ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/5/2013
PREPARED BY **OFFICE NAME**	Lee Willoughby Judicial Branch Capital Program Office
JUDICIAL COUNCIL DIRECTIVE NUMBER	136
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of the Office of Court Construction and Management operations.
SEC RECOMMENDATION	A cost-benefit analysis of the entire scope of OCCM operations is needed.

RESPONSE (check applicable boxes)

☐ This directive has been completed and implemented:

File Attachment

☐ This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

☑ Other:

With respect to an approach for the evaluation of the cost effectiveness for the entire scope of the Judicial Branch Capital Program Office this directive is considered complete. However, the evaluation of the cost effectiveness of the Office of Real Estate and Facilities Management is outstanding and a report will be provided at the December 2013 council meeting.

Due to organizational changes and the bifurcation of the former Office of Court Construction and Management into two offices, this directive focuses only on the construction program managed by the Capital Program Office. The approach that will be used focuses on the cumulative cost effectiveness of each of the 45 capital outlay projects that together form the entire scope of the Judicial Branch Capital Program Office. The analysis recommended in this approach has been completed for the first six projects in the process of preparing the report mandated by Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10. As projects are completed, an analysis using a methodology as the one employed for the SB 78 report of January 2013 will be completed using internal staff resources. Refer to attachment for description of approach, a schedule

of all 45 capital projects showing estimated completion dates, and a copy of the SB 78 report.

136 - Outline of Approach 13 06 05.pdf
Adobe Acrobat Document
1.22 MB

TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	See attachment - to be completed overtime as projects are completed.
RESOURCES REQUIRED FOR IMPLEMENTATION	See attachment - to be completed by existing staff using methodology employed to complete SB 78 report.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
☐ **PROCEDURES/ POLICIES UPDATED OR DEVELOPED**	File Attachment
☐ **TRAINING UPDATED OR DEVELOPED**	File Attachment
☐ **SAVINGS**	File Attachment
☐ **COST**	File Attachment
☐ **EFFICIENCIES**	File Attachment
☐ **SERVICE LEVEL IMPACT**	File Attachment
☐ **OTHER**	File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 6/13/2013
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 6/17/2013

Proposed Approach to Evaluate Cost Effectiveness
Judicial Branch Capital Program Office
AOC Directive #136
June 5, 2013

Below is an outline of a proposed approach to evaluate the cumulative cost effectiveness of each of the 45 capital outlay projects that together form the entire scope of the Judicial Branch Capital Program Office. This outline has been prepared for a June 2013 interim report to the Judicial Council (the council) on the status of AOC Restructuring Directive #136. The analysis recommended in this approach has been completed for the first six projects in the process of preparing the report mandated by Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10. As projects are completed, an analysis using a methodology as the one employed for the SB 78 report will be completed using internal staff resources.

The proposed approach covers the following topics, which are outlined below:

1. The scope of the Judicial Branch Capital Program Office in relation to this directive.
2. Definition and measurement of "cost effectiveness."
3. Timing and execution of an analysis of cost effectiveness.
4. Accepted industry methodologies and standards employed in assessments of cost effectiveness.

1. Judicial Branch Capital Program Office Scope

For the purpose of this directive, which focuses on cost effectiveness, the primary scope of the office is to deliver the $5.0 billion capital program of 45 projects within budget. The proposed approach outlined below recognizes that the key performance indicator of the Capital Program Office should relate to the most significant cost to the state of the program itself, which is the cumulative total of the actual cost of the 45 capital projects.

2. Definition and Measurement of Cost Effectiveness

In the California Capital Construction Program Management Audit Report prepared by Pegasus-Global Holdings, Inc. (2012 Pegasus report), overall effectiveness of an organization is defined on page 29 of the final report as "the determination of how well predetermined goals and objectives for a particular activity or program are achieved." In other words, what are the outcomes or results of the capital program compared to program goals. The 2012 Pegasus report also defines "efficiency" as "the use of minimal input of resources for the achievable output," and "economy" as the "acquisition of resources of appropriate quality and quantity at the lowest reasonable cost."

For the purpose of this directive, the most significant measure of cost of the capital program is the total of all costs of the 45 projects that together form the capital program. The cost effectiveness of the program is further defined as the extent to which collectively, overtime, the 45 projects are delivered within budget.

Whether the capital program is completed within budget is measured by comparing the sum total of the cost of all completed projects to the sum total of total project budgets as initially and finally authorized by the legislature.

Comparing the final total cost of a project to the final authorized project budget is a more robust measure of cost effectiveness for two reasons. First, the final authorized project budget reflects the final scope of work of the project as authorized by the legislature. Secondly, the final authorized budget for roughly sixty percent of the projects will incorporate the direction of the Court Facilities Working Group and its Courthouse Cost Reduction Subcommittee (the subcommittee).[1] A total of 17 of 45 projects in the capital program were designed prior to the involvement of the subcommittee, including the 10 projects completed to date[2]. The subcommittee has and will continue to oversee a process to reduce project budgets that, along with Judicial Council mandated reductions to hard construction cost budgets for 28 of the 45 projects in the program, will significantly reduce the costs of the capital program as projects are completed over time. Over $122 million in project budget reductions have been mandated for the first 14 projects reviewed by the subcommittee. Review by the subcommittee of the remaining 14 projects will occur when these projects are design.

3. Timing and Execution of Cost Effectiveness Analysis

The timing of an analysis for this directive is, by definition, determined by when groups of projects complete construction and their actual costs are known. As demonstrated by the report the Judicial Council was directed to prepare in accordance with Senate Bill 78[3]

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[1] At its October 26, 2012 meeting, the Judicial Council approved a recommendation that clarified the authority and role of the subcommittee as follows: "The Courthouse Cost Reduction Subcommittee of the Court Facilities Working Group shall oversee and have direct implementation authority to mandate project cost reductions for all capital-outlay projects in design (preliminary plans and working drawings) managed by the Judicial Branch." Full report can be found here: http://www.courts.ca.gov/documents/jc-20121026-itemG.pdf

[2] Of the 10 projects that have been completed for the benefit of the judicial branch, 8 were entirely state funded. The new courthouse in downtown Merced was county funded with a small state contribution. The Fresno- Juvenile Delinquency Courthouse project was county funded with the state leasing to purchase the courthouse portion of the building. Of the 8 projects entirely funded by the state, 2 were managed by the Executive DGS—the Court of Appeal, Fifth Appellate District in Fresno and the Renovation of the Mosk Courthouse for the Third Appellate District in Sacramento.

[3] Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10.

(SB 78) an analysis of whether one or more projects is completed within budget must be undertaken when the project is fully completed. To date, 10 of the 45 projects that compose the capital program have been completed, with one project in the warranty phase.[4] Based on the estimated schedule for executing the remaining 36 projects[5], there will be several sets of projects that complete construction in each year starting in 2013, with the last set currently scheduled to be completed in 2019. This is illustrated in Attachment 1, which is a schedule dated March 19, 2013 illustrating how groups of projects are scheduled to be completed through the conclusion of the warranty period as follows:

- 2013 (1)
- 2014 (4)
- 2015 (5)
- 2016 (6)
- 2017 (3)
- 2018 (5)
- 2019 (0)
- 2020 (12)

Final construction costs—and therefore total project costs—are typically fully identified about one year after a project is completed, when all outstanding punch-list and warranty items are closed out. Therefore, an analysis of the cost effectiveness of each set of projects, as measured by comparing the completed cost to the initial and final authorized budget, will be completed about 16 months after the last project in a set of projects is completed. An analysis of how the cost of completed projects compare to their budgets will be executed by staff using the methodology employed for the SB 78 report, which is provided as Attachment 2. As the program progresses and each set of projects is completed, an annual or periodic evaluation of the cumulative cost effectiveness of the program will be completed. A program level analysis will be completed after the costs of all projects have been closed out.

[4] Note that a comparison of final costs to original and final appropriations (the budgets for each project) has been completed for the set of six completed projects that were managed by the Judicial Branch and documented as part of the SB 78 Report submitted to the legislature in January 2013 under council direction. The Lassen–New Susanville project is completed but still in the warranty phase.

[5] Includes the Lassen project, which is in the warranty phase. The Sacramento – New Sacramento Criminal Courthouse project is another project currently in the site acquisition phase, but has been indefinitely delayed and is therefore excluded from this project count.

4. Accepted Industry Methodologies and Standards Related to Measuring Cost Effectiveness

The 2012 Pegasus report identifies accepted industry methods used to measure how organizations are performing in relation to goals. These methods are various forms of "benchmarking". The 2012 Pegasus report outlines a series of recommendations related to benchmarking, including a recommendation to develop, adopt, and implement functional benchmarking, using both best practice benchmarks and "key performance indicator" benchmarks.

The proposed approach to evaluating cost effectiveness is based upon key performance indicator benchmarking, using the total cost of the program as the key performance indicator. The benchmark is an analysis of how collectively the budgets for the 45 capital outlay projects compare to the actual completed costs of the projects.

Attachments:

Attachment 1: Courthouse Capital Projects Program Schedule, March 19, 2013

Attachment 2: Judicial Branch Construction Procurement Practices: *Report to the Joint Legislative Budget Committee Regarding the Process, Transparency, Costs, and Timeliness of Judicial Branch Construction Procurement Practices, as Required by Senate Bill 78 (Statutes of 2011, Chapter 10)*, January 2013

Courthouse Capital Projects Program
March 19, 2013

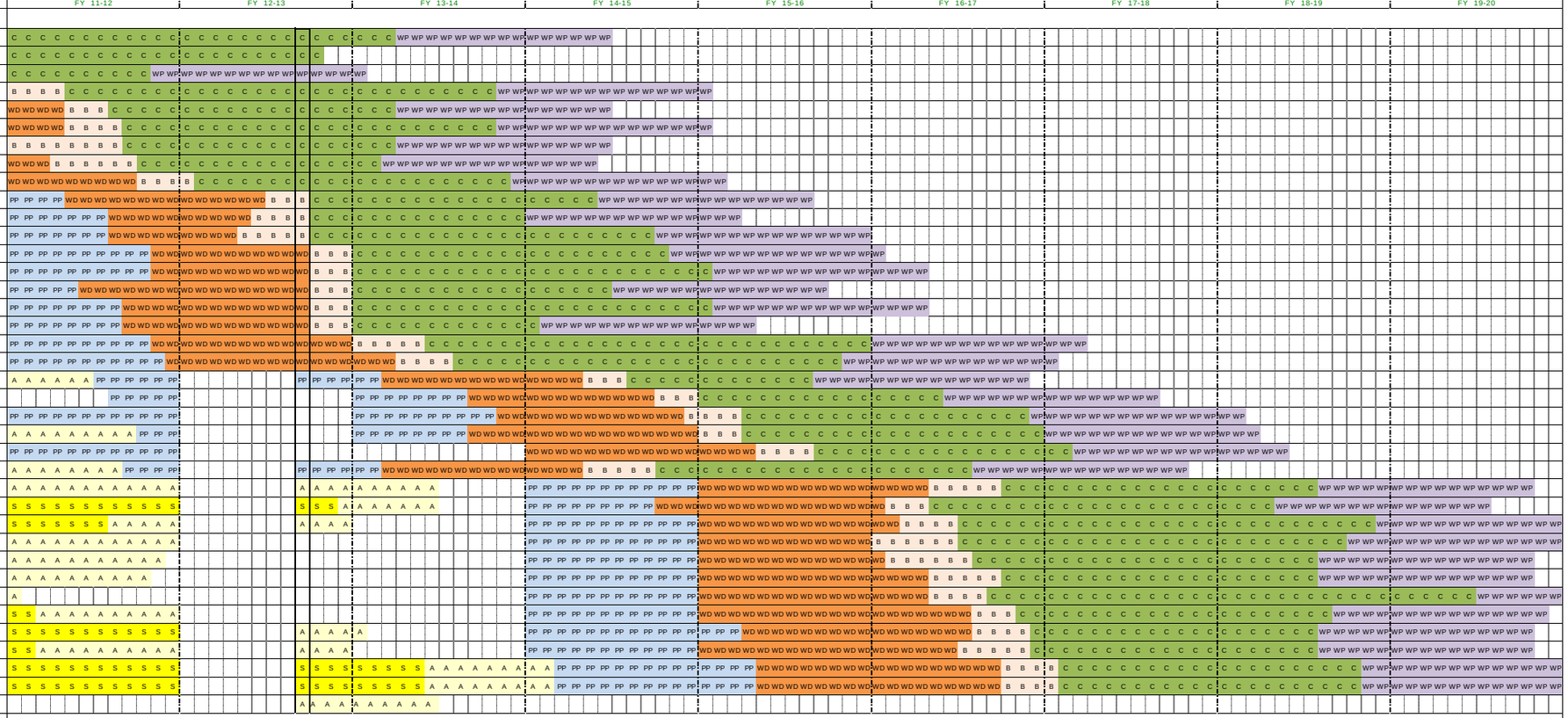
Attachment 1

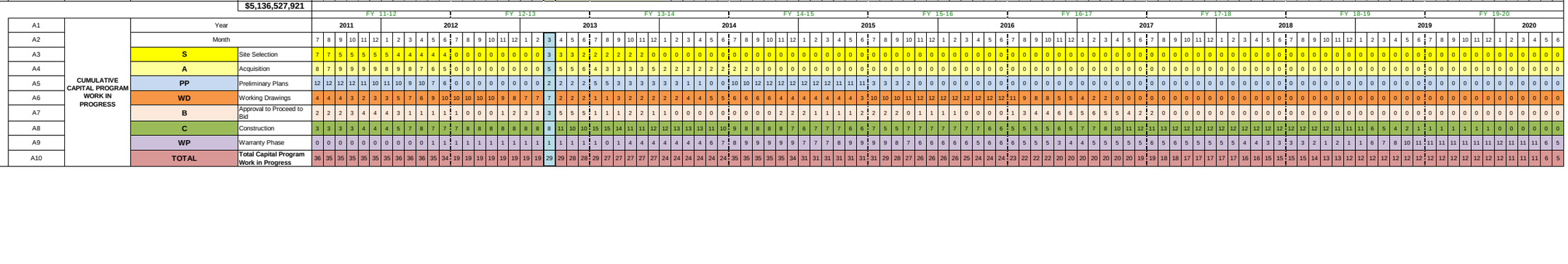
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT OPERATIONS SERVICES DIVISION
JUDICIAL BRANCH CAPITAL PROGRAM OFFICE

Capital Program Work In Progress Report
As Of: 3/19/2013
By: D. Alsenson / E. Naff / D. Ignacio

Based On:
1) Schedules based on February 8, 2013 Judicial Council action. Schedules are estimated and are subject to change.
2) Total project cost is based on last authorized project budget as presented in January 2013 monthly progress report.

Seq No	Funding Source	Region	County	Project	Project Mgr	Auth. Total Project Cost
1	TBD	SRO	Los Angeles	Long Beach	C. Ham/R.Lawrence	$490,000,000
2	General Fund/DGS	NCRO	Sacramento	3rd Appellate	S. Sundman	$66,234,000
3	SB1732/Bond	NCRO	Lassen	Susanville	L. Roberts	$38,937,000
4	SB1732/Bond	SRO	San Bernardino	San Bernardino	P. Freeman/J. Witherspoon	$339,822,000
5	SB1732/Bond	NCRO	Tulare	Porterville	K. Davis/J. Avalos	$93,364,000
6	SB1732/Bond	SRO	Riverside	Banning	G. Swanson	$63,261,000
7	SB1732/Bond	NCRO	Calaveras	San Andreas	L. Roberts	$45,364,000
8	SB1732/Bond	BANCRO	San Benito	Hollister	J. Quan	$37,378,000
9	SB1732/Bond	NCRO	Madera	Madera	K. Davis	$100,207,921
10	SB1407/Bond	NCRO	Butte	North Butte	M. Smith/M. Courtney	$65,064,000
11	SB1407/Bond	BANCRO	Solano	Fairfield	S. Sundman	$26,177,000
12	SB1407/Bond	NCRO	Yolo	Woodland	M. Smith/J. Koster	$161,452,000
13	SB1407/Bond	BANCRO	Alameda	East County	A. Ording	$50,000,000
14	SB1407/Bond	BANCRO	Santa Clara	San Jose	J. Quan/J. Herbert	$233,267,000
15	SB1407/Bond	NCRO	Sutter	New Yuba	L. Roberts	$71,679,000
16	SB1407/Bond	NCRO	Kings	Hanford	K. Davis	$124,329,000
17	SB1407/Cash	NCRO	San Joaquin	Renovate JC	S. Sundman/R. Konig	$3,904,000
18	SB1407/Bond	SRO	San Diego	Central San Diego	C. Ham/J. Peterson	$620,117,000
19	SB1732/Bond	NCRO	San Joaquin	Stockton	S. Sundman	$277,708,000
20	SB1407/Bond	NCRO	Merced	Los Banos	K. Davis/J. Avalos	$32,208,000
21	SB1407/Bond	NCRO	Glenn	Willows	S. Sundman	$46,229,000
22	SB1407/Bond	SRO	Riverside	Indio	N. Freiwald	$65,682,000
23	SB1407/Bond	SRO	Imperial	El Centro	G. Swanson	$59,484,000
24	SB1407/Bond	BANCRO	Lake	Lakeport	A. Ording	$55,258,000
25	SB1407/Bond	NCRO	Tehama	Red Bluff	J. Koster	$72,313,000
26	SB1407/Bond	NCRO	El Dorado	Placerville	J. Koster	$91,073,000
27	SB1407/Bond	SRO	Inyo	Inyo	G. Swanson	$33,704,000
28	SB1407/Bond	NCRO	Stanislaus	Modesto	P. Freeman/R. Konig	$277,164,000
29	SB1407/Bond	BANCRO	Sonoma	Santa Rosa	P. Freeman	$178,689,000
30	SB1407/Bond	NCRO	Shasta	Redding	M.Smith	$170,598,000
31	SB1407/Bond	NCRO	Tuolumne	Sonora	J. Koster	$69,236,000
32	SB1407/Bond	SRO	Santa Barbara	Santa Barbara	N. Freiwald	$132,077,000
33	SB1407/Bond	NCRO	Siskiyou	Yreka	L. Roberts	$77,829,000
34	SB1407/Bond	SRO	Riverside	Hemet	N. Freiwald	$118,582,000
35	SB1407/Bond	BANCRO	Mendocino	Ukiah	A. Ording	$121,627,000
36	SB1407/Bond	SRO	Los Angeles	Eastlake Juvenile	N. Freiwald	$90,312,000
37	SB1407/Bond	SRO	Los Angeles	Mental Health	N. Freiwald	$84,239,000
38	SB1407/Cash	NCRO	Sacramento	New Sacramento	M. Smith	$451,959,000
						$5,136,527,921





Attachment 2

Judicial Branch Construction Procurement Practices

REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE REGARDING THE PROCESS, TRANSPARENCY, COSTS, AND TIMELINESS OF JUDICIAL BRANCH CONSTRUCTION PROCUREMENT PRACTICES, AS REQUIRED BY SENATE BILL 78 (STATUTES OF 2011, CHAPTER 10)

JANUARY 2013

DRAFT DATE: 11/2/2012

JUDICIAL COUNCIL OF CALIFORNIA

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Chapter 1
Executive Summary

Subject Projects

The six projects covered by this report are listed below. See Mandate section and Table 1.4 on pages 7 and 8 for more detail.

1. Court of Appeal, Fourth Appellate District, Division Three
2. Plumas/Sierra Regional Courthouse
3. B. F. Sisk Courthouse
4. Richard E. Arnason Justice Center
5. Mammoth Lakes Courthouse
6. Lassen Superior Court Hall of Justice

Key Findings Summary

Project Costs

The AOC has maintained a strong record of managing court construction project costs. Based on the final appropriation amounts for the six subject projects, the AOC delivered all projects under budget, saving the state nearly $29 million. The AOC even delivered four of the six projects below their original appropriation amounts. Two projects required augmentations to the original appropriation amounts, primarily because of rapidly escalating construction costs during the period in which they were originally budgeted and then bid. Viewed as a group, the six projects came in a total of $6.7 million under their original budgets. For individual savings for each project see the Appropriations and Project Costs table in the project-specific Chapters 2–7.

Table 1.1

Aggregate Project Costs for the Six Subject Projects

		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$12,051,000	$7,575,000	$12,038,000	$176,461,000	$208,125,000
2.	**Final Appropriation**	$10,545,000	$7,935,000	$11,089,000	$200,770,200	$230,339,200
3.	**Actual Expenditure**[1]	$3,092,445	$6,501,172	$8,729,772	$183,100,144	$201,423,533
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($8,958,555)	($1,073,828)	($3,308,228)	$6,639,144	($6,701,467)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($7,452,555)	($1,433,828)	($2,359,228)	($17,670,056)	($28,915,667)
6.	**Percent of Final Appropriation Saved** (6 = 5 ÷ 2)	70.7%	18.1%	21.3%	8.8%	12.6%

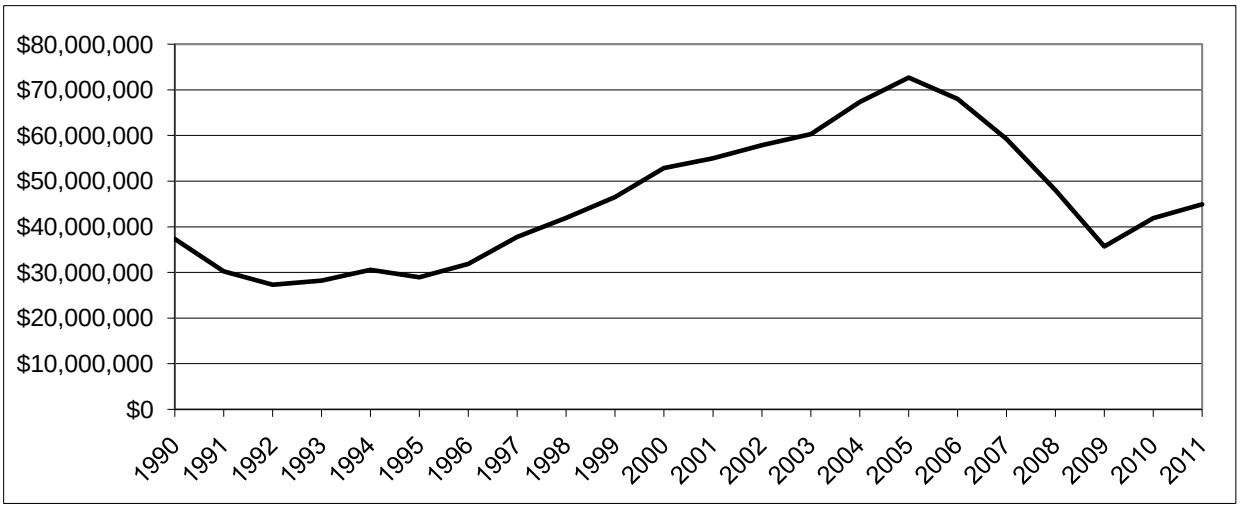
Notes for Table 1.1

[1] AOC employee costs are not billed directly to the projects and thus are not included in this table or in the Appropriations and Project Costs Table in the project-specific chapters 2–7. Costs for outside firms providing project management are taken from job cost accounting reports and are included in project costs throughout this report.

The 10-year expansion of construction activity in California from 1995 to 2005, illustrated in Figure 1.1 below, was a primary cause of the augmentations required for the Court of Appeal, Fourth Appellate District, Division Three and the B. F. Sisk Courthouse. Prices rose sharply in response to the increasing activity, causing current estimates to exceed those produced at the projects' inception. Total construction activity in California increased 248 percent, or almost 25 percent per year, from $29 billion in 1995 to $72 billion in 2005, with the sharpest increase between 2003 and 2005. When the industry is at peak levels of activity, competition declines and bid prices increase. Figure 1.2 below illustrates the ensuing high annual rate of construction cost escalation, which peaked at almost 10 percent in 2004–2005.

Figure 1.1

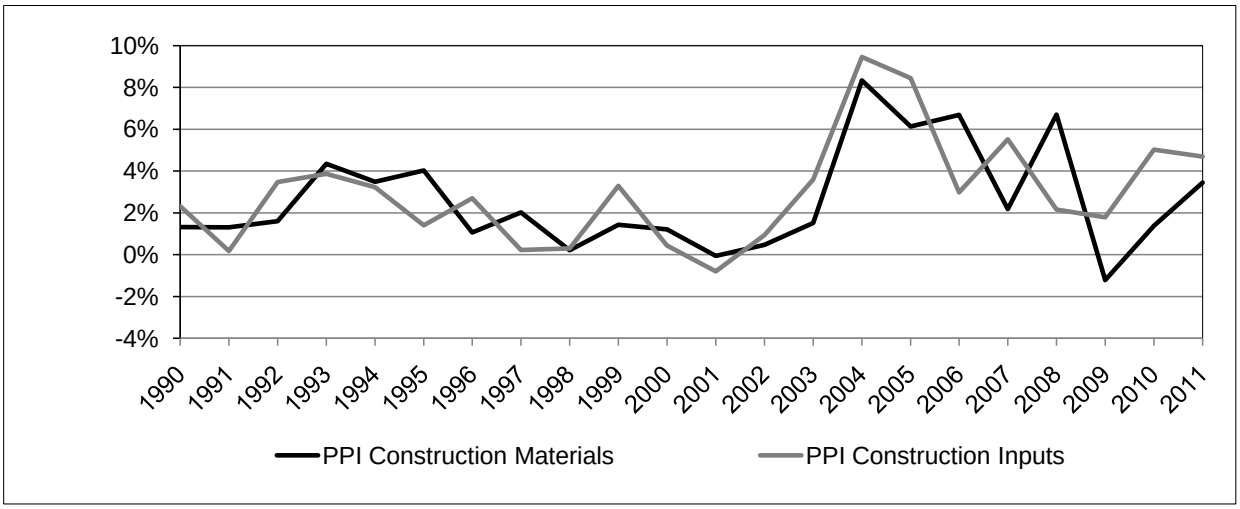
McGraw-Hill Construction/Dodge–California Construction Activity 1990–2011



Value in thousands

Figure 1.2

U.S. Dept. of Labor, Bureau of Labor Statistics–Construction Cost Escalation 1990–2011



PPI = Producer Price Index

Project Timelines

Compared to the final approved project timelines, two projects were completed early and two projects were completed 6 and 8 weeks after their approved completion dates. Delays for the other two projects were 25 and 28 weeks.

Compared to the original project timelines, one project was completed early. Delays for the other five projects ranged from 28 to 78 weeks. The longest schedule extensions were caused by complications in completing property acquisitions and changes to project scope driven by Judicial Council–approved new judgeship requirements. Reasons for delays are described in the project key findings sections below and in more detail in the project-specific Chapters 2 through 7.

Variances occur between the original scheduled completion date and the final approved completion date because a new schedule is submitted with each funding request or scope change that is approved by the Department of Finance (DOF). As these courthouse construction projects moved forward, the DOF and the Legislative Analyst's Office (LAO) collaborated with the AOC to develop revised project scopes to provide the best long-term value for the state. This effort to align project scopes with the state's long-term budget priorities or to take advantage of economic opportunities in the form of donated or below market sites caused delays, as occurred with the following five of the six projects covered by this report: Court of Appeal, Fourth Appellate District, Division Three; Plumas/Sierra Regional Courthouse; Richard E. Arnason Justice Center; B. F. Sisk Courthouse; and Mammoth Lakes Courthouse. See the Key Findings for Each Project section in this chapter and the Project Timelines section in each of the project-specific chapters 2–7 for more detail.

Approvals

All necessary approvals were obtained for each project. Approvals by the Judicial Council, the State Public Works Board (SPWB), the Governor through the annual budget act and authority delegated to the DOF, and the Legislature through the annual budget act, as well as review by the local court, are documented in the Review and Approval Dates table in each project-specific chapter. The jurisdiction for approval by each approving body varies. For example, the SPWB approves site selection, site acquisition, and preliminary plans, as set forth in the State Administrative Manual (SAM).

Procurement Methods

As authorized in SB 1732,[1] the Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70404), and according to the *Court Facilities Contracting Policies and Procedures* adopted by the Judicial Council in 2007, the capital program is exempted from the branch contracting policies and procedures and is thus able to use a range of proven project delivery methods. These methods, including traditional design-bid-build (which is strictly quantitative), construction manager at risk (which employs both qualitative and quantitative evaluation criteria), and design-bid-build with prequalification of general contractors (which employs a qualitative evaluation

[1] Sen. Bill 1732 (Escutia), Stats. 2002, ch. 1082.

followed by quantitative low-bidding), all provide for a competitive, equitable, and diverse process to benefit the branch projects. The selection of any one method for a project may take into account numerous factors, including but not limited to: size of the project; location of the project; pool of eligible firms; timing; and market conditions. For the courthouse capital projects covered by this report, the AOC employed two processes for construction procurement: construction manager at risk (CMAR) and design-bid-build (DBB) with prequalification of general contractors. The AOC uses the CMAR process on many projects because it has the following advantages in delivering these complex, design intensive projects: early focus on design issues, construction advice and cost review during the design process, careful oversight of costs and schedule, early cost commitments, and opportunities to shorten the overall project schedule. This process was used for four of the six projects covered by this report: Court of Appeal, Fourth Appellate District, Division Three, Richard E. Arnason Justice Center, B. F. Sisk Courthouse, and Mammoth Lakes Courthouse. The design-bid-build process was used for the Plumas/Sierra Regional Courthouse and the Lassen Superior Court Hall of Justice. See Appendix B, Procurement Methods and Evaluation Criteria, for more detail. See the Key Findings for Each Project section below for the number of proposals or bids received for each procurement, which ranged from 2 to 7 and averaged 4.7 per procurement.

Construction Claims and Litigation

There are no unresolved construction claims and no pending construction litigation associated with the six subject projects. As shown in Appendix B, Figure B.2, one of the criteria the AOC uses to evaluate CMAR firms and general contractors involves financial strength, safety record, and claims avoidance.

Design Standards, Code Conformance, and Sustainable Measures

The AOC developed its *California Trial Court Facilities Standards*, which were adopted by the Judicial Council in April 2006 and amended in March 2010. As stated in the preface, “These Facilities Standards attempt to maximize value to the State of California by balancing the aesthetic, functional, and security requirements of courthouse design with the budget realities of initial construction cost and the long-term life cycle costs of owning and operating institutional buildings.” Use of the *Facilities Standards* by the design teams is defined in the Agreement for Services between the AOC and the consultants retained for specific projects. The *Facilities Standards*, used in conjunction with all applicable codes and ordinances, form the basis of design for all new court facilities in California. The *Facilities Standards* require that “All new courthouse projects shall be designed for sustainability and, at a minimum, to the standards of a LEED™ 2.1 “Certified” rating. Depending upon the project’s program needs and construction cost budget, projects may be required to meet the standards for a LEED™ 2.2 “Silver” rating.” The sustainability levels achieved for the six subject projects are shown in Table 1.2 below.

Table 1.2
Sustainability Levels Achieved for the Six Subject Projects

Project Name	Sustainability Level Achieved	Certified by U.S. Green Building Council?
Court of Appeal, Fourth Appellate District, Division Three	Designed to use 15 percent less energy than California Title 24	No
Plumas/Sierra Regional Courthouse	Designed to use 15 percent less energy than California Title 24	No
B. F. Sisk Courthouse (renovation)	Designed to meet California Title 24	No
Richard E. Arnason Justice Center	LEED™ Silver	Yes
Mammoth Lakes Courthouse	Designed to LEED™ Silver	No
Lassen Superior Court Hall of Justice	LEED™ Silver	Yes–In Process

LEED™ = Leadership in Energy and Environmental Design, a program of the U.S. Green Building Council

Innovative Project Management and Comprehensive Project Teams

As authorized by the *Court Facilities Contracting Policies and Procedures*, the AOC has utilized the following tools to enhance the effectiveness of its project management:

1. A highly visible and transparent selection process, which attracted top architecture and construction firms;
2. Management plans for each project;
3. Kick-off meetings for each project;
4. Project advisory groups comprising key representatives from the court, the local community, and the AOC Project Manager;
5. Monthly progress reports for use by AOC management and staff, judges, and court staff;
6. Prequalification of prospective construction management firms and general contractors;
7. Regular project review and active involvement by AOC management; and
8. Alternate delivery methods such as construction manager at risk.

Each AOC project team comprises the following major components: project manager, facilities planner, real estate analyst, environmental analyst, facilities management administrator, and security coordinator. The composition of the project teams helps ensure that: the projects as designed and built adhere to their authorizing documents and comply with the California Environmental Quality Act (CEQA); the real estate acquisition is completed and will accommodate the proposed project; the new facility will be efficient and economical to operate; and the new facility will be safe and secure for the public, court staff, and judicial officers.

Impact of the Ongoing State Budget Crisis

The legislatively mandated income stream, from increased court user fees and fines, put in place to fund the California Courthouse Facilities Program has been repeatedly borrowed from, transferred to the state General Fund, and redirected to trial court operations.[2] Even in this challenging environment, the AOC has completed initial authorization of all projects mandated under SB 1732 and SB 1407[3] and continues to move projects forward while competing for funding with Caltrans, the California Department of Corrections and Rehabilitation (CDCR), and other state agencies.

Judicial Branch Project Management Costs

Project management for courthouse capital projects is provided by the AOC's Capital Program Office, primarily by AOC employees and sometimes with assistance from outside firms. For this report, judicial branch project management costs are calculated by estimating labor costs for project managers, associate project managers, planners, real estate analysts, and construction inspectors who worked on each project and by using a model to allocate costs for all other support units. See Appendix C for a detailed explanation of this methodology. For the six projects reviewed in this report, judicial branch project management costs accounted for 3.55 percent of the total aggregate project costs, or 4.21 percent of the construction costs. See Table 1.3 below and the Judicial Branch Project Management Costs table in the project-specific Chapters 2–7 for more detail.

Table 1.3
Judicial Branch Project Management Costs

Project Name / Delivery Method	Employee[1] + Consultant[2] Costs	Percent of Project Costs	Percent of Construction Costs	Total Project Costs	Construction Contract Amount
Court of Appeal, Fourth App. Dist., Div. Three / CMAR[3]	$1,342,122	4.99%	5.59%	$26,899,100	$24,003,610
Plumas/Sierra Regional Courthouse / DBB[4]	$457,085	7.54%	9.60%	$6,060,531	$4,761,362
B. F. Sisk Courthouse / CMAR	$1,505,860	2.31%	2.61%	$65,152,854	$57,627,990
Richard E. Arnason Justice Center /CMAR	$1,434,653	2.95%	3.39%	$48,589,648	$42,289,814
Mammoth Lakes Courthouse / CMAR	$588,903	2.91%	3.93%	$20,218,181	$15,000,315
Lassen Superior Court Hall of Justice / DBB	$1,825,288	5.29%	6.98%	$34,503,219	$26,137,994
Totals	**$7,153,913**	**3.55%**	**4.21%**	**$201,423,533**	**$169,821,085**

Notes for Table 1.3

[1] Includes project manager, associate project manager, planner, real estate analyst, construction inspector, and all AOC employee positions that support capital project delivery

[2] Includes outside firms providing project management

[3] Construction manager at risk

[4] Design-bid-build

[2] Since FY 2009–2010, over $1.4 billion of court user fees originally designated by the Legislature to be set aside for court construction has been borrowed ($440 million), transferred to the General Fund ($310 million), or redirected to trial court operations ($675 million).

[3] Sen. Bill 1407 (Perata), Stats. 2008, ch. 311.

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Project contractor costs accounted for 98.1 percent of the total aggregate project costs. The separate cost of the construction contractor accounted for 84.3 percent of the total aggregate project costs. See the Costs for Contractors table in the project-specific Chapters 2–7 for more detail.

Mandate

Senate Bill 78[4] (SB 78) (Committee on Budget and Fiscal Review) was enacted on March 24, 2011. Section 22 of this bill requires the Judicial Council to *". . . report to the Joint Legislative Budget Committee by January 15, 2013, on the process, transparency, costs, and timeliness of its construction procurement practices. The information in this report shall include, but not be limited to, the following for each court construction project completed between January 1, 2008, and January 1, 2013:*
(1) The dates that each step of the procurement and construction process was completed, including steps involving the seeking or selection of bidders or contractors, completion of the different phases of project design and construction, and approvals by local courts, the Judicial Council, the State Public Works Board, the Governor, and the Legislature.
(2) The criteria and factors used in evaluating contractors for prequalification as well as those used to evaluate bids, as well as the number of bids received for each procurement.
(3) Identification of all project costs for each phase of design and construction, including any cost increases and reasons for those increases.
(4) Identification of the original project timeline for each phase of design and construction, as well as all project delays and the reasons associated in causing the project delays.
(5) The total project management costs incurred by the Judicial Branch, including for existing staff who worked on each project, distinguished by project activity
(6) The total costs paid for contractors, distinguished by project activity." (emphasis added).

The six projects that have been completed by the Judicial Council in this time frame are listed below in Table 1.4. The text of SB 78 section 22 is included in Appendix A, along with definitions of terms in the bill as they are applied in this report.

[4] Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10.

Table 1.4
Court Construction Projects Completed Between January 1, 2008, and January 1, 2013

County	Project Name Location Project Description	Completion Date	Authorized Budget
Orange	Court of Appeal, 4th Appellate District, Division 3 Santa Ana New Courthouse	July 27, 2009	$27,719,000
Plumas	Plumas/Sierra Regional Courthouse Portola New Courthouse	October 31, 2009	$6,534,200
Fresno	B. F. Sisk Courthouse Fresno Renovation of Federal Courthouse	July 30, 2010	$70,898,000
Contra Costa	Richard E. Arnason Justice Center Pittsburg New Courthouse	November 10, 2010	$64,729,000
Mono	Mammoth Lakes Courthouse Mammoth Lakes New Courthouse	July 25, 2011	$21,522,000
Lassen	Lassen Superior Court Hall of Justice Susanville New Courthouse	April 10, 2012	$38,937,000
		Total	**$230,339,200**

Organization and Use of This Report

This report contains this executive summary, six project-specific chapters, and three appendices. The project-specific Chapters 2 through 7 provide key findings and the six mandated categories of information for each project. Appendix A contains the text of SB 78 section 22, definitions of terms in the bill as they are used in this report, and an overview of each of the six information categories. Appendix B contains the AOC's construction procurement methods and evaluation criteria for capital courthouse projects. Appendix C contains the methodology for estimating judicial branch project management costs.

Sources of Information

Information in this report was taken from the following documents: the annual state budget act, agendas and meeting minutes for the SPWB and the Judicial Council, written authorization from

DOF to proceed or encumber funds (form DF 14D), correspondence between the AOC's Judicial Branch Capital Program Office (Capital Program Office) and the DOF, Capital-Outlay Budget Change Proposals (COBCPs), monthly progress reports completed by the Capital Program Office project managers, correspondence between the Capital Program Office and the local courts, and interviews with the Capital Program Office project managers.

Key Findings for Each Project

Key findings for each project appear below, for each of the six categories requested in SB 78.

Court of Appeal, Fourth Appellate District, Division Three—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Two proposals were received.
3. Project costs and increases: The AOC delivered this project for $819,000 less than the final appropriation amount and $9.3 million more than the original appropriation amount. Several cost increases occurred that are listed and explained in Chapter 2, Table 2.3.1.
4. Original timeline and delays: This project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Plumas/Sierra Regional Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Three bids were received.
3. Project costs and increases: The AOC delivered this project for $473,669 less than the final appropriation amount and $435,469 less than the original appropriation amount.
4. Original timeline and delays: This project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.

6. Contractor costs: Project contractor costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

B. F. Sisk Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Five proposals were received.
3. Project costs and increases: The AOC delivered this project for $5.7 million less than the final appropriation amount and $3.8 million more than the original appropriation amount. There was a 17.9 percent augmentation of the construction phase due to unusually high escalation of construction costs and to accommodate a change from 8 to 15 courtrooms and more extensive remodeling of the existing building to provide for existing and approved new judgeships identified by the Judicial Council for the Superior Court of Fresno County.
4. Original timeline and delays: This project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Richard E. Arnason Justice Center—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Four proposals were received.
3. Project costs and increases: The AOC delivered this project for $16.1 million less than the final appropriation amount and $13.9 million less than the original appropriation amount.
4. Original timeline and delays: This project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Mammoth Lakes Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Seven proposals were received.
3. Project costs and increases: The AOC delivered this project for $1.3 million less than the final appropriation amount and $1.1 million less than the original appropriation amount. There was a 30 percent augmentation of the working drawings phase to accommodate site complexities and issues connected with the mountainous location.
4. Original timeline and delays: The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Lassen Superior Court Hall of Justice—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Seven bids were received.
3. Project costs and increases: The AOC delivered this project for $4.4 million less than the final appropriation amount, which was the same as the original appropriation amount.
4. Original timeline and delays: This project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Chapter 2

Court of Appeal, Fourth Appellate District, Division Three

Key Findings

This $26.9 million project was delivered for 3.0 percent less than the final appropriation amount and 53.1 percent more than the original appropriation amount. The actual completion date was 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date. Cost increases reflect the unusually high escalation in construction costs during the design and construction phases (August 2005–September 2009) after management responsibility was transferred from the Department of General Services (DGS) to the AOC in September 2003. The original appropriations for this project occurred in FY 2000–2001 (acquisition and preliminary plans phases) and in FY 2002–2003 (working drawings and construction phases) and were based on estimates created while the project was still being managed by the DGS. Delays occurred primarily due to a complex site acquisition process through which the AOC and the court pursued an infill site in the existing urban core of Santa Ana over a suburban site near UC Irvine. The AOC acquired the site from the city of Santa Ana for $1, and the city also provided secure parking and street improvements for the project at no cost to the state. In addition to providing an economic opportunity, this site selection supports the state's planning priority to promote infill development as set forth in California Government Code sections 65041–65041.1. See key findings below for each of the six mandated information categories. More information is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Two proposals were received.

3. Project costs and increases: The AOC delivered this project for $819,000 less than the final appropriation amount and $9.3 million more than the original appropriation amount. Several cost increases occurred that are listed and explained in Table 2.3.1.

4. Original timeline and delays: This project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Project Description

The new courthouse replaced two overcrowded and inadequate leased spaces with a modern, secure, adequately sized courthouse for the Fourth Appellate District of the Court of Appeal, Division Three, which handles appeals from Orange County.

The Fourth Appellate District, Division Three in Santa Ana occupied leased space for 20 years. When it outgrew its original court space, it had to lease additional space several miles away. For an appellate court, this split location was very inefficient, and the lease costs amounted to over $1 million per year. The new courthouse remedies these inefficiencies, unifying all court staff in one location and creating a durable, functional, and expandable location for the Court of Appeal.

This courthouse won an Award of Merit in the government/public category of California Construction's Best of 2009. Featured in the semicircular lobby is a unique collection of student-created artworks that commemorate significant cases decided by this particular court as well as one landmark federal Orange County case, *Mendez v. Westminster*, which was the first in the nation to order an end to segregation in public schools.

Project Facts

Location:	601 West Santa Ana Boulevard, Santa Ana, California
Capacity:	One courtroom, office suites for nine justices, a settlement conference center, a law library, and work spaces for staff; designed to allow for future expansion.
Project cost:	$26.9 million for all project costs, $24.7 million for construction
Funded by:	General Fund
Architect:	Carrier Johnson + CULTURE
Construction:	Heery International
Timeline:	Received initial funding in FY 2003–2004 when management responsibility was transferred from the DGS to the AOC. Site acquisition was approved in 2005. Construction began in December 2007, but was delayed for two months due to state cash-flow issues in December 2008 and January 2009. Construction was completed in September 2009; the court took initial occupancy of the building in July 2009 due to expiring leases.
More information:	*www.courts.ca.gov/facilities-4thdistrict-coa.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 2.1 below.

Table 2.1

Court of Appeal, 4th Appellate District, Division 3—Review and Approval Dates

	Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	4/15/2005	search in progress	n/a	2/8/2002	Pre-dates documents on SPWB webpage
2.	Site Acquisition (A)	6/24/2005	8/12/2005	9/xx/00	8/12/2005	08/2005
3.	Preliminary Plans (P)	6/24/2005	11/17/06 6/29/07	9/xx/00	12/8/2006	11/2006
4.	Working Drawings (W)	6/24/2005	6/29/2007	9/xx/02	6/29/2007	07/16/2007
5.	Proceed to Bid	n/a	6/29/2007	n/a	6/29/2007	09/06/2007
6.	Construction Contract Award (C)	6/24/2005	11/9/2007	9/xx/02	11/29/2007	10/24/2007
7.	Augment P - $198,000	n/a	8/12/2005	nba	n/a	08/12/2005
8.	Revert A - $2,178,000	n/a	n/a	8/26/2005	n/a	08/12/2005
9.	Augment W - $45,000	n/a	n/a	9/12/2006	n/a	n/a
10.	Augment C - $6,783,000	n/a	n/a	9/12/2006	n/a	n/a
11.	Augment C - $3,086,000	8/25/2006	1/12/2007	9/28/2007	n/a	12/08/06
12.	Augment C - $2,220,000	n/a	11/09/07 11/14/07 ft 11/20/07 ft 11/21/07 ft	nba	n/a	n/a
13.	Scope Change - Redirect C to W $280,000	n/a	search in progress	nba	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 2.2 below.

Table 2.2

Court of Appeal, 4th Appellate District, Division 3—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for CMAR Qualifications / Proposals	3/30/2006
2.	Due Date for Qualifications / Proposals	4/24/2006
3.	CMAR Shortlist	6/1/2006
4.	CMAR Interviews	6/20/2006
5.	CMAR Intent to Award	6/26/2006
6.	CMAR Contract Executed	7/20/2006
Completion of Project Phases		
1.	Acquisition (A)	8/12/2005
2.	Preliminary Plans (P)	12/8/2006
3.	Working Drawings (W)	7/16/2007
4.	Construction (C)	7/27/2009

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Two proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for $819,000 less than the final appropriation amount and $9.3 million more than the original appropriation amount. This project was originated under DGS management with funding for acquisition and preliminary plans appropriated in the Budget Act of 2000 (FY 2000–2001), almost 10 years before the building was completed. Responsibility for the project was transferred to the AOC in a memorandum of understanding (MOU) dated September 15, 2003. The AOC submitted a COBCP in FY 2005–2006 to reappropriate $75,000 for the acquisition phase and to revert $2.178 million of unused acquisition phase funds. Project costs are identified in Table 2.3 below.

Table 2.3

Court of Appeal, 4th Appellate District, Division 3—Appropriations and Project Costs

		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$2,783,000	$432,000	$792,000	$13,558,000	$17,565,000
2.	**Final Appropriation**	$605,000	$630,000	$1,117,000	$25,367,000	$27,719,000
3.	**Actual Expenditure**	$501,565	$626,113	$1,104,025	$24,667,397	$26,899,100
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($2,281,435)	$194,113	$312,025	$11,109,397	$9,334,100
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($103,435)	($3,887)	($12,975)	($699,603)	($819,900)

Cost increases shown and explained in Table 2.3.1 below reflect the unusually high escalation in construction costs during the design and construction phases (August 2005–September 2009) after management responsibility was transferred from the DGS to the AOC in September 2003. The original appropriations for this project occurred in FY 2000–2001 for acquisition and preliminary plans phases, and in FY 2002–2003 for working drawings and construction phases, and were based on estimates created while the project was under DGS management. By the time site acquisition was completed in August 2005, the project scope had been reduced by the AOC to align with the needs of the court and the terms of the property acquisition agreement: the program gross area was reduced by approximately 3,000 square feet and 110 structured parking

spaces were deleted as they were provided by the city of Santa Ana. Even though the scope was reduced, escalation in the market caused the current estimates to exceed the original estimates.

Table 2.3.1

Court of Appeal, 4th Appellate District, Division 3—Cost Increases

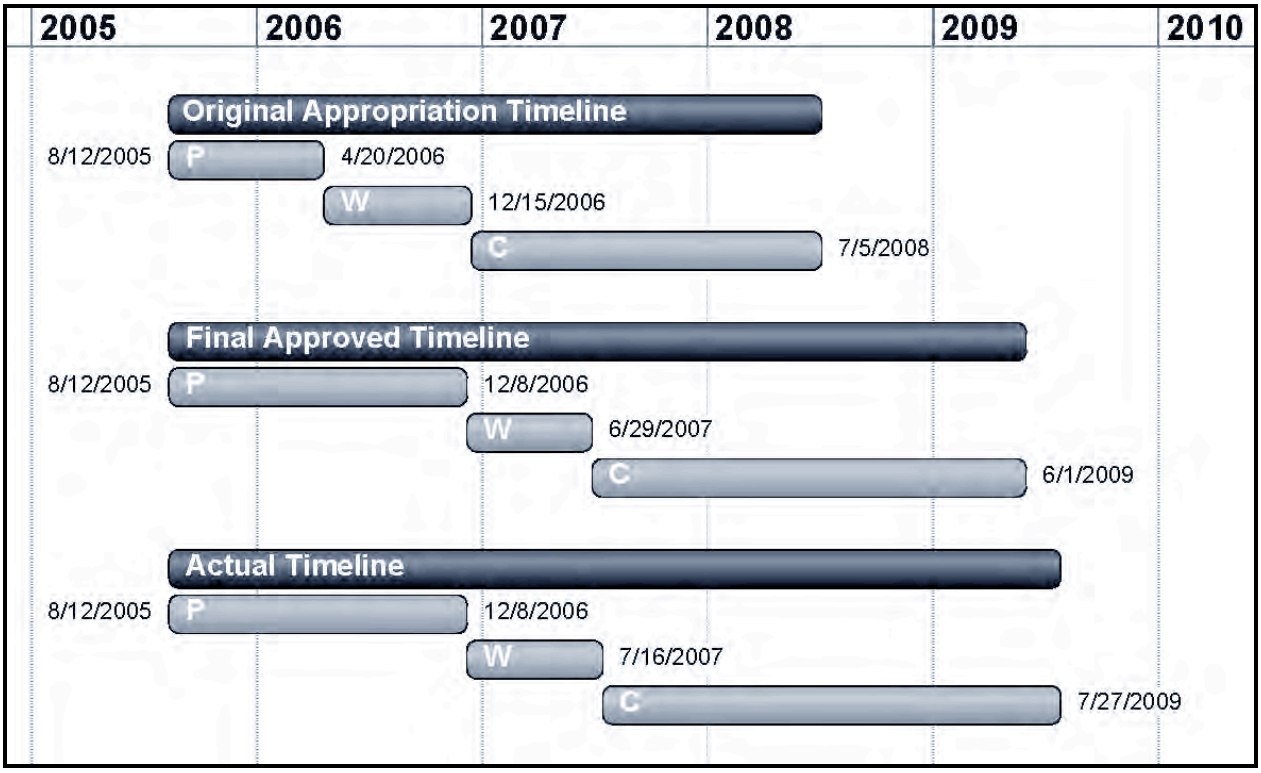
#	Fiscal Year	Description	Amount	Reason for Cost Increase
1.	2005–2006	Augment P	$198,000	Replaces funds expended by DGS for schematic design work connected to a site that was rejected by the court.
2.	2006–2007	Augment W	$45,000	Delays in site acquisition and preliminary plans increased cost in the working drawings phase.
3.	2006–2007	Augment C	$6,783,000	Construction cost updated to match escalated underlying cost in marketplace after responsibility for this project was transferred from the DGS to the AOC (original estimates predate FY 2000–2001).
4.	2007–2008	Augment C	$3,086,000	Unforeseen and excessive escalation in marketwide construction costs.
5.	2008–2009	Augment C	$2,220,000	Bidding climate reflected a surplus of institutional construction in Southern California relative to qualified trade contractors and increased material costs so acceptable bids were higher than estimates.
6.	2008–2009	Redirect C to W	$280,000	Transfer of unexpended funds from the construction phase to the working drawings phase due to increased design costs for final project scope.

Project Timelines

As shown in Figure 2.1 below, the project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date. Delays in the preliminary plans phase were caused by the architect's difficulty in producing an acceptable design that met the program and site constraints during a period of unusually high construction escalation requiring redesign to bring interim cost estimates in line with the project budget. Delays in the construction phase were caused by the difficulty in obtaining bids that were within project estimates due to an overabundance of institutional work in Southern California and the previously mentioned high escalation in construction costs. Due to state budget issues, the Pooled Money Investment Account (PMIA) ran short of funds and construction had to be shut down in December 2008, which caused an additional eight-week delay and additional costs for the contractor to de-mobilize and re-mobilize the job site.

Figure 2.1

Court of Appeal, 4th Appellate District, Division 3—Timeline Comparison



Final Approved Timeline: Construction phase augmentation 11/9/2007

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 2.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.

Table 2.4

Court of Appeal, 4th App. Dist., Division 3—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$256,235	$300,468	$76,895	$708,524	$1,342,122
Consultant / Contractor Costs	$0	$0	$0	$0	$0
Totals	$256,235	$300,468	$76,895	$708,524	$1,342,122

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 2.5 below. Project contractor costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Table 2.5

Court of Appeal, 4th Appellate District, Division 3—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$186,664	$626,113	$964,385	$24,582,825	$26,359,987
Costs for Construction Contractor	$0	$0	$0	$24,003,610	$24,003,610
Total Actual Costs	$501,565	$626,113	$1,104,025	$24,667,397	$26,899,100
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	37.2%	100.0%	87.4%	99.7%	98.0%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	97.3%	89.2%

Chapter 3
Plumas/Sierra Regional Courthouse

Key Findings

This $6.1 million project—the first trial court project to be fully financed and managed from start to finish by the AOC—was delivered for 7.2 percent less than the final appropriation amount and 6.7 percent less than the original appropriation amount. The actual completion date was 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Three bids were received.

3. Project costs and increases: The AOC delivered this project for $473,669 less than the final appropriation amount and $435,469 less than the original appropriation amount.

4. Original timeline and delays: This project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

Project Description

The Plumas/Sierra Regional Courthouse provides residents of isolated areas in Plumas and Sierra Counties with better access to court services through a multijurisdictional courthouse, jointly serving the Superior Courts of Plumas and Sierra Counties.

The Superior Courts of Plumas and Sierra Counties shared challenges in serving the remote Eastern Sierra Valley close to each county's border. The public's access to justice in this area was severely compromised due to the area's natural isolation and heavy snow in winter, which makes driving the mountain passes hazardous. The Sierra County portion of the Sierra Valley is the county population center and had access to a service center, but no judicial proceedings.

The new courthouse replaced the deficient one-courtroom Portola Branch court located in the Sierra Center Mall and a leased court service center in Loyalton. The new courthouse provides public access to justice and court services and improves court functionality, security, and physical operations

This project was the first trial court project to be fully financed and managed from start to finish by the AOC. The vacant and unimproved property for the courthouse was donated by a local developer for $1 for the purpose of building a courthouse.

The courthouse was awarded a Best Project of 2010 by McGraw Hill's *California Construction* magazine and a 2010 Distinguished Project Award from the Western Council of Construction Consumers.

Project Facts

Location:	600 South Gulling Street, Portola
Capacity:	1 courtroom in 7,312 square feet with minimal staff support area, and a jury deliberation room. The courthouse does not have a dedicated jury assembly area or any in-custody holding capability.
Project Cost:	$6.1 million for all project costs, $5.5 million for construction. Land was donated to the state.
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	Nacht and Lewis Architects
Contractor:	SW Allen Construction Inc.
Timeline:	Received initial funding in FY 2006–2007. The construction phase began in August 2008 and was completed in October 2009. The building opened in December 2009.
More information:	*www.courts.ca.gov/facilities-plumas-sierra.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 3.1 below.

Table 3.1

Plumas/Sierra Regional Courthouse—Review and Approval Dates

	Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	6/24/2005	3/9/2007	n/a	5/15/2006	10/15/2007
2.	Site Acquisition (A)	6/29/2007	8/10/2007	9/12/2006	n/a	10/15/2007
3.	Preliminary Plans (P)	6/24/2005	5/19/2008	9/12/2006	2/14/2008	5/9/2008
4.	Working Drawings (W)	8/25/2006	8/28/2008	9/28/2007	5/9/2008	n/a
5.	Proceed to Bid	n/a	8/28/2008	n/a	n/a	n/a
6.	Construction Contract Award (C)	4/27/2007	10/8/2008	10/23/2008	n/a	n/a
7.	Augment C - $38,200	n/a	11/6/2009	nba	n/a	n/a

Legend for Review and Approval Dates
n/a = not applicable to this item
nba = DOF or SPWB action, not in annual budget act
ft = fund transfer
xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 3.2 below.

Table 3.2

Plumas/Sierra Regional Courthouse—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for GC Qualifications / Proposals	7/17/2008
2.	Due Date for Qualifications / Proposals	8/12/2008
3.	Prequalified List and Invitation to Bid	8/20/2008
4.	Bids Received from Prequalified GCs	9/24/2008
5.	Notice of Intent to Award	10/8/2008
6.	Contract Executed	10/10/2008
Completion of Project Phases		
1.	Acquisition (A)	10/15/2007
2.	Preliminary Plans (P)	3/17/2008
3.	Working Drawings (W)	8/28/2008
4.	Construction (C)	10/31/2009

Procurement Methods and Evaluation Criteria

The design-bid-build process was used for this project. The AOC prequalified contractors, received three bids, and awarded the contract to the lowest qualified bidder. See Appendix B for a description of how the AOC prequalifies contractors.

Project Costs

The AOC delivered this project for $473,669 less than the final appropriation amount and $435,469 less than the original appropriation amount. Significant savings in the acquisition phase resulted because the seller, a local developer, donated to the state the vacant and unimproved property for $1. The only cost increase on this project was a DOF-approved FY 2009–2010 augmentation of the construction phase in the amount of $38,200 for completion of a required access road.

Table 3.3

Plumas/Sierra Regional Courthouse—Appropriations and Project Costs

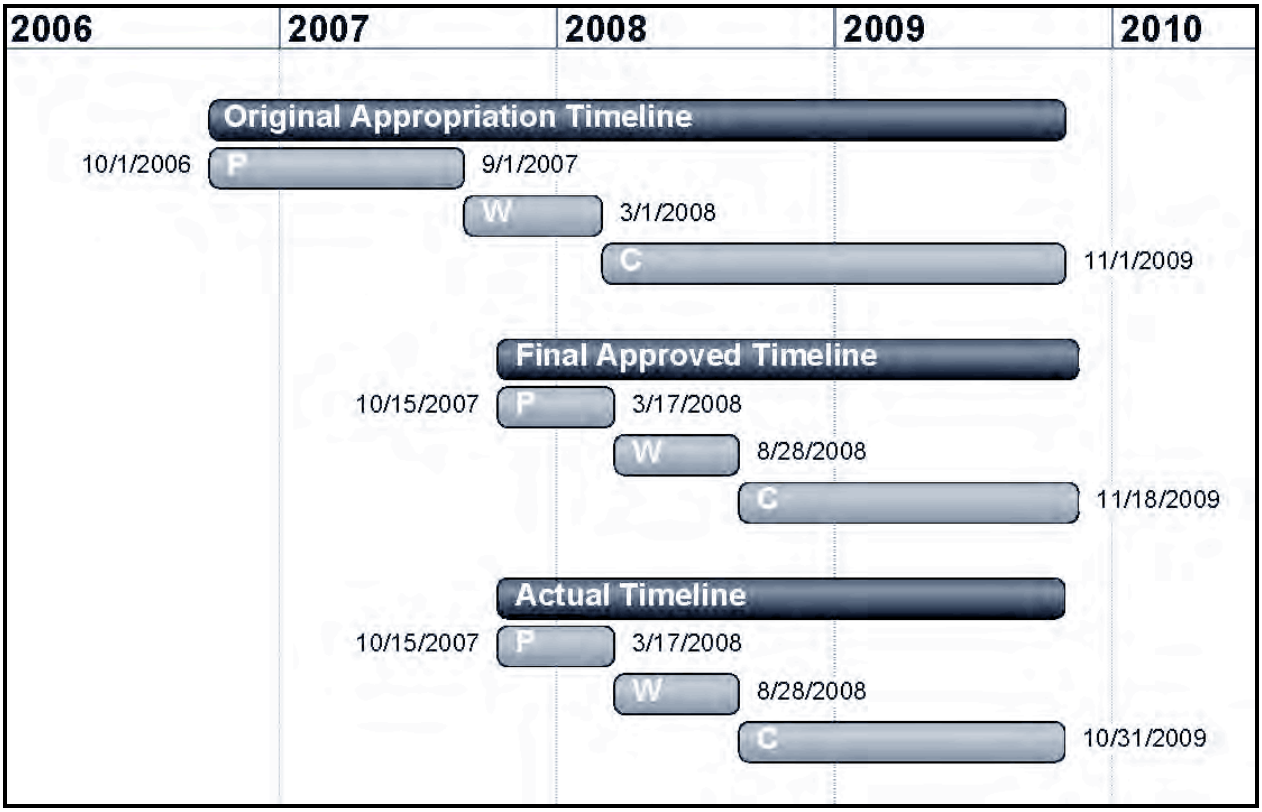
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$437,000	$269,000	$346,000	$5,444,000	$6,496,000
2.	**Final Appropriation**	$437,000	$269,000	$346,000	$5,482,200	$6,534,200
3.	**Actual Expenditure**	$64,923	$228,925	$291,831	$5,474,852	$6,060,531
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($372,077)	($40,075)	($54,169)	$30,852	($435,469)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($372,077)	($40,075)	($54,169)	($7,348)	($473,669)

Project Timelines

As shown in Figure 3.1 below, the project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date even though acquisition was delayed by just over a year as the transaction details of the site donation were worked out. Durations of the design and construction phases were significantly reduced as compared to the original appropriation timeline. The construction procurement process was accelerated and accomplished in just under three months from RFQ to executed contract so the foundation work could be completed before the winter snow season.

Figure 3.1

Plumas/Sierra Regional Courthouse—Timeline Comparison



Final Approved Timeline: Construction phase increase within appropriation 9/24/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 3.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.

Table 3.4

Plumas/Sierra Regional Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$216,945	$65,061	$55,317	$119,762	$457,085
Consultant / Contractor Costs	$0	$0	$0	$0	$0
Totals	$216,945	$65,061	$55,317	$119,762	$457,085

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 3.5 below. Project contractor costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

Table 3.5

Plumas/Sierra Regional Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$37,710	$228,925	$284,673	$5,296,223	$5,847,531
Costs for Construction Contractor	$0	$0	$0	$4,761,362	$4,761,362
Total Actual Costs	$64,923	$228,925	$291,831	$5,474,852	$6,060,531
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	58.1%	100.0%	97.5%	96.7%	96.5%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	87.0%	78.6%

Chapter 4
B. F. Sisk Courthouse

Key Findings

This $65.2 million project was completed for 8.1 percent less than the final appropriation amount and 6.2 percent more than the original appropriation amount. The actual completion date was 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date. The delay was caused by discrepancies between federal and state legislation that complicated the transfer of the federal courthouse first to the County of Fresno and then to the State. See the Project Timelines section in this chapter for more detail on this topic. In addition, as the project planning moved forward, the AOC collaborated with the DOF and the LAO to develop a plan to renovate the building to maximize its use for up to 16 courtrooms for existing judges and new judgeships identified by the Judicial Council for the Superior Court of Fresno County. The original timeline assumed the property transfer would be complete by July 2006. Because of complications in the transfer process described above, the close of escrow was delayed over a year and the acquisition was finally approved by the SPWB at their September 2007 meeting, which accounts for 61 weeks of the overall project delay. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Five proposals were received.

3. Project costs and increases: The AOC delivered this project for $5.7 million less than the final appropriation amount and $3.8 million more than the original appropriation amount. There was a 17.9 percent augmentation of the construction phase due to unusually high construction cost escalation and to accommodate a change from 8 to 15 courtrooms and more extensive remodeling of the existing building to provide for existing and approved new judgeships identified by the Judicial Council for the Superior Court of Fresno County.

4. Original timeline and delays: This project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Project Description

The B. F. Sisk Courthouse provides the Superior Court of Fresno County with appropriate and accessible court space for complex civil and family law proceedings and related support spaces for the public and court staff.

Originally constructed in 1967 as a federal courthouse, the building was vacated by the federal government after the Robert E. Coyle U.S. Courthouse was completed. The five-story building formerly housed eight federal courtrooms, chambers, and justice agencies. The building keeps its former name to honor the visionary public service of Bernice Frederic Sisk (December 14, 1910–October 25, 1995), member of the U.S. House of Representatives from California's 12th Congressional District, 1955–1963.

The Superior Court of Fresno County serves court users in the downtown area through multiple facilities. Existing facilities poorly served the growing needs of the superior court, and the dispersal of court operations in multiple locations exacerbated the court's operational challenges. The remodeled Sisk courthouse now houses the superior court's civil and family law divisions, with 15 judicial officers, that formerly occupied space in the Fresno County Courthouse. The Family Law Facilitator and the Spanish Speaking Self-Help Center was also consolidated with other family court support functions in the Sisk Courthouse, enabling the court to terminate a lease and improve public service.

Project Facts

Location:	1130 O Street in downtown Fresno
Capacity:	15 courtrooms (with capacity for up to 16) in 192,000 square feet
Project cost:	$65.9 million for all project costs, $60.9 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	SmithGroup of San Francisco, with Allen Lew & William Patnaude Architects of Fresno
Contractor:	Turner Construction Company
Timeline:	Received initial funding in FY 2006–2007. Construction began in July 2008 and was completed in September 2010. The building opened in November 2010.
More information:	*www.courtinfo.ca.gov/programs/occm/projects_fresno_sisk.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 4.1 below.

Table 4.1

B. F. Sisk Courthouse—Review and Approval Dates

	Description	Judicial Council	Governor (Dept .of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	4/27/2007	9/14/2007	n/a	4/26/2007	n/a
2.	Site Acquisition (A)	4/27/2007	9/14/2007	n/a	n/a	2/6/2004
3.	Preliminary Plans (P)	2/27/2004 6/24/2005	10/12/2007	9/12/2006	1/11/2005	10/15/2007
4.	Working Drawings (W)	2/27/2004 6/24/2005	4/11/2008	9/12/2006	4/3/2008	n/a
5.	Proceed to Bid	6/24/2005	4/11/2008	n/a	n/a	n/a
6.	Construction Contract Award (C)	6/24/2005	7/16/2008	9/12/2006	n/a	n/a
7.	Augment C - $9,571,000	n/a	search in progress	nba	n/a	10/15/2007
8.	Redirect P to C - $1,398,000	n/a	search in progress	nba	n/a	n/a
9.	Redirect W to C - $1,493,000	n/a	search in progress	nba	n/a	n/a

Legend for Review and Approval Dates
n/a = not applicable to this item
nba = DOF or SPWB action, not in annual budget act
ft = fund transfer
xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 4.2 below.

Table 4.2

B. F. Sisk Courthouse—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for CMAR Qualifications / Proposals	3/23/2007
2.	Due Date for Qualifications / Proposals	5/1/2007
3.	CMAR Shortlist	5/14/2007
4.	CMAR Interviews	5/22/2007
5.	CMAR Intent to Award	search in progress
6.	CMAR Contract Executed	6/25/2007
Completion of Project Phases		
1.	Acquisition (A)	9/14/2007
2.	Preliminary Plans (P) [5]	10/15/2007
3.	Working Drawings (W)	4/11/2008
4.	Construction (C)	7/30/2010

[5] The preliminary plans phase was actually started on June 18, 2007. See footnote 6 on page 29.

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Five proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for $5.7 million less than the final appropriation amount and $3.8 million more than the original appropriation amount. There are no acquisition phase costs because the federal courthouse was donated to the state. Project costs are identified in Table 4.3 below.

The original budget for this project included renovating the existing building to accommodate 8 courtrooms, which reflected the existing configuration. As the project planning moved forward, the AOC collaborated with the DOF and the LAO to develop a plan to renovate the building and maximize its use for up to 16 courtrooms for existing judges and new judgeships identified by the Judicial Council for the Superior Court of Fresno County. The only cost increase on this project was a FY 2007–2008 augmentation of the construction phase in the amount of $9.571 million required to fund the change from 8 up to the capacity of 16 courtrooms and because construction cost escalation was unusually high at this time. The final design for the project included 15 courtrooms because the authorized new judgeship for which the 16th courtroom was intended was not funded and the court requested that it be built as a hearing room for greater functionality. The DOF approved this increase to provide for existing and new judgeships. Unspent appropriations from the preliminary plans phase ($1.398 million) and the working drawings phase ($1.493 million) were redirected in FY 2008–2009 to the construction phase.

Table 4.3

B. F. Sisk Courthouse—Appropriations and Project Costs

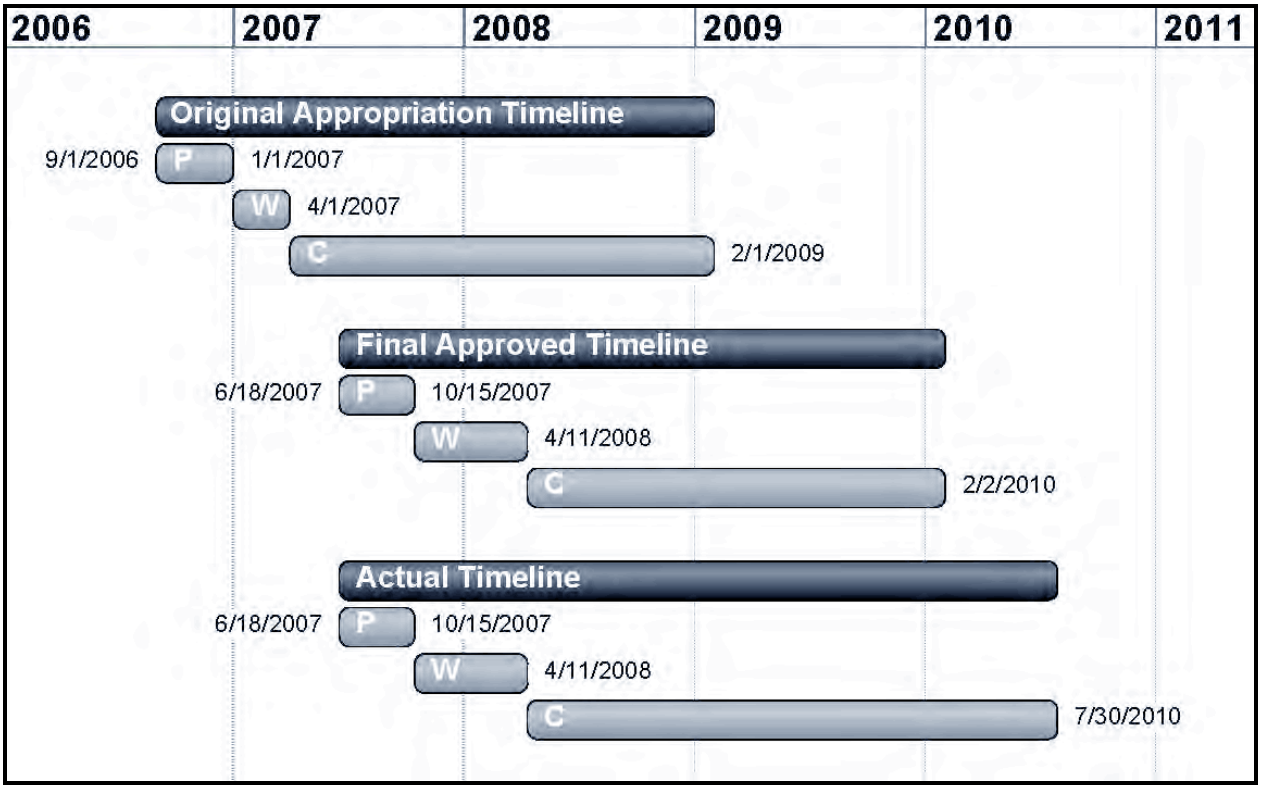
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$0	$3,470,000	$4,468,000	$53,389,000	$61,327,000
2.	**Final Appropriation**	$0	$2,072,000	$2,975,000	$65,851,000	$70,898,000
3.	**Actual Expenditure**	$0	$2,055,327	$2,956,678	$60,140,849	$65,152,854
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	$0	($1,414,673)	($1,511,322)	$6,751,849	$3,825,854
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	$0	($16,673)	($18,322)	($5,710,151)	($5,745,146)

Project Timelines

As shown in Figure 4.1 below, this project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date. The delay was caused by difficulty in completing the transfer of the federal courthouse first to the County of Fresno and then to the state. The federal legislation sponsored by Senator Boxer gave the property to the county, not the state, as subsequently mandated in Senate Bill 1732. The legal and real estate staffs at the federal, state, and county levels had to figure out how to accomplish the transfer to the state. In addition, after the transfer problem was solved, the AOC had to wait over a year longer than originally anticipated for the federal General Services Administration (GSA) to vacate the property before closing escrow. The original timeline called for the property transfer to be complete by July 2006. For the reasons stated above, the acquisition was not approved by the SPWB until their September 2007 meeting, which accounts for 61 weeks of the delay.

Figure 4.1

B. F. Sisk Courthouse—Timeline Comparison[6]



Final Approved Timeline: Augmentation of construction phase 7/15/2008

[6] The funding for the preliminary plans phase ($3,470,000) was transferred from the State Court Facilities Construction Fund to the Court Facilities Architectural Revolving Fund in November 2006.

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 4.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of Judicial Branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.

Table 4.4

B. F. Sisk Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$72,619	$180,594	$237,156	$1,015,491	$1,505,860
Consultant / Contractor Costs	$0	$0	$0	$0	$0
Totals	$72,619	$180,594	$237,156	$1,015,491	$1,505,860

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 4.5 below. Project contractor costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Table 4.5

B. F. Sisk Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$0	$2,026,093	$2,949,000	$60,078,035	$65,053,128
Costs for Construction Contractor	$0	$0	$0	$57,627,990	$57,627,990
Total Actual Costs	$0	$2,055,327	$2,956,678	$60,140,849	$65,152,854
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	N/A	98.6%	99.7%	99.9%	99.8%
Construction Contractor Costs as % of Actual Costs	N/A	0.0%	0.0%	95.8%	88.5%

Chapter 5
Richard E. Arnason Justice Center

Key Findings

This $48.6 million project was delivered for 24.9 percent less than the final appropriation amount and 22.3 percent less than the original appropriation amount. The actual completion date was 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date. The delays were caused by a scope change from four to seven courtrooms—based on a Judicial Council–adopted update to new judgeship requirements identifying additional new judgeships needed by the Superior Court of Contra Costa County. This scope change was included in the annual budget act for FY 2006–2007. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Four proposals were received.

3. Project costs and increases: The AOC delivered this project for $16.1 million less than the final appropriation amount and $13.9 million less than than the original appropriation amount.

4. Original timeline and delays: This project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Project Description

The Richard E. Arnason Justice Center replaced the outdated and undersized four-courtroom Pittsburg-Delta Courthouse, originally constructed in 1952 and demolished after the new courthouse was completed.

The eastern region of Contra Costa County includes the growing communities of Pittsburg, Antioch, Brentwood, and Oakley. Previously served by the outdated and undersized Pittsburg-Delta Courthouse, this region needed a larger, modern facility to meet growing demand for court services as well as a location for three new judicial officers. The previous building was so overcrowded that approximately 6,000 cases had to be reassigned to other courts throughout the county. The Arnason Justice Center has greatly improved access to justice for East County residents.

This courthouse has won numerous awards, and was the first judicial branch courthouse to receive LEED™ Silver certification from the U.S. Green Building Council. The building was named in honor of Richard E. Arnason, distinguished jurist and pioneering member of the bar in eastern Contra Costa County.

Project Facts

Location:	1000 Center Drive, Pittsburg, California
Capacity:	7 courtrooms in 73,500 square feet
Project cost:	$48.6 million for all project costs, $45.1 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	HOK
Contractor:	Sundt Construction, Inc.
Timeline:	Originally funded in FY 2005–2006. To accommodate three new judgeships, funding was increased in the annual budget act for FY 2006–2007 to fund a scope change from four to seven courtrooms. Construction began in April 2009 and was completed in November 2010.
More information:	*www.courts.ca.gov/facilities-contracosta.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 5.1 below.

Table 5.1

Richard E. Arnason Justice Center—Review and Approval Dates

	Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	12/10/2004 2/27/2004 6/24/2005 2/23/2007	7/17/2006	n/a	5/31/2006	7/14/2006
2.	Site Acquisition (A)	12/10/2004 2/27/2004 6/24/2005 2/23/2007	9/14/2007	8/26/2005	n/a	12/08/2006 9/14/2007
3.	Preliminary Plans (P)	12/10/2004 6/24/2005	2/8/2008	8/26/2005	2/22/2007	2/8/2008
4.	Working Drawings (W)	6/24/2005 8/25/2006	1/12/2009	9/28/2007	8/19/2008	n/a
5.	Proceed to Bid	8/25/2006 4/27/2007	1/12/2009	n/a	n/a	n/a
6.	Construction Contract Award (C)	8/25/2006 4/27/2007	3/30/2009	10/23/2008	n/a	n/a
7.	Scope Change - 4 to 7 Courtrooms	6/24/2005	4/7/2006	9/12/2006	n/a	7/14/2006
8.	Augment A - $672,000	n/a	n/a	9/12/2006	n/a	n/a
9.	Augment P - $1,560,000	n/a	n/a	9/12/2006	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 5.2 below.

Table 5.2

Richard E. Arnason Justice Center—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for CMAR Qualifications / Proposals	6/5/2007
2.	Due Date for Qualifications / Proposals	6/19/2007
3.	CMAR Shortlist	7/11/2007
4.	CMAR Interviews	7/16/2007
5.	CMAR Intent to Award	7/20/2007
6.	CMAR Contract Executed	9/17/2007
Completion of Project Phases		
1.	Acquisition (A)	9/14/2007
2.	Preliminary Plans (P)	2/8/2008
3.	Working Drawings (W)	1/12/2009
4.	Construction (C)	11/10/2010

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Four proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for $16.1 million less than the final appropriation amount and $13.9 million less than the original appropriation amount. Project costs are identified in Table 5.3 below.

The cost increases in the acquisition ($672,000) and preliminary plans ($1.56 million) phases were included in the Budget Act of 2006 (FY 2006–2007) to fund a scope change from four to seven courtrooms.

Table 5.3

Richard E. Arnason Justice Center—Appropriations and Project Costs

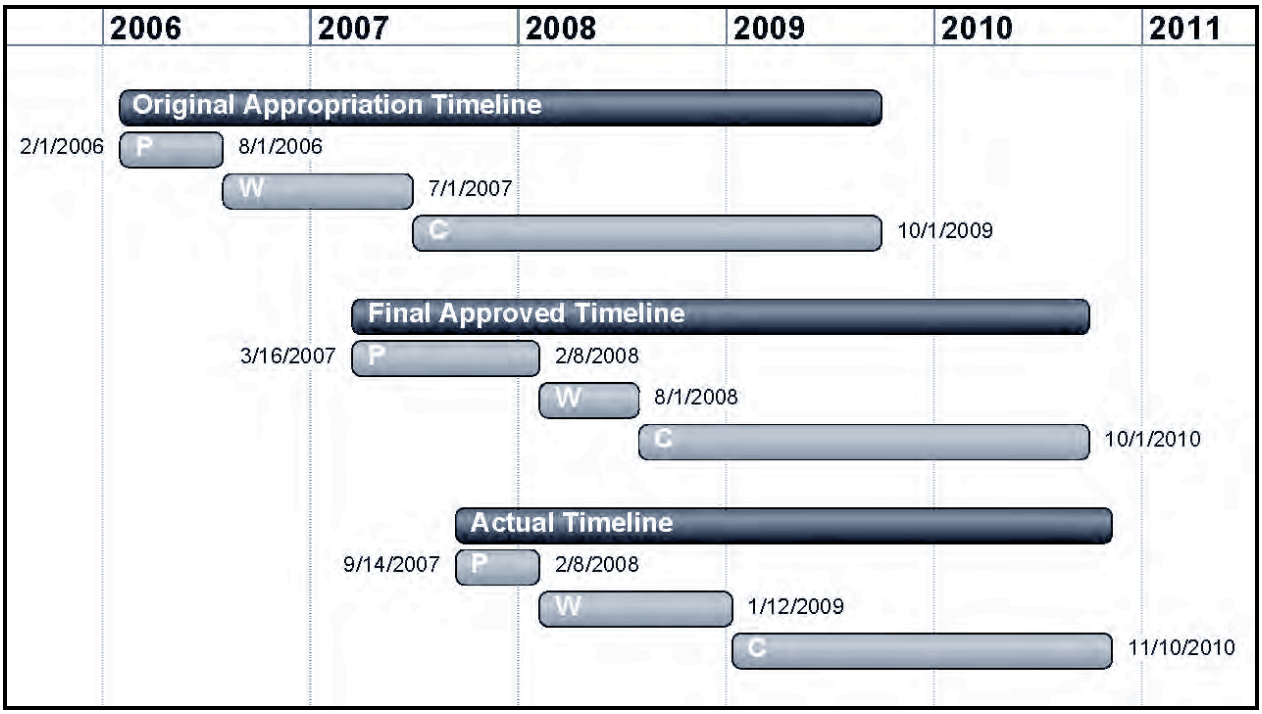
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$6,000,000	$1,237,000	$3,632,000	$51,628,000	$62,497,000
2.	**Final Appropriation**	$6,672,000	$2,797,000	$3,632,000	$51,628,000	$64,729,000
3.	**Actual Expenditure**	$245,272	$1,494,085	$1,708,361	$45,141,930	$48,589,648
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($5,754,728)	$257,085	($1,923,639)	($6,486,070)	($13,907,352)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($6,426,728)	($1,302,915)	($1,923,639)	($6,486,070)	($16,139,352)

Project Timelines

As shown in Figure 5.1 below, this project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date. The delay was caused by the change in building size from four to seven courtrooms.

Figure 5.1

Richard E. Arnason Justice Center—Timeline Comparison



Final Approved Timeline: Construction phase appropriation 7/1/2008

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 5.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.

Table 5.4

Richard E. Arnason Justice Center—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$353,626	$202,036	$112,928	$766,063	$1,434,653
Consultant / Contractor Costs	$0	$0	$0	$0	$0
Totals	$353,626	$202,036	$112,928	$766,063	$1,434,653

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 5.5 below. Project contractor costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Table 5.5

Richard E. Arnason Justice Center—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$185,073	$1,469,335	$1,699,459	$45,039,137	$48,393,003
Costs for Construction Contractor	$0	$0	$0	$42,289,814	$42,289,814
Total Actual Costs	$245,272	$1,494,085	$1,708,361	$45,141,930	$48,589,648
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	75.5%	98.3%	99.5%	99.8%	99.6%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	93.7%	87.0%

Chapter 6
Mammoth Lakes Courthouse

Key Findings

This $20.2 million project was delivered for 6.1 percent less than the final appropriation amount and 5.1 percent less than the original appropriation amount. The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date. The delay was caused by the challenging site acquisition—a land exchange with the U.S. Forest Service—which delayed the start of the preliminary plans phase. See the Project Timelines section in this chapter for more detail on this topic. The original timeline assumed site acquisition would be complete by August 2006. The acquisition was actually approved by the SPWB at their February 2008 meeting, which was a delay of 78 weeks. The actual project duration was compressed by 30 weeks compared to the originally scheduled project duration primarily by accelerating the design phases—19 weeks in preliminary plans and 7 weeks in working drawings. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Seven proposals were received.

3. Project costs and increases: The AOC delivered this project for $1.3 million less than the final appropriation amount and $1.1 million less than the original appropriation amount. There was a 30 percent augmentation of the working drawings phase to accommodate site complexities and issues connected with the mountainous location.

4. Original timeline and delays: The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Project Description

The Mammoth Lakes Courthouse replaced inadequate, overcrowded leased space and provides the Superior Court of Mono County with a modern, secure, adequately sized courthouse for all court services.

The site for the new courthouse was part of a land exchange between the U.S. Forest Service and the Town of Mammoth Lakes and the County of Mono. The town and county then conveyed, at a discount, a portion of the land to the state for the new courthouse. The courthouse is the first building in a location envisioned as the future government center for Mammoth Lakes.

The historic Mono County courthouse in Bridgeport, built in 1881, is the second oldest, still functioning courthouse in California. Because of its adjacency to the county jail, this historic building is used almost exclusively for arraignments. The court has operated a branch courthouse in Mammoth Lakes, 55 miles south, for many years. Findings in the 2003 facilities master plan showed that 90 percent of the court's civil and criminal workload was attributable to the Mammoth Lakes area, where the population can increase from approximately 7,000 to 40,000 during peak ski season. The previous South County Branch Courthouse was a leased space in a shopping mall that was undersized, in poor condition, and in need of replacement. The new Mammoth Lakes Courthouse provides improved security, expanded space for current and new court services, and improved access to justice for the majority of Mono County residents and visitors.

Project Facts

Location:	100 Thompsons Way, Mammoth Lakes
Capacity:	2 courtrooms and 1 small hearing/multipurpose room in 20,000 square feet
Project cost:	$20.3 million for all project costs, $17.5 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	Mark Cavagnero Associates
Contractor:	Sundt Construction, Inc.
Timeline:	Received initial funding in FY 2006–2007. Construction began in May 2010 and was completed in August 2011. The building opened in September 2011.
More information:	*www.courts.ca.gov/facilities-mono.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 6.1 below.

Table 6.1

Mammoth Lakes Courthouse—Review and Approval Dates

	Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	6/30/2006	3/13/2007	n/a	1/8/2007	3/9/2007 8/10/2007
2.	Site Acquisition (A)	2/27/2004 6/24/2005	3/13/2009	9/12/2006	1/11/2008	2/8/2008
3.	Preliminary Plans (P)	2/27/2004 6/24/2005	4/10/2009	9/12/2006	02/11/2009 07/15/2009	4/10/2009
4.	Working Drawings (W)	8/25/2006 4/27/2007	12/3/2009	9/28/2007	12/3/2009	n/a
5.	Proceed to Bid	4/27/2007	12/3/2009	n/a	12/3/2009	n/a
6.	Construction Contract Award (C)	4/27/2007	2/4/2010	10/23/2008	n/a	n/a
7.	Augment W - $219,000	n/a	4/14/09 ft	10/23/2008	n/a	n/a

Legend for Review and Approval Dates
n/a = not applicable to this item
nba = DOF or SPWB action, not in annual budget act
ft = fund transfer
xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 6.2 below.

Table 6.2

Mammoth Lakes Courthouse—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for CMAR Qualifications / Proposals	9/29/2008
2.	Due Date for Qualifications / Proposals	10/21/2008
3.	CMAR Shortlist	10/28/2008
4.	CMAR Interviews	11/3/2008
5.	CMAR Intent to Award	11/10/2008
6.	CMAR Contract Executed	12/1/2008
Completion of Project Phases		
1.	Acquisition (A)	2/8/2008
2.	Preliminary Plans (P)	4/8/2009
3.	Working Drawings (W)	12/1/2009
4.	Construction (C)	7/25/2011

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Seven proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for $1.3 million less than the final appropriation amount and $1.1 million less than the original appropriation amount.

The only cost increase on this project, an augmentation of the working drawings phase in the amount of $219,000 that was required to align the working drawings with the final construction scope, was included in the Budget Act of 2008 (FY 2008–2009). Some of the early planning for this project did not anticipate the full impact of the site development issues.

Table 6.3

Mammoth Lakes Courthouse—Appropriations and Project Costs

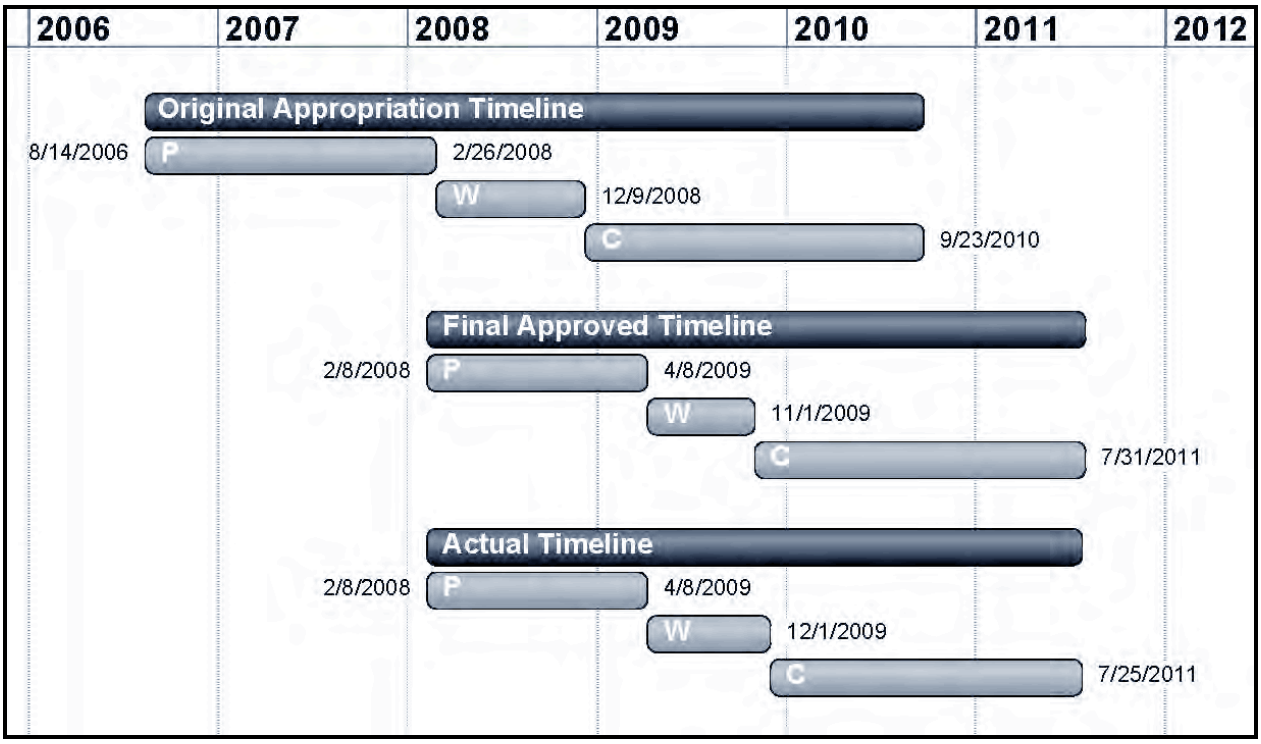
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$1,353,000	$702,000	$725,000	$18,523,000	$21,303,000
2.	**Final Appropriation**	$1,353,000	$702,000	$944,000	$18,523,000	$21,522,000
3.	**Actual Expenditure**	$1,347,859	$690,132	$830,825	$17,349,365	$20,218,181
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($5,141)	($11,868)	$105,825	($1,173,635)	($1,084,819)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($5,141)	($11,868)	($113,175)	($1,173,635)	($1,303,819)

Project Timelines

As shown in Figure 6.1 below, this project was completed 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date. The challenging site acquisition was accomplished under the provisions of section 206 of The Federal Land Policy Management Act of 1976 (43 U.S.C. § 1716), through a land exchange with the U.S. Forest Service (USFS) that originally involved the Town of Mammoth Lakes, the County of Mono, and the local hospital district. Ultimately, the hospital district dropped out of the transaction and the town and the county acquired land, which was exchanged for the courthouse site with the USFS and acquired at below market value by the AOC. The original timeline called for the site acquisition to be complete by August 2006. The acquisition was approved by the SPWB at their February 2008 meeting, which accounts for 78 weeks of delay. The actual project duration was compressed by 30 weeks compared to the originally scheduled project duration primarily by accelerating the design phases—19 weeks in preliminary plans and 7 weeks in working drawings.

Figure 6.1

Mammoth Lakes Courthouse—Timeline Comparison



Final Approved Timeline: Reappropriation of construction phase 7/1/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 6.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.

Table 6.4

Mammoth Lakes Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$149,409	$94,066	$60,263	$239,327	$543,065
Consultant / Contractor Costs	$0	$0	$0	$45,838	$45,838
Totals	$149,409	$94,066	$60,263	$285,165	$588,903

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 6.5 below. Project contractor costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Table 6.5

Mammoth Lakes Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$38,432	$666,000	$825,530	$17,066,425	$18,596,387
Costs for Construction Contractor	$0	$0	$0	$15,000,315	$15,000,315
Total Actual Costs	$1,347,859	$690,132	$830,825	$17,349,365	$20,218,181
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	2.9%	96.5%	99.4%	98.4%	92.0%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	86.5%	74.2%

Chapter 7
Lassen Superior Court Hall of Justice

Key Findings

This $34.5 million project was delivered for 11.4 percent less than the final appropriation amount, which was the same as the original appropriation amount. The actual completion date was 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date. The delay was caused primarily by a transition from analog to digital technology by the manufacturer of the video and recording portions of the security system that required cost changes and redesign at a critical point in the construction schedule. See the Project Timelines section in this chapter for more detail on this topic. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Seven bids were received.

3. Project costs and increases: The AOC delivered this project for $4.4 million less than the final appropriation amount, which was the same as the original appropriation amount.

4. Original timeline and delays: This project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Project Description

The Lassen Superior Court Hall of Justice replaces the court’s inadequate space in three buildings and provides the Superior Court of Lassen County with appropriate and accessible court space for all calendar types and related support services in the county seat.

Built in 1915, the Lassen County original one-courtroom courthouse, with its natural stone façade, is listed on the National Register of Historic Places. In 1991, the court expanded into the Court Annex, in a building originally intended for county offices and the public library. The court also leased space in a nearby building for the Access to Justice Self-Help Center.

The Historic Courthouse and Annex were functionally deficient, overcrowded, and among the worst in the state in terms of security and physical condition, hindering the public's access to court services. The new courthouse replaces the three existing court locations and consolidates all court services into one new courthouse. The 42,300-square-foot, two-story building includes space for court clerks, holding areas, and building support space.

Project Facts

Location:	2610 Riverside Drive in Susanville
Capacity:	3 courtrooms and 1 hearing room in 42,300 square feet
Project cost:	$34.5 million for all project costs, $30.3 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	Lionakis
Contractor:	Clark and Sullivan
Timeline:	Received initial funding in FY 2007–2008. Construction began in August 2010 and was completed in April 2012. The building opened in May 2012.
More information:	*www.courts.ca.gov/facilities-lassen.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 7.1 below.

Table 7.1

Lassen Hall of Justice—Review and Approval Dates

	Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	2/27/2004 8/25/2006	3/14/2008	n/a	4/30/2008	6/13/2008
2.	Site Acquisition (A)	2/27/2004 8/25/2006	10/10/2008	9/28/2007	n/a	10/10/2008
3.	Preliminary Plans (P)	4/27/2007	8/14/2009	10/23/2008	7/28/2009	8/17/2009
4.	Working Drawings (W)	4/27/2007	5/11/2010	10/23/2008	1/22/2010	n/a
5.	Proceed to Bid	4/25/2008	5/11/2010	n/a	n/a	n/a
6.	Construction Contract Award (C)	4/25/2008	7/13/2010	10/12/2009	n/a	n/a

Legend for Review and Approval Dates
n/a = not applicable to this item
nba = DOF or SPWB action, not in annual budget act
ft = fund transfer
xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 7.2 below.

Table 7.2

Lassen Hall of Justice—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for GC Qualifications / Proposals	3/30/2010
2.	Due Date for Qualifications / Proposals	4/20/2010
3.	Prequalified List and Invitation to Bid	4/28/2010
4.	Bids Received from Prequalified GCs	6/24/2010
5.	Notice of Intent to Award	6/30/2010
6.	Contract Executed	7/22/2010
Completion of Project Phases		
1.	Acquisition (A)	10/10/2008
2.	Preliminary Plans (P)	8/14/2009
3.	Working Drawings (W)	5/10/2010
4.	Construction (C)	4/10/2012

Procurement Methods and Evaluation Criteria

The design-bid-build process was used for this project. The AOC prequalified contractors, received seven bids, and awarded the contract to the lowest qualified bidder. See Appendix B for a description of how the AOC prequalifies contractors.

Project Costs

The AOC delivered this project for $4.4 million less than the final appropriation amount which was the same as the original appropriation amount.

There were no cost increases on this project.

Table 7.3

Lassen Hall of Justice—Appropriations and Project Costs

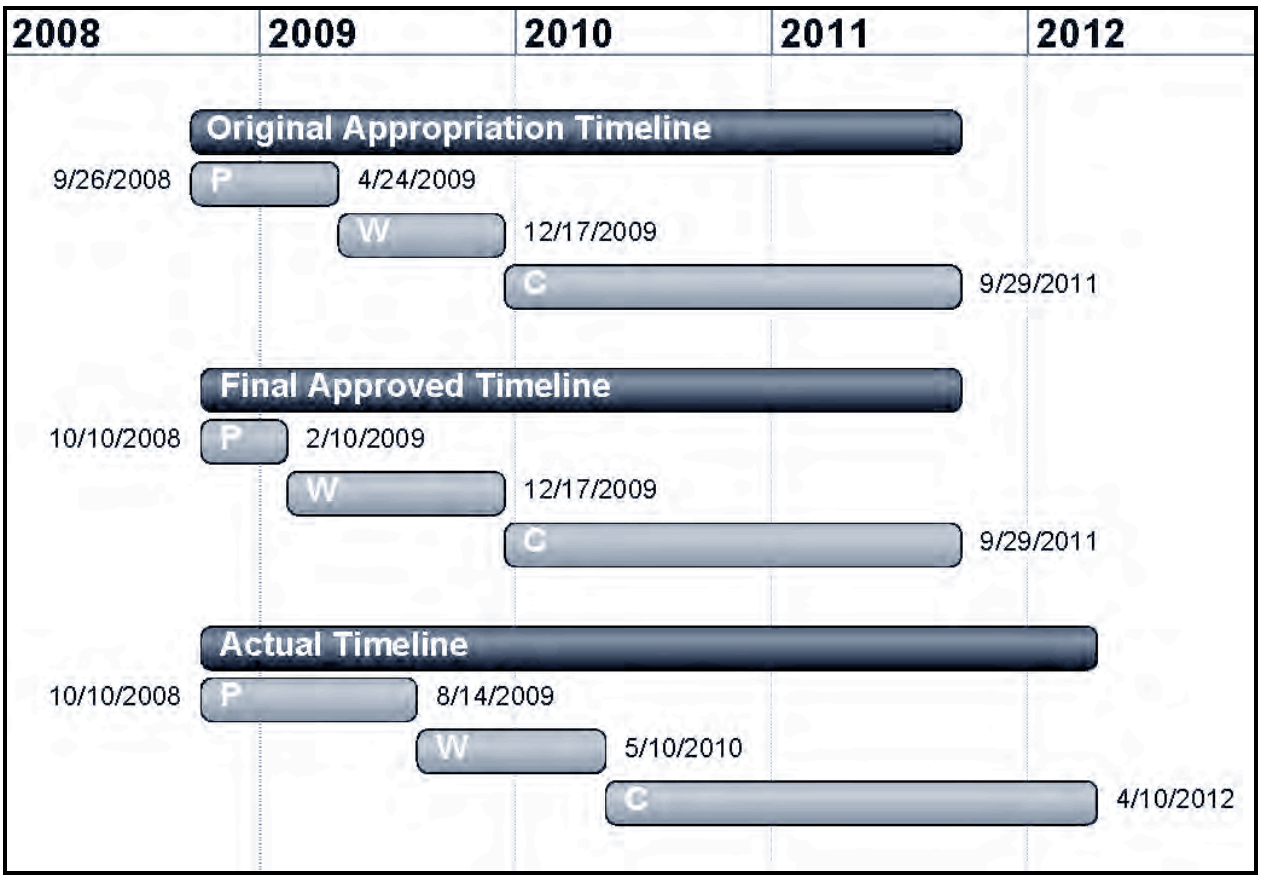
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$1,478,000	$1,465,000	$2,075,000	$33,919,000	$38,937,000
2.	**Final Appropriation**	$1,478,000	$1,465,000	$2,075,000	$33,919,000	$38,937,000
3.	**Actual Expenditure**	$932,826	$1,406,590	$1,838,052	$30,325,751	$34,503,219
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($545,174)	($58,410)	($236,948)	($3,593,249)	($4,433,781)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($545,174)	($58,410)	($236,948)	($3,593,249)	($4,433,781)

Project Timelines

As shown in Figure 7.1 below, the project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date. A primary cause for the delay was a transition from analog to digital technology by the manufacturer of the video and recording portions of the security system during the design/bid/construction period that created the need for review and approval of cost changes, redesign, new shop drawings, and manufacturer-required training for the installing subcontractor.

Figure 7.1

Lassen Hall of Justice—Timeline Comparison



Final Approved Timeline: Construction phase appropriation 7/1/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 7.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.

Table 7.4

Lassen Hall of Justice—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$225,432	$159,980	$88,464	$500,657	$974,533
Consultant / Contractor Costs	$0	$96,070	$125,580	$629,105	$850,755
Totals	$225,432	$256,050	$214,044	$1,129,762	$1,825,288

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project Contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 7.5 below. Project contractor costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Table 7.5

Lassen Hall of Justice—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$111,596	$1,406,590	$1,836,862	$30,008,550	$33,363,598
Costs for Construction Contractor	$0	$0	$0	$26,137,994	$26,137,994
Total Actual Costs	$932,826	$1,406,590	$1,838,052	$30,325,751	$34,503,219
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	12.0%	100.0%	99.9%	99.0%	96.7%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	86.2%	75.8%

Appendix A

Text of SB 78 Section 22, Definition of Terms, and Information Categories Requested in SB 78

SB 78 Section 22

The text of section 22 of the bill is shown in courier font below. Terms defined in the next section of this appendix are bolded.

SEC. 22. (a) The Judicial Council shall report to the Joint Legislative Budget Committee by January 15, 2013, on the process, transparency, costs, and timeliness of its construction procurement practices. The information in this report shall include, but not be limited to, the following for each court construction project completed between January 1, 2008, and January 1, 2013:
(1) The dates that each step of the procurement and construction process was completed, including steps involving the seeking or selection of bidders or contractors, completion of the different phases of project design and construction, and **approvals** by local courts, the Judicial Council, the State Public Works Board, the Governor, and the Legislature.
(2) The criteria and factors used in evaluating contractors for prequalification as well as those used to evaluate bids, as well as the number of bids received for each procurement.
(3) Identification of all **project costs** for **each phase of design and construction**, including any **cost increases** and reasons for those increases.
(4) Identification of the **original project timeline** for each phase of design and construction, as well as all project **delays** and the reasons associated in causing the project delays.
(5) The total project management costs incurred by the Judicial Branch, including for existing staff who worked on each project, distinguished by **project activity**.
(6) The total costs paid for **contractors**, distinguished by project activity.
(b) Within 75 days of receiving the report required under subdivision (a), the Legislative Analyst's Office shall conduct an analysis of the findings and, based on information which shall be provided by the Department of General Services, compare the costs and timeliness of methods of delivery used by the judiciary to projects of comparable size, scope, and geographic location procured under the Public Contract Code provisions applicable to state agencies. At the request of the Legislative Analyst's Office, the Department of General Services shall provide the comparable information as that required of the Judicial Council in subdivision (a) for those projects managed by the Department of General Services.

Definition of Terms

SB 78 includes several terms, shown in bold in the bill text above, that could be defined in several ways. Below is a description of how terms are defined for the purpose of presenting the information and findings requested in SB 78 and as they are used in this report.

Actual Completion Date

While this term does not occur in the bill, it is defined here to establish the precise end date of the actual project timeline. The completion of the construction phase in the Actual Timeline shown in the Timeline Comparison Figure in each of the project-specific chapters is the date when occupancy was granted by the State Fire Marshal (SFM) in the form of a Temporary Certificate of Occupancy followed by a Certificate of Occupancy.

Approval

In connection with approval dates described in section 22(a)(1), "approval" by the Department of Finance (DOF) shall constitute approval by the Governor, and approval by the Joint Legislative Budget Committee or inclusion in the annual budget act shall constitute approval by the Legislature.

Contractors

In connection with section 22(a)(6), "contractors" shall be defined as all service providers and vendors involved with the project. In the Costs for Contractors table in each of the project-specific chapters, the separate cost of the construction contractor is also provided.

Cost Increase/Project Costs/Each Phase of Design and Construction

In connection with section 22(a)(3), a "cost increase" shall be defined as costs exceeding the amount of the original appropriation request for each phase, at the time the subject phase was actually requested. "Project costs" presented in this report include site acquisition (A) phase costs as well as costs for "each phase of design and construction," which are preliminary plans (P), working drawings (W), and construction (C).

Original Project Timeline and Delay

In connection with section 22(a)(4), the "original project timeline" is the timeline presented in the capital outlay budget change proposal (COBCP) that is the basis of the budget act appropriation and "delay" is measured against the original project timeline and is calculated by comparing the original completion date for each phase of design and construction (P, W, and C) with the actual completion dates. The final approved timeline is also represented, along with the original and actual timelines, in the Timeline Comparison figure in each of the project-specific Chapters 2 through 7. The final approved timeline is the timeline presented in the final project action or funding request approved by the DOF or the SPWB. The overall timelines represent the time period between the start of preliminary plans and the completion of construction. As set forth in the State Administrative Manual (SAM), Section 6853 – Award Construction Contract, and Section 6854 – Construction, the construction (C) phase begins with the approval of working drawings and proceed to bid, and thus includes bid and award activities.

Project Activity

In connection with section 22(a)(5) and (6), "project activity" shall mean the typical phases of a state capital project, which are site acquisition (A), preliminary plans (P), working drawings (W), and construction (C).

Information Categories Requested in SB 78

SB 78 requests six categories of information about the relevant projects as summarized below and reported in more detail in Chapters 2 through 7.

Section 22(a)(1) – Completion Dates for Project Approvals and Milestones

The following milestones in the approval, construction procurement, and phases of project delivery are documented.

Approvals for Capital Project Phases

1. Site Selection
2. Site Acquisition
3. Preliminary Plans
4. Working Drawings/Proceed to Bid
5. Construction Contract Award
6. Scope Changes, Augmentations, Reversions, and Redirections

Construction Procurement Contractor Selection Process

1. Request for qualifications and proposal (RFQ/P) for construction managers at risk (CMAR) or prequalified general contractors (GC)
2. Due date for qualifications/proposals
3. Shortlist for interviews
4. Interviews
5. Prequalified list and invitation to bid (DBB process omits steps 3 and 4)
6. Bids received from prequalified GCs
7. Notice of intent to award (CMAR process omits steps 5 and 6)
8. Contract executed

Phases of Project Delivery

1. Site Acquisition (A)
2. Preliminary Plans (P)
3. Working Drawings (W)
4. Construction (C)

Section 22(a)(2) – Procurement Methods and Evaluation Criteria

The following two construction procurement methods were used by OCCM to deliver the capital projects covered by this report.

1. Construction manager at risk with guaranteed maximum price
2. Design-bid-build with a select list of prequalified general contractors

Each method is described in Appendix B. The method used and the number of bids received are presented in each project-specific chapter.

Section 22(a)(3) – Project Costs/Increases

Project costs are taken directly from job cost accounting reports generated by OCCM Business and Finance Unit. The Appropriations and Project Costs table in each project-specific chapter shows the original appropriation amount, the final appropriation amount, and the actual expenditure for each as well as increases or savings from appropriation amounts. The original appropriation amount refers to the original amount appropriated in the annual budget act for each phase. The final appropriation amount refers to the sum of the original appropriation amount and all subsequent changes to that amount as contained in the annual budget act or as approved by the DOF or the SPWB. Changes to the original appropriation amount can be augmentations, reversions, or redirections (from one phase to another). Some changes to the original appropriation amount, within the guidelines set forth in the SAM, may be approved independently by the DOF or the SPWB and do not appear in the annual budget act. Cost increases are listed and reasons for cost increases are described.

Section 22(a)(4) – Original Timeline/Delays

The original project timeline, the final approved timeline, and the actual timeline are presented graphically including start and finish dates for each phase. The completion of the construction phase in the Actual Timeline shown in the Timeline Comparison figure in each of the project-specific chapters is the date when occupancy was granted by the State Fire Marshal (SFM) in the form of a Temporary Certificate of Occupancy followed by a Certificate of Occupancy.

Section 22(a)(5) – Judicial Branch Project Management Costs

Internal judicial branch project management costs are estimated through a combination of direct estimation for project managers, planners, real estate analysts, and construction inspectors, and a cost model for other AOC staff who contributed to the management of the capital projects. See Appendix C for the calculation methodology.

Section 22(a)(6) – Contractor Costs

Costs for contractors are taken directly from job cost accounting reports generated by the OCCM Business and Finance Unit.

Appendix B
Procurement Methods and Evaluation Criteria

Judicial Branch Procurement Methods and Evaluation Criteria

When procuring design and construction services, the AOC operates under two policy documents as described below.

Court Facilities Contracting Policies and Procedures

This document was adopted by the Judicial Council on December 7, 2007, and fulfills the mandate of the Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70404) and the California Government Code concerning the adoption of independent contracting policies and procedures for acquisition and development of court facilities by the Judicial Council in consultation with the state Department of Finance. Its opening comprehensive policy statement is included below.

> To provide Californians the best value initially and over the long-term operational life of court facilities the Administrative Office of the Courts (AOC) will follow competitive practices as set forth in these policies and procedures when contracting with qualified firms and individuals for products and services to be used in the planning, acquisition, design, construction, operation, and maintenance of trial and appellate court facilities.

These policies and procedures emphasize qualifications-based selection (QBS) processes and affirm that "contracts must provide for contemporary delivery methods and best practices related to facilities planning, acquisition, design, construction, operations, and maintenance of court facilities."

AOC / OCCM Internal Procedure 3.40–Delivery Method and Contractor Selection

This document was implemented on July 28, 2009, with the intent "that a project delivery method be selected which results in the best value for the court, the Judicial Branch and all Californians." As stated in its opening paragraph below, this procedure sets up a framework that allows flexibility in delivery methods and selection process and allows considerable discretion on the part of OCCM management.

> Selecting a project delivery method is a strategic decision made by OCCM management. Once decided, a project manager determines the selection criteria and proceeds with the solicitation and selection process. The *Court Facilities Contracting Policies and Procedures* grants flexibility to OCCM in both delivery methods and the selection process.

Delivery Methods Utilized for SB 78 Report Subject Projects

Of the delivery methods made available in OCCM's Internal Procedure 3.40, the AOC employed two processes, as described below, for construction procurement on the courthouse capital projects covered by this report: construction manager at risk (CMAR) and design-bid-build (DBB) with a list of prequalified general contractors.

The CMAR process is employed because it has the following advantages in delivering these complex, design-intensive projects: early focus on design issues, construction advice and cost review during the design process, careful oversight of costs and schedule, early cost commitments, and opportunities to shorten the overall project schedule.

The design-bid-build process is used when the project conditions are present that make it expedient and advisable. In projects that are smaller in size (1- to 5-courtroom projects) with simpler design demands, less complexity, rural regional location, increased general contractor pool, or increased familiarity with the DBB process by the project team, the prequalified design-bid-build project delivery method may be elected as an alternative to the CMAR delivery method. The project manager must work together with OCCM management in the analysis of the project type, size, location, and competitive market conditions to determine if this project delivery type best serves the project and the pursuit of the best overall value. It should be noted that every project is unique and that this is not a delivery method that should be used exclusively on all small projects; however, this is a long-standing traditional method of project delivery that can be successful and cost effective if properly managed by experienced professionals. This process was used for the Plumas/Sierra Regional Courthouse and the Lassen Superior Court Hall of Justice.

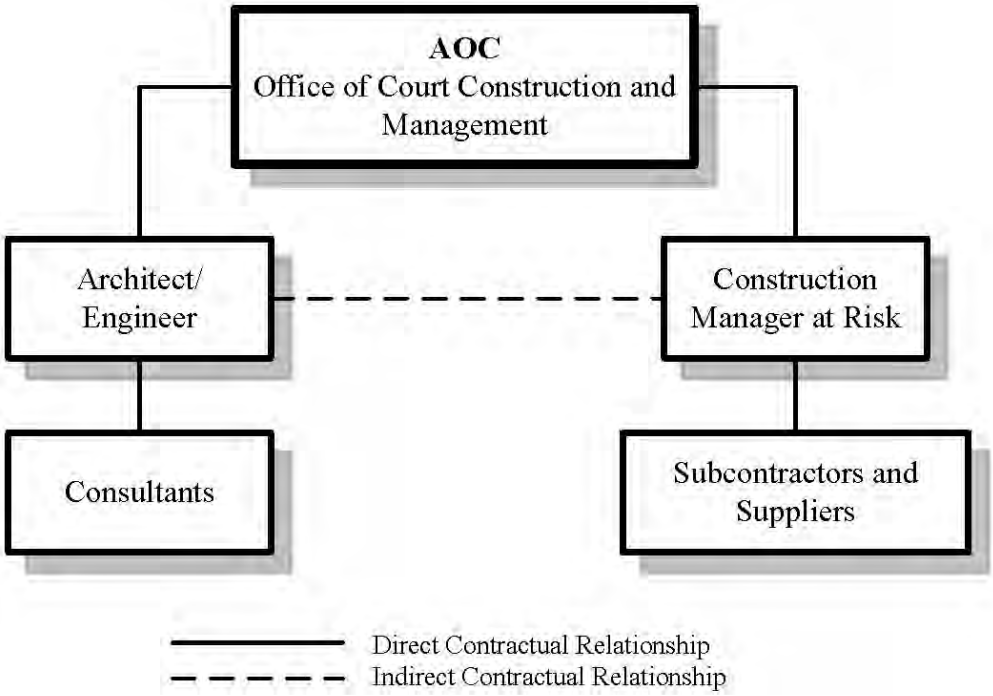
Construction Manager at Risk

Construction, by nature, is complicated to manage due to fluctuating material pricing, workloads and workforces, changing building regulations and variable inspection processes, all of which have significant budgetary implications. Construction management is a broad term covering a variety of project delivery scenarios in which a construction manager is added to the building team to oversee scheduling, cost control, constructability, project management, building technology, bidding or negotiating construction contracts, and construction.

When the construction manager serves as constructor, the role of general contractor is added to the CM's standard management tasks. The construction manager assumes all the liability and responsibility of the general contractor, which is why this method is also known as construction manager at risk. This method combines the qualities of several other approaches. It offers the direct contractual relationship between owner and architect of traditional methods, the advisory benefits of CM as advisor, and the early cost commitment characteristic of design-build. The CMAR is hired early in the design process to deliver an early cost commitment and to manage

issues of schedule, cost, construction, and building technology. The owner benefits from the simplicity of one contract with a single entity for the entire construction process. The contractual relationships are illustrated in Figure B.1 below.

Figure B.1
CMAR Relationship Diagram



AOC's CMAR Procurement Process

The AOC issues a request for qualifications and proposals (RFQ/P) via its website. Written qualifications and proposals are submitted to the AOC for review. A shortlist is established after review of the responsive written submissions. The short-listed firms are then interviewed by a team comprising AOC staff, court staff, and architectural firm staff. Only AOC staff and court staff contribute scores; the architectural firm staff serves in an advisory capacity. The criteria used to evaluate the written qualifications and the interview presentations are shown in Figure B.2 below.

Figure B.2

Judicial Branch Construction Procurement Evaluation Criteria

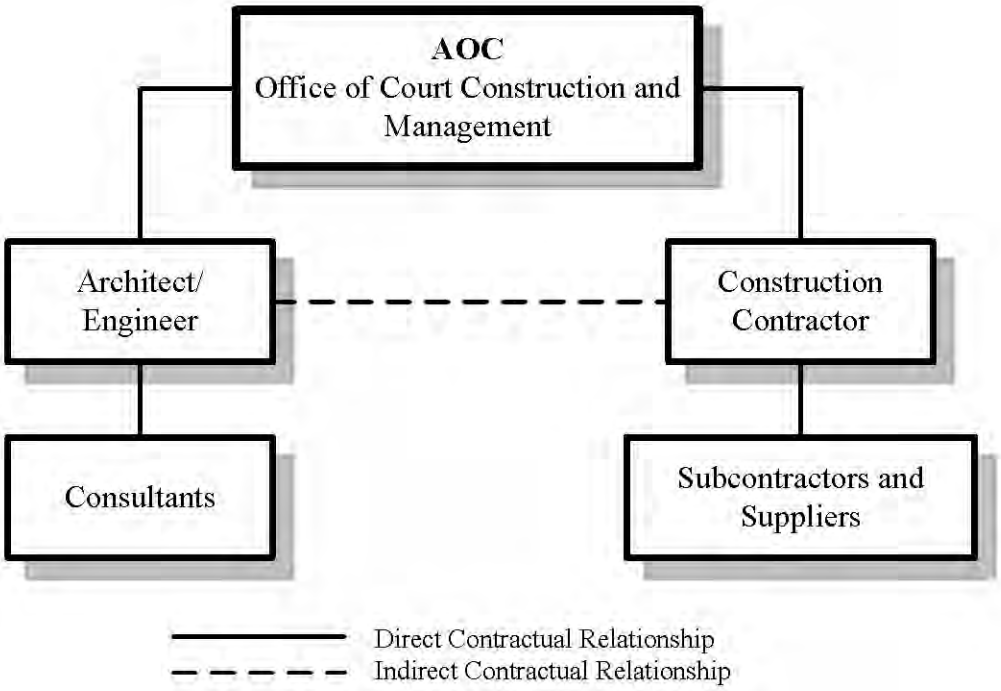
Financial Strength, Safety Record, and Claims Avoidance	Firm-Wide Qualifications and Experience	Project Personnel Qualifications and Experience	Project Plan (Including Local Trade Involvement)	Total
20%	30%	30%	20%	100%

The proposal portion of the written submission contains amounts for preconstruction services, construction services, and a mark-up percentage to be applied to the value of all construction subcontracts. The final selection is made by combining the qualitative evaluation of the written submissions and interview presentations with the quantitative proposal to arrive at a cost per unit of quality. This portion of the process closely follows paragraph IV(D)(3)(d) of the *Court Facilities Contracting Policies and Procedures*, which states: "The AOC may review the compensation or product cost portion of a proposal, if one exists, as the sole criterion (as in the traditional low-bid model) or as a weighted criterion, or it may request that the compensation portion of the proposal be placed in a separate envelope for consideration independently or at a later date." The CMAR contract is offered to the firm with the lowest cost per unit of quality. The successful CMAR firm works with the architect and the AOC project manager to create bid packages best suited to the local trade market and administers a bid process involving multiple bids for each bid package (trade or combination of trades). The trade contractors responsible for delivering each bid package are represented by the subcontractors and suppliers in Figure B.1 above. Competitive pricing for the required construction work is achieved through this bid process.

Design-Bid-Build with a List of Prequalified General Contractors

The traditional and most common form of project delivery is design-bid-build. It is a familiar way of working for all parties in the building industry. This project delivery method is characterized by its three phases (captured in the name design-bid-build) by its two independent contracts with the owner, and by the linear phasing of the work. There are three prime players: owner, architect, and contractor as illustrated in Figure B.3 below.

Figure B.3
Traditional Design-Bid-Build Relationship Diagram



For decades, this traditional method was automatically assumed to be the best approach to project delivery. More recently, cost and scheduling pressures have pushed the owner's interests in other directions. In the DBB process, the phases are organized end-to-end. For example, the construction documents must be complete before the general contractors can submit bids. While many aspects of design and construction might be undertaken in a parallel fashion in the CMAR process, restrictions imposed by the DOF on procuring a critical scope of work before the guaranteed maximum price is agreed upon diminish this potential time advantage. The potential for disputes and change orders is exacerbated by the independence of architect and contractor. The AOC mitigates the potentially adversarial nature of this delivery option by prequalifying general contractors and by adding a CM as advisor to the team.

AOC's Design-Bid-Build Procurement Process

A process similar to that described above for the CMAR process is used to establish a shortlist of prequalified general contractors. The firms on this list are invited to submit sealed bids on the project. The construction contract is offered to the firm with the lowest responsive bid. The CM advisor is retained by the AOC early in the design process to help with cost estimating and constructability.

Appendix C
Judicial Branch Project Management Costs

Introduction

The purpose of this appendix is to explain how the judicial branch project management costs for its Capital Construction Program (Capital Program) were allocated to the six subject projects. These costs are displayed in Table 1.3 in the Executive Summary and in the Judicial Branch Project Management Costs table in each of the project-specific, Chapters 2–7.

The Capital Program is one of the responsibilities of the Administrative Office of the Courts (AOC), the staff agency of the Judicial Council. The AOC has one office dedicated to the Capital Program, the Judicial Branch Capital Program Office (Capital Program Office), some offices that support the capital program although this is not their primary mission (see note 2 under Table C.1), and some offices that have no connection to the Capital Program.

The fall 2012 reorganization of the AOC includes dividing the former Office of Court Construction and Management (OCCM) into the Judicial Branch Capital Program Office and the Office of Real Estate and Facilities Management. To accurately present the full project management costs of the six projects reviewed in this report, the analysis includes staff costs as attributed to OCCM.

Judicial branch project management costs comprise the sum of the four components displayed in Table C.1 below. The direct and indirect costs for AOC employees include salaries and wages, all employee benefits, and standard allocation of operating expenses and equipment.

Table C.1

Cost Components of Judicial Branch Project Management Costs

	Cost Type	Judicial Branch Program	Allocation Basis	Description
1.	Direct	OCCM	Actual Hours Worked	AOC OCCM employees: project managers, associate project managers, planners, real estate analysts, and construction inspectors
2.	Direct	OCCM	Actual Cost	Outside firms providing project management services in support of the AOC OCCM project manager
3.	Indirect	OCCM	Pro Rata Share	AOC OCCM units[1] that provide support functions to the capital projects
4.	Indirect	AOC (Non-OCCM)	Pro Rata Share	Non–OCCM AOC units[2] that provide support functions for the capital projects

Notes for Table C.1

[1] AOC OCCM units that provide support functions to the capital projects:

1. Executive Management Team
2. Risk Management
3. Business and Finance
4. Environmental Analysis and Compliance
5. Appellate and AOC Facilities

[2] Non–OCCM AOC units that provide support functions for the capital projects:

1. Security and Emergency Response
2. Legal Services – Real Estate Unit
3. Governmental Affairs – Facilities
4. Education – Court Facilities
5. Fiscal – Accounting
6. Fiscal – Business Services
7. Fiscal – Budget
8. Information and Technology Services – Technical Support – OCCM
9. Information and Technology Services – Desktop Support – OCCM
10. Human Resources Services – Labor and Employee Relations
11. Human Resources Services – Recruitment, Classification, Strategy, and Policy Development

For the six subject projects, direct project management costs accounted for 74 percent, and indirect project management costs accounted for 26 percent, of the total judicial branch project management costs, as displayed in Table C.2 below.

Table C.2

Judicial Branch Project Management Costs—Proportion Direct / Indirect

Project Name / Delivery Method	Direct Costs	Indirect Costs	Total Project Management Costs
Court of Appeal, 4th Appellate District, Division 3 / CMAR	$880,037	$462,086	$1,342,122
	66%	34%	100%
Plumas/Sierra Regional Courthouse / DBB	$305,557	$151,528	$457,085
	67%	33%	100%
B. F. Sisk Courthouse / CMAR	$1,030,100	$475,760	$1,505,860
	68%	32%	100%
Richard E. Arnason Justice Center /CMAR	$1,042,304	$392,349	$1,434,653
	73%	27%	100%
Mammoth Lakes Courthouse / CMAR	$441,302	$147,601	$588,903
	75%	25%	100%
Lassen Superior Court Hall of Justice / DBB	$1,570,589	$254,699	$1,825,288
	86%	14%	100%
Totals	**$5,269,890**	**$1,884,023**	**$7,153,913**
	74%	**26%**	**100%**

Definitions

Direct Costs

Costs that can easily be identified to a program. For this report direct costs are developed from actual hours worked by project managers, associate project managers, planners, real estate analysts, and construction inspectors and actual the cost of outside firms providing project management services in support of the AOC OCCM project managers.

Indirect Costs

Costs that by their nature cannot be readily associated with a specific organization unit or program. Like general administrative expenses, indirect costs are distributed, through the use of a formula, to the organizational units or programs that benefit from their incurrence. See notes for Table C.1 for functional units that contributed indirect costs to the Capital Program.

Calculation of Judicial Branch Project Management Costs

Judicial branch project management costs include direct and indirect components. The direct costs, such as those for project managers, associate project managers, planners, real estate analysts, construction inspectors, and outside firms providing project management services, are added to the indirect costs to yield the total project management costs. Below is a description of how the indirect costs are distributed to the projects.

Allocation Methodology for Indirect Costs

The indirect component of judicial branch project management costs were calculated by the process described below.

1. Obtain from accounting reports the cost of non-OCCM AOC units that provide support functions for the Capital Program.
2. Obtain from accounting reports the total cost of all OCCM units.
3. Calculate the cost of each OCCM unit as a percentage of OCCM's total cost as displayed in Table C.3. For example, as shown in Table C.3, in FY 2010–2011, the OCCM Executive Management Team accounted for 4.56 percent of OCCM's total cost. This percentage is used in the next step to calculate the pro rata share of the non–OCCM AOC support units' costs to be distributed to each OCCM unit.
4. To obtain the total indirect cost of each OCCM unit by fiscal year, distribute the pro rata share of the total cost of the non–OCCM AOC support units to each OCCM unit based on its percentage of OCCM's total cost (calculated in step 3 above). For example, as shown in Table C.3, in FY 2010–2011, the OCCM Executive Management Team accounted for 4.56 percent of OCCM's total cost, so 4.56 percent of the non–OCCM AOC support unit costs for FY 2010–2011 were distributed to the OCCM Executive Management Team. This calculation was repeated for each of the 10 OCCM units.
5. Add the total indirect costs (calculated in step 4 above) of the five OCCM units that support the Capital Program (see note 1 under Table C.1) to obtain the total indirect costs to be distributed to the project phases.
6. Calculate the direct project management cost of each project phase as a percentage of OCCM's total cost, as displayed in Table C.4. For example, in FY 2010–2011 the cost of the Construction (C) phase of the B. F. Sisk Courthouse accounted for 0.14 percent of OCCM's total cost.
7. To obtain the pro rata share of the total indirect costs for each project phase, multiply the total indirect cost calculated in step 5 by the percentage calculated in step 6. These indirect costs are displayed in Table C.2 above.

Table C.3

Proportional Cost of OCCM Functional Units by Fiscal Year

OCCM Units	FY 2003–04	FY 2004–05	FY 2005–06	FY 2006–07	FY 2007–08	FY 2008–09	FY 2009–10	FY 2010-11
1. Executive Management Team	18.50%	14.83%	8.35%	8.91%	8.38%	4.48%	5.19%	4.56%
2. Risk Management	0.00%	0.00%	0.00%	0.00%	2.13%	3.33%	4.38%	6.60%
3. Business Finance	1.76%	3.52%	4.40%	4.07%	4.80%	5.21%	5.23%	6.22%
4. Planning and Policy	0.22%	2.09%	2.10%	3.49%	1.76%	6.28%	5.07%	4.46%
5. Design and Construction	6.65%	27.47%	22.34%	24.96%	23.54%	19.95%	19.88%	18.88%
6. Real Estate	2.47%	10.82%	9.13%	10.83%	8.76%	7.06%	7.03%	5.78%
7. Facilities Management AOC Statewide Operating Unit	2.29%	8.90%	23.11%	22.47%	21.09%	27.14%	37.52%	35.30%
8. Environmental Analysis and Compliance	2.28%	5.45%	4.76%	5.02%	3.74%	1.80%	2.43%	2.40%
9. Portfolio Administration	0.00%	0.00%	1.48%	2.68%	11.90%	18.11%	7.49%	10.45%
10. Apellate and AOC Facilities	65.83%	26.94%	24.32%	17.58%	13.90%	6.65%	5.78%	5.36%
Totals	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Table C.4

Proportional Cost of Direct Staff Time by Project and Phase

Fiscal Year	Project Phase	Court of Appeal, 4th App. District, Division 3	Richard E. Arnason Justice Center	B. F. Sisk Courthouse	Mammoth Lakes Courthouse	Plumas Sierra Regional Courthouse	Lassen Superior Court Hall of Justice
2003–04	**A**	2.45%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2004–05	**A**	1.49%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2005–06	**A**	0.10%	1.05%	0.08%	0.01%	0.37%	0.00%
	P	1.49%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2006–07	**A**	0.00%	1.08%	0.33%	0.55%	0.81%	0.00%
	P	0.67%	0.00%	0.11%	0.00%	0.00%	0.00%
	W	0.45%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2007–08	**A**	0.00%	0.19%	0.05%	0.26%	0.17%	0.73%
	P	0.00%	0.81%	0.65%	0.15%	0.26%	0.00%
	W	0.03%	0.00%	0.95%	0.00%	0.13%	0.00%
	C	1.50%	0.00%	0.63%	0.00%	0.00%	0.00%
2008–09	**A**	0.00%	0.00%	0.00%	0.00%	0.00%	0.21%
	P	0.00%	0.00%	0.00%	0.27%	0.00%	0.66%
	W	0.00%	0.53%	0.00%	0.10%	0.11%	0.00%
	C	1.48%	0.76%	1.93%	0.08%	0.40%	0.00%
2009–10	**A**	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.09%
	W	0.00%	0.00%	0.00%	0.17%	0.00%	0.40%
	C	0.09%	1.91%	1.83%	0.44%	0.15%	0.15%
2010–11	**A**	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.69%	0.14%	0.45%	0.00%	1.05%
2011–12	**A**	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.03%	0.00%	0.80%