



Legislation Text

File #: 17-0017, **Version:** 2

Chief Administrative Office, Facilities Division, recommending the Board:

- 1) Make findings in accordance with Ordinance 3.13.030 that it is more economical and feasible to contract out for legal services due to the need for additional resources to perform the necessary legal work within the timeframes and schedules in which to perform the work and the ability to satisfy these timeframes and schedules of the project; and
- 2) Authorize the Purchasing Agent to sign the attached agreement for legal services for assistance with the drafting of the Request for Qualifications, Request for Proposal and Services Agreement for the design-build contractor for the Public Safety Facility. (Cont. 1/3/17, Item 31)

FUNDING: Public Safety Facility budget, ACO Fund.

DEPARTMENT RECOMMENDATION

Chief Administrative Office, Facilities Division, recommending the Board;

- 1) ~~Receive a presentation on the timeline and next steps related to the Public Safety Facility project;~~
and
- 2) 1 Make findings in accordance with Ordinance 3.13.030 that it is more economical and feasible to contract out for legal services due to the need for additional resources to perform necessary the legal work within the timeframes and schedules in which to perform the work and the ability to satisfy these timeframes and schedules of the project; and
- 3) 2 Authorize the Purchasing Agent to sign the attached agreement for legal services for assistance with the drafting of the Request for Qualifications, Request for Proposal and Services Agreement for the design-build contractor for the Public Safety Facility.

DISCUSSION / BACKGROUND

On December 28, 2016, the Board ~~will consider approving~~ approved the Letter of Intent to Meet Conditions with the United States Department of Agriculture's (USDA) Community Facilities Program as well as the Requests for Obligations of Funds (Legistar item #16-0398). This ~~will begin~~ began the process of receiving the USDA loan of \$57,140,000 and moving forward with construction of the Public Safety Facility.

One of the conditions of the USDA loan is that construction begins within one (1) year of the date of the original letter which was received on December 16, 2016. The Facilities Division ~~would like to provide~~ provided the Board with an updated timeline leading up to the start of construction. This timeline is very aggressive and is going to require resources devoted almost 100% to this project and the ability to move quickly and efficiently. In addition to the County internal review process, all documents must also be reviewed and approved by the USDA.

~~After some additional research the Facilities Division has identified a law firm with construction management expertise who is currently working with the USDA on another large project in Modoc County. Initial conversations with this law firm indicate that they have the capacity to create the documents required in a compressed time frame in order to help the County meet the construction deadlines. This is the first time the County has taken on a design-build project of this magnitude and~~

~~the timeframe to complete the project in order to secure the loan from the USDA requires a very quick turnaround.~~

County Counsel has the skills, knowledge and expertise to perform the work. However, given the workload and current staffing level of County Counsel and the time constraints of this project, additional attorney resources would be required. Under normal circumstances, County Counsel would bring in extra help to assist or backfill in order to commit the time necessary to perform the legal services. However, with the aggressive construction schedule, there is no time to run a full recruitment for extra help. The law firm named in the proposed contract is currently working on a USDA loan project.

The Chief Administrative Office is requesting that the Board make findings in accordance with Ordinance 3.13.030 that it is more economical and feasible to contract out for legal services due to the need for additional resources to perform the work within the timeframes and schedules in which to perform the work and the ability to satisfy these timeframes and schedules of the project.

ALTERNATIVES

The Board could choose to reprioritize ongoing and proposed projects in order to allow County Counsel to redirect in-house legal resources to the Public Safety Facility project. not contract out the legal services and utilize staff in house which could delay the project and jeopardize the funding. This could potentially result in other legal matters being delayed.

Another alternative is for Facilities to determine the feasibility, in accordance with Ordinance 3.13.030, of contracting with a consultant to assist with preparation of the Request for Qualifications and Request for Proposal since these are primarily technical documents. Facilities would work in conjunction with the Procurement and Contracting Division, since Procurement and Contracting has experience and expertise in relation to RFQs and RFPs. Once these documents are prepared, County Counsel can perform the legal review. This alternative separates technical from legal.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Sheriff

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

The project budget of \$68M includes \$2.48M for administrative and legal services. We are anticipating that this agreement will be less than ~~\$75,000~~100,000.00. This not to exceed amount will be refined after further discussions with the legal firm.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Good Governance

Infrastructure

Public Safety

CONTACT

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