



Travis County Commissioners Court Agenda Request

Meeting Date: February 5, 2013

Elected/Appointed Official/Dept. Head:

Leslie Browder, County Executive, Planning & Budget, (512) 854-9106

Roger Jefferies, County Executive, Justice & Public Safety, (512) 854-4759

Commissioners Court Sponsors:

County Judge Samuel T. Biscoe and Commissioner Sarah Eckhardt

AGENDA LANGUAGE:

CONSIDER AND TAKE APPROPRIATE ACTION ON THE PROPOSED CIVIL AND FAMILY COURT HOUSE PROJECT, INCLUDING

- A. TIMELINE OF WORK COMPLETED AND COMMISSIONERS COURT ACTIONS TAKEN TO DATE
- B. DOCUMENT AND AFFIRM CURRENT AND FUTURE NEED FOR ADDITIONAL SPACE FOR CIVIL AND FAMILY COURT PROCEEDINGS
- C. PROPOSED SCOPE OF WORK FOR THE PROCUREMENT OF PROGRAM MANAGEMENT SERVICES
- D. PROPOSED STAFF EVALUATION TEAM FOR THE PROCUREMENT OF THE PROGRAM MANAGEMENT SERVICES
- E. APPOINTMENT OF EXECUTIVE SPONSORS FOR THE PROJECT
- F. CHARGE FOR THE EXPANDED CITIZENS ADVISORY COMMITTEE
- G. MEMBERSHIP FOR THE EXPANDED CITIZENS ADVISORY COMMITTEE

BACKGROUND/SUMMARY OF REQUEST:

Timeline of work completed and actions taken to date

On January 29, 2013, staff presented a status update to the Commissioners Court on Civil and family Court House project. The Commissioners Court requested that a timeline of events related to the evolution of the Civil and Family Court House project be prepared for review and general discussion of progress made to date on the project.

This information is currently being compiled and will be provided to the Commissioners Court as soon as the work has been completed. A placeholder for the information is included as Attachment 1 and will outline specific actions taken by the Commissioners Court since 2002. This information is intended to reflect actions taken to date that have framed the discussions about the need, location, program, relative size and estimated cost of the project options that are currently under consideration by the Commissioners Court.

The latest series of actions are related to the development of a Feasibility Analysis of Alternative Delivery options performed by Ernst & Young. On April 3, 2012, Ernst & Young (E&Y) presented a summary of their findings related to a new Travis County Civil and Family Court House to be located at 308 Guadalupe Street. Their summary included an analysis of the financial feasibility of various delivery options for the Court House, an update on project costs, and a value-for-money analysis of a design-build (DB) and or a public-private-partnership (P3) delivery as compared to a traditional design-bid-build (DBB) process. The E&Y analysis ultimately concluded that there is value-for-money in pursuing an alternative delivery method rather than the traditional DBB approach.

Shortly after receiving the E&Y report, the Commissioners Court appointed a Court House Recommendation Committee to assist with the selection of a final delivery method for the project. Each committee member represented a key stakeholder organization or provided expertise in an important subject matter area related to the project. The members of the Travis County Civil and Family Court House Recommendation Committee were appointed by the Commissioners Court in May 2012. The Committee was asked to return to the Commissioners Court with a recommendation in June, or as soon as the completion of their deliberations would allow. The Committee completed their work in July and presented their report for the Commissioner Courts consideration and deliberation on August 7, 2012.

The Travis County Civil and Family Court House Recommendation Committee recommended the Commissioners Court pursue a P3 delivery approach for the project. The Committee's report covered a host of other issues, including some refinements to the governance process that E&Y had briefly laid out in their report. These recommendations suggested that the Commissioners Court would need to hire a transaction-oriented P3 advisory team before issuing a solicitation for the development of the project. During discussions regarding the Committee's recommendations, the Commissioners Court informally directed staff to begin working on the necessary procurement documents to obtain a program management team, also referred to as an owner's representative. Once selected, the owner's representative would assist the Court with finalizing their choice of the appropriate delivery method for the development of the Civil and Family Court House.

Document and affirm current and future need for additional space for Civil and Family Court proceedings

The information developed related to the need and for and size of future Civil and Family Court House was developed by Broaddus & Associates during the Travis County Needs Assessment and Master Plan for the Central Campus. The Broaddus team

included court planning experts from Ricci Greene Associates. The team developed specific forecasts for growth in both the criminal and civil court systems for Travis County. In addition, specific information was developed for the following areas:

- forecasts for additional judges and support staff
- space standards specific to the size and configuration of court suites or sets
- an inventory of existing court sets and configurations
- forecasts for all court related offices and departments
- adjacency requirements for the court related functions
- site analysis and massing and stacking plans for all court related facilities
- program for the Civil and Family Court House
- site analysis of the block at 308 Guadalupe
- massing scenarios and typical floor plates for a Civil and Family Court House at 308 Guadalupe

Excerpts from the various Phase One Needs Assessment and Phase Two Master Plan reports prepared by Broaddus and Associates are being compiled and will be provided to the Commissioners Court as soon as that work has been completed. A placeholder for this information has been included as Attachment 2.

The following section of this memo and the remaining supporting attachments describe the next steps to assist the Commissioners Court with the Civil and Family Court House project.

STAFF RECOMMENDATIONS:

Procurement of Program Management Services (also known as the Owner's Representative)

Staff has been developing an umbrella solicitation that will allow the Commissioners Court to receive proposals from self-selected teams of firms and individuals with the requested qualifications to assist during the initiation and planning phases. Through the planned use of phasing in the contract, this solicitation can put the team in place that will carry the program management of the project through completion of construction.

There is no doubt that the Civil and Family Court House project as currently envisioned is a significant project for the Travis County Commissioners Court. Although levels of responsibility and the scope of work may vary during the later phases of the project, the most desirable candidates for the initiation and planning phases should have experience in both Design Build and Public Private Partnership (P3) projects. This allows the Commissioners Court to obtain additional outside expertise to assist with planning and final determination of the appropriate project delivery method. This same team can then move forward into subsequent phases of the project after authorization for funding of subsequent phases has been secured. It is not unusual for the development of a public information program about the project to be included as part of the scope of work for program management services, particularly when the project is a significant one like the Civil and Family Court House.

Attachment 3 to this memo is a draft scope of work for the umbrella solicitation for comment. This Scope of Work will be incorporated into the formal procurement documents prepared by the Purchasing Office and will be presented February 12, 2013, with anticipated release of a Request for Services (RFS) for Program Management following approval by the Commissioners Court with the planned contract award to occur no later than the end of May. This schedule allows the Commissioners Court to complete the initiation and planning phases of the project and establish funding in the 6 to 9 months following contract award for Program Management.

Based on discussions with E&Y and experts in the development community, it is essential to the success of a project that the governance model maintains control, transparency and effective risk management. The one industry proven method to accomplish this is to use the Guide to the Project Management Body of Knowledge published by the Project Management Institute. Information related to this model is outlined in the Governance section of E&Y's report. Project phasing includes initiation, planning, execution, measuring and monitoring, and closing. Travis County is currently in the initiation phase of the Civil and Family Court House Project.

The initiation phase of the project is the development of the goals and vision for the project, as well as defining desired end results. The outputs of this phase are the preliminary project scope statement, which has been largely developed already through the work with Broaddus and Ricci Greene in the form of the approved Civil and Family Court House Program document. Additional information needed to complete the project scope statement will include the delivery method and overall business goals and objectives for the project. The project charter will clearly define the project, outline the budget and the resources needed to execute each phase of the project. These documents will be developed as a part of the first phase of work by the firm selected to provide program management services. As mentioned previously, this firm is also commonly referred to as the owner's representative.

Recommended Staff Evaluation Team for Program Management Services

The County's Purchasing Agent, Cyd Grimes, will supervise the solicitation process for program management services. A list of staff members to be on the evaluation committee, needed to evaluate responses to the RFS, is presented for Commissioners Court approval. These individuals bring various types of knowledge and experience that are relevant to this procurement.

Justice planning and administration – Roger Jefferies
Financial planning and project management – Leslie Browder
Architectural, engineering and construction management – Roger El Khoury
Strategic facilities planning and project management – Belinda Powell
Civil courts administration and stakeholder representative – Peg Liedtke

In addition to the individuals listed above, the County Attorney's office will provide the expertise needed to select and assemble the necessary internal and external legal resources needed for the project on behalf of the Commissioners Court.

Appointment of Executive Sponsors

In conjunction with finalizing the Scope of Work for the RFS and the Evaluation Committee, the Commissioners Court may wish to revisit or reaffirm internal leadership roles for the project. Leslie Browder, County Executive of Planning & Budget and Roger Jefferies, County Executive of Justice & Public Safety, have been serving as the executive sponsors for the project. The allocation of internal staff resources for the project, including an internal project manager and internal team of support staff, would be the responsibility of the executive sponsor(s). Any internal staff assigned to the project will ultimately support the program manager hired as the owner's representative for the project who will be responsible for the day-to-day execution of every aspect of the project.

Governance Structure for Project and Recommended Follow-up Actions

The Commissioners Court should continue the process of establishing the appropriate governance structure for the project as described on pages 217 – 235 in the E&Y report. This can be accomplished prior to making the final decision on the specific delivery approach now that the options appear to be narrowed to a DB or P3 approach.

As part of the process to establish a governance model for the project, the Commissioners Court should complete the appointments to the Advisory Committee for the project. The Commissioners Court began this work by establishing a draft charge and suggested membership as an extension of the Recommendation Committee. Previous discussions by the Court indicated the intent to each appoint three representatives in addition to the membership of the Recommendation Committee. Attachment 6 is a list of Recommendation Committee members who are able to continue serving on the Advisory Committee, as well as identified vacancies. Attachment 5 is the draft charge for the Advisory Committee that was considered by the Commissioners Court in May 2012.

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A

REQUIRED AUTHORIZATIONS:

N/A

ATTACHMENTS:

1. Timeline of work completed and Commissioners Court actions taken to date on proposed Civil and Family Courthouse project
2. Statement of current and future need for a New Civil and Family Courthouse with New Civil and Family Court House Program developed by Broaddus & Associates with Ricci Greene
3. Draft Scope of Work for Program Management Services with proposed Evaluation Committee Members
4. Charge for Citizens Advisory Committee
5. List of Advisory Committee Members confirmed to date

Copies to:

The Honorable John Dietz, 250th District Court
The Honorable Lora Livingston, 261st District Court
The Honorable Eric Shepperd, County Court at Law #2
The Honorable Rosemary Lehmborg, District Attorney
The Honorable David Escamilla, County Attorney
The Honorable Amalia Rodriguez-Mendoza, District Clerk
The Honorable Dana DeBeauvoir, County Clerk
Peg Liedtke, Civil Court Administrator
Cyd Grimes, Purchasing Agent
Nicki Riley, County Auditor
Roger Jefferies, County Executive, Justice and Public Safety
Leslie Browder, County Executive, Planning and Budget
Jessica Rio, Budget Director
Roger El Khoury, Director Facilities Management
James Collins, First Assistant County Attorney
John Hille, Assistant County Attorney
Tom Nuckols, Assistant County Attorney

Attachment 1
Timeline of work completed and Commissioners Court actions taken to date on
the Proposed Civil and Family Courthouse project

(in progress, to be provided when complete)

Attachment 2

Statement of current and future need for a New Civil and Family Courthouse with New Civil and Family Court House Program developed by Broaddus & Associates with Ricci Greene.

(in progress, to be provided when complete)

Attachment 3

Draft Scope of Work for Program Management Services

Scope of Services

Through this Request for Services, Travis County seeks a Consultant to assist and advise Travis County during Phase I through Phase IV of the Project.

The Project is the construction of a civil and family courts building on the block owned by Travis County located at 308 Guadalupe Street in the central business district of Austin, Texas.

The Project will begin with Phase I:

Phase I – Review and analysis of the information prepared to date for the development of the Project; assistance with finalizing a financing strategy and the selection of a delivery approach to be used for the Project; development and execution of a public education initiative for the Project; and the tasks typically included in the Initiation and Planning Phases of a project as defined by the Project Management Institute (PMI).

Phase II – Preparation of solicitation documents for the development approach selected in Phase I and oversight of the procurement. The phase will also begin the development of the processes and documentation needed for the Executing, Monitoring and Control and Closing general phases for the project as defined by PMI.

Phase III – The selection of a development Partner and proposal for the Project and development of an operation and maintenance strategy that supports the long-term objectives of the Commissioners Court and compliments the delivery model; negotiation of the contracts with the Partner to execute the proposed development.

Phase IV – Program management for the Project, including oversight of the contract(s) awarded for the design, construction, occupancy, operation, and maintenance of the Project through at least the warranty period of the construction project or as otherwise determined through the course of the project delivery method selection.

Respondents to this Request for Services should divide their responses into the services they propose pursuant to general descriptions of Phase I through IV of the Project.

The Consultant may be a single individual or any combination of individuals and legal entities proposed by the Consultant. However, due to the breadth of expertise required by Travis County of the Consultant, Travis County expects respondents to this Request for Services to propose combinations of individuals and/or legal entities.

Respondents to this Request for Services should state clearly the expertise they believe the Consultant should have in order to assist and advise Travis County during Phases I through IV of the Project, why they believe such expertise is needed by the Consultant,

and how they intend to provide such expertise if they are selected as the Consultant. At a minimum, Travis County expects the following types of expertise as it relates to the design and development of Court Houses using Design Build and Public Private Partnership alternative delivery concepts to be included in the Respondent's proposal:

- Program management and construction management expertise
- Architectural/engineering and information technology expertise
- Security and security systems expertise
- Financial advisory and financial risk management
- Real estate and development expertise
- Public outreach and project information development, including Historically Underutilized Business (HUB) outreach for the Project
- Knowledge of any applicable local or State laws or regulations regarding Design Build or Public Private Partnership development alternatives

If a Respondent to this Request for Services is selected as the Consultant, Travis County may negotiate a contract for the services requested in this Request for Services which is based on, but differs from, the Respondent's response to this Request for Services.

Recommended Evaluation Committee

A list of recommended individual evaluators is provided below for consideration by the Commissioners Court. These individuals bring various types of knowledge and experience that are relevant to this procurement.

Justice planning and administration – Roger Jefferies

Financial planning and project management – Leslie Browder

Architectural, engineering and construction management – Roger El Khoury

Strategic facilities planning and project management – Belinda Powell

Civil courts administration and stakeholder representative – Peg Liedtke

Attachment 4

Charge for Civil and Family Court House Community Advisory Committee DRAFT

(This charge was last reviewed by the Commissioners Court on May 8, 2012)

The Community Advisory Committee is an advisory panel of external individuals and firms needed to supplement the internal team and independently advise the Program Manager and the Commissioners Court. The Charge of the committee is as follows:

1. The committee is to provide independent advice and recommendations to the Commissioners Court and the Program Manager for the duration of the procurement, design and construction of the Travis County Civil and Family Court House. The advice and recommendation may come in the form of a presentation to the Commissioners Court, a written report, or other appropriate means of communication. If appropriate due to the vote of the committee, majority and minority reports may be presented to the Commissioners Court.
2. The advice and recommendations may be generated by inquiries on specific issues by the Commissioners Court and the Program Manager, and by observation of specific issues by the Committee.
3. The work of the committee should be collaborative, objective, informative, and transparent and should instill confidence in the soundness of the advice for the Travis County Commissioners Court and the residents of Travis County.
4. The committee should update the Commissioners Court on a quarterly basis regarding the status of their work and resulting recommendations, and receive further direction from the Commissioners Court as needed.

Attachment 5
Civil and Family Court House Recommendation Committee Members and
Advisory Committee Members

Organization

1. **Downtown Austin Alliance** – Charles Heimsath
2. **Original Austin Neighborhood** – Not confirmed
3. **Greater Austin Chamber of Commerce** – Shaun Cranston
4. **Greater Austin Hispanic Chamber of Commerce** – Not confirmed
5. **City of Austin** – Rodney Gonzales
6. **Capital City African American Chamber of Commerce** – Not confirmed
7. **Austin Asian American Chamber of Commerce** – Not confirmed
8. **Austin Bar Association** – Martha Dickie
9. **Downtown Austin Neighborhood Association (DANA)** – Not confirmed
10. **Real Estate expertise and tax** – Art Cory
11. **Real Estate Council of Austin (RECA)** – Rebecca Bray
12. **Financial Expert** – Not confirmed
13. **Public Finance** – Not confirmed
14. **Civil Judges** – The Honorable John K. Dietz, The Honorable Lora Livingston,
The Honorable Eric Shepperd

Areas of Expertise Suggested for Advisory Committee Members

Architectural
Community Leadership
Engineering
Environmental
Facilities Management
Financial
Information Technology
Legal
Security

Appointments Made by Commissioner Davis

Mr. Jeff Travillion Sr.
Ms. Socar Chatmon-Thomas
Ms. Carol Delgado

Appointments Made By Commissioner Gomez

Ms. Rosa Rios Valdez
Mr. Frank Fuentes
Mr. Frank Rodriguez