

DATE: June 10, 2015

AGENDA ITEM: F

TO: BSCC Chair and Members

FROM: Magi Work, Deputy Director (A), magi.work@bscc.ca.gov

SUBJECT: Senate Bill 863 (Adult Local Criminal Justice Facilities Construction Financing Program): Request for Proposal: **Requesting Approval.**

Summary

This agenda item requests that the Board of State and Community Corrections (BSCC) approve Senate Bill (SB) 863 Request for Proposal (RFP) (Attachment F-1), approve to release the RFP June 10, 2015 and grant prior approval to award any funds that may be declined by a county to the next county in ranked order within the same set-aside category (small, medium or large), if a county that is awarded funds should decline (revert) the award at some later date.

Background

On June 20, 2014, Senate Bill 863 (Chapter 37, Statutes of 2014 (SB 863) became law, authorizing up to \$500,000,000 in state lease-revenue bond financing for the acquisition, design and construction of Adult Local Criminal Justice Facilities (ALCJF).

An ALCJF must be consistent with the legislative intent described in Sections 17.5 and 3450 of the Penal Code, must be under the jurisdiction of the sheriff or county department of corrections, and follow the intent as provided in Government Code (GC) section 15820.93(b) (1) and (2):

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.

In addition, as provided in SB 863 (GC section 15820.936(d)), proposed projects may include replacing existing housing capacity, realizing only a minimal increase in capacity, using the financing authority provided by SB 863, if the requesting county clearly documents an existing housing capacity deficiency.

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 financing in a timely manner, which includes a Board of Supervisors' Resolution and documentation of CEQA compliance. (GC 15820.936(b))

Funding consideration shall be given to counties 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))

At its September 11, 2014 meeting (Agenda Item J, Attachment F-2) the BSCC Board approved the establishment of an Executive Steering Committee (ESC) for the SB 863 Adult Local Criminal Justice Facilities Construction Program. The Board appointed its member Sheriff Dean Growdon, Lassen County and Sheriff Ian Parkinson, San Luis Obispo County as ESC co-chairs. The Board directed the two co-chairs to convene an ESC to develop recommendations for the Request for Proposals and proposal evaluation criteria, review and rate proposals, and to make conditional award recommendations to the Board. The ESC met January 21, February 26, March 25, and April 29, (teleconference) 2015. The four meetings were open to the public, and members of the public provided helpful comments for the ESC to consider. Additionally, the ESC received letters from the public prior to each ESC meeting and three letters addressed to the entire Board are attached (Attachments F-3, F-4, F-5, F-6, and F-7).

The table below outlines the timeline of events the ESC approved for recommendation to the Board.

SB 863 RFP Timeline

June 10, 2015	The BSCC issues SB 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 the 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 to the Board.
November 12, 2015	ESC recommendations presented to the BSCC for financing action/intent to make a conditional award at the BSCC regularly scheduled meeting.

The RFP is intended to solicit proposals to establish a rank-ordered list of ALCJF projects, and to conditionally allocate financing to projects for design and construction, including expansion or renovation. Projects that are given a conditional award will be required to be certified by the BSCC, and then obtain final approval of financing eligibility (ability to participate in the sale of lease-revenue bonds in connection with the project) by the State Public Works Board. In the event a county relinquishes a conditional award, it is requested that the county next in rank order in the same category (small, medium or large) receive the relinquished funds.

Recommendation/Action Needed

Staff recommends the Board approve Senate Bill 863 Jail Construction Financing Program RFP, approve its release on June 10, 2015 and prior approval to award any funds that may be declined by a county to the next county in ranked order within the same set-aside category (small, medium or large), if a county that is awarded funds should decline (revert) the award at some later date.

Attachments

- F-1: Request for Proposals, approved by the ESC on April 29, 2015
- F-2: September 11, 2014 BSCC Board Meeting Agenda Item J
- F-3: ACLU Letter dated May 14, 2015
- F-4: Amador Letter dated May 12, 2015
- F-5: RCRC Letter dated May 18, 2015
- F-6: CJCJ Letter dated June 5, 2015
- F-7: Contra Costa Letter dated June 4, 2015