

California Department of Corrections and
Rehabilitation

Corrections Standards Authority

***AB 900 Phase II
Construction or Expansion
of County Jails***

REQUEST FOR APPLICATIONS



Issued: October 7, 2011

Application Process Due Dates:
Step One – Interest Statement: October 21, 2011
Step Two – Application: January 11, 2012

Edmund G. Brown Jr., Governor

Corrections Standards Authority
600 Bercut Drive
Sacramento, CA 95811

Voice: (916) 445-5073 Fax: (916) 322-8756

Web: <http://www.cdcr.ca.gov/CSA/index.html>

**AB 900 PHASE II
CONSTRUCTION OR EXPANSION OF COUNTY JAILS
REQUEST FOR APPLICATIONS**

Table of Contents

Corrections Standards Authority Members	4
Executive Steering Committee Members	5
Purpose of the Request for Applications and Corrections Standards Authority	
Contact Information	6
Timeline of Key Events	7
Bidders' Conference Registration	8
Detail and Background	9
Summary	9
Executive Steering Committee/Corrections Standards Authority Board	12
Eligible Projects	12
Limit on Number of Projects and Financing Requests	13
Set-Asides	13
Multiple Projects	13
County Caps	14
Maximum State Financing	14
Funding Preferences	16
Relinquishing Phase I Awards	17
State Reimbursement, County Contribution (Matching Funds) and Other County Borne Project Cost Requirements	18
Eligible Project Costs	18
State Reimbursement	18
County Contribution (Matching Funds) Requirements	19
Cash (Hard) Contribution	20
In-Kind (Soft) Contribution	20
Total Eligible Project Cost	21
Timing and Nature of State Financing, Local Contribution/Match and Other County Borne Project Costs	21
Local Fund Source Review	22
Application Due Date and Submittal Requirements	22
Technical Requirements Review of Draft Application	24
Formal Application Review Process	24
General Considerations	25
Needs Assessment Study/Letter of Intent	25
Site Assurance for Local Jail Facilities	25
Real Estate Due Diligence	25
Environmental Requirements	25
Commitment to Staff and Operate the Facility	26
Regional Jail Facilities	26
Pilot Projects	27

General Overview of Process After Notification of Conditional Award for	
Financing	28
CSA Staff	28
Pre-Design Meeting	28
Architectural Plan Submittals and Acceptance	29
Project Bids	30
State/County Relationship Regarding Construction	30
Payment and Performance Bonding and Cost Scheduling	30
Payment of Eligible State Share	30
Accounting and Audit Requirements	31
State Capital Outlay/Corrections Standards Authority Process Details and	
Timing Requirements	32
Project Scope	32
Project Timeline	33
Project Timeline – Design-Bid-Build (table).....	35
Agreements	37
Project Delivery and Construction Agreement	37
CSA Agreement	38
Ground Lease	38
Right of Entry for Construction and Operation	39
Site Lease	39
Facility Lease	40
Facility Sub-Lease	41
General Definitions	43
County Admissions to CDCR in 2010	47
Interest Statement (separate document)	
Application Form (separate document)	
Section 1: Project Information	
Section 2: Budget Summary	
Section 3: Project Timetable	
Section 4: Narrative	
Section 5: Funding Preferences	
Section 6: Board of Supervisors' Resolution	

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FINANCING PROGRAM**

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Matthew L. Cate, Secretary and Chair

CORRECTIONS STANDARDS AUTHORITY MEMBERS

Scott Kernan

Undersecretary (A), Operations, CDCR

Rachel Rios

Director (A), Division Juvenile Justice, CDCR

Eleanor Andrade-Silva

Case Services Administrator (A), CDCR

Michele Minor

Chief, Division of Adult Programs, CDCR

Dean Growden

Sheriff (jail with RC of 200 inmates or less)
 County of Lassen

Leroy Baca

Sheriff (jail with RC of over 200 inmates)
 County of Los Angeles

Susan Mauriello

County Supervisor/Administrative Officer
 Santa Cruz County Administrative Office

Linda Penner

Chief Probation Officer (county over 200,000 pop.)
 County of Fresno

Adele Arnold

Chief Probation Officer (county under 200,000 pop.)
 County of Tuolumne

Vacant

Administrator, Local Detention Facility

Dr. Mimi H. Silbert

Administrator, Local Community-Based Correctional
 Program/Delancey Street Foundation

Vacant

Public Member, Represents Interests of Crime Victims

Carol Biondi

Public Member

Kimberly Epps

Rank and File Representative, Juvenile Probation Officer
 San Bernardino County Probation Department

Cleotha Adams

Rank and File Representative, Deputy Sheriff
 Yuba County Sheriff's Department

Sandra McBrayer

Representative, Community-Based Youth Service
 Organization/The Children's Initiative

Vacant

Rank and File Representative, State Parole Officer

Charlotte Mello

Rank and File Representative,
 State Adult Correctional Facility

Staff

Robert Takeshta, Executive Director (A)

Corrections Planning & Programs
 Division
 Deputy Director, Vacant Position

Standards & Training for Corrections
 Division
Evonne Garner, Deputy Director (A)

Facilities Standards & Operations
 Division
Gary Wion, Deputy Director

County Facilities Construction
 Division
Robert Takeshta, Deputy Director

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FINANCING PROGRAM**

**EXECUTIVE STEERING COMMITTEE MEMBERS
JAIL CONSTRUCTION FINANCING PROGRAM
AB 900 PHASE II**

Sheriff Donny Youngblood, Chair
Kern County Sheriff's Department

Dave Robinson, Sheriff
Kings County Sheriff's Department

Gary Wyatt, County Supervisor
Imperial County Board of Supervisors

Steve Moore, Sheriff
San Joaquin County Sheriff's Department

Jerry Powers, Chief Probation Officer
Stanislaus County Probation Department

Kathy Long, County Supervisor
Ventura County Board of Supervisors

Scott Kernan, Undersecretary
California Department of Corrections
and Rehabilitation

Terri Daly, Chief Administrative Officer
El Dorado County Administrative Office

**Cynthia Florez-DeLyon, Chief – Office of
Policy Standardization, Adult Institutions**
California Department of Corrections
and Rehabilitation

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FINANCING PROGRAM**

Purpose of the Request for Applications

The purpose of this Request for Applications (RFA) is to establish conditional awardees and allocate financing* from the second phase of the Public Safety and Offender Rehabilitation Services Act of 2007 (Assembly Bill/AB 900), recently amended by the 2011 Realignment Legislation Addressing Public Safety (AB 111 and AB 94). This phase currently provides up to \$602,881,000 in state lease-revenue bond financing for construction or expansion of county jails in California. This amount could increase should additional Phase II dollars become available during the RFA process.

Corrections Standards Authority Contact Information

Prior to developing and submitting an application, interested counties should carefully review the entire RFA package. Applicants are encouraged to access the [CSA County Facilities Construction Website](#) for helpful information related to Frequently Asked Questions, standards and construction issues. Questions regarding the RFA may be directed to CSA staff.

Leslie Heller, Field Representative
Leslie.Heller@cdcr.ca.gov
(916) 323-8618

Charlene Aboytes, Field Representative
Charlene.Aboytes@cdcr.ca.gov
(916) 324-1914

Bob Takeshta, Executive Director (A)
Bob.Takeshta@cdcr.ca.gov
(916) 322-1054

CSA's County Facilities Construction website:
<http://www.cdcr.ca.gov/CSA/CFC/Index.html>

CSA's AB 900-specific website:
http://www.cdcr.ca.gov/CSA/CFC/AB900_Program.html

* A COUNTY'S RECEIPT OF A CONDITIONAL AWARD FOR STATE FINANCING, AS DESCRIBED HEREIN, DOES NOT GUARANTEE THE AWARDED COUNTY WILL RECEIVE ANY REIMBURSEMENT, 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 THIS POINT, TO MOVE FORWARD IN THE PROCESS. THE AB 900 JAIL FINANCING PROGRAM IS NOT A GRANT PROGRAM.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FINANCING PROGRAM**

**TIMELINE OF KEY EVENTS
AB 900 PHASE II REQUEST FOR APPLICATIONS PROCESS
JAIL CONSTRUCTION FINANCING**

July 14, 2011	CSA Board approves convening an Executive Steering Committee (ESC), ESC member composition and draft timeline.
August 1, 2011	ESC meeting to develop elements of application process and timeline.
October 6, 2011	CSA Board meeting in special session to approve the Request for Applications.
October 7, 2011	CSA issues Request for Applications.
October 19, 2011	Bidders' conference in Sacramento.
October 21, 2011	Interest Statements due to CSA office by 5:00 PM.
October 26, 2011	Specified counties are invited to submit applications.
January 11, 2012	Applications due to CSA office by 5:00 PM.
January 12 – 24, 2012	Staff completes technical requirements review of applications. Counties are given opportunity to correct technical deficiencies.
January 25 – February 14, 2012	ESC reviews the applications.
February 15 – 16, 2012	Scheduled county interviews with ESC on applications (Sacramento or teleconference). ESC makes final funding recommendations.
February 17 – 22, 2012	Staff finalizes ESC recommendation package.
February 23, 2012	ESC recommendations mailed to counties and CSA.
March 8, 2012	CSA Board convenes in regularly scheduled session. ESC recommendations presented to the CSA Board for funding action/conditional awards.
March 2012	Briefings for counties who have received notice of conditional award to review State of California requirements (Sacramento).

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FINANCING PROGRAM**

**BIDDERS' CONFERENCE REGISTRATION
JAIL CONSTRUCTION FINANCING**

A bidders' conference will be held in the Sacramento area on Wednesday, October 19, 2011 from 1:00 pm to 3:30 pm. The intent of the bidders' conference is to provide counties and other interested parties the opportunity to ask questions regarding the RFA, and receive clarification on the RFA process. Attendance is optional. Following the conference, questions and answers from the session will be posted on the CSA website: (http://www.cdcr.ca.gov/CSA/CFC/AB900_Program.html).

Bidders' Conference Location:

State Department of General Services
The Ziggurat Building
707 3rd Street
West Sacramento, CA 95605
(916) 375-4940

Pre-registration for the conference is requested. Please forward an email to the CSA at the below address and advise of the county or private entity attending, and the number of anticipated attendees. There is no cutoff date for registration. Please include with the registration any questions related to the RFA. There will also be opportunity at the conference for public questions.

Submit registration information to CSA at: adultfacilityconstruction@cdcr.ca.gov.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FINANCING PROGRAM**

**REQUEST FOR APPLICATIONS
DETAIL AND BACKGROUND**

SUMMARY

On May 3, 2007, the Public Safety and Offender Rehabilitation Services Act of 2007 became law (AB 900, Chapter 7, Statutes of 2007) providing up to \$1.2 billion total, in two phases, for financing the construction of local jail facilities. (Phase I authority is obligated with conditional awards previously provided to 11 counties.) On April 4, 2011, the Governor signed the 2011 Realignment Legislation Addressing Public Safety (AB 111, Chapter 16, Statutes of 2011). Subsequently the Governor signed AB 94 (Chapter 23, Statutes of 2011) on May 9, 2011 with additional provisions for the 2011 Realignment Legislation Addressing Public Safety. Both AB 111 and AB 94 amended the provisions of the second phase of jail construction financing originally outlined in AB 900, with AB 111 specifically authorizing access to Phase II financing. Both these bills have an effective date of October 1, 2011, concurrently with AB 109 (Chapter 15, Statutes of 2011), providing for a fundamental realignment of responsibilities for lower level offenders and adult parolees from state to local jurisdictions. This Request for Applications (RFA) is pertinent to Phase II of the AB 900 – Jail Construction Financing Program.

Up to \$602,881,000 in Phase II jail construction financing authority is conditionally available at this time. This RFA is intended to solicit applications to establish an ordered list of projects, and to allocate financing within the Phase II authority for the addition of beds in county jail facilities. This amount is subject to increase should additional financing authority become available. Therefore, all counties interested in participating and able to meet the jail financing program requirements are encouraged to submit an Interest Statement.

This RFA for county jail construction is being issued for the State of California by the Corrections Standards Authority (CSA), an entity within the California Department of Corrections and Rehabilitation (CDCR). **This is a two-step application process. Step One: Interest Statements must be completed and received at the CSA office in Sacramento no later than 5:00 PM on October 21, 2011. Step Two: Specified counties will subsequently be invited to submit an application package which must be completed and received at the CSA office in Sacramento no later than 5:00 PM on January 11, 2012.** Interest Statements and Applications received after their respective due dates and times will not be considered.

The legislation for this Phase II process specifies two funding preferences that shall be considered by CDCR and CSA: 1) counties that committed the largest percentage of inmates to state custody in 2010; and 2) counties that relinquish their Phase I conditional awards and seek a Phase II award, provided those counties continue to assist the state with siting reentry facilities. (This second preference related to counties that relinquish their Phase I award, is optional for specified Phase I counties, and only applies to the counties of Amador, Kern, San Benito, San Joaquin, San Luis Obispo, Santa Barbara and Solano. All 51 other counties are not eligible for the relinquishing preference, and are subject only to the preference associated with CDCR admissions.)

This two-step process is being utilized in order to avoid having counties not likely to be initially awarded in this process expend resources unnecessarily. Once the number of interested counties is known by the Interest Statements received, a specific number of applications will be requested initially. The specific applications requested will be based on the respective ordering of counties within the preferences established in legislation and this RFA process. These applications will be assessed by the Executive Steering Committee (ESC) for project worthiness, including cost effectiveness, with recommendations forwarded to the CSA Board to take action on funding awards as may be deemed appropriate. Depending on the number of counties that submit Interest Statements and the number of counties that are initially invited to submit applications, applications may be invited at a later time from additional counties selected from the group that submitted Interest Statements by October 21, 2011.

Counties with a general population equal to or greater than 200,000 must commit to providing a minimum of 10 percent of the total eligible project costs as county contribution (matching funds). Counties with a general population of less than 200,000 may petition the CSA for a lower minimum county contribution amount.

The State Public Works Board (SPWB) and CDCR are authorized to enter into agreements with participating counties for acquisition, design and construction of local jail facilities (county adult detention facilities) for projects approved by the CSA.

Jail construction financing will be administered by CDCR, with oversight provided by the SPWB, from the issuance of lease-revenue bonds. This financing mechanism requires the SPWB on behalf of the State of California to hold an irrevocable leasehold interest of the jail facilities during the term of the lease-revenue bonds (approximately 25 years after bonds are sold). The SPWB will lease the jail facilities to CDCR, who will in turn sublease the jail facilities to the participating county for their use and operation in the care and custody of county jail inmates.

Counties that receive notice of a conditional award for financing are responsible for: the site acquisition (if necessary); environmental determinations/mitigation measures; design; construction; staffing; operation; and repair and on-going maintenance of the facility in accordance with applicable laws, regulations, and

any terms and conditions in the state/participating county agreements. Some, but not all, of these costs may be included as part of a county's contribution requirement. Counties have the performance obligation to successfully complete the construction project (i.e., proposed scope including number of beds to be added; within agreed upon timelines; built to code and standards; and within budget). Counties are also responsible to staff and operate the facility within 90 days after construction completion.

It is anticipated that counties seeking the funding preference associated with commitments/admissions to state custody and selected for financing through this RFA process, will be issued a conditional award by the CSA at its March 2012 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 CSA at various stages throughout planning and construction, as defined in this RFA; 2) each county's project receive appropriate review and approvals through the State capital outlay process; 3) each selected county enters into the state/county agreements as required; and, 4) lease-revenue bonds are sold for each selected project. The lease-revenue bonds provide the necessary long-term financing mechanism to repay all state interim financing for the selected jail construction projects up to that point.

Each project submitted for financing under this RFA and conditionally awarded by the CSA, must comply with specific project milestone requirements to assure the project moves forward in a timely fashion through the state processes. An application submittal by a county includes acknowledgement of the milestone requirements. If, after conditional award, a county is unable to perform to the project milestone expectations as detailed in this RFA, the project will be brought to the CSA Board for review and potential action regarding the county's conditional award status.

Accurate scope, cost and time estimates are needed before responding to the RFA. After receiving a conditional award notification, successful applicant counties must translate the proposed project into formal architectural plans and specifications that are submitted to and approved by the CSA and through the State capital outlay process. Counties must construct the jail facility to enable conformance with operational, fire and life safety, and physical plant standards as contained in Titles 15 and 24, California Code of Regulations (CCR). For planning purposes, please note that under this financing program construction should be complete within three years after the participating county begins construction.

The CSA 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 bids. Counties are solely responsible for the payment of higher than anticipated project costs. If counties receive project bids that are less than the estimated amount of state financing, or if they are able to complete the project at less than the amount of state financing, excess

financing allocations shall be returned to the state and may be redistributed and used for other projects.

EXECUTIVE STEERING COMMITTEE/CORRECTIONS STANDARDS AUTHORITY BOARD

The CSA has appointed an Executive Steering Committee (ESC) to guide this process; develop recommendations on elements of the RFA and project evaluation criteria; review and assess applications; and make conditional financing award recommendations to the CSA Board (see lists of CSA and ESC members). The ESC role is advisory to the CSA Board. The CSA Board makes certain preliminary policy and preliminary project financing decisions. The RFA timeline and process may be changed at any time by the CSA Board. Counties will be notified if changes or modifications occur. The CSA Board will have final determination of the ranking of the projects and will issue conditional financing decisions. The CSA Board may reject any or all proposals. After CSA's decision, CDCR must certify the project and the project must receive review and approvals through the State capital outlay process to determine whether the project may proceed in this financing program.

In order to maintain objectivity and impartiality, members of the ESC and the CSA Board request that applicants do not contact them about the applications at any time during this process. Any member of the ESC will abstain from participation in discussions or evaluations of applications submitted by their county of employment or in situations where they have an actual or potential conflict of interest.

Effective July 1, 2012 the CSA is abolished, and the Board of State and Community Corrections, as successor organization, will be responsible for continuing implementation of this jail construction financing program.

ELIGIBLE PROJECTS

Counties may apply for and receive state financing to build new or expand existing Type II, III and IV county adult detention facilities, as defined in Titles 15 and 24, CCR. (Type I jail facilities and temporary and court holding facilities projects are not eligible.)

Consistent with the legislative intent stated in Government Code Section 15820.914, all projects must include the addition of beds. Projects for deferred maintenance only, or renovation not resulting in added beds, are not eligible under this financing program. Renovation or deferred maintenance of existing facilities may be permissible if it promotes the long-term use of the facility and beds are added, is necessitated by the addition of beds, or provides rehabilitative program space to support the population to be served by the added beds.

While this RFA does allow for multiple projects within a county, each separate project must include added beds. Counties may build for needs meeting year 2018 projections (total beds when all Phase II projects are combined), and no further.

"Beds" mean CSA-rated beds that are dedicated to housing offenders in a jail 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 Titles 15 and 24, CCR (state standards for county detention facilities). Temporary holding cells, sobering cells and safety cells may be constructed under this program as needed, but are not considered as cells/rooms with beds.

For new construction that is physically attached to an existing facility, the lease-revenue bond financing mechanism 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. These improvements may qualify as necessary renovation. However, if the new addition is seismically separated from the existing facility, no upgrades to the existing facility are required.

Counties must ensure that construction plans also include all necessary ancillary space to enable the facility to comply with operational, fire and life safety, and physical plant standards as contained in Titles 15 and 24, CCR (e.g., dining, showers, recreation, medical exam rooms). Ancillary space included in the financed project must be reasonable and necessary for facility operations, including administrative space and rehabilitative program space.

LIMIT ON NUMBER OF PROJECTS AND FINANCING REQUESTS

Set-asides: Up to \$602,881,000 in Phase II state lease-revenue bond financing authority is currently available. This amount could increase should additional dollars become available during the RFA process. To ensure that large, medium and small counties each have the opportunity to share in the available funding, the current total has been divided as follows. Any of these set-aside amounts could increase should additional funds become available.

- Large county set-aside: \$300,000,000
- Medium county set-aside: \$200,000,000
- Small county set-aside: \$102,881,000

Multiple Projects: Counties may apply for multiple projects in this Phase II financing process, within the county cap amount (see below discussion regarding county caps). The ESC will review each of the county's projects for worthiness and may recommend any or all of them for state financing. Counties should not request financing for more projects than it intends to build if conditionally awarded. Each separate project requires a separate application. The total

applications submitted by a county will be considered the county's intent to construct all of the projects, and to do so within the project timeline requirements referenced in this RFA. However, each application must be able to stand on its own in terms of a budget that includes the requisite county contribution/match, added beds, project timeline that meets the requirements of this RFA process as specified, and all components of the required Application Form. Counties submitting multiple applications must submit a separate Board of Supervisors' resolution with each application, to include the requisite language pertinent to each project application. If, for some reason, a project/application is dependent upon another project/application, the county must clearly state so within each of the applications. Multiple projects with a dependency upon one another will need to be reviewed for compatibility with the lease-revenue bond financing. If a county intends to submit multiple applications or needs guidance on determining whether they need to submit multiple applications, please contact CSA staff well in advance of the application due date.

County Caps: Each county is held to a maximum county funding amount, or county cap, regardless of the number of projects involved. This total includes a county's current Phase I award amount that is being maintained (not relinquished) if applicable, plus the county's Phase II requested amount via this application process. As such, Phase I counties holding a current award and not relinquishing (see Relinquishing Phase I Awards in this section), may apply in Phase II for an additional award provided the county does not exceed the maximum county cap amount (Phases I and II combined). Maximum amounts (cap) per county are as follows:

- Large counties: \$100 million
- Medium counties: \$80 million
- Small counties: \$33 million

Maximum State Financing: The maximum amount of state financing that can be requested by individual counties per project/application is up to 90 percent of the total eligible project costs, as reflected in the Application Form (Section 2: Budget Summary). An exception to the contribution (match) requirement is made for small counties that request and receive a reduction of the county contribution amount and therefore may request up to 95 percent. Subject to these maximum state financing limits, the state has no overall limit on the total cost of an eligible county project, so long as the county demonstrates adequate local funding for the county contribution amount and other county costs related to the project, and commits to the on-going operation of the facility.

Small counties petitioning the CSA Board for a reduction in the ten percent county contribution requirement must reflect their request on the Application Form (Section 2: Budget Summary). In doing so the CSA Board is acknowledging the county's petition and accepting it, providing the county follows all terms and conditions as outlined in this RFA.

The following table displays each of the currently awarded Phase I counties and their award amounts.

PHASE I COUNTY AWARDS	
Amador	\$ 22,712,000
Calaveras	\$ 26,387,591
Madera	\$ 30,000,000
San Benito	\$ 15,053,000
San Joaquin	\$ 80,000,000
San Luis Obispo	\$ 25,125,630
Santa Barbara	\$ 56,295,000
Solano	\$ 61,545,000
Kern	\$100,000,000
San Bernardino	\$100,000,000
San Diego	\$100,000,000

The table below defines each county's size by category of small, medium or large.

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

FUNDING PREFERENCES

The 2011 Realignment Legislation Addressing Public Safety requires that funding preferences be given as follows:

1. To counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of CDCR in 2010; and
2. To counties that relinquish their Phase I conditional awards, provided that those counties agree to continue to assist the state in siting reentry facilities.

Preference #1: The CDCR 2010 admissions data shall be followed to determine where applicant counties rank within their respective set-aside (small, medium or large county), once it is determined the county's project(s) is worthy of funding. This rank order will be forwarded to the CSA Board as recommendations for conditional awards. (See the County Admissions to CDCR in 2010 data table at the end of this RFA.) This preference will be applied to each applicant county, unless the applicant is one of the below named counties in Preference #2 and is choosing to use the relinquishing preference (Preference #2).

Preference #2: This preference applies only to the counties of Amador, Kern, San Benito, San Joaquin, San Luis Obispo, Santa Barbara and Solano. This preference is optional, and any of these specifically named counties can choose whether to use this preference in their Phase II application. Phase I counties not specifically named in this paragraph are not eligible to relinquish their award, and are not eligible to receive this preference.

Any of the aforementioned counties that currently hold a Phase I conditional award and wish to relinquish their award while continuing to assist the state in siting reentry facilities, and reapply in this Phase II process, shall indicate so on the Application Form as required. Such counties will receive a hard preference for Phase II financing so long as all Phase II requirements are met. The hard preference shall mean that counties must:

- 1) complete the requirements for relinquishing the Phase I award;
- 2) complete the requirements for the Phase II application; and
- 3) have the Phase II project(s) deemed worthy by the ESC review process.

After those requirements are met, the CSA Board will take formal action to rescind the applicant county's Phase I award, anticipated to occur at the March 2012 CSA Board meeting, and acknowledge the county's funding preference to receive a Phase II award at a future date. It is anticipated the actual Phase II conditional award will occur after the legislative process to shift the financing authority is complete. This process involves the movement of the county's Phase I award amount, once relinquished by the county and then rescinded by the CSA Board, to the Phase II financing authority. While there is no guarantee of the Phase II conditional award from the CSA Board, this process as outlined represents the CSA Board's intention at this time related to meeting the legislated preference.

RELINQUISHING PHASE I AWARDS

This section applies only to the eligible counties of Amador, Kern, San Benito, San Joaquin, San Luis Obispo, Santa Barbara and Solano. All other counties may disregard this section.

In general, there are two options for currently awarded Phase I counties that choose to relinquish their Phase I award and seek a Phase II award, based on whether or not the county intends to seek Phase II funding preference for the relinquished award.

Option 1: Counties seeking the preference for relinquishing their Phase I award and reapplying in Phase II, must follow the process established within this RFA, and are subject to the following:

- a. Counties must continue to assist the state in siting state reentry facilities.
- b. Counties may change their project scope for their Phase II application.
- c. Counties cannot request a state dollar award amount that is greater than the Phase I award amount previously provided, but can request a lower state dollar amount.

Option 2: Counties NOT seeking the preference for relinquishing their Phase I award as previously described in #1 above, but choosing to relinquish their Phase I award and reapply in Phase II, must follow the process established within this RFA, and are subject to the following:

- a. Counties may discontinue their assist to the state to site a state reentry facility.
- b. Counties may request a greater dollar amount than what was previously awarded to the county in Phase I (but are still subject to the county cap amounts established in this RFA).
- c. Counties may change their project scope for their Phase II application(s).
- d. Counties that elect to relinquish their Phase I award under Option 2 will not receive the preference for relinquishing their Phase I award, and will be subject to competing with the other counties under the CDCR admissions preference only.

All Phase II applications, including all those from Phase I counties relinquishing a Phase I award, are subject to review by the ESC for a determination of worthiness. Any application not deemed worthy will not be recommended by the ESC to the CSA Board for a financing award.

Phase I counties that relinquish their Phase I award and reapply in Phase II under Option 1 or 2 as listed above, will know prior to the March 2012 (anticipated date) CSA Board meeting whether or not their Phase II project is being recommended for a Phase II award. Prior to the date of the March 2012 CSA Board meeting, a county can choose to withdraw its Phase II application by giving written notice to the CSA.

Phase I counties relinquishing their award will be required to clearly state such in a Board of Supervisors' resolution accompanying the county's application for Phase II financing, including whether or not the county is seeking preference based on the relinquishing Phase I awards criteria, as further detailed in the Application Form instructions.

A Phase I county relinquishing its award can potentially submit multiple applications in Phase II. This could include an application that would be afforded the relinquishing preference, and a second (or more) application that would be afforded the admissions preference. This is subject to the county cap limits that have been set for this process.

A Phase I county is not required to relinquish its Phase I award in order to apply for a Phase II award under the admissions preference. However, the county is still subject to the county cap limits that have been set for this process. (Example: A medium county that received a \$50 million award in Phase I, and is not relinquishing that award, may also apply for up to \$30 million in Phase II funding.) On a separate but related note, a Phase I county that does not wish to relinquish its Phase I award, and does not wish to participate in Phase II financing, is not required to do anything in this Phase II process.

STATE REIMBURSEMENT, COUNTY CONTRIBUTION (MATCHING FUNDS) AND OTHER COUNTY BORNE PROJECT COST REQUIREMENTS

Eligible Project Costs: The State has identified specific types of costs as eligible for state reimbursement or county contribution (matching funds) under this program, as detailed below. This section describes eligible project costs within each category of state reimbursement, cash (hard) county contribution and in-kind (soft) county contribution.

Distinction is made between on-site versus off-site construction costs. On-site is generally considered to include the detention facility and the area within a reasonable buffer zone surrounding the detention facility, security fence and parking lot. Spaces shall be sized to state standards, and all reasonable and necessary facility ancillary, administrative and program space may be included.

State Reimbursement: The State may reimburse counties for specified activities that occur after the project's first SPWB meeting, conditioned on successful establishment by the SPWB of the project's scope, cost and schedule, among other related steps. Project costs eligible for state financing may include:

1. Architectural programming and design (by consultants or contractors).
2. Construction management (for activities by consultants or contractors).
3. Building permit fees, sewer/utility use or unit fees, and/or building inspection fees.
4. On-site construction of the CSA-approved detention facility project, including site preparation.

5. Fixed equipment items; e.g., heating, ventilation, air conditioning, plumbing, lighting, communications, surveillance, security and life/safety equipment, etc., as necessary for the operation of the detention facility.
6. Fixed furnishings; e.g. built-in and permanently-affixed counters, tables, cabinets and seats, etc., as necessary for the operation of the detention facility.
7. Installation of fixed equipment and fixed furnishings as necessary for the operation of the detention facility.
8. Moveable equipment and moveable furnishings; e.g. mobile security equipment, computers, furniture, etc. (subject to State review and approval).

Activity related to any of the above listed items that occurs prior to the establishment of the project by the SPWB may be claimed as county cash contribution, but is not eligible for state reimbursement. Specific approvals by the SPWB are required relative to preliminary plans (design development drawings) and working drawings (construction documents). Projects that include architectural design as a state-reimbursed project cost for preliminary plans (which by State definition includes all activities leading up to and including preliminary plans), may not proceed with any of these activities until the project is established by the SPWB. Projects that include architectural design as a state reimbursed cost for working drawings may not proceed with working drawings until the SPWB has approved preliminary plans.

Examples of costs ineligible for state reimbursement include, but are not limited to: off-site costs such as access roads, power generation and utilities development; purchase, lease or rent of land; personnel or operational costs; public art; supplies; bonus payments; and debt service or interest charges. Note, however, that counties will be required to report all costs it will incur to complete the design and construction of the project, including costs related to ensuring project access and utility availability.

Costs to be attributed to state financing must be identified in the Phase II Application Form (Section 2: Budget Summary). The maximum amount of state financing that can be requested by individual counties is up to 90 percent of total eligible project cost (except for small counties that request a reduction of county contribution and therefore may request up to 95 percent state financing). This cannot exceed a maximum proposed state financing amount (Phases I and II combined) of \$100 million for large counties; \$80 million for medium counties; and \$33 million for small counties.

County Contribution (Matching Fund) Requirements: A minimum of 10 percent of the total eligible project costs is required as the county's contribution (with the exception of the stipulated difference for small counties), and must be identified in the Phase II Application Form (Section 2: Budget Summary). This local contribution may be any combination of cash and/or in-kind, subject to the following limitations:

Cash (Hard) Contribution: Cash contributions may be claimed for the services of consultants or contractors engaged to perform project related services, as well as construction-related eligible project costs. Eligible cash contribution expenditures only include costs of:

1. Items eligible for state financing as previously indicated.
2. Construction management (by consultants or contractors) prior to the establishment of the project by the SPWB.
3. Architectural programming and design (by consultants or contractors) prior to the establishment of the project by the SPWB.
4. Preparation costs for full or focused environmental reports (for activities by consultants or contractors).
5. Off-site costs, including access roads and utilities development, outside of a reasonable buffer zone surrounding the perimeter of the security fence, detention facility building and parking lot.
6. Public art.

Examples of ineligible costs for which cash contribution cannot be used include, but are not limited to: needs assessments, and construction management and administrative services provided by regular employees of the county work force.

In-Kind (Soft) Contribution: In-kind contribution may be claimed for project related costs for activities performed by staff or consultants. Eligible in-kind contribution only includes:

1. Audit of state interim or permanent financing at the conclusion of the project (staff salary/benefits of independent county auditor or services of contracted auditor).
2. Needs assessments (staff salary/benefits and/or consultant costs directly related to the project).
3. Site acquisition cost or current fair market land value supported by independent appraisal (on-site land only regardless of acquisition date). This can be claimed for on-site land cost/value for new facility construction, on-site land cost/value of a closed facility that will be renovated and reopened, or on-site land cost/value used for expansion of an existing facility. It cannot be claimed for land cost/value under an existing operational detention facility.
4. County administration (staff salary/benefits directly related to the project for activities after October 1, 2011).
5. Transition planning (staff salary/benefits and consultant activities directly related to the project for activities after October 1, 2011).
6. Real estate due diligence costs as billed to the county by the State.

Ineligible costs which may not be attributed to state reimbursement, cash or in-kind contribution requirements include, but are not limited to: those project costs that are determined by the CSA to be unreasonable or unnecessary; construction of other non-detention facility space such as courtrooms, department offices and county administrative complexes; detention facility personnel and operational costs and related costs of supplies; costs outside the scope of the CSA-approved project; travel and per diem costs; temporary holding or court holding facilities;

and jail facilities or portions thereof operated by jurisdictions other than the county.

Counties must pay for ineligible cost items with supplemental funds not included in the county contribution. Supplemental county funds to pay for ineligible cost items shall not be included in the Phase II Application Form. If applicants are unsure if an item is eligible as county contribution, please contact CSA staff before submitting an application. Any project costs that are ineligible for purposes of this application, but necessary for the beneficial use and occupancy of the jail facility, shall be funded by the county through other means, and in such timely manner, so as not to interrupt or delay the occupancy and use of the jail facility.

Total Eligible Project Cost: The total eligible project cost shall be a combination of eligible items as specified above that comprise the state share, county cash contribution and county in-kind contribution. The county will determine which eligible project components to include as part of the total project budget for purposes of this application. In the Application Form (Section 2: Budget Summary) the county shall provide a precise description of the exact project, or that portion or phase of a project, to be completed with the state share and the required county funds contribution.

Timing and Nature of State Financing, Local Contribution/Match and Other County Borne Project Costs: SPWB will not be able to establish the scope, cost and schedule of a project until a county demonstrates to the State's satisfaction that county funds for contribution (match) requirements, as well as other county borne project costs, will be available as necessary for the timely completion of the project. The State will only reimburse county costs attributable to identified eligible state project costs, and only after the start of construction, as approved by the State. Therefore, counties whose project budgets include architectural design or project/construction management to be reimbursed by the State will not be able to seek reimbursement from the State for those eligible costs until the county has received approval from the State to award a contract to the construction contractor, and issued a notice to proceed to the contractor. At that point the county can request reimbursement of eligible state financed project costs accumulated to date. If the county does not enter into a contract with a construction contractor to construct the project, the county will not be reimbursed for the accumulated project costs.

The State will not finance local contribution amounts. In addition, local contribution/matching funds and other county-borne project costs cannot be provided through any fund source that is incompatible with the SPWB's lease revenue bonds. Of particular concern is any use of local bonding authority which would use the project facility or its revenues as security for the local bonds. Any local financing mechanism or funding source may have restrictions, terms or conditions that govern the use of funds, security, fiscal and disclosure obligations associated with that fund source.

Local Fund Source Review: To ensure the county proposed fund source(s) is/are compatible with SPWB lease-revenue bonds, the State will analyze the specifics of the local fund source(s). To facilitate this review, counties will be required to provide information on the source of funds being used for cash contribution/match and other county borne project costs that are outside of what the county details in the Application Form budget. This submittal of local fund sources for state review will be required shortly after the county is conditionally awarded by the CSA Board.

APPLICATION DUE DATE AND SUBMITTAL REQUIREMENTS

This is a two-step application process. All applicant counties must complete both steps within the required timeframes.

Step 1: Counties must complete the Interest Statement with the required signatures of the Sheriff/Director of County Department of Corrections, and the County Administrative Officer, and submit to CSA by 5:00 pm on October 21, 2011. CSA is not responsible for Interest Statements not received by this deadline, and late receipt of Interest Statements will not be accepted. Counties are strongly encouraged to submit early enough to allow for potential electronic or mail service delays. Only one Interest Statement per county is needed, regardless of the number of projects a county intends to submit. This Interest Statement submittal can be made by email, fax, in-person or mail service delivery. (See the Interest Statement form for further delivery information.) The Interest Statement does not require formal county action for the State's purposes, nor does this submittal need to be accompanied by a resolution. This submittal formally documents the county's interest in completing the application process. While this step does not represent a binding commitment by the county to complete the process, it is intended as a step in the process for only those counties that are sincere in their intent to complete the process if/when invited to do so.

From the Interest Statements that are received by October 21, 2011, a specified number will be chosen to complete the second step in the application process. The legislated preferences will be used to determine a county-by-county order, and once the number of interested counties within each set-aside is known, a specific number of applications will be requested from the top-ordered counties within each set-aside. Notice to these counties is anticipated to occur on or about October 26, 2011. The purpose of Step 1 is to limit the number of applications submitted to CSA in Step 2, avoiding an unnecessary expenditure of resources by counties that are not likely to be funded due to their standing among the other counties in the ranking within the legislated preferences for funding. It is possible, should additional financing authority become available during this process, that additional counties may be invited to submit applications.

Step 2: The application must be made utilizing the *2011 Local Jail Construction Financing Program – AB 900 Phase II Application Form*, including any exhibits and/or attachments, complete with signature from a designated county official, along with the application narrative (to be attached as described later in this RFA). Additionally, all applications must include:

- The original signed application (marked as such) and 14 copies of the application. Each application shall be clipped (not stapled); three-hole punched on the left side and two-hole punched at the top; and without covers, tabs or dividers. Each application shall be assembled so as to be easily photo-copied if needed.
- A fully executed Board of Supervisors' resolution (as described in this RFA) must accompany the application addressing all required points. Only one resolution is required per application and it may be a photo copy.
- One copy of a formal needs assessment study per county applicant (as described later in this RFA) must also accompany the application submittal, unless a county is proposing to add less than 25 beds.

Project applications must be received at the CSA office, 600 Bercut Drive, Sacramento, CA 95811 no later than 5:00 PM on January 11, 2012. Late applications will not be considered. A time-stamped copy of each application's first page will be available at the CSA front desk on/or before January 11, 2012.

All applications received under this program will be: 1) reviewed by CSA staff for technical compliance with CSA application submittal requirements (with opportunity given to counties to correct technical compliance deficiencies noted by staff before applications are sent to the ESC for review); 2) reviewed by the ESC to determine project worthiness, including cost effectiveness; and 3) rank-ordered by the ESC following the preference criteria, with conditional award recommendations provided to the CSA Board. The CSA Board may accept, reject, or change any ESC recommendations before providing its conditional awards and recommendations to the SPWB.

CSA staff's review of the technical compliance requirements will include, but may not be limited to, verifying the following:

- project eligibility (county jail Type II, III or IV facility);
- state reimbursement requested is within county cap limits;
- state reimbursement requested does not exceed 90 percent of total project costs (unless proposal indicates a match reduction petition from a small county);
- cost and budget summaries and bed number computations are free of mathematical errors;
- project timetable conforms to required timeframes for specific milestone activities;
- application form is in original format, signed, and each section is addressed;
- font size, number of narrative pages and spacing format is consistent with requirements;
- Board of Supervisors' resolution contains necessary components; and,

- a formal needs assessment study is submitted with the proposal if 25 beds or more are being added.

During the ESC application review process, applicants may be required to be interviewed by the ESC on February 15 - 16, 2012. The interview will provide the ESC with the opportunity to ask questions and seek clarification from counties on their proposed project(s) in order to determine project worthiness. Interviews shall be attended by county officials who will be responsible for the information that is discussed with the ESC. A county's hired consultants may be in attendance to assist the county as needed.

TECHNICAL REQUIREMENTS REVIEW OF DRAFT APPLICATION

It is anticipated that CSA staff will be available to provide a limited technical review of the draft applications anytime up to two weeks before the submittal deadline to determine if the draft application complies with the technical requirements. Draft application reviews are not required. Reviews are informal in nature, non-binding and limited to staff assessment of compliance with state requirements. Staff can make no judgment as to the merit of draft applications or how applications will be evaluated by reviewers.

FORMAL APPLICATION REVIEW PROCESS

Upon receipt of the required Interest Statement to CSA from all interested counties by the October 21, 2011 deadline, specified counties will be invited to submit a formal application. Following the CSA staff technical review period in which counties are given the opportunity to correct technical deficiencies noted by CSA staff, the applications will then be forwarded to the ESC for their review.

The ESC will review each application for its worthiness, based on the county's overall justification of the need for, and reasonableness of, the scope of the proposed project (including proposed budget). The factors included in the application document to which each applicant county is requested to respond, will be used to make the assessment of worthiness. Each ESC member will determine the worthiness of a given project (pass/fail). During the ESC application review process, applicants may be required to be interviewed by the ESC on February 15 - 16, 2012. The interview will provide the ESC with the opportunity to ask questions and seek clarification from counties on their proposed project(s) in order to determine project worthiness. Projects determined worthy will be forwarded to the CSA Board for funding recommendation in the order they appear within the separate and distinct funding preferences – 1) CDCR admissions and 2) relinquishing a Phase I award.

GENERAL CONSIDERATIONS

Needs Assessment Study/Letter of Intent: One copy of a formal needs assessment study, containing all required data elements as defined in Title 24, CCR, Section 13-102 (c) 2, must be submitted concurrent with the Application Form if a county proposes to construct a new facility, or add 25 or more beds to an existing facility. Proposals fitting this description that are submitted without a needs assessment study will be rejected. The needs assessment study must reflect current needs; this can be an update of a previous needs assessment study. The needs assessment study must support the project(s) being proposed through this RFA process. Adding fewer than 25 beds to existing facilities does not require a separate needs assessment study, but does require a comprehensive targeted summary of need to be provided in the application narrative (see Section 4 – B of the Application Form). Applications submitted to the CSA will be considered a Letter of Intent to build, expand or remodel a facility as required by Title 24, CCR, Section 13-102 (c) 1.

Site Assurance For Local Jail Facilities: Counties must possess a suitable project site (fee simple land title or comparable long term possession) and provide assurance by Board of Supervisors' resolution at the time an application is submitted, or not later than 90 days following the date of notification by CSA of the conditional award for financing. This means that any land purchase options must be exercised (and escrow closed) within 90 days following the notification of conditional award. The project site must be suitable for lease-revenue financing as determined by the SPWB from the results of the Real Estate Due Diligence review.

Real Estate Due Diligence: The State will conduct its own real estate due diligence review of a county's proposed project site. Counties awarded under this Phase II process must submit the completed due diligence package within 120 days from notice of award. This package includes, but is not limited to, all work related to establishing site ownership and title absent liens, encumbrances, property easements, etc.; and 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 bond financing and that no exceptions or limitations exist (either recorded or unrecorded) 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. An estimated average cost to counties is \$16,000.

(See CSA website for County Due Diligence Checklist: http://www.cdcr.ca.gov/CSA/CFC/AB900_Program.html.)

Environmental Requirements: For purposes of this financing program, counties are the lead agency for ensuring that the project complies with the necessary provisions of the California Environmental Quality Act (CEQA) process prior to the start of construction. Counties are expected to initiate the CEQA process no later than 90 days from notice of award. Counties must submit to the

CSA and CDCR sufficient information attesting to compliance with CEQA. This information includes: a copy of its final notice of determination, date stamped "Received – State Clearinghouse"; and certification from the county that the litigation period expired without suit.

Commitment to Staff and Operate the Facility: Counties must commit to staffing and operating the facility in accordance with state standards within 90 days of construction completion and agree to operate the facility at least until the state bonds are repaid.

Regional Jail Facilities: Counties desiring to construct a regional jail facility for the purpose of housing county inmates from multiple counties must submit one single application from the lead county in which the project is being constructed. The lead county's size determines the county cap amount that is the maximum amount of state financing the county can request, and also determines the county's standing as to funding preferences.

The application must include a county Board of Supervisors' resolution from each respective county in the partnership and a copy of a Memorandum of Understanding (MOU) between the partner counties. The agreement must clearly identify the terms, conditions, rights, responsibilities and financial obligations of all parties in sufficient detail that demonstrates that the regional facility will confine offenders from all partner counties.

Although the state will require partnering counties to enter into an MOU, the lead county will be considered the operator of the site/facility and will be the designated participant in the state financing program. All counties in a regional facility will potentially be subject to any and all requirements of the lead county, including but not limited to, state agreements and leases with CDCR pursuant to the lease-revenue bond process administered by the SPWB, with the obligation to perform and complete construction, and provide the required county contribution/match. The county under state/county agreements may enter into legal arrangements, as it deems appropriate, to ensure that its regional partners provide a portion of the cash to meet its county contribution requirements as outlined in the MOU. Notwithstanding any provision of any contract, agreement or MOU, the failure of any partner county to provide cash to the county under state/county agreements does not relieve the lead county under state/county agreements from its construction and county contribution performance obligations.

Pilot Projects: CSA does not grant “variances” to state regulations. However, “pilot projects” and “alternate means of compliance” (both defined in Titles 15 and 24, CCR), may be proposed if counties seek CSA approval to test a process that will meet or exceed the intent of a regulation in an innovative way. There is no guarantee that the CSA will approve any pilot project or alternate means of compliance request. If counties have any concerns about their ability to meet standards, or intend to request a pilot project or alternate means of compliance, please contact your county’s CSA-assigned facility inspector at the earliest possible time to discuss feasibility issues and options for proceeding before an application is submitted.

CORRECTIONS STANDARDS AUTHORITY CONSTRUCTION FINANCING PROGRAM

GENERAL OVERVIEW OF PROCESS AFTER NOTIFICATION OF CONDITIONAL AWARD FOR FINANCING

This section is intended to address general considerations for the time period following the notice from the CSA Board of a conditional award. The next section – State Capital Outlay/Corrections Standards Authority Process Details and Timing Requirements, provides a more detailed approach to the milestone requirements that counties will have to meet at various times throughout the financing process.

All construction proposed to be financed under this program must meet all of the requirements as identified in this RFA and enable facilities to: maintain compliance with safety and security considerations in facility operational standards as contained in Title 15, CCR; fire and life safety standards as contained in Title 24, CCR; and physical plant requirements, as contained in Title 24, CCR. If for any reason the proposed project is exempted from any state or local laws, regulations, ordinances, standards or requirements, counties must provide the CSA a statement citing the appropriate exemption.

In addition to customary CSA and State Fire Marshal (SFM) reviews and requirements, the SPWB exercises administrative oversight of the State capital outlay process, and these requirements play a significant role in the financing of these construction projects with respect to approval and long-term possession of the facilities. This is addressed in detail in the following State Capital Outlay/Corrections Standards Authority Process Details and Timing Requirements section.

CSA Staff: A designated CSA staff person will be assigned to each county/project after counties receive notice of conditional award. The assigned CSA staff is the primary point of contact for county officials and is responsible for addressing questions or coordinating state responses to issues. The CSA requires that county communication with the CSA staff be done by county designated officials, not county contractors or consultants.

Pre-Design Meeting: After a county receives notice of its conditional award to proceed in the state financing program, county officials and their architects are strongly encouraged to meet with CSA staff and SFM staff at the CSA offices in Sacramento for a pre-architectural design meeting in order to review CSA and SFM requirements and answer questions specific to the county's proposed project.

Architectural Plan Submittals and Acceptance: Counties including architectural costs as state financed may not proceed with the architectural process until after the project is established by the SPWB. Additionally, architectural fees intended to be state financed will not be reimbursed until the county begins construction of the facility. If the county does not begin construction of the facility, the architectural fees will not be reimbursed.

Sets of full-size (at least 1/8" scale) architectural drawings must be submitted to the CSA for review at three sequential stages: 1) two sets at schematic design (30 percent complete and accompanied by an operational program statement as defined in Title 24, CCR); 2) three sets at design development (50 percent complete and accompanied by a preliminary staffing plan and operational and staffing cost statement); and 3) three sets at construction documents (100 percent complete). This sequential submittal process is reflective of the design-bid-build construction delivery method. CSA staff will work with counties to accommodate the design-build process as may be applicable.

At each submittal stage, CSA and SFM staff (separate state agencies) conduct independent architectural plan reviews for safety, security and compliance with regulations. Counties are encouraged to meet with CSA and/or SFM staff for an on-site review meeting following each plan submittal. At each submittal stage, written responses are sent to the county, usually within 45 days.

Sometimes counties may be required to make design changes necessary to comply with regulations or to remedy safety or security defects. The CSA may also require changes in construction materials to enhance facility safety and security if materials proposed at the time of the final construction plans and specifications are not reasonable and customary (as used statewide) for facilities of the same security level.

The schematic design submittal (with operational program statement) is the first formal, official review point of construction plans. Any response to general or conceptual inquiries before schematic design and program statement submittal and review does not constitute formal plan review or official acceptance by the CSA or SFM.

Specific to the State capital outlay process, CDCR and SPWB staff will review preliminary plans (design development) and working drawings (construction documents) for consistency with the SPWB's previously approved project scope and cost. (Again, there are differences with the design-build process submittals.) Preliminary plans are defined as 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. Working drawings are defined as 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. Any CDCR or SPWB concerns will be relayed to the counties by CSA staff.

Note that if the project budget includes any state reimbursements for architectural activities leading up to and including preliminary plans, the county may not commence these activities until after the SPWB establishes the scope, cost, and schedule for the project. If the county commences state-reimbursed activities leading up to and/or including preliminary plans before this SPWB action, the county would not receive any reimbursement from the State for any portion of preliminary plan activities. Also note that if the project budget includes any state reimbursements for working drawings, the SPWB must approve preliminary plans before the county can commence work on working drawings. In the case of the project budget including state reimbursements for working drawing activities, and should the county commence any working drawings before obtaining SPWB preliminary plan approval, the entire state portion of the project would be forfeited and the state would not reimburse any county project costs.

Project Bids: Note that the State capital outlay process requires State approval of working drawings and proceeding to bid as well as the bid award. All bid awards must be within the SPWB established scope, cost and schedule for the project.

State/County Relationship Regarding Construction: The State's relationship with the county is in the form of the agreements stipulated in the State Capital Outlay/Corrections Standards Authority Process Details and Timing Requirements section. The county's relationship with its construction contractor is in the form of a county Agreement for Construction contract. As such, the State is not contracting for facility construction. 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. These same principals apply to project/construction management or architectural contracts.

Payment and Performance Bonding and Cost Scheduling: A county that receives state financing shall require its 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. Contingency is limited to 10 percent of the accepted contract bid amount. If applicable, in all requests for payment, the contractor shall separately list work not eligible for payment with state dollars and county contribution funds, and the county construction administrator shall identify such work for the contractor.

Payment of Eligible State Share: Payment will be made to counties in arrears (reimbursement) based on invoices/progress reports submitted to CSA on a pre-determined basis. Counties may choose monthly, bi-monthly (every two months) or quarterly invoicing and reimbursement. This means counties will pay their respective contractors first and then submit reimbursement requests to CSA. (With

regards to retention being withheld by a county from its contractor's payment, in accordance with the Public Contract Code, the State will reimburse the county for the county's payments made to a third party escrow account for this retention purpose.) These invoices to CSA are processed 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 to 60 days. As such, counties should plan for needed cash flow to support the project given the reimbursement basis. Also, at such time as 95% of the state funds have been expended, the state will withhold the remaining 5% as security to be released to counties upon compliance with all state/county agreement provisions including: final construction inspection and approval by appropriate state and local officials; staffing and operating the facility within 90 days of construction completion; and state receipt and approval of the final audit report.

Accounting and Audit Requirements: Adequate supporting documentation must be maintained in accordance with generally accepted accounting principles (see *Accounting Standards and Procedures for Counties*, State Controller's Office, 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 an audit of the project within 90 days following conclusion of the construction. The audit must be performed under the direction of a certified public accountant or a county internal auditor that is organizationally independent from the county's project financial officer and project management and accounting functions. The audit is to be performed in accordance with *Government Auditing Standards* (the "Yellow Book"), as promulgated by the Comptroller General of the United States and the contract requirements of the State. 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, and if needed, plans for corrective action. Two copies of the final audit report, including management letters and corrective action plans (if applicable) must be filed with the CSA. The State may disallow (that is, deny both use of state financing and any applicable county contribution 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 various state financing agreements.

CORRECTIONS STANDARDS AUTHORITY CONSTRUCTION FINANCING PROGRAM

STATE CAPITAL OUTLAY/CORRECTIONS STANDARDS AUTHORITY PROCESS DETAILS AND TIMING REQUIREMENTS

The SPWB is the principal state entity responsible for the oversight of most capital outlay projects undertaken by the State of California. The SPWB is empowered to issue lease-revenue bonds to finance and refinance the acquisition and construction of public buildings which have been authorized by the State Legislature. The Legislature authorized the SPWB to issue lease-revenue bonds for these county jail construction projects. This section outlines the State capital outlay process and SPWB's oversight of this process, as well as CSA specific requirements at various stages.

Since all of the state-financed jail projects will go through the State capital outlay process, counties are encouraged to be familiar with the AB 900 and SB 81 Local County Projects, Capital Outlay and State Public Works Guidelines. This document is designed to provide counties an understanding of the tasks necessary to proceed through the State's capital outlay process.

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 CSA and/or CDCR staff at various times throughout the duration of the project.

The AB 900 and SB 81 Local County Projects, Capital Outlay and State Public Works Guidelines and the above mentioned agreements are available via CSA's website at http://www.cdcr.ca.gov/CSA/CFC/AB900_Program.html.

PROJECT SCOPE

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 would be the distance between the financed facility and other buildings on the site or security fencing from the property line. This guideline 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 have to 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 jail facility 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.

Counties will be required to incorporate state seismic and fire and life safety requirements into the scope of their projects. For projects remodeling an existing facility, the existing facility 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 and licensed structural engineers. If new construction is adding on to an existing facility, the existing facility is not required to be upgraded for fire and life safety or seismic standards if the new construction is seismically separate from the existing facility.

PROJECT TIMELINE

Throughout the project, counties will be required to submit various documents to CSA and CDCR for processing and approval through the CSA, CDCR and SPWB. Counties should build into their Project Timetable (Section 3 of the Application Form) adequate time for all of these activities and reviews to occur. The following table contains information from the AB 900 and SB 81 Local County Projects, Capital Outlay and State Public Works Guidelines. This table is an attempt to provide counties with an overview of the activities and approximate timeframes required for a design-bid-build project. These timeframes include the review and approval processes required of the various state agencies, melding typical CSA activities with those of CDCR and SPWB. (For design-build projects, CSA staff will work individually with counties to provide timeline information.)

All timeframes in the right-hand Approximate Duration column reflect the time it takes from start to finish, are approximate and will vary based upon the circumstances of each county’s unique project. The timeframes provided are predicated on the State receiving required information from counties in a timely and complete manner and assumes that all activities within a Task are occurring simultaneously.

Due to many variables, an approximate timeframe was not provided for the completion of the California Environmental Quality Act (CEQA) process and the real estate due diligence process. However, due diligence must be completed by Task 1 (establishment of project scope, schedule and cost by SPWB) and CEQA must be completed by Task 2 (approval of preliminary plans).

Of importance to this Phase II process is the requirement for counties to meet specific milestones within certain timeframes, an indication that the project is on a schedule for consistently moving forward from the time of conditional award by the CSA Board (anticipated being March 8, 2012). These specific milestones and related timeframe requirements are noted within the table under the Activity heading.

Note for counties seeking the relinquishing Phase I award preference:

This paragraph applies only to the eligible counties of Amador, Kern, San Benito, San Joaquin, San Luis Obispo, Santa Barbara and Solano, and only if these counties are specifically seeking the relinquishing preference in Phase II. All other counties may disregard this notation. It is not known with any certainty what the lapse in time will be from when a county's Phase I award is rescinded by the CSA Board (following the county's formal relinquishing of the Phase I award and submittal of a Phase II application), and the point when the legislative process will be complete in moving the Phase I award amount to the Phase II authority, and the CSA Board subsequently issues a Phase II award to the county. Therefore, counties that are seeking the preference for relinquishing a Phase I award in this Phase II process may add up to four months in the timetable calculation to project the point when the CSA Board notifies the county of the conditional award for project financing.

PROJECT TIMELINE – DESIGN-BID-BUILD

ACTIVITY	APPROXIMATE DURATION
Project Start-Up – Notices and Activities	4 months
CSA notifies county of conditional award for project financing.	
County to submit real estate due diligence package within 120 days of award.	
County to begin CEQA process within 90 days of award.	
County to submit site assurance to CSA within 90 days of award.	
Task 1: SPWB Meeting – Project establishment (scope, cost and schedule) (to be completed within 12 months of award)	4 months
Statement describing status of CEQA & status of any litigation.	
Due diligence approval letter from DGS.	
Project Scope.	
Project Schedule.	
Detailed Cost Estimate by Phase.	
Cash Match Approval.	
In-kind Match Approval.	
County signs Certification of Matching Funds.	
County signs PDCA and CSA Agreement.	
CSA Plan Review Submittal (within 18 months of award)	CSA/SFM 6 weeks
County submits schematic design drawings & specifications to CSA/SFM (with operational program statement for CSA only).	
CSA Plan Review Submittal	CSA/SFM 6 weeks
County submits design development drawings & specifications/preliminary plans to CSA/SFM (with staffing plan & operational and staffing cost statement for CSA only).	
Task 2 SPWB Meeting – Preliminary Plan Approval (occurs after CSA/SFM review)	1 month
CDCR to review Project Scope.	
Detailed Cost Estimate by Phase.	
CDCR to review Project Schedule.	
Preliminary plan (design development) estimate.	
Documentation that CEQA is complete.	
Preliminary plans (design development).	

Task 3: SPWB Meeting – Consent to Ground Lease / Right Of Entry	2 months
Meeting with DOF, SPWB Counsel, CSA, DGS & county scheduled.	
CDCR to review Project Scope.	
Detailed Cost Estimate by Phase.	
CDCR to review Project Schedule.	
CDCR will certify that the County has satisfied all of the requirements set forth in statute for the financing of the project.	
County signs Consent to Ground Lease/Right of Entry/Easement Agreement.	
CSA Plan Review Submittal	CSA/SFM 6 weeks
County submits construction document drawings & specifications (working drawings), to CSA/SFM for plan check/review and approval.	
Task 4: Pooled Money Investment Board – Loan Request	4 months
Twelve month cash flow projection.	
Task 5: Finance Action to Approve Working Drawings and Proceed to Bid	6 weeks
Scope of Bid Package.	
Working Drawings Estimate Reconciliation.	
Project Milestone Schedule.	
CDCR to review Project Scope.	
CDCR to review Project Schedule.	
Detailed Cost Estimate by Phase.	
Working drawings & specifications.	
Task 6: Finance Action to Award Construction Contract	5 weeks
Detailed Cost by Phase.	
Bid Tabulations.	
Project Schedule.	
Board of Supervisors approval.	

AGREEMENTS

This section provides a framework of details for the various agreements necessary involving county and state entities for the jail construction project. These overviews 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. Depending on the types of applications and other unknowns, other individual, county specific agreements may be necessary. Forms of these agreements can be found at the CSA's website: http://www.cdcr.ca.gov/CSA/CFC/AB900_Program.html.

1. Project Delivery and Construction Agreement

Parties: SPWB, CDCR, CSA and County

Purpose: Provides the necessary framework, agreements, covenants and obligations of the parties in order for SPWB to sell lease-revenue bonds (Bonds) to finance the construction of the jail facility.

Consideration: County's minimum 10 percent match (unless County qualifies for lower match) of the total project in exchange for the State's reimbursement of up to 90 percent of the total project cost, conditioned on requirements of the Project Delivery and Construction Agreement (PDCA) and the CSA Agreement being met by County.

Terms: Authorized by Government Code section 15820.917, the PDCA will be entered into when the scope, cost, and schedule of the project is established at the SPWB and terminates at completion of construction unless terminated earlier in accordance with its terms.

- The terms of the PDCA are driven largely by statutes, and the requirements necessary for SPWB to issue Bonds; the terms and conditions are designed to support lease revenue financing and, as such, do not lend themselves to a lot of negotiation.
- The jail project is subject to the approval and administrative oversight of the SPWB.
- CDCR and CSA will act as liaison between the County and SPWB.
- The County agrees to indemnify and hold harmless the State of California for any all claims and losses arising out of any breach by County of the PDCA, the operation, maintenance, use and occupancy of the jail facility, and the actions of county's contractors and subcontractors.
- County is obligated and assures State parties it will adhere to the terms of the PDCA, as well as the county's own procurement, bidding and construction laws, regulations and procedures with regards to the construction of the jail facility.
- County agrees to be the "agent" for CDCR and SPWB for purposes of acquiring, designing and constructing the jail facility.

2. CSA Agreement

Parties: CSA and County

Purpose: Sets forth the roles, responsibilities and performance expectations of the parties for the construction of the jail facility.

Consideration: County's minimum 10 percent match (unless County qualifies for lower match) of the total project in exchange for the State's reimbursement of up to 90 percent of the total project cost, conditioned on requirements of the PDCA and the CSA Agreement being met by County.

Terms: Authorized in Government Code subsections 15820.911 (c) and (d), the CSA Agreement is entered into concurrently with the PDCA and terminates at the completion of construction.

- The CSA Agreement details roles and responsibilities of the participating county and the CSA as it relates to the oversight of the Project.
- County agrees to indemnify and hold harmless the State of California for any and all claims and losses arising out of the acquisition, design or construction of the jail facility.
- County agrees to staff, maintain and operate the jail facility.
- The CSA Agreement describes county's match of total project cost, as well as its responsibility for construction cost overruns beyond the State's contribution and specifies the process and schedule for claiming state reimbursements.
- The CSA Agreement sets forth the County's reporting and scheduling requirements during the construction period.

3. Ground Lease

Parties: CDCR and County with the consent of the SPWB and approval of DGS

Purpose: To place possession and control of the real property upon which the jail facility will be constructed with CDCR.

Consideration: Facilitates the State financing of a jail facility to be operated and maintained by County.

Terms: The Ground Lease will be entered into after the County has entered into the PDCA and only after the County has certified the site pursuant to Government Code section 15820.916(b)(1) and the SPWB has determined the site is adequate for purposes of financing in accordance with Government Code section 15820.911(a). These certifications will be based upon thorough research of both recorded and

unrecorded interests in the property. The Ground Lease terminates only after all Bonds are paid.

- The Ground Lease must be adequate to support lease-revenue financing; by virtue of these limitations, the Ground Lease does not lend itself to much negotiation.
- Attached to the Ground Lease will be a metes and bounds legal description of the site and a simple diagram of the site, both with surveyor stamps or equivalent.
- The Ground Lease will be recorded.
- The site should not be encumbered by any liens or debt.
- Damages for default are limited to specific performance or money damages.
- The Ground Lease cannot be terminated as long as the Bonds are outstanding, even in the event of default.
- After all Bonds are paid, the Ground Lease will terminate.

4. Right of Entry for Construction and Operation

Parties: CDCR and County with consent of the SPWB and approval of DGS.

Purpose: Authorizes County and their contractors to use the site that has been leased to CDCR via the Ground Lease for construction related activities, as well as allowing the County to operate the facility if construction is completed prior to the sale of Bonds.

Consideration: Facilitates the County's construction of the SPWB financed jail facility.

Terms: The Right of Entry for Construction and Operation will be entered into concurrently with the Ground Lease. It will terminate when the Facility Sublease is entered into (when Bonds are sold).

- County agrees to indemnify and hold harmless the State of California for any and all claims and losses arising out of the construction of the jail facility.
- This is a standard document for Bond financing and does not lend itself to negotiation.

5. Site Lease

Parties: CDCR and SPWB

Purpose: Transfers control and possession of the jail facility site from CDCR to SPWB on which the financed jail facility is to be located (the "Site").

Consideration: CDCR provides the Site in order to enable the SPWB to issue its Bonds to finance the jail facility. In addition, the Site Lease provides for nominal monetary consideration.

Terms: The Site Lease is entered into when the Bonds are issued by the SPWB as part of a bond sale; the timing of the bond sale is determined by the SPWB in consultation with the California State Treasurer as agent of sale for the bonds. The timing of the sale is largely driven by federal tax law considerations. The Site Lease expires when all of the Bonds issued to finance the jail facility have been paid.

- This is a standard financing lease and not subject to negotiation.

6. Facility Lease

Parties: SPWB and CDCR

Purpose: The SPWB leases the Site and the project back to CDCR for the term of the Bonds and, subject to availability of use and occupancy, the CDCR agrees to pay rent and other related obligations.

Consideration: Rent is paid in exchange for the right to use and occupy the jail facility.

Terms: The lease term runs as long as the Bonds issued for the jail facility are outstanding but not to exceed 35 years.

- The Facility Lease is entered into when the Bonds are issued by the SPWB; the timing of the bond sale is determined by the SPWB in consultation with the California State Treasurer and is largely driven by federal tax law considerations.
- Subject to the availability of the jail facility for occupancy, CDCR has the right to occupy and use it and in return agrees to pay rent. The SPWB has the right to enter and inspect the jail facility subject to customary security procedures.
- CDCR promises it will not abandon the jail facility.
- CDCR has the obligation to maintain (both ordinary and extraordinary) the jail facility during the term of the Facility Lease (including the costs of ordinary wear and tear) and arrange for the payment of all utilities.
- CDCR may make additions, betterments or improvements to the jail facility in a manner that will not result in abatement of rental.
- CDCR is obligated to maintain property casualty insurance and rental interruption insurance.
- CDCR agrees to annually provide the SPWB and the State Treasurer updated information about private activity use within the jail facility and agrees to cooperate and provide continuing disclosure information per the Continuing Disclosure Agreement.
- CDCR promises not to use or permit the use of the jail facility in any manner which would cause the bonds to be “private activity bonds”

within the meaning of Section 141 of the Internal Revenue Code of 1986.

- CDCR promises to obtain the consent of the SPWB to any assignment, subletting or transfer of its interest in the Facility Lease or any part thereof.
- In the event of breach by CDCR that goes uncured, the SPWB may evict CDCR and relet the jail facility.
- At the expiration of the Facility Lease (when all Bonds are paid), the property and improvements secured by the Facility Lease vest with CDCR. Concurrent with the termination of the Facility Lease, the Ground Lease will also terminate and the property and improvements thereon vest with the County. CDCR will record any documentation necessary or desired to clarify the status of title.

7. Facility Sublease

Parties: CDCR and County with the consent of the SPWB

Purpose: CDCR subleases the jail facility to the County for its use, operation and maintenance.

Consideration: Benefit to the State's public safety by addressing overcrowding and realignment under AB 109 (2011).

Terms: The Facility Sublease is entered into at the same time as, and with a term running concurrently with, the Facility Lease. Subject to the terms of the Facility Sublease, the County may use and occupy the jail facility.

- The Facility Sublease is subject to and subordinate to the Facility Lease.
- County promises it will not abandon the jail facility.
- County has the obligation to maintain (both ordinary and extraordinary) the jail facility during the term of the Facility Sublease (including the costs of ordinary wear and tear) and arrange for the payment of all utilities and applicable taxes or assessments. County must annually submit to SPWB and CDCR proof of its approved budget detailing the allocation of funds to maintain and operate the jail facility.
- Subject to the availability of the jail facility for occupancy, CDCR continues to pay rent under the Facility Lease.
- County may make additions, betterments or improvements to the jail facility in a manner that will not result in abatement of rental.
- CDCR will maintain the insurance policies required under the Facility Lease. County will maintain commercial general liability insurance and other insurance required by the SPWB or maintain an acceptable self-insurance program and provide proof of insurance to the SPWB and CDCR annually.

- County agrees to indemnify and hold the State harmless for any and all claims and losses accruing, resulting from or arising out of the County's use and occupancy of the jail facility.
- County agrees not to encumber the jail facility or otherwise subordinate its interest in the jail facility under the Facility Sublease.
- County agrees to annually provide CDCR, SPWB and the State Treasurer information about private activity use within the jail facility and agrees to cooperate and provide continuing disclosure information per the Continuing Disclosure Agreement.
- County promises not to use or permit the use of the jail facility in any manner which would cause the SPWB Bonds to be "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986.
- County promises to obtain the consent of the SPWB and CDCR to any assignment, subletting or transfer of its interest in the Facility Sublease or any part thereof.
- In the event of breach by County that goes uncured, CDCR may evict County and together with the SPWB may relet the jail facility.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FINANCING PROGRAM**

GENERAL DEFINITIONS

“Adult detention facility” means a Type II, III, or IV county detention facility as defined in Title 24, CCR.

“Beds” mean CSA-rated beds that are dedicated to housing offenders in a jail 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 Titles 15 and 24, CCR (state standards for county detention facilities).

“Cash (hard) match” means the county’s cash contributed to the project by the applicant for eligible expenditures as identified in the Request for Applications and as listed in the Project Delivery and Construction Agreement and the CSA Agreement.

“Construction” means the building of the CSA-approved project by the successful bidder/contractor. Construction generally begins with site preparation/excavation and ends with the completion of the project and acceptance by the county.

“Construction bidding” means the county receiving and accepting a bid to complete the project.

“Construction documents” means architectural plans and specifications that are 100 percent complete and generally include: completed specifications, with bid proposal documents; completed construction drawings; and special interest items (corrections, modifications or additions made to the documents). This term correlates with the SPWB term; see also – “working drawings.”

“Construction management” means a specialized, multidisciplinary 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. Construction management is an eligible project cost for state financing.

“Contribution,” in the context of this application, means, 1) the county’s cash dedicated to the project (cash match) by the applicant for eligible expenditures as identified in the Request for Applications and as listed in the Project Delivery and Construction Agreement and the CSA Agreement and 2) the value of personnel, land or services dedicated to the project (in-kind match) by the applicant for

eligible expenditures as identified in the Request for Applications and as listed in the Project Delivery and Construction Agreement and the CSA Agreement.

“County Construction Administrator” is the county official designated by the Board of Supervisors to oversee construction and administer the project agreements with the state.

“Design development” means architectural plans and specifications that are 50 percent 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. This term correlates with the SPWB term; see also – “preliminary plans.”

“Financial plan” means arrangements by the county to fund its portion of the project cost, including reserves for cash flow during the construction period.

“In-kind (soft) match” means the value of personnel, land or services contributed to the project by the applicant for eligible expenditures as identified in the Request for Applications and as listed in the Project Delivery and Construction Agreement and the CSA Agreement.

“Maximum security bed space” generally means those areas of a detention facility that are designed with multiple layers of security barriers and constructed for the housing of high security/high risk offenders. Maximum security housing usually holds offenders in single cells/rooms, but may involve double occupancy cells/rooms in certain situations. County security definitions vary and applicants should defer to county policy in categorizing bed space.

“Medium security bed space” generally means those areas of a detention facility designed with a single building security barrier that may be supplemented by an outside grounds perimeter security system monitored by facility staff. Medium security housing generally holds offenders in double or multiple occupancy cell/rooms or dormitories. County security definitions vary and applicants should defer to county policy in categorizing bed space.

“Minimum security bed space” generally means those areas of a detention facility with the lowest level of security barriers. Minimum security housing usually holds lower-risk offenders, typically in dormitory settings, and may or may not have a grounds perimeter security system monitored by facility staff. County security definitions vary and applicants should defer to county policy in categorizing bed space.

“Occupancy” means the placement and continued housing of offenders in a staffed and operational detention facility.

“Off-site” means outside of a reasonable buffer zone surrounding the perimeter of the security fence, detention facility and parking lot. Off-site costs (e.g., access roads, utilities development, etc.) are eligible as cash or in-kind contribution.

“Operating cost analysis” means a 30-year analysis of anticipated operating costs (e.g. staff salary/benefits, transition team costs, utilities and maintenance) and the identification of, and revenue sources for, sufficient county funds needed to support the operation of the proposed facility. The operating cost analysis must be submitted for CSA review with the design development plans and specifications. Following CSA’s review, the county shall submit the operating cost analysis to the Board of Supervisors for review and approval.

“Operational program statement” means a description of the intended operation of a local jail. The operational program statement must be submitted for CSA review and acceptance with the schematic design drawings and specifications.

“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

“Project Financial Officer” is the county official designated by the Board of Supervisors to be responsible for all financial and accounting related project activities.

“Project Contact Person” is the county official designated by the Board of Supervisors to be responsible for project coordination and day-to-day liaison work with CSA.

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

“Special use beds” means beds for the purpose of appropriately housing offenders in medical, mental health or disciplinary rooms, cells or units that are planned and designed in conformity to the standards and requirements contained in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231.

“Staffing plan” means an assessment and identification of staffing levels needed to operate the proposed project. The staffing plan shall include: staffing requirements under the proposed design capacity and shift and post identification of staff for the proposed facility, delineated by custody and support staff. The staffing plan must be submitted for CSA review with the design development plans and specifications. Upon CSA’s determination that the staffing plan

complies with regulations, the county shall submit the staffing plan to the Board of Supervisors for review and approval.

“Supplant” means the use of state funds and/or cash match to replace funds otherwise dedicated or appropriated for construction activities.

“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.

COUNTY ADMISSIONS TO CDCR IN 2010

	RANK WITHIN COUNTY SIZE CATEGORY	COUNTY	ADMISSIONS TO CDCR 2010 (TOTAL FELONS)	NUMBER OF ADMISSIONS RANK
LARGE COUNTIES, POPULATION 700,001+	1	LOS ANGELES	19,025	1
	2	SAN BERNARDINO	5,800	2
	3	SAN DIEGO	3,945	3
	4	RIVERSIDE	3,550	4
	5	ORANGE	3,513	5
	6	KERN	2,296	6
	7	SACRAMENTO	2,130	7
	8	SANTA CLARA	1,815	8
	9	FRESNO	1,727	9
	10	ALAMEDA	1,194	10
	11	VENTURA	737	14
	12	SAN MATEO	577	19
	13	SAN FRANCISCO	569	20
	14	CONTRA COSTA	455	23
MEDIUM COUNTIES, POPULATION 200,001 to 700,000	1	SAN JOAQUIN	1,098	11
	2	STANISLAUS	993	12
	3	TULARE	933	13
	4	SANTA BARBARA	676	15
	5	SOLANO	647	16
	6	MONTEREY	641	18
	7	BUTTE	500	22
	8	YOLO	438	24
	9	SONOMA	422	25
	10	PLACER	370	26
	11	MERCED	369	27
	12	SAN LUIS OBISPO	325	28
	13	SANTA CRUZ	164	36
	14	MARIN	115	40
SMALL COUNTIES, POPULATION Up to 200,000	1	KINGS	644	17
	2	SHASTA	511	21
	3	HUMBOLDT	301	29
	4	SUTTER	213	30
	5	TEHAMA	206	31
	6	MADERA	201	32
	7	IMPERIAL	193	33
	8	YUBA	182	34
	9	EL DORADO	179	35
	10	NAPA	162	37
	11	LAKE	148	38
	12	MENDOCINO	120	39
	13	AMADOR	87	41
	14	SAN BENITO	79	42
	15	SISKIYOU	74	43
	16	LASSEN	57	44
	17	TUOLUMNE	54	45
	18	GLENN	51	46
	19	CALAVERAS	43	47
	20	NEVADA	38	48
	21	COLUSA	36	49
	22	DEL NORTE	32	50
	23	MARIPOSA	28	51
	24	PLUMAS	25	52
	25	INYO	21	53
	26	TRINITY	15	54
	27	MONO	7	55
	28	MODOC	6	56
	29	ALPINE	4	57
	30	SIERRA	2	58