



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: June 02, 2020
Placement: Administrative
Estimated Tme: N/A
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services Janette D. Pell, Director, (805) 560-1011
Contact Info: Skip Grey, Assistant Director, (805) 568-3083
SUBJECT: Northern Branch Jail Project, Amendment No. 3 to T.Y.R. Inc. and Kitchell
CEM, Inc. Amendment No. 5; Third District.

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to Form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify and authorize the Chair to execute Amendment No. 3 to the Contract with T.Y.R. Inc. of Costa Mesa, CA, to extend services through the revised contract term and to increase the maximum compensation limit from \$816,853.00 to \$892,944.00 (an increase of \$76,091.00) for Construction Inspector/ Inspector of Record Services for Santa Barbara County Northern Branch Jail Project No. 8600;
- b) Approve, ratify and authorize the Chair to execute Amendment No. 5 to the Professional Services Agreement (Agreement) for Construction Management, Commissioning, Architectural and Engineering Professional Services with Kitchell/CEM, Inc., to extend services through the revised contract term and to increase compensation by \$607,819.00 for those Additional Services, including \$216,369.00 in extended construction management services, \$379,450.00 for architectural and engineering services, and \$12,000.00 for Commissioning Services, for a new total contract maximum amount not to exceed \$5,190,508; and
- c) After considering the Final Subsequent Environmental Impact Report (SEIR), State Clearinghouse No. 2007111099, that the Board of Supervisors certified on March 11, 2008, the December 6, 2011 SEIR addendum, and the October 8, 2013 SEIR addendum, determine pursuant to 14 CCR §15162(a) that no subsequent EIR or Negative Declaration is required for this project because: i) No substantial changes are proposed in the project which require major revisions of the 2008 Final Subsequent EIR; ii) No substantial changes have occurred with respect to the circumstances under

which the project is undertaken which require major revisions of the 2008 Final Subsequent EIR; and iii) No new information of substantial importance concerning the project's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the Final Subsequent EIR was certified in 2008, has been received.

Summary Text:

Construction of the Northern Branch Jail Project is approximately 99% complete and final completion is now anticipated in late September 2020. Amendment 3 to the existing Inspector of Record (IOR) Contract with T.Y.R. Inc. and Amendment 5 to the Professional Services Agreement with Kitchell CEM, Inc. ("Kitchell"), are necessary in order to extend inspection, construction management, commissioning and architectural/engineering services through the anticipated completion date of the project, and to address additional services associated with the schedule impacts beyond their approved scope of work. The costs resulting from having to employ consultants for a longer period of time than originally anticipated, is the result of project delays impacting and extending the construction schedule.

Background:

T.Y.R. has provided a full time IOR for the duration of construction to date, their responsibilities include signing off on code compliance, verifying quality of the work in place, and coordinating inspections and approvals with Authorities Having Jurisdiction (AHJ's) including State Fire Marshal and the Board of State and Community Corrections (BSCC). This role is vital to the project's success.

The agreement with T.Y.R. Inc. originally executed concurrent with the Board awarding the construction contracts was first amended on February 26, 2019 to provide IOR services through the previous estimated completion date. Amendment 1 included a 4 month extension to be implemented should the project not be completed by the contractual end date. Amendment 2 included a 6 month extension for TYR to continue to provide IOR services through the estimated completion date at that time. That extension has been exhausted, thus General Services has negotiated an amendment to further extend the service period and scope through the projected end date of the project. The IOR is onsite full time during construction, and will continue to perform necessary inspection services.

On August 18, 2016, the State authorized the County to proceed with construction of the Northern Branch Jail, and a Notice to Proceed was issued with a start date of September 6, 2016. This initiated the 24-month construction duration for Kitchell's original PSA, which included a provision for a 5% extension, allowing an end date no later than October 12, 2018. Amendment 1 to Kitchell's PSA, approved by the Board on September 3, 2013, added commissioning services to Kitchell's scope for an increase of \$152,660. Amendment 2, approved by the Board on November 14, 2017, increased the contract by \$90,630 to add construction document phase services and construction labor force monitoring services. Amendment 3, approved by the Board on November 6, 2018, expanded the scope of work to include additional Professional Services as a result of an approximate 11 month extended construction period requiring expanded Construction Management services essential to complete the Construction Phase of the Project. Amendment 3 extended the PSA to September 2020 for a total of 88 months from the original contract date of May 2013. Amendment 4, extended the CM contract an additional four months and added Architectural and Engineering services to Kitchell's scope of work following the departure of Rosser International Inc., the previous project Architect of Record. Amendment 5 will allow Kitchell to continue to provide the professional services needed to complete the project. At this time, staff is projecting a completion date of September 2020.

Key Contract Risks

Approval of the contract amendments is critical to ensuring General Services is able to complete the Northern Branch Jail project in accordance with the State approved schedule, and meet the construction completion milestone in 2020.

Fiscal and Facilities Impacts:

Budgeted: Yes. Budget revision 0006817 was approved on March 17, 2020 to increase appropriations within the general fund and authorized funding in the amount of \$5,000,000 from the NBJ Operating Fund to address the anticipated funding requirements this fiscal year for the Northern Branch Jail.

Fiscal Analysis:

The approved project budget revision 0006817 includes sufficient funding to accommodate this increase. Construction inspection, construction management and architectural services are County Match/Overmatch components of the project under the AB900 Phase II conditional award. General Services reports financial status, including project contingency status, to the County's NBJ Finance Committee on a monthly basis. It is anticipated that an additional budget revision will be required in the 2020/2021 FY.

Special Instructions:

Request the Chair of the Board sign three (3) original amendments, and the Clerk of the Board return two (2) of each signed amendment to John Green, along with a minute order.

Attachments:

1. Amendment No. 3 to the Contract with T.Y.R. Inc. (1 original, 2 duplicate original)
2. Amendment No. 5 to the PSA with Kitchell CEM, Inc. (1 original, 2 duplicate original)

Authored by:

John Green, Project Manager, General Services Support Services