

**TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 6
BOARD OF STATE AND COMMUNITY CORRECTIONS**

CONSTRUCTION FINANCING PROGRAM

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ARTICLE 1. GENERAL PROVISIONS

§1700. Purpose.

The purpose of these regulations is to implement and specify Chapters 3.11, 3.12, and 3.13, of Title 2, Division 3, Part 10b of the California Government Code.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.90, 15820.901, 15820.902, 15820.903, 15820.905, 15820.906, 15820.907, 15820.91, 15820.911, 15820.912, 15820.913, 15820.915, 15820.916, 15820.917, 15820.92, 15820.921, 15820.922, 15820.923, 15820.924, 15820.925, and 15820.926, Government Code.

§1706. Definitions.

The following words, where used in this subchapter, shall have the meaning hereafter ascribed to them in this article, unless the context of their use clearly requires a different meaning.

“Local Jail Construction Financing Program” means the requirements set forth in Chapters 3.11 and 3.12 of Title 2, Division 3, Part 10b of the California Government Code to finance the construction of local jails.

“Adult Local Criminal Justice Facilities Construction Financing Program” means the requirements set forth in Chapters 3.13 of Title 2, Division 3, Part 10b of the California Government Code to finance the construction of adult local criminal justice facilities.

“Adult local criminal justice facility” means a facility or portion thereof which may include any custodial housing, reentry, program, mental health, or treatment space necessary to manage the adult offender population.

“Administrative work plan” means a comprehensive plan for designing, performing and managing the proposed project.

“Applicant” means the participating county that is applying for financing through the Local Jail Construction Financing Program or the Adult Local Criminal Justice Facilities Construction Financing Program.

“Application” means the document prepared by a county, or two or more counties if a common application, by which a request is made to participate in Phase II of the Local Jail Construction Financing Program or the Adult Local Criminal Justice Facilities Construction Financing Program.

“Application assessment factors” means criterion by which applications will be assessed, as stipulated in Sections 1712.1, 1714.1, 1730.1, 1731, and 1740.1 of these regulations, for financing through Phase II of the Local Jail Construction Financing Program.

“Architectural drawings” means full-size architectural renderings that shall be prepared at least 1/8” scale.

“Assist the State in siting mental health day treatment and crisis care, and/or a continuum of care for parolees” means a Board of Supervisors’ resolution outlining the county’s intent to assist the State in siting mental health day treatment and crisis care, pursuant to Penal Code Section 3073, and/or a continuum of care at the conclusion of an offenders parole period in Phase I of the Local Jail Construction Financing Program.

“Assist the State in siting reentry facilities” means a Board of Supervisors’ resolution outlining the county’s intent to assist the State in siting a reentry facility, pursuant to Penal Code Section 6270 in Phase I of the Local Jail Construction Financing Program.

“Board” means the State Public Works Board.

“Board of State and Community Corrections agreement” also known as the BSCC agreement means the written agreement and any amendments thereto which outline roles and responsibilities between the participating county and the BSCC as it relates to the oversight of the project.

“Board of Supervisors’ resolution” means a written resolution by a County Board of Supervisors.

“BSCC” means the Board of State and Community Corrections.

“CCR” means California Code of Regulations.

“CDCR” means the California Department of Corrections and Rehabilitation.

“Cash match” and “hard match” are used interchangeably and mean cash dedicated to the project by the applicant for eligible expenditures as defined in Section 1714, 1714.1, and 1714.2 of these regulations.

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

“Conditional award” means the maximum amount of state reimbursement a participating county may receive for a project through the Local Jail Construction Financing Program or the Adult Local Criminal Justice Facilities Construction Financing Program, subject to or conditioned upon certain requirements including, but not limited to: 1) each participating county’s project must be approved by the BSCC and the Board at various stages throughout planning and construction as required by these regulations; 2) each participating county must enter into the state/county agreements as required by these regulations; and 3) the financing mechanism of lease-revenue bonds are able to be sold for each selected project.

“Construction bid” means a construction bid price.

“Construction documents” means architectural plans and specifications that are one hundred percent (100%) complete and generally include: completed specifications with bid proposal documents; completed construction drawings; and special interest items (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 through all phases of delivery of the construction project.

“Cost effectiveness” means a computed factor that is the state dollar cost per net gain in beds, to be computed as the total amount of state funds requested divided by the total net gain in beds.

“County” means a legal subdivision of the State of California as defined in subsection (a) of Section 1 of Article XI of the California Constitution.

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

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

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

“Design development” means architectural plans and specifications that are fifty percent (50%) complete and generally include: outline specifications (detention hardware, equipment, and furnishings); floor plans (to scale with dimensions, room designations, references, wall types, and ratings); building sections (heights and dimensions); interior elevations; and preliminary structural, mechanical, and electrical drawings.

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

“EIR” means environmental impact report; a report as defined in the California Environmental Quality Act (CEQA) as implemented in Title 14, CCR, Public Resources Code, Sections 21000-21177.

“Evaluation and rating process” means the method by which each county’s proposal will be evaluated using the criteria stipulated in Sections 1712, 1712.2, 1714, 1714.2, 1730, 1730.2, 1731, 1740, and 1740.2 of these regulations resulting in a rank ordered list for financing consideration.

“Facility administrator” means the sheriff or other official charged by law with the administration of a local jail or Adult Local Criminal Justice Facility.

“Facility lease” means a lease-revenue bond financing document in which the Board leases the site and the Board-financed local jail facility project to CDCR for the Local Jail Construction Financing Program and to BSCC for the Adult Local Criminal Justice Facilities Construction Financing Program. The term of the bonds are subject to availability for use and occupancy; for Phase I and Phase II the CDCR or BSCC agrees to pay rent and fulfill other related obligations, for the Adult Local Criminal Justice Facilities Construction Financing Program the BSCC agrees to pay rent and fulfill other related obligations.

“Facility sublease” means a sublease of the Board-financed facility from CDCR and/or BSCC, with the consent of the Board, to a participating county, for its use, operation and maintenance, as described in Section 1754.

“Funding preference criteria” means criteria by which proposals will be given funding preference for financing through the Adult Local Criminal Justice Construction Financing Program. Funding preference criteria includes: commitment of adequate county contribution funds, submittal of initial real estate due diligence package, documentation of CEQA compliance, and review of and authorization to execute the financing program project documents.

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

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

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

“Interim Financing” is a loan or loans that the CDCR and the Board, or the BSCC and the Board, obtain for the state’s share of the project and which may be obtained pursuant to: i) Sections 16312 and 16313 of the California Government Code (Pooled Money Investment Board loans), (ii) Section 15849.1 of the California Government Code (General Fund loans), or iii) any other appropriate source.

“Large county” means a county with a general county population from 700,001 and above as estimated by the State Department of Finance for January 1, 2007 for Phase I, January 1, 2011 for Phase II, and May 1, 2013 for the Adult Local Criminal Justice Facilities Construction Financing Program.

“Lease-revenue bonds” and “state bond financing” are interchangeable and mean lease-revenue bonds issued by the State Public Works Board for jail facilities as authorized in Chapters 3.11, 3.12 and 3.13 of Title 2, Division 3, Part 10b of the California Government Code, as may be amended from time to time.

“Local jail” means Type II, III and IV facilities as defined in Title 15, CCR, Section 1006 and Title 24, CCR, Part 1, Section 13-102. Pursuant to Sections 1712, 1712.1, and 1712.2, only county-owned and operated local jails are eligible for state bond financing. Temporary and court holding facilities are not eligible for state bond financing.

“Match” means local funds in the form of cash, property value, or management/administrative services contributed by a county on a state bond financed project in the ratio described in Sections 1714, 1714.1, and 1714.2.

“Medium county” means a county with a general county population from 200,001 to 700,000 as estimated by the State Department of Finance for January 1, 2007 for Phase I, January 1, 2011 for Phase II, and May 1, 2013 for the Adult Local Criminal Justice Facilities Construction Financing Program.

“Needs assessment study” means a compilation of data that substantiates and justifies the scope of the project proposed to be funded through the 2007 Local Jail Construction Financing Program and the Adult Local Criminal Justice Facilities Construction Financing Program.

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

“Operational program statement” means a description of the intended operation of a local jail or Adult Local Criminal Justice Facility proposed to be financed through the Local Jail Construction Financing Program or the Adult Local Criminal Justice Facilities Construction Financing Program.

“Participating county” means any county or regional consortium of counties within the state that has been certified to the Board by the CDCR and/or BSCC as having satisfied all of the requirements set forth in Chapter 3.11, 3.12, or 3.13 of Title 2, Division 3, Part 10b of the California Government Code, respectively, for financing the construction or renovation of a local jail facility pursuant to those chapters.

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

“Phase I” means the process and awarding of financing pursuant to Chapter 3.11 of Title 2, Division 3, Part 10b of the California Government Code.

“Phase II” means the process and awarding of financing pursuant to Chapter 3.12 of Title 2, Division 3, Part 10b of the California Government Code.

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

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

“Project” means the construction or renovation of a local jail facility or adult local criminal justice facility proposed to be financed through the Local Jail Construction Financing Program or the Adult Local Criminal Justice Facilities Construction Financing Program.

“Project delivery and construction agreement” also known as PDCA, means the written agreement and any amendments thereto between the Board, the CDCR, or the BSCC, and the participating county supplying the terms, provisions, and conditions governing the delivery of the project, as well as other supplemental terms and conditions that are deemed necessary to the project by the Board as described

in Section 1748. For the Adult Local Criminal Justice Facilities Construction Program the CDCR is not a party to the PDCA.

“Proposal” means the document prepared by a county, or two or more counties if a common application, by which a request is made to participate in Phase I of the Local Jail Construction Financing Program or the Adult Local Criminal Justice Facilities Construction Program.

“Proposal evaluation criteria” means criterion by which proposals will be rated.

“Rated capacity” means the number of inmate occupants, as determined by the BSCC, for which a facility’s single and double occupancy cells or dormitories (excluding those areas dedicated for medical or mental health care or disciplinary isolation housing), were planned and designed in conformity with 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.

“Reentry preference” means preference given to counties in Phase I of the Local Jail Construction Financing Program that agree to assist the State in siting reentry facilities pursuant to Government Code Section 15820.907.

“Regional consortium of counties” means 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.

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

“Scope of work and project impact” means a description of the project and the impact the project will have on the county’s detention system.

“Site” means the property on which the Board-financed local jail facility is located, including a buffer zone. Roadways or areas serving functions other than the jail shall not be considered part of the site.

“Small county” means a county with a general county population of 200,000 or fewer as estimated by the State Department of Finance for January 1, 2007 for Phase I, January 1, 2011 for Phase II, and May 1, 2013 for the Adult Local Criminal Justice Facilities Construction Financing Program.

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

“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.

“State bond financing” and “lease-revenue bonds” are used interchangeably and mean lease-revenue bonds issued by the State Public Works Board for jail facilities as authorized in Chapters 3.11, 3.12 and 3.13 of Title 2, Division 3, Part 10b of the California Government Code, as may be amended from time to time.

“State reimbursements” are payments made to the county by CDCR for Phase I and Phase II project costs, and to the county by BSCC for the Adult Local Criminal Justice Facility project costs which were deemed eligible for state financing.

“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.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925 Government Code; and Section 6030, Penal Code. Reference: Sections 15820.90, 15820.901, 15820.902, 15820.903, 15820.905, 15820.906, 15820.907, 15820.91, 15820.911, 15820.912, 15820.913, 15820.915, 15820.916, 15820.917, 15820.92, 15820.921, 15820.922, 15820.923, 15820.924, 15820.925, and 15820.926, Government Code.

ARTICLE 2. ELIGIBILITY REQUIREMENTS

§ 1712. Eligibility Requirements for Phase I.

- (a) To be eligible for participation in Phase I of the Local Jail Construction Financing Program, a county shall:
- (1) Submit the required proposal described in Section 1730 of these regulations;
 - (2) Complete or update a needs assessment study as prescribed in Section 1731 of these regulations;
 - (3) Provide match as specified in Section 1714 of these regulations;
 - (4) Provide a copy of a signed Board of Supervisors’ resolution agreeing to assist the State in siting a reentry facility in their county, pursuant to Penal Code Section 6270, if applicable; and/or,
 - (5) Provide a copy of a signed Board of Supervisors’ resolution agreeing to assist the State in siting mental health day treatment, crisis care, and/or a continuum of care for parolees in their county, pursuant to Penal Code Section 3073, if applicable.
- (b) If the conditions in subsection (a) of this regulation are met counties may apply for reimbursement for the following:
- (1) Costs of construction of the BSCC-approved local jail facility project including site preparation, fixed equipment and fixed furnishings, and installation of fixed equipment and fixed furnishings necessary for the operation of the facility, not to exceed seventy five percent (75%) of the total project costs. Costs in excess of these levels, including higher than expected construction bids, unanticipated costs, cost overruns, and costs of moveable equipment and moveable furnishings, shall be funded by the county.
- (c) Projects or items not eligible for state reimbursement under these regulations shall include, but not be limited to, the following:
- (1) Temporary holding or court holding facilities.
 - (2) Local jail facilities or portions thereof operated by jurisdictions other than counties. City, state and federal facilities are not eligible.
 - (3) Purchase, lease, or rent of land; personnel or operational costs; construction management; architectural programming and design; environmental reports; soil and/or water contamination

assessment/mitigation; excavation of burial sites; moveable equipment and moveable furnishings; public art; off-site costs including access roads, power generation and utilities development; costs attributable to county building permit fees and/or building code inspection fees; supplies; bonus payments; and debt service or interest payments on indebtedness required to finance the county's share of project costs.

Note: Authority cited: Section 15820.906, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901 15820.906, 15820.907, Government Code; and Sections 3073 and 6270, Penal Code.

§ 1712.1. Eligibility Requirements for Phase II.

- (a) To be eligible for participation in Phase II of the Local Jail Construction Financing Program, a county shall:
- (1) Complete the application process described in Section 1730.1 of these regulations;
 - (2) Complete or update a needs assessment study as prescribed in Section 1731 of these regulations;
 - (3) Provide match as specified in Section 1714.1 of these regulations;
- (b) If the conditions in subsection (a) of this regulation are met counties may apply for reimbursement for the following:
- (1) Costs of construction of the BSCC-approved local jail facility project including site preparation; architectural programming and design (by consultants or contractors); construction management (for activities by consultants or contractors); building permit fees, sewer/utility use or unit fees, and for building inspection fees; fixed equipment and fixed furnishings, and installation of fixed equipment and fixed furnishings necessary for the operation of the facility; and moveable equipment and moveable furniture (subject to State review and approval); not to exceed ninety percent (90%) of the total eligible project costs.
- (c) Costs in excess of ninety percent (90%) of the total eligible project costs, including higher than expected construction bids, unanticipated costs and cost overruns shall be funded by the county.
- (d) Projects or items not eligible under these regulations shall include, but not be limited to, the following:
- (1) Temporary holding or court holding facilities.
 - (2) Local jail facilities or portions thereof operated by jurisdictions other than counties. City, state and federal facilities are not eligible.
 - (3) Lease or rent of land; personnel or operational costs; supplies; bonus payments; and debt service or interest payments on indebtedness required to finance the county's share of project costs.

Note: Authority cited: Section 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.911, 15820.916 and 15820.917, Government Code; and Sections 3073 and 6270, Penal Code.

§ 1712.2. Eligibility Requirements for Adult Local Criminal Justice Facilities.

- (a) To be eligible for participation in the Adult Local Criminal Justice Facilities Construction Program, a county shall:
- (1) Submit the required proposal described in Section 1730.2 of these regulations;
 - (2) Complete or update a needs assessment study as prescribed in Section 1731 of these regulations;
 - (3) Provide match as specified in Section 1714.2 of these regulations;
 - (4) Include a component of construction or renovation that incorporates program space;

- (5) Include all work necessary for the existing facility to meet current fire and life safety standards and meet or exceed building standard seismic level 3 performance standards, applicable only to renovation projects or new construction that is physically attached to an existing facility.
- (b) If the conditions in subsection (a) of this regulation are met counties may apply for reimbursement for the following:
 - (1) Costs of design and construction of the BSCC-approved Adult Local Criminal Justice Facility project including site preparation, fixed equipment and fixed furnishings, and installation of fixed equipment and fixed furnishings necessary for the operation of the facility, other costs for moveable equipment and moveable furnishings are also eligible for reimbursement. Reimbursable costs not to exceed ninety percent (90%) of the total project costs. Costs in excess of ninety percent (90%) including higher than expected construction bids, unanticipated costs, cost overruns, and ~~costs of moveable equipment and moveable furnishings~~, shall be funded by the county.
- (c) Projects or items not eligible for state reimbursement under these regulations shall include, but not be limited to, the following:
 - (1) Temporary holding or court holding facilities.
 - (2) Local jail facilities or portions thereof operated by jurisdictions other than counties. City, state and federal facilities are not eligible.
 - (3) Purchase, lease, or rent of land; personnel or operational costs; environmental reports; soil and/or water contamination assessment/mitigation; excavation of burial sites; ~~moveable equipment and moveable furnishings~~; public art; off-site costs including access roads, power generation and utilities development; supplies; bonus payments; and debt service or interest payments on indebtedness required to finance the county's share of project costs.

Note: Authority cited: Section 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.92 15820.925, 15820.926, Government Code; and Sections 3073 and 6270, Penal Code.

§ 1714. Matching Fund Requirements for Phase I.

- (a) Participating county matching funds for projects proposed to be financed under these regulations for Phase I shall be a minimum of twenty-five percent (25%) of the total project costs pursuant to California Government Code Section 15820.907.
- (b) The BSCC may reduce the Phase I matching fund requirements for participating counties with a general population 200,000 or fewer upon petition by a participating county to the BSCC requesting a lower level of matching funds.
- (c) Cash match for Phase I must be at least 10 percent (10%) of total eligible project costs for large counties and at least 5 percent (5%) of total eligible project costs for medium and small counties.
- (d) Expenditures eligible as cash match for Phase I shall include those for:
 - (1) Costs of construction of the BSCC, CDCR and Board-approved local jail facility project;
 - (2) Architectural programming and design by consultants or contractors;
 - (3) Preparation of full or focused environmental reports by consultants or contractors; and,
 - (4) Construction management by consultants or contractors.
- (e) In-kind match for Phase I cannot exceed 15 percent (15%) of total eligible project costs for large counties and cannot exceed 20 percent (20%) of total eligible project costs for medium and small counties.
- (f) Expenditures eligible as in-kind match for Phase I shall include those defined above as eligible cash match expenditures, plus the following:
 - (1) Costs to audit the state bond financed project including staff salary/benefits of independent county auditor or services of a contracted auditor;

- (2) A needs assessment study (or studies where applicable);
 - (3) Site acquisition cost or current fair market value supported by an independent appraisal of on-site land cost/value of new facility construction, or on-site land cost/value of a closed facility that will be renovated and reopened, and/or on-site land used for expansion of an existing facility. Costs cannot be claimed for land that is under an existing operational local jail facility;
 - (4) County administration where the staff salary/benefits are directly related to the construction project; and,
 - (5) Transition planning, including staff salary/benefits and consultant activities directly related to the construction project.
- (g) To qualify as match, local expenditures must be directly for the project.

Note: Authority cited: Section 15820.906, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906 and 15820.907, Government Code.

§ 1714.1. Matching Fund Requirements for Phase II.

- (a) Participating county matching funds for projects proposed to be financed under these regulations for Phase II shall be a minimum of ten percent (10%) of the total project costs pursuant to California Government Code Section 15820.917.
- (b) The BSCC may reduce the Phase II matching fund requirements for participating counties with a general population 200,000 or fewer upon petition by a participating county to the BSCC requesting a lower level of matching funds.
- (c) Participating county matching funds for Phase II can be any combination of cash and in-kind match, subject to the limitations established in this section.
- (d) Expenditures eligible as cash match for Phase II shall include the following:
 - (1) Costs of construction of the BSCC, CDCR and Board-approved local jail facility project as identified section 1712.1(b)(1) above;
 - (2) Moveable equipment and moveable furnishings (subject to State review and approval);
 - (3) Architectural programming and design by consultants or contractors;
 - (4) Preparation of full or focused environmental reports by consultants or contractors;
 - (5) Building permit fees, sewer/utility use or unit fees, and for building inspection fees;
 - (6) 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; and,
 - (7) Public art.
- (e) Expenditures eligible as in-kind match for Phase II shall include the following:
 - (1) Costs to audit the state bond financed project including staff salary/benefits of independent county auditor or services of a contracted auditor;
 - (2) A needs assessment study (or studies where applicable);
 - (3) Site acquisition cost or current fair market value supported by an independent appraisal of on-site land cost/value of new facility construction, or on-site land cost/value of a closed facility that will be renovated and reopened, and/or on-site land used for expansion of an existing facility. Costs cannot be claimed for land that is under an existing operational local jail facility;
 - (4) County administration where the staff salary/benefits are directly related to the construction project;
 - (5) Transition planning, including staff salary/benefits and consultant activities directly related to the construction project; and,
 - (6) Real estate due diligence costs as billed to the county by the State.
- (f) To qualify as match, local expenditures must be directly for the project.

Note: Authority cited: Section 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.916 and 15820.917, Government Code.

§ 1714.2 Matching Fund Requirements for Adult Local Criminal Justice Facilities.

- (a) Participating county matching funds for projects proposed to be financed under these regulations shall be a minimum of ten percent (10%) of the total project costs pursuant to California Government Code Section 15820.926 and may be any combination of cash and/or in-kind match.
- (b) The BSCC may reduce the matching fund requirements for participating counties with a general population 200,000 or fewer upon petition by a participating county to the BSCC requesting a lower level of matching funds.
- (c) Cash and in-kind match for Adult Local Criminal Justice Facilities must equal at least 10 percent (10%) of the total eligible project costs for large and medium counties and at least 5 percent (5%) of total eligible project costs for small counties. Counties may use any combination of cash and/or in-kind match to meet the required match amount.
- (d) Expenditures eligible as cash match for Adult Local Criminal Justice Facilities shall include those for:
 - (1) Items eligible for state financing;
 - (2) Project and construction management by consultants or contractors, prior to the establishment of the project by the Board;
 - (3) Architectural programming and design by consultants or contractors, prior to the establishment of the project by the Board;
 - (4) Preparation of full or focused environmental reports 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 project facility building and parking lot;
 - (6) Public art;
 - (7) Real estate due diligence costs as billed to the county by the state;
 - (8) State Fire Marshal fees as billed to the county by the state;
 - (9) Audit of state interim or permanent financing at the conclusion of the project by a contracted auditor;
 - (10) Needs assessments performed by consultants or contractors;
 - (11) Transition planning performed by consultants or contractors after June 27, 2012.
- (e) Expenditures eligible as in-kind match for Adult Local Criminal Justice Facilities shall include the following:
 - (1) Audit of state interim or permanent financing at the conclusion of the project as performed by an independent county auditor;
 - (2) A needs assessment study as performed by county personnel;
 - (3) Current fair market value supported by an independent appraisal of on-site land cost/value only of new facility construction, or on-site land cost/value of a closed facility that will be renovated and reopened, and/or on-site land used for expansion of an existing facility. Costs cannot be claimed for land that is under an existing operational local jail facility;
 - (4) County administration where the staff salary/benefits are directly related to the construction project for activities after June 27, 2012; and,
 - (5) Transition planning, including staff salary/benefits directly related to the construction project for activities after June 27, 2012.
- (f) To qualify as match, local expenditures must be directly for the Adult Local Criminal Justice Facilities Construction Financing Program project.

Note: Authority cited: Section 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.925 and 15820.926, Government Code.

ARTICLE 3. APPLICATION TO PARTICIPATE IN THE LOCAL JAIL CONSTRUCTION FINANCING PROGRAM

§ 1730. Proposal Process for Phase I.

- (a) The proposal for Phase I will be submitted on either the 2007 Local Jail Construction Funding Program Proposal Form, dated December 20, 2007, attached to the Request for Proposals Construction or Expansion of County Jails or the 2007 Local Jail Construction Funding Program, AB 900 – Phase 1 – 2009 Edition Proposal Form, dated July 21, 2009, attached to the Request for Proposals, Construction or Expansion of County Jails, AB 900 – Phase 1 – 2009 Edition, and incorporated into these regulations by reference herein. This is an interactive form to be completed by counties electronically, printed and submitted as the project proposal along with other required documents as attachments. The form can be accessed through the BSCC's website at www.bscc.ca.gov. It is also available to the public upon request directly from the BSCC's business office in Sacramento, CA.
- (b) Phase I proposals shall consist of, but not be limited to, the following:
 - (1) A signed Board of Supervisors' resolution agreeing to assist the State in siting a reentry facility in its county, pursuant to Penal Code Section 6270, if applicable;
 - (2) A signed Board of Supervisors' resolution identifying the reentry site location(s), accompanied by a resolution from the City Council if the site is located within the limits of the city, if applicable;
 - (A) Pursuant to Section 1747.5, a siting agreement will be required.
 - (3) A signed Board of Supervisors' resolution agreeing to assist the State in siting mental health day treatment, crisis care, and/or a continuum of care for parolees in its county, pursuant to Penal Code Section 3073, if applicable;
 - (4) A signed Board of Supervisors' resolution authorizing submission of the proposal for state bond financing for a local jail facility;
 - (5) A needs assessment study as prescribed in Section 1731 of these regulations;
 - (6) A description of the project need;
 - (7) An estimated budget for the project, which must identify the amount of state bond financing requested and the local match to be provided; and,
 - (8) A description of the proposed scope of work for the project including project impact, (i.e., number of beds to be added), a construction and administrative work plan, and an estimated timetable for completion of major phases of the project.

Note: Authority cited: Sections 15820.906, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906, Government Code; and Sections 3073 and 6270, Penal Code.

§ 1730.1. Application Process for Phase II.

- (a) Counties participating in the Phase II application process must submit to the BSCC the 2011 Local Jail Construction Financing Program – AB 900 Phase II Application Form, dated October 6, 2011, and attached to the AB 900 Phase II Construction or Expansion of County Jails, Request for Applications, and incorporated into these regulations by reference herein. This is an interactive form to be completed by counties electronically, printed and submitted as the project application along with other required documents as attachments by January 11, 2012. The form can be accessed through the BSCC's website at www.bscc.ca.gov. It is also available to the public upon request

directly from the BSCC's business office in Sacramento, CA. The application shall include, but not be limited to, the following required exhibits and attachments:

- (1) A signed Board of Supervisors' resolution authorizing submission of the application for state bond financing for a local jail facility;
 - (2) A needs assessment study as prescribed in Section 1731 of these regulations;
 - (3) A description of the project need;
 - (4) An estimated budget for the project, which must identify the amount of state bond financing requested and the local match to be provided; and,
 - (5) A description of the proposed scope of work for the project, including project impact, (i.e., number of beds to be added), a construction and administrative work plan, and an estimated timetable for completion of major phases of the project.
- (b) In addition to the documents identified in subsection (c) of this section, a county that holds a Phase I conditional award and elects to relinquish that award to apply for a Phase II award and seeks preference for relinquishing, while continuing to assist the state in siting a reentry facility, shall also submit the following:
- (1) A signed Board of Supervisors' resolution agreeing to continue to assist the State in siting a reentry facility in its county, pursuant to Penal Code Section 6270, if applicable.

Note: Authority cited: Section 15820.916, Government Code; and Section 6030, Penal Code. Reference: Section 15820.916, Government Code; and Sections 3073 and 6270, Penal Code.

§ 1730.2 Proposal Process for Adult Local Criminal Justice Facilities.

- (a) The proposal for the Adult Local Criminal Justice Facilities Construction Financing Program shall be submitted on the Adult Local Criminal Justice Facilities Construction Financing Program Proposal Form, dated July 23, 2013, attached to the Request for Proposal, Construction of Adult Local Criminal Justice Facilities, and incorporated into these regulations by reference herein. This is an interactive form to be completed by counties electronically, printed and submitted as the project proposal along with other required documents as attachments. The form can be accessed through the BSCC's website at www.bscc.ca.gov. It is also available to the public upon request directly from the BSCC's business office in Sacramento, CA.
- (b) Proposals shall consist of, but not be limited to, the following:
- (1) The original signed proposal and 16 copies of the proposal;
 - (2) Two duplicate copies of a fully executed Board of Supervisors' resolution addressing all required points. Multiple resolutions collectively containing the necessary verbiage are acceptable;
 - (3) One copy of a formal needs assessment study as prescribed in Section 1731 of these regulations;
 - (4) All necessary documentation related to the funding preference criteria, as described on pages 16 through 20 of the Adult Local Criminal Justice Facilities Construction Financing Program Proposal Form, dated July 23, 2013, and incorporated into these regulations by reference herein. The form can be accessed through the BSCC's website at www.bscc.ca.gov. It is also available to the public upon request directly from the BSCC's business office in Sacramento, CA.

Note: Authority cited: Sections 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.925 and 15820.926 Government Code; and 6030, Penal Code.

§ 1731. Needs Assessment Study.

- (a) Any county or regional consortium of counties intending to construct or renovate a Type II, III or IV (as defined in Title 15, CCR, Section 1006 and Title 24, CCR, Section 13-102) jail facility, or add 25 beds or more to an existing facility shall complete a needs assessment study pursuant to Title 24, CCR, Part 1, Section 13-102(c)2. The needs assessment study shall be submitted with the Phase I proposal or Phase II application. The needs assessment study for the Adult Local Criminal Justice Facilities Construction Financing Program must reflect current needs and needs through the year 2014 and shall be submitted with the Adult Local Criminal Justice Facilities proposal. Counties intending to construct beds must justify their determination of housing capacity deficiency which shall include any construction projects for which the county is conditionally awarded under Phase I and/or Phase II, and any other construction projects which the county is undertaking.

Note: Authority cited: Sections 15820.906, 15820.916, 15820.925, and 15820.926, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906, 15820.916, 15820.925, and 15820.926, Government Code.

§ 1740.2 Adult Local Criminal Justice Facilities Construction Financing Program Proposal Evaluation Criteria.

In addition to California Government Code Sections 15820.925 and 15820.926, the criteria by which proposals shall be rated shall include the below listed factors. Rating scores are recorded using the Construction of Adult Local Criminal Justice Facilities Final Rating Form, dated December 4, 2013, and incorporated by reference herein.

- (a) Project need;
- (b) Scope of work;
- (c) Offender management and programming;
- (d) Administrative work plan;
- (e) Budget review.

Note: Authority cited: Section 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.925 and 15820.926, Government Code.

§ 1747. Steps to Proceed with Construction for Design-Bid-Build Projects.

- (a) The BSCC shall ensure that the county is ready to proceed with construction. A participating county shall be deemed ready to proceed with construction when it has done all of the following:
- (1) Met all the requirements in the proposal pursuant to Section 1730 for Phase I and Section 1730.2 for Adult Local Criminal Justice Facilities or the application pursuant to Section 1730.1 for Phase II of these regulations;
 - (2) As required in Section 1749, obtained compliance with the operational and physical plant requirements in the Minimum Standards for Local Detention Facilities in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 and the fire and life safety requirements in Title 24, CCR, Part 2, Volume 1, Chapter 4, Section 408;
 - (3) Obtained confirmation that CDCR for Phase I and Phase II, or BSCC for Adult Local Criminal Justice Facilities, has received the following:
 - (A) Establishment of the scope, cost and schedule of the project by the Board;
 - (B) Approval of preliminary plans by the Board and the State Department of Finance;
 - (C) Approval of working drawings by the State Department of Finance;
 - (D) Approval of proceeding to bid by the State Department of Finance; and
 - (E) Approval of construction bid award by the State Department of Finance.

- (4) Filed with the BSCC a schedule of values of expected state reimbursements, cash match, and in-kind match and other budget items, along with a construction schedule, project management plan, and names, roles and contact information of key county personnel;
- (5) Filed with the BSCC a financial plan detailing arrangements to provide its portion of project costs, including reserves for cash flow, source of matching funds, and a schedule of anticipated match expenditure that is at least proportional to the expenditure of costs that are proposed to be reimbursed by the state;
- (6) Filed with the BSCC a statement citing any exemptions from federal laws, state or local laws, regulations, ordinances, standards, or requirements;
- (7) Filed with the BSCC documentation of California Environmental Quality Act compliance; and,
- (8) Filed with the BSCC a written certification, that the county has control of the site, either through fee-simple ownership or comparable long-term possession, and right of access to the facility sufficient to assure undisturbed use and possession.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
 Reference: Sections 15820.901, 15820.906, 15820.911, 15820.916, 15820.92, and 15820.925, Government Code.

§ 1747.1. Steps to Proceed with Construction for Design-Build Projects

- (a) The BSCC shall ensure that the county is ready to proceed with the design-build process. A participating county shall be deemed ready to proceed with the design-build process when it has done all of the following:
 - (1) Met all the requirements in the proposal pursuant to Section 1730 for Phase I and Section 1730.2 for Adult Local Criminal Justice Facilities or the application pursuant to Section 1730.1 for Phase II of these regulations;
 - (2) As required in Section 1749.1(a), obtained the BSCC's approval of the performance criteria or performance criteria and concept drawings. The performance criteria or performance criteria and concept drawings shall specify the project will meet the operational and physical plant requirements in the Minimum Standards for Local Detention Facilities in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 and the fire and life safety requirements in Title 24, CCR, Part 2, Volume 1, Chapter 4, Section 408;
 - (3) Obtained confirmation that CDCR for Phase I and Phase II, or BSCC for Adult Local Criminal Justice Facilities, has received the following:
 - (A) Establishment of the scope, costs and schedule of the project by the Board;
 - (B) Approval of performance criteria or performance criteria and concept drawings by the Board and the State Department of Finance;
 - (C) Approval of proceeding to design-build proposal solicitation by the State Department of Finance: and
 - (D) Approval of design-build contract award by the State Department of Finance.
 - (4) Filed with the BSCC a schedule of values of expected state reimbursements, cash match, and in-kind match and other budget items, along with a construction schedule, project management plan, and names, roles and contact information of key county personnel;
 - (5) Filed with the BSCC a financial plan detailing arrangements to provide its portion of project costs, including reserves for cash flow, source of matching funds, and a schedule of anticipated match expenditure that is at least proportional to the expenditure of costs that are proposed to be reimbursed by the state;
 - (6) Filed with the BSCC a statement citing any exemptions from federal laws, state or local laws, regulations, ordinances, standards, or requirements;

- (7) Filed with the BSCC documentation of California Environmental Quality Act Compliance; and,
- (8) Filed with the BSCC a written certification, that the county has control of the site, either through fee-simple ownership or comparable long-term possession, and right of access to the facility sufficient to assure undisturbed use and possession.

Note: Authority cited: Sections 15820.906, 15820.916, 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.906, 15820.911, 15820.916, 15820.92, and 15820.925, Government Code.

§ 1747.5. Requirements for the Siting Agreement in Phase I.

- (a) In Phase I, a siting agreement between the CDCR and a participating county shall be entered into within ninety (90) calendar days following notification to the county by the BSCC (with any additional time extensions at the discretion of the BSCC) of the intent to conditionally award state bond financing for construction of a local jail facility based on a reentry preference. The signed siting agreement is necessary prior to the CDCR providing certification of financing to the Board where a preference for reentry has been awarded.
- (b) The agreement shall include, but not be limited to, the following:
 - (1) A description of the reentry site including the proximity of water, sewer and power supply.
 - (2) A signed Board of Supervisors' resolution identifying the proposed reentry site location(s), accompanied by a resolution from the City Council if the site(s) are located within the limits of a city, if applicable;
 - (3) Language that states that the proposed site(s) is/are agreeable to CDCR.
 - (4) The roles, responsibilities and performance expectations of the parties to establish a reentry facility.
 - (5) A description of the needs of the individual county with respect to the parolee population, as well as the services and programs that will be available and/or necessary for a successful reentry facility.
 - (6) A description of the location and design of the reentry facility, staffing and operations (where applicable) and additional terms as the parties deem necessary.

Note: Authority cited: Sections 15820.906 and 15820.916, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.905, 15820.907, 15820.915 and 15820.917, Government Code.

§ 1748. Requirements for the Project Delivery and Construction Agreement.

- (a) The project delivery and construction agreement for Phase I and Phase II between the Board, CDCR, the BSCC, and a participating county shall be executed after the Board establishes the scope, cost and schedule of the project. The project delivery and construction agreement shall include the roles, responsibilities and performance expectations of the parties.
- (b) The project delivery and construction agreement for Adult Local Criminal Justice Facilities between the Board, the BSCC, and a participating county shall be executed after the Board establishes the scope, cost and schedule of the project. The project delivery and construction agreement shall include the roles, responsibilities and performance expectations of the parties.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.901, 15820.905, 15820.911, 15820.915, 15820.92, and 15820.924, Government Code.

§ 1748.5. Requirements for the Board of State and Community Corrections Agreement.

- (a) The Board of State and Community Corrections Agreement between the BSCC and the participating county shall be executed concurrently, or as concurrently as practicable, with the execution of the

project delivery and construction agreement. The Board of State and Community Corrections agreement shall include the roles, responsibilities, and performance expectations of the participating county and the BSCC as it relates to the oversight of the project.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.901, 15820.905, 15820.911, 15820.915, 15820.92, and 15820.924 Government Code.

§ 1749. Submittal of Architectural Drawings and Specifications for Design-Bid-Build Projects.

- (a) Architectural drawings and specifications shall be submitted to the BSCC at the schematic design phase, the design development phase, and the construction document phase, pursuant to Title 24, CCR, Part 1, Section 13-102(c)5.
- (b) The BSCC will review the drawings and specifications as soon as practicable, but no later than thirty (30) calendar days for Phase I and Phase II projects and no later than forty-five (45) calendar days for Adult Local Criminal Justice Facility projects. In the event of any major deficiencies, the BSCC will notify the county in writing. Deficiencies may be identified as either failures to comply with minimum jail standards or as design features that may pose serious safety, security, operational, or management problems if left uncorrected, even where minimum jail standards are not violated.
- (c) Pursuant to California Government Code Sections 15820.906, 15820.916, and 15820.925, to enhance safety and security, BSCC may require changes in construction materials if the materials proposed with the final plans and specifications are not essential or customary, as used statewide for same security level facilities.
- (d) Deficiencies in compliance with the operational and physical plant requirements in the Minimum Standards for Local Detention Facilities in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 and construction materials shall be corrected by the county prior to advertising for bids.
- (e) Architectural drawings and specifications shall be submitted to the State Fire Marshal for review and approval.
- (f) The Board will have final approval of all projects, and Board approval or disapproval of any project is not subject to the appeal process as described in Article 5.
- (g) No state moneys shall be encumbered in contracts let by a participating county until construction document plans and specifications have been approved by the BSCC and subsequent construction bids have been received.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.901, 15820.906, 15820.911, 15820.916, 15820.92, and 15820.925, Government Code; and Section 6029, Penal Code.

§ 1749.1. Submittal of Performance Criteria and Concept Drawings for Design-Build Projects.

- (a) Performance criteria or performance criteria and concept drawings shall be submitted to the BSCC for review and approval before the county issues a request for proposals for the services of a design-build entity.
- (b) Construction documents shall be submitted to the BSCC and the State Fire Marshal for review and approval.
- (c) The BSCC will review the construction documents as soon as practicable, but no later than thirty (30) calendar days for Phase I and Phase II projects and no later than forty-five (45) calendar days for Adult Local Criminal Justice Facility projects. In the event of any major deficiencies, the BSCC will notify the county in writing. Deficiencies may be identified as either failures to comply with minimum jail standards or as design features that may pose serious safety, security, operational, or management problems if left uncorrected, even where minimum jail standards are not violated.

- (d) Pursuant to California Government Code Sections 15820.906, 15820.916, and 15820.925, to enhance safety and security, BSCC may require changes in construction materials if the materials proposed with the construction documents are not essential or customary, as used statewide for same security level facilities.
- (e) Deficiencies in compliance with the operational and physical plant requirements in the Minimum Standards for Local Detention Facilities in Title, 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 and construction materials shall be corrected prior to completion of construction.
- (f) The Board will have final approval of all projects, and Board approval or disapproval of any project is not subject to the appeal process as described in Article 5.
- (g) No state moneys shall be encumbered in contracts let by a participating county until performance criteria or performance criteria and concept drawings have been approved by the BSCC pursuant to subsection (a) and a design-build contract has been awarded.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
 Reference: Sections 15820.901, 15820.906, 15820.911, 15820.916, 15820.92, and 15820.925, Government Code; and Section 6029, Penal Code.

§ 1750. Operational Program Statement/Staffing Plan/Operating Cost Analysis for Design-Bid-Build Projects.

- (a) Pursuant to Title 24, CCR, Part 1, Section 13-102(c)3, an operational program statement shall be submitted with the schematic design drawings and specifications.
- (b) At the time the county submits the design development plans and specifications for review and approval, it shall also submit a preliminary staffing plan, along with an analysis of other anticipated operating costs, for the facility. At a minimum, this plan shall include the following:
 - (1) Staffing requirements under the proposed design capacity;
 - (2) Shift and post identification of staff for the proposed facility, delineated by custody and support staff;
 - (3) Transition team program statement and costs;
 - (4) Analysis of a thirty (30) year lifecycle operating costs and maintenance and energy costs for the proposed facility; and,
 - (5) Identification of, and revenue sources for, sufficient county funds needed to support the staffing levels and operating costs for the proposed facility.
- (c) Following BSCC determination that the preliminary staffing plan complies with regulations, the facility administrator or designee shall submit the preliminary staffing plan and operating cost analysis to the Board of Supervisors for review and approval.

Note: Authority cited: Sections 15820.906, 15820.916, 15820.925, Government Code; and Section 6030, Penal Code.
 Reference: Sections 15820.906, 15820.916, and 15820.925 Government Code.

§ 1750.1. Operational Program Statement/Staffing Plan/Operating Cost Analysis for Design-Build Projects.

- (a) At the time the county submits the performance criteria or performance criteria and concept drawings for review and approval with respect to a design-build project, it shall also submit an operational program statement, and a preliminary staffing plan, along with an analysis of other anticipated operating costs, for the facility. At a minimum, this plan shall include the following:
 - (1) Staffing requirements under the proposed design capacity;
 - (2) Shift and post identification of staff for the proposed facility, delineated by custody and support staff;

- (3) Transition team program statement and costs;
 - (4) Analysis of a thirty (30) year lifecycle operating costs and maintenance and energy costs for the proposed facility; and,
 - (5) Identification of, and revenue sources for, sufficient county funds needed to support the staffing levels and operating costs for the proposed facility.
- (b) Following BSCC determination that the preliminary staffing plan complies with regulations, the facility administrator or designee shall submit the preliminary staffing plan and operating cost analysis to the Board of Supervisors for review and approval.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.

§ 1751. General County Requirements.

- (a) Pursuant to California Government Code Sections 15820.901 and 15820.911, a participating county may acquire, design, and construct the local jail in accordance with its local contracting authority.
- (b) Pursuant to California Government Code Sections 15820.901, 15820.911, and 15820.92, a participating county may assign an inspector during the construction of the project, notwithstanding California Government Code Section 14951.
- (c) Pursuant to California Government Code Sections 15820.901, 15820.911, and 15820.92, the participating county is the lead agency responsible for compliance with the California Environmental Quality Act.
- (d) With the consent of the Board, the CDCR and a participating county are authorized to enter into leases, subleases, contracts, or other agreements pursuant to California Government Code Sections 15820.905 and 15820.915. With the consent of the Board, the BSCC and a participating county are authorized to enter into leases, subleases, contracts, or other agreements pursuant to California Government Code Section 15820.924.
- (e) In all agreements related to this program, the participating county shall indemnify, defend, and hold harmless the State of California for any and all claims and losses accruing and resulting from or arising out of the participating county's acquisition, design, construction, operation, maintenance, use and occupancy of the local jail facility or Adult Local Criminal Justice Facility.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.901, 15820.905, 15820.911, 15820.915, 15820.92, and 15820.924, Government Code.

§ 1752. Ground Lease.

- (a) A ground lease between the participating county and CDCR for Phase I and Phase II or BSCC for Adult Local Criminal Justice Facilities, with Board consent, will be entered into after the county has entered into the project delivery and construction agreement and the Board has determined the site is adequate for purposes of financing in accordance with Government Code Section 15820.901 for Phase I, Government Code Section 15820.911 for Phase II, and Government Code Section 15820.92 for Adult Local Criminal Justice Facilities.
- (b) An easement (documented in a separate easement agreement) over adjacent county property for project access, utilities and repairs may also be required at the time the ground lease is initiated.
- (c) Attached to the ground lease will be a legal description of the site.
- (d) The ground lease shall not be terminated as long as the lease-revenue bonds are outstanding, even in the event of default.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.901, 15820.905, 15820.906, 15820.915, 15820.92, and 15820.924, Government Code.

§ 1753. Right of Entry for Construction and Operation.

- (a) A right of entry for construction and operation between CDCR for Phase I and Phase II, or BSCC for Adult Local Criminal Justice Facilities, and the participating county will be entered into concurrently with the ground lease.
- (b) The right of entry for construction and operation authorizes the participating county and their contractors to use the site that has been leased to CDCR for Phase I and Phase II, or BSCC for Adult Local Criminal Justice Facilities, via the ground lease for construction related activities and operation of the project upon substantial completion of construction.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.905, 15820.915, and 15820.924, Government Code.

§ 1754. Facility Sublease.

- (a) If the facility lease between the Board and CDCR for Phase I and Phase II, or BSCC for Adult Local Criminal Justice Facilities, is executed, CDCR or BSCC and the participating county shall enter into a facility sublease of the facility lease with Board consent. The facility sublease will describe the county's responsibilities, obligations, and other terms and conditions for the county's occupancy of the facility during the term of the facility sublease.
- (b) The facility sublease is subject to and subordinate to the facility lease.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.905, 15820.915, and 15820.924, Government Code.

ARTICLE 4. ADMINISTRATION OF REIMBURSEMENTS AND PROJECT MONITORING

§ 1756. Disbursement of State Reimbursements.

- (a) No state moneys shall be encumbered in contracts let by a participating county until either (i) construction document plans and specifications have been approved by the BSCC pursuant to Section 1749 and subsequent construction bids have been received, or (ii) performance criteria or performance criteria and concept drawings have been approved by the BSCC pursuant to Section 1749.1(a) and a design-build contract has been awarded.
- (b) Upon approval of the participating county's proposal or application by the BSCC and execution of the BSCC agreement, a state reimbursement schedule will be established by the BSCC.
- (c) Requests for state reimbursements shall include such supporting documentation as may be required by the BSCC and/or CDCR and, in the event of deficiencies in the request, the participating county shall be notified by the BSCC of the deficiencies as soon as practicable.
- (d) State reimbursements shall be made in arrears on a schedule mutually agreed to by the BSCC and the participating county and established in the BSCC agreement.
- (e) No state reimbursements will be made until the participating county has complied with all applicable state requirements.
- (f) Participating counties including any design costs as state reimbursed costs, for one or more phases of design, may not proceed with that phase of design process until after the project scope, cost, and schedule are established by the Board.
- (g) If a design-bid-build project budget includes any state reimbursements for working drawings/construction documents phase costs, the Board and the State Department of Finance must approve preliminary plans/design development drawings before the participating county can commence work on the working drawings and/or construction documents phase. If a participating county commences any working drawings and/or construction documents phase activities before

obtaining approval of preliminary plans and/or design development drawings from the Board and State Department of Finance, the entire state portion of the project financing shall be forfeited and the state will not reimburse any participating county project costs.

- (h) If a design-build project budget includes any state reimbursements for design-build phase costs, the Board and State Department of Finance must approve performance criteria or performance criteria and concept drawings before the participating county can commence work on the design-build phase. For any project that includes any state reimbursement of the design-build phase costs, if the participating county commences any design-build phase activities before obtaining approval of performance criteria or performance criteria and concept drawings from the Board and State Department of Finance, the entire state portion of the project financing shall be forfeited and the state will not reimburse any participating county project costs.
- (i) At such time as the balance of anticipated total state reimbursements reaches five percent (5%), for Phase I and Phase II projects, the BSCC shall withhold that amount as security. When a participating county is unlikely or ineligible to draw 100 percent (100%) of the conditional award amount, the state shall withhold the final 5% of eligible state reimbursements. The withheld amount will be released to the participating county upon compliance with all of the applicable terms in the BSCC agreement, project delivery and construction agreement, other agreements applicable to the financing, and applicable conditions and requirements of law and regulation. This includes:
 - (1) Final completion of the project;
 - (2) Receipt and approval of the final audit and the final project summary report;
 - (3) The final construction inspection and approval by appropriate officials; and
 - (4) Staffing and operating the facility within ninety (90) days of construction completion.
- (j) At such time as the balance of anticipated total state reimbursements reaches five percent (5%), for Adult Local Criminal Justice Facility projects, the BSCC shall withhold that amount as security. When a participating county is unlikely or ineligible to draw 100 percent (100%) of the conditional award amount, the state shall withhold the final 5% of eligible state reimbursements. The withheld amount will be released to the participating county upon compliance with all of the applicable terms in the BSCC agreement, project delivery and construction agreement, other agreements applicable to the financing, and applicable conditions and requirements of law and regulation. These requirements of law and regulations include:
 - (1) Final completion of the project;
 - (2) Payment of State Fire Marshal fees in full;
 - (3) Receipt and approval of the final audit and the final project summary report;
 - (4) The final construction inspection and approval by appropriate officials; and
 - (5) Staffing and operating the facility within ninety (90) days of construction completion.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.903, 15820.906, 15820.913, 15820.916, 15820.922, and 15820.925, Government Code.

§ 1760. Record Keeping and Accounting.

- (a) The participating county shall establish an official file for the project. The file shall contain adequate documentation of all actions that have been taken with respect to the project. The documents to be retained shall include, but are not limited to, contracts, payment of invoices, transfer of funds and other related accounting records sufficient to reflect properly the amount, receipt and disposition of all state reimbursements and county funds for contribution. The participating county will provide a copy of the official file to CDCR for Phase I and Phase II projects, and to the BSCC for Adult Local Criminal Justice Facilities projects, upon termination of the BSCC agreement.
- (b) The participating county shall protect records from fire or other damage.

- (c) The official project file must be preserved a minimum of three years after the last date on which no lease-revenue bonds are outstanding.
- (d) All state reimbursements received by the participating county shall be deposited into separate fund accounts, which identify the funds and clearly show the manner of their disposition.
- (e) Accounting for state reimbursements shall be in accordance with generally accepted accounting principles and practices. Supporting records must be maintained by the participating county in sufficient detail to demonstrate that the state reimbursements were used for the purpose for which the award was made and in accordance with the provisions of state contracting and shall be subject to Board and BSCC audit as described in Section 1770.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.

§ 1766. Monitoring of Process.

- (a) The BSCC and CDCR for Phase I and Phase II, or BSCC for Adult Local Criminal Justice Facilities shall regularly monitor the administration of the project and the distribution of state reimbursements to a participating county, in order to assess compliance and determine that the project is operating in accordance with the approved proposal and/or application, the conditions of the BSCC agreement, these regulations and the law.
- (b) The BSCC, Board and the State Department of Finance shall have administrative oversight of the project.
- (c) Access to the project site, county project files and contractors' records shall be provided to the BSCC, or other state officials, during all phases of construction throughout the term of the BSCC agreement.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; Section 6030, Penal Code.
Reference: Sections 15820.901, 15820.906, 15820.911, 15820.916, 15820.92, and 15820.925, Government Code.

§ 1767. Completion of Project.

- (a) The participating county shall agree to proceed with the agreed upon construction schedule and complete the project in accordance with the BSCC agreement and the plans and specifications (with respect to a design-bid-build project) or the performance criteria or performance criteria and concept drawings (with respect to a design-build project) and plans and specifications approved by the Board and the BSCC.
- (b) The participating county's failure to proceed with the project on the agreed schedule may be a material breach of the project delivery and construction agreement and the BSCC agreement.
- (c) Upon completion of the project, the participating county shall submit a final project summary to the BSCC.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.901, 15820.905, 15820.906, 15820.911, 15820.915, 15820.916, Government Code.

§ 1768. Project Modifications.

- (a) Project modifications proposed after the BSCC agreement is signed require advance approval of the Board and the BSCC if the modifications:
 - (1) Are more than minor changes which affect the scope, design, configuration, cost or schedule of the project;
 - (2) Are more than minor changes to the design, location, size, capacity, or quality of major items of equipment;
 - (3) Cause a delay or change in the date of substantial completion or final completion dates for the project; or,

- (4) Cause any change that would impact the BSCC's operational or construction regulations in Title 15, CCR, Division 1, Chapter 1, Subchapter 4 and Title 24, CCR, Part 1, Section 13-102 and Part 2, Section 1231 or the State Fire Marshal's construction regulations in Title 24, CCR, Parts 2 and 9 as adopted by the Office of the State Fire Marshal, a change in the number of beds or a change which affects the security or fire and life safety of the facility.
- (b) The participating county shall report, in writing, to the BSCC any modifications to the county's agreement for construction with its contractor.
- (c) Summaries of all change orders shall be submitted to the BSCC with each invoice/progress report.
- (d) Neither the approval of the BSCC agreement or any action of staff with respect to project changes, including approval or disapproval thereof, shall commit or obligate the BSCC to any increase in the amount of the financing conditionally awarded, except as expressly provided in writing by the BSCC.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.

§ 1770. Audits.

- (a) A participating county shall obtain an audit performed in accordance with Government Auditing Standards, issued by the Comptroller General of the United States for its project within ninety (90) days following construction completion. The audit shall be performed under the direction of a Certified Public Accountant or a county auditor that is organizationally independent from the participating county's project financial management functions.
- (b) 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 plans for corrective action to any auditor findings and recommendations.
- (c) A corrective action plan for each finding and recommendation must be prepared by the county (within ten days after notification of the findings) and submitted to the BSCC as part of the final audit report. The corrective action plan must include:
 - (1) A description of each finding and recommendation;
 - (2) Specific steps taken to remedy the finding or implement the recommendation;
 - (3) A timetable for performance of each corrective action; and,
 - (4) A description of monitoring to be performed, and who will perform it to ensure implementation of each corrective action.
- (d) For Phase I and Phase II projects, the Board, CDCR and BSCC reserve the right to audit the accounting records of the project at any time. The CDCR or the BSCC may disallow claims for state reimbursements and/or applicable matching credit for all or part of the cost of an item determined to be ineligible and/or not in compliance with established terms and conditions.
- (e) For Adult Local Criminal Justice Facilities projects, the Board and BSCC reserve the right to audit the accounting records of the project at any time. The BSCC may disallow claims for state reimbursements and/or applicable matching credit for all or part of the cost of an item determined to be ineligible and/or not in compliance with established terms and conditions.
- (f) Any state reimbursement of an improper expenditure disclosed in such audits will be recovered by the state through withholding future state reimbursements and/or repayment by the participating county, at the discretion of the BSCC.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.

§ 1772. Unused Conditional Awards.

- (a) In no case shall a county receive state reimbursements in excess of the amount of the conditional award approved by the BSCC.
- (b) If a participating county does not use the full amount of the conditional award, the unused amount shall be available for redistribution to other counties and used for other eligible projects.
- (c) Any state reimbursements determined to have been inappropriately or erroneously made, including those resulting from noncompliance as well as overpayments resulting from county plan modifications or other causes, shall, upon written notification, be repaid to the state. Such repayment may be by county warrant and/or may be withheld from subsequent payments at the discretion of the BSCC.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.

ARTICLE 5. APPEAL PROCEDURES

§ 1776. Purpose.

The appeal hearing procedures are intended to provide a review concerning the BSCC's proposal evaluation and rating process or application assessment process. A county may appeal on the basis of the BSCC's alleged evaluation or assessment criteria misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures regarding the proposal evaluation and rating process or application assessment process.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.926, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.

§ 1778. Definitions.

For the purposes of this article, the following definitions shall apply:

"Appeal hearing" means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for a formal decision concerning matters raised pursuant to the purposes set forth in Section 1776 of these regulations.

"Appellant" means a participating county that files a request for an appeal hearing.

"Authorized representative" means an individual authorized by the appellant to act as his/her representative in any or all aspects of the hearing.

"BSCC" means the Board of State and Community Corrections, which acts by and through its Executive Director and representatives.

"Executive Director" means the Executive Director of the BSCC.

"Filing date" means the date a request for an appeal hearing is received by the Executive Director's office at the Board of State and Community Corrections.

"Hearing panel" means a panel comprised of three members of the BSCC, who shall be selected by the chairperson of the BSCC at the time the appeal is filed. A fourth member may be designated as an alternate. Members designated to the hearing panel shall not:

- (i) Be employed by, or be residents of, the county submitting the appeal or,
- (ii) Be employed by any other county that has a funded project or is seeking qualification for disbursement of state reimbursements.

"Notice of decision" means a written statement by the Executive Director of the BSCC, which contains the formal decision of the Executive Director and the reason for that decision.

“Proposed decision” means a written recommendation from the hearing panel to the BSCC, containing a summary of facts and a recommended decision on the appeal.

“Request for appeal hearing” means a clear written expression of dissatisfaction about a procedure or action taken and a request for a hearing on the matter, and filed with the Executive Director of the BSCC.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.

§ 1788. Request for Board of State and Community Corrections Appeal Hearing.

- (a) If a participating county is dissatisfied with an action of the BSCC’s evaluation and rating process or the application assessment process, it may file a request for an appeal hearing with the BSCC. Such appeal shall be filed within thirty (30) calendar days of the notification of the action with which the county is dissatisfied.
- (b) The request shall be in writing and:
 - (1) Shall state the basis for the dissatisfaction;
 - (2) Shall state the action being requested of the BSCC;
 - (3) Shall state the desired remedy; and,
 - (4) Shall include as attachments any correspondence related to the appeal to and from the Executive Director.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code.
Reference: Sections 15820.906, 15820.916, 15820.925, Government Code.

§ 1790. Board of State and Community Corrections' Hearing Procedures.

- (a) The hearing shall be conducted by a hearing panel, designated by the Chairperson of the BSCC, at a reasonable time, date, and place, but not later than twenty-one (21) days after the filing of the request for hearing with the BSCC, unless delayed upon mutual agreement by the BSCC and the participating county. The BSCC shall mail or deliver to the appellant or authorized representative a written notice of the time, date, and place of hearing not less than seven days prior to the hearing.
- (b) The procedural time requirements may be waived with mutual written consent of the parties involved.
- (c) Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within sixty (60) days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued upon mutual agreement by the hearing panel and the participating county.
- (d) An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
- (e) The hearing is not formal in nature. Pertinent and relevant information, whether written or oral, will be accepted. Hearings will be tape recorded.
- (f) Neither the Federal Rules of Evidence nor the California Rules of Evidence apply in these administrative hearings.
- (g) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the BSCC at its next regular public meeting.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; Section 6030, Penal Code.
Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.

§ 1792. Board of State and Community Corrections Decision.

- (a) The BSCC, after receiving the proposed decision, may:

- (1) Adopt the proposed decision;
 - (2) Amend the decision with or without taking additional evidence into consideration; or,
 - (3) Order a further hearing to be conducted, if additional information is needed to decide the issue.
- (b) After the hearing panel's proposed decision is adopted, or an alternate decision is rendered by the BSCC or notice of new hearing ordered, the notice decision or other such actions shall be sent via certified mailed by the BSCC to the appellant.
- (c) The record of the testimony, exhibits, all papers and requests filed in the proceedings, and the hearing panel's proposed decision shall constitute the exclusive record for decision and shall be available to the appellant for one year after the date of the BSCC's notice of decision in the case.
- (d) The decision of the BSCC shall be final.

Note: Authority cited: Sections 15820.906, 15820.916, and 15820.925, Government Code; Section 6030, Penal Code.
Reference: Sections 15820.906, 15820.916, and 15820.925, Government Code.



BOARD OF STATE AND COMMUNITY CORRECTIONS
SB 1022
ADULT LOCAL CRIMINAL JUSTICE FACILITIES
CONSTRUCTION FINANCING PROGRAM
PROPOSAL FORM

This document is not to be reformatted.

SECTION 1: PROJECT INFORMATION

A: APPLICANT INFORMATION AND PROPOSAL TYPE				
COUNTY NAME		STATE DOLLARS REQUESTED		
		\$		
SMALL COUNTY (200,000 OR UNDER GENERAL COUNTY POPULATION) <input type="checkbox"/>	MEDIUM COUNTY (200,001 - 700,000 GENERAL COUNTY POPULATION) <input type="checkbox"/>	LARGE COUNTY (700,001 + GENERAL COUNTY POPULATION) <input type="checkbox"/>		
TYPE OF PROPOSAL – PROGRAM SPACE PROPOSAL <u>OR</u> BEDS AND PROGRAM SPACE PROPOSAL PLEASE CHECK ONE (ONLY):				
PROGRAM SPACE <input type="checkbox"/>		BEDS AND PROGRAM SPACE <input type="checkbox"/>		
B: BRIEF PROJECT DESCRIPTION				
FACILITY NAME				
PROJECT DESCRIPTION				
STREET ADDRESS				
CITY	STATE	ZIP CODE		
C. SCOPE OF WORK – INDICATE FACILITY TYPE AND CHECK ALL BOXES THAT APPLY.				
FACILITY TYPE (II, III or IV)	<input type="checkbox"/> NEW STAND-ALONE FACILITY	<input type="checkbox"/> RENOVATION/ REMODELING	<input type="checkbox"/> CONSTRUCTING BEDS OR OTHER SPACE AT EXISTING FACILITY	
D. BEDS CONSTRUCTED – Provide the number of BSCC-rated beds and non-rated special use beds that will be subject to construction as a result of the project, <u>whether remodel/renovation or new construction.</u>				
	A. MINIMUM SECURITY BEDS	B. MEDIUM SECURITY BEDS	C. MAXIMUM SECURITY BEDS	D. SPECIAL USE BEDS
Number of beds constructed				
TOTAL BEDS (A+B+C+D)				

E: APPLICANT'S AGREEMENT			
By signing this application, the authorized person assures that: a) the County will abide by the laws, regulations, policies and procedures governing this financing program, and b) certifies that the information contained in this proposal form, budget, narrative and attachments is true and correct to the best of his/her knowledge.			
PERSON AUTHORIZED TO SIGN AGREEMENT			
NAME		TITLE	
AUTHORIZED PERSON'S SIGNATURE			DATE
G: DESIGNATED COUNTY CONSTRUCTION ADMINISTRATOR			
This person shall be responsible to oversee construction and administer the state/county agreements. (Must be county staff, not a consultant or contractor, and must be identified in the Board of Supervisors' resolution.)			
COUNTY CONSTRUCTION ADMINISTRATOR			
NAME		TITLE	
DEPARTMENT		TELEPHONE NUMBER	
STREET ADDRESS			
CITY	STATE	ZIP CODE	E-MAIL ADDRESS
H: DESIGNATED PROJECT FINANCIAL OFFICER			
This person is responsible for all financial and accounting project related activities. (Must be county staff, not a consultant or contractor, and must be identified in the Board of Supervisors' resolution.)			
PROJECT FINANCIAL OFFICER			
NAME		TITLE	
DEPARTMENT		TELEPHONE NUMBER	
STREET ADDRESS			
CITY	STATE	ZIP CODE	E-MAIL ADDRESS
I: DESIGNATED PROJECT CONTACT PERSON			
This person is responsible for project coordination and day-to-day liaison work with BSCC. (Must be county staff, not a consultant or contractor, and must be identified in the Board of Supervisors' resolution.)			
PROJECT CONTACT PERSON			
NAME		TITLE	
DEPARTMENT		TELEPHONE NUMBER	
STREET ADDRESS			
CITY	STATE	ZIP CODE	E-MAIL ADDRESS

SECTION 2: BUDGET SUMMARY

BUDGET SUMMARY INSTRUCTIONS

Definitions of total project costs for purposes of this program (state reimbursed, county cash contribution and county in-kind contribution) can be found in the Project Costs, State Reimbursement and County Contribution (Match) section of the Request for Proposals (RFP). The county cash and in-kind contributions are collectively the county contribution. Those defined costs in the RFP shall be the guide for accurately completing this budget summary section.

In the Budget Summary Table that follows in part B of this section, indicate the amount of state financing requested and the amount of cash and/or in-kind contributions allotted to each budget line-item, in total defining the total project costs. While it is necessary to fully include each eligible project cost for state reimbursed and county cash contribution line items, it is not necessary to include county in-kind contribution amounts. All other eligible costs are considered hard costs and are to be claimed under state reimbursed or county cash contribution.

Inclusion of the in-kind contribution amounts is optional and counties may choose whether or not to include any of the amounts eligible under each in-kind contribution line item. The in-kind contribution line items represent only county staff salaries and benefits, or current fair market value of land. An appraisal of land value will be required after conditional award (or with proposal submittal if the county is seeking funding preference under the real estate due diligence criterion), and only if land value is included as part of the county's contribution.

The total amount of state financing requested cannot exceed 90 percent of the total project costs. The county contribution must be a minimum of 10 percent of the total project costs (unless the applicant is a small county petitioning for a reduction in the county contribution amount). County contributions can be any combination of cash or in-kind project costs. Small counties that petition for a reduction in the contribution amount must provide a minimum of five percent contribution of the total project costs. Small counties requesting a reduction in county contribution must state so in part A of this section.

State financing limits (maximums) for all proposals are as follows:

- **\$80,000,000** for large counties;
- **\$40,000,000** for medium counties; and
- **\$20,000,000** for small counties.

A. SMALL COUNTY PETITION FOR REDUCTION IN CONTRIBUTION

A small county may petition the BSCC Board for a reduction in its county contribution. This proposal document will serve as the petition and the BSCC Board's acceptance of the county's contribution reduction, provided the county abides by all terms and conditions of this SB 1022 RFP process and receives a conditional award. Small counties requesting the reduction must still provide a minimum of five percent contribution that may be any combination of cash and/or in-kind contribution. If requesting a reduction in match contribution, check the box below to indicate the county's petition.

- This proposal includes a petition for a county contribution reduction request as reflected in the proposal budget.**

B. BUDGET SUMMARY TABLE
(Report to nearest \$1000)

LINE ITEM	STATE REIMBURSED	CASH CONTRIBUTION	IN-KIND CONTRIBUTION	TOTAL
1. Construction	\$	\$		\$
2. Additional Eligible Costs*	\$	\$		\$
3. Architectural	\$	\$		\$
4. Project/Construction Management	\$	\$		\$
5. CEQA		\$		\$
6. State Agency Fees		\$		\$
7. Audit		\$	\$	\$
8. Needs Assessment		\$	\$	\$
9. Transition Planning		\$	\$	\$
10. County Administration			\$	\$
11. Land Value			\$	\$
TOTAL PROJECT COSTS	\$	\$	\$	\$
PERCENT OF TOTAL	%	%	%	100.00 %

* Additional Eligible Costs: This line item is limited to specified fees and moveable equipment and moveable furnishings (eligible for state reimbursement or cash contribution), and public art (eligible for cash contribution only).

Provide an explanation below of how the dollar figures were determined for each of the budget line items above that contain dollar amounts. Every cash contribution (match) line item shall be included with a reporting of the full amount budgeted, unless a line item is not an actual cash contribution project cost for the county. (In that case, indicate so below.) For each line item explanation below, include how state financing and the county contribution dollar amounts have been determined and calculated (be specific).

1. Construction (includes fixed equipment and furnishings):
2. Additional Eligible Costs (specified allowable fees, moveable equipment and moveable furnishings, and public art):
 - a) Define each allowable fee type and the cost of each:
 - b) Moveable equipment and moveable furnishings total amount:
 - c) Public art total amount:
3. Architectural:
 - a) Describe the county's current stage in the architectural process:
 - b) Given the approval requirements of the SPWB and associated state

reimbursement parameters, define which portions/phases of the architectural services the county intends to seek state dollar reimbursement:

- c) Define the budgeted amount for what is described in b) above:
 - d) Define which portion/phases of the architectural services the county intends to cover with county contribution dollars:
 - e) Define the budgeted amount for what is described in d) above:
4. **Project/Construction Management:**
 5. **CEQA:**
 6. **State Agency Fees (maximums: due diligence \$16,000; SFM \$35,000):**
 - a) Real estate due diligence fee:
 - b) State Fire Marshal fee:
 7. **Audit – Define whether the county is intending to use independent county auditor (in-kind) or services of contracted auditor (cash) and amount budgeted:**
 8. **Needs Assessment – Define whether work is performed by county staff (in-kind) or consultant (cash) :**
 9. **Transition Planning – Define whether work is performed by county staff (in-kind) or consultant (cash):**
 10. **County Administration:**
 11. **Land Value:**

SECTION 3: PROJECT TIMETABLE

Prior to completing this timetable, the county must consult with all appropriate county staff (e.g., county counsel, general services, public works, county administrator) to ensure that dates are achievable. Please consult the State Capital Outlay/Board of State and Community Corrections Process Details and Timing Requirements section of the RFP for further information. Complete the table below indicating start and completion dates for each key event, including comments if desired. Note the required timeframes for specific milestone activities in this SB 1022 process. (The BSCC Board intends to make conditional awards at a January 2014 meeting.)

KEY EVENTS	START DATES	COMPLETION DATES	COMMENTS
Site assurance/comparable long-term possession <u>within 90 days of award</u>			
Real estate due diligence package submitted <u>within 120 days of award</u>			
State Public Works Board meeting – Project Established <u>within 18 months of award</u>			
Schematic Design with Operational Program Statement <u>within 24 months of award</u> (design-bid-build projects)			
Performance criteria or performance criteria and concept drawings with Operational Program Statement <u>within 30 months of award</u> (design-build projects)			
Design Development (Preliminary drawings) with Staffing Plan			
Staffing/Operating Cost Analysis approved by the Board of Supervisors			
Construction Documents (Working drawings)			
Construction Bids			
Notice to Proceed <u>within 42 months of award</u>			
Construction (maximum 3 years to complete)			
Staffing/Occupancy <u>within 90 days of completion</u>			

SECTION 4: FACT SHEET

To synopsise and capture key information from Section 5: Narrative, applicants must complete this Fact Sheet. Minimal information is requested. Narrative information or explanations are not to be included on this Fact Sheet nor as part of the tables in this section. Explanations of what is provided in these tables may be included in the Narrative section of the Proposal Form. Proposal narratives may include reference back to one or more of these specific tables (e.g., refer to Table 4 in the Fact Sheet), rather than repeat information in the narrative that is already provided in the tables.

Tables 1 through 7 below constitute the Fact Sheet, which shall be provided with each proposal submittal, without regard as to whether the proposal includes bed construction. These tables of information shall be used by the raters in conjunction with the information provided in the proposal narrative (see Narrative section of the Proposal Form).

The information requested in this Fact Sheet pertains to those facilities (Type II, III and IV), approaches and programs under the jurisdiction of the sheriff or local department of corrections.

Tables 1 – 4, 6 and 7: For Average Daily Population (ADP), provide the average number per day for the first six months of 2013. For programs that started after January 1, 2013, provide the average number per day for the length of time the program was in effect (after the name of the program, provide the starting date). The same time period parameters pertain to Assessments per Month. “Lack of space” releases in Table 1 refers to the total of non-sentenced inmates released and sentenced inmates released early.

Table 3: The term “approaches” includes home detention, not incarcerating misdemeanants, etc., or other policies/procedures and approaches that do not include specific measures influencing recidivism reduction.

Tables 4, 5 and 7: The term “programming” refers to the utilization of formal programs that specifically incorporate measures to influence recidivism reduction.

Table 1: Provide the following information.	
1.	County general population
2.	Number of detention facilities
3.	BSCC-rated capacity of system
4.	ADP (Secure Detention) of system
5.	ADP (Alternatives to Detention) of system
6.	Percentage felony inmates of system

7.	Percentage non-sentenced inmates of system	
8.	Arrests per month	
9.	Bookings per month of system	
10.	"Lack of space" releases per month	

Table 2: Provide the name, BSCC-rated capacity (RC) and ADP of the adult detention facilities in your jurisdiction.

	Facility Name	RC	ADP
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Table 3: List approaches currently in place to reduce the need for beds, and ADP for each.

	Pre-Trial Approaches	ADP
1.		
2.		
3.		
4.		
5.		
6.		
	Sentenced Offender Approaches	ADP
1.		
2.		
3.		
4.		
5.		
6.		

Table 4: List the current offender programming in place and the ADP in each program.		
	Pre-Trial Program	ADP
1.		
2.		
3.		
4.		
5.		
6.		
	Sentenced Offender Program	ADP
1.		
2.		
3.		
4.		
5.		
6.		

Table 5: List the offender programming gaps and deficiencies.	
	Gaps and Deficiencies
1.	
2.	
3.	
4.	
5.	
6.	

Table 6: List the offender assessments used for the purpose of jail population management.		
	Assessment Tools	Assessments per Month
1.		
2.		
3.		
4.		
5.		
6.		

Table 7: List the offender assessments used for determining programming.

	Assessment Tools	Assessments per Month
1.		
2.		
3.		
4.		
5.		
6.		

SECTION 5: NARRATIVE

As defined previously in the RFP, there are two proposal types in this funding process. What follows below are the narrative points that must be discussed within each of the five major topic areas. Please note:

- **Beds and Program Space Proposals:** Proposals that include any type of bed construction (remodel/renovation or new construction) shall address all of the points under each of the five major topic areas below.
- **Program Space Proposals:** Proposals that do not include any type of bed construction shall address all five major topic areas, skipping those areas within 1, 2 and 3 that specifically fall under the Bed Construction heading. The All Projects heading under 2 does apply.

Attach up to the maximum number of 35 pages of double-spaced narrative (no smaller than 12 point font) ordered in the subject areas indicated within the proposal type. If it can be written in less than the maximum pages, please do so (avoid “filler”). Up to 10 additional pages of essential appendices may be included at the discretion of the applicant. Appendices cannot be used to give required narrative information. Pictures, charts, illustrations or diagrams are encouraged in the narrative or appendices to assist reviewers in fully understanding the proposed scope of work. Data sources must be identified.

If the project is for a regional facility (must meet the requirements outlined in the Regional Facilities section of the RFP), clearly indicate so. Include the names of the partnering counties and their individual data which supports the project and responds to the requested narrative points.

1.	PROJECT NEED
Bed Construction	
B: 1.01	Describe the findings of the needs assessment completed by the county.
B: 1.02	Provide a county jail system overview (e.g.; capacity, ADP and other relevant factors), including a description of other current or planned construction. If the county has an AB 900 award(s), indicate such and identify the number of beds to be constructed and current stage of planning or construction for this project(s).
B: 1.03	Describe the system issues anticipated to be remedied by the new construction, such as: overcrowding, medical, or mental health beds.
B: 1.04	Describe the current trends in the number of arrests, bookings, releases due to lack of space and other relevant factors as they relate to the need for beds.
B: 1.05	Discuss the current approach to reducing the need for beds, including programs and alternatives to incarceration.
B: 1.06	Provide data showing the effectiveness/impacts of these alternatives.

B: 1.07	Describe any plans underway, or future plans, to implement alternatives to incarceration and their anticipated results.
Program Space Construction	
PS: 1.01	Describe the process for determining the need for program space.
PS: 1.02	Describe the current approach to offender programming (i.e., use of current program space, types of programs, and services) for custody and non-custody offenders.
PS: 1.03	Describe what least restrictive alternatives have been put in place to address the needs of the population intended to be served by this proposal.
PS: 1.04	Describe the gaps and deficiencies in current programming for custody and non-custody offenders, and which of these gaps or deficiencies will be addressed with proposed program space construction funding.
PS: 1.05	Describe the approach taken to determining the kind of programming that will take place in the new program space.
PS: 1.06	Provide information and data supporting the county's need for program space.
PS: 1.07	Indicate the approach to alternatives to incarceration and how the program will assist in managing the jail population.
PS: 1.08	Describe the need for programming that could assist with the jail population management.

2.	SCOPE OF WORK
All Projects	
A: 2.01	Detail the full scope of work that is the subject of this proposal, including a comprehensive description of the number and types of beds (if any), program spaces, and other core and ancillary spaces; indicate whether this is new stand-alone construction, an addition to an existing facility, or space that is being remodeled or renovated.
Bed Construction	
B: 2.01	Describe the planning process that resulted in this bed construction scope of work.
B: 2.02	Describe the relationship between stated needs and the planned construction.
B: 2.03	Describe the anticipated beneficial outcomes of the new bed construction.
B: 2.04	Define the staffing that will be required to operate the new construction.
Program Space Construction	
PS: 2.01	Describe the planning process used to develop the design for the construction of program space.
PS: 2.02	Describe the relationship between stated needs and the proposed program space construction.
PS: 2.03	Define the features of this program space construction that make it suitable for the intended programming.

PS: 2.04	Describe plans to implement and operate programs in the space.
PS: 2.05	Describe the anticipated beneficial outcomes of the new program space construction.

3.	OFFENDER MANAGEMENT AND PROGRAMMING
Bed Construction	
B: 3.01	Describe how the proposed construction will address the county's offender management goals regarding use of secure detention
B: 3.02	Describe how the proposed bed construction aligns with the Community Corrections Partnership (CCP) plan.
B: 3.03	Describe the use of, or plans to use, offender assessment(s) and other interventions to address jail population management, including objective tools or instruments to manage the offender population, such as pretrial assessments, etc.
B: 3.04	Describe the county's planned construction in relation to the expected need for beds in the future.
Program Space Construction	
PS: 3.01	Describe how this program space construction will address the county's offender management goals.
PS: 3.02	Describe how the program space construction aligns with the CCP plan.
PS: 3.03	Describe the programming to be conducted in the new program space.
PS: 3.04	Describe how the program space will foster a quality reentry model and seamless reentry process.
PS: 3.05	Describe collaborative partnerships that will provide services within the program space and provide continuity through the reentry and community supervision process.
PS: 3.06	Describe the sources of financial support (i.e., Medi-Cal, other federal sources, etc.) that will be accessed to aid in the delivery of programs.
PS: 3.07	Describe the offender assessment(s) and the process for determining the programming offenders (custody and non-custody) will receive.
PS: 3.08	Describe the approach to the principles and objectives of evidence-based programming that will be incorporated to reduce recidivism, including program evaluation.
PS: 3.09	Define the staff qualifications necessary to present the planned programming (e.g., staff training certification).
PS: 3.10	Describe the target population and estimated numbers of individuals to be served daily and annually in the program space. Describe how you arrived at those estimates.

4.	ADMINISTRATIVE WORK PLAN
4.01	Describe the plan for project management and administration, including key positions and responsibilities.
4.02	Describe the current state of the county's project planning process.

4.03	Describe the county's readiness to proceed with the project.
4.04	Describe the construction project timeline.

5.	BUDGET REVIEW AND REASONABLENESS
5.01	Justify the amount of state financing requested for the planned construction.
5.02	Describe the anticipated benefits/impact of the construction in relation to construction costs (including any fiscal benefits).
5.03	Describe steps that the county has taken to minimize costs of this project.
5.04	Describe efforts to leverage other sources of funds (e.g., federal) for program delivery.
5.05	Detail the cost effectiveness of this construction project, including from a population management perspective.

SECTION 6: BOARD OF SUPERVISORS' RESOLUTION

All counties applying for SB 1022 financing must include a Board of Supervisors' resolution with the proposal submittal. The resolution must include the requisite components as outlined below. ("A" applies only to counties seeking the funding preference as described in the RFP – Funding Preference section.) For counties submitting multiple proposals (which requires participation in a regional facility as described in the RFP), separate resolutions for each proposal, with the necessary language contained in each resolution, is required.

- A. All counties seeking to satisfy one or more of the funding preference criteria must provide the resolution language outlined below. Criterion #1 is mandatory if any funding preference is sought. Criteria #2, 3 and 4 are optional.

PREFERENCE CRITERION #1: Adequate County Contribution Funds
In addition to all of the required documentation identified in the RFP, the following language must appear in the resolution:

The County of _____ (the "County") is seeking funding preference for its proposed project within the Adult Local Criminal Justice Facilities Construction Financing Program (the "SB 1022 Financing Program"). As such, the Board of Supervisors of _____ County does hereby represent, warrant and covenant as follows:

1) Lawfully Available Funds. The county cash contribution funds, as described in the documentation accompanying the County's SB 1022 Financing Program Proposal Form, have been derived exclusively from lawfully available funds of the County.

2) County Cash Contribution Funds Are Legal and Authorized. The payment of the county cash contribution funds for the proposed adult local criminal justice facility project (the "Project") (i) is within the power, legal right, and authority of the County; (ii) is legal and will not conflict with or constitute on the part of the County a material violation of, a material breach of, a material default under, or result in the creation or imposition of any lien, charge, restriction, or encumbrance upon any property of the County under the provisions of any charter instrument, bylaw, indenture, mortgage, deed of trust, pledge, note, lease, loan, installment sale agreement, contract, or other material agreement or instrument to which the County is a party or by which the County or its properties or funds are otherwise subject or bound, decree, or demand of any court or governmental agency or body having jurisdiction over the County or any of its activities, properties or funds; and (iii) have been duly authorized by all necessary and appropriate action on the part of the governing body of the County.

3) No Prior Pledge. The county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated by the County in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest by the County. In addition, the county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated for the benefit of the County or its creditors in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest in favor of the County or its creditors. The County shall not in any manner impair, impede or challenge the security, rights and benefits of the owners of any lease-revenue bonds sold by the State Public Works Board for the Project (the "Bonds") or the trustee for the Bonds.

4) Authorization to Proceed with the Project. The Project proposed in the County's SB 1022 Financing Program proposal is authorized to proceed in its entirety when and if state financing is awarded for the Project within the SB 1022 Financing Program.

PREFERENCE CRITERION #2: Real Estate Due Diligence

The following statement must appear in the resolution:

The County is seeking funding preference for submittal of the complete initial real estate due diligence package.

PREFERENCE CRITERION #3: CEQA Compliance

One of the following two statements must appear in the resolution:

The County is seeking funding preference for submittal of documentation evidencing that compliance with CEQA has been fully completed for the proposed project, and further is certifying that all related statutes of limitation have expired without challenge.

Or:

The County is seeking funding preference for submittal of documentation evidencing that compliance with CEQA has been fully completed for the proposed project, and is certifying that all challenge has been completely resolved in a manner that allows the project to move forward as proposed.

PREFERENCE CRITERION #4: Authorization of Project Documents

The following language must appear in the resolution; the bracketed and underlined information must be updated as appropriate to be consistent with the person(s) each county authorizes to execute the respective project documents:

The County is seeking funding preference associated with review of and authorization to execute the project documents required within the SB 1022 Financing Program. As such, the Board of Supervisors of _____ County does hereby approve the form of the Project Delivery and Construction Agreement, the Board of State and Community Corrections Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease. Each of the [Chairman of the Board of Supervisors, the Chief Executive Officer of the County and the Chief Operations Officer of the County], or their designees (collectively, the "Authorized Officers"), acting alone, is hereby authorized for and in the name of the County to execute, and the Clerk to the Board of Supervisors is authorized to attest, the Project Delivery and Construction Agreement, the Board of State and Community Corrections Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease, in substantially the form hereby approved, with such additions thereto and changes therein as are required by the BSCC or the State Public Works Board to effectuate the SB 1022 Financing Program and as condition to the issuance of the Bonds. Approval of such changes shall be conclusively evidenced by the execution and delivery thereof by any one of the Authorized Officers each of whom, acting alone, is authorized to approve such changes.

Each of the Authorized Officers is authorized to execute these respective agreements at such time and in such manner as is necessary within the SB 1022 Financing Program. Each of the Authorized Officers is further authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the Project Delivery and Construction Agreement, the Board of State and Community Corrections Jail Construction Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease.

B. For all counties, except as otherwise noted below, the Board of Supervisors' resolution for the project shall contain the following:

- Names, titles and positions of County Construction Administrator, Project Financial Officer and Project Contact Person.
- Authorization of appropriate county official to sign the Applicant's Agreement (page two of Proposal Form) and submit the proposal for funding.
- Assurance that the County will adhere to state requirements and terms of the agreements between the County, the Board of State and Community Corrections and the State Public Works Board in the expenditure of any state financing allocation and county contribution funds.

- Assurance that the County has appropriated, or will appropriate after notification of conditional award of financing but before state/county financing agreements, the amount of county cash contribution identified by the County on the financing program proposal form submitted to the Board of State and Community Corrections; the County acknowledges the need to identify the source of funds for county cash contribution, and assures that the cash match contribution does not supplant (replace) funds otherwise dedicated or appropriated for construction activities. (This section does not apply to counties seeking the funding preference.)
- Assurance that the County will safely staff and operate the facility that is being constructed (consistent with Title 15, California Code of Regulations) within ninety (90) days after project completion.
- For Beds and Program Space proposals (that are NOT regional facility projects as defined in this RFP), include the following certification: The County certifies that it is not and will not be leasing housing capacity in this SB 1022 financed adult local criminal justice facility to any other public or private entity for a period of 10 years beyond the completion date of the adult local criminal justice facility.
- For Beds and Program Space proposals (that ARE regional facility projects as defined in this RFP), include the following certification: The County certifies that it is not and will not be leasing housing capacity in this SB 1022 financed adult local criminal justice facility for profit purposes to any other public or private entity for a period of 10 years beyond the completion date of the adult local criminal justice facility.
- (Provide the following site assurance for the adult local criminal justice facility at the time of proposal or not later than ninety (90) days following the Board of State and Community Corrections' notice of conditional award): Assurance that the County has project site control through either fee simple ownership of the site or comparable long-term possession of the site, and right of access to the project sufficient to assure undisturbed use and possession of the site, and will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site of facility subject to construction, or lease the facility for operation to other entities, without permission and instructions from the Board of State and Community Corrections. (This section does not apply to counties using a build-to-suit arrangement.)
- Attestation to \$_____ as the current fair market land value for the proposed new or expanded facility. (This can be claimed for on-site land value for new facility construction, on-site land value of a closed facility that will be renovated and reopened, or on-site land value used for expansion of an existing facility. It cannot be claimed for land value under an existing operational detention facility. If claimed as in-kind contribution, an independent appraisal will be required as a pre-agreement condition.

(This section applies only to counties that are claiming land value as part of the county's contribution. Further, this section does not apply to counties using a build-to-suit arrangement.)

**CONSTRUCTION OF ADULT LOCAL CRIMINAL JUSTICE FACILITIES:
Final Rating Form**

Proposal Being Rated:	Proposal #:
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Rater ID:	Initial Rating Date:
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RATING FACTORS		Rating Points	Initial Rating	Revised Rating
1	Project Need	0-250		
2	Scope of Work	0-200		
3	Offender Management and Programming	0-250		
4	Administrative Work Plan	0-100		
5	Budget Review	0-200		

