

SOURCE OF FUNDING: Criminal Justice Construction Fund, Board of State and Community Corrections Senate Bill ("SB") 81; Local Youthful Offender Rehabilitative Facility Construction Funding and Certificates of Participation.

DISCUSSION: In 2007, SB 81 (Chapter 175, Statutes of 2007) established the Youthful Offender Block Grant Program to enhance the capacity of the counties to provide appropriate rehabilitative and supervision services to youthful offenders. In 2011 the Humboldt County Board of Supervisors initiated the acceptance of a grant with the State of California for the SB-81 Juvenile Hall Replacement Project.

The project design and contract documents pertaining to the Juvenile Hall Replacement Project are complete and ready for bidding. All prerequisite plan reviews and approvals are also complete. Accordingly, once the the State of California issues a Notice to Proceed to Bid, the County may begin the bidding process for the Juvenile Hall Replacement Project in accordance with the conditions of the grant.

The total authorized Construction Budget for the Project is \$14,242,018, which includes contingencies. The Architect's estimate for construction, not including contingencies, is \$13,477,348. The Grant offer received from the State is a fixed amount of \$12,930,869, which is specifically for the construction portion of the project.

FINANCIAL IMPACT: As stated in the agenda item dated December 8, 2015 (H-5), the impact to the General Fund will be \$773,500 and up to \$1,326,480 for ten percent (10%) Bid Overage Margin totaling approximately \$2,100,000. On January 19, 2016 (H-3) your Board directed the Treasurer/Tax Collector to secure additional funding of \$2,100,000 for the potential project adjustment. On April 14, 2014 (C-9) your Board committed by way of resolution grant match funding of \$900,000 from the Criminal Justice Construction Fund and \$2,319,625 from a 20-year bond. This placed the total funding by the County to approximately \$5,319,605. The amount of \$1,326,480 is the ten percent (10%) Bid Overage Margin that may not be expended at all or a lesser amount should bids be on target or less than ten percent (10%) over estimated construction costs. The recommended actions will not result in a financial impact at this time.

The recommended actions conform to the Board of Supervisors' Strategic Framework Core Roles of providing for and maintaining county infrastructure.

OTHER AGENCY INVOLVEMENT: Board of State and Community Corrections

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Not proceed with undertaking the Juvenile Hall Replacement Project bidding; however, this could cause the loss of funding scheduled and provided by the State program.
2. Not to proceed with amending the professional services agreement; however the attached first amendment to the architectural services agreement for the Juvenile Hall Replacement Project benefits the County by reducing the Bid Overage Margin.

ATTACHMENTS:

1. Plans and Specification are located at the counter of the Clerk of the Board
2. Four (4) originals of the First Amendment to the Professional Services Agreement with Nichols, Melburg & Rossetto Architects

**FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
BY AND BETWEEN
COUNTY OF HUMBOLDT
AND
NICHOLS, MELBURG & ROSSETTO ARCHITECTS
For the
County of Humboldt Juvenile Hall Replacement Facility Construction Project
County Project Number: 170212**

This First Amendment to the Agreement for Professional Services dated April 8, 2014, by and between the County of Humboldt, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and Nichols, Melburg & Rossetto Architects, a California corporation, hereinafter referred to as "CONSULTANT," is entered into this 31st day of May, 2016.

WHEREAS, on April 8, 2014, COUNTY and CONSULTANT entered into an Agreement for architectural services to replace the existing Juvenile Hall with a new full service, medium-maximum security facility ("Architectural Services Agreement"); and

WHEREAS, on December 8, 2015, COUNTY authorized a revised estimate of construction cost, as proposed by CONSULTANT, of Thirteen Million Five Hundred Sixty-Seven Thousand Five Hundred Eight Dollars (\$13,567,508.00); and

WHEREAS, the parties now desire to amend certain portions of the Architectural Services Agreement to reduce the bid overage factor identified therein from ten percent (10%) to five percent (5%) as it relates to the revised construction estimate of Thirteen Million Five Hundred Sixty-Seven Thousand Five Hundred Eight Dollars (\$13,567,508.00).

NOW, THEREFORE, it is mutually agreed as follows:

1. Subsection 7.2.3 of Appendix B – Scope of Services – to the Architectural Services Agreement, is hereby amended to read as follows:

7.2.3 If the bid amount is more than five percent (5%) greater than Consultant's latest accepted estimate of construction cost rendered during the Construction Documents Phase, County may require Consultant to revise the scope of work to be performed by the Contractor or its quality, or both, so as to reduce the Project's estimated construction cost for the work to be performed by the Contractor, while still meeting County's Project objectives. Consultant shall at its expense, if so directed by County, modify the Construction Documents in order to reduce the Project's estimated construction costs for the work to be performed by the Contractor within the Project budget for that Contractor's work.

2. Except as modified herein the Architectural Services Agreement dated April 8, 2014 shall remain in full force and effect. In the event of a conflict between the provisions of this First Amendment and the original Architectural Services Agreement, the provisions of this First Amendment shall govern.


[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Agreement dated April 8, 2014 on the date indicated above.

TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND
- (2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR TREASURER.

NICHOLS, MELBURG & ROSSETTO ARCHITECTS:


By: 
Dan Rossetto, President

Date: 5-10-16

By: 
Les Melburg, Secretary


Date: 5/10/16

COUNTY OF HUMBOLDT:

By: 
Mark Lovelace
Chair, Humboldt County Board of Supervisors

Date: 5-31-16

INSURANCE CERTIFICATES REVIEWED AND APPROVED:

By: 
Risk Management