



**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 18, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Kirk Lagerquist, Director (805) 560-1011
Director(s)
Contact Info: John L. Green, Capital Division Chief (805) 934-6229
SUBJECT: **Termination of Contract with Cumming Management Group for the Probation Headquarters Building Project; First District Project No. 19014**

DocuSigned by:
Kirk Lagerquist
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County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Director of General Services to execute a 30-day Notice of Termination of Agreement dated June 18, 2024 (Attachment A), terminating for convenience the Agreement for Services of Independent Contractor with Cumming Management Group, Inc. (BC 23176) for Construction Management services for the new Probation Headquarters Building (Agreement); and
- b) Approve and ratify the Director of General Services' April 15, 2024 issuance of a Notice of Suspension (Attachment B); and
- c) Delegate authority to the Director of the General Services, or his designee, to take actions necessary for the close-out of the Agreement, subject to the Board's ability to rescind this delegated authority at any time; and
- d) Determine the above actions are not a project under the California Environmental Quality Act guidelines pursuant to Section 15378(b)(5) because it consists of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Summary Text:

This item is on the agenda to request Board of Supervisors (Board) approval to terminate the Agreement for Services of Independent Contractor with Cumming Management Group, Inc. (CMG) for Construction Management services for the new Probation Headquarters Building; to ratify the issuance of the Notice of Intent to Terminate Agreement; and to delegate authority for the close-out of the Agreement. Termination for convenience is pursuant to Section 19 of the Agreement. On April 1, 2024, CMG communicated to the County that they could no longer provide their originally proposed and selected qualified team to perform the contracted services.

Background:

In October 2023, this Board approved the Agreement for professional construction management services with CMG, Board Contract 23126, for \$1,958,728.00. CMG's scope of services included services starting at the pre-bid phase of the new Probation Headquarters Building through completion of the construction phase, including post-construction services, which spans three years, into FY 2026-27. On April 1, 2024, CMG communicated to the County that they could no longer provide their originally proposed and selected qualified team to perform the contracted services. General Services evaluated CMG's replacement team and also reevaluated the qualified teams of the previous proposers.

The proposed 32,900 square-foot Probation Headquarters Building (HQ) will be located at 1019 Garden Street (APN: 029-212-011), in downtown Santa Barbara on County owned property (1.1 acres) between Santa Barbara, Garden, Figueroa, and Carrillo Streets. The new HQ is intended to consolidate staffing from the Hollister campus as well as the current downtown headquarters building, which will lead to operational and cost efficiencies for the Probation Department. The new HQ building is proposed to be three stories, raising to four stories facing Garden Street, with a large central courtyard situated in the middle of the building. private offices, classrooms, interview rooms, and support spaces to these main functions. The remaining area of the site would be configured into 49 at-grade County employee parking spaces accessible from Garden Street, passing under the proposed building, and enclosed with automatic gates. An additional 25 subterranean parking spaces (15,800 SF) would be provided below grade, for a total of 74 on-site spaces. Total building is approximately 48,700 SF (Project).

The work is necessary to modernize Probation facilities and will consolidate the currently dispersed south county Probation operations into a single facility leading to operational efficiencies. The proposed Project will reflect the County's Net Zero Energy policy and will utilize Crime Prevention Through Environmental Design principles.

Fiscal and Facilities Impacts:

The total Project cost is estimated at \$55,229,272. This breaks down to \$47,532,324 in hard costs (construction cost, contingencies, furniture, fixtures, equipment, utility install, escalation, etc.) and \$7,696,748 in total soft cost (architecture, engineering, construction management, project management, plan check, testing and inspection, CEQA, utility connection fees, and related contingencies). Of the total soft cost, \$1,908,868 is comprised of the contract to be terminated. Funding of the Project's initial costs has been allocated from the Advance Construction Reserve fund balance in General County Programs, with a total \$1,281,194 transferred to-date. The Project is included in the certificate of participation for debt financing, which were recently received, and those funds are in the process of being issued to the Project. The Project costs initially paid through the Advance Construction Reserve will be reimbursed back to the reserve's fund balance, consistent with the Reimbursement Resolution adopted by the Board on November 16, 2021. The balance of Project costs will be funded directly from the debt proceeds (\$52,983,000). The remaining project costs will be funded by the Probation Department (\$2,246,300). The Probation Department's contribution will pay for fixtures, furniture, and office equipment-related costs at the new HQ building.

Fiscal Analysis: Following the October 2023 approval of the \$1,958,728 Agreement, CMG performed preconstruction services through April 2024, for which the County expended \$49,860 for preconstruction services. The General Services Department does anticipate a net increase of \$5,000 to the overall services as a result of the authorization of this termination for convenience. It is anticipated that this amount will be absorbed in contingencies and will not increase the overall Project cost.

Special Instructions:

Please forward a copy of the Minute Order approving this action to Shane Mahan, Project Manager, Capital Projects, via email to smahan@countyofsb.org.

Attachments:

- A. Cumming Management Group, Inc. Notice of Intent to Terminate Agreement
- B. Cumming Management Group, Inc. Notice of Suspension
- C. Cumming Management Group Inc. BC 23126

Authored by: Shane Mahan, Project Manager