



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: Sheriff  
Department No.: 032  
For Agenda Of: 8/28/07  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: 4/5

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**TO:** Board of Supervisors

**FROM:** Department Bill Brown, Sheriff, ext.4290  
Director(s)  
Contact Info: John Ford, ext. 4970

**SUBJECT:** Isla Vista Foot Patrol, Project No. 2388, Third Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Recommended Actions:**

- a) Allow the substitution of subcontractors under Public Contract Code section 4107 (a) (5) and determine that the omission of already listed subcontractors in the 'blank' lines on the Subcontractors Listing Form of the Bid Documents was due to a clerical error and;
- b) Authorize the Chair to award and execute the Construction Contract in the amount of \$3,727,305. with the lowest responsible bidder, McGillivray Construction, Inc., subject to provision of the documents and certification as set forth in the plans and specifications applicable to the project and as required by California Law; and
- c) Authorize the Sheriff to approve and sign Change Orders up to 10 percent of the original award amount or a maximum of \$372,731.

**Summary Text:**

On June 19, 2007 the Board authorized the Sheriff's Department to advertise for construction bids for the new Isla Vista Foot Patrol Station to be built on the University of California Santa Barbara Campus at 6504 Trigo Road, in the community of Isla Vista.

Sealed bids were received and opened publicly on July 26, 2007 in the Sheriff's Department Executive Conference Room. Bids were received from four qualified general contractors and McGillivray

Construction was the apparent low bidder. After receipt of formal protests from the 2<sup>nd</sup> and 3<sup>rd</sup> lowest bidders, Pat McCarthy Construction, Inc. and Lack Construction, a thorough review by County Counsel and the Sheriff's Department determined that McGillivray Construction, Inc. failed to completely fill in all the subcontractor listings on the bid form, but was able to document that those items in question were covered in the bid proposals from subcontractors already listed on the bid form, was less than ½ of 1% of the bid price or was going to be performed by their own forces. It was determined that there is no legal basis or public policy reason to reject their bid under Contract Code section 4107 (a) (5).

Each subcontractor who will be performing more than ½ of 1% of the work was actually listed in McGillivray's bid, despite the clerical error of not repeating the same subcontractor's name in subsequent blank spaces representing sub-items of work. Each subcontractor is appropriately licensed to perform the corresponding work, including the sub-items.

The bids, Base Bid plus Deductive Alternates #1 & #3, ranged from \$3,727,305. to \$4,085,720.

Construction of the facility is scheduled to be completed by June 1, 2008, but no later than June 30, 2008 due to the University losing the lease on the existing Foot Patrol office building. No action by the Board could result in the loss of a direct physical presence of law enforcement in the Isla Vista Community.

**Background:**

In 1970, the Isla Vista Foot Patrol was established as a combined community policing effort, staffed by Deputies and Officers from the Sheriff's Department, the UCSB Police Department and most recently the California Highway Patrol. The benefits of this combined effort have proven to be invaluable over the last 36 years.

Currently the Foot Patrol Offices (Approximately 2,500 Sq. Ft.) are located in space leased by the university for approximately \$42,000 per year. The lease of this building will expire on June 30, 2008. The proposed building will be a two story structure with approximately 5500 square feet of gross floor area.

In April of 2003, UCSB proposed a long term, no cost, renewable land lease located at 6504 Trigo Road, on the University Campus, in the Community of Isla Vista. The County would pay for the design, construction, furnishing and operation of a new building and the University would provide the building site. The land lease agreement from the University is for the term of 40 years.

On July 13, 2004 the Board authorized the Sheriff's Department to proceed with the planning of the new Isla Vista Foot Patrol offices and to negotiate with a qualified architectural firm to provide the necessary construction documents and construction administration for the project.

On August 8, 2005 the Board executed a Professional Services Contract with Lenvik & Minor Architects for architectural, engineering and construction administration services relating to the design and construction of the Isla Vista Foot Patrol offices.

**Fiscal and Facilities Impacts:**

Budgeted: Select\_Budgeted

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized</u> <u>On-going Cost:</u>	<u>Total One-Time</u> <u>Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ 3,272,305.00

**Narrative:**

This project was initially funded with the issuance of COPS in 2005. As design work proceeded and costs increased, additional funds were allocated to the Isla Vista Foot Patrol building from other projects such as the Sheriff's Technical Services Building. Total project cost including construction, architectural, data, furniture and equipment is now estimated at \$4,653,405. After accounting for costs already incurred, there is a deficit of \$888,360 between funds available and the project costs remaining. The Debt Advisory Committee (DAC) will be addressing this issue on August 24<sup>th</sup> and the recommendation will be presented at the Board hearing of this item.

**Special Instructions:**

Send copy of Minute Order and (3) signed Contract signature pages to John Ford, Sheriff's Department.

**Attachments:**

Construction Contract with McGillivray Construction, Inc. (4 total)  
Auditor's Contract Summary Form

**Authored by:**

John Ford, X4970

**cc:**