

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # \*B-11

Urgent

Routine

AGENDA DATE December 6, 2011

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Proceed with the Honor Farm Jail Bed Replacement Project; Approval of the Schematic Design Prepared by Lionakis, Inc.; Approval to Issue a Request for Statement of Qualifications to General Contractors for the Construction of a Replacement Facility and Related Actions

STAFF RECOMMENDATIONS:

1. Accept the schematic design as prepared by Lionakis, Inc. and authorize the Project Team, working with the Design Team, to complete the design for construction of the Honor Farm Replacement facility for future Board of Supervisors consideration.
2. Approval to issue a Request for Statement of Qualifications (RFSOQ) for the Pre-Qualification of General Contractors for the Honor Farm Jail Beds Replacement Project.
3. Authorize staff to advertise Statement of Qualifications in local newspapers and builder's exchanges.

(Continued on Page 2)

FISCAL IMPACT:

On June 26, 2010, a fire erupted at the Stanislaus County Sheriff's Honor Farm, completely destroying Barracks 1 and 2 and all of its contents. An Insurance Settlement was reached to fund the replacement facility at the Public Safety Center.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2011-732

On motion of Supervisor Withrow, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2)        Denied

3)        Approved as amended

4)        Other:

MOTION:



ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

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**STAFF RECOMMENDATIONS (Continued):**

4. Adopt a Formal Appeal Process for Pre-Qualification of Contractors for Capital Projects pursuant to Public Contract Code Section 20101(d).
5. Direct the Auditor-Controller to increase appropriations and estimated revenue \$948,243 in the Capital Project fund, as detailed in the attached Budget Journal form from insurance proceeds for the Honor Farm fire replacement beds.

**FISCAL IMPACT (Continued):**

On May 24, 2011, the Board authorized the Auditor-Controller to establish a Special Revenue interest-bearing fund from the insurance proceeds for the construction of a replacement facility and for lost jail beds. At that time, the Board also approved to increase appropriations and estimated revenue of \$355,232 in a new Capital Project Fund to fund the initial schematic phase of design through a sole source contract with Lionakis, Inc. for a replacement facility, as outlined in the sources and uses chart below:

**Recommended Sources and Uses 05/24/11**

<b>Schematic Design Replacement Facility Sources</b>		<i>Amount</i>
<b>Proceeds</b>		\$355,232
<b>Total</b>		\$355,232

<b>Schematic Design Replacement Facility Uses</b>		<i>Amount</i>
<b>Salaries and Wages</b>		\$35,000
<b>Services and Supplies</b>		\$317,432
<b>Other Charges Government Fund</b>		\$2,800
<b>Structures and Improvements</b>		\$0
<b>Total</b>		\$355,232

The Project Team, including Chief Executive Office, Capital Projects and Sheriff's Staff, working with the Lionakis Design Team have made significant progress toward designing a future replacement facility outlined in greater detail below in the discussion section of this report.

At this time, staff is recommending the Board of Supervisors approve the schematic design as prepared by Lionakis, Inc., and authorize the Project Team working with the Design Team to complete the Design for future Board of Supervisors consideration. Staff is also recommending the Board of Supervisors approve the necessary transfers

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from the Insurance Proceeds to the Project Budget for design efforts through the bid and award phase of construction, as outlined in the sources and uses chart below:

### Recommended Sources and Uses 12/06//11

Sources through Bid and Award of Construction Contract		<i>Amount</i>
Proceeds		\$948,243
<b>Total</b>		<b>\$948,243</b>

Uses through Bid and Award of Construction Contract		<i>Amount</i>
Salaries and Wages		\$96,400
Services and Supplies		\$851,843
Structures and Improvements		\$0
<b>Total</b>		<b>\$948,243</b>

With the Board of Supervisors approval of this recommended budget adjustment, the project costs are recommended to increase by \$948,243 to fund total project costs of \$1,303,475 through the bid and award phase of this construction project from insurance proceeds.

Independent cost estimates through schematic design indicate a replacement facility may be constructed at the Public Safety Center site within budget estimates not to exceed \$12 million, which will be fully funded through the Insurance Proceeds.

Future actions decisions will be brought to the Board of Supervisors at each phase of the project for approval prior to proceeding to the next phase of the project.

#### **DISCUSSION:**

On June 26, 2010, a fire erupted at the Stanislaus County Sheriff's Honor Farm, completely destroying Barracks 1 and 2 and all of its contents. On July 13, 2010, the Board of Supervisors approved a Declaration of Emergency as a first step toward the clean up of fire debris and replacement of the lost beds to be covered by the County's insurance. At that time, the Board of Supervisors also authorized the Chief Executive Officer or his designee to begin negotiations with the County's Insurer to settle the claim for the lost facility at the Stanislaus County Sheriff's Honor Farm and authorized the Chief Executive Office - Risk Management Division to negotiate an advance partial proof of loss payment to fund initial project costs to ensure the safety and security of the site and aid in the demolition, planning and design services for a replacement facility.

On April 5, 2011, the Board approved to accept the final update on the immediate action plan, ending the emergency declaration.

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In April, 2011, a final Insurance Settlement was reached providing the funds needed to replace the lost Honor Farm beds at the Public Safety Center.

### *Design/Construction of a New Replacement Facility*

The fire that destroyed Honor Farm Barracks 1 and 2 created a significant challenge to housing inmates in Stanislaus County. On July 13, 2010, the Board of Supervisors authorized the Chief Executive Officer to contract for professional architectural design services with Lionakis, Inc. of Sacramento, California to assist the County with evaluating replacement options at both the Honor Farm and the County's Public Safety Center (PSC).

Lionakis, Inc. was selected for these services, due to the firm's extensive experience and knowledge in the design of detention facilities that must meet current construction standards as defined by the California Standards Authority (CSA), Title 15 and Title 24 Codes for detention facilities, and the American with Disabilities Act (ADA). Lionakis, Inc. was selected to provide these services on an emergency basis due to the immediate needs to replace the destroyed Honor Farm Barracks and provide necessary data to the County's insurance provider in order to facilitate resolution of the loss.

On May 24, 2011, the Board of Supervisors approved the award of a sole source contract for professional architectural design services for the development of plans and specifications for the construction of a replacement facility and for lost jail beds to Lionakis, Inc. of Sacramento, California for the lump sum amount not to exceed \$128,130 for the first phase of the design. The total architectural contract approved for all phases is estimated not to exceed \$985,440.

### *Replacement Facility- Schematic Design Phase*

The Stanislaus County Men's Honor Farm, located at 8224 West Grayson Road, Modesto, California, was originally constructed in the late 1960's with (3) 86-bed housing units and (1) 128 -bed housing unit and is one of three (3) detention facilities managed by the Sheriff's Department. The classification type of the inmate housed at the Honor Farm has changed significantly over the past fifty years. The Honor Farm is currently classified by the State Corrections Standards Authority (CSA) as a Type II facility, which is used for the detention of persons pending arraignment, during trial and upon court sentencing. Inmates currently being detained at the Honor Farm would not have been considered as an acceptable classification type for the Honor Farm at the time of the original 1989 Master Plan Implementation Architectural Program completed by Stone, Marraccini, Patterson/The Design Partnership. The classification type of inmate currently being housed at the Honor Farm has a direct effect on the type of replacement facility to be considered for reconstruction and the siting of that reconstruction or replacement of space.

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Both the original Public Safety Center Master Plan and its most current update recommend the closure of the Downtown Jail and the consolidation of the County's three existing jails in one location at the County's Public Safety Center site.

The County is aggressively pursuing Jail Construction Funding (AB900-Phase II) to add additional beds at the Public Safety Center site in part in response to the Public Safety (Corrections) Realignment Law, enacted effective October 1, 2011, which requires certain convicted individuals to be sentenced to local county jails instead of State Prison. The Board of Supervisors authorized the submission of a Letter of Interest to the State of California for \$80 million in Phase II AB900 funding to build an additional 456 adult detention beds. On October 26, 2011, The County received an invitation to submit an application for funding up to \$80 million, which is due January 12, 2012 for consideration of an award of State Lease Revenue Bond funding.

### **Next Recommended Actions**

The next critical steps for the project recommends that the Board of Supervisors approve three key actions that will ensure the project proceeds to the Bid and Award Phase of the Project, including the following:

- 1. Accept the schematic design as prepared by Lionakis, Inc. and authorize the Project Team working with the Design Team to complete the Design for future Board of Supervisors consideration for the construction of the Honor Farm Replacement facility.*

The proposed project, as designed through the schematic phase, will consist of a multi-tiered building constructed directly south of the existing minimum-security housing facility on the site of the Public Safety Center. Included will be site improvements, such as a continuation of the perimeter security fencing, new vehicular and pedestrian gates incorporated into the secure fencing, utility extensions and two outdoor recreation areas. Although the primary goal of this project is to provide a safe and secure jail-housing facility, it should also provide an environment that supports the operational requirements of the Sheriff's Department and facilitates the ability to provide programs for the inmates while detained. (Attachment 1: Site Plan, Attachment 2: First Floor, Attachment 3: Upper Tier)

The success of the Schematic Design documents, as well as the planning and design efforts to date, has been a collaborative effort by the entire Design Team. Representatives from County Capital Projects, Sheriff's Department, and various consultants have all been instrumental in the development of the operational and design requirements. Numerous concept drawings were provided and evaluated throughout the process and were instrumental in developing/refining the schematic design documents within this report. .

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Throughout the Pre-Design and Schematic Design phases, it became apparent that a more secure facility is needed to accommodate a higher inmate classification. The design needs to respond to a more secure environment in terms of materials, smaller grouped and secure dormitories, staff controls, and technology. It was also noted that whenever feasible, the building should provide natural light and attempt to provide a non-threatening setting that downplays the institutional feeling and supports a more normalized environment. Secure areas shall be constructed with emphasis on providing a secure perimeter with materials resistant to abuse and damage. Semi-secure areas shall be constructed to provide appropriate visual interest and security for the functions housed. The Jail housing facility is designed to be a cost effective, abuse resistive facility with operational flexibility to accommodate a changing inmate population. The staff and support areas of the facility will accommodate much needed inmate programs, provide security search and staging rooms and supplement staff work and break areas.

During the schematic design phase, it was determined that the department needs to incorporate video visitation throughout the various institutions. A separate and concurrent project is being developed to assess the most feasible location for a new remote public visitation facility to accommodate all of the various detention facilities in the county. For this project, inmate video visitation stations shall be provided in each of the dayrooms. Remote visitation improves the security of the jail operation.

The facility will be secure with areas which include three 64 –bed dormitory Housing Units, a raised Control Station, inmate Program and Multi-Purpose rooms, Search Rooms, a Staff Break Room, Equipment Storage, Work Room, and shall be occupancy type I-3, construction Type IB. The structural frame is designed to receive sprayed fireproofing with 2-hour rated protection. The entire roof structure assembly is required to have 1-hour fire resistive construction, which is obtained by concrete over metal deck. A fully automatic fire sprinkler and fire alarm system shall be provided throughout.

### **Goals for this Project**

The goals of this project used to produce the schematic design are as follows:

- Maximize the project scope by building 192 beds.
- Be staff efficient to operate the facility. To support this, it was determined that the new expansion will be indirect supervision, with a centrally located control station that has visual supervision of inmate areas. Bring as many support services to inmates as practical to reduce staffing impact.

Movement between housing units and support facilities should be minimized and easily observable. If possible, the use of secure corridors that can be observed or monitored to allow inmates to move unescorted between housing units and support services to reduce time staff spends in escorting.

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- The architectural environment must support the safety of staff and inmates by providing staff direct visual and acoustical awareness of activities in all areas. Security systems are needed for support, but primary security should be achieved through direct staff management. Staff station should be clearly defined, restricted from inmates, but should not create full barriers that interfere with direct interaction between staff and inmates.
- Provide additional inmate controlled movement by enclosing individual dormitory areas. In lieu of open dorm sleeping areas contiguous to a dayroom, this allows supervisory staff the ability to limit inmates to their defined dormitory for safety and security requirements. Toilet and lavatories shall be contained within each dorm setting to allow inmates free access and reduce staff interaction.

*2. Approval to issue a Request for Statement of Qualifications (RFSOQ) for the Pre-Qualification of General Contractors for the Honor Farm Jail Beds Replacement Project.*

Staff requests that the Board of Supervisors approve the release of an RFSOQ to General Contractors in accordance with Public Contract Code Section 20101. The RFSOQ will require prospective bidders on the Replacement Facility project to provide information regarding their experience, financial ability to perform the work, and responsibility as an entity (including any litigation or complaints). Upon approval, staff will advertise the RFSOQ in local newspapers and builder's exchanges. County staff will also advise local General Contractors of the opportunity to submit Statement of Qualifications for this project. The County has successfully used this approach in several past successful Capital Projects.

Bidder's compliance with the minimum qualification requirements will be measured by Bidder's experience as an operating entity and also by the experience of the supervisory personnel who will have responsible charge of the various major components of the Work.

Staff will return to the Board of Supervisors with the results of the RFSOQ and to recommend the Board release an Invitation to Bid to those General Contractors that have met the minimum qualification requirements.

*3. Adopt a Formal Appeal Process for Pre-Qualification of Contractors for Capital Projects pursuant to Public Contract Code Section 20101(d).*

Staff requests that the Board of Supervisors adopt a formal Appeal Process for Pre-Qualification of Contractors for Capital Projects pursuant to Public Contract Code

Section 2010(d). Effective January 1, 1998, the California legislature expanded on the existing prequalification statutes by adding Public Contract Code §20101. This statute

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allows a public entity to require that each prospective bidder for a contract complete and submit to the public entity a standardized questionnaire and financial statement in a form specified by the public entity, including a complete statement of the prospective bidder's experience in performing public works. (Attachment 4: Appeal Process for Prequalification of Contractors)

Under the statute, public entities that prequalify contractors must also establish a process that allows prospective bidders to dispute the public agency's proposed prequalification rating prior to the closing time for receipt of bids. The statute provides that the "appeal process shall include the following: (1) Upon request of the prospective bidder, the public entity shall provide notification to the prospective bidder in writing of the basis for the prospective bidder's disqualification and any supporting evidence that has been received from others, or adduced as a result of an investigation by the public entity. (2) The prospective bidder shall be given the opportunity to rebut any evidence used as a basis for disqualification and to present evidence to the public entity as to why the prospective bidder should be found qualified." It should be noted that if the bidder fails to make a timely objection, the proposed rating will become effective without further proceedings.

### Schedule

The Project Team has made significant progress towards designing a replacement facility that will be built at the Public Safety Center site. Staff anticipates the final plans and specifications will be returned to the Board of Supervisors for approval in early Summer 2012, with a recommended construction contract to be awarded by Winter 2012.

### **POLICY ISSUES:**

Approval of this action supports the Board's Priorities of A Safe Community and Efficient Delivery of Public Services by designing a replacement facility for lost jail beds.

### **STAFFING IMPACTS:**

On May 24, 2011, the Board of Supervisors authorized Amendment No. 2 with Crout and Sida Criminal Justice Consultants, Inc. to update the Public Safety Center Operational and Architectural Program and Site Master Plan, which includes a staffing analysis for the Replacement Facility.

The amendment of Crout and Sida Criminal Justice Consultants, Inc. contract has provided the needed modifications of the Public Safety Center Master Plan for consideration by the Board of Supervisors, and will provide a basis for planning the siting of the Honor Farm Replacement Beds Project at the Public Safety Center.



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### Staffing Analysis

The Honor Farm currently houses 86 inmates who are overseen by 16.5 allocated positions with an operational cost of \$1,859,000 annually to fund these positions.

The Community Corrections Phase II Plan funded through State Public Safety (Corrections) Realignment with the passage of Assembly Bill 109 (AB 109) will provide funding to reopen 72 beds that were closed as a result of budget reductions implemented in the prior fiscal year. As a result of this additional funding, the Sheriff will request to add back 6.84 positions during the Fiscal Year 2011-2012 at a total estimated annual cost of \$735,040 completely funded by AB 109.

With the full build out of a replacement facility at the Public Safety Center, and the closure of the Honor Farm during Fiscal Year 2013-2014, staff believes the transfer of the existing 16.5 positions funded by existing appropriations in the Sheriff Detention budget of \$1.83 million, and the reallocation of the 6.84 positions funded by AB 109 Realignment totaling \$735,040 will together be sufficient to fully staff the replacement 192 bed facility.

It is anticipated this staffing pattern will provide the supervision necessary to maintain the span of control and to ensure that transportation and administrative services required outside the new 192 bed replacement facility and beyond the management required if simply monitored by PSC staff.

On December 13, 2011, staff will return to the Board of Supervisors for approval of the Stanislaus County Adult Detention Needs Assessment 2011 Update and the Public Safety Center Expansion Operation and Architectural Program and Site Master Plan. At that time, staff will outline the staffing plan and staffing costs associated with the AB 900 Phase II jail construction funding application.

### **CONTACT PERSON:**

Patricia Hill Thomas, Chief Operations Officer. Telephone 209-525-6333.

ATTACHMENTS AVAILABLE  
FROM YOUR CLERK

# County of Stanislaus: Auditor-Controller Legal Budget Journal

Database  
Set of Books



FMSDBPRD.CO.STANISLAUS.CA.US.PROD  
County of Stanislaus

<b>Balance Type</b>	<b>Budget</b>
<b>Category</b>	* List - Text <b>Budget - Upload</b>
<b>Source</b>	* List - Text <b>CEO NJB</b>
<b>Currency</b>	* List - Text <b>USD</b>
<b>Budget Name</b>	List - Text <b>LEGAL BUDGET</b>
<b>Batch Name</b>	Text
<b>Journal Name</b>	Text <b>CP CEO JV000058</b>
<b>Journal Description</b>	Text <b>Honor Farm Replacment Facility</b>
<b>Journal Reference</b>	Text
<b>Organization</b>	List - Text <b>Stanislaus Budget Org</b>

Upl	Fund	Org	Acc't	GL Proj	Loc	Misc	Other	Debit		Credit		Period	Line Description
								incr appropriations decr est revenue (format > number > general)	decr appropriations incr est revenue	Upper case MM-YY List - Text	Text		
4	7	5	7	6	6	5							
	1680	0016126	85850	0000000	000000	000000	00000	948243				OCT-11	INC OPERATING XFER OUT
	2075	0061135	46600	0000000	000000	000000	00000		948243			OCT-11	INC OPERATING XFER IN
	2075	0061135	50000	0000000	000000	000125	00000	96400				OCT-11	INC SALARIES & WAGES
	2075	0061135	62400	0000000	000000	000125	00000	49878				OCT-11	INC MISCELLANEOUS
	2075	0061135	62470	0000000	000000	000125	00000	48000				OCT-11	INC STATE REVIEWS
	2075	0061135	62600	0000000	000000	000125	00000	1000				OCT-11	INC OFFICE SUPPLIES
	2075	0061135	63400	0000000	000000	000126	00000	3500				OCT-11	INC ENGINEERING SVC.
	2075	0061135	64220	0000000	000000	000126	00000	642930				OCT-11	INC ARCH & ENGR FEES
	2075	0061135	64600	0000000	000000	000125	00000	91845				OCT-11	INC CONSTRUCTION MGR
	2075	0061135	65000	0000000	000000	000125	00000	10000				OCT-11	INC PUBLICATIONS
	2075	0061135	66020	0000000	000000	000126	00000		40000			OCT-11	DEC ENVIRONMENTAL
	2075	0061135	66210	0000000	000000	000125	00000	20000				OCT-11	INC BUILDING PERMITS
	2075	0061135	67200	0000000	000000	000125	00000	25000				OCT-11	INC INFRASTRUCTURE
	2075	0061135	73511	0000000	000000	000125	00000	450				OCT-11	INC GOVT FUND AUDITOR
	2075	0061135	73512	0000000	000000	000125	00000	750				OCT-11	INC GOVT FUND PURCHASE
	2075	0061135	73580	0000000	000000	000125	00000		1960			OCT-11	DEC GOVT FUND ENGINEER
	2075	0061135	74370	0000000	000000	000125	00000	450				OCT-11	INC STORES OFFICE SUP

**Totals:** 1938446 990203

**Explanation:**  
Transfer cash from proceeds from Special Revenue Fund through Op Transf

<b>Requesting Department</b>	<b>CEO</b>	<b>Data Entry</b>	<b>Auditors Office Only</b>
NORMA BAKER			
Signature	Signature	Keyed by	Prepared By
10/25/11	12/2/11		10/25/11
Date	Date	Date	Date







**COUNTY OF STANISLAUS****Appeal Process for Prequalification of Contractors  
for the [Insert Name of Project]**

Pursuant to Public Contract Code Section 20101(d), the County of Stanislaus has adopted this Appeal Process to be used in the prequalification of Contractors for the **[Insert Name of Project]**.

Once each Contractor's submission has been rated pursuant to the County's Rating System for the prequalification of Contractors for the **[Insert Name of Project]**, the County's Chief Operations Officer or designee shall give written notice to each Contractor of the prequalification determination for that Contractor (Notice of Determination). A Contractor who has submitted a completed application form and who receives a rating of "not qualified" may appeal that determination. There is no appeal from a finding that a Contractor is not pre-qualified because of a failure to submit required information or failure to submit required information in a timely manner. The Notice of Determination transmitted to any Contractor deemed "not qualified" shall include the basis for the "not qualified" determination and any supporting evidence that has been received from others or adduced as a result of investigation (Notice of Reasons).

If, after considering a properly completed and timely submitted application, the Contractor is determined to be not qualified to bid on the **[Insert Name of Project]**, then that Contractor may appeal the decision as follows:

1. By giving written Notice of Appeal to the County's Chief Operations Officer or designee no later than 5 p.m. on **[Insert Date]**. Unless a Contractor files a timely appeal, the Contractor waives any and all rights to challenge the qualification decision by the County staff, whether by administrative process, judicial process or any other legal process or proceeding. A Notice of Appeal mailed by U.S. mail, or other similar means, will not be deemed timely unless received within the time period set forth above.
2. The Notice of Appeal must, at a minimum, contain the following:
  - a. The name, address and telephone number of the person making the appeal;
  - b. A description of the determination which is the subject of the appeal, and the date of the Notice of Determination;
  - c. A brief description of the grounds for the appeal;
  - d. Any evidence rebutting the Notice of Reasons issued by the County as a basis for the determination; and
  - e. Any additional evidence as to why the Contractor should be found qualified.

3. Properly noticed and submitted appeals will be considered by the County. Each appeal will be heard at a 15-minute informal meeting that will occur on **[Insert Date, Time, and Location.]** County staff shall notify each Contractor of their specific time slot. The meeting shall be an informal process attended by the **[Insert Names of Hearing Personnel, i.e., County's Chief Operations Officer, the County's Public Works Director, and the County's Outside Counsel].** Counsel will be present in an advisory capacity to the County. Any Contractor choosing to appeal the staff's determination may attend that Contractor's informal meeting and will be given an opportunity to make an oral statement on the Contractor's behalf (a) to discuss written material previously and timely submitted to the County, (b) to rebut any evidence used as a basis for the determination, and (c) to present evidence as to why the Contractor should be found qualified.
4. After the appeal meeting is concluded and after full consideration of (a) the appellant's evidence and (b) the staff recommendation and information, the County's Chief Operations Officer or designee may affirm the not qualified determination or reverse the determination and instruct County staff to give the Contractor a different rating. This appeal decision will be in writing containing a summary of the facts that led to the decision.
5. County staff shall provide the appellant with a written determination no later than **[Insert Date]**.

As required by Public Contract Code Section 20101(d), the appeal process provided herein will allow each Contractor to dispute their not qualified rating prior to the closing time for receipt of bids on the **[Insert Name of Project]**.