



Legislation Details (With Board Report)

File #: 13-1152 **Name:**

Type: General Agenda Item **Status:** Passed

File created: 10/28/2013 **In control:** Board of Supervisors

On agenda: 11/5/2013 **Final action:** 11/5/2013

Title: Adopt a Resolution:

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.

Sponsors: Public Works / RMA

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Project Budget, 3. Location Map, 4. Completed Board Order & Resolution, 5. Fully Executed Agreement, PSA between CoMo & Kitchell/CEM, Incorporated, 6. Fully Executed Agreement between the County of Monterey and Kitchell CEM Incorporated, 7. Fully Executed Agreement between the County of Monterey and Kitchell CEM, Incorporated (2), 8. Fully Executed Agreement between the County of Monterey and Kitchell - CEM, Incorporated, 9. Fully Executed Agreement between the County of Monterey and Kitchell - CEM, Incorporated, 10. Fully Executed Agreement between the County of Monterey and Kitchell- CEM, Inc.

Date	Ver.	Action By	Action	Result
11/5/2013	1	Board of Supervisors	approved	Pass

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- 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.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution:

- 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.

SUMMARY:

Approval of the recommended actions provides for acceptance of additional conditional funding from the State; approval of required additional minimum matching funds; authorizes the County Administrative Officer, Sheriff, and Director of Public Works to take other further actions as may be necessary or appropriate to move the Project forward to meet State milestone requirements for design submissions as defined under the AB 900 Phase II funding program; and authorizes the Director of Public Works to enter into agreements with

professional firms who have competed previously through qualifications-based selection and exhibited specialized knowledge and understanding of jail facility design and construction to assist the County with the State-mandated milestones of the full conditional award.

DISCUSSION:

On December 6, 2011, the Board of Supervisors 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. The application was submitted and found worthy of funding at the Corrections Standards Authority (CSA) Board Meeting on March 8, 2012. At that time, medium-size county funding totaled over \$400 Million and only \$200 Million was available for conditional award. The first three highest ranked medium-size counties were selected to receive conditional awards totaling in excess of \$220 Million. Monterey County, ranked fourth, received no funding award.

Since the March 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.

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. In early August, 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. The BSCC at their September Board meeting confirmed the project scope changes per the County's Amended Application.

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. The BSCC accepted the County's Amended Application with this revised scope, which triggered a series of specific milestones activities the County must comply with in order to maintain the conditional award.

On September 20, 2013, Senate Bill 365 (SB 365) was presented to Governor Brown for signature. The Governor signed SB 365 on October 8, 2013. SB 365 moves AB 900 Phase I funding to AB 900 Phase II. The County of Monterey received only partial funding in September 2012. Approval of SB 365 authorizes BSCC to increase Monterey County's conditional award from \$36,295,000 to a full conditional award of \$80,000,000.

The BSCC Board will vote on the additional conditional award on November 14, 2013. The earliest scheduled meeting of the Board of Supervisors following that BSCC meeting is on December 3, 2013; therefore, the Board's approval of the County's acceptance of the pending additional conditional funding award offer is requested at this time to allow the County and its Consultants to immediately restructure their efforts towards a larger 576-bed facility scale design. The high occupancy count of the Monterey County Jail makes it critical that the Project continue to move forward. The BSCC will reset the project milestone schedule following the November 14, 2013. The County's next milestone will be to return to the State Public Works Board in January 2014 to reestablish Project Scope, Cost, and Schedule.

The action provides the Director of Public Works the authority to enter into agreements with professional firms who have competed previously through qualifications-based selection and exhibited specialized knowledge and understanding of jail facility design and construction to assist the County with the State-mandated milestones.

For example, Lionakis competed and was selected as the most qualified firm for the \$40 million Jail Housing Addition project and an agreement was prepared accordingly. This action provides the Director of Public Works to increase Lionakis architectural services agreement by up to and additional \$3,500,000 for the \$88.9 million project. Professional Services are also needed for specialized detention facility project management services and environmental reports as needed for the modified project. These professional services will be provided by Kitchell CEM and HMC/EMC respectively.

OTHER AGENCY INVOLVEMENT:

The Resource Management Agency-Public Works and the Office of the Sheriff are working jointly with BSCC to meet all State-mandated milestones to maintain the conditional award by achieving Project Establishment and moving forward to the Project Design phase. The item was presented to the Capital Improvement Committee on October 22, 2013 and to the Budget Committee on October 30, 2013.

FINANCING:

The total estimated Phase I and Phase II Project cost is \$88,900,000. The Board of Supervisors approved matching funds of \$4,032,778 for the conditional AB 900 Phase II award of \$36,295,000 on August 28, 2012. Acceptance of the increased conditional award requires an additional General Fund match of \$4,867,222, for a total in-kind match of \$8,900,000. The recently finalized FY 2012-13 Budget End of Year Report (BEYR), scheduled for Board of Supervisors consideration on November 5, 2013, includes a recommendation that the County meet the additional match requirement through a transfer of undesignated year-end fund balance to the Capital Projects designation for the Jail Housing Project. Pending Board approval of these requests, staff will move forward to complete the State-mandated milestones, which include a requirement for formal verification that the County has approved and committed the matching funds.

Prepared by: Paul H. Greenway, Assistant Public Works Director (831) 755-4800

Approved by:

Robert K. Murdoch, P.E., Director of Public Works

Approved by:

Benny J. Young, RMA Director

Dated: October 28, 2013

Attachments: Board Resolution; Project Budget; Location Map (Attachments on file with the Clerk of the Board)