



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: April 14, 2015

Subject: Consulting Services Agreement with KMD for Architectural Services for the West County Re-Entry, Treatment and Housing Replacement Project (WW0845)

RECOMMENDATION(S):

1. APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a Consulting Services Agreement with KMD Architects ("KMD") in an amount not to exceed \$160,000, to provide architectural and engineering consulting services in connection with the County's funding application to the California Board of State and Community Corrections for \$80 million for the construction of the West County Re-Entry, Treatment and Housing Replacement Project.
2. DETERMINE that the above actions are government funding mechanisms and/or fiscal activities that are not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA Guidelines.

FISCAL IMPACT:

Funding for the grant application and preliminary programming phase provided by Sheriff Department's West County Detention Facility, 100% General Fund.

BACKGROUND:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/14/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 14, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

ABSENT: Federal D. Glover, District V Supervisor

By: Chris Heck, Deputy

Contact: Ramesh Kanzaria, (925) 313-2000

The recommended actions provide for the County to take the steps necessary to seek funding in the amount of \$80 million from the Board of State and Community Corrections (“BSCC”). Similar to last year’s Senate Bill (SB) 1022 program, use of the new SB 863 program is proposed to build a new housing unit at the West County Detention Facility (“WCDF”) campus that replaces the use of existing beds at the Martinez Detention Facility (“MDF”) with

BACKGROUND: (CONT'D)

> appropriately secure housing, along with additional space for re-entry and mental health treatment programs currently unavailable to the high-security population. The expansion is estimated to consist of a 130,000 square foot facility at total cost of about \$89 million and to be completed in spring of 2020.

SCOPE AND NEEDS ASSESSMENT

The scope of the proposed West County Re-Entry, Treatment and Housing Replacement Project was established based on a Needs Assessment that was performed in 2007, revised in 2011 and 2013, and is currently being updated. The updated needs assessment must be submitted with the Sheriff's proposed funding application to the BSCC. Staff will return to the Board to seek approval for submitting the proposed application.

Based on the updated needs assessment, staff has determined that the optimum new proposed facility would build 240 high-security cells to replace the same number at the MDF, and would rely largely on support services from existing facilities, including intake and release, inpatient medical services, food services, laundry and warehouse storage. In addition to replacement cells, the new proposed facility would include space for inmate re-entry programs, as well as visitation and outpatient and mental health care dedicated to the new, high security housing units.

The original WCDF was designed and constructed in the late 1980s and early 1990s that included housing for up to 1,536 inmates and 495 staff, and the existing facility was designed to include infrastructure scaled to support future housing expansion to that size to serve the larger population. The facility opened in 1991, with housing capacity for a population of 1,196. A small expansion occurred in 1994. Changes in standards have affected the capacity of the facility, and the campus' current population is 574 inmates with a total possible capacity of 1,096 inmates. Approximately 115 employees, including deputies, clerks, aides, cooks, teachers and medical staff, are assigned to work at the WCDF, and a typical shift consists of approximately 37 employees.

Over the past 13 years there have been substantial changes in California's criminal justice system. A series of court decisions, state laws, and voter initiatives have resulted in changes in the profile of those incarcerated and how the County must address their needs. The County Sheriff administers more than a dozen classifications of inmates, each requiring special needs and services, some of which need to be further separated for staff and inmate safety. The proposed expansion will help the County achieve its capacity, security, facility, and programming needs based on current standards and classifications. These are described briefly below.

Placing special inmates in inappropriate housing units on a temporary basis creates safety risks for both officers and inmates. Housing that was originally designed as disciplinary and intake housing units now serves as administrative segregation, protective custody, general

population (including rival gangs), and mental health/medical inmates. Since the implementation of Assembly Bill (AB) 109, Contra Costa County has been housing higher level prisoners previously housed in state facilities for much longer periods of time, requiring staff to regularly move inmates to maintain security.

Currently, the only available housing for high security inmates is at the MDF, which was not designed for high security inmates. Large concrete pillars obstruct views of inmates and angular sight lines make supervision of inmates outside of their cells difficult without extensive staffing. Flooring can be pried up and used to fabricate makeshift weapons. Additionally, because of the inadequate and outdated design, the dayroom areas at the MDF are not suitable for providing educational or behavioral programming.

The County needs to provide educational and vocational programming for its high security inmates, but is limited by the lack of secure facilities. New high security educational and vocational facilities are needed in the WCDF because they do not currently exist for high security inmates. These facilities will provide staff with the opportunity to work with inmates and support their rehabilitation in a safe environment. Such facilities include new, hardened multipurpose classrooms. New programming could include educational classes, vocational classes, drug treatment/prevention classes, parenting classes, library programs and faith-based programs. This type of programming can only occur in facilities that are appropriate for the inmate classification.

Similarly, the County has limited high security healthcare and mental health facilities; additional facilities are needed to support state requirements. Outpatient care facilities are essential to provide close-proximity outpatient medical services. The high-security classification, aging population and mental health needs of a large portion of the inmate population dictate the need for close-proximity outpatient medical services.

The proposed West County Re-Entry, Treatment and Housing Replacement Project entails the development of approximately 2.3 acres at the WCDF for a high-security detention facility with supporting reentry program facilities, and a mental health treatment facility. The estimated 130,000 s.f. new facility would provide high security housing with 240 double-occupancy cells, mental health care facility, and educational and vocational facilities and programs to help prepare inmates for reentry into society as well as supporting outpatient medical, recreational, and minor administrative facilities.

STATE SENATE BILL 863 FUNDING

The Senate Bill (SB) 863 legislation enacted on June 20, 2014, provides for counties the size of Contra Costa County to receive up to \$80 million from the State with a requirement to contribute at least 10% of the total cost, and meet other conditions of the award. It also requires the BSCC to distribute funds to counties competitively based on demonstration of programming needs to manage the offender population, and to give preference to counties that have not received prior BSCC funding. Specifically, the legislation says; “Funding consideration shall be given to counties that are seeking to replace compacted, outdated, or

unsafe housing capacity or are seeking to renovate existing or build new facilities that provide adequate space for the provision of treatment and rehabilitation services, including mental health treatment,” [emphasis added]. It also says, “Funding preference shall also be given to counties that are most prepared to proceed...” Finally, unlike SB 1022, it says, “The BSCC may consider award history...” The BSCC is currently developing a scoring system for the award of funds that gives counties extra points if they have not been awarded prior funding.

As with SB 1022, a county’s preparedness is demonstrated by having the following:

1. availability of legally-sourced matching funds;
2. a complete, initial real estate due diligence of the proposed site;
3. having completed all requirements of CEQA, and;
4. Board of Supervisors approval of a Resolution authorizing the County to proceed with the project, under the conditions of form agreements to which the County will eventually become a party with the State to be eligible for any funds conditionally awarded to the County.

Unlike last year for SB 1022, the Sheriff’s Office and the Public Works Department have either completed or are on schedule to complete each of these requirements in time for the SB 863 application.

The Contra Costa County Needs Assessment provides compelling evidence of the need for new construction to address the safety concern borne out of the outdated and insufficiently secure housing capacity for violent offenders. In 2012, for example, the County had an average population of 642 high-security inmates. The County’s jail facilities provide only 53 high-security beds. The Needs Assessment also identifies a requirement for additional program space to better treat this class of inmate, and also to address the needs resulting from the AB 109 realignment of inmates from State prisons, which detain inmates for a much longer period of time than county jails have traditionally done prior to the realignment. These needs have been well documented.

The impact of Proposition 47 on Contra Costa County’s incarceration rate has been studied carefully. Because that law inherently impacts only the low-security offender population, the Sheriff’s needs for the high-security population remain without impact.

The County construction budget for this project is approximately \$65 million to \$70 million, including site work and utilities. With county matching funds, this funding opportunity will provide full funding for the project. The County anticipates that the State will announce which counties will receive the grant in about October of 2015. In that event, and if Contra Costa County is successful, final programming and design work for the project would begin in about the spring of 2016.

The proposed state funding envisions a project with a total cost of \$89 million; \$80 million from the state and about \$9 million from County matching funds. Beginning in fiscal year 2019/20, the estimated increase to annual operating costs following the construction of the proposed facility is about \$4 million. This reflects a staffing model

of 16 Deputy Sheriff-40 Hour and five Sheriff's Aide positions; however, due to the shift of existing inmates from the MDF to the proposed new facility, 10 existing Deputy Sheriff-40 Hour positions will be transferred to that facility. This results in an anticipated net increase of \$1.6 million in operating costs related to the new facility, primarily reflecting the addition of six Deputy Sheriff-40 Hour and five Sheriff's Aide positions required to supervise inmate re-entry programs.

The proposed facility has a planned opening in spring of 2020, with the first full year of operational costs taking effect in fiscal year 2020/21.

FUNDING PROPOSAL SERVICES

The County will require architectural and engineering (A/E) and other consulting services to help prepare the BSCC funding application. This will consist primarily, but is not limited to: updated needs assessment and programming for inmate programs, particularly to address AB 109 and mentally ill offenders; development of space requirements based on that assessment, and associated cost estimating; concept floor plan and elevations rendering; and funding application writing services to address specific requirements of the grant. It is recommended the architectural and engineering consulting services be provided by the firm KMD, who would begin immediately upon execution of the Consulting Services Agreement.

The Consulting Services Agreement provides that KMD is not authorized to perform any services beyond assisting the County in preparing the BSCC funding application, and will only be paid up to \$160,000 for those services, until the County approves an amendment to the Consulting Services Agreement increasing the payment limit from \$160,000 to either \$1,750,000 or \$6,500,00, depending on whether the construction delivery method selected is design-build (\$1,750,000), or design-bid-build (\$6,500,000).

If the County receives the state funding and the project moves forward, the Public Works Director will decide whether to deliver the project using design-bid-build ("DBB") or design-build ("DB"), and the Public Works Department will request authorization to amend the Consulting Services Agreement to increase the payment limit to \$1,750,000 for DB services or \$6,500,000 for DBB services, depending on which delivery method is selected. A Construction Manager and/or Construction Manager-At-Risk will be hired to perform services for all phases of design, bid and build. KMD will perform the programming and develop the bridging documents for a DB delivery, and also be retained for services in other phases in limited capacity, or KMD will develop full design and construction documents for a DBB approach.

Because of the aggressive application deadline, the Office of the Sheriff requested Public Works to commence as soon as possible with the hiring of an A/E team. Public Works proceeded to conduct a competitive qualifications-based selection hiring process. A Request for Qualifications was issued and five Statements of Qualifications

were received from interested firms. Four firms were short-listed and allowed to make a presentation before a County selection committee. The selection committee conducted interviews with each short-listed firm. As a result of the selection committee's evaluation, KMD Architects was ranked the highest and it is recommended that the County contract with them to provide A/E services.

CONSEQUENCE OF NEGATIVE ACTION:

If the Consulting Services Agreement is not approved, this will greatly impact the County's submittal of the grant application and lessen the possibility of the County receiving the SB 863 funding.

CHILDREN'S IMPACT STATEMENT:

None.