

Defining Lease-Leaseback

- Traditional Lease-Leaseback Projects
 - Education Code Section 17406
- Design/Build Projects
 - AB 1402
- Proposed New Legislation
 - AB 1486

Defining Lease-Leaseback

- Traditional Lease-Leaseback Projects (Education Code Section 17406)
 - Design of Project
 - Construction of Project

Defining Lease-Leaseback

- Traditional Lease-Leaseback Projects (Education Code Section 17406)
 - Pertinent Documents:
 - Site Lease
 - Facilities Lease (Sublease Agreement)
 - Construction Provisions (Construction Services Agreement)

Defining Lease-Leaseback

- Design/Build Projects (AB 1402)
 - Pertinent Issues:
 - \$10,000,000 or more
 - Necessary School Findings
 - Design Build Team Selection
 - Final Selection with Lowest Responsible or Best Value Approach
 - Post-Construction Reporting Requirements

Defining Lease-Leaseback

- Proposed Legislation (AB 1486)
 - Overview of Statewide Debate:
 - Public Contract Code/Bid Requirements
 - Field Act and Site Approvals
 - Prevailing Wage and Labor Issues
 - Chargeability of Facility Issues
 - Modernization Projects
 - Validation Actions
 - Financing Issues

Defining Lease-Leaseback

- Proposed Legislation (AB 1486)
 - Vetoed September 24, 2004, would have required:
 - Competitive Proposal Process
 - Necessary School District Findings
 - Design-Build Team RFP Selection Process
 - Other Contractor Performance Requirements

Defining Lease-Leaseback

- The Future of the Lease-Leaseback Construction Delivery Method
 - Ongoing Statewide Debate
 - OPSC Concerns
 - Best Practices

A Developer's Perspective

- Negotiating with School Districts on Lease-Leaseback Projects
 - Guaranteed Maximum Sum
 - Value Engineering
 - Term of the Sublease
 - Common Sticking Points

A Developer's Perspective

- The Future of the Lease-Leaseback Construction Delivery Method
 - Ongoing Statewide Debate
 - Best Practices