



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: July 11, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: NO
If Yes, date from:
Vote Required: 4/5ths

TO: Board of Supervisors
FROM: General Services: Kirk Lagerquist, Director, General Services (805) 560-1011
Contact Info: Patrick Zuroske, Assistant Director (805) 568-3096
SUBJECT: Santa Barbara Main Jail Renovation Project- Amendment to Professional Services Agreement for Architectural Design; Second District Project No. 20041

County Counsel Concurrence:

As to form: Yes

Auditor-Controller Concurrence:

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

It is recommended that the Board of Supervisors:

- a) Approve and authorize the Chair to execute Amendment No. 1 to the Professional Services Agreement with Nacht & Lewis, a Sacramento, CA corporation, to transition the Scope of Services from programming to design work for the Main Jail Renovation projects, to extend the Term of the Agreement until September 30, 2027, and to increase the maximum compensation available thereunder from \$1,263,795 to \$2,007,539 (a total increase of \$743,744); and
- b) Approve and authorize the Chair to increase the contingency amount from \$126,379.50 to \$200,754 (a total increase of \$74,375); and
- c) Authorize the General Services Director, or designee, to approve Supplemental Service Orders for a contingency amount up to \$200,754, for a total not-to-exceed contract amount of \$2,208,293; and
- d) Approve Budget Revision Request No. BJE-0008973, providing a not to exceed amount of \$1,120,000.00 for temporary cashflow transfers from the Advance Construction Reserve in the General Fund; and

- e) Find that the proposed actions do not constitute a “Project” within the meaning of the California Environmental Quality Act pursuant to 14 CCR 15378(b)(4) and (5), because they consist of administrative and fiscal activities of government that will not result in direct or indirect physical changes in the environment, and direct staff to file of a Notice of Exemption on that basis.

Summary Text:

General Services seeks approval for an amendment (Amendment) to the Professional Services Agreement with Nacht & Lewis for architectural design services of the Main Jail Renovation Project (Project). The Amendment implements the Board's direction of May 16, 2023 to proceed with a minimized renovation plan that addresses the Inmate Reception Center and makes Americans with Disabilities Act (ADA) improvements. The proposed Amendment would increase the contract amount by \$743,744, increasing the maximum compensation from \$1,263,795 to \$2,007,539. As General Services transitions from programming to the design phase of the Project, the additional contract amount will allow Nacht & Lewis to continue architectural services for progressing the design from conceptual to final.

This Board Letter and Amendment does not pertain to the North Branch Jail pod. There will be a separate action, at a later date, for the North Branch Jail expansion. We anticipate bringing this to your Board in the fall of this year.

The budget for the current Professional Services Agreement (Agreement) is included in the FY 2022-23 Capital Outlay Fund (Fund 0030). Budgeted funding will extend into FY 2023-24 and will be increased with additional funds initially allocated from the Advance Construction Reserve fund balance in General County Programs. When the County issues debt to fund this and other capital projects later this calendar year, these costs will be reimbursed back to the fund balance, consistent with the Reimbursement Resolution adopted by the Board on November 16, 2021.

Background:

In December 2017, the County hired Vanir Construction Management, Inc. (Vanir) for master planning services associated with the Main Jail Implementation Plan. Vanir, General Services, and the Sheriff's Office researched options to develop a plan for prioritizing, packaging, and phasing improvements to the County's Main Jail including strategies for relocating inmates. The engagement also included expanding the ADA consulting services to assist the Office of County Counsel with litigation that was threatened at that time involving the Main Jail. In 2019, Vanir completed the Main Jail Implementation Plan.

In early 2022, General Services conducted a competitive, qualification-based selection process soliciting qualifications from interested firms via a Request for Qualifications (RFQ). Two (2) design teams responded to the RFQ, and Nacht & Lewis was selected to provide professional design programming services for the Main Jail Renovation Project. Nacht & Lewis is a regional design firm that specializes in correction facilities design. Nacht & Lewis has demonstrated competence and the professional qualifications necessary for the satisfactory performance of the services required under the Agreement (CA Gov. Code 4526).

On March 1, 2022, the Board of Supervisors awarded the Professional Services Agreement to Nacht & Lewis to program the Main Jail Renovation (Project # 20041) located at 4436 Calle Real, Santa Barbara, CA. This item is on the agenda in order to approve an amendment to the Agreement to change the task from programming to designing the Main Jail Yard, the Inmate Reception Center (IRC) ADA improvements, and the IRC renovation. The current agreement was only for programming.

On March 1, 2022 the Board also authorized the General Services Director, or designee, to approve change orders for a 10% contingency amount of up to \$126,379.50 for a total not-to-exceed contract amount of

\$1,390,174.50, and delegated authority to the General Services Director, or designee, to act on behalf of the County to amend Exhibit F to the Agreement to adjust milestone dates within the term of the Agreement, as necessary.

General Services engaged Nacht & Lewis to provide architectural programming services to develop a scope and plan and produce concept designs that will address the Remedial Plan from the Stipulated Judgement in the *Murray et al. v. County et al.* class action litigation, fire/life safety code compliance, ADA improvements throughout the facility, medical and mental health services, and ongoing deferred maintenance and capital deficiencies.

The scope, concept plans, and preliminary cost estimates prepared during the Programming work indicated that the cost of the Main Jail Renovation was much higher than expected. At that time, the Board provided direction to consider other options such as closing the Main Jail and looking into renovating the IRC (ADA and Renovation) and the Main Jail Yard.

Given the untenable costs of a full renovation of the Main Jail, in December 2022 the Board directed staff to consider refocusing the priorities outlined in the Stipulated Judgement including physical plant improvements to the IRC, NW wing, and portions of the Main Jail, with interim measures to mitigate out-of-cell and ADA requirements. In addition, staff examined the costs of expanding bed space at the Northern Branch Jail to compensate for the decreased use of beds at the Main Jail. A working group was formed with General Services, Sheriff, and County Counsel to accomplish the refocus on the Stipulated Judgement.

Through the modified planning efforts, staff considered options to move the Main Jail functions to the Northern Branch Jail and maintain the South Jail to perform as a booking and arraignment facility only. General Services evaluated options for reducing the IRC intake area within the IRC, continuing with the IRC ADA improvements, and designing an improved and expanded Main Jail yard.

On May 16, 2023, the Board directed staff to proceed with a minimized renovation plan for the Main Jail that addresses the Inmate Reception Center Intake area, makes Americans with Disabilities Act (ADA) improvements, and makes improvements to the Main Recreation Yard.

This work will allow the architects to design the renovations at the Main Jail to meet the requirements of the Stipulated Judgement and Remedial Plan in the *Murray et. at. v. County et al.* class action litigation.

California Environmental Quality Act (CEQA) Documentation:

The proposed administrative actions do not constitute a project within the meaning of CEQA pursuant to 14 CCR 15378(b)(4), (5). The recommended actions entail only design and planning for possible future actions which the Board has not approved, adopted, or funded. Projects identified in the contemplated designs will be analyzed individually under CEQA.

Fiscal and Facilities Impacts:

Budgeted: No. The attached Budget Revision Request BJE-0008973 provides the additional funding needed to cover the costs associated with this contract Amendment.

Fiscal Analysis:

<u>Funding Sources – Amendment 1</u>	<u>FY 2022-23 thru FY 2023-24 Cost</u>	<u>Annualized On-Going Cost</u>	<u>Total One-Time Project Cost</u>
Advance Construction Reserve Fund Balance - Amendment 1	\$743,744	-	\$743,744
Capital Outlay Fund 0030 - Balance remaining on Current Nacht & Lewis Contract to apply to Amendment 1	\$468,814	-	\$468,814
Total Amendment 1	\$1,212,558	-	\$1,212,558

Fiscal Narrative:

The Agreement is budgeted and funded from the Capital Outlay Fund 0030 in an amount not to exceed \$1,263,795. There are still funds available under the Agreement in the amount of \$468,814, which will be applied to the total cost of the Amendment for the design of the Main Jail projects, reducing the amount needed to increase the total amount of compensation under the PSA by \$468,814. The new total amended contract amount will be \$2,007,539 (i.e., \$1,263,795 + \$743,744). This action will also authorize the General Services Director or designee to approve change orders for an added 10% contingency amount of up to \$200,754, which if needed, will bring the total amended contract amount to \$2,208,293.

Nacht & Lewis Contract - Total w/Amendment 1 Calculation

Current Base Contract	\$1,263,795
Add New Amendment 1	<u>\$1,212,558</u>
Total	\$2,476,353
Current Base Contract	\$1,263,795
Spent on Base Contract to Date	<u>-\$794,981</u>
Apply Balance on Base Contract to Amend 1	\$468,814
Amendment 1	\$1,212,558
Less Balance on Base Contract	<u>-\$468,814</u>
Total Add to Base Contract for Amendment 1	\$743,744
Current Base	\$1,263,795
Add for Amendment 1	<u>\$743,744</u>
Total Amended Contract	\$2,007,539
10% Contingency	\$200,754
Total	<u>\$2,208,293</u>

Funding to complete this phase of the project includes \$468,814 available in the Advance Construction Fund (Fund 0030) from the original contract, plus an additional \$1,120,000 allocated from the Advance Construction Reserve in the General Fund to cover the cost of the amended contract, project management, permit and other fees.

Key Contract Risks:

General Services will be working closely with Nacht & Lewis to develop the design of the Main Jail Yard, IRC ADA and Renovation projects. The Agreement identifies the Scope of Services the consultant must achieve in order to receive payment, based on hours of work performed and outcomes achieved.

Special Instructions:

Please send one (1) copy of the minute order and two duplicate executed originals of the Amendment to Diane Dodson Galt, Project Manager, General Services / Support Services Division, Courthouse East Wing, 1105 Santa Barbara St., Santa Barbra, CA 93101, as well as a copy of the fully executed resolution and minute order to dgalt@countyofsb.org.

Attachments:

1. Attachment No. One (1) – Amendment No. One (1) to Professional Services Agreement
2. Attachment No. Two (2) – March 1, 2022 Professional Services Agreement with Nacht & Lewis
3. Attachment No. Three (3) - Notice of Exemption (NOE) – CEQA
4. Attachment No. Four (4) - BRR

Authored by:

Diane Dodson Galt, General Services – Capital Projects