



**Senate Bill 863  
Adult Local Criminal Justice  
Facilities Construction**

**REQUEST FOR PROPOSALS**

**APPLICATION PACKET**

**Released June 10, 2015**

**Eligible Applicants:**

***California Sheriffs' Departments and  
County Departments of Corrections***

***Proposals due by August 28, 2015 at 5:00 PM***

**BOARD OF STATE AND COMMUNITY CORRECTIONS**

2590 Venture Oaks Way Suite 200 ♦ SACRAMENTO CA 95833

Phone: 916.445.5073 ♦ Fax: 916.327.3317 ♦ [www.bscc.ca.gov](http://www.bscc.ca.gov)

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**BOARD OF STATE AND COMMUNITY CORRECTIONS  
13-MEMBER BOARD**

Chair, Board of State and Community Corrections .....	<b>Linda M. Penner</b>
Secretary, Department of Corrections and Rehabilitation .....	<b>Jeffrey A. Beard</b>
Director, Division of Adult Parole Operations .....	<b>Daniel Stone</b>
Department of Corrections and Rehabilitation	
County Sheriff in charge of a local detention facility .....	<b>Dean Growdon</b>
which has a jail rated capacity of 200 or less inmates	Lassen County
County Sheriff in charge of a local detention facility .....	<b>Geoff Dean</b>
which has a jail rated capacity of over 200 inmates	Ventura County
County Supervisor or County Administrative Officer .....	<b>Susan Mauriello</b>
	Santa Cruz County
Chief Probation Officer.....	<b>Michelle Brown</b>
from a county with a population over 200,000	San Bernardino County
Chief Probation Officer.....	<b>Michael Ertola</b>
from a county with a population under 200,000	Nevada County
Judge .....	<b>William R. Pounders</b>
	Los Angeles County (retired)
Chief of Police.....	<b>David L. Maggard, Jr.</b>
	Irvine Police Department
Community provider of rehabilitative treatment or services .....	<b>Scott Budnick</b>
for adult offenders	Anti-Recidivism Coalition
Community provider or advocate with expertise in effective .....	<b>David Steinhart</b>
programs, policies, and treatment of Commonwealth – Juvenile Justice Program At-Risk Youth and Juvenile Offenders	
Public Member.....	<b>Mimi H. Silbert</b>
	Delancey Street Foundation

**EXECUTIVE STEERING COMMITTEE MEMBERS  
SENATE BILL 863, CONSTRUCTION OF  
ADULT LOCAL CRIMINAL JUSTICE FACILITIES**

<b>Co-Chair</b> .....	<b>Dean Growdon</b>
Board Member, Board of State and Community Corrections Sheriff, Lassen County	
<b>Co-Chair</b> .....	<b>Ian Parkinson</b>
Sheriff, San Luis Obispo County	
Chief Probation Officer, Humboldt County .....	<b>William Damiano</b>
Chief Probation Officer, Orange County .....	<b>Steve Sentman</b>
Director Behavioral Science, San Francisco City/County .....	<b>Jo Robinson</b>
Supervisor, Sonoma County .....	<b>Efren Carrillo</b>
Assistant Chief Administrative Officer, Riverside County.....	<b>George Johnson</b>
Sheriff, Stanislaus County.....	<b>Adam Christianson</b>
Jail Programs Administrator, Orange County.....	<b>Greg Boston</b>
Chief Administrator, Tehama County.....	<b>William Goodwin</b>

The BSCC Board appointed two co-chairs with direction to convene an ESC to develop recommendations on elements of the Request for Proposal and proposal evaluation criteria; review and rate proposals; and make conditional award recommendations to the BSCC Board. The ESC's role is advisory to the BSCC Board, which makes all policy and conditional award decisions. A letter of Intent to Award conditional financing will be sent to each of the selected counties. Projects that are given a conditional award will be required to be certified by the BSCC, comply with the state's capital outlay process as overseen by the Department of Finance (DOF) and State Public Works Board (SPBW), including obtaining and maintaining final approval of financing eligibility (ability to participate in the sale of lease-revenue bonds in connection with the project) as determined by the DOF for the SPWB. The timeline and process may be changed at any time by the BSCC Board. Counties will be notified if changes or modifications occur. In order to maintain objectivity and impartiality, members of the ESC and the BSCC Board request that applicants do not contact them about proposals at any time during this process. ESC members employed by a county will abstain from participation in discussions or evaluations of proposals submitted by that county, and all ESC members will abstain in situations where they have an actual or potential conflict of interest.

## PURPOSE AND CONTACT INFORMATION

This Request for Proposals (RFP) provides the information necessary to prepare a proposal to the Board of State and Community Corrections (BSCC) for conditional award as authorized by Senate Bill (SB) 863 for the construction of adult local criminal justice facilities (ALCJF). This legislation provides up to \$500 million in state lease-revenue bond financing authority for the acquisition, design and construction of adult local criminal justice facilities in California.

Prior to developing and submitting a proposal, applicants should carefully review the entire RFP application package. Applicants are encouraged to access the BSCC website (<http://www.bscc.ca.gov>) for information related to Frequently Asked Questions, standards, and construction issues.

BSCC staff cannot assist applicants with the actual preparation of the proposal. Any questions concerning the RFP, the proposal process, or programmatic issues must be submitted in writing, fax 916.327.3317, or email to:

Counties	Project Director	Contact Information
Alameda, Amador, Colusa, Fresno, Imperial, Kings, Merced, Monterey, Sacramento, San Bernardino, San Luis Obispo, Santa Barbara, Santa Cruz, Solano, Tuolumne, Yuba	Lenard LaChappell	<a href="mailto:Lenard.LaChappell@bscc.ca.gov">Lenard.LaChappell@bscc.ca.gov</a> 916.445.6023
Alpine, Butte, Contra Costa, Del Norte, El Dorado, Glenn, Inyo, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Mono, Nevada, Placer, Plumas, Riverside, San Diego, San Mateo, Santa Clara, Sierra, Sonoma, Sutter, Trinity	Robert Oates	<a href="mailto:Robert.Oates@bscc.ca.gov">Robert.Oates@bscc.ca.gov</a> 916.445.5806
Calaveras, Humboldt, Kern, Lake, Modoc, Napa, Orange, San Benito, San Francisco, San Joaquin, Shasta, Siskiyou, Stanislaus, Tehama, Tulare, Ventura, Yolo	Michael Scott	<a href="mailto:Michael.Scott@bscc.ca.gov">Michael.Scott@bscc.ca.gov</a> 916.341.7327
Magi Work, Deputy Director (A) Facilities Construction Division 2590 Venture Oaks Way Suite 200 Sacramento, CA 95833 <a href="mailto:Magi.Work@bscc.ca.gov">Magi.Work@bscc.ca.gov</a> 916.327.3967		

## PROPOSAL DUE DATE

Submit 1 original paper version of the proposal with the “wet signature”, plus 1 electronic, read-only copy in Adobe Acrobat file (pdf). The proposal must be received by the BSCC’s County Facilities Construction (CFC) Program by **5:00 p.m., August 28, 2015, at:**

Board of State and Community Corrections  
County Facilities Construction Program  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
Attn: Magi Work, Deputy Director (A)

**Proposals received after 5:00 p.m., August 28, 2015, will be deemed ineligible and will not be considered.**

The electronic copy may also be submitted via compact disk, flash drive or email to [ConstructionProgram@bscc.ca.gov](mailto:ConstructionProgram@bscc.ca.gov). (After the technical review is complete, the county must provide 16 additional copies of the technically- reviewed proposal.)

## TIMELINE OF KEY EVENTS

June 10, 2015	The BSCC issues Senate Bill 863 RFP
June 26, 2015	Bidders’ Conference in Sacramento
August 28, 2015	Proposals due to the BSCC
August 31, thru September 11, 2015	BSCC technical review. Counties are given opportunity to correct technical deficiencies.
September 16, 2015	Raters’ training
September 16 thru October 16, 2015	ESC reviews the proposals and makes preliminary ratings
October 22, 2015	ESC convenes, makes final rating and ranks proposals for funding recommendations.
November 12, 2015	ESC recommendations presented to the BSCC for financing action/intent to make a conditional award at BSCC regularly scheduled meeting.

**BIDDERS' CONFERENCE****BIDDERS' CONFERENCE  
SENATE BILL 863 CONSTRUCTION OF  
ADULT LOCAL CRIMINAL JUSTICE FACILITIES**

**June 26, 2015  
8:00 am – 12:00 pm  
BOARD OF STATE AND COMMUNITY CORRECTIONS  
2590 VENTURE OAKS WAY, SUITE 200  
SACRAMENTO, CA 95833 – OR OTHER LOCATION AS NOTIFIED**

A Senate Bill (SB) 863 Bidders' Conference will be held at the Board of State and Community Corrections **June 26, 2015 from 8:00 am – 12:00 pm**. The intent of the bidders' conference is to provide counties and other interested parties with the opportunity to ask questions regarding the RFP and receive clarification on the RFP process. Attendance is optional. Following the conference, questions and answers from the session will be posted on the BSCC website.

**Pre-registration for the conference is required. Please register for the conference by contacting BSCC staff via email at: [ConstructionProgram@bscc.ca.gov](mailto:ConstructionProgram@bscc.ca.gov).**

Please reference SB 863 Bidders' Conference in the subject line, and in your e-mail, please include the following information:

- county name
- number of persons attending
- name of county contact person and title
- mailing address
- city, state, and zip code
- telephone and fax numbers
- e-mail address

***Indicate any specific questions you have about information in the RFP or other questions about the RFP process. Your questions will be used to assist BSCC staff in preparing for the Bidders' Conference.***

For general questions concerning the Bidders' Conference, contact BSCC staff at (916) 445-5073. Information may also be found at [www.bscc.ca.gov](http://www.bscc.ca.gov)

## BACKGROUND INFORMATION

On June 20, 2014, Senate Bill 863 (Chapter 37, Statutes of 2014 (SB 863) became law, authorizing state lease-revenue bond financing for the acquisition, design and construction of ALCJFs. **Up to \$500,000,000 in financing is conditionally available at this time.** This RFP is intended to solicit proposals to establish a rank-ordered list of projects, and to conditionally allocate this financing to projects for the design and construction, including expansion or renovation of criminal justice facilities.

The Legislature found that “California’s current challenges in managing jail populations follow decades of overcrowded and aging jails, and piecemeal, erratic, and incomplete responses to dealing with these problems. Reversing course will require sustainable solutions that must include sound planning and implementation, and must be grounded in the principle that jail resources must be well planned and employed efficiently and effectively to prevent overcrowding and promote public safety through the broader use of evidence based practices and policies in the criminal justice system. California needs a long-term, statewide strategy to effectively manage its jail population and jail resources. Without an ongoing analytical framework for taking into account factors such as population growth, criminogenic needs of the current and future jail populations, crime rates, custodial housing needs, and additional changes to realignment or sentencing laws and practices, California will continue to resort to reactive, fragmentary fixes to its jail condition and capacity problems instead of being fully prepared to develop an effective and sustainable system of local custodial facilities. The county adult criminal justice system needs improved housing with an emphasis on expanding program and treatment space to manage the adult offender population under its jurisdiction. Improved county adult criminal justice housing with an emphasis on expanding program and treatment space will enhance public safety throughout the state by providing increased access to appropriate programs and treatment. By improving adult criminal justice housing with an emphasis on expanding program and treatment space, this financing will serve a critical purpose by promoting public safety.” Government Code (GC) section 15890.933(a)—(e).

SB 863 (Stats. 2014, Chapter 37) authorizes state lease revenue bond financing for the acquisition, design and construction of ALCJFs. As part of this construction financing program, the State Public Works Board (SPWB), California Department of Corrections and Rehabilitation (CDCR), and the BSCC are authorized to enter into agreements with participating counties to acquire, design, renovate, or construct ALCJFs.

**The Senate Bill 863 adult local criminal justice facility financing is not a grant program; lease revenue bonds are issued for the construction of facilities and cannot be used to finance “programs” per se or operating costs. A county’s receipt of a conditional award for financing, as described here, does not guarantee the awarded county will receive any reimbursement or that the state will obtain interim financing, or that bonds will be issued. The conditional award is merely an expression that the county is qualified, at the point in time, to move forward in the process.**



## STATE LEASE REVENUE BOND FINANCING

### Lease Revenue Bond Financing

ALCJF financing will be administered by the DOF and SPWB in connection with the issuance of lease-revenue bonds. This financing mechanism requires the SPWB to hold property rights, on behalf of the State of California, the ALCJF that is acquired, designed, renovated, and/or constructed with lease revenue bonds, subject to the bonds being sold and paid off (approximately 25-35 years). The SPWB will lease the ALCJF to the BSCC or CDCR, which will in turn sublease the ALCJF to the participating county for its use and operation in the care, custody, and rehabilitation of local adult offenders during the period of bond indebtedness. Once the bonds are paid in full, the participating county will own the ALCJF.

Counties that receive notice of a conditional award are responsible for the site acquisition, environmental determinations/mitigation measures, design, construction, staffing, operation, repair, and ongoing maintenance of the facility in accordance with applicable laws, regulations, and any terms and conditions in the financing and BSCC/participating county agreements. Some, but not all, of these costs may be included as part of a county's local match requirement (see Budget Consideration section). Counties are obligated to successfully complete the acquisition, design, renovation, or construction project

(e.g., proposed scope, including the number of beds to be added, if applicable) within agreed upon timelines, build to code and standards, and remain within budget. Counties are also responsible to safely staff and operate the facility within 90 days after construction completion (GC section 15820.935 (c) (4)). Counties must acquire, design, renovate, or construct the ALCJF in conformance with operational, fire and life safety, and physical plant standards in California Code of Regulations Titles 15 and 24 "Part 2, section 1231". Counties must also complete the ALCJF in compliance with the state's capital outlay process including the oversight of finance and the SPWB.

It is anticipated that counties selected for financing through this RFP process will be issued a conditional Intent to Award by the BSCC at the November 2015 Board meeting. These awards are "conditional" in that they are predicated, at a minimum, on the requirements that: 1) each county's project be approved by the BSCC, DOF and the SPWB at various stages throughout planning, design, and construction, as defined in this RFP; 2) each selected county enters into the state/county agreements as required; and 3) lease revenue bonds are sold for each selected project. The lease revenue bonds provide the necessary long-term financing mechanism to repay all state debt in interim financing for the selected ALCJF projects. Participating counties are not responsible to the state for debt service or rent payments in connection with the lease revenue bonds.

Accurate project scope, cost, and schedule estimates must be prepared before a county responds to the RFP. After receiving a conditional award notification, successful applicant counties must translate the proposal into formal architectural plans and specifications that are submitted to, and approved by, the SPWB, DOF and BSCC (see the State Public Works Board/Board of State and Community Corrections Processes and Requirements section). Counties that proceed with architectural plans and specifications prior to SPWB establishment of their project's scope, costs, and schedule do so at their own financial risk. In addition, counties that proceed with working drawings prior to obtaining SPWB

and DOF approval of preliminary plans cannot obtain reimbursement for any preliminary plans expenditures. **Counties cannot obtain reimbursement for funds expended prior to SPWB establishment of their project scope, cost, and schedule.**

For planning purposes, please note counties cannot proceed with advertising their projects for construction, contract bids or solicit design-build proposals until after obtaining DOF approval to proceed to bid. Likewise, counties cannot award a construction or design-build contract until after obtaining DOF approval to award the contract. Additionally, each project must achieve construction completion and be available for use and occupancy within three years of the start of construction.

The BSCC will “not” increase financing amounts after a conditional award notification, or approve a reduction in the proposed and accepted scope of work, if counties receive higher than expected construction bids. Counties are solely responsible for the payment of higher than anticipated project costs.

## ELIGIBLE PROJECTS

As defined in SB 863, \$500 million dollars is available in lease revenue bond financing to acquire, design, renovate, or construct ALCJFs. An ALCJF must be consistent with the legislative intent described in Sections 17.5 and 3450 of the Penal Code, under the jurisdiction of the sheriff or county department of corrections and may include (Government Code (GC) section 15820.93):

1. Improved housing with an emphasis on expanding program and treatment space as necessary to manage the adult offender population.
2. Custodial housing, reentry, program, mental health or treatment space necessary to manage the adult offender population.

A Reentry facility may include: construction of a secure and/or non-secure facility that may include housing, programming or other treatment space to facilitate a continuum of care for offenders under the jurisdiction of the Sheriff or County Department of Corrections. All facilities must comply with the requirements of Title 15 and Title 24, and shall be a Type II, III or IV facility (Please also review Penal Codes sections 4024, 1208).

Proposed projects may include replacing existing housing capacity, realizing only a minimal increase in capacity, using this financing authority, if the requesting county clearly documents an existing housing capacity deficiency (GC section 15820.936 (d)). A county's calculation of need should include any construction projects for which the county has received a conditional award under Assembly Bill (AB) 900 and or Senate Bill (SB) 1022.

Scoring consideration will be given to counties that have not received funding from Assembly Bill 900 or Senate Bill 1022 (GC section 15820.936(b)).

As a mandatory criterion, counties are required to submit documentation of the percentage of pretrial inmates in the county jail from January 1, 2013 to December 31, 2013, inclusive, and a description of the county's current risk-assessment- based pretrial release program.

Funding preference shall be given to counties that are most prepared to proceed successfully with this financing in a timely manner, which includes a Board of Supervisors Resolution and documentation of California Environment Quality Act (CEQA) compliance. (GC 15820.936(b)). See "Proposed Project and Evaluation Factors" section on page 17 of this RFP.

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 rehabilitative services, including mental health treatment. (GC 15820.936(c))

Consistent with the legislative intent of SB 863, and as stated in Penal Code sections 17.5 and 3450, "community based punishment" means evidence-based correctional sanctions and programming encompassing a range of custodial and noncustodial

responses to criminal or noncompliant offender activity. Intermediate sanctions may be provided by local public safety entities directly or through public or private correctional service providers and include, but are not limited to, the following: short-term, "flash" incarceration, intensive community supervision, home detention with electronic monitoring, mandatory community service, restorative justice programs, work training or education, work in lieu of confinement, day reporting, mandatory residential or nonresidential substance abuse treatment programs, mandatory random drug testing, mother-infant care programs, and community-based residential programs offering structure, supervision, drug and alcohol treatment, literacy programming, employment and psychological counseling and mental health treatment.

It's important to recognize that SB 863 authorizes state funded lease revenue bond financing for the acquisition, design, renovation, or construction of county adult local criminal justice facilities for offenders under the jurisdiction of the sheriff or county department of corrections. Pursuant to Penal Code section 3450 (b)(9) and 17.5 (a)(9), "Evidence-based practices" means supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post release supervision." The county proposal must take into consideration the sheriff's responsibility for these offenders when selecting the range of programming/treatment services identified in Penal Code sections 17. 5 and 3450.

Any reference to "beds" means BSCC-rated beds that are dedicated to housing offenders in a local detention facility's single and double occupancy cells/rooms or dormitories. Beds can also include special use beds for medical, mental health and disciplinary purposes. All beds must be planned and designed in conformance with the standards and requirements contained in California Code of Regulations, (CCR) Titles 15 and 24.

Renovation projects or new construction proposed through SB 863 that is physically attached to an existing facility, requires that the scope of the proposed project include all work necessary for the existing facility to meet current fire and life safety standards, and meet or exceed a seismic level 3 performance standard (State Administrative Manual-FEMA section 301). These improvements may qualify as necessary renovation. This, together with all other aspects of each awarded project will be carefully reviewed and considered throughout the state capital outlay process.

### **Compliance with Titles 15 and 24, California Code of Regulations**

Housing, programming and treatment space must be planned and designed in conformance with the standards and requirements contained in Titles 15 and 24, California Code of Regulations (CCR). The BSCC will adhere to its duly adopted regulations for the approval or disapproval of proposed ALCJFs (GC section 15820.935.). As stated in CCR Title 15 section 1712.3 (c) (1), court and temporary holding facilities may not be constructed under state bond financing.

Counties must ensure that the construction plans for any eligible project include all necessary ancillary space to enable the facility to comply with operational, fire and life safety, and physical plant standards as contained in CCR Titles 15 and 24, (e.g., dayrooms, education classrooms, dining, space for showers, recreation, medical exam, visiting, attorney visitation, mental health conferences). Ancillary space financed, in whole or in part, through state lease revenue bonds and/or county matching funds must be

reasonable and necessary for facility operations, including administrative support and rehabilitative program space.

This financing program requires a county to build a facility based on the county's current needs (only through the year 2019), see Title 15 section 1731 (a). SB 863 does not include any statement of intent that could be interpreted to allow for leasing beds or other facility space to other entities for financial gain. Any additional use of beds, which was not included within the original proposed project must be approved by the SPWB. GC section 15820.933 and Penal Code sections 17.5 and 3450, clarify that the intent of SB 863 was to provide public financing in order to finance improvements to the ALCJF.

### **Limit on Number of Projects/Set Asides**

The state intends to provide conditional awards to as many meritorious projects as possible not to exceed the total \$500 million dollars in bond financing authorized. **Each county is restricted to submitting one project proposal for one designated facility project** (with the exception of one additional regional project proposal). Further, the county project proposal submitted is limited to one site location. Multiple site locations are considered multiple projects for the purpose of this program.

**Regional Project Proposal-** Counties that submit a proposal for a project in their county, may also participate in one regional project proposal. If a county submits more than one proposal (e.g., individual county project and lead county for a regional project), the county will be required to construct both of the projects if awarded, and to do so within both project timeline requirements referenced in this RFP. The county shall identify a distinct parcel of land for each project if the county is submitting an individual and regional proposal. Additionally, counties must be able to justify the need for both projects as required by this RFP.

Counties desiring to construct a regional ALCJF for the purpose of housing adult local offenders from multiple counties must submit one single proposal from the lead county in which the project is being constructed. The proposal must include a county Board of Supervisors' resolution from the lead county authorizing the construction and operation of the joint project with partner counties and a copy of the Memorandum of Understanding (MOU) or Joint Power Authority (JPA) between and among all of the partner counties. The MOU or JPA must clearly identify the terms, conditions, rights, responsibilities, and financial obligations of all parties in sufficient detail to demonstrate that the regional facility will provide dedicated housing to adult local offenders from all partner counties.

To be considered as a regional facility for the purposes of this financing program, the MOU or JPA must justify need for the facility which is not based on the use of vacant beds on a per diem, space-available basis. If preliminary MOUs or JPAs are submitted with the proposal, final county Board of Supervisor's approved documents must be submitted within 90 days after the notification to the lead county of conditional intent to award state financing.

For regional projects, partnering counties must enter into an MOU or JPA. The state will consider the lead county to be the operator of the site/facility and that county will be the designated recipient of state financing with the obligation to complete the project.

Counties that are parties to a regional project will also be subject to all state lease revenue bond financing requirements, including but not limited to state contracts and leases pursuant to the lease-revenue bond process administered by the SPWB. The lead county may enter into agreements, as it deems appropriate, to ensure that its regional partners contribute cash in an amount necessary to meet its match requirements of this program, as provided in the MOU or JPA. The failure of any partner county to provide cash to the lead county does not relieve the lead county from its construction and match performance obligations under any state agreements.

The SB 863 ESC found that the regional facility concept is not intended for counties choosing to: 1) overbuild their current needs (beyond 2019); and/or 2) lease beds or other facility space to other entities for financial gain.

### **Set Asides**

To ensure that large, medium, and small counties each have the opportunity to share in the available financing (see following population chart), the disbursement schedule for the available \$500 million has been set as follows:

- up to \$240 million has been set aside for large counties;
- up to \$160 million has been set aside for medium counties;
- up to \$100 million has been set aside for small counties.

**The maximum amount that can be requested for a project proposal by one county in each county category is:**

- **\$80 million for proposals in large counties,**
- **\$40 million for proposals in medium-sized counties**
- **\$20 million for proposals in small counties.**

For the purpose of regional proposed projects, the size of the lead county determines the maximum amount of funds that can be requested for the entire project. Any use of beds outside of the proposed project must be approved by the SPWB, and that approval reflected in the lease revenue bond financing documentation.

<b>Population Chart</b>			
<b>Large Counties (pop. 700,001 +)</b>	<b>Medium Counties (pop. 200,001-700,000)</b>	<b>Small Counties (pop. 200,000 or fewer)</b>	
Alameda	Butte	Alpine	Mendocino
Contra Costa	Marin	Amador	Modoc
Fresno	Merced	Calaveras	Mono
Kern	Monterey	Colusa	Napa
Los Angeles	Placer	Del Norte	Nevada
Orange	San Luis Obispo	El Dorado	Plumas
Riverside	Santa Barbara	Glenn	San Benito
Sacramento	Santa Cruz	Humboldt	Shasta
San Bernardino	Solano	Imperial	Sierra
San Diego	Sonoma	Inyo	Siskiyou
San Francisco	Stanislaus	Kings	Sutter
San Joaquin	Tulare	Lake	Tehama
San Mateo	Yolo	Lassen	Trinity
Santa Clara		Madera	Tuolumne
Ventura		Mariposa	Yuba

*Department of Finance, Population Estimates, July 2014*  
<http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

## TECHNICAL REQUIREMENTS REVIEW

The proposal must be made and formatted using the Senate Bill 863 Adult Local Criminal Justice Facility Construction Financing Program Proposal Form, including attachments, complete with signature on page 2 section E. of the Proposal Form from a designated county official, along with the proposal narrative to be attached as described in Section 5 of the instructions to the Proposal Form. For a checklist of the submittal requirements, please see page 17 of the instructions to the Proposal Form.

Project proposals must be received at the BSCC offices, 2590 Venture Oaks Way, Suite 200 Sacramento, CA 95833 **no later than 5:00 PM on August 28, 2015**. Late proposals will not be considered. For counties dropping off the project proposal application at the BSCC office, a time-stamped copy of the first page of the proposal will be provided as a receipt.

All proposals received under this program will be: 1) reviewed by BSCC staff for technical compliance with BSCC proposal submittal requirements (with opportunity given to counties to correct technical compliance deficiencies before proposals are sent to the ESC for review); 2) reviewed and rated by the ESC; and, 3) ranked by the ESC with award recommendations provided to the BSCC Board. The BSCC Board may accept, reject, or change any ESC recommendations before making conditional awards to counties.

BSCC staff will conduct a **technical review of the project proposals August 31-September 11, 2015**. Staff is unable to provide advice or judgment as to the merit of draft proposals or how proposals will be evaluated or ranked by reviewers.

BSCC staff's review of the technical compliance requirements will include verifying the following:

- Certification by the county of control of the ALCJF site (either fee simple ownership or comparable long-term possession of the site)
- Project eligibility (proposed scope of work items for the county ALCJF)
- Project timetable (including staffing and occupancy within 90 days of construction or renovation completion)
- State financing requested is within set-aside limits
- State financing requested does not exceed 90 percent of total eligible project costs (unless proposal indicates a match reduction petition for counties with a general population below 200,000))
- Minimum match percentage requirements are met
- Cost and budget summaries and net gain or loss in bed computations (if applicable) are free of mathematical errors
- Line item budget descriptions are clear
- Proposal Form is in original format, signed on page 2 section E., and each section is addressed as applicable



- Arial font size (12), number of narrative pages (35 pages), margins (one inch), and spacing (double) format is consistent with requirements
- Board of Supervisors' resolution contains necessary components, including the authorization of matching funds (see page 16 of the proposal form)
- a needs assessment (through 2019) study is submitted with the proposal
- For regional facilities, a Memorandum of Understanding (MOU) or Joint Powers Agreement (JPA) is submitted
- Documentation evidencing compliance with California Environmental Quality Act (CEQA) or status of CEQA certification, including a "Notice of Determination" or "Notice of Exemption", and letter from county counsel, as appropriate (see proposed project and evaluation section for further definition)
- One (1) additional attachment, maximum of four (4) pages, which only consists of schematics, graphs or charts

## PROPOSED PROJECT AND EVALUATION FACTORS

The Proposal structure is designed to allow county applicants to demonstrate how their proposed project meets the need for ALCJFs as stated in SB 863, and how proposed expenditures of public funds meet the identified need and are justified. The presentation of information about the proposed project should allow both applicants and raters to make a step-by-step connection between the need addressed by the project and its associated budget request. The raters will ask many questions about the proposed project as they evaluate, including but not limited to:

- What need is the project designed to meet?
- What construction work does the county propose is necessary to meet this need?
- How will offender programming and/or treatment be served in the proposed new or renovated facility?
- What is the county plan of action to accomplish the legal, design, and build steps required for this project?
- What is the total project cost, what are the funding sources, and how will the county allocate expenditures of these funds?
- Will the county be prepared to proceed with the project in a timely manner if financing is approved?

SB 863 describes the purpose for which ALCFJ construction financing is to be awarded. Additionally, the legislation states specific factors to be considered in assessing how well a proposal suits those purposes. In each section of the proposal, the rater (1) assesses how well the narrative addresses the general merit factors that apply to this section, and (2) assesses special factors mentioned in the SB 863 legislation as criteria for funding.

a. General merit is assessed on a 13-point scale:

- |       |  |
|-------|--|
| 0     | Fails to meet minimum standards for financing  |
| 1-3   | Reaches minimum standards despite deficiencies |
| 4-6   | Generally adequate                             |
| 7-9   | Good   |
| 10-12 | Excellent                                      |

b. Special merit factors are scored from 0 to 4; depending on the factor, it may be scored on a 0-4 range, or as yes/no (0/4), or in one case with 3 values (0, 2, 4).

For an ALCJF construction project, county applicants must answer the following questions:

**1. Statement of Need: What are the safety, efficiency, and offender programming and/or treatment needs addressed by this construction proposal? Please cite findings from the needs assessment (through 2019) submitted with this proposal.**

**General Merit Factors**

- A. To what extent does the need described in the proposal match the legislative intent of SB 863 (GC section 15820.933)?
- B. Does the applicant provide a compelling case for the use of state financing to meet this need?
- C. How well is the description of need supported by evidence provided by the applicant?

**Special Factors:**

- A. Has the applicant received financing under AB900 or SB1022?  
(SB 863-GC section 15820.936(b) scoring consideration)
- B. To what extent does the need include expanded program or treatment space?  
(SB 863-GC section 15820.936(c) funding consideration)

**2. Scope of Work: Describe the areas, if any, of the current facility to be replaced or renovated, and the nature of the renovation, including the number of cells, offices, classrooms or other programming/treatment spaces to be replaced or added and the basic design of the new or renovated units.**

**General Merit Factors:**

- A. How will the planned replacement, renovation, or new construction meet the needs described in Question 1 (Statement of Need)?
- B. How well does the proposed project plan suit general operational requirements for the type of facility in the proposal, including factors such as safety, security and efficiency?
- C. Where applicable, how well does the proposed project meet specific needs for programming and treatment space?

**Special factors (GC section 15820.936(c)):**

- A. How feasible is the county plan for seeking to replace compacted, outdated, or unsafe housing capacity; or, (SB 863-funding consideration)
- B. How feasible is the county plan for seeking to renovate existing or build new facilities that provide adequate space for the provision of treatment and rehabilitation services, including mental health treatment.  
(SB 863-funding consideration)

Note: Raters will award special points on the feasibility of the plan for replacing unsafe housing, providing adequate treatment space, or both.

**3. Programming and Services: Describe the programming and/or treatment services currently provided in your facility. Provide the requested data on pretrial inmates and risk-based pretrial release services. Describe the facilities or services to be added as a result of the proposed construction; the objectives of the facilities and services; and the staffing and changes in staffing required to provide the services.**

General Merit Factors:

- A. How clearly described are the facility's current programming and/or treatment services?
- B. If improvements to programming and/or treatment services are expected as a result of the planned construction project:
  - Are the improvements to programming and/or treatment services clearly described?
  - How strong is the evidence provided by the applicant that the programming and/or treatment services planned for inmates upon project completion will help reduce recidivism or meet inmates' health and treatment needs while incarcerated?
- C. If improvements are designed to replace compacted, outdated, or unsafe housing capacity:
  - How are the program and treatment service needs of the facility population expected or planned to be met?
  - Are the improvements to housing deficiencies clearly described?
  - To what extent will the deficiencies be remedied by the proposed construction?
- D. How thoroughly are operational objectives met by the staffing plan and lines of authority (including interagency partnerships, if relevant) in program and treatment management?

Special Factors

- A. The county provided documentation that states the percentage of its inmates on pretrial status between January 1, 2013 and December 31, 2013?  
(SB 863- GC section 15820.936(b), mandatory criterion)
- B. A description of the county risk-assessment-based pretrial release program is provided in the narrative of question 3.  
(SB 863- GC section 15820.936(b), mandatory criterion)

**4. Administrative Work Plan: Describe the steps required to accomplish this project. Include a project schedule, list the division/offices including personnel that will be responsible for each phase of the project, and how it will be coordinated among responsible officials both internally and externally.**

General Merit Factors:

- A. How clearly described are the elements of the work plan: timeline, assigned responsibilities, and coordination?
- B. Can the scope of work described in Question 2 (Scope of Work) feasibly be accomplished within the time allotted?

**5. Budget Narrative: Describe the amounts and types of funding proposed and why each element is required to carry out the proposed project. Describe how the county will meet its funding contribution (match) requirements for all project costs in excess of the amount of state financing requested and how operational costs (including programming costs) for the facility will be sustained.**

General Merit Factors:

- A. Is the allocation of effort in the budget appropriately matched to the objectives described for the project under need, scope of work, offender treatment and programming, and administrative work plan?
- B. Are the budgeted costs an efficient use of state resources?
- C. Rate the applicant's plan for sustaining operational costs, including programming over the long term.

**6. Readiness to Proceed**

- A. Did the county provide a board resolution: 1) authorizing an adequate amount of available matching funds to satisfy the counties' contribution 2) approving the forms of the project documents deemed necessary, as identified by the board (SPWB) to the BSCC, to effectuate the financing authorized by the legislation, 3) authorizing the appropriate signatory or signatories to execute those documents at the appropriate times. The matching funds mentioned in the resolution shall be compatible with the state's lease revenue bond financing. See page 4 of the Proposal Form and Instructions for more information regarding "compatible funds".) (SB-863 funding preference (GC section 15820.936(b)))

Note: Finance and the SPWB will ultimately make the final determination of any fund sources compatibility with the SPWB's lease revenue bond financing.

- B. Did the county provide documentation evidencing CEQA compliance has been completed? Documentation of CEQA compliance shall be either a final Notice of Determination or a final Notice of Exemption, as appropriate, and a letter from county counsel certifying the associated statute of limitations has expired and either no challenges were filed or identifying any challenges filed and explaining how they have been resolved in a manner that allows the project to proceed as proposed. (SB 863-funding preference, GC section 15820.936(b))

The evaluation factors to be used and the maximum points that will be allocated to each factor are shown in the table below.

EVALUATION FACTOR		Scoring Method	Max Pts	Section Max	Weight	Total
1.	Statement of Need	0-12	12	20	1.2	<b>24</b>
	SF A: Past Funding	0,2,4	4			
	SF B: Need expanded program/treatment space	0-4	4			
2.	Scope of Work	0-12	12	16	1	<b>16</b>
	SF A/B: Feasible plan to replace compacted housing/expand program/treatment space	0-4	4			
3.	Offender Programming and Services	0-12	12	20	1.5	<b>30</b>
	SF A: Documents pretrial inmate percentage	0/4	4			
	SF B: Describes risk assessment-based pretrial release process	0/4	4			
4.	Administrative Work Plan	0-12	12	12	1	<b>12</b>
5.	Budget Narrative	0-12	12	12	1	<b>12</b>
6.	A. Readiness: Board Resolution	0/12	12	24	1	<b>24</b>
	B. Readiness: CEQA Compliance	0/12	12			
<b>TOTAL POINTS</b>			<b>84</b>	<b>104</b>		<b>118</b>

Notes:

SF                      Special Factor  
0-12                    Scored on a 0 to 12 pt. range  
0, 2, 4                0- funded;  
                              2- partially funded under AB900 or SB1022,  
                              4- no funding provided under AB900 or SB1022  
0-4                      Scored on a 0 to 4 pt. range  
0/4                      Scored 4 if pass, 0 if fail  
0/12                    Scored 12 if pass, 0 if fail

## ADDITIONAL INFORMATION

### **Program and Treatment Services Funding and Technical Assistance**

The BSCC strongly supports the research that indicates supportive, rehabilitative services in a community-based setting promotes rehabilitation with great success; however, the SB 863 legislated financing program is limited to state lease-revenue bond financing for the acquisition, design, renovation, or construction of county ALCJFs in California. The BSCC also recognizes the importance of the sheriff partnering with the community to enhance services that are provided to offenders while under the sheriff's jurisdiction or county department of corrections.

It may be helpful for applicants who are particularly interested in additional funding and/or technical assistance focused on a continuum of services for treatment and programs to explore funding streams administered by the BSCC's Corrections Planning and Programs (CPP) division. CPP's focus includes development and administration of programs related to services to integrate offenders back into the community and programs to reduce recidivism. CPP's responsibilities are comprised of the following:

- ensure the fair, prudent, and efficient distribution of state and federal funds
- prevent and reduce crime by encouraging use of evidence-based practices
- engage in collaborative planning, ongoing research, and information-sharing
- provide training and other technical assistance to facilitate grant compliance
- local adult and juvenile detention facility construction financing

For more information please visit the BSCC [CPP Website](#).

### **"Green" Building**

"Green" Building is encouraged. Sustainable or "green" building is the practice of designing, constructing, operating, maintaining, and removing buildings in ways that conserve natural resources and reduce their overall impact on the environment. Compliance is voluntary but will be one factor considered in the evaluation of proposals when assessing proposed scope of work and project impact. For more information on green building, visit the

[BSCC website](#), as well as consider the information provided by the following sources:

[California's Integrated Waste Management Board](#)

[U.S. Green Building Council](#)

[Green California DGS](#)

### **Needs Assessment Study/Letter of Intent**

If a county intends to construct a new ALCJF or add beds (25 beds or more) to an existing facility, one copy of a needs assessment study, containing all required data elements as defined in CCR, Title 24, Part 1, Chapter 13, sec. 102 (c) 2 must be submitted concurrent with the funding Proposal Form and proposal narrative. Proposals fitting this description that are submitted without a needs assessment study will be rejected. The needs assessment study must reflect current needs and needs through 2019 but can be an update of a previous needs assessment study.

Projects for renovation or program space only, do not require a separate needs assessment study; however, a comprehensive documentation of need must be provided in the proposal narrative (see Section 5 of the Proposal Form).

Proposals submitted to the BSCC will suffice as a Letter of Intent to build, expand, or remodel a facility as required by CCR Title 24, sec.13-102(c) 1.

### **Site Assurance for Adult Local Criminal Justice Facility**

Counties must possess a suitable project site (fee simple land title or comparable long term possession, adequately documented through a recorded lease) and provide assurance by a Board of Supervisors' resolution at the time a proposal is submitted, or no later than 90 days following the date of notification by the BSCC of the conditional Intent to Award financing (expected to be made at the November 2015 BSCC Board meeting). This means that any land purchase options must be exercised (and escrow closed) within 90 days following the notification of conditional Intent to Award. County land subject to this project must meet the approval of the SPWB.

If land is used for an in-kind match, the current fair market value must be supported by an independent appraisal of (on-site land value only) of new facility construction, or on-site land value of a closed facility that will be renovated and reopened, and/or on-site land used for expansion of an existing facility. "On-site" refers to only the land upon which the improvements in the proposed project will be located which can be used as in-kind match. Land value cannot be claimed for land that is under an existing operational local jail facility. Multiple appraisals may be required during the course of a project and the county is responsible for any and all appraisals and/or land valuation fees and services.

### **Real Estate Due Diligence**

The state will conduct its own real estate due diligence review of a county's proposed project site. This includes, but is not limited to, all work related to establishing site ownership and clean title (i.e., without liens, encumbrances, easements, etc.); ground/soil analysis, topography, hydrography, environmental impacts and other identified site-related issues. This review will confirm that the county's property interest in the site is sufficient to support the states lease revenue bond financing and that no exceptions or limitations (either recorded or unrecorded) exist that would interfere with the state's right to beneficial use and occupancy of the facility so long as the bonds are outstanding. Any necessary costs incurred by the state for appropriate title review will be charged to the county.



**Environmental Requirements**

For purposes of this financing, the county is the lead or responsible agency for ensuring that the project complies with the CEQA requirements.

**Commitment to Staff and Operate the Facility**

Consistent with Government Code section 15820.935 (c) (4), counties must commit to staffing, including program and treatment staff, and operating the facility in accordance with state standards, within 90 days of construction or renovation completion, including the State Fire Marshal (SFM) Certificate of Occupancy. The county must operate the facility continuously until the lease revenue bonds repayment period is expired.

## BUDGET CONSIDERATIONS

### **Total Project Costs**

The total project costs include all costs specifically attributable to activities directly necessary to complete the acquisition, design and construction of the ALCJF project, including all costs directly necessary to satisfy the requirements of this financing program. Eligible project costs consist of items identified in this RFP that may be reimbursed through state financing, county matching funds and those costs that are directly related to the proposed scope of work, as detailed below. All necessary ancillary, administrative and program facility space may be included; spaces shall be sized to state minimum standard, Title 24 CCR Part 2, Section 1231. These costs are defined as the total project costs for purposes of this financing program. Items not identified as eligible, known to be ineligible, or that are outside the proposed scope of work cannot be claimed for state dollar reimbursement or as county matching funds.

Each proposal submitted must include the total project costs, detailed within the appropriate cost categories: state reimbursement, county cash contribution and county in-kind contribution. All amounts for the types of costs identified as eligible for state reimbursement, as well as for county cash contribution, must be reported as total project costs in the Budget Summary Table within the Proposal Form.

Spaces shall be sized to state standards (Title 24) and all reasonable and necessary ancillary and administrative facility space may be included. If a county is not reporting land value as part of its in-kind contribution, a land appraisal is not needed for purposes of this financing program.

### **Eligible Costs for State Reimbursement**

State financing can be used for design and construction activities that occur after the SPWB has established (by DOF and SPBW) the project's scope, cost, schedule, and the BSCC has approved the project's final architectural plans and specifications. Project costs eligible for this state financing are:

1. Costs for the design and construction of the BSCC-approved ALCJF project, incurred after establishment of the project by the Board, including site preparation, fixed equipment and fixed furnishings, installation of fixed equipment and fixed furnishings necessary for the operation of the facility.
2. Costs for real estate due diligence review, preparation of full or focused environmental reports necessary for compliance with CEQA by consultants or contractors.
3. Moveable equipment, and moveable furnishings necessary for the activation and operation of the facility.

Costs attributed to these reimbursable costs must be identified on the funding Proposal Form. Reimbursable costs cannot exceed ninety percent (90%) of the total project costs or the county's award amount. Costs in excess of 90%, including higher than expected construction bids, unanticipated costs, and cost overruns, shall be funded by the county.

### **Ineligible Costs**

Project items or costs not eligible for state reimbursement shall include but are not limited to, the following:

1. Temporary holding or court holding facilities.
2. Local jail facilities or portions thereof operated by jurisdictions other than counties. City, state and federal facilities are not eligible for SB 863 financing.
3. Purchase, lease, or rent of land; personnel or operational costs; excavation of burial sites; public art; off-site costs (outside of the encumbered project area) including access roads, power generation and utilities development; supplies; bonus payments; and debt service or interest payments on indebtedness required to finance the county's share of project costs.

### **County Matching Funds/ County Contributions**

Counties with a general population of 200,000 and above shall provide a minimum of ten percent (10%) of the total project costs in matching funds. Upon petition to the BSCC, counties with a general population below 200,000 may request to reduce the required match to an amount not less than the total non-state reimbursable project costs as provided in Section 1714.3 (a) (1) and (2) Title 15, CCR. Counties with a population below 200,000 intending to request BSCC Board approval of a reduction of in-kind match must indicate this on the funding Proposal Form.

**Cash (Hard) Match:** As provided in Section 1714.3 (b), cash match must be identified in the proposal and must be a minimum of 10 percent of the total project cost. Cash match cannot be used to replace funds otherwise dedicated or appropriated by counties for construction activities. Cash match cannot be claimed for salaries/benefits of regular employees of the county workforce, but may be claimed for the services of consultants or contractors engaged to perform project-related services as described below. Eligible cash match expenditures only include the following costs:

1. Items eligible for state financing;
2. Project and construction management by consultants or contractors, prior to the establishment of the project by the Board;
3. Architectural programming and design by consultants or contractors, prior to the establishment of the project by the Board;
4. Preparation of full or focused environmental reports necessary for compliance with CEQA by consultants or contractors, prior to the establishment of the project by the Board;
5. Off-site costs (outside of the encumbered project area), including access roads, power generation and utilities development, outside of a reasonable buffer zone surrounding the perimeter of the project facility building and parking lot;
6. Public art;

7. Real estate due diligence review costs, prior to the establishment of the project by the Board;
8. State Fire Marshal fees as billed to the county by the state;
9. Costs for appraisals and/or land valuation fees and services by consultants or contractors, prior to the establishment of the project by the Board;
10. Audit of state interim or permanent financing at the conclusion of the project by a contracted auditor;
11. Needs assessments performed by consultants or contractors;
12. Transition planning performed by consultants or contractors after June 20, 2014.

**In-Kind (Soft) Match:** As provided in Section 1714.3(c), in-kind match must be identified in the proposal. In-kind match may be kept at allowable maximum of 10 percent or reduced for each dollar that cash match is increased beyond the required minimum (see Cash Match section above). In-kind match may be claimed for project-related costs for activities performed by regular employees of the county directly for the SB 863 project.

Expenditures eligible as in-kind match for Adult Local Criminal Justice Facilities shall be limited to any of the following:

1. Audit of state interim or permanent financing at the conclusion of the project as performed by an independent county auditor;
2. A needs assessment study as performed by county personnel;
3. Current fair market value supported by an independent appraisal of on-site land value only of new facility construction, or on-site land value of a closed facility that will be renovated and reopened, and/or on-site land used for expansion of an existing facility. Land value cannot be claimed for land that is under an existing operational local jail facility. Multiple appraisals may be required during the course of a project and the county is responsible for any and all appraisals and/or land valuation fees and services, additional services may be used as in-kind match;
4. County administration costs for staff salary/benefits associated only with staff work directly related to the design and construction of the project, for activities after June 20, 2014. These costs may only be claimed as a project cost if all applicable county administration costs are claimed. Staff must have been hired specifically for the SB 863 project. Existing staff salary/benefits may be eligible as match if the county reports information such as the number of positions, salaries, and benefit costs. Detailed, itemized back-up documentation must be provided to support these costs if they are claimed as in-kind match, and;
5. Transition planning, including staff salary/benefits directly related to the design and construction of the project, for activities after June 20, 2014. Staff must have been hired specifically for the SB 863 project. Existing staff salary/benefits may be eligible as match if the county reports information such as the number of positions,

salaries, and benefit costs. Detailed, itemized back-up documentation must be provided to support these costs if they are claimed as in-kind match.

To qualify as match, all local expenditures must be directly for the SB 863 project.

Costs that may not be attributed to local matching requirements include, but are not limited to, construction or building of space for future capacity needs beyond the year 2019 (e.g., unused space or “shelled” space). If applicants are unsure if an item is eligible as match, please contact BSCC staff before submitting a proposal.

### **Timing and Nature of Local Match Requirements**

The SPWB and BSCC cannot request a loan from the state Pooled Money Investment Board (PMIB) to initiate construction/renovation until a county demonstrates to the state’s satisfaction that local matching requirements will be available as necessary for the timely completion of the project. State interim loans will only reimburse county costs attributable to identified eligible state project costs. State interim loans will not be provided to cover local match requirements during construction of the project. In addition, local matching funds cannot be provided through any local bonding authority that would use the project facility or its revenues as security for the local bonds. Any local financing mechanism would include varying terms and conditions that govern the security, fiscal, and disclosure obligations associated with that financing; therefore, it is possible that these obligations could be incompatible with those of the state (SPWB) lease-revenue bond financing documents. SPWB financing cannot proceed if there is a superior security interest in all or part of the proposed facility. SPWB will analyze the local financing mechanism and will determine if it is compatible with the SPWB lease-revenue bond financing.

### **State Fire Marshal Fees**

Counties will be responsible for timely payment of all fees generated by the State Fire Marshal (SFM) on the county’s project during design and construction. The total fees can vary among projects due to complexities of design and/or construction. The county should estimate a cost for these fees and include the cost. This project cost must be captured in the county cash contribution (match) within the Budget Summary Table in the Proposal Form (see “State Agency Fees” line item). All SFM fees must be paid in full before the BSCC will release the retention dollar amount being withheld by the state. (See “Payment of State Funds” on page 29 of the proposal form and instructions for explanation of the states retention.)

## REQUIREMENTS AFTER NOTIFICATION OF INTENT TO AWARD

All construction, including renovation, proposed to be financed within this program must meet all of the requirements as identified in this RFP and must enable facilities to: maintain compliance with safety and security considerations in facility operational standards as contained in Title 15, Div. 1, Chap.1, subchapters 4 and 6 of CCR; fire and life safety standards and physical plant requirements as contained in Title 24, Section 1231, of the CCR; If for any reason the proposed project is claimed to be exempt from any state or local laws, regulations, ordinances, standards, or requirements, counties must provide the BSCC with a statement citing the appropriate exemption.

In addition to the BSCC and SFM reviews and requirements, all projects financed within this program must comply with the state's capital outlay process. DOF and SPWB administrative oversight and approvals are required throughout the state capital outlay process and to facilitate the authorized state financing for this program. This is addressed in detail in the following State Capital Outlay/ State Public Works Board/Board of State and Community Corrections Processes and Requirements section.

### **Board of State and Community Corrections Staff**

A designated BSCC staff person will be assigned to each county/project after counties receive notice of Intent to Award conditional financing. The assigned BSCC staff is the primary point of contact for county officials and is responsible for addressing questions or coordinating state responses to issues. The BSCC requires that all county communication with the BSCC staff be conducted by county-designated officials, not county contractors or consultants, since the state's relationship is with the participating county and its designated project officials as identified in the Proposal Form and by the Board of Supervisors' project resolution.

### **Pre-Design Meeting**

After conditional award notification, county officials and their design team are required to meet with BSCC and SFM staff at the BSCC offices in Sacramento for a pre-architectural design meeting in order to review the state's requirements and answer any questions specific to the county's proposed project.

### **Design-Bid Build Plan Submittals**

Preliminary plans are referred to as drawings through the design development phase. Working drawings are referred to as drawings through the construction document phase. For projects constructed via the design-bid-build method, sets of full-size (at least 1/8" scale) architectural drawings must be submitted to the BSCC for review at three sequential stages:

- 1) Two sets at schematic design (30 percent complete and accompanied by an operational program statement): the schematic design submittal (with operational program statement) is the first formal, official review point of construction or renovation plans. Any response to general or conceptual inquiries before the schematic design and program statement submittal and review do not constitute formal plan review or official acceptance by the BSCC.)
- 2) Three sets at design development (50 percent complete and accompanied by a preliminary staffing plan and operational and staffing cost statement); and

- 3) Two sets at construction documents (100 percent complete).

After BSCC/SFM approval of construction documents, a SFM- signed set of drawings must be submitted to the BSCC.

### **Design-Build Plan Submittals**

Performance criteria and concept drawings are documents that establish the general design concept which is utilized by a design-build architect/contractor team to design and construct the project. Construction documents are prepared by the design-build architect/contractor team and submitted to the State Fire Marshal for review and approval. For projects constructed via the design-build method, sets of full-size (at least 1/8" scale) architectural drawings and other documents must be submitted to the BSCC (please see, generally, CCR Title 24,);

- 1) Two sets of performance criteria (or performance criteria and concept drawings) accompanied by an operational program statement
- 2) A preliminary staffing plan and operational and staffing cost statement, and
- 3) Two sets of construction documents.

After BSCC/SFM approval of construction documents, a SFM- signed set of drawings must be submitted to the BSCC. If there are general questions at this stage, counties should contact BSCC staff.

At each submittal stage, BSCC and SFM staff conduct plan reviews for safety, security, and compliance with regulations. Counties are encouraged to meet with BSCC and/or SFM staff for an on-site review meeting following each plan submittal phase. BSCC sends written plan review responses to the county after each submittal.

Counties may be required to make design changes necessary to comply with regulations or to remedy safety or security deficiencies. The BSCC may also recommend changes in construction materials to enhance facility safety and security.

For projects utilizing the design-bid-build project delivery method, if the project budget includes state reimbursements for working drawings/construction documents phase costs, the SPWB must approve preliminary plans/design development drawings before the county can commence work on the working drawings/construction documents phase. For any project that includes any state reimbursement of the working drawings/construction documents phase costs, if the county commences any working drawings/construction documents phase activities before obtaining approval of preliminary plans/design development drawings from the SPWB, the entire state portion of the project financing will be forfeited and the state will not reimburse any county project costs.

For projects utilizing a design-build project delivery method, if the project budget includes any state reimbursements for design-build phase costs, the SPWB must approve performance criteria or performance criteria and concept drawings before the county can commence work on the design-build phase. For any project that includes any state reimbursement of the design-build phase costs, if the county commences any design-build phase activities before obtaining approval of performance criteria or performance

criteria and concept drawings from the SPWB, the entire state portion of the project financing will be forfeited and the state will not reimburse any county project costs. SPWB staff will review preliminary plans (design development) and working drawings (construction documents) or performance criteria for consistency with the SPWB's previously approved project scope and cost. Any SPWB concerns will be relayed to the counties by BSCC staff for correction as necessary to comply with previously approved project scope and cost.

### **Project Bids**

Counties must obtain DOF approval to proceed to bid prior to advertising for construction bids of soliciting design-build proposals. All costs in excess of the amount of state financing that the county is eligible to receive must be borne by the county, including all cost overruns resulting from higher than estimated bid results or any other unforeseen circumstances. No additional state financing will be made available. The county may choose to cancel the project once initial bids of proposals have been received, but before a construction or design-build contract has been awarded. If the county determines to cancel the project as outlined above, it will not be reimbursed for any prior costs and its conditional award in this financing program must be relinquished.

As part of the required project milestones, Counties must obtain SPWB/DOF approval to award a construction/design-build contract, and subsequently issue a Notice to Proceed for construction, within 42 months of conditional award by the BSCC.

### **State/County Relationship Regarding Construction**

The state's relationship with the county is in the form of the agreements stipulated in the State Public Works Board/Board of State and Community Corrections Processes and Timing Requirements section. The county's relationship with its construction contractor is in the form of a county Agreement for Construction contract. The state does not contract for project design, construction or construction management. Counties are responsible for compliance with the requirements established by the local contracting authority, as well as compliance with county bidding and construction contracting rules and procedures. Resolution of bid disputes, or subsequent construction contract or consultant disputes, are the sole responsibility of the county.

### **Payment and Performance Bonding and Cost Scheduling**

Counties that receive conditionally awarded state financing shall require the construction contractor to post payment and performance bonds, each of which shall be in an amount not less than 100 percent of the construction contract price. Construction costs breakdown and accounting shall be arranged by Construction Specifications Institute (CSI) divisions. Contractor profit and cost escalation factors must be included within the CSI divisions. Any construction contract contingency amount will be limited to no more than 10 percent of the approved construction contract amount. If applicable, in all requests for payment, the county must identify eligible costs and the contractor shall separately list work not eligible for payment with this state financing and matching funds, and the county construction administrator shall identify such work for the contractor.



## **Payment of State Funds**

Payment will be made to counties in arrears (reimbursement) based on invoices (which may include progress reports) submitted to the BSCC on a monthly, every other month or quarterly basis. Counties will pay the construction contractor first and then submit reimbursement requests to the BSCC. Invoices are processed by the BSCC upon receipt, and then forwarded to the appropriate state agencies for payment. The typical turn-around time for payment to counties after submittal of an invoice is approximately 30-60 days. Counties should plan for needed cash flow to support the project on a monthly, every other month or quarterly reimbursement basis.

At such time as the balance of state remaining funds reaches 5 percent, of the total amount of reimbursement that the county is eligible for at the time, the state shall withhold this amount as security, to be released to counties upon compliance with all state/county agreement provisions. Requests for release of this state retention will only be considered after:

1. Completion of final inspection and approval by appropriate state and local officials;
2. The county has staffed and operated the facility within 90 days of construction completion, and
3. The state has received and approved the final fiscal audit report.

## **Accounting and Audit Requirements**

Adequate supporting project documentation must be maintained in accordance with generally accepted accounting principles (see *Accounting Standards and Procedures for Counties*, State Controller's Office, and Division of Local Government Fiscal Affairs) and in such detail as will permit the tracing of transactions, from support documentation, to the accounting records, to the financial reports and billings.

Counties that receive state financing must perform a fiscal audit of the project within 90 days following receipt of the SFM Certificate of Occupancy. The audit must be performed under the direction of a certified public accountant or a county internal auditor who is organizationally independent from the county's project financial officer and its project management and accounting functions

The audit must be performed in accordance with *Generally Accepted Auditing Standards*, as promulgated by the American Institute of Certified Public Accountants, *Government Auditing Standards* (the "Yellow Book"), as promulgated by the Comptroller General of the United States and with all California state auditing requirements. The auditor shall advise the county of any findings and recommendations. The final audit report shall be sent to the Board of Supervisors of the county and shall incorporate the county's response to findings of the audit, and, if applicable, the county's plan for corrective action.

Two copies of the final audit report, including management letters and corrective action plans (if applicable) must be submitted to the BSCC. The BSCC may disallow (that is, deny both use of this state financing and any applicable matching credit) for all or part of the cost of the activity or action determined to be ineligible and not in compliance with the terms and conditions of the state financing agreements.

## STATE CAPITAL OUTLAY/STATE PUBLIC WORKS BOARD BOARD OF STATE AND COMMUNITY CORRECTIONS PROCESSES AND REQUIREMENTS

The SPWB and DOF are the principal state entities responsible for the approval and oversight of most capital outlay projects of the state. The SPWB is empowered to issue lease-revenue bonds to finance and refinance the acquisition, design and construction of public buildings that have been authorized by the state legislature. In SB 863, the legislature authorized SPWB to issue lease-revenue bond financing for these county ALCJF projects, subject to SPWB and DOF project approval and oversight. This section details the SPWB approval and oversight process. Counties must comply with state capital outlay process requirements. Counties must also be familiar with the various agreements that will be required between the county and state and be authorized to execute these agreements as a condition of receiving state financing. Counties may be required to participate in key SPWB meetings and must provide supporting project documentation as requested by BSCC staff at various times throughout the duration of the project.

### **Project Scope**

Counties will be required to incorporate state seismic and fire and life safety requirements into the scope of their projects. For projects attaching new construction to an existing facility, or remodeling an existing facility or building, both the new construction portion and the existing facility or building must be brought up to current fire and life safety standards and meet or exceed a seismic Level 3 performance standard as evaluated and determined by qualified licensed structural engineers. The following information should be considered when determining project scope:

A fundamental concept in lease-revenue bond financing is the beneficial use and occupancy of the facility for its intended governmental purpose. The financed facility is identified, in part, through a “metes and bounds” legal description. Generally, in SPWB financings there is a 5 to 15 foot “buffer” that is part of the legal description of the proposed project. This is usually the distance between the financed facility and other adjacent property buildings on the site. This buffer is unrelated to any building code requirement, and may be altered given particular site conditions. A proposed project with less than a 5 to 15 foot buffer will be evaluated on a case-by-case basis.

In addition to a “clean footprint” for inclusion in the financing leases, the issue of shared infrastructure may be a factor, e.g., electrical, water, sewer, HVAC, common areas, phone, etc. If a state-financed ALCJF is proposed to be “physically attached” to another structure by, for example, a corridor, there may be an issue of shared infrastructure with an adjacent building. Generally, all infrastructure components needed for the financed facility to fully function should be included in the footprint (i.e., the legal description should include a fully integrated facility).

## **Project Timelines**

Throughout the project, counties will be required to submit documents and plans to the BSCC for processing and approval through the BSCC, DOF and SPWB. This chart provides counties with an overview of activities, including review and approval processes required of the various state agencies, combining typical BSCC activities with those of the DOF and SPWB. To the extent possible, counties should build into their project schedules (and proposal timetable) adequate time for these activities and reviews to occur. All timeframes are approximate (dates are subject to change) and will vary based upon the circumstances of each county's unique project. For activities that require SPWB approval, the SPWB meets monthly and agenda items must be submitted to finance at least 30 calendar days in advance of the scheduled meeting. Consequently, the activities that require SPWB approval must be submitted to the BSCC in advance for its review.

### **PROJECT TIMELINE - Design Bid-Build and Design Build**

<b>ACTIVITY</b>	<b>APPROXIMATE DURATION</b>
<b>Project Start-Up – Notices and Activities</b>	<b>4 months</b>
BSCC notifies county of conditional award for project financing.	
County to submit site assurance to BSCC within 90 days of the conditional award.	
County to submit real estate due diligence package within 120 days of the conditional award.	
<b>Task 1: SPWB Meeting – Project establishment (scope, cost and schedule) (to be completed within 18 months of the conditional award)</b>	<b>4 months</b>
State drafting of project scope. (description based on county submittal)	
County development of project schedule.	
County development of detailed cost estimate by phase (3-page estimate).	
Statement describing status of CEQA & status of any litigation.	
Real estate due diligence letter from Department of General Services.	These activities are not necessarily completed as part of Task 1, but can be. They must be completed in concert with Task 2 and before Task 3.
Cash match approval.	
In-kind match approval.	
County signs Certifications of Matching Funds.	
County signs PDCA and BSCC Agreement.	
<b>BSCC Plan Review Submittal (within 24 months of award)</b>	<b>BSCC/SFM 8 weeks</b>
County submits schematic design drawings & specifications to BSCC/SFM (with operational program statement for BSCC only).	
<b>BSCC Plan Review Submittal</b>	<b>BSCC/SFM 8 weeks</b>
County submits design development drawings & specifications/preliminary plans to BSCC/SFM (with staffing plan and analysis of anticipated operating costs for BSCC only).	

<b>Task 2: SPWB Meeting – Preliminary Plan Approval (occurs after BSCC/SFM review)</b>	<b>6 weeks</b>
Review of project scope.	
Review project schedule.	
Development of preliminary plan and review of cost estimate (3-page estimate).	
Documentation that CEQA is complete.	
Preliminary plans (design development) submittal.	
<b>Task 3: Consent to Ground Lease / Right of Entry</b>	<b>2 months</b>
Meeting with DOF, SPWB Counsel, BSCC, DGS & county scheduled.	
County signs Ground Lease/Easement Agreement/Right of Entry.	
<b>BSCC Plan Review Submittal</b>	<b>BSCC/SFM 8 weeks</b>
County submits construction document drawings & specifications (working drawings), to BSCC/SFM for plan check/review and approval.	
<b>Task 4: Finance Action to Approve Working Drawings and Proceed to Bid</b>	<b>6 weeks</b>
Development of scope of bid package.	
Working drawings estimate reconciliation.	
Development of project milestone schedule.	
Review of project scope.	
Review of project schedule.	
Review of cost estimate (3-page estimate).	
Working drawings & specifications submittal.	
<b>Task 5: SPWB Meeting – Resolution Authorizing Interim Financing and Pooled Money Investment Board – Loan Request</b>	<b>4 months</b>
Certification that the County has satisfied all of the requirements set forth in statute for the financing of the project.	
Twelve month cash flow projection.	
<b>Task 6: Finance Action to Approve Award of a Construction Contract (NTP within 42 months of award)</b>	<b>5 weeks</b>
Updated cost estimate (3-page estimate).	
Bid tabulations.	
Updated project schedule.	
Board of Supervisors approval.	
Notice to Proceed/NTP (milestone – within 42 months of award)	

**PROJECT TIMELINE – Design-Build**

ACTIVITY	APPROXIMATE DURATION
<b>Project Start-Up – Notices and Activities</b>	<b>4 months</b>
BSCC notifies county of conditional award for project financing.	
County to submit site assurance to BSCC within 90 days of award.	
County to submit real estate due diligence package within 120 days of award.	
<b>Task 1: SPWB Meeting – Project Establishment (scope, cost and schedule) (to be completed within 18 months of award)</b>	<b>4 months</b>
State drafting of project scope. (description based on county submittal)	
County development of project schedule.	
County development of detailed cost estimate by phase (3-page estimate).	
Statement describing status of CEQA & status of any litigation.	
Real estate due diligence letter from Department of General Services.	These activities are not necessarily completed as part of Task 1, but can be. They must be completed in concert with Task 2 and before Task 3.
Cash match approval.	
In-kind match approval.	
County signs Certifications of Matching Funds.	
County signs PDCA and BSCC Agreement.	
<b>Task 2: SPWB Meeting – Approval of Performance Criteria or Performance Criteria and Concept Drawings and Resolution Authorizing Interim Financing (occurs after BSCC/SFM review)</b>	<b>6 weeks</b>
Review of project scope.	
Updated project schedule.	
Updated cost estimate (3-page estimate).	
Development of preliminary estimate.	
Documentation that CEQA is complete.	
Performance criteria/concept drawings submitted.	
<b>BSCC Plan Review Submittal (within 30 months of award)</b>	<b>BSCC/SFM 8 weeks</b>
County submits performance criteria or performance criteria and concept drawings to BSCC/SFM (with operational program statement, staffing plan and analysis of anticipated operating costs for BSCC only).	
<b>Task 3: SPWB Meeting – Consent to Ground Lease / Right of Entry</b>	<b>2 months</b>
Meeting with DOF, SPWB Counsel, BSCC, DGS & county scheduled.	
County signs Ground Lease/Easement Agreement/Right of Entry.	

<b>Task 4: Finance Action to Approve Request for Proposals</b>	<b>6 weeks</b>
Development of scope of request for proposals.	
Development of project milestone schedule.	
Review of project scope.	
Review of project schedule.	
Review of cost estimate (3-page estimate).	
Request for proposals submitted.	
<b>Task 5: Pooled Money Investment Board – Loan Request</b>	<b>4 months</b>
Certification that the County has satisfied all of the requirements set forth in statute for the financing of the project.	
Twelve month cash flow projection.	
<b>Task 6: Finance Action to Approve Award of a Design-Build Contract (NTP within 42 months of award)</b>	<b>5 weeks</b>
Review updated cost estimate (3-page estimate).	
RFP results.	
Review updated project schedule.	
Board of Supervisors approval.	
Notice to Proceed (NTP) for construction (milestone – within 42 months of award)	
<b>BSCC Plan Review Submittal</b>	<b>8 weeks</b>
County submits construction document drawings & specifications to BSCC/SFM for plan check/review and approval.	

## LIST of AGREEMENTS

This section provides a list of the various agreements necessary involving county and state entities for the ALCJF construction/expansion/renovation project. The link to these contracts are provided for the counties' benefit in an effort to better inform counties of the expected contractual nature of the types of agreements that will be required. The contracts are located at the following link: [http://www.bscc.ca.gov/s\\_cfcformofdocuments.php](http://www.bscc.ca.gov/s_cfcformofdocuments.php).

Depending on the types of proposals and other unknowns (e.g., operation of a regional ALCJF), other individual, county-specific agreements may be necessary. Please review the listed contracts, each contract provides important information for the county applicants.

### **1. Project Delivery and Construction Agreement (PDCA)**

An agreement between the SPWB, BSCC or CDCR, and participating county. The PDCA sets forth the roles, responsibilities, and performance expectations of the parties for participation in and financing through the state's lease-revenue bond program for adult facilities.

### **2. BSCC Agreement**

An agreement between BSCC and the participating county. The BSCC agreement sets forth the roles, responsibilities and performance expectations of the parties for the construction of the adult local criminal justice facility.

### **3. Ground Lease (includes Site Lease)**

An agreement between the BSCC or CDCR and participating county with the consent of the SPWB and the approval of the Department of General Services (DGS). The Ground Lease may require an associated Easement Agreement for Grants Access, Utilities and Repairs. The ground lease relates to the real property upon which the ALCJF will be constructed.

### **4. Right of Entry for Construction and Operation**

An agreement between BSCC or CDCR and participating county with consent of the SPWB and the approval of the DGS. The agreement relates to the site to be leased to the BSCC or CDCR via the Ground Lease for construction related activities.

### **5. Facility Lease**

An agreement between the SPWB and BSCC or CDCR. The agreement relates to the lease of real property to be used in connection with the state financing.

### **6. Facility Sublease**

An agreement between the BSCC or CDCR and participating county with the consent of the SPWB. The agreement relates to the same property referred to in No. 6, above.

## Title 15 and 24 DEFINITIONS

**“Adult local criminal justice facility”** means a facility or portion thereof which may include any custodial housing, reentry, program, mental health, or treatment space necessary to manage the adult offender population consistent with the legislative intent described in Sections 17.5 and 3450 of the Penal Code, under the jurisdiction of the sheriff or county department of corrections.

**“BSCC-rated capacity”** means the number of inmate occupants for which a facility's single- and double-occupancy cells or dormitories, except those dedicated for health care or disciplinary isolation housing, were planned and designed in conformance with the standards and requirements contained in Title 15 and in Title 24.

**“CCR”** refers to the California Code of Regulations.

**“Cash (hard) match”** means cash dedicated to the project by the applicant for eligible expenditures as identified in the RFP and as listed in the state/county funding agreement.

**“Concept drawings”** means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the participating county determines necessary to sufficiently describe the participating county's needs.

**“Construction bid”** means a construction bid price.

**“Construction documents”** means architectural plans and specifications that are one hundred percent (100%) complete and generally include: completed specifications with bid proposal documents; completed construction drawings, and special items (corrections, modifications, or additions made to the documents).

**“Construction management”** means a specialized, multi-disciplinary function provided by a firm or individual acting as the county's representative with the responsibility to guide the county through all phases of delivery of the construction project.

**Design-bid-build** means a construction procurement process independent of the design process and in which the construction of a project is procured and based on completed construction documents.

**Design-build** means a construction procurement process in which both design and construction of a project are procured from a single entity.

**“Design Capacity”** includes all housing areas, even those specialized units that are not included in the rated capacity. It does not, however, include temporary holding cells, such as those in the reception and booking areas of the facility. Design capacity is used in calculating costs per bed and square foot.

**“Design development”** means architectural plans and specifications that are fifty percent (50%) complete and generally include: outline specifications (detention hardware, equipment, and furnishings); floor plans (to scale with dimensions, room designation,



references, wall types, and ratings); building sections (heights and dimensions); interior elevations; and preliminary structural, mechanical, and electrical drawings.

**“Detention alternatives”** means programming efforts designed to reduce jail crowding as well as recidivism among local offenders.

**“Fixed equipment and fixed furnishings”** means furniture, fixtures, and equipment that are physically attached to an immovable object, such as a floor or wall.

**“Ground lease”** means a lease between a participating county and CDCR or BSCC with the consent of the Board, to place possession and control of the real property upon which the Board financed project will be constructed with CDCR or BSCC as described in Section 1752.

**“Hard match”** and **“Cash match”** are used interchangeably and mean cash dedicated to the project by the applicant for eligible expenditures as defined in Sections 1714, 1714.1, 1714.2, and 1714.3.

**“In-kind and soft match”** are used interchangeably and mean local funds in the form of property value or management/administrative services dedicated to the project by the applicant for eligible expenditures as defined in Sections 1714, 1714.1, 1714.2, and 1714.3.

**“Moveable equipment and moveable furnishings”** means furniture, fixtures, and equipment that are not fixed equipment and fixed furnishings, not including consumable items beyond those included in the initial construction contract.

**“Net gain in beds”** means the number of beds (rated capacity and special use beds) to be added, minus the number of existing beds (rated capacity and special use beds) to be eliminated in the county (if any) as a result of the project constructed through the Phase I of the Local Jail Construction Financing Program.

**“Operational program statement”** means a description of the intended operation of a local jail (see Title 24 13-102 (a) for further details) or Adult Local Criminal Justice Facility.

**“Performance criteria”** means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type, and design character of the buildings and site; the required form, fit, function, operational requirements, and quality of design, materials, equipment, and workmanship; and any other information deemed necessary to sufficiently describe the participating county’s needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

**“Preliminary plans”** means a site plan, architectural floor plans, elevations, outline specifications, and a cost estimate for each utility, site development, conversion, and remodeling project. The drawings shall be sufficiently descriptive to accurately convey the location, scope, cost, and the nature of the improvement being proposed. See also “design development.”

**“Program space”** means space in which offenders receive services in the form of programming or treatment to reduce recidivism or as an alternative to incarceration.

**“Schematic design”** means architectural plans and specifications that are 30 percent (30%) complete and generally include: a site plan; floor plan; exterior elevations and cross sections; types of construction and actual gross floor area.

**“Staffing plan”** means an assessment and identification of staffing levels needed to operate the proposed project.

**“Working Drawings”** means a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. See also “construction documents.”

For additional definitions please refer to the complete list in Titles 15 and 24 CCR.