



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: November 06, 2018
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from: N/A
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, Kitchell CEM, Inc. Amendment No. 3 and Escrow Agreement Amendment No. 1, 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 Professional Services Agreement (PSA) for Construction Management and Related Professional Services with Kitchell/CEM, Inc., to increase the maximum compensation limit by \$787,853 for a new total contract maximum amount not to exceed of \$3,301,143 and to increase the contract term to September 20, 2020;
- b) Authorize the Director of General Services to execute Amendment No. 1 to the escrow agreement for security deposits in lieu of retention in accordance with section 22300 of the California Public Contract Code to change the Owner designee to the General Services Director; 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 and October 8, 2013 SEIR addendums, 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:

With construction of the Northern Branch Jail Project approximately 70% complete, a third amendment to the PSA with Kitchell CEM, Inc., the firm providing Construction Management and Related Professional Services, is necessary in order to extend their professional services through the anticipated end date of the project, and to address additional services associated with the schedule impacts beyond their approved scope of work. The recommendations also include an amendment to the County's escrow agreement with SJ Amoroso in order to reflect the change in General Services Director from the time the Agreement was executed.

Background:

The Northern Branch Jail is the largest project ever constructed by the County, and employs a cadre of County and consultant staff in addition to the construction team itself. The County's onsite project management team, headed by the General Services Project Manager, includes the Construction Management firm of Kitchell CEM, Inc. who was chosen in a qualifications based competitive selection process which took place in 2013. As Construction Managers Kitchell performs the following seven categories of services: project management planning, cost management, time management, quality management, contract administration, safety management, and construction management professional practice, which includes specific activities such as defining the responsibilities and management structure of the project management team, organizing and leading by implementing project controls, defining roles and responsibilities, developing communication protocols, and identifying elements of project design and construction likely to give rise to disputes and claims. Kitchell CEM, Inc. has been performing these and other duties successfully, thus staff recommends continuing their services through the extended construction period.

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 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. The Kitchell team is mobilized onsite providing daily construction management of the project, therefore the County is required to augment their contract should their services be required beyond the contractual end date. At this time, staff is projecting a completion date of September 12, 2019, resulting in the need to extend Kitchell's onsite services by 16 months, and extend their contractual end date to also encompass the revised warranty period through September 2020.

An escrow agreement for security deposits in lieu of retention was executed to accompany the construction contract with SJ Amoroso. At that time, Matthew Pontes was the General Services Director. The County Auditor Controller is recommending the County update the Owner designee to reflect Janette Pell as General Services Director. With approval of the recommended actions, General Services can execute the necessary amendment.

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 summer 2019.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

The approved project budget includes sufficient contingency to accommodate the increase to Kitchell's contract at this time.

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 Celeste Manolas, along with a minute order.

Attachments:

1. Amendment No. 3 to the PSA with Kitchell CEM, Inc. (1 original, 2 duplicate originals)
2. Amendment No. 1. to the Escrow Agreement (1 original, 2 duplicate originals)

Authored by:

Celeste Manolas, Capital Projects Manager, General Services Support Services