

Fresno Unified staying away from leaseback contracts

By Mackenzie Mays
mmays@fresnobee.com

After a Fresno County court – and ultimately the FBI – raised questions about Fresno Unified’s use of no-bid contracts, the district has reverted to the traditional bidding process for school construction projects.

Since the Fifth District Court of Appeal in [June](#) cast doubt on a multimillion-dollar leaseback contract Fresno Unified signed with Harris Construction to build Gaston Middle School, several school building projects have been approved – and all followed standard bidding procedures that publicly advertise the project and award it to the lowest bidding contractor.

A [federal investigation](#) is probing the school district’s leaseback contracts with Harris and Bush Construction firms and the relationship between school leaders and contractors. A [leaseback contract](#) allows schools to avoid the traditional bidding process and hand-pick a contractor for a project. The method was originally intended for cash-strapped schools and allows school districts to pay back contractors for projects over time if they don’t have the money upfront.

Even though Fresno Unified had funding available, it signed [25](#) leaseback contracts from 2011 to 2014 – a bulk of which went to Harris Construction. But there’s been no sign of the controversial financing method in recent months, and none of the projects approved in the past year have been awarded to the Harris or Bush firms.

At a school board meeting Wednesday, trustees approved a \$2.5 million project to replace classrooms at Baird Middle School. The contract was awarded to BVI Construction Inc. – which the meeting agenda noted was the “lowest responsive, responsible bidder.”

FUSD leaseback contracts 2011-14

Notifications were sent by the district to 55 vendors and four construction trade publications, and the district received four responses.

Fresno Unified isn’t the only district to back away from the leaseback process. Since Fresno Unified was taken to court, [districts across the state](#) that frequently used the no-bid process in the past, like L.A. Unified, have stopped.

In August, the state Supreme Court [refused](#) Fresno Unified’s request to reconsider the appellate court decision, which means Fresno contractor Stephen Davis – who took the district to court – can move forward with his accusations that district leaders misused the leaseback process.

Also at Wednesday’s school board meeting, trustees approved a new charter school despite concerns about financial stability. Aspen Public School plans to open this summer and will be located at 2811 Mariposa Ave.

The charter plans to serve more than 300 students up to eighth grade and being modeled after Valley Preparatory Academy Charter School, which has been in operation since 2004.

The board’s approval of the new school is only good for a year, instead of the traditional five-year approval, because of concerns about last-minute changes made to the school’s plans for grant funding.

Aspen’s focus will be on students in economically depressed areas; the school received support from more than 70 interested parents.

Mackenzie Mays: [559-441-6412](tel:559-441-6412), [@MackenzieMays](https://www.instagram.com/MackenzieMays)