



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 16, 2021
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, Kitchell CEM, Inc. Amendment No. 7; 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. 7 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 \$460,869.00 for those Additional Services, including \$249,969.00 in extended construction management services, \$20,400.00 for extended commissioning services, \$110,500.00 for architectural and engineering services, plus a contingency of \$80,000.00 for a new total contract maximum amount not to exceed \$6,151,903; and
- b) 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 substantially complete. Amendment 7 to the Professional Services Agreement with Kitchell CEM, Inc. (“Kitchell”), is necessary in order to extend construction management, commissioning and architectural/engineering services through the 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. The Project was determined to be Substantially Complete on July 30, 2021. General Services is working to finalize all work and closeout the construction contract. It is anticipated that the building will be operational in December 2021.

Background:

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 eleven 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, extended Kitchell’s contract an additional four months due to additional construction delays. Amendment 6, extended Kitchell’s contract an additional five months due to further construction delays. Amendment 7 extends the contract an additional six months needed to attain Substantial Completion and will allow Kitchell to continue to provide the professional services as needed to complete the project, close out the project construction contract and provide support for the warranty period.

Key Contract Risks

Approval of the contract amendments is critical to ensuring General Services is able to close out the Northern Branch Jail project in accordance with the State approved schedule, and agreement.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

Budget revision 0006817 approved on March 17, 2020 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 2021/2022 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. 7 to the Professional Services Agreement with Kitchell CEM, Inc. (1 original, 2 duplicate originals)
2. Original Professional Services Agreement with Kitchell CEM, Inc.

Authored by:

John Green, Project Manager, General Services Support Services