

**RESOLUTION NO. 02-2019/2020  
OF  
THE NOVATO UNIFIED SCHOOL DISTRICT**

**APPROVING THE TOTAL BASE RENT FOR THE LEASE-LEASEBACK  
AGREEMENT WITH ROBERT A. BOTHMAN CONSTRUCTION**

**WHEREAS**, pursuant to Education Code 17406, the Novato Unified School District (“District”) entered into a Lease-Leaseback Agreement with Robert A. Bothman Construction (“Contractor”), dated April 3, 2019, 2019, to undertake the development and construction of the Novato High School Fields Renovation Project (the "Work"); and

**WHEREAS**, all preconstruction services for the Work have been completed by the Contractor and all subcontractors have been selected by Contractor in accordance with Education Code 17406(a)(4) and the Request for Sealed Proposals; and

**WHEREAS**, the District has obtained approval of the plans and specifications for the Work by the Department of General Service’ Division of the State Architect, if required; and

**WHEREAS**, pursuant to Education Code 17406 and the Lease-Leaseback Agreement, Contractor shall provide the District with written rationale detailing the “base construction cost” for the Work, consisting of (a) all subcontracts to be awarded by Contractor for the Work and (b) any separately awarded contracts for materials and supplies for the Work; and

**WHEREAS**, the sum of the base construction cost, multiplied by the percentage that was offered by the Contractor in its response to the Request for Sealed Proposals, shall be set forth in Contractor’s written rationale to the District and added to the base construction cost to determine the Total Base Rent; and

**WHEREAS**, Contractor has provided the District with objectively verifiable information of its costs to perform the Work and a written rationale for the Lease-Leaseback Total Base Rent, including documentation sufficient to support the calculation, which is attached hereto as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED** that the Novato Unified School District:

1. Approves the Lease-Leaseback Total Base Rent based on the written rationale provided by the Contractor, as set forth in Attachment A; and
2. Amends the Lease-Leaseback Agreement to include the Schedule of Payments, attached hereto as Attachment B; and
3. Directs the District Superintendent or designee to issue the Contractor a Notice to Proceed for the Work.

**APPROVED, PASSED AND ADOPTED** at a regular meeting of the governing body of the Novato Unified School District on this 6<sup>th</sup> day of August, 2019, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

State of California,  
County of Marin

I, Debbie Butler, President of the Novato Unified School District Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Trustees at a regularly called and conducted meeting held on said date.

\_\_\_\_\_  
President, NUSD Board of Trustees

Attested to:

\_\_\_\_\_  
Clerk, NUSD Board of Trustees