

California Department of Corrections and Rehabilitation

Corrections Standards Authority

REQUEST FOR PROPOSALS

**CONSTRUCTION, EXPANSION OR
RENOVATION OF LOCAL YOUTHFUL
OFFENDER REHABILITATIVE
FACILITIES**



Issued: July 15, 2008

Proposals Due: January 6, 2009 at 5:00 pm

Arnold Schwarzenegger, Governor

Corrections Standards Authority

600 Bercut Drive

Sacramento, CA 95811

Voice: (916) 445-5073 Fax: (916) 445-5796

Web: http://www.cdcr.ca.gov/Divisions_Boards/CSA/

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

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

CORRECTIONS STANDARDS AUTHORITY
Members

Scott Kernan

Chief Deputy Secretary, Adult Operations

Bernard Warner

Chief Deputy Secretary, Juvenile Justice

David Bacigalupo

El Paso de Robles Youth Correctional Facility

Robert Hernandez

Richard J. Donovan Correctional Facility

Ed Prieto

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

Gary S. Penrod

Sheriff (jail with RC of over 200 inmates)
County of San Bernardino

William Powers

County Supervisor
County of Plumas

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 Siskiyou

John Ingrassia

Administrator, Local Detention Facility
San Diego County Sheriff's Department

Dr. Mimi H. Silbert

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

Collene Campbell

Public Member

Carol Biondi

Public Member

Pamala M. Gilyard

Rank and File Representative, Juvenile Probation
Officer
Sacramento County Probation Department

Cleotha Adams

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

Max L. Scott

Representative, Community-Based Youth Service
Organization/Boys Republic

Steve Marshall

Rank and File Representative, State Parole Officer

Travis Townsy

Rank and File Representative, State Adult Correctional
Facility

Staff

C. Scott Harris, Jr., Executive Director

Corrections Planning & Programs
Division
Marlon Yarber, Deputy Director

Standards & Training for
Corrections Division
Debbie Rives, Deputy Director

Facilities Standards & Operations
Division
Gary Wion, Deputy Director (A)

County Facilities Construction
Division
Robert Takeshta, Deputy Director

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

**EXECUTIVE STEERING COMMITTEE MEMBERS
YOUTHFUL OFFENDER REHABILITATIVE FACILITY CONSTRUCTION
FUNDING**

Linda Penner, Chair

Board Member, Corrections Standards
Authority
Chief Probation Officer, Fresno County

Adele Arnold, Co-chair

Board Member, Corrections Standards
Authority
Chief Probation Officer, Siskiyou County

Carol Biondi, Co-chair

Board Member, Corrections Standards
Authority

Kim Barrett

Chief Probation Officer, San Luis Obispo
County

Colleene Preciado

Chief Probation Officer, Orange County

John Roberts

Chief Probation Officer, Kern County

Doug Carver

Chief Probation Officer, Nevada County

Perry Reniff

Sheriff, Butte County

Tom Bosenko

Sheriff, Shasta County

Mike Nelson

Merced County Board of Supervisors

Tom Mitchell

Mendocino County Administrative Officer

Sue Burrell

Staff Attorney, Youth Law Center

Scott Crane

Youth Member, State Advisory Committee on
Juvenile Justice and Delinquency

Don Kingdon, Ph.D.

California Mental Health Directors
Association, Deputy Director/ Small County
Liaison

Geoff Henderson

Senior Program Director, Phoenix House
Orange County

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

The purpose of this Request for Proposals (RFP) is to distribute funding to counties from the 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program (as authorized by certain provisions of Senate Bill 81, Chapter 175, Statutes of 2007). This program provides up to \$100 million in state funded lease-revenue bond financing for construction, expansion or renovation of county juvenile facilities in California.

This RFP package includes (in order of appearance):

- Timeline of Key Events
- Bidders' Conference Registration
- Request for Proposals Detail
- Proposal Evaluation Factors
- Requirements After Notification of Intent to Award
- State Public Works Board/Corrections Standards Authority Processes and Requirements
- General Definitions
- Construction Project Flow Chart
- Proposal Form (in separate document)

Corrections Standards Authority Staff Contact Information

Prior to developing and submitting a proposal, applicants should carefully review the entire RFP package. Applicants are encouraged to access the [CSA website](#) for helpful information related to Frequently Asked Questions, standards and construction issues. Questions regarding the RFP may be directed to CSA staff. See staff contact information below, along with assignment of counties in an alphabetical grouping for the purpose of addressing questions regarding this RFP.

Counties	Field Representatives	Contact Information	
Alameda – Los Angeles	Leslie Heller	Leslie.Heller@cdcr.ca.gov	(916) 323-8618
Madera – San Joaquin	Charlene Aboytes	Charlene.Aboytes@cdcr.ca.gov	(916) 324-1914
San Luis Obispo – Yuba	Melinda Ciarabellini	Melinda.Ciarabellini@cdcr.ca.gov	(916) 445-9435
Deputy Director Bob Takeshta		Bob.Takeshta@cdcr.ca.gov	(916) 322-8346

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

**TIMELINE OF KEY EVENTS
YOUTHFUL OFFENDER REHABILITATIVE FACILITY PROJECTS**

November 8, 2007	CSA Board appoints Executive Steering Committee (ESC) Chair/Co-Chairs
December 13, 2007	CSA Board approves member composition of ESC
February 11, 2008	CSA Board teleconference meeting to approve additional ESC members
February 19, 2008	ESC meeting to develop elements of Request for Proposals (RFP) and proposal evaluation criteria
March 20, 2008	CSA Board approved release of draft RFP
March 25 – April 8, 2008	Draft RFP sent to ESC, CDCR – Legal, State Public Works Board, Governor’s Office and Attorney General’s Office for review and comment
June 9, 2008	ESC meeting to discuss RFP revisions
June 11, 2008	Draft RFP sent to field for review
June 23, 2008	Draft RFP feedback session with interested counties, stakeholders and ESC in Sacramento
June 25, 2008	ESC teleconference to discuss RFP revisions
July 10, 2008	CSA Board meeting to take action on final RFP
July 17, 2008	CSA issues final RFP
August 6, 2008	Bidders’ conference in Sacramento
January 6, 2009	Proposals due to CSA office by 5:00 PM
January 6 – 27, 2009	Staff completes technical requirements review of proposals. Counties are given opportunity to correct technical deficiencies
January 28, 2009	Raters training
January 29 – February 23, 2009	ESC reviews the proposals and makes preliminary ratings
February 24 & 25, 2009	Scheduled county presentations on proposals to ESC (Sacramento). ESC makes final rating and ranks proposals for funding recommendations
March 2, 2009	Staff finalizes ESC recommendation package; ESC recommendations mailed to counties and CSA
March 2009	ESC recommendations presented to CSA for funding action/intent to make a conditional award at a CSA regularly scheduled meeting
TBD	Briefing on state requirements for counties who have received notice of conditional award (Sacramento)

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

**BIDDERS' CONFERENCE REGISTRATION
YOUTHFUL OFFENDER REHABILITATIVE FACILITY PROJECTS**

A bidders' conference will be held in Sacramento at the Sacramento Police Training Facility, 570 Bercut Drive, Suite "C" on August 6, 2008 from 1:00 PM to 4:00 PM. The intent of the bidders' conference is to provide counties and other interested parties with the opportunity to ask questions regarding the RFP, and receive clarification on the RFP process. Attendance is optional. Following the conference, questions and answers from the session will be posted on the CSA website.

Pre-registration for the conference is requested. Please submit the completed registration form by July 30, 2008.

The registration form is available on-line on the CSA website, accessible through the following link:

[CSA Construction Funding Program Bidders' Conference Registration Form](#)

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

REQUEST FOR PROPOSALS DETAIL

SUMMARY

On August 24, 2007, the Local Youthful Offender Rehabilitative Facility Construction Funding Program became law (as authorized by certain provisions of Senate Bill 81, Chapter 175, Statutes of 2007). Among its provisions, the State Public Works Board (SPWB) and the California Department of Corrections and Rehabilitation (CDCR) are authorized to enter into agreements with participating counties for acquisition, design and construction (or expansion or renovation) of county juvenile facilities which are built and operated pursuant to the regulations established by the Corrections Standards Authority (CSA). As defined in Titles 15 and 24, California Code of Regulations (CCR), these facilities include county juvenile halls, juvenile homes, ranches or camps, forestry camps, regional youth education facilities, boot camps and special purpose juvenile halls.

Up to \$100 million total is authorized by the legislation for county youthful offender rehabilitative facility construction, expansion or renovation projects. All projects shall be approved by the CSA as concurred by the SPWB. There is a June 30, 2017 deadline for funding pursuant to Senate Bill (SB) 81.

The purpose of this funding program is to support the rehabilitation of youthful offenders at the local level. As such, pursuant to the legislative intent of SB 81, rehabilitation must be a core component of the operational philosophy of the facility subject to construction, expansion or renovation. These state funds can only be used for facility construction, expansion and renovation related costs. Within this context, the counties have flexibility to define the project scope to meet local rehabilitative needs. These needs may include, but are not limited to, construction, expansion and/or renovation of an existing facility or building to include programming or treatment space; expanding an existing facility to meet population demands; and building a new facility. These state funds cannot be used for the operational costs of facilities or programs; these costs are solely the responsibility of the counties.

Counties with a general population equal to or greater than 200,000 must commit to providing a minimum of 25 percent of the total project costs as matching funds. Counties with a general population of less than 200,000 may petition the CSA Board for a lower matching fund requirement.

This RFP is being issued for the State of California by the CSA, an entity within CDCR. **Completed project proposals must be received at the CSA office in**

Sacramento no later than 5:00 PM on January 6, 2009. Project proposals received after that date and time will not be considered.

County youthful offender rehabilitative facility funds will be administered 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 ownership interest of the juvenile facilities constructed, expanded or renovated with lease-revenue bonds subject to the bonds being sold and paid off (approximately 25 - 35 years). The SPWB will lease the juvenile facilities to CDCR, which will in turn sublease the juvenile facilities to the participating county for their use and operation in the care, custody and rehabilitative programming of county juvenile offenders during the period of bond indebtedness. Once the bonds are paid in full, the facility ownership will then vest with the participating county.

Counties that receive notice of a conditional award are responsible for the site acquisition; 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 CDCR/participating county agreements. Some, but not all, of these costs may be included as part of a county's local match requirement (see Funding section). Counties have the performance obligation to successfully complete the construction, expansion or renovation project (i.e., proposed scope including the number of beds to be added, if applicable; within agreed upon timelines; built to code and standards; and within budget). Counties are also responsible to fully staff and operate the facility within 90 days after construction completion.

It is anticipated that counties selected for funding through this RFP process will be issued a conditional Intent to Award by the CSA at its March 2009 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 and the SPWB at various stages throughout planning and construction, as defined in this RFP; 2) each selected county enters into the state/county agreements as required; and, 3) lease-revenue bonds are sold for each selected project. The lease-revenue bonds provide the necessary funding mechanism to repay all state debt in interim financing for the selected youthful offender rehabilitative facility construction, expansion or renovation projects up to that point. Counties are not responsible for debt service or rent payments to the state.

Accurate scope, cost and time estimations are needed before responding to the RFP. After receiving a conditional award notification, successful applicant counties must translate the proposal into formal architectural plans and specifications that are submitted to and approved by the SPWB and CSA (see the State Public Works Board/Corrections Standards Authority Processes and Requirements section). Counties that proceed with architectural plans and specifications prior to SPWB approval of the project's scope, schedule and preliminary plans do so at their own risk. Please see the State Public Works Board/Corrections Standards Authority Processes and Requirements section of

this RFP. Counties must construct, expand or renovate the youthful offender rehabilitative facility to enable conformance with operational, fire and life safety, and physical plant standards as contained in Titles 15 and 24 CCR, even if the youthful offender rehabilitative program is not a traditional county juvenile facility such as a juvenile hall, camp or ranch.

For planning purposes, please note that the federal tax law requires that construction/expansion/renovation be substantially complete (approximately 90 percent) within three years after the participating county begins construction /expansion/renovation.

The CSA will not increase funding amounts after a conditional award notification, or approve a reduction in the proposed and accepted scope of work, if counties receive higher than expected construction bids. Counties are solely responsible for the payment of higher than anticipated project costs. If counties receive project bids that are less than the estimated amount of state funding, or if they are able to complete the project at less than the amount of state funding, excess funds will be redistributed and used for other projects.

ELIGIBLE PROJECTS

Consistent with the intentions of SB 81 and the criteria for this program, counties may apply for and receive these state funds to build new, or expand or renovate existing, county facilities. "County juvenile facility" means a county juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special purpose juvenile hall as defined in Titles 15 and 24, CCR. Construction funding may also be used for freestanding buildings (i.e., not in or adjacent to existing county facilities) so long as the county will be the owner and the buildings are designed and constructed to comply with applicable fire and life safety and physical plant standards as contained in Title 24 CCR. Thus, for example, construction funding may be used for non-secure or non-residential facilities, subject to the approval of the SPWB, for the purpose of a broad array of rehabilitative or treatment programs providing these facilities comply with applicable Title 15 regulations and the county has and maintains administrative oversight should the county choose to contract operational and program services to private providers. Counties may not build for future capacity needs beyond the year 2013.

For new facility projects, expansion of existing facilities, or renovation of existing buildings, counties must ensure that the construction plans 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., dayrooms, education classrooms, dining, showers, recreation, medical exam, visiting, attorney visitation, mental health conferences) as directed by the CSA. Ancillary space paid for, in whole or in part, with these state funds and/or county matching funds must be reasonable and necessary for facility operations, including administrative support space and rehabilitative program space.

Beds may be added under this program, but are not required to be added in order to receive state funding. As such, necessary renovation of existing facilities, addition of programming space or freestanding structures may be funded so long as the youthful offender rehabilitative facility will be able to operate in compliance with the operational, fire and life safety, and physical plant standards as contained in Titles 15 and 24, CCR.

For new construction or expansion that is physically attached to an existing facility or renovation of an existing facility or building, the SPWB requires that the scope of the proposed project include all work necessary for the existing facility to meet or exceed a seismic level 3 performance standard as evaluated and determined by qualified licensed structural engineers and meet current fire and life safety standards. These improvements would also qualify as necessary renovation under this program.

"Renovation" means major upgrading, enhancing, remodeling or reassigning of space with the primary objective to improve safety, security and functional use (including rehabilitative program use) and extend the useful life of the facility at least 35 years from the date of completion of the project.

Beds that may be constructed under this program are not limited to traditional county juvenile facility type beds. However, beds that are constructed under this funding program must be CSA-rated beds, and non-rated special use beds for medical and mental health purposes. This means that beds that are dedicated to housing local juvenile offenders for which a facility's single and double occupancy rooms or dormitories are planned and designed must be in conformance with the standards and requirements contained in Titles 15 and 24, CCR. Temporary holding rooms and safety rooms within the facility may be constructed under this program as needed, but are not considered as rooms with beds.

Applicants must state in the project proposal the number of beds that will be added by the project (if any); the number of beds that will be eliminated (if any) as a result of the project; and the net gain or loss in beds (if any; county-wide juvenile facility system) that will result after the project is completed. Applicants must also state if the proposed project will be used to replace an existing county juvenile facility.

Lease-revenue bonds cannot be used for construction, expansion or renovation of projects on property owned by a Federal agency.

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 RFP and proposal evaluation criteria; review and rate proposals; and make funding 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 all policy and funding decisions. The 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 to be awarded and will issue a letter of Intent to Award conditional funding to each of the selected counties. The CSA Board may reject any or all proposals. The projects that are given a conditional award will be required to be certified by CDCR, and then obtain final approval of funding eligibility (ability to sell lease-revenue bonds on the project) by the SPWB.

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

LIMIT ON NUMBER OF PROJECTS AND FUNDING REQUESTS

The state intends to provide conditional funding awards to as many meritorious projects as possible. Due to the limited amount of available state funding, each county is restricted to submitting one project proposal for one designated facility project. However, those counties that are partnering for a proposed regional facility project may also submit one separate project proposal for one county specific facility project if desired. In such instance, counties must indicate if their ability to proceed with the county specific project is in any way contingent upon or related to the proposed regional facility project.

To ensure that large, medium and small counties each have the opportunity to share in the available funding (see population chart below), the \$100 million has been divided as such: up to \$35 million has been set aside for large counties; up to \$35 million has been set aside for medium counties; and up to \$30 million has been set aside for small counties. There is no per project cap. The maximum amount of funds that can be requested by individual counties is up to 75 percent of total eligible project costs (except for small counties that request and receive a reduction of in-kind match and may request more than 75 percent), not to exceed the total amount of funds indicated above in each set-aside category.

For proposed regional facility projects, the size of the lead county determines the maximum amount of funds that can be requested for the entire project (i.e., a large or medium lead county may request up to \$35 million and a small lead county may request up to \$30 million).

Subject to the above noted maximum state funding 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 local match and ongoing operational costs of the facility.

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		Madera	Yolo
		Mariposa	Yuba
		Mendocino	

PROPOSAL DUE DATE AND TECHNICAL REQUIREMENTS REVIEW

The proposal must be made and formatted pursuant to the *2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program Proposal Form* including any exhibits and/or attachments, complete with signature from a designated county official, along with the proposal narrative to be attached as described in Section 4 of the Proposal Form. For complete submittal requirements, please see Section 6 of the Proposal Form.

Project proposals must be received at CSA offices, 600 Bercut Drive, Sacramento, CA 95811 no later than 5:00 PM on January 6, 2009. Late proposals will not be considered. A time-stamped copy of your first page will be available at the CSA front desk on/or before January 6, 2009. All proposals received under this program will be: 1) reviewed by CSA staff for technical compliance with CSA proposal submittal requirements (with opportunity given to counties to correct technical compliance deficiencies before proposals are sent to the ESC for review); 2) reviewed and rated by the ESC; and 3) ranked by the ESC with award recommendations provided to the CSA Board. The CSA Board may accept, reject, or change any ESC recommendations before providing its recommendations to the SPWB.

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

- project eligibility (proposed scope of work items for the county youthful offender rehabilitative facility)
- project timetable (including staffing and occupancy within 90 days of construction or renovation completion)

- state funds requested are within set-aside limits
- state funds requested do not exceed 75 percent of total eligible project costs (unless proposal indicates a match reduction petition)
- minimum match percentage requirements are met
- cost and budget summaries and net gain or loss in bed computations (if applicable), are free of mathematical errors
- line item budget descriptions are clear
- Proposal Form is in original format, signed, and each section is addressed, as applicable
- font size, number of narrative pages and spacing format is consistent with requirements
- Board of Supervisors' resolution contains necessary components
- a needs assessment study is submitted with the proposal, if applicable
- a match reduction petition is submitted, if applicable
- for regional facilities, a Memorandum of Understanding or Joint Powers Agreement is submitted

During the ESC proposal review process, each applicant will be invited to make a brief scheduled presentation of their proposal to the ESC in Sacramento on February 24-25, 2009. Although not required, this presentation period is intended to provide applicant counties with the opportunity to answer any questions the ESC may have about the proposed project. Presentations shall be done by county officials and not by consultants.

TECHNICAL REQUIREMENTS REVIEW OF DRAFT PROPOSAL

It is anticipated that CSA staff will be available to provide a limited technical review of the draft proposals anytime up to December 8, 2008 to determine if the draft proposal complies with the technical requirements. Draft proposals submitted after December 8, 2008 are not assured a timely review. Draft proposal 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 proposals or how proposals will be evaluated or ranked by reviewers.

GENERAL CONSIDERATIONS

Legal Matters: Some provisions of The Public Safety and Offender Rehabilitation Services Act of 2007 (AB 900), the act that authorizes the county jail facilities program, were challenged in Taxpayers for Improving Public Safety, et al. v. Arnold Schwarzenegger et al. (Sacramento County Superior Court, Case No. 07AS03613). ("TiPS lawsuit"). Among the challenged provisions of AB 900 are those that authorize the issuance of state lease-revenue bonds, which are the sole source of funding for the county jail facilities program, as well as for this county juvenile facilities program (SB 81). The trial court dismissed

the action; however, the plaintiffs have filed an appeal of that decision. The legal effect, if any, of an adverse decision in the TiPS lawsuit on the county juvenile facilities construction program (SB 81) is unknown.

"Green" Building is Encouraged: Sustainable or "green" building is the practice of designing, constructing, operating, maintaining, and removing buildings in ways that conserve natural resources and reduce their overall impact on the environment. Compliance is voluntary, but will be one factor considered in the evaluation of proposals when assessing proposed scope of work and project impact. For more information on green building, visit the [CSA website](#), as well as consider the information provided by the following sources:

[California's Integrated Waste Management Board](#)
[U.S. Green Building Council](#)
[Green California DGS](#)

Regional County Juvenile Facilities: Counties desiring to construct a regional youthful offender rehabilitative facility for the purpose of housing juvenile offenders from multiple counties must submit one single proposal from the lead county in which the project is being constructed. The proposal must include a county Board of Supervisors' resolution from the lead county and a copy of a Memorandum of Understanding (MOU) or Joint Powers Agreement (JPA) between the partner counties. The MOU or JPA must clearly identify the terms, conditions, rights, responsibilities and financial obligations of all parties in sufficient detail that demonstrates that the regional facility will provide dedicated housing to juvenile offenders from all partner counties. As such, to be considered as a regional facility for the purposes of this funding program, the MOU or JPA must demonstrate more than the use of vacant beds on a per diem, space available basis. If preliminary MOUs or JPAs are submitted with the proposal, final documents must be submitted within 90 days following the notification to the lead county of conditional Intent to Award state funds.

Although the state will require partnering counties to enter into an MOU or JPA, the lead county will be considered the operator of the site/facility and will be the designated recipient of these state funds with the obligation to perform and complete construction. 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 pursuant to the lease-revenue bond process administered by the SPWB. 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 cash to meet its match requirements as outlined in the MOU or JPA. Notwithstanding any provision of any contract, agreement, MOU or JPA, 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 match 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 a proposal is submitted.

Needs Assessment Study/Letter of Intent: One copy of a needs assessment study, containing all required data elements as defined in Title 24, CCR, Section 13-201 (c) 2 must be submitted concurrent with the funding Proposal Form and proposal narrative if a county proposes to construct a new juvenile facility or add beds to an existing facility.¹ 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. Projects only for renovation or program space do not require a separate needs assessment study, but do require a comprehensive documentation of need to be provided in the proposal narrative (see Section 4 – C of the Proposal Form). Proposals 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 13-201 (c) 1.

Site Assurance For County Juvenile 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 a proposal is submitted, or no later than 90 days following the date of notification by CSA of the Intent to Award conditional funding (expected to be made at the March 2009 CSA Board meeting). This means that any land purchase options must be exercised (and escrow closed) within 90 days following the notification of conditional Intent to Award. County land subject to this project must meet the approval of the SPWB.

Real Estate Due Diligence: The State will conduct its own real estate due diligence review of a county's proposed project site. This includes, but is not limited to, all work related to establishing site ownership and title absent liens, encumbrances, property easements, etc., ground/soil analysis, topography, hydrography, environmental impacts and other identified site related issues. This review will confirm that the county's property interest in the site is sufficient to support 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.

¹ For expansion of an existing facility, a targeted needs assessment may be submitted if a comprehensive needs assessment has been submitted and accepted by the CSA within five years. Please see Title 24, Part 1, Section 13-201(c)2 for further information.

Environmental Requirements: For purposes of this funding, counties are the lead or responsible agencies for ensuring that the project complies with the necessary provisions of the CEQA process prior to the start of any renovation or construction.

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 or renovation completion (when a notice of completion has been accepted by the county) and agree to operate the facility at least until the state bonds are repaid.

FUNDING

Eligible Project Costs: The state has identified specific types of costs as eligible for funding under this program. Eligible project costs consist of items identified in this RFP that may be paid for through these state funds and county matching funds and that are directly related to the proposed scope of work. Items not identified as eligible, known to be ineligible, or that are outside the proposed scope of work cannot be claimed for state dollar reimbursement or as county matching funds. Spaces shall be sized to state standards, and all reasonable and necessary facility ancillary, administrative and program space may be included.

State Funds: State funds can be used for construction activities that occur after the SPWB has approved the project's scope and cost and the CSA has approved the project's final architectural plans and specifications. Project costs eligible for these state funds are:

1. Construction/expansion/renovation of the CSA-approved youthful offender rehabilitative facility project, including site preparation.
2. On-site construction within a reasonable buffer zone surrounding the site boundary or security fence (if applicable) of the youthful offender rehabilitative facility and parking lot.
3. 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 youthful offender rehabilitative facility.
4. Fixed furnishings; e.g., built-in and permanently-affixed counters, tables, cabinets and seats, etc., as necessary for the operation of the youthful offender rehabilitative facility.
5. Installation of fixed equipment and fixed furnishings as necessary for the operation of the youthful offender rehabilitative facility.

Examples of ineligible costs for which these state funds cannot be used include, but are not limited to: construction or building of space for future capacity needs beyond the year 2013 (e.g., unused space or "shelled" space); purchase, lease or rent of land; personnel or operational costs; construction management; architectural programming/design; environmental

reports; soil and/or water contamination assessment/mitigation; excavation of burial sites; moveable furnishings and moveable equipment; public art; off-site costs such as access roads, power generation and utilities development; all costs attributable to county building permit fees and/or building code inspection fees; supplies; bonus payments and debt service or interest charges.

Costs to be attributed to these state funds must be identified on the funding Proposal Form. The maximum amount of funds that can be requested by individual counties is up to 75 percent of total eligible project cost, not to exceed a maximum proposed state funding amount of \$35 million for large counties; \$35 million for medium counties; and \$30 million for small counties (see previous population chart). Note: Small counties only may request a reduction of in-kind match (see In-Kind Match section on the next page) and in such instance the amount of state funds requested may exceed 75 percent of the total eligible project cost, not to exceed the state dollar amounts specified above. These state funds cannot be used to supplant (replace) funds otherwise dedicated or appropriated by counties for renovation or construction activities.

County Matching Funds: A minimum of 25 percent match of total eligible project costs is required. This local match may be a combination of cash match and in-kind match, subject to the following limitations:

- a. **Cash (Hard) Match:** Cash match must be identified in the proposal and must be at least 10 percent of total eligible project costs for large counties and at least 5 percent of total eligible project costs for medium and small counties (see previous population chart). Counties may provide an unlimited amount of cash match above the required minimum. Cash match cannot be used to supplant (replace) funds otherwise dedicated or appropriated by counties for construction activities. Cash match cannot be claimed for salaries/benefits of regular employees of the county workforce, but may be claimed for the services of consultants or contractors engaged to perform project related services as described below. Eligible cash match expenditures only include costs of:
 1. Items eligible for state funding as previously indicated.
 2. Architectural programming and design (by consultants or contractors).
 3. Preparation costs for full or focused environmental reports (for activities by consultants or contractors).
 4. Construction management (for activities by consultants or contractors).

Examples of ineligible costs for which cash match cannot be used include, but are not limited to: construction or building of space for future capacity needs beyond the year 2013 (e.g., unused space or “shelled” space); needs assessments; and construction management and administrative services provided by regular employees of the county work force.

- b. **In-Kind (Soft) Match:** In-kind match must be identified in the proposal. In-kind match cannot exceed 15 percent of total eligible project costs for large counties and cannot exceed 20 percent of total eligible project costs for medium and small counties (see previous population chart). In-kind match may be kept at the maximum allowable or reduced for each dollar that cash match is increased beyond the required minimum (see cash match above). In-kind match may be claimed for project related costs for activities performed by staff or consultants. Eligible in-kind match only includes:
1. Items eligible for state funding and cash match as previously indicated.
 2. Site acquisition cost or current fair market land value supported by independent appraisal by a licensed appraiser (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 county facility or other building or buildings, subject to the approval of SPWB 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 youthful offender rehabilitative facility.
 3. Audit of state funds at the conclusion of the project (staff salary/benefits of independent county auditor or services of contracted auditor).
 4. Needs assessments (staff salary/benefits and/or consultant costs directly related to the project).
 5. County administration (staff salary/benefits directly related to the project for activities after August 24, 2007).
 6. Transition planning (staff salary/benefits and consultant activities directly related to the project for activities after August 24, 2007).

The CSA Board may reduce in-kind match requirements for small counties with a general population below 200,000 upon petition by counties. Small counties intending to request CSA Board approval of a reduction of in-kind match must indicate this on the funding Proposal Form.

Costs which may not be attributed to local matching requirements include, but are not limited to, construction or building of space for future capacity needs beyond the year 2013 (e.g., unused space or “shelled” space); on-site costs such as moveable equipment and moveable furnishings or the construction of other non-facility space such as courtrooms, department offices and county administrative complexes. Off-site costs such as constructing access roads or utilities development are also not eligible, nor are construction items/activities outside of a reasonable buffer zone surrounding the perimeter of the site boundary or security fence (if applicable) of the youthful offender rehabilitative facility and parking lot.

Counties must pay for ineligible cost items with supplemental funds not included in county match. Supplemental county funds to pay for off-site and other ineligible cost items should not be included on the attached funding Proposal Form which applicants will use to schedule requested state funds, matching funds and total estimated eligible project costs. If applicants are unsure if an item is eligible as match, please contact CSA staff before submitting a proposal. Any project costs that are ineligible for purposes of this proposal, but necessary for the beneficial use and occupancy of the youthful offender rehabilitative facility (i.e., access roads), 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 youthful offender rehabilitative facility.

Timing and Nature of Local Match Requirements: As described in further detail below, the SPWB and CDCR cannot request a loan from the state Pooled Money Investment Board (PMIB) to initiate construction/renovation until a county demonstrates to the state's satisfaction that local matching requirements will be available as necessary for the timely completion of the project. State loan funding will only reimburse county costs attributable to identified eligible state project costs. State loan funding will not be provided to cover local match requirements during construction of the project. In addition, local matching funds cannot be provided through any local bonding authority which would use the project facility or its revenues as security for the local bonds. As any local financing mechanism will have varying terms and conditions that govern the security, fiscal and disclosure obligations associated with that financing, it is possible that those obligations may be incompatible with SPWB lease-revenue bonds. A SPWB financing cannot proceed if there is a prior superior security interest in all or part of the proposed facility. An analysis of the specifics of the local financing mechanism by the SPWB will determine if the local financing mechanism is compatible with SPWB lease-revenue bonds.

Total Eligible Project Cost: The total eligible project cost shall be a combination of eligible items as specified above that comprise state funds, cash match and in-kind match. The county may determine which eligible project components to include as part of the total project for purposes of this proposal. In the proposal, the county shall provide a precise description of the exact project, or that portion or phase of a project, to be completed with these state funds and the required county matching funds.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

PROPOSAL EVALUATION FACTORS

The evaluation factors to be used, one of which is computed, and the maximum points that will be allocated to each factor, are shown in the table below.

EVALUATION FACTOR	MAXIMUM POINTS
County's Approach to Rehabilitation of Juvenile Offenders	125
Project Need	175
Relationship Between Construction Plan and Rehabilitation of Juvenile Offenders	175
Detention Alternatives	125
Scope of Work and Project Impact	125
Administrative Work Plan	100
Cost Effectiveness/Budget Review	75
Overall Quality of Written Proposal	25
Cash Match	25
Regional Facility	50
TOTAL POINTS	1,000

Evaluation of the County's Approach to Rehabilitation of Juvenile Offenders, Project Need, Relationship Between Construction Plan and Rehabilitation of Juvenile Offenders, Detention Alternatives, Scope of Work and Project Impact, Administrative Work Plan, and Cost Effectiveness/Budget Review will be based on an assessment of the degree to which a proposal adequately addresses the minimum discussion points in a clear and comprehensive manner, and the extent to which overall statement of need is persuasive. (Information to be evaluated is provided in the Proposal Form – Section 4).

Overall Quality of Written Proposal will be based on an assessment of the degree to which a proposal is clear and easy to understand; is organized as required by the RFP; is comprehensive and includes all the required narrative elements and addresses all applicable criteria.

Evaluation of Cash Match will be based on a computed factor that is cash match as a percentage of the total state funds requested (i.e., cash match ÷ total state funds requested). (Note: This percentage will differ from the minimum percentage cash match required to be eligible for funding, which is computed by dividing cash match by total eligible project costs.) The specific point value to be assigned to specific percentages of cash match will be determined by the proposal raters during the proposal evaluation period when the full range of cash match percentages are known.

Regional Facility projects that are proposed will receive 50 rating points. To receive the points, one single proposal from the lead county must be submitted, accompanied by a county Board of Supervisors' resolution from the lead county and a Memorandum of Understanding (MOU) or Joint Powers Agreement (JPA) between all partner counties.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

REQUIREMENTS AFTER NOTIFICATION OF INTENT TO AWARD

All construction and renovation proposed to be funded under this program must meet all of the requirements as identified in this RFP 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 with a statement citing the appropriate exemption.

In addition to CSA and State Fire Marshal reviews and requirements, the SPWB administrative oversight process and requirements play a significant role in the funding of these projects with respect to approval and long-term possession of the facilities. This is addressed in detail in the following State Public Works Board/Corrections Standards Authority Processes and Requirements section.

CSA Staff: A designated CSA staff person will be assigned to each county/project after counties receive notice of Intent to Award conditional funding. 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 all county communication with the CSA staff be done by county designated officials, not county contractors or consultants, since the state's relationship is with the participating county and its designated project officials as identified in the Proposal Form and by the Board of Supervisors' project resolution.

Pre-Design Meeting: After conditional funding award notification, counties typically have architects begin development of formal drawings and construction plans. County officials and their architects are strongly encouraged to meet with CSA staff and State Fire Marshal staff at the CSA offices in Sacramento for a pre-architectural design meeting in order to review the state's requirements and answer any questions specific to the county's proposed project.

Architectural Plan Submittals and Acceptance: 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) five sets at design development (50 percent complete and accompanied by a preliminary staffing plan and operational and staffing cost statement); and 3) five sets at construction documents (100 percent complete).

At each submittal stage, CSA staff and State Fire Marshal staff (located at the CSA offices) conduct independent architectural plan reviews for safety, security and compliance with regulations. Counties are encouraged to meet with CSA and/or State Fire Marshal staff for an on-site review meeting following each plan submittal. At each submittal stage, written responses are sent to the county, usually within 30 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 type and security level.

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

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. Preliminary plans are defined as drawings through the design development phase. Working drawings are defined as drawings through the construction document phase. Any SPWB concerns will be relayed to the counties by CSA staff.

Project Bids: Regardless of the accepted bid amount, the county's state-accepted proposed scope of work at the time of funding award notification, and the state-accepted project as described in the construction documents, must be able to be completed with the original amount of conditionally awarded state funds.

State/County Relationship Regarding Construction: The state's relationship with the county is in the form of the agreements stipulated in the State Public Works Board/Corrections Standards Authority Processes and 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.

Payment and Performance Bonding and Cost Scheduling: Counties that receive state funds 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. Construction costs shall be scheduled

by Construction Specifications Institute (CSI) division. Contractor profit and inflation factors must be included within the CSI divisions. Contingency is limited to 10 percent of state funds. If applicable, in all requests for payment, the contractor shall separately list work not eligible for payment with these state funds and matching funds, and the county construction administrator shall identify such work for the contractor.

Payment of State Funds: Payment will be made to counties in arrears (reimbursement) based on invoices/progress reports submitted to CSA on a quarterly basis. This means counties will pay its construction contractor first and then submit reimbursement requests to CSA. These invoices are processed by CSA 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 three weeks. As such, counties should plan for needed cash flow to support the project on a quarterly reimbursement basis. Also, at such time as the balance of state funds reaches 20 percent, the state shall withhold this amount 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 fiscal 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 these state funds must perform a fiscal 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 *Generally Accepted Auditing Standards*, as promulgated by the American Institute of Certified Public Accountants, *Government Auditing Standards* (the "Yellow Book"), as promulgated by the Comptroller General of the United States and the 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 these state funds and any applicable matching credit for) all or part of the cost of the activity or action determined to be ineligible and not in compliance with the terms and conditions of the state funding agreement.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

**STATE PUBLIC WORKS BOARD/CORRECTIONS STANDARDS AUTHORITY
PROCESSES AND REQUIREMENTS**

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

PROJECT SCOPE

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

A fundamental concept in lease-revenue bond financing is the beneficial use and occupancy of the facility for its intended governmental purpose. The financed facility is identified, in part, through a metes and bounds legal description. Generally, in SPWB financings there is a 5 to 15 foot “buffer” that is part of the legal description of the proposed project. This would be the distance between the financed facility and other buildings on the site. This rule is unrelated to any building code requirement. This is a general rule 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 youthful offender rehabilitative 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.

PROJECT TIMELINES

Throughout the project, counties will be required to submit documents and plans to CSA for processing and approval through the CDCR and SPWB. This chart provides counties with an overview of activities, including review and approval processes required of the various state agencies, melding typical CSA activities with those of CDCR and SPWB. To the extent possible, counties should build into their project schedules (and proposal timetable) adequate time for these activities and reviews to occur. All timeframes are approximate and will vary based upon the circumstances of each county’s unique project. For activities that require SPWB approval, the SPWB meets monthly and agenda items must be submitted at least 20 calendar days in advance of the scheduled meeting.

ACTIVITY	APPROXIMATE TIMEFRAME FOR COMPLETION OF ACTIVITY IN ORDER OF OCCURRENCE
CSA notifies county of Intent to Award conditional project funds.	March 2009
County submits site assurance to CSA.	Within 90 days of notice of Intent to Award
Preparation of scope and cost documentation and preparation of the Project Delivery & Construction Agreement.	May be accomplished within the first six months
SPWB Meeting: Approval of the proposed project scope, cost and schedule, and authorization and approval of the Project Delivery & Construction Agreement.	May be accomplished within the first six months
County proceeds with CEQA and provides a copy of the determination to CSA.	May be accomplished within the first six months (CEQA complications may require longer duration)

The State will conduct an independent real estate due diligence review of the county's proposed site.	May be accomplished within the first six months (site complications may require longer duration)
The county submits schematic design drawings with an operational program statement to CSA/State Fire Marshal for plan check/review.	Response to review within 30 days upon submittal
The county submits design development drawings and specifications (preliminary plans), a preliminary staffing plan and operational and staffing cost statement, with documentation demonstrating commitment of local match funding and verification of cash flow availability when necessary.	Response to review within 30 days upon submittal
SPWB Meeting(s): Approval of preliminary plans. CSA/CDCR prepares a "Preliminary Plan Submittal" agenda item for the SPWB approval. The agenda item includes the results from the real estate due diligence process and CEQA compliance. CSA will verify to the SPWB that the county has demonstrated availability of local match requirements.	Occurs after CSA/SFM approval
The county proceeds with completing construction documents (working drawings).	
SPWB Meeting: Approval of Ground Lease and Right of Entry for Construction and site selection acknowledgement that the selected site is sufficient for financing.	
County submits construction document drawings (working drawings) and specifications for review and approval by CSA/CDCR, State Fire Marshal and SPWB staff.	Response to review within 30 days upon submittal
CDCR certifies to the SPWB that the county has satisfied all of the requirements set forth in Welfare and Institutions Code Section 1975(a).	
Department of Finance staff on behalf of the SPWB issues an approval to proceed to bid.	30 days for review and approval
SPWB Meeting: Authorize steps to be taken to seek an interim financing loan.	
The county submits to CSA an estimate of their cash flow projections, month to month, for a twelve month period. Cash flow projections must be submitted annually in order to renew the outstanding loan.	
SPWB staff reviews bid and approves the award to the successful bidder. The county issues a Notice to Proceed and construction begins.	2 weeks

County submits quarterly invoices and progress reports to CSA.	Quarterly
SPWB Meeting: Authorize issuance of lease-revenue bonds, approve and authorize execution of various related agreements including a <u>Site Lease</u>, <u>Facility Lease</u> and <u>Facility Sublease</u>. All leases are executed prior to, and as a condition of, close of bond sale.	

AGREEMENTS

This section provides a framework of details for the various agreements necessary involving county and state entities for the youthful offender rehabilitative facility construction/expansion/renovation 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 proposals and other unknowns (e.g. operation of a regional youthful offender rehabilitative facility), other individual, county specific agreements may be necessary.

1. Project Delivery and Construction Agreement

Parties: SPWB, CDCR, CSA and participating county

Purpose: Sets forth the roles, responsibilities and performance expectations of the parties for participation in and funding through the State's lease-revenue bond program for financing juvenile facilities.

Consideration: County's minimum 25 percent match (unless County qualifies for lower match) of the total project in exchange for the State's issuance of lease-revenue bonds for up to 75 percent of the total project cost, conditioned on eligibility requirements being satisfied.

Terms: The Project Delivery & Construction Agreement will be entered into when the County is selected as a participant (via the competitive RFP process initiated by CSA pursuant to the implementing regulations) and would terminate at construction completion of the youthful offender rehabilitative facility. This agreement is authorized in Welfare and Institutions Code Section 1971(c) and (d).

- The terms of the Project Delivery & Construction Agreement are driven largely by CSA regulations and covenants to facilitate obtaining an interim financing source and the issuance of lease-revenue bonds; the terms and conditions do not lend themselves to much negotiation.
- County agrees to be the "agent" for CDCR and SPWB for purposes of acquiring, designing and constructing the facility; the goals and expectations related to project delivery are detailed.
- The County's match of total project cost is described as well as its responsibility for construction cost overruns beyond the State's contribution. The State's project allocation is discussed but, is conditioned upon CDCR certification pursuant to Welfare and Institutions Code Section 1970; SPWB determination the site is adequate for purposes of financing and, the actual issuance of the lease-revenue bonds by the SPWB.

- Parties acknowledge the youthful offender rehabilitative facility project is subject to the approval and administrative oversight of the SPWB.
- County agrees to provide via the State's standard Ground Lease, a "clean" site to the CDCR, cooperate with CDCR and SPWB throughout the financing, and enter into a Facility Sublease with CDCR.
- County agrees to indemnify and hold harmless the State of California for any all claims and losses arising out of the acquisition, design or construction of the youthful offender rehabilitative facility.
- Consistent with its submittal of the County's proposal, County agrees to staff, maintain and operate the youthful offender rehabilitative facility and enter into an Operations and Maintenance Agreement with CDCR.
- Federal tax law use restrictions and annual disclosure commitment are discussed.
- Standard State of California contracting provisions to be included.
- Records retention and audit provisions apply as long as the bonds are outstanding plus a minimum of three years.

2. Ground Lease

Parties: participating county, CDCR with the consent of the SPWB

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

Consideration: Facilitation of the State's financing of a youthful offender rehabilitative facility to be operated and maintained by County with title to the facility vesting in the County after all lease-revenue bonds are paid.

Terms: The Ground Lease will be entered into after the County has entered into the Project Delivery and Construction Agreement and only after the County has certified the site pursuant to Welfare and Institutions Code Section 1975(b) (1) and the SPWB has determined the site is adequate for purposes of financing in accordance with Welfare and Institutions Code Section 1971(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 lease-revenue bonds are paid.

- The Ground Lease must be adequate to support lease-revenue financing and be in a form agreed to by the State Attorney General and SPWB; 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.
- The recommended term is for 50 years, in no event less than 35 years after construction completion.
- The lease term must be extended beyond the term to cover abatement periods due to abatement events.
- The Ground Lease must not be terminated as long as the lease-revenue bonds are outstanding, even in the event of default.
- Damages for default are limited to specific performance or money damages.
- After all lease-revenue bonds are paid, the Ground Lease will terminate and title to the youthful offender rehabilitative facility will vest in County.

3. Right of Entry for Construction

Parties: CDCR and participating county with consent of the SPWB

Purpose: Authorizes County and their contractors to use the site that has been leased to CDCR via the Ground Lease for construction related activities.

Consideration: Facilitation of the County's construction of the SPWB financed youthful offender rehabilitative facility.

Terms: The Right of Entry for Construction will be entered into concurrently with the Ground Lease. It will terminate when the construction is complete or until the Facility Sublease is entered into, whichever is earlier.

- 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 youthful offender rehabilitative facility.
- This is a fairly standard document and should not lend itself to negotiation.

4. Site Lease

Parties: CDCR and the SPWB

Purpose: An essential lease-revenue bond financing document that provides control and possession from CDCR to SPWB for the site on which the financed youthful offender rehabilitative facility is to be located (the "Site").

Consideration: CDCR provides the Site in order to enable the SPWB to issue its lease-revenue bonds to finance the youthful offender rehabilitative facility. In addition, the Site Lease provides for nominal monetary consideration.

Terms: Entered into when the lease-revenue bonds are issued by the SPWB as part of a bond sale; the bond sale date is selected by 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 lease-revenue bonds issued to finance the youthful offender rehabilitative facility have been paid.

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

5. Facility Lease

Parties: SPWB and CDCR

Purpose: Key to the financing – the SPWB leases the site and the project 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 youthful offender rehabilitative facility.

Terms: The lease term runs as long as the lease-revenue bonds issued for the youthful offender rehabilitative facility are outstanding but not to exceed 35 years.

- The Facility Lease is entered into when the lease-revenue bonds are issued by the SPWB; the bond sale date is determined by the California State Treasurer and is largely driven by federal tax law considerations.
- Subject to the availability of the youthful offender rehabilitative facility for occupancy, CDCR has the right to occupy and use it and in return agrees to rent. The SPWB has the right to enter and inspect the youthful offender rehabilitative facility subject to customary security procedures.
- CDCR promises it will not abandon the youthful offender rehabilitative facility.
- CDCR has the obligation to maintain (both ordinary and extraordinary) the youthful offender rehabilitative 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 youthful offender rehabilitative 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 youthful offender rehabilitative 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 youthful offender rehabilitative 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.
- 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 youthful offender rehabilitative 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.

6. Facility Sublease

Parties: CDCR, participating county with the consent of the SPWB

Purpose: To sublease the SPWB financed youthful offender rehabilitative facility to the County for its use, operation and maintenance.

Consideration: Benefit to the State’s public safety by addressing youthful offender rehabilitative facility conditions or overcrowding.

Terms: Entered into immediately after the Facility Lease is executed and recorded with a lease term running concurrently with the Facility Lease. Subject to the terms of the Facility Sublease, the County may use and occupy the youthful offender rehabilitative facility.

- The Facility Sublease is subject to and subordinate to the Facility Lease.
- County promises it will not abandon the youthful offender rehabilitative facility.
- County has the obligation to maintain (both ordinary and extraordinary) the youthful offender rehabilitative 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 & CDCR proof of its approved budget detailing the allocation of funds to maintain and operate the youthful offender rehabilitative facility.

- Subject to the availability of the youthful offender rehabilitative facility for occupancy, CDCR continues to pay rent under the Facility Lease.
- County may make additions, betterments or improvements to the youthful offender rehabilitative 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 & 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 youthful offender rehabilitative facility.
- County agrees not to encumber the youthful offender rehabilitative facility or otherwise subordinate its interest in the youthful offender rehabilitative facility under the Facility Sublease.
- County agrees to annually provide CDCR, SPWB and the State Treasurer information about private activity use within the youthful offender rehabilitative facility and agrees to cooperate and provide continuing disclosure information per the Continuing Disclosure Agreement.
- County promises not use or permit the use of the youthful offender rehabilitative 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 & CDCR prior 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 youthful offender rehabilitative facility.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

GENERAL DEFINITIONS

“Beds” (see CSA-rated beds).

“Camp” means a county juvenile camp, ranch, forestry camp or boot camp established in accordance with Section 881 of the Welfare and Institutions Code, to which minors made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.

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

“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 documents; and, special interest items (any corrections, modifications or additions made to the documents).

“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 and reduce risk through all phases of delivery of the construction project. Cash match can be claimed for construction management only by a firm or individual (contract or consultant) outside the regular county workforce. In-kind match can be claimed for construction management provided by regular employees of the county workforce.

“Construction Specifications Institute divisions” means a specific format of standardized numbers and titles for organizing construction bidding and contract requirements.

“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.

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

“County Juvenile Facility” means a county juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special purpose juvenile hall as defined in Titles 15 and 24, CCR.

“CSA-rated beds” means beds that are dedicated to housing offenders for which a facility's single and double occupancy rooms or dormitories were planned and designed in conformance with the standards and requirements contained in Titles 15 and 24, CCR.

“Design development” means architectural plans and specifications that are 50 percent complete and generally include: outline specifications (youthful offender rehabilitative facility 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.

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

“Fixed equipment and fixed furnishings” means those items that are built-in or otherwise permanently affixed.

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

“Juvenile Hall” means a county facility designed for the reception and temporary care of minors detained in accordance with the provisions contained in Titles 15 and 24, CCR.

“Maximum security bed space” generally means those areas of a juvenile 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 rooms, but may involve double occupancy 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 juvenile 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 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 juvenile 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.

“Net gain or loss in beds” means the number of beds (CSA-rated and special use) to be added (if any), minus the number of existing beds (CSA-rated and special use) to be eliminated in the county (if any) as a result of the project constructed through this funding program.

“Non-secure bed/program space” refers to areas in youthful offender rehabilitative facilities for juvenile offenders who do not require secure confinement, and may include space for non-residential programs and treatment.

“Occupancy” means the placement and continued housing of offenders in a fully staffed and operational youthful offender rehabilitative facility.

“Off-site” means outside of a reasonable buffer zone surrounding the perimeter of the site boundary or security fence (if applicable) of the youthful offender rehabilitative facility and parking lot. Off-site costs are not payable with these state funds and/or matching funds (e.g., access roads, utilities development, etc.).

“Operating and staffing cost statement” means an assessment and identification of costs (utilities, maintenance, staff salary/benefits, etc.) to operate the proposed project for its life cycle.

“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.

“Renovation” means major upgrading, enhancing, remodeling or reassigning of space with the primary objective to improve safety, security and functional use (including rehabilitative program use) and extend the useful life of the facility at least 35 years from the date of completion of the project.

“Regional facility” means a local youthful offender rehabilitative facility serving two or more counties bound together by a memorandum of understanding or a joint powers agreement identifying the terms, conditions, rights, responsibilities and financial obligations of all parties. Such documents must demonstrate that the facility will provide dedicated housing for juvenile offenders from all partner counties and be more than the use of vacant beds on a per diem, space available basis.

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

“Special use beds” means beds for the purpose of appropriately housing youthful offenders in medical or mental health rooms or units that are planned and designed in conformity to the standards and requirements contained in Titles 15 and 24, CCR.

“Staffing plan” means an assessment and identification of staffing levels needed to operate the proposed project. A staffing plan must be submitted for CSA review and acceptance no later than design development.

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

“Youthful offender rehabilitative facilities” are county-owned structures including non-secure bed/program space meeting applicable Title 15 and Title 24 regulations in which county-operated programs take place for the purpose of the rehabilitation of youthful offenders.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FUNDING PROGRAM**

TYPICAL CONSTRUCTION PROJECT FLOW CHART

Pre-Architectural	Schematic Design	Design Development	Construction Documents	Bidding	Construction	Close-Out
--------------------------	-------------------------	---------------------------	-------------------------------	----------------	---------------------	------------------

Examples of activities which occur at each phase are highlighted below:

Feasibility/Needs Studies	Schematic Design Plans and Specifications, with Operational Program Statement	Design Development Plans and Specifications, with Staffing Plan and Life-Cycle Cost Analysis	Construction Document Plans and Specifications	Open Bids	Quarterly Invoices and Progress Reports	Punch List Inspection
I.D. Potential Sites and Begin Assessing Environmental Impacts	Continue Environmental Work	Continue Environmental Work	Complete Environmental Impact Procedures	Bid Award	Transition Activities Continue	Final Inspection
Site Selection	Transition Activities	Transition Activities	Transition Activities	County Construction Contract with Contractor		Final Invoice and Progress Report
Formal Project Proposal	Continue	Continue	Continue	Transition Activities		Final Audit
Pre-transition Planning		Transition Activities		Continue		Occupancy
		Continue				Post-transition