



Board Report

File #: A 12-209, **Version:** 1

- a. Approve Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 with Kitchell/CEM, Incorporated to continue consultant management services to complete the requirements for final Assembly Bill 900 Phase II funding approval for the Jail Housing Addition Project No. 8812 and to complete the 20 E. Alisal Street 2nd Floor Tenant Improvements Project No. 8787, in the amount of \$284,550 for a total amount not to exceed \$384,550 for a term to February 6, 2014;
- b. Approve addition of two positions (Project Executive and Senior Project Manager) to Kitchell/CEM, Incorporated Hourly Rates schedule (Exhibit A);
- c. Ratify Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 as of September 10, 2012; and
- d. Authorize the Contracts/Purchasing Officer to execute Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount. (ADDED VIA ADDENDUM)

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 with Kitchell/CEM, Incorporated to continue consultant management services to complete the requirements for final Assembly Bill 900 Phase II funding approval for the Jail Housing Addition Project No. 8812 and to complete the 20 E. Alisal Street 2nd Floor Tenant Improvements Project No. 8787, in the amount of \$284,550 for a total amount not to exceed \$384,550 for a term to February 6, 2014;
- b. Approve addition of two positions (Project Executive and Senior Project Manager) to Kitchell/CEM, Incorporated Hourly Rates schedule (Exhibit A);
- c. Ratify Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 as of September 10, 2012; and
- d. Authorize the Contracts/Purchasing Officer to execute Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

SUMMARY:

Approval of Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 (PSA) with Kitchell/CEM, Incorporated (Kitchell) will allow the County to authorize Kitchell to continue to provide management services in specific specialty areas, as detailed above, in order to meet the requirements of the conditional Assembly Bill (AB) 900 Phase II funding for the Jail Housing Addition (formerly known as Jail Expansion Criminal Justice Complex) Project No. 8812 (Jail Project), as well as, to continue management services for 20 E. Alisal Street 2nd Floor Tenant Improvements Project No. 8787 (Alisal Project). Approval of Modification and Amendment No. 1 will ensure continuity of management services for the Jail Project and Alisal Project, maintain consistency, provide efficiencies for the County, and increase the likelihood of securing final approval of \$36,295,000 in AB 900 Phase II funds.

DISCUSSION:

This modification to the PSA with Kitchell authorizes and budgets additional funds to complete the Jail Project and Alisal Project-and only those two projects-for the purposes of completing work already underway and adds the positions of Project Executive and Senior Project Manager to Kitchell's Hourly Rates schedule (Exhibit A). Ratification authorizes and budgets compensation for the services performed by Kitchell between September 10 and November 5, 2010.

Kitchell has been providing consultant management services under two master professional services agreements: for the Jail Project by pursuing \$80,000,000 in AB 900 State funding, and for improvements for the Alisal Project. The State awarded the County \$36,295,000 in AB 900 Phase II funding, conditioned upon completion of the requirements for final approval. A series of the conditions must be undertaken and/ or completed, beginning 90 days to 18 months after conditional award date of September 21, 2012. These require technical, peculiar and intimate knowledge of the process, which Kitchell possesses. The Alisal Project is near completion. Funding for professional services necessary to continue and complete both projects was exhausted in mid-September of 2012.

On March 28, 2008, Contracts/Purchasing Division issued a Request for Qualifications (under RFQ #10110) for "Master Agreement for Architectural Services Under \$100,000." On November 4, 2008, Contracts/Purchasing Officer executed a Master Agreement (MA #1050) with Kitchell, which was amended on October 19, 2009 to extend the term through October 31, 2010 (Amendment No. 1), and again on October 29, 2010 to further extend the term through January 31, 2011 (Amendment No. 2). MA #1050 was then retroactively renewed for a term thru January 31, 2012.

On January 27, 2012, Delivery Order 3000-0000002441 was issued for an amount of \$100,000, valid through June 30, 2012. Kitchell was paid a total of \$75,400 under this Delivery Order for providing consultant management services on the following projects: Jail Project, Juvenile Hall, Alisal Project, Laurel Natividad Master Plan, and Clerk of the Board Upgrades. The Delivery Order expired on June 30, 2012 and the remaining balance of \$24,600 was not carried over.

On February 8, 2012, the Contracts/Purchasing Officer executed a multi-year Master Agreement (MYA #3000*282) with Kitchell to provide On-Call Facilities, Architecture and Engineering Services, and Landscape Architecture Design Services for the Resource Management Agency - Public Works (under RFQ #10249) for an amount not to exceed \$100,000 and a term extending from February 6, 2012 to February 6, 2014. An amount of \$65,656 was allocated to the San Lucas Library Project, leaving a balance of \$34,344.

On August 2, 2012, Delivery Order 3000-0000003085 was issued for an amount of \$34,320, valid from July 1, 2012 through June 30, 2013. Kitchell was paid a total of \$34,320 under this Delivery Order for providing consultant management services.

On September 21, 2012, in a letter to the Sheriff, the Board of State and Community Corrections (BSCC) formally notified the County of the conditional award of AB 900 Phase II funding in the amount of \$36,295,000 for the Jail Project and listed the required timeframes for specific activities to occur as part of the approval process as outlined in the Request for Application issued by the Corrections Standards Authority on October 7, 2011. These activities include site assurance (within 90 days of award), real estate due diligence package (within 120 days of award), begin CEQA process (within 90 days of award), State Public Works Board (SPWB) meeting (within 12 months of award), and Schematic Design drawings (within 18 months of award).

The conditional approval of AB 900 Phase II funding has highlighted the continuing lack of in-house expertise in the specialty areas of planning, design, and construction of justice, detention, and corrections facilities. In

order to meet the mandated timeframes and satisfy the technical requirements of the conditional AB 900 Phase II funding, it is imperative that the County avail itself to these specialty areas through consultant support services. A Summary of Project Funding for Kitchell agreements is attached as Exhibit B. This Summary includes an amount of \$33,600 in excess of contract MYA #3000*282 to be ratified by the Board of Supervisors. The ratification is necessary due to the short timeframe established by the State for grant compliance.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel, and Auditor-Controller, have reviewed and approved Modification and Amendment No. 1 as to form and legality, and fiscal provisions, respectively. The Sheriff concurs with the recommendations. Due to the late submission of this Board Report, the County Administrative Office (CAO) Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational policy, or other implications to the County.

FINANCING:

There is no impact to the General Fund. The total estimated cost of Modification and Amendment No 1 is \$284,550, for a total PSA amount not to exceed of \$384,550. Sufficient appropriations are available in the RMA - Public Works Budget (Fund 404, Unit 8174) to finance Modification and Amendment No. 1.

Prepared by: Fred Pezeshk, Senior Civil Engineer, (831) 796-3071

Approved by:

Scott K. Miller, Sheriff-Coroner

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

Benny J. Young, RMA Director

Dated: November 1, 2012

Attachments: Exhibit A - Hourly Rates; Exhibit B - Summary of Project Funding; Modification and Amendment No. 1 to the Professional Services Agreement MYA #3000*282 with Kitchell/CEM, Incorporated; Location Maps (2)