

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

DEPT: Chief Executive Office

BOARD AGENDA:6.B.14
AGENDA DATE: July 31, 2018

SUBJECT:

Approval of an Amendment to the Agreement with the California Board of State and Community Corrections (BSCC) to Construct SB 1022, Re-Entry and Enhanced Alternatives to Custody Training (REACT) Center, and Other Related Matters

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0394

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

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini _____

Noes: Supervisors: None _____


Excused or Absent: Supervisors: None _____

Abstaining: Supervisor: None _____

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

ATTEST:



ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA:6.B.14
AGENDA DATE: July 31, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: Yes

SUBJECT:

Approval of an Amendment to the Agreement with the California Board of State and Community Corrections (BSCC) to Construct SB 1022, Re-Entry and Enhanced Alternatives to Custody Training (REACT) Center, and Other Related Matters

STAFF RECOMMENDATION:

1. Approve an amendment to the Agreement with the California Board of State and Community Corrections (BSCC) to construct the SB 1022 Re-Entry and Enhanced Alternatives to Custody Training (REACT) Center.
2. Authorize the Chief Operations Officer, serving as Project Manager, to execute the Amendment.
3. Authorize the Project Manager to reconcile final project finances and all items necessary to close out the project within the previously approved Project Budget.
4. Direct the Auditor-Controller to reduce project appropriations per the Amendment, reclass \$105,810 out of Fixed Assets, and transfer appropriations to match actual spending as detailed in the attached Budget Journal.

DISCUSSION:

On April 19, 2016, the Board of Supervisors approved a \$44,445,000 project budget and awarded a Design-Build construction contract to Roebbelen Contracting, Inc. (Roebbelen) of El Dorado Hills, California for the Re-Entry and Enhanced Alternatives to Custody (REACT) Center. Included in this project budget are funds for construction and construction related services, inspection services, furnishings, equipment, and construction management services. The REACT Center is funded 90% by the State of California and 10% by Stanislaus County.

On December 19, 2017, the Board accepted the REACT Center and approved the final construction contract with Roebbelen for \$32,797,880, a savings of \$2,895,225 over the initial construction and construction contingency budget. Since the successful completion of construction, the Chief Executive Office Capital Projects team in collaboration with the Sheriff's Transition team have completed the furnishing plan and received all project equipment. The team has also completed the mandatory routine required audit and have transmitted the audit, along with the final project cost accounting, to the State of California for final review.

As with most large construction projects, routine accounting is done throughout construction and funds are shifted to appropriate categories as the project progresses. During construction of the REACT Center, the County ultimately used CEO staff and the Sheriff's Transition much more than anticipated while significantly underspending in the outside construction management services, equipment and outside inspection services. The final project cost transmitted to the State of California is \$40,691,904, a total project savings of \$3,753,096. The recommended actions in this item will align actual project costs with their appropriate budget categories.

The State of California requires any changes to the REACT Center budget be approved by the California Board of State and Community Corrections (BSCC) and the California Department of Finance. Upon approval of a change to the budget, the BSCC issues an amendment to the original BSCC SB 1022 Construction Agreement. The County made a formal request to the BSCC to modify the budget by shifting funds within the approved budget categories. The State approved this Budget Modification on July 3, 2018 and sent an Agreement Amendment for execution by the County.

POLICY ISSUE:

Board of Supervisors approval is needed to amend the SB 1022 Construction Agreement with the BSCC.

FISCAL IMPACT:

As stated above the project budget and funding remain unchanged. The final project cost transmitted to the State of California was \$40,691,904, which includes \$36,622,714 in State of California Costs and \$4,069,190 in Stanislaus County Costs. Approval of the amendment to the BSCC Agreement allows the County to shift funds within its approved budget categories. The changes to this budget are reflected in the charts below:

Category	Original REACT Project Budget			
	STATE REIMBURSED	CASH MATCH	IN-KIND MATCH	TOTAL
Construction	\$35,805,000	\$0		\$35,805,000
Additional Eligible Costs	\$2,031,000	\$279,000		\$2,310,000
Architectural	\$1,640,000	\$402,000		\$2,042,000
Project Construction Mgmt	\$524,000	\$1,783,000		\$2,307,000
CEQA		\$0		\$0
State Agency Fees		\$51,000		\$51,000
Audit		\$15,000	\$0	\$15,000
Needs Assessment		\$16,000	\$0	\$16,000
Transition Planning		\$0	\$339,000	\$339,000
County Administration			\$1,560,000	\$1,560,000
Land Value			\$0	\$0
Total Project Costs	\$40,000,000	\$2,546,000	\$1,899,000	\$44,445,000
Percent of Total	90.00%	5.73%	4.27%	100.00%
		10.00%		\$4,445,000

Category	Revised REACT Project Budget			
	STATE REIMBURSED	CASH MATCH	IN-KIND MATCH	TOTAL
Construction	\$32,797,880	\$0		\$32,797,880
Additional Eligible Costs	\$1,325,962	\$167,466		\$1,493,428
Architectural	\$2,248,082	\$51,918		\$2,300,000
Project Construction Mgmt	\$250,790	\$1,478,818		\$1,729,608
CEQA		\$0		\$0
State Agency Fees		\$38,595		\$38,595
Audit		\$11,500	\$0	\$11,500
Needs Assessment		\$0	\$0	\$0
Transition Planning		\$0	\$1,330,503	\$1,330,503
County Administration			\$990,390	\$990,390
Land Value			\$0	\$0
Total Project Costs	\$36,622,714	\$1,748,297	\$2,320,893	\$40,691,904
Percent of Total	90.00%	4.30%	5.70%	100.00%
		10.00%		
		\$4,069,190		

At this time, staff are also recommending to adjust the County's project budget to actual expenditures. This action will reclass \$105,810 from Fixed Assets, reduce the project budget to recognize \$3,265,286.73 in state reimbursable project savings, and transfer project budget to better align with actual costs as detailed in the attached budget journal.

BOARD OF SUPERVISORS' PRIORITY:

Approval of this action is consistent with the Boards Priority' of *Delivering Efficient Public Services and Community Infrastructure* having both the State of California and Stanislaus County review and approve changes to the SB 1022 Re-Entry and Enhances Alternatives to Custody Training (REACT) Center project budget.

STAFFING IMPACT:

There is no staffing impact associated with this action. Successful delivery of the project will be handled by the Chief Operations Officer and existing Capital Projects staff.

CONTACT PERSON:

Patricia Hill Thomas, Chief Operations Officer/Project Manager, Telephone (209) 525-6333

ATTACHMENT(S):

1. Amendment
2. Budget Journal

**FIRST AMENDMENT TO
BOARD OF STATE AND COMMUNITY CORRECTIONS
SB 1022 CONSTRUCTION AGREEMENT
FOR STANISLAUS COUNTY**

This First Amendment (“**Amendment**”) to the January 5, 2016 Board of State and Community Corrections Jail Construction Agreement (“**Agreement**”) is entered into as of July 31, 2018 (“**Amendment Effective Date**”), by and between the Board of State and Community Corrections (“**BSCC**”), an agency of the government of the State of California (“**State**”), and Stanislaus County (“**Participating County**”). BSCC and Participating County shall be referred to collectively herein as “**Parties**,” and individually as a “**Party**.”

RECITALS

WHEREAS, the Parties entered into that certain Board of State and Community Corrections Jail Construction Agreement dated January 5, 2016 (“**Agreement**”).

WHEREAS, the Parties desire to amend the Agreement as set forth herein.

WHEREAS, Article 2 of the Agreement provides that any amendment to the Agreement shall be binding on (i) the State only if signed by the Agency Representative, and (ii) the Participating County only if signed or certified in form reasonably acceptable to BSCC by the Participating County Construction Administrator.

NOW, THEREFORE, by the signatures of their authorized representatives below, the Parties agree as follows:

SECTION 1. AMENDMENTS TO AGREEMENT

Replace Exhibit B, Section 5, Budget Classification Schedules, as follows:

	LINE ITEM	STATE FUNDS	CASH MATCH	IN-KIND MATCH	TOTAL
1.	Construction	\$32,797,880	\$0		\$32,797,880
2.	Additional Eligible Costs	\$1,325,962	\$167,466		\$1,493,428
3.	Architectural	\$2,248,082	\$51,918		\$2,300,000
4.	Project/Construction Management	\$250,790	\$1,478,818		\$1,729,608
5.	CEQA		\$0		\$0
6.	State Agency Fees		\$38,595		\$38,595
7.	Audit		\$11,500	\$0	\$11,500
8.	Needs Assessment		\$0	\$0	\$0
9.	Transition Planning		\$0	\$1,330,503	\$1,330,503
10.	County Administration			\$990,390	\$990,390
11.	Land Value			\$0	\$0
	TOTAL ELIGIBLE PROJECT COST	\$36,622,714	\$1,748,297	\$2,320,893	\$40,691,904
	PERCENT OF TOTAL	90.00%	4.30%	5.70%	100.00%
				10.00%	
				\$4,069,190	

SECTION 2. AUTHORITY

Each Party represents to the other Party that this Amendment has been executed in compliance with the requirements of Article 2 of the Agreement.

SECTION 3. GENERAL PROVISIONS

Capitalized terms used but not defined in this Amendment shall have the meanings assigned to them in the Agreement. In the event of a conflict between any provision of the Agreement and a provision of this Amendment, the provision of this Amendment shall control. Except as otherwise amended by this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect. This Amendment may be executed in counterparts, each of which shall be deemed to be an original, and all of such counterparts shall together constitute one executed original instrument.

[SIGNATURES TO IMMEDIATELY FOLLOW ON NEXT PAGE]

EXECUTION COPY

IN WITNESS WHEREOF, the Parties have executed this Amendment, as of the Amendment Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

By: _____
Signature of Executive Director or Designee

Name and Title: Kathleen T. Howard, Executive Director

Date: _____

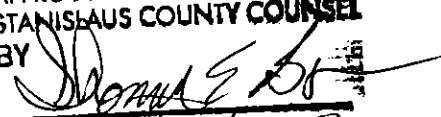
“PARTICIPATING COUNTY”

County of Stanislaus:

By: _____
Signature

Name and Title: Patricia Hill Thomas, Chief Operations Officer

Date: _____

APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL
BY 
DATE: 7/25/2018

IN WITNESS WHEREOF, the Parties have executed this Amendment, as of the Amendment Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

By: Kathleen T. Howard
Signature of Executive Director or Designee

Name and Title: Kathleen T. Howard, Executive Director

Date: 7/31/18

"PARTICIPATING COUNTY"

County of Stanislaus:

By: _____
Signature

Name and Title: Patricia Hill Thomas, Chief Operations Officer

Date: _____

EXECUTION COPY

IN WITNESS WHEREOF, the Parties have executed this Amendment, as of the Amendment Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

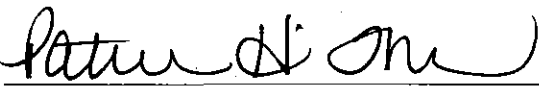
By: _____
Signature of Executive Director or Designee

Name and Title: Kathleen T. Howard, Executive Director

Date: _____

"PARTICIPATING COUNTY"

County of Stanislaus:

By: 
Signature

Name and Title: Patricia Hill Thomas, Chief Operations Officer

Date: 7/31/18

Database	FMSDBPRD.CO.STANISLAUS.CA.US.PROD	DO NOT CHANGE
Balance Type	Budget	DO NOT CHANGE
Data Access Set	County of Stanislaus	DO NOT CHANGE
Ledger	* List - Text County of Stanislaus	DO NOT CHANGE
Budget	List - Text LEGAL BUDGET	DO NOT CHANGE
Category	* List - Text Budget - Upload	DO NOT CHANGE
Source	* List - Text CEO JDK	
Currency	* List - Text USD	DO NOT CHANGE
Period	List - Text SEP-18	DO NOT CHANGE
Batch Name	Text	ENTER AS MMM-YY (ALL CAPS FOR MMM) EX: NOV-11
Journal Name	Text JV CEO CP 000538	
Journal Description	Text Adj for negative acct balances	
Journal Reference	Text	
Organization	List - Text Stanislaus Budget Org	DO NOT CHANGE
Chart Of Accounts	Accounting Flexfield	DO NOT CHANGE

Upl	Fund (4 char)	Org (7 char)	Account (5 char)	GL Project (7 char)	Location (6 char)	Misc. (6 char)	Other (5 char)	Debit incr appropriations decr est revenue * Number	Credit decr appropriations incr est revenue * Number	Line Description Text
Fr	2078	0061140	62840	0000000	000000	000000	00000		656	Incr Computer Software-
Fr	2078	0061140	62860	0000000	000000	000000	00000		448.22	Incr Office Equipment-Nc
Fr	2078	0061140	62980	0000000	000000	000000	00000		8239.48	Incr Exp. Comp Equip to
Fr	2078	0061140	62985	0000000	000000	000000	00000		6316.34	Incr Exp. Furnishings to
Fr	2078	0061140	62990	0000000	000000	000000	00000		41713.03	Incr Exp. Equipment to \$
Fr	2078	0061140	65770	0000000	000000	000000	00000		7674.81	Incr Ammunition & weap
Fr	2078	0061140	66280	0000000	000000	000000	00000		40762.57	Incr Operating supplies -
Fr	2078	0061140	81000	0000000	000000	000000	00000		105810.45	Decr Equipment - Reclass
Fr	2078	0061140	64150	0000000	000000	000000	00000		79374	Decr Code Required Test
Fr	2078	0061140	64208	0000000	000000	000000	00000		51.5	Decr Plan Check Services
Fr	2078	0061140	80310	0000000	000000	000000	00000		204	Decr Construction (New)
Fr	2078	0061140	80570	0000000	000000	000000	00000		2894916	Decr Change order contin
Fr	2078	0061140	81000	0000000	000000	000000	00000		290741.23	Decr Equipment Per BSC
Fr	2078	0061140	50000	0000000	000000	000000	00000		300	Decr Salaries to remove
Fr	2078	0061140	50020	0000000	000000	000000	00000		300	Incr Extra Help to remov
Fr	2078	0061140	62470	0000000	000000	000000	00000		13785	Incr Program Eval to rerr
Fr	2078	0061140	63274	0000000	000000	000000	00000		100000	Incr Contracts-Stipends t
Fr	2078	0061140	63410	0000000	000000	000000	00000		256297	Incr Admin Serv to cover
Fr	2078	0061140	63640	0000000	000000	000000	00000		80000	Incr Legal Services to rer
Fr	2078	0061140	64150	0000000	000000	000000	00000		193785	Decr Code Required Test
Fr	2078	0061140	81000	0000000	000000	000000	00000		256297	Decr Equipment Per BSC
Totals:								556192.45	3821479.18	

Tip: This is not the end of the Template. Unprotect the sheet and insert as many rows as needed.

Explanation: Reclass \$105,810.45 in Equip fixed asset appropriations to non-fixed asset equip expenditures in Services & Supplies accounts; adjust balances in various State reimbursable accounts to match balances in State budget as a result of budget amendment requested decrease; re-allocate appropriations in County match and non-match categories to maximize county contribution to this project; transfer among accounts to clear negatives.

Requesting Department		CEO	Data Entry	Auditors Office Only
Jim Kwartz		Andy Johnson		Christopher L Barnes
Prepared by		Supervisor's Approval	Keyed by	Prepared By
7/18/2018		7/18/2018		7/19/2018
Date		Date	Date	Date