



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

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**DATE:** November 15, 2022

# 18

**TO:** Board of Supervisors

### SUBJECT

**GENERAL SERVICES – AUTHORIZATION TO ESTABLISH APPROPRIATIONS AND AMEND THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR EAST MESA JUVENILE DETENTION SOFTENING PROJECT (DISTRICT: 1)**

### OVERVIEW

On May 4, 2021 (30), the Board authorized the Director, Department of Purchasing and Contracting, for a period of five years, to take any action authorized by Article XXIII, Section 401, et seq. of the Administrative Code and Public Contract Code Section 20146 to advertise and award Construction Manager at Risk contracts for various projects up to \$10 million.

On June 13, 2022, after a successful RFP, the County awarded a Construction Manager at Risk Contract (#567080) to Balfour Beatty Construction, LLC. for the East Mesa Juvenile Detention Facility – Housing Softening Improvements project. The project was commenced in response to California Senate Bill 823 and includes renovating living spaces at the East Mesa Juvenile Detention Facility to be more homelike, trauma-informed, developmentally appropriate, and comfortable. At the time of the procurement and contract award the expected scope of the project was to renovate two housing units and the expected budget for the project was \$5.7 million.

The Probation Department now has an opportunity to increase the scope of the project from two housing units to six. This change will impact the budget and will exceed the \$10 million authority of the Director, Department of Purchasing and Contracting. It is expected that the new project budget will be approximately \$14.5 million.

Today's actions request the Board of Supervisors to establish appropriations of approximately \$8.8 million and approve the amendment of construction contract #567080 for the East Mesa Juvenile Detention Facility – Housing Softening Improvement project. If approved, estimated time of construction is expected to begin in December 2022 with estimated completion in April 2024.

### RECOMMENDATION(S)

#### CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project to renovate and soften the East Mesa Juvenile Detention Facility is exempt from the California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15301.

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2. Establish appropriations of \$5,821,179 in the Probation Department, Services & Supplies, for the East Mesa Juvenile Detention Softening project, based on the State Juvenile Facilities Grant. **(4 VOTES)**
3. Establish appropriations of \$8,821,179 in the Department of General Services Major Maintenance Internal Service Fund, Services & Supplies, for the East Mesa Juvenile Detention Softening project, based on charges to client departments. **(4 VOTES)**
4. In accordance with Board Policy A-87, Competitive Procurement and Administrative Code Section 401, authorize the Director, Department of Purchasing and Contracting, to enter into negotiations with Balfour Beatty, Inc. and upon successful negotiations and determination of a fair and reasonable price, amend Contract #567080, to increase the Budget Not-to-Exceed amount to approximately \$14.5 million, subject to the availability of funds; and to amend the contract as required to reflect changes to services and funding allocation, for the Housing Softening Improvements project at East Mesa Juvenile Detention Facility.

**EQUITY IMPACT STATEMENT**

The approval to amend a construction contract for the Housing Softening Project at East Mesa Juvenile Detention Facility will have a positive effect on all juveniles at the detention facility including Black, Indigenous, and People of Color (BIPOC) communities who may be disproportionately represented in the justice system by creating a more homelike, trauma-informed setting.

**SUSTAINABILITY IMPACT STATEMENT**

The approval to amend a construction contract for the Housing Softening Project at East Mesa Juvenile Detention Facility would contribute to the County of San Diego’s Sustainability Goals of engaging the community, providing equitable access for justice-involved individuals, and protecting the health and wellbeing of vulnerable individuals as they leave custody.

**FISCAL IMPACT**

**Department of General Services**

Funds for this request are partially included in the Fiscal Year 2022-23 Operational Plan for the Department of General Services, Major Maintenance Internal Service Fund (MMISF). Existing appropriations of \$5,678,821 in the MMISF are included for the East Mesa Juvenile Detention Softening project. The funding source is an internal agreement with the Probation Department. If approved, today’s actions will establish additional appropriations of \$8,821,179 in the MMISF based on charges to client departments. With these additional appropriations, totals for the project will be \$14,500,000. There will be no change in net General Fund cost and no additional staff years.

**Probation Department**

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Funds for this request are partially included in the Fiscal Year 2022-23 Operational Plan for the Probation Department. Existing appropriations of \$8,678,821 in the Probation Department include \$3,000,000 of General Purpose Revenue (GPR) included in the Fiscal Year 2022-23 Operational Plan in addition to the \$5,678,821 of existing appropriations established in prior fiscal years, which is supported by GPR. If approved, this request will establish additional appropriations of \$5,821,179 for the East Mesa Juvenile Detention Softening based on State Juvenile Facility Grant Funds. These additional appropriations will bring the total for the project to \$14,500,000. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

Expenditures resulting from this action will create private sector jobs and economic opportunities in San Diego County.

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

On September 30, 2020, the State enacted Senate Bill (SB) 823 to close the Division of Juvenile Justice (DJJ) facilities and realign to the counties the responsibility for the detention of justice-involved youth that commit the most serious offenses. These youth have often been housed at DJJ facilities for specialized programming; but with this change, counties are now required to house these youth locally. SB 823 also requires counties to develop an implementation plan which includes a detailed description of the facilities that will be used and how they will be improved to accommodate long-term commitments for youth up to age 25.

On October 19, 2021 (11), the Board received the County of San Diego’s Senate Bill 823 Implementation Plan. Part of the plan calls for housing units at the East Mesa Juvenile Detention Facility to be renovated with living spaces that are more homelike, trauma-informed, developmentally appropriate, and comfortable for longer commitments.

The implementation of Public Contract Code section 20146 allows a county, with approval of the board of supervisors, to utilize Construction Manager at Risk (CMAR) construction contracts for the erection, construction, alteration, repair, or improvement of any building owned or leased by the county. The CMAR delivery method allows the County to hire a construction manager early in the process to work collaboratively with the County’s design team, which is contracted for separately under Board of Supervisors Policy F-40, Procuring Architectural, Engineering, and Related Professional Services, and later with the general contractor. This collaborative effort between the CMAR, general contractor, and the design effort allows for design reviews and suggested cost saving alternative methods of construction at an earlier stage in the design process.

On May 4, 2021 (30), the Board authorized the Director, Department of Purchasing and Contracting, for a period of five years, to take any action authorized by Article XXIII, Section 401, et seq. of the Administrative Code and Public Contract Code Section 20146 to advertise and award Construction Manager at Risk contracts for various projects up to \$10 million.

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On June 13, 2022, after a successful RFP, the County awarded a Construction Manager at Risk Contract (#567080) to Balfour Beatty Construction, LLC. for the East Mesa Juvenile Detention Facility – Housing Softening Improvements project. Consistent with the SB 823 Implementation Plan, the purpose of this project is to renovate residential housing units in the East Mesa Juvenile Detention Facility with the objective of softening the look and feel of the living areas, changing from a traditional detention environment to a trauma-informed environment which aligns with the Youth in Custody Practice Model. At the time of the procurement and contract award the expected scope of the project was to renovate two housing units and the expected budget for the project was \$5.7 million.

The County’s Adopted Operational Plan for Fiscal Year 2022-23 includes one-time support of \$3,000,000 of General Purpose Revenue to further fund this project. Additionally, California’s Enacted Budget for Fiscal Year 2022-23 includes funding for juvenile facilities renovation and modernization. San Diego County’s allocation of this funding is \$6,492,585, and a portion of these funds (\$5,821,179) will be used to support this project. This new funding gives the Probation Department an opportunity to increase the scope of the project from two housing units to six. It is currently expected that San Diego will need to be able to house approximately 60 realigned youth, with up to 12 youth in each housing unit. The additional funding received this year will allow us to house all realigned youth in a renovated unit. This change will impact the budget and will exceed the Department of Purchasing and Contracting’s \$10 million authority. It is expected that the new project budget will be approximately \$14.5 million.

The contractor is currently in the pre-construction phase working on evaluating design plans and developing a guaranteed maximum price for construction, which is scheduled to be delivered in November 2022, with planned construction starting in December 2022. Amending the existing contract will allow the contractor to add the additional four housing units during the pre-construction phase, which would in turn allow the County to leverage economies of scale, ensure the work can be performed in sequential order, and minimize the disruption, confusion, and increased overhead costs that can result from having multiple prime contractors on site. This schedule will also allow the Probation Department to meet its program requirement to complete the renovation of the first housing unit by June 2023.

Today’s action requests the Board of Supervisors to authorize an amendment to construction contract #567080 for the East Mesa Juvenile Detention Facility – Housing Softening Improvement project and establish appropriations of \$8,821,179 in the Department of General Services Internal Service Fund. If approved, estimated time of construction is expected to begin in December 2022 with estimated completion in April 2024.

**ENVIRONMENTAL STATEMENT**

The proposed Housing Softening Improvement project is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15301 of the CEQA Guidelines, as work involves the minor interior alteration of existing facilities and mechanical equipment, involving no expansion of the existing capacity or use.

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**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today’s proposed action to amend the construction contract for Housing Softening Improvement project at the East Mesa Juvenile Detention Facility aligns with the Empower Strategic Initiative in the County of San Diego’s 2022-2027 Strategic Plan by providing modern infrastructure, innovative technology and appropriate resources to ensure superior service delivery to our customers.

Respectfully submitted,



HELEN N. ROBBINS-MEYER  
Chief Administrative Officer

**ATTACHMENT(S)**

N/A