

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

DEPT: Chief Executive Office

BOARD AGENDA # *B-5

Urgent Routine

AGENDA DATE February 12, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval for Project Manager to Complete All Necessary Actions and Execute All Documents on Behalf of the Board of Supervisors for the Lease-Revenue Bond Sale for Financing the Construction of the Juvenile Commitment Center (SB 81) Project; Approval of the Plans and Specifications for the Juvenile Commitment Center Project Driveway Improvements, Set the Bid Date for March 6, 2013 at 2:00 p.m. and Related Actions

STAFF RECOMMENDATIONS:

1. Authorize the Project Manager to complete all necessary actions to negotiate and execute all closing documents and Tax Certificates on behalf of the Board of Supervisors for the Lease-Revenue Bond Sale for financing the construction of the Juvenile Commitment Center (SB 81) Project in accordance with the State's Time and Responsibility Schedule.
2. Approve the plans and specifications for the Juvenile Commitment Center Project Driveway Improvements prepared by Associated Engineering Group, Inc. of Modesto, California.

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FISCAL IMPACT:

On March 31, 2009, the Board of Supervisors acknowledged an award of up to \$18 million from the State of California to build a Juvenile Youth Treatment Facility (YTF) with funds under the Department of Corrections 2007 Local Youthful Offender Rehabilitative Construction Funding (SB 81) and directed staff to negotiate a contract with the State.

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BOARD ACTION AS FOLLOWS:

No. 2013-63

On motion of Supervisor Monteith, Seconded by Supervisor Withrow
and approved by the following vote,

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

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):

3. Authorize the Project Manager to issue a notice inviting informal bids for the construction of the Juvenile Commitment Center Driveway Improvements; set a bid due date of March 6, 2013 at 2:00 p.m., and authorize the Project Manager to modify the bid date if necessary.
4. Authorize the Project Manager to accept and open bids on March 6, 2013, immediately after 2:00 p.m., and to negotiate, award and execute a purchase order for construction of the improvements to the lowest responsible bidder if the amount is within the approved Project Budget.
5. Authorize the Project Manager to negotiate and sign contracts, work authorizations and purchase orders necessary to the project as long as they are within the project budget.
6. Authorize the Project Manager to negotiate and sign change orders up to \$25,000, consistent with the County's Change Order Policy, and as long as they are within the previously approved project budget.

FISCAL IMPACT (Continued):

On September 20, 2011, the Board of Supervisors adjusted the project budget at the time of the award of the construction project as a result of bids coming in below the estimate; the total Project Cost was reduced from the Financing Plan estimate of \$24,232,528 to \$22,713,828. The primary sources of cash match the County has committed to the Juvenile Commitment Center project includes funding of \$1,725,000 of Public Facility Fees (PFF), funding of \$2,732,528 from the Criminal Justice Facilities Fund, and a non-cash match from land valued at \$1,775,000 at the site where the new facility is being constructed. The Board of Supervisors' approved SB 81 Project Budget is described below:

Juvenile Commitment Center Sources	Amount
State Funding	\$16,481,300
Detention Public Facility Fees	\$1,450,000
Criminal Justice Public Facility Fees	\$275,000
Criminal Justice Facilities Fund	\$2,732,528
Land	\$1,775,000
Total	\$22,713,828

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Juvenile Commitment Center Uses	Amount
Cash Uses for Design/Construction	\$20,938,828
Non-Cash Uses for Land/Site Acquisition	\$1,775,000
Total	\$22,713,828

The Juvenile Commitment Center Project includes grant funding generated from the sale of Lease-Revenue bonds through the State of California 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program. Preparation of the Lease-Revenue Bond documentation by the Board of State and Community Corrections, State of California Department of Finance, and the State Public Works Board and other State agencies is currently underway for the sale of Lease Revenue Bonds. The Project Manager seeks authority to act on behalf of the Board of Supervisors to complete and execute all necessary Lease-Revenue Bond documentation with the State Agencies for the bond sale, in accordance with the Time and Responsibility Schedule attached hereto. The approved Project Budget and resulting State funding contribution to the Juvenile Commitment Center (SB 81) Project will not be adjusted by this bond sale process. Any future funding decisions that may occur through the close-out of the Project will be presented to the Board of Supervisors for separate consideration. The Project will be completed substantially under the approved project budget.

Juvenile Commitment Center Project Driveway Improvements

The Juvenile Commitment Center project is currently under construction and steadily moving toward a Final Completion in the end of March 2013. The established Juvenile Commitment Center (SB 81) Project budget does not include the project driveway improvements as these were conditioned by the Board of State and Community Corrections, and State of California Department of Finance as the sole cost of the County to provide access to the project site located at 2215(A) Blue Gum Avenue, Modesto. Both pedestrian and vehicle access to the site will be improved with the proposed driveway improvement project.

On April 19, 2011, the Board of Supervisors approved the use of a year-end carryover of \$75,000 in the Chief Executive Office Plant Acquisition budget for future year budgets, to make the necessary driveway improvements prior to the final completion of construction of the SB 81 Juvenile Commitment Center. This funding will allow the Project Manager to award a purchase order for construction to an independent construction contractor for the proposed driveway improvements if the costs are within the approved Project budget. The following Board approved budget has been established within the Chief Executive Office - Plant Acquisition Budget:

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2nd Street Driveway Improvements Sources	Amount
CEO Plant Acquisition budget carryforward	\$75,000
Total	\$75,000

2nd Street Driveway Improvements Uses	Amount
Driveway Improvements	\$75,000
Total	\$75,000

It is expected this final driveway work will be completed within Fiscal Year 2012-2013 based on the project schedule further described in this report. The estimated project cost of \$75,000 will add to the County's overall contribution to the project which will bring a new and much needed 60-bed Juvenile Commitment Center adjacent to the existing Juvenile Hall and Probation Department Facility.

DISCUSSION:

Stanislaus County is partnering with the State of California to build a 60-bed Juvenile Commitment Center at 2215(A) Blue Gum Avenue, Modesto, CA. On March 31, 2009, the Board of Supervisors acknowledged an award up to \$18 million from the State of California Corrections Standards Authority for the construction of a 60- Bed Juvenile Youth Treatment Facility and directed staff to negotiate a contract with the State to build the Juvenile Youth Treatment Facility (YTF) with funds under the Department of Corrections 2007 Youthful Offender Rehabilitative Facility Construction Funding Program (SB-81). The State of California is required to sell bonds to provide construction financing for the program. On January 12, 2010, the Board of Supervisors authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage schematic design including construction management, professional services and other project related costs.

On September 20, 2011, the Board of Supervisors approved the award of the construction contract for the Juvenile Commitment Center to Roebbelen Contracting, Inc. in the lump sum of \$14,983,000. The Project met a significant milestone of Substantial Completion on February 11, 2013. Final Completion of the Construction Contract with Roebbelen Contracting, Inc. will occur on March 28, 2013. Occupancy of the building by youth offenders is scheduled to occur prior to June 30, 2013. The completion of the project will be substantially under the State funds allocated for its construction.

The State of California has proceeded with the sale of the lease revenue bonds for this Project. The sale of Lease-Revenue bonds through the 2007 Local Youthful Offender

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Rehabilitative Facility Construction Funding Program will require additional coordination between all involved State Agencies and the Project Manager, acting on behalf of the Board of Supervisors. Preparation of the Lease-Revenue Bond documentation by the Board of State and Community Corrections, State of California Department of Finance, and the State Public Works Board and other State agencies is underway. The Project Manager is seeking approval from the Board of Supervisors to participate in bond sale process and to complete and execute all related bond sale documentation during the process. The State has provided an ambitious Time and Responsibility Schedule, attached hereto, that will require prompt review and turnaround of various closing documentation. The Project Manager will confer with County Counsel and outside counsel as appropriate to review and approve all closing documents and Tax Certificates prior to finalizing and executing same.

Juvenile Commitment Center Project Driveway Improvements

On April 19, 2011, the Board of Supervisors approved a construction contract with Roebbelen Contracting, Inc. to serve as the County's general contractor on the Juvenile Commitment Center Project. The Board-approved contractual scope of work does not include improvements for the project driveway that will generally stretch from the intersection of Blue Gum Avenue and the County owned driveway and four hundred feet north as indicated on the plans and specifications prepared by Associated Engineering Group of Modesto, California.

On April 19, 2011, the Board of Supervisors also approved the use of a year-end carryover of \$75,000 in the Chief Executive Office Plant Acquisition budget for future year budgets for Fiscal Year 2012-2013 to make the necessary driveway improvements prior to the completion of construction of the SB-81 Juvenile Commitment Facility. The proposed Juvenile Commitment Center Project Driveway Improvements are considered a separate project with a non-match funding source from the Chief Executive Office Plant Acquisition budget.

Associated Engineering Group, as part of the Architecture-Engineering team, has performed the site civil engineering work on the Juvenile Commitment Center Project. Additionally, the County contracted with Associated Engineering Group to assess existing conditions and design the driveway improvements. On January 16, 2013, the Project Manager issued a purchase order to Associated Engineering Group, Inc. of Modesto, CA to perform professional engineering services to complete the on-site improvement plans for the Project. The scope of civil engineering design work performed by Associated Engineering Group, Inc. included the project driveway improvements, construction plans for the path of pedestrian travel compliant with the Americans with Disabilities Act (ADA) and construction details for bidding and

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construction. Associated Engineering Group also provided a State-required storm water pollution prevention plan (SWPPP) as part of the scope of services. The bid-ready plans and specifications are presented to the Board for approval as part of this report.

The County will provide reasonable vehicle and pedestrian access to the newly constructed Juvenile Commitment Center at 2215(A) Blue Gum Avenue, Modesto prior to the time the project is certified and opened for the housing of in-custody youth offenders. To meet County's agreement with the State and provide safe and reasonable access to the site, the County needs to address improving the Juvenile Commitment Center driveway prior to project completion.

Next Recommended Actions

The next steps to be approved by the Board of Supervisors will ensure the Lease-Revenue Bond sale proceeds as planned; and the Juvenile Commitment Center Project Driveway Improvements proceed to the Bid and Award Phase and coincides with the completion of the Juvenile Commitment Center:

1. Authorize the Project Manager to complete all necessary actions to negotiate and execute all closing documents and Tax Certificates on behalf of the Board of Supervisors for the Lease-Revenue Bond Sale for financing the construction of the Juvenile Commitment Center (SB 81) Project.

The Project Manager will perform all necessary actions to negotiate, complete and execute Lease-Revenue bond sale related documentation on behalf of the County Board of Supervisors in accordance with the State's Time and Responsibility Schedule.

2. Approve the plans and specifications for the Juvenile Commitment Center Project Driveway Improvements prepared by Associated Engineering Group, Inc.

The project scope as contained within the plans and specifications calls for the general improvement of the driveway for vehicle and pedestrian access. In general, this includes 400 linear feet of new driveway paving, new ADA accessible pedestrian sidewalks and ramps and additional improvements to the existing driveway. The Project will link to improvements to be installed within the Project Area of the Juvenile Commitment Center that were constructed under contract with Roebbelen.

3. Authorize the Project Manager to issue a notice inviting bids for the construction of the project; set a due date of March 6, 2013 at 2:00 p.m., and authorize the Project Manager to modify the bid date if necessary.

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A notice inviting bids will be issued by the Project Manager to contractors seeking to perform the work. The Project Manager will accept bids up to the due date and will handle the procurement as required under public contracting code.

4. Authorize the Project Manager to accept and open bids on March 6, 2013, immediately after 2:00 p.m., and for the Project Manager to award and execute a contract for construction of the improvements to the lowest responsible bidder if the amount is within the approved Project Budget.

If bids are returned within the Board-approved Project Budget, the Board of Supervisors will authorize the Project Manager to award a contract for construction of the improvements to the qualified, lowest bidder as consistent with California Public Contract Code for the construction of public works projects. This action will allow the County to expedite the delivery of the Project in order to meet the strict State deadlines for completion of the entire Juvenile Commitment Center Project.

Schedule

The Project met a significant milestone of Substantial Completion on February 11, 2013. Final Completion of the Construction Contract with Roebbelen Contracting, Inc. will occur on March 28, 2013. Occupancy of the building must occur prior to June 30, 2013. Access to the newly constructed facility will be improved well in advance of June 30, 2013; the date required by the State of California in certifying the new Juvenile Commitment Center for occupancy by in-custody juvenile offenders.

STAFFING IMPACT:

Existing Capital Projects staff will coordinate the project working in collaboration with the Probation Department and the Board of State and Community Corrections, State of California Department of Finance, and the State Public Works Board and other State agencies will continue to implement the project.

POLICY ISSUES:

Approval of this action promotes the Board's priorities of A Safe Community and Efficient Delivery of Public Services by making the most cost effective and efficient use of County resources to complete a project that enhances a large scale capital project for the County.

CONTACT PERSON:

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