

SENATE BILL 863 BIDDERS' CONFERENCE QUESTIONS



Q1	What is the Small County cash match requirement?
A1	Counties with a population below 200,000 may petition for a reduced match. There is no required percentage of match for those who petition; however, the county is still responsible for costs not eligible for state financing. Counties that have a population of 200,000 or more are required to meet a minimum 10% match amount, which may be any combination of cash or in-kind match.
Q2	If the County is not proposing to use land as a part of the match, does the Board of Supervisor’s resolution still require the language included in Section 6(H) – the attestation to the current fair market land value for the proposed new facility?
A2	Yes.
Q3	Page 8 of the RFP describes the following: “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). We would like a definition of “physically attached.” Would this include a separate new-construction facility that is attached with a walkway or enclosed hallway/corridor?
A3	These decisions are at least partially controlled by SPWB financing requirements, and, among other guiding documents, the California Building Code. Questions of this type must be addressed on a case by case basis.
Q4	Government Code section 15820.935(a)(2) references documents prepared by a participating county pursuant to Public Contract Code section 20133 (this was the statute that previously authorized counties to utilize the design-build construction procurement method). Effective January 1, 2015, Public Contract Code section 20133 was repealed. Does this make design-build ineligible for funding under SB 863?
A4	Design-Build is still an eligible method. AB 114 was signed on June 24, 2015, which codified Government Code Section 13332.19, effectively replacing section 20133.
Q5	SBSD cleared its CEQA in 2013 for the SB1022 project and received full mandatory criterion points at that time. Will the CEQA cleared in 2013 be sufficient for SB863 as long as the scope of work remains the same?
A5	<p>SB 863 requires the BSCC to determine the funding and scoring criteria, including CEQA compliance, which it did, and published them in the RFP. The proposals will be scored in accordance with those criteria.</p> <p>SB 863 states the requirements to show preparedness to proceed:</p> <ul style="list-style-type: none"> • A Board of Supervisors’ Resolution • Proof of CEQA compliance, and • County counsel opinion. <p>Government Code section 15820.936 (b), provides (in relevant part):</p> <p>“...Funding preference shall also be given to counties that are most prepared to proceed successfully with the financing in a timely manner. The determination of preparedness to proceed shall include the following:</p>

	<p>(1) Counties providing a board of supervisors’ resolution authorizing an adequate amount of available matching funds to satisfy the counties’ contribution and approving the forms of the project documents deemed necessary...The identified matching funds in the resolution shall be compatible with the state’s lease revenue bond financing.</p> <p>(2) Counties providing 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.” (emphasis added)</p>
Q6	Matching funds: If the total project cost is 105 million and the award received is 80 million...will 25 million be sufficient for the matching fund requirement?
A6	For counties with a population of 200,000 or more, the minimum matching fund requirement is 10% of the total project cost. If total project cost is \$105 million the minimum match required is \$10.5 million. See page 1 of the Proposal Instructions document for more information.
Q7	Funding source: Is a special account specifically marked SB863 needed? Does the BOS resolution meet the funding source mandatory criterion?
A7	No, a special account is not required. The BOS funding resolution could meet the criterion. See Government Code Section 15820.936(b)(1) states, “Counties providing a board of supervisors’ resolution authorizing an adequate amount of available matching funds to satisfy the counties’ contribution and approving the forms of the project documents deemed necessary, as identified by the board to the BSCC, to effectuate the financing authorized by this chapter, and authorizing the appropriate signatory or signatories to execute those documents at the appropriate times. The identified matching funds in the resolution shall be compatible with the state’s lease revenue bond financing.”
Q8	Is it necessary to include in the BOS resolution the counties commitment to staff and operate the facility as per the RFP section on page 21? Or how does the Commitment need to be stipulated and where in the documents?
A8	<p>The county is required to provide a staffing plan and cost projections, consistent with Government Code section 15820.935 (c) (4), which states:</p> <p>“Submission of a staffing plan for the adult local criminal justice facility, including operational cost projections and documentation that the adult local criminal justice facility will be able to be safely staffed and operated within 90 days of completion, as may be applicable.”</p> <p>This staffing plan and cost projections does not have to be submitted with the proposal, but must be submitted and approved by the BSCC before the approval of Preliminary Plans by the SPWB.</p>
Q9	Are counties authorized to utilize design-build given that Government Code section 15820.935(a)(2) references Public Contract Code 20133 which has been repealed and replaced with Public Contract Code section 22160 et seq.?
A9	Yes. Please refer to response for Q4.
Q10	If the project is a design-build project when does the three years for completion of construction begin? When the contract is awarded to the design-build team? When any construction begins at the site – even demolition?
A10	Three years from the date of DOF approval of Notice of Award.
Q11	On pages 33-34 under Task 6 it refers to a finance action to approve an award of a design-build contract and issuing a Notice to Proceed for construction within 42 months of conditional award by the BSCC. But final plans will not be developed until after the design-build contract is approved. Does this mean counties have 42 months to select a design-build team and obtain SPWB/DOF approval of plans and then an additional 36 months to complete construction or does the 36 months to complete construction begin when the design-build contract is approved?
A11	The 42 month period commences on the date of the BSCC conditional award letter.

Q12	On the list of items required in our Board Of Supervisors’ Resolution, item “B” states: “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.” How can our Board approve documents that have yet to be drafted?
A12	This statement refers to "Form of" agreements that are standard form agreements approved by DOF for use on Lease-Revenue Bond projects. They include the BSCC/participating county agreement, PDCA agreement, Right of Entry, Facility Lease and Sublease and Ground Lease and Ground Sublease agreements. The template "Form of" documents are located here: http://www.bscc.ca.gov/s_cfcformofdocuments.php and will be customized with the specifics when the successful applicant is chosen.
Q13	Section 4 Fact sheet asks for statistics such as Average Daily Population, arrests, Bookings, etc. What time frame are we to use?
A13	Table 1, Section 4: Fact Sheet, Item 7 (percentage non-sentenced inmates of system) is to be reported for January 1, 2013 through December 31, 2013. For the other information, the county should determine the appropriate time frame for reporting and should indicate the date or timeframe on which they are reporting.
Q14	What constitutes an award? For example, Siskiyou county is waiting on an award from AB 900 Phase II, by way of legislative action. If Siskiyou has been offered the award at the time of RFP submittal, does that count as being awarded?
A14	A "conditional award" is the result of a BSCC board action that approves an ESC recommendation for the County to receive funds in the stated amount in the form of lease-revenue bond financing. Counties may receive additional conditional awards based on relinquished funding at upcoming 2015 BSCC Meetings.
Q15	Page 7: Eligible projects – The RFP states that “Proposed projects may include existing housing capacity, realizing only a minimal increase in capacity, using this financing authority” a. Question: Does existing housing capacity rely strictly on BSCC rated beds? b. Question: If some rated beds are being converted to special use beds, thus increasing special use beds and decreasing rated beds, how is this treated in terms of “capacity”?
A15	Government Code Section 15820.936(d) states, “A participating county may replace existing housing capacity, realizing only a minimal increase of capacity, using this financing authority if the requesting county clearly documents an existing housing capacity deficiency.” The proposal needs to describe the county’s current capacity, including rated and non-rated beds. The proposal should make clear any changes or increases in special use or treatment beds.
Q16	Proposal Form Section 1 / Page 1 a. Question: Are Counties expected to complete Section D: “Beds Constructed” for renovation type projects?
A16	Yes.
Q17	Page 14, Section 6: Board of Supervisor’s resolution – Attestation to value as the current fair market land value... Pg. 14 (H) a. Question: Confirmation that a renovation project of a current operational facility does not require a Board resolution attesting to the land value of the project site? b. Pg. 15 note – Additionally, refer to “Section 5: Narrative – Readiness to Proceed” Are there addition resolution items from Section 5?
A17	1. a: A BOS resolution attesting to the land value of the project site is required, as noted in Q2. 2. b: The county may determine if any other information is helpful to include in the resolution.
Q18	Page 12, Section 5: Administrative work plan – ...list of division/offices including personnel that will be responsible for each phase of the project a. Question: Does this level of detail only apply if a county is claiming county administration for in-kind match?
A18	Yes. This level of detail only applies if a county is claiming county administration for in-kind match.
Q19	Proposal Instruction Section 2 / Form Page 5, a. 10., County Administration – “Define the county staff salaries/benefits directly associated with the proposed project” Verification that this is only required if a county is claiming county administration for in-kind match?
A19	Yes. This level of detail only applies if a county is claiming county administration for in-kind match.

Q20	Page 5, Section 2: 8. Needs Assessment a. Question: Verification as to whether or not a Needs Assessment is required if a renovation project results in a decrease in rated beds, but an increase in special use beds?
A20	Needs assessments are required for all new facilities or when adding 25 beds or more to an existing facility. See CCR, Title 24, Part 1, Chapter 13, sec. 102 (c) 2.
Q21	Net gain in beds according to BSCC means the number of beds (rated capacity and special use beds) to be added, minus the number of existing beds (rated & special use) to be eliminated. Question: How should the County detail the net beds in the application when we are eliminating more operational beds than rated beds?
A21	Net gain is defined on Page 37. The RFP counts BSCC rated beds and special use beds. The change can be a positive or negative number.
Q22	Does the County need an appraisal of the land even if our matching funds far exceed the 10%?
A22	Yes. DOF will require an appraisal if the county is asking for land match.
Q23	Page 24 of the RFP, In-Kind (Soft) Match, item 3, states that land value cannot be claimed for land that is under an existing operational local jail facility. Is this to mean only the land directly within the physical perimeter of the walls of an existing facility, or is it mean all site appurtenances (e.g. ramps, driveways, sidewalks and miscellaneous site areas) within an existing complex cannot be claimed?
A23	Department of Finance, acting on behalf of State Public Works Board, will require the County to show that the facility being encumbered as collateral for the lease revenue bonds can be made available to the State, through legal process, in the unlikely event of payment default by the County. The boundary of the land encumbered for each project will be unique and these land boundary questions are always case by case determinations, depending on the legal descriptions of the projects. When determining the boundary of the land encumbrance, all ancillary structures, equipment, and site improvements that are included in the legal description of the encumbered land must be included in the encumbrance. This boundary, as evidenced by the ultimate legal description that will be filed with the County Recorder, will determine the land area from which a land value can be estimated.
Q24	Does the County need to include in its Board Resolution the intent to eliminate the beds in a facility it will be closing to build the new jail facility?
A24	No. The BSCC does not require a BOS resolution is to eliminate beds; whether or not the County requires such an action to be documented in a BOS resolution is up to the County counsel.
Q25	On section 4 fact sheet: Does this information on ADP, percentage of felony inmates, percentage of non-sentenced inmates need to match the needs assessment? Do we use the information from June 2014 as in the needs assessment or do we use current information?
A25	Data presented by the County in the RFP Proposal should be consistent with the supporting Needs Assessment, and should cover the time period prescribed in the RFP and the statute with respect to Item 7 (percentage of non-sentenced inmates of system).
Q26	Is the occupancy within 90 days of construction satisfied with opening the facility only partially? If so, can the transition be one floor at a time?
A26	Occupancy is determined on a case by case basis by the State Fire Marshal and local building officials.
Q27	How long do counties have to provide corrections of any technical compliance deficiencies noted by the BSCC?
A27	BSCC Technical review begins August 31, 2015. BSCC Staff will notify counties of technical compliance issues by September 4, 2015. Counties will have until September 11, 2015 to provide corrections.
Q28	Can the County Auditor (who is a CPA) perform the fiscal audit due within 90 days of the SFM certificate of occupancy? She is not the project financial officer or project manager.
A28	A county employee who may be a CPA may be able to prepare the final audit, provided that the audit techniques used conform to requirements of the RFP and Generally Accepted Accounting Principles. In addition, the CPA, if also a county employee, must certify the audit in accordance with standard accounting practices and must have been certified to be free of conflicts and not have been involved financially with the project except to perform the audit.

Q29	Page 7, paragraph 6 states "Proposed Project and Evaluation Factors" section on page 17 of this RFP. Where is this? Possibly meant page 14?
A29	Correct. The section for Proposed Project and Evaluation Factors is on page 14, not 17.
Q30	What does "must translate the proposal into formal architectural plans and specifications that are submitted to, and approved by, the SPWB, DOF and BSCC." Please explain what this means.
A30	The RPF Proposal is a narrative of the County's proposed project, and is not in a form that can be constructed, as is. Upon receipt of a conditional award, the County agrees to have architecture/engineering plans and specifications prepared that define the project in the standard format used by the building construction industry so the project can be constructed by licensed contractors.
Q31	Fact Sheet. Do they want the population numbers from January 1, 2013 through December 31, 2013, as they request in sections of the RFP?
A31	Please see the answer to Q13 above.
Q32	"May a portion of land/carve-out of an existing operational jail facility which is subject for closure, renovation/new construction and reopen be used for the land value as part of the County's In-kind match?"
A32	We would need more specific information to properly answer this question. Questions like this will need to be answered on a case-by-case basis.
Q33	If a county is using cash match to fund through schematics, can they work on project while awaiting project establishment?
A33	Work by the county prior to Establishment is entirely county-funded.
Q34	The answer to Question 8 answer still doesn't quite make sense! Does this imply budgeting for it, or does a staffing and operational costs need to be part of application? This hasn't been required in prior apps. Is it necessary to include in the BOS resolution the counties commitment to staff and operate the facility as per the RFP section on page 21? Or how does the Commitment need to be stipulated and where in the documents?
A34	This staffing plan and cost projections do not have to be submitted with the Proposal, but must be submitted and approved by the BSCC before the approval of Preliminary Plans by the SPWB. The BOS must provide a resolution committing the County to safely staff and operate the facility.
Q35	If CEQA document and related letter from County Counsel are separate from narrative and list of attachments (limited to 4 attachments). Are these CEQA related documents to be presented as Section 6 of proposal?
A35	Include these documents in Section 6 of the Proposal.
Q36	Is there an aging parameter associated with the land appraisals?
A36	The appraisal is generally accepted to be valid for a period of one year.
Q37	If a county's cash match is applied to construction, what is the expectation from DOF regarding reimbursement after NTP? In other words, cash match first?
A37	The Applicant will make a significant up-front expenditure of county resources during the schematic design phase and establishment of the project before the first reimbursement payment is made to the Applicant during the construction phase of the project. During construction, the reimbursement will be based on the earned value of the construction project at each monthly pay estimate.
Q38	Please describe the new project RFP evaluation factors.
A38	Refer to the RFP section PROPOSED PROJECT AND EVALUATION FACTORS (Page 14 of the RFP) for a description of the evaluation factors.
Q39	Can you elaborate on a seeming discrepancy between 5 – 15 foot buffer with SPWB financing and connecting directly to existing facilities? How is this evaluated?
A39	<i>A proposed project with less than a 5 to 15 foot buffer will be evaluated on a case-by-case basis.</i>
Q40	What constitutes "Site assurance" to BSCC, after conditional award?
A40	Site Assurance is defined on page 20 in the RPF, and on the BSCC website. Please refer to these sources for information.

Q41	How does the BSCC evaluate a county's ability to afford on-going staffing and operating costs incurred by new construction facilities? And at what point does this evaluation occur?
A41	The BSCC will review the proposed staffing and operating costs plan presented by the Applicant during the preliminary plan review process.
Q42	Please discuss the concepts concerning minimum bed capacity gains resulting from project.
A42	The language of the statute is repeated here: <i>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)).</i>
Q43	If you are not claiming land value as in kind match can you reflect zero on resolution?
A43	Yes.
Q44	Does the pretrial program have to be recognized by the BSCC or is it that you have to only have something in place?
A44	The Applicant is only required to describe pre-trial programs. If there are no pre-trial programs the county would just need to state that there are no programs.
Q45	Would a transitional housing count as beds? (inmate w/in 30 days of release – transition unit)
A45	Yes.
Q46	When will all the list of agreements docs become available? We need to submit in BOS package by 7-6-2015 at latest!
A46	The "Form of" Agreements are posted on the BSCC website at http://www.bscc.ca.gov/s_cfcformofdocuments.php
Q47	Is a Board of Supervisor's Resolution a requirement for the application or is it only needed to get preference points? On the score sheet, it seems like it is required, but on the application form, it is listed under preferences. We would, of course, submit the resolution. I am only asking so I can be accurate in my Board letter in describing it as a requirement or a means of getting preference points.
A47	A Board of Supervisors Resolution is required for specific items as described in the RFP, and the submission of the resolution is related to preference points.
Q48	Regarding the need to submit a Jail Needs Assessment, if I am adding more than 25 beds (256 for example), but I am demolishing/decommissioning a similar number of beds as part of the same project, such that my net gain is less than 25, do I still need a JNA?
A48	A Jail Needs Assessment must be prepared for any project that will add 25 beds or more to a facility.
Q49	Regarding the match, can you please confirm that the 10% match can be either cash or in kind match? Page 23 of the RFP states that, "Cash Match must be identified in the proposal and must be a minimum of 10% of the total project cost." However page 1 of the proposal instructions says, "County contribution can be any combination of cash or in kind project costs."
A49	The 10% match requirement can be met by any combination of cash or in kind match, and is not required to be only cash.
Q50	Regarding in-kind match and the language on page 24 can you please clarify what County administration costs can be included? Seems clear that County staff hired specifically for the SB 863 project can be. What about existing staff that are assigned to work on the project in a full or part time capacity? What is meant by the statement that "these costs can only be claimed as a project cost if all applicable county administration costs are claimed." Is overhead allowed to be included, and if so, is there a limit to the overhead rate? And what sort of backup documentation is needed?
A50	Eligible County administration costs are those costs that are directly related to county staff work on the SB863 project, either full-time or part-time. <i>"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."</i>

	<p>For costs to eligible, the County must provide clear, accurate accounting records that show all county staff time charged to the project was necessary for work on the SB863 project and are an appropriate charge for work performed. Records provided should meet general accounting standards, and will be required for the project final audit.</p> <p>Documentation of in-kind and cash match will be provided by the County after the award.</p>
Q51	Along with the resolution authorizing an adequate amount of available matching funds are you looking for specific actions regarding a budget approved and/or matching funds moved to a specific location? Do you have specific language you would like included in the resolution?
A51	<p>There is no requirement to move county matching funds to a specific account.</p> <p><i>“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))”</i></p>
Q52	<p>On page 3 of the RFP Instructions, under the list of items that are to be included in the BOS Resolution in order to show readiness to proceed, it includes the following verbiage:</p> <p>Authorization to Proceed with the Project. The Project proposed in the County’s SB 863 Financing Program proposal is authorized to proceed in its entirety when and if state financing is awarded for the Project within the SB 863 Financing Program.</p> <p>There is a concern here that this language indicates that once the BOS passes the resolution that will accompany the application, the County is at that point obligated to proceed with the project if a conditional award is granted. That is to say, our "point of no return" would occur at the when the BOS passes the resolution before the application is sent in. Can you confirm that this is not the case and clarify at what point the County is legally committed to the project?</p>
A52	<p>There is no “point of no return” stipulated in the RFP. The expectation is that the county will complete the LRB process in its entirety upon notification of the Full Conditional Award. However, all costs incurred by a county up to the reimbursement are borne by the County if the County decides to decline the conditional award.</p> <p>In the event that the county is notified of a Partial Conditional Award, the county will be give then opportunity to accept or reject the partial conditional award and propose an amended scope of work commensurate with the size of the partial award.</p>
Q53	CM Fees – The Budget Summary Table shows Project/Construction Management (P/CM) fees as an eligible state-reimbursed cost. In the P/CM cost category description (page 5 on Proposal Instructions document), it does not specifically note “state reimbursement,” as it does in the ‘architectural’ description directly above it. Just wanted clarification whether this is a state-reimbursed item?
A53	The Budget Summary Table as published in the RFP is correct. Page 5 of the Application Instructions, Description #4 b. is incorrect, and can only be cash match or state reimbursed. In-kind cannot be applied to this budget line item #4 “P/CM”.
Q54	Section 1 – The plan as it stands is a 2-story program and treatment space directly adjacent to and on the same plot of land as the existing Yuba County Jail. It will not be physically connected to the jail, but close. Would you say we mark the “New Stand-Alone Facility” box or the “Constructing...? Other Space at Existing Facility” box on Page 1, Section 1?

A54	The new facility will not be physically connected to the existing building. The “New Stand-Alone Facility” box should be checked.
Q55	Can the SB863 funding be used to build a Day Reporting Center for a population that is post-release non-custodial aftercare with treatment services? If so, can this DRC be run by either the Sheriff or Probation? This facility is part of an application that will include an adjacent jail Mental Health Facility which will be operated by the Sheriff.
A55	Yes.
Q56	How much of a buffer do we need to provide between the two buildings (existing jail and new program/treatment building)? I know there is a 5-15 foot buffer mentioned in the Due Diligence requirements. Given the small size of the site, as well as for safety and security purposes in transporting the inmates, could we butt these two buildings up closer than 5-15 feet to one another?
A56	Buffer space between buildings is a complicated issue which must be determined and decided by the SFM and DOF on a case-by-case basis.
Q57	The RFP instructions on page 13, the Special Factors points show 0 points funded under AB900 or SB1022, 2 points partially funded or award returned, and 4 points no financing or awards under AB900 or SB1022. On page 18 of the RFP the Special Factor points show 0 points funded, 2 points partially funded under AB900 or SB1022, and 4 points no funding provided under AB900 or SB1022. On June 10th the BSCC approved not deducting points from counties that returned previously awarded funding. Please confirm this is correct and will these forms be updated on the website?
A57	A county that was funded and then reverted their funds and did not receive funds from AB 900 or SB 1022 will receive 4 points because it will be rated as a county not receiving previous funds.
Q58	Sect. 1 (Statement of Need) of the narrative, references "safety, efficiency, and offender programming and /or treatment needs" in the main question for the section. What is the meaning of "efficiency"? Is that efficiency of jail operations?
A58	Efficiency is multi-faceted and means jail operational efficiency, and all other efficiencies as well (water, lighting, mechanical systems, etc.)
Q59	In order to receive the full 12 points for evaluation factor 6.B readiness CEQA Compliance, is a BOS resolution required in addition to the final NOD or NOE and the county counsel letter as stipulated on page 13 and page 17 of the RFP?
A59	No, a BOS resolution stipulating the CEQA compliance is not required in order to obtain the 12 points for CEQA Compliance.
Q60	On page 20 of the RFP, it states the following: 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. Can you please clarify whether a needs assessment is required for a Programming and Treatment building addition to the existing jail?
A60	The requirement for a Needs Assessment is defined in Title 24, Part 1, Article 1, sec. 13-102 (c) 2. If the proposed project is a new stand-alone facility which includes special use medical and mental treatment beds, as described on page 20 of the RFP, a Needs Assessment is required to construct a new ALCJF facility. A Needs Assessment is not required if adding a programming and treatment building to an existing facility.
Q61	Will the State consider the use of a seismic slip joint between the new facility and the existing adjacent jail as sufficiently separate so as to not warrant building code upgrades of the existing facility? The new facility will be a complete and independent building fully functional and operational without any physical connections to the existing facility including any utility systems.
A61	A seismic joint can be used to physically separate the structures. There may be a requirement to upgrade other elements of the facility depending on how the proposed project will be operated. DOF has determined that structures that will be encumbered in the ground lease must either be constructed to meet seismic level 3 or upgraded to meet seismic level.

	DOF staff will determine ground lease areas on a case-by-case basis. This determination normally occurs after preliminary plans/design development drawings are completed for a design bid build project or after the performance criteria/bridging documents are completed for a design build project, which is when the project site and easement area are finalized for the Ground Lease and Easement Agreement.
Q62	Will the State consider an MOU for the continued use of the existing jail ramp and existing grinder pits serving the existing jail in the unlikely event the State takes over the new facility? The new facility will be constructed so as to span one-story above an existing ramp and grinder pit but will not be physically tied into to the existing ramp or grinder pit structure. The new facility will not be serviced by the existing ramp nor the existing grinders.
A62	<p>If the existing ramp and grinder pit is in the ground beneath the improvements in the proposed project, then those appurtenances will be encumbered by the leases necessary for the authorized state financing. These facilities must be meet seismic level three requirements.</p> <p>With regards to an MOU in case the SPWB has to re-enter and re-let the financed facility, it is premature for the state to commit to any specific MOU agreement. If the facility is re-let by the SPWB, the county will have the first right to replace BSCC as the SPWB's lessee in the facility. In that case, a new Facility Lease would be executed between the SPWB and the county that would likely address this issue. If the county didn't end up being the new lessee, then an appropriate arrangement could be worked out at that time.</p> <p>This situation could also be addressed in the Ground Lease and Easement Agreement, however, that will require the more detailed review of the project, and discussion with SPWB counsel to determine the most appropriate approach. The state will consider reasonable measures to ensure the county has appropriate access to the existing ramp and grinder pit for continued operation of the existing jail.</p>
Q63	Will the State accept a statement within the application stating the new structure will be able to have a separate entrance into the new facility in the unlikely event the State takes over the new facility?
A63	This issue does not need to be part of the county's proposal. This issue is part of the detailed project review that occurs after preliminary plans/design development drawings are completed for a design bid build project or after the performance criteria/bridging documents are completed for a design build project.
Q64	The proposal checklist restricts the items and number of pages to be submitted as the SB 863 proposal, and does not include directions regarding the submission of the CEQA readiness compliance documents. How should the CEQA Compliance documents be submitted and do they count against the narrative or one 4-page attachment.
A64	A single copy of each of the Final NOD or NOE and signed County Counsel letter, as stipulated on page 17 of the SB-863, are required for the CEQA compliance, and shall be included as a separate attachment and shall be allowed as part of Item J in the PROPOSAL CHECKLIST.
Q65	Can footnotes be added to the bottom of the proposal within the margins?
A65	Footnotes can be placed within the required 1 inch margin. Footnotes can be a smaller font and can be single spaced. The footnotes must fit within the 1 inch margin.
Q66	<p>We want to confirm that the County does not need to submit any real estate due diligence materials with the application except for the Resolution confirming we have fee simple ownership and stating the attestation to current land value and the County Counsel letter with the CEQA determination information.</p> <p>I can only find reference to the real estate due diligence process on page 20 of the RFP which seems to refer to the period after award when DGS goes through their full review process. It seemed there was a lot of materials we had to provide with the SB 1022 proposal, so we wanted to confirm that those are not needed in this round</p>
A66	Yes, you are correct, no other documents required.
Q67	Does BSCC have any minimum distance requirements for emergency generators?

A67	No, but it must be within the limits of the Ground Lease for the LRB project if bond funds are paying for it.
Q68	Would the Site Appraisal info go in Section 6, after the BOS Resolution?
A68	Yes, the appraisal may be attached with Section 6.
Q69	I have a question regarding the SB 863 Proposal Form Instructions, specifically the budget section. Within the Budget Narrative section, we are required to describe proposed funding amounts, county contribution (match) and all project costs for our proposal. I want to confirm that a Budget Summary Table is not a required form or attachment for this proposal according to the Proposal Instructions, is that correct?
A69	<p>The formal proposal, as defined in the instructions, includes the <i>Proposal Form, Narrative, and required attachments</i>.</p> <p>The Narrative is interpreted as the response to the items presented in the instructions, including an explanation of the values used in the Budget Summary Table (Instructions page 4). Please remember that the items used in the explanation must meet the guidelines of acceptable costs as shown on page 4 of the instruction further delineated in the RFP, Budget Considerations, starting on page 22.</p>
Q70	A facility contains no beds, program only. This facility is located next to the Camp, which will be torn down starting with the portion where the amphitheater is located. The amphitheater is used for graduation from the culinary arts program. Is a Needs Assessment necessary to be submitted?
A70	<p>In accordance with the SB 863 RFP and the supporting Legislation, a Needs Assessment study is required to construct a new facility or add 25 or more beds to an existing facility per CCR, Title 24, Part 1, Chapter 13, sec. 102 (c) 2.</p> <p>The provided plan sheet does not indicate any new beds and will therefore NOT require the submittal of a Needs Assessment.</p>