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File ID 13-1152 No. 55



## **Monterey County**

168 West Alisal Street, 1st Floor Salinas, CA 93901 831 755 5066

#### **Board Order**

Upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 13-339:

- a. Approving the acceptance of additional conditional funding for the Jail Housing Addition Project, Project 8819, in the amount of \$43,705,000, to increase the present Project from a 288 medium-security bed facility to a 576 medium-security bed facility with essential administrative and support space improvements based on the State of California conditional award of \$80 Million;
- b. Approving the additional minimum matching funds in the amount of \$4,867,222 to the previously approved match of \$4,032,778, for a total cash and in-kind match of \$8,900,000;

c. Authorizing the Sheriff to accept the additional conditional funding award from the Board of State and Community Corrections;

d. Authorizing the Director of Public Works to negotiate and expand the Professional Services Agreement with Lionakis to increase its scope to comply with State full conditional award milestones, with a not-to-exceed additional amount of \$3,500,000 for additional architectural services;

e. Authorizing and directing the County Administrative Officer, Director of Public Works, and Sheriff to take such other further actions as may be necessary or appropriate to move the Project forward to meet the State's milestone requirements for design submissions as defined under the AB 900 Phase II funding program;

f. Authorizing the Director of Public Works to negotiate and execute an amendment for professional services with HMC Architects or an agreement with EMC Planning to complete an Environmental Impact Report for the State full conditional award, with a not-to-exceed amount of \$400,000; and

g. Authorizing the Director of Public Works to negotiate and enter into an agreement for professional services with Kitchell CEM to provide Project Management Services to comply with State full conditional award milestones, with a not-to-exceed amount of \$2 Million.

PASSED AND ADOPTED on this 5th day of November 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Potter

NOES: Supervisor Parker

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on November 5, 2013.

Dated: November 5, 2013 File Number: 13-1152 Gail T. Borkowski, Clerk of the Board of Supervisors County of Monterey, State of California

By Onine Min (1) Ch.
Deputy

### Before the Board of Supervisors in and for the County of Monterey, State of California

Mesourcion 140.13-337	
Resolution authorizing acceptance of additional	)
State funding, proceeding with 576 bed Project,	)
amendment and entry into professional service	)
agreements, approving County matching funds,	)
and further actions in relation to the Jail Housing	)
Addition Project, Project 8819	)

a. Accept additional State of California conditional funding in the amount of \$43,705,000 (total funding of \$80 Million);

b. Increase the Project from a 288 to a 576 medium-security bed facility with essential administrative and support space improvements;

c. Approve additional minimum matching funds of \$4,867,222 (total cash and in-kind match of \$8,900,000);

d. Authorize the negotiation of an amendment of the architectural Professional Services Agreement with Lionakis to encompass full conditional award milestones (not-to-exceed an additional amount of \$3,500,000);

e. Authorize the taking of such other further actions as may be necessary or appropriate to meet the State's milestone requirements for design submissions under AB 900 Phase II funding program;

f. Authorize the negotiation and execution of an amendment for professional services with HMC Architects or an agreement with EMC Planning to complete an Environmental Impact Report for the State full conditional award (not-to-exceed amount of \$400,000); and

g. Authorize negotiation of and enter into an agreement with Kitchell CEM for Project Management Services to comply with State full conditional award milestones (not-to-exceed amount of \$2 Million)

WHEREAS, the existing Monterey County Jail lacks sufficient beds to adequately house felons sentenced with criminal sanctions in Monterey County, the Jail primarily containing dormitory beds unsuitable for the more dangerous felons currently housed, and experiencing high occupancy counts;

WHEREAS, the State legislature, through AB 900 ("Public Safety and Offender Rehabilitation Services Act of 2007"), has authorized the Department of Corrections, through agreement with participating counties, to acquire land, design, construct, and expand detention facilities;

WHEREAS, the Board of Supervisors on December 6, 2011, approved Board Resolution No. 11-377 authorizing Sheriff Scott K. Miller to sign and submit an application for a local adult detention facility AB 900 construction grant in the amount of \$80 Million, and made other necessary and appropriate findings and declarations supporting the AB 900 construction grant application;

WHEREAS, the application was submitted and found worthy of funding at the Corrections Standards Authority (CSA) Board Meeting on March 8, 2012;

WHEREAS, on July 26, 2012, the Board of State and Community Corrections (BSCC), previously known as the CSA until renamed on July 1, 2012, voted to approve a conditional funding award of \$36,295,000 toward a \$40,327,778-expansion of the County of Monterey Adult Jail;

WHEREAS, since the March 2012 conditional fund allocation, the State has reallocated unused funds from Phase I conditional awards into Phase II medium-size counties, which now allows the third-ranked county to be fully funded as well as a partial conditional funding award offer to Monterey County;

WHEREAS, in early August 2012, the County submitted an Amended Application, consistent with the new conditional award, to revise the Project scope to the BSCC per the Board's direction on August 9, 2012;

WHEREAS, on August 28, 2012, action by the Board of Supervisors authorized the Jail Housing Addition Project (8819) an expansion of 288 medium-security beds with essential administrative and support space improvements as well as directed staff to begin the process of public outreach, environmental clearance, design, and preparation of construction documents for the Project;

WHEREAS, the BSCC at their September 2012 Board meeting confirmed the project scope changes per the County's Amended Application;

WHEREAS, BSCC's acceptance of the County's Amended Application with revised scope triggered a series of specific milestones activities that the County must comply with in order to maintain the conditional award;

WHEREAS, on September 20, 2013, Senate Bill 365 (SB 365) was presented to Governor Brown for signature and was signed on October 8, 2013, moving AB 900 Phase I funding to AB 900 Phase II and authorizing the BSCC to increase Monterey County's conditional award from \$36,295,000 to the full conditional award of \$80 Million;

WHEREAS, the BSCC Board will vote on this additional conditional award on November 14, 2013; and

WHEREAS, staff is presently seeking the Board's approval of the County's acceptance of the pending conditional funding award offer to allow the County and its Consultants to immediately direct their efforts toward a larger 576-bed-facility scale design.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Monterey as follows:

a. Approves the acceptance of additional conditional funding for the Jail Housing Addition Project, Project 8819, in the amount of \$43,705,000, to increase the present Project from a 288 medium-security bed facility to a 576 medium-security bed facility with essential administrative and support space improvements based on the State of California conditional award of \$80 Million;

File ID 13-1152 No. 55

b. Approves the additional minimum matching funds in the amount of \$4,867,222 to the previously approved match of \$4,032,778, for a total cash and in-kind match of \$8,900,000;

c. Authorizes the Sheriff to accept the additional conditional funding award from the Board of

State and Community Corrections;

d. Authorizes the Director of Public Works to negotiate and expand the Professional Services Agreement with Lionakis to increase its scope to comply with State full conditional award milestones, with a not-to-exceed additional amount of \$3,500,000 for additional architectural services;

e. Authorizes and directs the County Administrative Officer, Director of Public Works, and Sheriff to takes such other further actions as may be necessary or appropriate to meet the State's milestone requirements for design submissions as defined under the AB 900 Phase II

funding program:

f. Authorizes the Director of Public Works to negotiate and execute an amendment for professional services with HMC Architects or an agreement with EMC Planning to complete an Environmental Impact Report for the State full conditional award, with a not-to-exceed amount of \$400,000; and

g. Authorizes the Director of Public Works to negotiate and enter into an agreement for professional services with Kitchell CEM to provide Project Management Services to comply with State full conditional award milestones, with a not-to-exceed amount of \$2 Million.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried this 5th day of November 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno Salinas and Potter

NOES: Supervisor Parker

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on November 5, 2013.

Dated: November 5, 2013 File Number: 13-1152 Gail T. Borkowski, Clerk of the Board of Supervisors County of Monterey, State of California

Deputy

# AMENDMENT NO. 1 TO AGREEMENT BETWEEN COUNTY OF MONTEREY AND LIONAKIS

THIS AMENDMENT NO. 1 to the Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Lionakis (hereinafter, "CONTRACTOR") is hereby entered into between the County and the CONTRACTOR (collectively, the County and CONTRACTOR are referred to as the "Parties") as of the last date opposite the respective signatures below.

WHEREAS, CONTRACTOR entered into an Agreement with County on November 18, 2013 (hereinafter, "Agreement"); and

WHEREAS, the County accepted additional conditional funding for the Jail Housing Addition Project, Project 8819, (hereinafter, "Project") in the amount of \$43,705,000 to increase the present Project from a 288 medium-security bed facility to a 576 medium-security bed facility with essential administrative and support space improvements based on the State of California conditional award of \$80 million; and

WHEREAS, County requires CONTRACTOR to increase the scope of services to include the addition of 288 medium-security beds as a requirement to meet the State of California conditional award for the Project; and

WHEREAS, additional time and funding are necessary for CONTRACTOR to provide architectural programming for an additional 288 medium-security beds for a total of 576 medium-security beds to complete the Project; and

WHEREAS, the Parties wish to amend the Agreement to extend the term to December 31, 2018 and increase the amount by \$2,029,408 to allow CONTRACTOR to continue to provide tasks identified in the Agreement and as amended by this Amendment No. 1.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Wherever the term "Exhibit A: Scope of Services" appears, substitute the term "Exhibit A: Scope of Services and Exhibit A-1: Scope of Services/Payment Provisions" throughout the entire Agreement.

Amendment No. 1 to Agreement Lionakis Jail Housing Addition Project RMA - Public Works — Architectural Services Term: November 18, 2013 — December 31, 2018 Not to Exceed: \$4,638,051.00

- 2. Amend Paragraph 2.2.3, "Housing Unit Design Requirements" of Section 2.0, "Scope of Service", to read:
  - CONTRACTOR shall design two pod type 288 bed housing units for a total bed count of 576, with support and programming space.
- 3. Amend Paragraph 3.1 of Section 3.0, "Term of Agreement", to read as follows:
  - The initial term shall commence with the signing of this AGREEMENT on November 18, 2013 through and including December 31, 2018. County and CONTRACTOR may extend the term if the project is not completed by December 31, 2018.
- 4. Amend Paragraph 4.1 of Section 4.0, "Compensation and Payments", to read as follows:
  - It is mutually understood and agreed by both parties that CONTRACTOR shall be compensated under this AGREEMENT and as amended by this Amendment No. 1 in accordance with the pricing sheet attached to this Amendment No. 1.
- 5. All other terms and conditions of the Agreement remain unchanged and in full force.
- 6. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.

Amendment No. 1 to Agreement Lionakis Jail Housing Addition Project RMA - Public Works — Architectural Services Term: November 18, 2013 — December 31, 2018 Not to Exceed: \$4,638,051.00

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Agreement as of the last date opposite the respective signatures below. CONTRACTOR\* COUNTY OF MONTEREY ionakis Director of Public Works By: dent or Vice President) Its: (2. Date: Approved as to Form and Legality Treasurer or Asst. Treasurer) Office of the County Counsel By: Deputy County Counsel

Date:

Approved as to Fiscal Provisions

By:

Date:

Auditor Controller

Date:

314-14

Approved as to Indemnity and Insurance Provisions

By:

Risk Management

Date:

\*INSTRUCTIONS: IF CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.

Amendment No. 1 to Agreement Lionakis Jail Housing Addition Project RMA - Public Works — Architectural Services Term: November 18, 2013 — December 31, 2018 Not to Exceed: \$4,638,051.00

### EXHIBIT A-1 – SCOPE OF SERVICES/PAYMENT PROVISIONS

County of Monterey Jail Housing Addition Lionakis - Amendment No. 1

## COUNTY OF MONTEREY JAIL HOUSING ADDITION ARCHITECTURAL/ENGINEERING SERVICES AMENDMENT NO. 1

#### SCOPE OF SERVICES

The following Scope of Services amends the Agreement with Lionakis for the Jail Housing Addition at the County of Monterey Adult Detention Facility; Salinas, California shall be as follows:

#### I. GENERAL

The Scope of Services set forth in this document and the compensation to Consultant for said Scope of Services is based upon the Consultant and County of Monterey each performing its responsibilities in a timely manner

In November 2013 the County was granted an additional conditional award of \$43,705,000 in state funds in addition to the \$36,295,000 that had been granted previously. This award plus the \$8,900,000 in matching funds will be used to construct a Title 24-compliant 576-bed Jail Housing Addition on the existing jail site for a total cost of \$88,900,000.

The project shall meet the requirements of the County's AB 900 Phase II Application for \$80, 0000,000 State financing application and the 2011 Local Jail Construction Financing Program as follows:

- Bed count increased from 288 to 576 with 12 single bed maximum security cells and 282 double bed medium security cells.
- Adequate Programming and support space for the additional 576 beds.
- Podular design to allow flexibility to handle the different classification of the County's inmate population.

Provide Architectural Programming for the 576 bed facility and incorporation of the program verification required under the original agreement. Contractor shall provide one document that covers the 576 bed population, support services and programming.

Project site is limited to the 2.6 acres defined in the County's Due Diligence submittal to the Department of General Services. Contractors design solution shall fit within the defined site and determine if the Jail Housing Addition is single stack pods or double stacked (two main floors with two mezzanine levels).

#### II. COUNTY'S RESPONSIBILITIES

(No additional language)

#### EXHIBIT A-1 - SCOPE OF SERVICES/PAYMENT PROVISIONS

County of Monterey Jail Housing Addition Lionakis – Amendment No. 1

#### III. CONSULTANT RESPONSIBILITIES

#### E. SCHEDULE

1 The project schedule shall be adjusted as follows:

Schematic Design Start: April 14, 2014

Schematic Design Submittal to BSCC/SFM: July 27, 2014

Design Development Submittal to BSCC/SFM/SPWB: February 26, 2015

Construction Documents Submittal to BSCC/SFM/SPWB: January 20, 2016

BSCC/BOS Approval to Bid: February 26, 2016

Issue for Bidding: February 26, 2016

Notice to Proceed: June 28, 2016

Complete Construction: September 18, 2018

#### Definitions:

BSCC – Board of State and Community Corrections

SFM - State Fire Marshal

SPWB - State Public Works Board

BOS - Board of Supervisors

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THEFT	oreantoury (Contract + ALL Autor 012398 Monterey County Jail Housing Addition		I his worksheet provides a Sümmary View of Project tees. Data entry should be done on the Base Fee Breakdown and Add [z] worksheets.	Phase 10 PD	Amount	32,237,00	•	1 1	,	1	1	-	1	'	<del> </del>	1		\$ 32,237 \$		-	,		1	·	,	•	1			-		1		·	*		\$ 32,237				ABLES		
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