

County Of Sonoma Agenda Item Summary Report

Clerk of the Board Use Only
 Meeting Date Held Until
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 Agenda Item No: Agenda Item No:
 _____ _____

Department: General Services

4/5 Vote Required

Contact:
Rob Kambak

Phone:
(707) 565-3211

Board Date:
10/27/2009

Deadline for Board Action:

AGENDA SHORT TITLE: Criminal Justice Expansion Project.

REQUESTED BOARD ACTION: Direct staff to execute the alternate expansion project.

Adopt a resolution authorizing a budgetary adjustment of Fiscal Year 2009-2010 Final Budget for the Criminal Justice Expansion Project in the amount of \$12,020,947.

Authorize the chair to execute an amendment to the contract with RossDrulisCusenbery in the amount of \$536,419 and extend the contract twelve months, for architectural design and services for the Criminal Justice Expansion project.

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES:

ADDITIONAL FUNDS REQUIRING BOARD APPROVAL:

| | | | |
|---|---------------------|--|---------------------|
| Estimated Cost | \$13,520,000 | Contingencies (Fund Name:) | \$0 |
| Amount Budgeted | \$0 | Unanticipated Revenue (Source:) | \$0 |
| Other Available Appropriations (Explain Below) | \$0 | Other Transfers (Sources: Index # 110346, \$330,000; Index # 110312, \$1,100,000; Index #277475 Criminal Justice Construction Fund, \$6,420,947; Index # 101022 Restricted County Facilities Improvement Fund, \$4,170,000) | \$12,020,947 |
| Additional Requested | \$0 | Additional Funds Requested | \$12,020,947 |

Explanation (if required): See background.

Prior Board Action:

11/06/07 - Resolution authorizing the Notice Inviting Bids for Criminal Justice Hazardous Materials Removal project.
 01/08/08 - Authorize the Chair to execute a contract with Restec Contractors, Inc., in the amount of \$142,650 for the Criminal Justice Hazardous Materials Removal project.
 04/15/08 - Concur with staff's recommendation that an interim facilities expansion plan for criminal justice departments' space needs be approved, and that long term facilities uses be a part of a broader assessment of the County Administration Center as envisioned by the Sonoma County Strategic Plan; and
 Authorize the Chair to approve an amendment to the contract with RossDrulisCusenbery, in the amount of \$68,698, and extend the contract by six months, for architectural design and services for the Criminal Justice Expansion Project.

Alternatives – Results of Non-Approval: The Board may reject the proposed plan, in which case a new solution would be required. If the appropriations to the project budget are not made the project will not have sufficient funding to continue.
 If the architect's contract amendment is not approved, a new architect must be selected which would delay completion of the design work and commencement of construction.

Background

In the past year, the General Services Department has been engaged with the criminal justice partners in an attempt to develop a mitigation plan that addresses the lack of adequate office space for staff members of the District Attorney, Probation, and Public Defender. On April 15, 2008, staff presented a plan ("previous plan") to the Board of Supervisors proposing to remodel 12,900 square feet of space on the first floor of the Hall of Justice (H.O.J.) and the old jail site. Upon approval of this plan by the Board, the Architect's Office undertook and completed a hazard materials abatement project for the space to be utilized and developed space use program plans reflecting the proposed reconfiguration and remodeling of the proposed spaces. Final construction plans were not pursued due to the development of issues related to the construction of a new criminal courthouse facility.

The most impacting and critical issue that developed is the fact that the State Administrative Office of the Courts (A.O.C.) has committed to building a new criminal court facility for Sonoma County within the city limits of Santa Rosa. The A.O.C. has plans to complete the new criminal court facility by October 2014 and has requested local entities interested in having the facility built on a particular site to submit site proposals for consideration. The A.O.C. is currently engaged in a process of examining, evaluating, and rating five potential sites for the new criminal court house. The A.O.C. is employing and applying a holistic set of evaluation criteria to determine the best site for the new facility and is following an expedited schedule to come to an expedient decision on the site, with actual site acquisition to follow and to be completed before July 2011.

Recognizing the importance and impact of having the criminal court facility adjacent to both the Main Adult Detention Facility (M.A.D.F.) and the County justice administrative entities that operate with the courts, the County has submitted a proposal reflecting the use of the old jail site as the primary building site for the new criminal courthouse building. To make the County's proposal more viable and to demonstrate the County's commitment to facilitate the A.O.C.'s efforts and schedule to build the new courthouse at the County Administration Center (C.A.C.), the County Architect's Office has accelerated plans to demolish the old jail building. While the old jail site is a prime location for a new court building, the site is also a key location for other possible uses such as a new criminal justice administration building or general government office building if the State decides to build the court elsewhere. Demolishing the old jail building now will not only make the site more viable for the State, but will prepare the site for whatever it is eventually used for.

This early demolition of the old jail has created the need to revise the strategy to meet the space needs of the criminal justice partners due to the fact that the original plan called for the use of space located within the old jail. To this end, the General Services Department has developed a more holistic capital project (the Criminal Justice Expansion Project) and a proposed funding plan that addresses the criminal justice space needs and the need to demolish the old jail as soon as possible. The purpose of this item is to present this proposed new project to your Board for approval and to request Board actions that will allow the project to move forward.

Criminal Justice Space Needs

There is no doubt that the criminal justice departments of District Attorney, Public Defender, and Probation have outgrown the space they occupy in the (H.O.J.). General Services has determined that the current crowding conflicts with County space guidelines and hinders these departments' abilities to perform their roles efficiently. The District Attorney (D.A.), in particular, has a significant need for space. Forty-five attorneys share 22 offices in the D.A.'s main office. Also, the D.A. operations are splintered in several locations (Hall of Justice, Administration, and La Plaza buildings). Probation and Public Defender have also run out of room to accommodate their personnel. These departments have adjusted their operations in order to work within the existing facilities. Workgroups and programs are scattered in different locations making management and oversight more time consuming and difficult. Existing facility space and configuration often present obstacles for implementing best business practices and operational efficiencies. Expanding department space within the H.O.J. will address many of these issues and provide facilities that are more responsive to operational needs.

The Law Library is also located in the H.O.J. and has similar space needs. Because of space shortage, they must store a large portion of their library off site, making it inaccessible to their clients. In addition, the Law Library, which is located on the second floor, cannot be easily accessed by the public after business hours and on the weekends, as the current location requires security screening, which is not available after hours.

In addition to these accessibility challenges, the space currently occupied by the Law Library is better suited for use by the criminal justice entities that reside in the adjacent space. The previous plan did not address the Law Library needs.

Old Jail

Use of the space within the old jail, as proposed in the 2008 space plan, would interfere with the current and accelerated need to demolish the old jail building. The H.O.J. and old jail appear to be a single building from the outside. However, there is a structural separation between the H.O.J. and the old jail building that physically separates them and allows them to be structurally independent of one another.

The proposed demolition of the old jail building will include the entire structure east of the separation joint. Therefore the space east of the separation joint previously proposed for criminal justice expansion will no longer be available for use.

Without the space within the old jail, the previous expansion plan does not provide enough area to adequately address the criminal justice needs. General Services, therefore, has developed an alternate project (“Criminal Justice Expansion Project”) that meets the objectives of providing additional space for the criminal justice functions, including the Law Library, and includes demolishing the old jail to clear the site and maximize the County’s flexibility and timeliness in making use of the old jail site, for other purposes, such as a new court building.

Proposed Alternate Criminal Justice Expansion Project

Criminal Justice Space Project Component: With the loss of the old jail space and to accommodate the needs of the District Attorney, an additional area of the H.O.J. had to be identified for use. Staff has proposed that the area currently occupied by the Law Library adjacent to the D.A. offices on the second floor be used to meet this need. The Criminal Justice Expansion Project will move the Law Library to a new location and remodel the vacated space for D.A. use. This approach not only provides the space required by the three justice partners, it also provides a larger and better located space for the Law Library. Specifically the Criminal Justice Expansion Project will remodel a section of the first floor of the H.O.J. for District Attorney, Public Defender, and Probation. In addition, the plan calls for the remodeling of the Law Library space on the second floor of the H.O.J. for use by the District Attorney. The plan will remodel the west end of Agriculture Building (which is currently vacant) for relocation of the Law Library.

Additionally, a related and precursor project that was previously approved and funded to add and reconfigure work spaces for the Probation Department has been incorporated into the Criminal Justice Expansion Project. This project (H.O.J. Adult Probation Reconfiguration, Index #110346) includes carpet, paint, and installation of modular workstations within the existing Probation offices and will add nine employee workspaces. While this project was originally intended to be done on a separate track, doing it in conjunction with other work in the Criminal Justice Expansion Project will be much more efficient, cost effective, and less disruptive.

Finally, the holistic Criminal Justice Expansion Project will also remove some of the access barriers along the path of travel to the H.O.J. that were identified in a recent survey done for the updated Americans with Disabilities Act (A.D.A.)Transition Plan.

The attached floor plans show how the remodeled areas will be configured. Altogether, 24,892 square feet of space will be remodeled, which will provide the following expansion for the criminal justice functions:

| Department | Area of remodel (square feet) | Added Area (square feet) | Added Workspaces |
|-------------------|--|-------------------------------------|-----------------------------|
| District Attorney | 8,815 | 8,815 | 41 |
| Public Defender | 1,009 | 1,009 | 5 |
| Probation | 7,379 | 359 | 12 |
| Law Library | 6,772 | 2948 | 0 |
| Total | 23,975 | 13,130 | 58 |

The alternate plan has been reviewed by the criminal justice departments. Staff is currently working with all the stakeholders and the Project Architect to finalize the design.

If approved, the project will allow the D.A. to vacate space in the northwest wing of the Administration Building making it available for use by others, including County Counsel. Remodeling of the vacated Administration Building space, however, will be handled as a separate project.

Old Jail Demolition Project Component: The demolition of the old jail will be a complicated and costly undertaking because of its structural construction and location. The building is constructed of materials containing asbestos and lead that must be abated before actual demolition can take place. The building also contains utilities and mechanical/electrical rooms that serve the H.O.J. These utilities and rooms must be relocated in a manner that will not disrupt continued use of the H.O.J. The foundation of the old jail also presents a challenge because it is composed of deep concrete piles that must be demolished well below grade to allow new foundation construction.

Once the building is demolished, the east portion of the H.O.J. will be exposed and must be enclosed with an exterior wall. This new exterior wall is also the eastern perimeter of the space being remodeled for the criminal justice departments. Because the old jail building is next to an occupied and heavily used court building, much of the noisy and disruptive work must be scheduled outside normal business hours to avoid interference with the courts. The proposed project budget accounts for these conditions.

Packaging the demolition with the remodeling for the criminal justice expansion will be beneficial in several areas. There are efficiencies and cost savings, and the work will be better coordinated by doing the work concurrently. Interruptions and construction-related nuisances will be shortened in overall length by conducting all work at the same time. Staff resources for managing the project will be more efficiently used. Disruption to the County Administration Center and H.O.J. will be minimized. Because of these benefits, staff included the old jail demolition in the Criminal Justice Expansion Project.

Recommended Budget

Based on the estimated costs for the various elements of work, staff recommends the following budget for the project. The costs reflected below are for the purpose of developing a project budget and are not the actual costs to be incurred; however, the numbers do reflect the potential total project costs and include construction, furniture, relocation, design, management, fees, and other associated expenses:

| Project Element | Total Project Budget |
|---|-----------------------------|
| H.O.J. First Floor Remodel (includes Probation Reconfiguration) | \$ 3,420,000 |
| H.O.J. Second Floor Remodel (current Law Library space) | \$ 1,080,000 |
| West end of Agriculture Building Remodel (for Law Library) | \$ 1,900,000 |
| H.O.J. Path of Travel Improvements (A.D.A.) | \$ 150,000 |
| Utilities Relocation | \$ 2,170,000 |
| Old Jail Demolition | \$ 4,800,000 |
| Total | \$13,520,000 |

Funding

There are existing appropriated funds in the Capital Budget that can be used for this project: Adult Probation Reconfiguration Index 110346 (\$330,000) and Hall of Justice County Office Expansion Index 110312 (\$1,100,000).

In addition, there are two, non-general fund sources that are recommended for the additional funding needed for the Criminal Justice Expansion Project:

1. Criminal Justice Construction Fund: This fund was established by state law in which fines and penalty assessments are added to criminal fines administered by the court. This revenue is set aside specifically for capital projects at criminal justice facilities. Use of this Fund is the Board’s decision and does not require State approval. The revenue stream from these fines average about \$1.1 million per year. The Fund currently has a balance of \$6,420,947, including budgeted revenue and expenses for FY 2009/10.
2. Restricted County Facilities Improvement: This fund is in the Capital Project Budget and has not been allocated for any use. It is also intended for capital project work related to criminal justice. It currently has a balance of \$4,170,000.

Altogether, the existing appropriations plus the available balances in other funds add up to \$12,020,947. The total recommended budget for the Criminal Justice Expansion Project is \$13,520,000, which is \$1,499,053 more than the total identified funding. As previously noted, the Criminal Justice Construction Fund receives revenue and interest earnings of about \$1.1 million per year. Not all project funding will be required at once, providing time for the Fund balance to accrue additional revenue before it is needed. In addition, staff is of the opinion that as the project work scope continues to be refined, project costs may be reduced. Staff recommends that a budgetary adjustment be made to move the current identified funding to a new project index at this time. Staff will return to the Board with an updated budget report and a final project plan that reflects a project cost that is within available and validated budgetary resources.

Architect and Engineers

An architect was previously selected for the criminal justice space remodeling project. RossDrulisCusenbery Architecture (R.D.C.) of Sonoma was selected through a competitive request for qualifications process for the purpose of developing options for H.O.J. expansion and providing design services for the selected approach. They are currently under contract, are thoroughly familiar with the goals of the project, and through past interactions they have a clear and definitive understanding of the criminal justice partners' needs. They have assembled a team of sub-consultants that provide civil, structural, mechanical, and electrical engineering.

Since the scope and extent of work identified in the original contract for services established with R.D.C. was based on the 2008 plan, the expanded project requires that the service contract and scope of services be amended. Staff has negotiated with R.D.C. a not-to-exceed fee based on the expanded alternate plan scope of work in the amount of \$536,419. Staff finds this not-to-exceed fee to be fair and reasonable when compared to projects of similar size and scope and accounting for the complexity associated with these phased renovation projects. The additional architectural and engineering fees necessary for the revised and additional work effort has been allowed for in the recommended project budget.

Schedule

The dynamic and impacting issues that have developed and evolved over the past year have delayed getting this critical project underway. In recognition of the pressing space needs of these departments, General Services is considering all options to expedite the project and make the remodeled space available for use. The use of the "Job Order Contract" (J.O.C.) for the construction work is the current leading option in light of our recent and validated experience that the J.O.C. process has expedited project delivery with negligible impact on project costs. Also, since the J.O.C. bids are recent, the J.O.C. prices are competitive with the current market.

There are multiple and interrelated work efforts that will need to be undertaken to get to final project completion. To the extent possible and viable, staff will direct that project work be performed concurrently in efforts to expedite final completion. The construction renovation of the Agriculture Building for the new Law Library is scheduled to start in October 2009 and be completed by late spring 2010. The construction renovation of the H.O.J. for the District Attorney, Public Defender and Probation departments, and the utility relocation, is scheduled to start in December 2009 and will be completed in phases, with the first phase being completed by summer 2010 and the final phase scheduled to finish in the winter of 2010. Demolition of the old jail is scheduled to start in the summer of 2010 and be complete in the winter of 2010.

Requested Board Actions

Direct staff to execute the alternate expansion project.

Adopt a resolution authorizing a budgetary adjustment of Fiscal Year 2009-2010 Final Budget for the Criminal Justice Expansion project in the amount of \$12,020,947.

Authorize the Chair to execute an amendment to the contract with RossDrulisCusenbery in the amount of \$536,419 and extend the contract twelve months, for architectural design and services for the Criminal Justice Expansion project.

Attachments: Resolution - Budgetary Adjustment.
Attachment A - Site Plan.

On File With Clerk: Four copies of Amendment #8

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: