



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: 3/24/15
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: 4/5ths

TO: Board of Supervisors

FROM: General Services Matthew P. Pontes, Director (805) 560-1011
Contact Info: Greg Chanis, Assistant Director, (805) 568-3096

SUBJECT: Northern Branch Jail SB1022 STAR Project 8747, Award Consultant Professional Services Agreements, Adopt Funding Resolution, Approve Budget Revision; Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk, Sheriff
As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute a Professional Services Agreement with Liebert & Associates (Attachment "A") to provide program planning, architectural review, transition planning, and related professional services as the for the Northern Branch Jail SB1022 STAR Project over a 5-year period, with a maximum compensation limit of \$299,550;
- b) Approve and authorize the Chair to execute a Professional Services Agreement with Rosser International, Inc. (Attachment "B") to provide professional detention architectural-engineering and related professional design services for the Northern Branch Jail SB1022 STAR Project over a 5-year period, with a maximum compensation limit of \$2,796,933;
- c) Approve and authorize the Chair to execute the Professional Services Agreement with Kitchell/CEM, Inc. (Attachment "C") to provide professional construction management, commissioning and related consulting services for the SB1022 STAR Project over a 5-year period, with a maximum compensation limit of \$2,396,006.00;

- d) Adopt a funding resolution (Attachment “D”), through which the County of Santa Barbara identifies the amounts as available to satisfy the 10% County cash match required by the State of California’s SB 1022 Local Jail Construction Financing Program, with the required amounts already residing in the Northern Branch Jail STAR SB1022 fund;
- e) Approve Budget Revision Request #0003844 (Attachment “E”) appropriating \$1,574,082 for expenses associated with the preliminary plans phase of the Northern Branch Jail STAR SB1022 Project; and
- f) 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, adopt the California Environmental Quality Act (CEQA) findings, and 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 that requires a subsequent EIR or Negative Declaration.

Summary Text:

On February 17, 2015, General Services reported completion of the consultant selection process for the SB 1022 Sheriff’s Treatment and Re-entry (STAR) Project, and requested approval of purchase orders to conduct design kickoff workshops, which took place March 3rd-5th. General Services has now completed fee and scope negotiations with each consultant firm, and is recommending the award of the Consultant Professional Services Agreements accordingly. In addition, staff requests approval of the funding resolution, which identifies the amounts available to satisfy the 10% County Cash and In-Kind Match required by the State of California’s SB1022 Local Jail Construction Financing Program. With approval of the recommendations, General Services and the Sheriff anticipate meeting the milestones committed to the State for completing the design phase of the STAR project.

Background:

Proposed Consultant Professional Service Agreements (Consultant PSA)

On July 9, 2014, the Board accepted the conditional SB1022 award, and directed the Sheriff and General Services to proceed with the steps necessary to move the STAR complex forward. General Services subsequently submitted all items required for “Project Establishment”, and on November 14, 2014, the State Public Works Board (SPWB) formally established the project, meaning the County could begin to incur eligible expenses in accordance with the terms of SB1022. One of the first steps necessary to progress the project was to initiate a competitive consultant selection process and solicit proposals from prospective firms in accordance with California Public Contracts Code and Government Code. On February 17, General Services reported completion of the consultant selection process for the Project,

and requested approval of purchase orders to conduct design kickoff workshops, which took place March 3-5. General Services has now completed the final scope and fee negotiations, and has allocated the amounts within the approved total project budget of \$43,661,100. Staff is recommending award of Consultant PSA's to the firms of Liebert & Associates as the Project Expert, Rosser International, Inc. as the Architect Engineer, and Kitchell CEM, Inc. as the Construction Management and Commissioning consultant. These firms were selected after consideration of several candidate firms, have demonstrated competence and professional qualification, and are the same design team responsible for the Northern Branch Jail AB900 Phase II Project.

Pilot Project Stabilization Agreement (Pilot PSA)

On October 14, 2014, your Board directed staff to: "begin work to present the Board with a draft Pilot PSA for the SB1022 component of the Northern Branch Jail Project, or other future project". In preparation for returning to your Board on this matter as directed, staff has included language in the Consultant PSA's indicating there is a possibility of a Pilot PSA that will be utilized on the SB1022 portion of the Northern Branch Jail Project.

Proposed Funding Resolution

On October 8, 2013, the Board adopted a resolution authorizing the Sheriff to submit an application under SB1022 to fund the expansion of the Northern Branch Jail Project in the amount of \$38,976,000. One of the provisions included in the application was a commitment of adequate County contribution funds. This allowed the County's application to qualify for additional preference points, which it received. At this time, the State is requiring the County to adopt a funding resolution further committing the cash and in-kind match, identifying as a preliminary matter the following amounts totaling \$4,685,100, as available to satisfy the County's Cash and In-Kind Match Requirements and any additional In-Eligible Costs related to the Santa Barbara STAR project and as required by the State of California's SB 1022 Adult Local Criminal Justice Facility Construction Financing Program:

- \$3,900,100 of funds currently held in the North County Jail STAR SB1022 Fund. The fund account was created with a transfer by Budget Revision 0003629 from the General Fund, Strategic Reserve Committed Fund Balance Account on November 4, 2014; and
- \$785,000 in land value arrived from a six acre portion of the greater 50 acre parcel (APN: 113-210-021) currently owned by the County of Santa Barbara.

The resolution reserves the County's right to substitute debt in the future so long as it does not mortgage, pledge, hypothecate or otherwise encumber the Northern Branch Jail Site or Facility.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

On October 8, 2013, a preliminary analysis of project costs was presented to the Board as follows:

(rounded to \$00's)

	State Costs	County Costs	Total Costs	Required Match
State funds from SB 1022	\$ 38,976,000	\$ -	\$ 38,976,000	\$ 3,897,600
County Cash Match	-	2,210,000	2,210,000	\$ 221,000
County In-Kind Match	-	2,156,100	2,156,100	\$ 215,600
County In-Kind Overmatch	-	92,900	92,900	\$ 9,300
Sub-total Eligible Costs	\$ 38,976,000	\$ 4,459,000	\$ 43,435,000	\$ 4,343,500
County Ineligible Costs	-	226,100	226,100	22,600
Total Proposed Project Cost	\$ 38,976,000	\$ 4,685,100	\$ 43,661,100	\$ 4,366,100

As relayed in prior Board actions relative to the SB1022 STAR Project, the County is required to provide a minimum of 10% of the total cost of the application in match funds or \$4,366,100. Matching funds are provided in cash or eligible in-kind expenses, to qualify for the SB1022 financing program. For this project the County’s total match of estimated costs is made up of Cash Match, In-Kind Match, In-Kind Overmatch and Ineligible Costs totaling \$4,685,100, or 10.8% of the Application cost of \$43,435,000. Since the land for the project was already purchased, the proportional value of the land (\$785,000) reduced the County’s total match required to be set aside to \$3,900,100. Examples of other in-kind match expenses include internal management fees and transition costs to prepare to open the facility. Examples of ineligible costs include travel expenses for consultants and county staff and printing and mailing costs for the bid process. The projected total of such costs are \$226,100 as indicated in the State approved project establishment documents.

Although there is no change to the overall approved \$43.6M budget, General Services expects fluctuations within the County’s cash match and in-kind match categories as costs are further refined, and will report to your Board any changes prior to returning to the State for approval of preliminary plans, at which time changes to the construction, architectural, and other State eligible categories would have to be approved by the State Public Works Board.

SB1022 STAR Professional Services Agreement Expenditures

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total One-Time Project Cost
Liebert PSA	\$ 110,000.00		\$ 299,550.00
Rosser PSA	\$ 600,000.00		\$ 2,796,933.00
Kitchell PSA	\$ 550,000.00		\$ 2,396,006.00
Total	\$ 1,260,000.00	\$ -	\$ 5,492,489.00

Although the negotiated amounts are moderately higher than the estimates at the time the County submitted its SB1022 grant application, after implementing cost saving reductions, the amounts for the respective consultant PSA’s have been accommodated within the overall approved project budget of \$43,661,100 without impacts to the project scope. The increases are attributable to the timing between the AB900 Phase II Project and the SB1022 STAR Project, resulting in less overlap, and an inability to conduct joint workshops.

Phase	Prior FY's	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-Completion	Totals
Acquisition Phase	\$ 823,800						\$ 823,800
Preliminary Plans		\$ 1,794,082					\$ 1,794,082
Working Drawings			\$ 1,828,035	\$ 5,780,593			\$ 7,608,628
Construction				\$ 1,576,525	\$ 15,189,199	\$ 16,668,866	\$ 33,434,591
							\$ -
Total	\$ 823,800	\$ 1,794,082	\$ 1,828,035	\$ 7,357,118	\$ 15,189,199	\$ 16,668,866	\$ 43,661,100

Phase	Prior FY's
Acquisition Phase	\$ 823,800
Preliminary Plans	
Working Drawings	
Construction	
Sub-total State Recognized	\$ 823,800
Total	\$ 823,800

On November 4, 2014, the Board approved Budget Revision Request 0003629 which transferred \$220,000 to provide the necessary appropriations to fund the initial efforts for the Northern County Jail STAR SB1022 Project. The Budget Revision Request stipulated that the team would return to the Board in 2015 when the details of the consultant professional services agreements would be finalized, in order to request appropriation of the remaining budget for the 2014/2015 fiscal year. In addition to the \$1,260,000 consultant expenses for this fiscal year, the preliminary plans phase budget includes other soft costs totaling \$314,082 beyond the \$220,000 already transferred, which include project management expenses and State billed due diligence fees. The full phase anticipated costs are illustrated in the above table in support of the BRR in the amount of \$1,574,082 to encompass the variance between the \$220,000 already transferred and the projected preliminary plans expenses for FY 14-15 totaling \$1,794,082 (\$1,260,000 (consultant expenses) + \$314,082 (soft costs) = BRR 0003844 in the amount of \$1,574,082 + \$220,000 (prior BRR) = \$1,794,082 FY 14-15 amount).

Key Contract Risks:

Completing the design phase in accordance with the milestones committed to the State per the terms of the SB1022 conditional award, and project establishment package. As is the case with the Northern Branch Jail AB900 Phase II Project, should the County cancel the project, which it may do at any point up until award of a construction contract, any monies the County has expended are not eligible for reimbursement.

Special Instructions:

Execute the attached duplicate original Professional Services Agreements (3 each, total of 9), retain one each signed original, and return two each signed original, along with a certified copy of the resolution and minute order to Celeste Manolas at General Services Support Services.

Attachments:

1. Attachment "A", Professional Services Agreement with Liebert & Associates
2. Attachment "B", Professional Services Agreement with Rosser International, Inc.
3. Attachment "C", Professional Services Agreement with Kitchell CEM, Inc.
4. Attachment "D", Funding Resolution
5. Attachment "E" Budget Revision Request 0003844

Authored by:

Celeste Manolas, Capital Projects Manager, General Services.