration & Campus Center Repurposing
- Campus-wide Infrastructure (dependent on project scope)

Crafton Hills College:

- New Performing Arts Center
- East Instructional Building
- Existing Performing Arts Center Demolition
- Central Complex 2 Renovation
- East Valley Public Safety Training Center
- Campus-wide Infrastructure (dependent on project scope)

*Not all Projects on this list may use the design-build construction delivery method and a final determination will be made pursuant to the delegation of authority set forth in this Resolution.

For Discussion Purposes