

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-10

Urgent Routine

AGENDA DATE April 17, 2012

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Substitution of the Fire Protection System Subcontractor for Roebbelen Contracting, Inc. for the Construction of the Stanislaus County Juvenile Commitment Center Project

STAFF RECOMMENDATIONS:

Approve the substitution of the fire protection system subcontractor for Roebbelen Contracting, Inc. for the construction of the Stanislaus County Juvenile Commitment Center Project.

FISCAL IMPACT:

This action is for the Stanislaus County Juvenile Commitment Center Project which is a State and County funded program authorized under SB 81 the Juvenile Accountability Construction Act. On September 20, 2011, the Board of Supervisors approved a conditional award of a construction contract conditioned upon State approval to proceed with the construction of the Stanislaus County Juvenile Commitment Center Project. The Board of Supervisors also approved the formal resolution as required by the State for submission of the conditional award of a construction contract required in order to proceed with the construction of the Stanislaus County Juvenile Commitment Center Project to Roebbelen Contracting, Inc. of El Dorado Hills, California for the lump sum amount not to exceed \$14,983,000.

BOARD ACTION AS FOLLOWS:

No. 2012-163

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow, and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT: (Continued)

At that time, the Board of Supervisors approved a total project budget of \$22,713,829 as outlined in the source and uses chart below:

Juvenile Commitment Center Sources	Amount
State Funding	\$16,481,300
Detention Public Facility Fees	\$1,450,000
Criminal Justice Public Facility Fees	\$275,000
Criminal Justice Facilities Fund	\$2,732,528
Land	\$1,775,000
Total Funding Sources	\$22,713,828

Juvenile Commitment Center Uses	Amount
Cash Uses for Design/Construction	\$20,938,828
Non-Cash Uses for Land/Site Acquisition	\$1,775,000
Total Funding Uses	\$22,713,828

On September 21, the State of California Department of Finance approved the County's construction contract award, authorizing the County to issue a notice to proceed to Roebbelen Contracting, Inc.

At this time the Chief Executive Office is returning to the Board to approve the substitution of the fire protection system subcontractor for Roebbelen Contracting, Inc. for the construction of the Stanislaus County Juvenile Commitment Center Project. There is no additional impact to the General Fund associated with this request. The substitution will be funded by existing appropriations in the Capital Project budget of \$22,713,828 approved by the Board on September 20, 2011.

DISCUSSION:

Stanislaus County is partnering with the State of California to build a 60-bed Juvenile Commitment Facility. The Board of Supervisors has approved proceeding with actions needed to construct a Juvenile Commitment Facility in Stanislaus County.

On March 31, 2009, the Board of Supervisors acknowledged an award for up to \$18 million from the State of California to build a Juvenile Youth Treatment Facility (YTF) with funds under the Department of Corrections 2007 Local Youthful Offender Rehabilitative Construction Funding (Senate Bill 81) and directed staff to negotiate a contract with the State.

The Board also approved the Juvenile Justice Facilities Master Plan which provided the County with a road map to guide the planning of its juvenile detention housing and support facilities for the next three decades, through year 2038 as outlined below.

Juvenile Justice Facilities Master Plan:

- Proposed a Youth Treatment Facility to house and rehabilitate court-committed juveniles, for which the County has no dedicated facilities;
- Secured State funding available through SB 81 to fund the first phase of the Youth Treatment Facility; and,
- Established a plan to solve the County's short- and long-term juvenile detention bed needs through year 2038.

On January 12, 2010, the Board of Supervisors approved retaining the Lionakis, Inc. firm for professional design services for the development of plans and specifications for the construction of a new Juvenile Commitment Facility .t. The Board also authorized contracting for professional services for Surveying, Soils Engineering, Phase I and II Environmental Engineering, Property Appraisal, Construction Management, and Environmental Impact Reviews necessary for the project.

On August 3, 2010, the Board of Supervisors approved the schematic design as prepared by Lionakis, Inc. The project consisted of a stand-alone 46,998 square foot Juvenile Commitment Center with the required outdoor recreation yard, a new parking lot to accommodate the facility staff and visitors, and a small amount of landscaping. The Juvenile Commitment Center included one 30-bed housing unit and two 15-bed housing units with a mix of single and double sleeping rooms, and 4-bed dormitory-type rooms. The facility includes code required medical screening, interview rooms classrooms, multi-purpose space, a culinary program classroom, food service and various support spaces for staff services. At that time, staff reported they would return to the Board to recommend a financing plan for the construction of the Juvenile Commitment Center Project.

On December 21, 2010, the Board of Supervisors approved the financing plan for the SB 81 Juvenile Commitment Center Project, with an estimated project budget of \$24,232,528. The Board of Supervisors authorized the Project Manager to submit the project financing plan and negotiate the Construction Agreement and the Project Delivery and Construction Agreements with the State of California for the construction of the Juvenile Commitment Center. The Board directed staff to return with the final negotiated Agreements with the State for final consideration before a recommendation is made to proceed to construction.

On April 19, 2011, in response to final requirements of the State of California to secure funding for the project, the Board of Supervisors approved funding of an additional \$75,000 from existing budgeted funds for driveway improvements needed for the Juvenile Commitment Center which have been encumbered in the Chief Executive Office Plant Acquisition budget until construction of the new facility is completed.

On May 17, 2011, the Board of Supervisors approved the issuance of a Request for Statements of Qualification (RFSOQ) for the Pre-Qualification of General Contractors for the Juvenile Commitment Center project.

On July 12, 2011, the Board of Supervisors approved the plans and specifications for the Stanislaus County Juvenile Commitment Center Project, and approved the list of 14 pre-qualified general contractors compiled by County Staff in connection with the Request for Statements of Qualifications. At that time, the Board of Supervisors authorized the Project Manager to issue a notice inviting bids and set a due date of August 24, 2011, immediately after 2:00 p.m., and requested staff to return to the Board to recommend a conditional construction contract award.

On September 20, 2011, the Board of Supervisors approved a conditional award of a construction contract conditioned upon State approval to proceed with the construction of the Stanislaus County Juvenile Commitment Center Project and approved the formal resolution as required by the State for submission of the conditional award of a construction contract conditioned upon State approval to proceed with the construction of the Stanislaus County Juvenile Commitment Center Project to Roebbelen Contracting, Inc. of El Dorado Hills, California for the lump sum amount not to exceed \$14,983,000.

On September 21, the State of California Department of Finance approved the County's construction contract award, authorizing the County to issue a notice to proceed to Roebbelen Contracting, Inc.

Next Recommended Actions

California's Subletting and Subcontracting Fair Practices Act (Public Contract Code Section 4100, et seq.) required Roebbelen Contracting, Inc. to list the name of each subcontractor that would perform the work or labor in excess of one-half of one percent of the total base bid. (Public Contract Code Section 4104).

The County may legally consent to a substitution of a listed subcontractor only in limited cases. (Public Contract Code Section 4107.) The County may consent to the substitution of a subcontractor where the subcontractor listed in the bid, after having had a reasonable opportunity to do so, fails or refuses to execute a written contract for the scope of work specified in the subcontractor's bid and at the price specified in the subcontractor's bid.

Roebbelen Contracting, Inc. has informed the Project Manager and Construction Manager that their listed fire protection system subcontractor, Pipers Fire Protection of Stockton, California, failed or refused to execute their subcontract. On April 11, 2012, the Project Manager notified Piper Fire Protection of Roebbelen Contracting, Inc.'s request to substitute. In accordance with Public Contract Code Section 4107, the

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Project Manager allowed Piper Fire Protection five (5) working days to provide written objection to the requested substitution. .

The County has not received an objection from Piper Fire Protection to the substitution requested by Roebbelen Contracting, Inc. Pursuant to Public Contract Code Section 4107, the failure by Piper Fire Protection to file a written objection within five days constitutes Piper Fire Protection's consent to the requested substitution. That period ends at the close of business on Monday, April 16. The Board will be notified if any such written objection is received prior to the Board of Supervisors Meeting on April 17, 2012.

At this time, the Chief Executive Office is recommending the Board of Supervisors approve the substitution of the fire protection system subcontractor for Roebbelen Contracting, Inc. for the construction of the Stanislaus County Juvenile Commitment Center Project. There is no additional impact to the General Fund associated with this request. The substitution will be funded by the approved Project Budget of \$22,713,828 approved by the Board on September 20, 2011.

STAFFING IMPACT:

There is no additional staffing impact associated with this item. Existing Capital Projects staff will manage the project.

POLICY ISSUES:

The Board of Supervisors is required to approve any substitution of listed subcontractors, pursuant to the Public Contract Code.

CONTACT INFORMATION:

Patricia Hill Thomas. Chief Operations Officer. 209-525-6333



March 29, 2012

Roebbelen Contracting Inc.
1241 Hawks Flight Court
El Dorado Hills, CA 95762

Contract Code #5103

Noe:

Pipers Fire Protection has made an error on our bid. Our proposal #10480 dated 8/24/2011 to Roebbelen for the Stanislaus County Juvenile Commitment Center located at 2215 – A Blue Gum Ave., Modesto CA, was bid by industry standards including schedule 10 piping for sprinkler mains. Pipers Fire Protection was informed 3/21/12 that Stanislaus County will not accept anything less than schedule 40 piping. This error is a significant cost difference, which our company did not account for.

In addition, our proposed schedule of values was not accepted, and Roebbelen Contracting Inc. is not willing to work with our small business by means of mobility.

Due to our economic situation, Pipers Fire Protection can not finance this project, or endure the cost of our bid error. We have no other choice but to not proceed any further with this project.

Pipers Fire Protection is willing to turnover our design if accepted. The changes can be made by simply changing to schedule 40 piping and revising the calculations. Please advise as soon as possible.

Sincerely,

Terrance Smith
Owner