



## Legislation Text

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** General Services, Sheriff's Office

**Staff Name and Phone Number:** John Brencic: 707-565-2847; Lt. Bryan Cleek: 707-565-1434

**Vote Requirement:** Majority

**Supervisorial District(s):** All

**Title:**

Adult Detention Behavioral Health Unit: Approval of Design-Build Entity Shortlist

**Recommended Action:**

Authorize the Director of General Services to approve the following Design-Build Entity shortlisted candidates submittal of Request for Proposals for the Adult Detention Behavioral Health Unit project: Tuner Construction Company/HOK Architecture; Lathrop Construction, Ross Drulis Cusenbery Architecture; Hensel Phelps/Dewberry

**Executive Summary:**

The County received State of California justice facility construction funding (SB-863) for a new Adult Detention Behavioral Health Unit in 2015. The Adult Detention Behavioral Health Unit (BHU) will be a 32,000 square foot, 72-bed mental health detention facility attached to the Main Adult Detention Facility. The BHU improves the system of behavioral health treatment and care within the County's detention program.

In 2016 and 2017, bridging design documents for the project were prepared by County's construction and architectural consultant Kitchell. Following State guidelines a competitive Request for Qualifications process was performed and in July 2017, the Board of Supervisors approved a shortlist of three Design Build Entity (DBE) candidates. However, after the approval the State made changes to the Department of Finance and Public Works Board approval processes. Since the project is State bond-financed, the County must meet these new specific conditions and undertake certain additional State approval processes prior to proceeding with further project design and construction. In addition, delay arose due to protracted resolution of issues surrounding existing easements and other constraints on the property title for the Behavioral Health unit parcel. Furthermore, the County has experienced significant delays in meeting the State's requirements, due to extenuating circumstances including, the 2017 and 2019 Wildfires.

As a result of the delays, circumstances have substantially changed and there are now differing conditions as to the project and regarding the previously shortlisted DBEs. Accordingly, it was determined that it was beneficial for the County to resolicit the Request for Qualifications and obtain a more-current selection of new DBE Teams.

The three recommended short-listed DBE Teams, if approved by your Board, will engage in a competitive process where each will submit a design-build proposal based upon the County's project criteria, including the stipulated sum contract price of not to exceed \$36,627,823.

**Discussion:**

State Funding

In 2015, the County of Sonoma received \$40 million in conditional State funding to construct a new Adult Detention Behavioral Health facility. As part of the 2014-15 State Budget Package, \$500 million in lease revenue bonds were authorized state-wide through Senate Bill 863 to address local jail construction and programming space needs. The Adult Detention Behavioral Health Unit (BHU) will constitute a 32,000 square foot, 72-bed mental health detention facility attached to the Main Adult Detention Facility. Scheduled for occupancy in Fall of 2023, this groundbreaking facility will enable the County to provide quality mental health treatment for our incarcerated population with no net-gain in inmate population. With features such as a comprehensive competency restoration program, the BHU will provide improved mental health treatment for existing inmates within the County's care and is intended to reduce recidivism.

**Project Milestones:**

The County Design Team, which includes Kitchell and representatives from the Sheriff's Office and General Services, is looking forward to achieving significant project milestones for 2021. The team continues to work with the Board of State & Community Corrections to schedule a Ground Lease Meeting with the State Department of Finance which, upon successful completion in 2021, will enable the County to release a formal Request for Proposals to the short-listed Design Build Entities, formally initiating the design competition between the Design Build Entity teams. This will culminate in selection of a winning design and project approach to be brought to the Board for approval, which is planned to be by December, 2021. Upon Board approval of the winning proposal, the project will move into the construction phase, likely in spring 2022, with anticipated construction completion in December 2023 followed by commissioning and occupancy in March 2024.

Construction Manager

In 2016, the Board authorized Kitchell to provide Construction Management and Bridging Architectural design services relating to the BHU project. The County and Kitchell, utilizing a Bridging-Design-Build delivery model, have developed a general design and specification package and are working with the Board of State and Community Corrections to meet State project requirements and deadlines.

Design Build Entities

Design Build Entities (DBE) are firms or entities that are legally responsible under a design-build contract for all aspects of design-build project delivery, and serve as lead for the design-build team comprised of

construction, architectural, engineering firms, and other project delivery providers. The process for procurement of DBEs and other aspects of design-build project delivery are set forth in Public Contract Code section 22160 et seq., which generally requires an initial shortlisting of qualified design and construction firms who ultimately compete on a Request for Proposal where one DBE is selected and awarded the project.

In July 2017, your Board approved a shortlist of three DBE candidates who had successfully responded to the County's publicly-advertised Request for Qualifications. The list of DBE teams approved by the Board in July, 2017 was submitted to the Board of State and Community Corrections, as required as a condition of the State's SB-863 funding. Throughout the process the County project team remained engaged with the shortlisted DBE teams, apprising them of progress, changes to schedule, and any delays, especially in light of the challenges the County was facing beginning with the 2017 Wildfires.

In 2019, it became clear to the County project team that, given then passage of time, the three shortlisted DBEs were losing resources and interest as a result of delays, and many internal team assignments had changed at these firms. One of the teams, Roebellen Contracting, Inc./ NMR Architects + Engineers, pulled out of the process in late 2018, leaving only two remaining teams to compete for the design and construction of the project. Under these circumstances, including questions over the cohesiveness and eroded interests of the shortlisted DBE teams, it was determined that it was beneficial for the County to advertise a new Request for Qualifications for a fresh slate of currently-interested DBE candidates. Staff also worked to update the Request for Qualifications, including as to the required incorporation of a Project Labor Agreement for the BHU.

The County adopted a policy that requires Project Labor Agreements for all projects with construction costs totaling \$10 million or more. Staff negotiated a PLA for the BHU project in 2017 and have subsequently included the requirement in all solicitation materials.

#### Shortlist Selection Process

In October 2020 a formal Request for Qualifications was advertised on the County Supplier Portal. A mandatory online conference was held for prospective applicants. On November 20, 2020, the County received four submittals from firms seeking to qualify for the shortlist on the project.

The County's review and evaluation team consisted of members from General Services, the Sheriff's Office, Kitchell (as County's Construction Manager), and outside project support consultant O'Squared. The team utilized methodology allowing them to weigh the qualification criteria required under the Public Contract Code 22164, such as qualitative expertise and past performance, along with other criteria. After review of the applications, one of the four applicants was disqualified due to not meeting minimum qualification criteria.

The evaluation team is recommending to the Board that the following three Design-Build Entity candidates be pre-qualified and shortlisted for further steps as to the BHU design-build project:

- 1) Tuner Construction Company/HOK Architecture

- 2) Lathrop Construction, Ross Drulis Cusenbery Architecture
- 3) Hensel Phelps/ Dewberry

Upon this Board's approval of the shortlist, and subsequent submission to and approval by the State (including by the Board of State and Community Corrections), the three shortlisted candidates will be invited to submit competitive sealed proposals in response to the County's Request for Proposals. The Request for Proposals will outline both design and stipulated sum cost proposals for evaluation, culminating in selection of the Design-Build Entity for project construction and delivery. Following the award of the Design-Build contract, a stipend of \$40,000 will be awarded to each of the remaining candidates who are not awarded the Design-Build contract, as is industry standard practice. The stipend, previously approved by the Board in January 2017 as part of the initial Request for Qualifications, is a means of attracting qualified firms, increasing competition, and reducing the cost to candidates participating in the project procurement process, as well as providing partial compensation for design concepts that may be incorporated into the project or used elsewhere by the County. As part of the stipend arrangement, design ideas and materials developed during the Request for Proposal process become the intellectual property of the County.

**Prior Board Actions:**

**July 10<sup>th</sup>, 2017:** Adult Detention Behavioral Health Unit: Approval of Design-Build Entity Shortlist, Construction Bridging Documents, Project Labor Agreement and Request for Proposals.

**January 10, 2017:** Board authorization of Schematic Design Package and Design Build Request for Qualifications.

**June 21, 2016:** Board authorization of County application to the Board of State and Community Corrections formally establishing project.

**March 15, 2016:** Authorize Agreement for Bridging Architect and Construction Management Services for Behavioral Health Housing Project.

**December 8, 2015:** Adopt the Sonoma County Criminal Justice Master Plan, 2015 update.

**August 18, 2015:** Behavioral Health Housing Unit- Adopt Resolution authorizing SB-863 funding application.

**July 22, 2015:** Approve project for filing of California Environmental Quality Act Notice of Exemption.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 20-21 Adopted</b>	<b>FY21-22 Projected</b>	<b>FY 22-23 Projected</b>
Budgeted Expenses	7,800,000	40,500,000	500,000
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>7,800,000</b>	<b>40,500,000</b>	<b>500,000</b>
<b>Funding Sources</b>			
General Fund/WA GF	600,000		
State/Federal		40,500,000	
Fees/Other	1,000,000		

Use of Fund Balance	6,200,000		
Contingencies			
<b>Total Sources</b>	<b>7,800,000</b>	<b>40,500,000</b>	<b>500,000</b>

**Narrative Explanation of Fiscal Impacts:**

The County has identified \$6,200,000 from the General Fund as matching funds for the development of the project and to meet requirements for the \$40,000,000 Lease Revenue Bond. Through other department funding, \$1,600,000 has been set aside for separate department staff time committed to the project. This staff time is allocated across the three fiscal years. Additionally, the land allocated for the project was appraised, and accepted by the State, at \$1,000,000. The land, which is free of encumbrances, is a value to the project, as it is already County-owned and does not require purchasing, and is identified above under Fees/Other as a contribution to the project per the State's bond financing guidelines. This brings the total project budget to \$48,800,000.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

The Sheriff's Office will begin a phased approach to gradually recruit and build staffing for the Behavioral Health Unit 1-2 years prior to the anticipated occupancy. Once the facility design is final, the Sheriff can finalize staffing and programmatic needs. Once the BHU is closer to occupancy, the Sheriff's Office will develop staff schedules, operational procedures, and finalize actual staffing assignments. The estimated annual cost to operate the BHU is \$8 million, including \$7 million for staffing and \$1 million for service and supplies. The annual staffing cost will ultimately depend upon the final staffing mix and future salaries and benefits costs. The funding source for the BHU operating costs has not been identified, but is anticipated to be the County General Fund or other discretionary source. The original \$3 million BHU set-aside in the General Fund was released during the FY 20-21 budget cycle to preserve core services and avert reductions in the Sheriff's Adopted Budget. Fiscal planning efforts and future year General Fund contributions will need to factor in the additional funding needed to cover the annual BHU operating costs.

**Attachments:**

None

**Related Items "On File" with the Clerk of the Board:**

None

