



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: September 16, 2014
Placement: Set Hearing
Departmental
October 7, 2014
Estimated Tme: 60 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Matthew P. Pontes, General Services Director, 568-2626
Director(s)
Contact Info: Scott D. McGolpin, Public Works Director, 568-3010

SUBJECT: Policy Direction – Establishment of a Pilot Project Stabilization Agreement for the Northern Branch Jail AB 900 Phase II Project; Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a hearing for October 7, 2014 to consider:

- A. Receive report on the status of negotiations for the development of a framework for a Pilot Project Stabilization Agreement for the Northern Branch Jail AB 900 Phase II Project;
- B. Receive evidence and find that a Pilot Project Stabilization Agreement furthers a legitimate governmental interest consistent with competitive bidding law by preventing costly project delays, assuring contractors access to skilled labor, and avoiding the potential for labor strife during the life of the project; if finding made, then
- C. Approve and authorize the Chair to sign the Pilot Project Stabilization Agreement for the Northern Branch Jail AB 900 Phase II Project; or
- D. Direct staff to move forward with this project utilizing your Board's previously approved Joint Labor Compliance Program on July 10, 2012, in lieu of with the Pilot Project Stabilization Agreement;
- E. Find that the proposed action does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to 14 CCR 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect physical changes in the environment.

Summary Text:

On Tuesday, July 8, 2014, your Board re-affirmed your direction on April 15, 2014 to develop a framework for a Project Stabilization Agreement (PSA) for the Northern Branch Jail and directed staff to proceed with the necessary coordination, negotiation, and preparation of documents needed to establish such an agreement and return to your Board for further direction.

In order to fulfill your Board's direction staff conducted 6 weeks of meetings with the Tri-County Building and Construction Trades Council (TCBT) to negotiate a proposed PSA. Also, as directed we met with other potential stakeholders in this timeframe to discuss information important to them if the County were to move forward with a PSA and what elements, if any, they would like to see included within a PSA. These stakeholders were:

- Tri-Counties District of The Associated General Contractors (AGC)
- Santa Maria Valley Contractors Association (SMVCA)
- Santa Barbara Contractors Association (SBCA)
- Southwest Regional Council of Carpenters (SRCC) - through the process SRCC actually took a seat at the negotiation table with TCBT.

As staff stated on July 8th the County's goal was to negotiate a balanced PSA that would maximize the potential number of bidders on the Northern Branch Jail AB 900 Phase II Project. This goal would maximize competition and in turn provide a bid in the range of the Engineer's Estimate (and budget) to construct this project.

After six weeks of negotiations with TCBT we have reached Tentative Approval (TA) on the Agreement Points discussed with your Board on July 8th. Currently we are finalizing the language of the proposed PSA and working to resolve a few additional points of agreement that arose during negotiations with TCBT, including inclusion of third party agreements subject to amendment that are outside the County's control. On October 7th your staff will provide a report to the Board on the negotiations and the proposed Pilot Project Stabilization Agreement for the Northern Branch Jail AB 900 Phase II Project that will be before you for your consideration and approval, after making the necessary findings.

Fiscal and Facilities Impacts:

None with this action

Authored by: Scott D. McGolpin, 568-3010

cc: Bill Brown, Sheriff
Tri-County Building and Construction Trades Council (TCBT)
Tri-Counties District of the Associated General Contractors (AGC)
Santa Maria Valley Contractors Association (SMVCA)
Santa Barbara Contractors Association (SBCA)
Southwest Regional Council of Carpenters (SRCC)