

Contract Review Permanent Legislative Oversight Committee
Alabama State House --- Montgomery, Alabama 36130

CONTRACT REVIEW REPORT

(Separate review report required for each contract)



Name of State Agency: Department of Corrections

Name of Contractor: Hoar Program Management, LLC

Two Metroplex Drive, Suite 300

Birmingham

AL

Contractor's Physical Street Address (No P.O. Box Accepted)

City

ST

Is Contractor a Sole Source? YES NO (IF YES, ATTACH LETTER)

Is Contractor organized as an Alabama Entity in Alabama? YES NO

Is Contractor a minority and/or woman-owned business? YES NO

If so, is Contractor certified as such by the State of Alabama? YES NO

Check all that apply: ALDOT ADECA OTHER (Name) _____

Is Contractor Registered with Alabama Secretary of State to do Business as a Corporation in Alabama? YES NO

IF LLC, GIVE NAMES OF MEMBERS: Rob Burton, Steve McCord, Doug Eckert, Jeremy Dipiazza

Is Act 2001-955 Disclosure Form Included with this Contract? YES NO

Does Contractor have current member of Legislature or family member of Legislator employed? YES NO

Was a Lobbyist/Consultant used to secure this Contract OR affiliated with this Contractor? YES NO

IF YES, GIVE NAME: _____

Contract Number: C180051808

(See Fiscal Policies & Procedures Manual, Page 5-8)

Contract/Amendment Amount: \$ 9,987,727.00

(PUT AMOUNT YOU ARE ASKING FOR TODAY ONLY)

% State Funds: 100

% Federal Funds: _____

% Other Funds: _____ **

**Please Specify Source of Other Funds (Fees, Grants, etc.) _____

Date Contract Effective: March 1, 2018

Date Contract Ends: February 28, 2020

Type Contract: NEW:

RENEWAL:

AMENDMENT:

If Renewal, was it originally Bid? YES NO

If AMENDMENT, Complete A through C:

[A] ORIGINAL contract amount

\$ 1,507,302

[B] Amended total prior to this amendment

\$ N/A

[C] Amended total after this amendment

\$ 11,495,029.00

Was Contract Secured through Bid Process? YES NO

Was lowest Bid accepted? YES NO

Was Contract Secured through RFP Process? YES NO

Date RFP was awarded: _____

Posted to Statewide RFP Database at <http://rfp.alabama.gov/Login.aspx>? YES NO

If NO, give a brief explanation as to why not: This contract was secured through the RFQ process.

Summary of Contract Services to be Provided: This contractor will provide program management

services in relation to prison construction and renovation and rehabilitation of prison

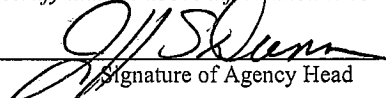
facilities.

Why Contract Necessary AND why this service cannot be performed by merit employee: The ADOC does

not have an employee that has the expertise and resources of the team that will be

performing these services.

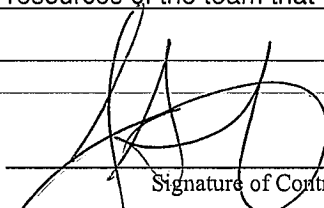
I certify that the above information is correct.



Signature of Agency Head

Jefferson S. Dunn, Commissioner

Printed Name of Agency Head



Signature of Contractor

Jason Abernathy, Vice President

Printed Name of Contractor

Agency Contact: Katherine Jessip, Assistant Attorney General

Phone: 334-353-4849

Date November 26, 2018

AMENDMENT No. 1

to

AGREEMENT BETWEEN OWNER AND ARCHITECT

For Project Management Services for Statewide Prison Construction, dated January 25, 2018, by and between Alabama Department of Corrections, Owner(s) and Hoar Program Management, LLC, Project Manager.

The following changes in the said agreement are made therein:

Phase 1B – Architectural and Operational Programming and Phase 2 – RFQ/P Development and Criteria Documents for New Facilities are hereby incorporated into the Agreement.

Basic Services: The Scope of Services to be performed by PM for Phases 1B and 2, as set forth in Attachment A, are hereby incorporated into the Basic Services of the Agreement.

Payment Schedule: PM shall be paid for performance of Phases 1B and 2 in accordance with Attachment B – Payment Schedule.

Performance Schedule: Services of Phases 1B and 2 shall commence by December 6, 2018 and be completed by January 31, 2020, subject to adjustments as provided in the Agreement. Services shall generally progress and be completed in accordance with Exhibit C – Program Timeline attached hereto.

Additional Services: Compensation for Additional Services shall be determined in accordance with *revised* Attachment D – Hourly Rate Schedule attached hereto. This revised Attachment D dated November 20, 2018 hereby supersedes and replaces all older versions previously incorporated into the Agreement.

Total Fee: In consideration of the above, the Total Fee is hereby increased by the amount of Nine Million Nine Hundred Eighty-Seven Thousand Seven Hundred Twenty-Seven Dollars and Zero Cents (\$9,987,727.00). Therefore, the new Total Fee as of this Amendment No. 1 is Eleven Million Four Hundred Ninety-Five Thousand Twenty-Nine Dollars and Zero Cents (\$11,495,029.00).

The Owner(s) and the Project Manager agree to the terms of this Amendment as contained herein.

APPROVALS	CONTRACTING PARTIES
By _____ Governor	<u>Hoar Program Management, LLC</u> Project Management By _____ Signature of Officer of Firm
By _____ N/A Finance Director	Name & Title <u>Jason Abernathy, Vice President – Eastern Region</u>
STATE OF ALABAMA BUILDING COMMISSION <i>(Not required for locally-funded SDE projects)</i>	<u>Alabama Department of Corrections</u> Owner
By _____ Director, Technical Staff	By _____ Name & Title <u>Jefferson S. Dunn, Commissioner</u>
	<i>The Awarding Authority certifies that funds are available in the amount required for the Owner-Architect Agreement.</i>



Amendment No. 1
Attachment A
PM Scope of Services for Phases 1B & 2

ALABAMA DEPARTMENT OF CORRECTIONS
Alabama Prison Infrastructure Revitalization Plan

November 20, 2018

Phase 1B – Architectural & Operational Programming

Task 1: Meetings with Stakeholders

Task 1.1 Initial Strategy Meetings - Conduct initial discussions with the Stakeholders to confirm the parameters of the Master Plan. Clarify project objectives, identify existing information to be provided by the State, and develop a collaborative project schedule. Develop a system for project communication and updates

Task 1.2 Stakeholder Meetings - Hold stakeholder meetings with key members of State government and its correctional system to develop an understanding of justice system operational policy priorities, the historical context and policy decisions that have led to the current situation, opportunities for efficiencies, and key issues that must be addressed by the Master Plan

Task 2: Inmate Population Projections

Task 2.1 Gather Data for Analysis of System Capacity Needs – Working directly with the ADOC Research staff collect data on patterns in State population growth (including statistically significant changes in age, education, income, ethnicity, and race), historical crime rates, arrest data, and historical trends in the prison population, and population data, as well as all relevant data on population demographics that impact prison commitment and length of stay.

Task 2.2 Analysis of Recent Reforms – Collect data and information on recent legislative and departmental policy initiatives designed to impact length of stay and commitment rates and the accompanying shifts of the composition of the inmate population characteristics over time. This includes determination of the impact on prison composition and size based the as a result of the sentencing reform legislation

Task 2.3 Project Future Inmate Population Levels - Develop a forecast of inmate population levels based on a statistical analysis of the quantitative data collected in Task 2.1 and Task 2.2. Develop baseline estimates of the future inmate population, including their key characteristics and custody levels, generated in five-year increments over a twenty-year period

Task 2.4 Apply estimates to Bed Requirements of the ADOC – the projections will be used to verify and direct the design of the facilities by projected security and custody needs.

Task 3: Space Programming (New Facilities)

Task 3.1 Facility Space Requirements - Analyze the current and projected space requirements for each facility relative to standards compliance, most efficient utilization, and future life expectancy

Task 3.2 Not Used.

Task 3.3 Operational Programming - During operational programming, our team begins to develop the facility mission, management approach and operating philosophy. Each activity of the facility is analyzed resulting in clearly defined operating process. Finally, support services and inmate programs are defined. This task results in the development of a facility operating program, consisting of philosophical, process, and operational activities and policies crucial to the development of a facility plan. The following tasks will be performed in the development of an operational program:

- The facility mission will be defined in conjunction with the appropriate stakeholders. Along with system goals, this is the most vital component in the development of the entire plan
- The type of management approach under which the facility will be operated will be defined during discussions with stakeholders. The management approach and the facility mission together establish the direction of the remaining tasks in developing the operational program plan
- The various levels of security necessary in the facility will be defined and developed to ensure the security of the different components of the facility and that they match the projections developed in Task 2.
- The types of programs in which inmates will be permitted to participate will be developed. These programs may include recreation, education, vocational training, and religious, among others. Capacity of each will be confirmed along with space requirements of each program.
- Staffing needs will be developed as a part of the operational program. According to the management approach defined earlier

Task 3.4 Architectural Programming - Develop a listing of each required space in the facility, to be used by the developer team in the development of plans for the facility

- Review of appropriate standards and guidelines
 - Identify square footage of each space
 - Develop functional adjacency and relationship diagrams to identify spaces where proximity or security separation are required or desired
 - Investigate site requirements and site consumption
 - Prepare preliminary capital cost estimates
 - Identify staffing requirements to respond to the program
 - Define salary and non-salary costs
 - Develop preliminary annual operating cost for the facility. As operating costs far exceed capital costs over the life of a facility, this is a very important element of an architectural program
-
- Functional relationships of system components and individual spaces will be developed
 - Functional adjacency diagrams will be produced to visually convey this information

Task 3.5 Not Used.

Task 4: Not Used

Phase 2 – RFQ/P Development & Criteria Documents for New Facilities

Task 1. Master Program Schedule

PM will prepare a Master Program Schedule to be included with the bid documents. The developer team will be contractually committed to making this schedule, which gives the project team a valuable tool in monitoring and measuring progress during design and construction. The PM will maintain and update the Master Program Schedule throughout the course of design and construction. This schedule will also consider all Owner activities such as FF&E, move-in, IT/security installations, etc.

Task 2 Criteria Documentation for New Construction

Task 2.1 Criteria Document Package - The Design-Build Project Delivery method requirements result in developing a set of Criteria Documents to a level that is adequate for State approval. This approval must be obtained prior to releasing the Criteria Documents to prospective developer team proposers. Additionally, the Criteria Documents must fully convey the State's requirements to allow the developer teams to produce a qualified fee proposal for the specified project scope.

Design Criteria document deliverables shall be developed to the Schematic Design and Design Development levels as required for State approvals. Typical criteria package would include the following:

Civil Documents

- Topography/Grading Criteria
- System narratives and descriptions for basis of design
- Outline Specifications for basis of design

Architectural Documents

- Housing Floor /Security Walls
- Site Adjacency Diagrams/Circulation Adjacency Diagrams for remaining buildings
- Room Data Sheets identifying room requirements
- Outline Specifications for basis of design

Landscape Architectural Documents

- Layout Criteria

Structural Documents

- System narratives and descriptions for basis of design
- Outline Specifications for basis of design

Mechanical Documents

- System narratives and descriptions for basis of design
- Outline Specifications for basis of design

Plumbing Documents

- System narratives and descriptions for basis of design
- Outline Specifications for basis of design

Electrical Documents

- System narratives and descriptions for basis of design
 - Outline Specifications for basis of design
- Security/Telecommunication/IT Documents
- System narratives and descriptions for basis of design
 - Outline Specifications for basis of design

Life Cycle Replacement and Upgrade

- Performance requirement for life cycle plan and services
- Performance requirements for life cycle for change in ownership

Facilities Maintenance

- Performance requirements for facilities maintenance services

Task 3 Procurement Analysis & Strategy

Task 3.1 Procurement Analysis

PM will conduct a current market survey on the availability of skilled workmen, labor-intensive trades, companies that are licensed and experienced to carry out the work, work loads, and bonding capacities. This knowledge serves as a basis for a procurement analysis to help determine the optimum plan for procurement, design and construction. The need for early purchase of critical items, as well as the cost advantage of direct purchasing certain items, will be evaluated as part of the market analysis. An effort will be made to maximize local participation. PM will work closely with Owner to identify critical items for direct-purchase, should there be any. During the procurement analysis, PM will work closely with Owner to also identify any other services that may be required for the project, such as commissioning, LEED consulting, etc.

Task 3.2 Procurement Strategy

In collaboration with the State, PM will develop a procurement strategy to maximize value for the new prison complexes. The development of the strategy will include exploration of pre-qualification, staggered procurement, alternative lease proposals for more than one new facilities, life cycle replacement/upgrades over the term as well as facility maintenance alternatives. The approved strategy will be incorporated into RFQ/P documentation.

Task 4. Vendor Solicitation

PM will conduct an aggressive campaign to generate proposer interest, with a focus on identifying developer teams well suited and qualified for this project. Activities may include market sounding through meetings and/or Requests for Interest from qualified team. Teams comprised of local, regional and national firms will be targeted to develop a deep pool of interested, and qualified teams. A vendor solicitation list will be developed and used to track and communicate status. PM will endeavor to keep proposers engaged and informed throughout the process to mitigate attrition.

Task 5. RFQ/P Development

PM proposes to use a two-step procurement process for selection of a developer team. Step 1 will use a Request for Qualifications (RFQ) process to develop a shortlist of pre-qualified proposers based on evaluation of

qualifications and suitability for this specific undertaking. Step 2 will use a Request for Proposal (RFP) process to competitively obtain design proposals and lease terms from the shortlisted proposers. Design proposals will be evaluated on their compliance with and assessed ability to achieve the goals set forth in the Criteria Documentation. A successful proposer will be selected based on the best combination of qualifications, design proposal and lease terms. PM and Owner will work together to align this two-step process with State's procurement process. PM will develop the RFQ and RFP documents for use in procuring developer team services.

Task 5.1 Not Used

Task 5.2 Local and Minority Business Participation

PM will incorporate into the RFP/Q documents evaluation criteria designed to prioritize local and minority business participation. Highest priority will be placed on Alabama-based general contractors and designers. Additionally, proposers will be encouraged to solicit and incorporate into their plans local and minority business subcontractors and vendors.

Task 6. Developer Team Procurement

PM will issue the RFQ and RFP documents, collect and evaluate responses, issue recommendations for qualifying firms, conduct the bid process and prepare and issue a certified bid tabulation. The criteria documents must be ready for issuance to the proposers with the RFP documentation so that technical proposals can be developed accordingly. Appropriate level of detail in the criteria documents is critical to ensuring requirements and demands are well understood so that they are properly accounted for in technical proposals (and ultimately the final design and construction) and so that proposals are consistent.

Task 6.1. Bid Advertisement

PM will assist Owner with preparation and publishing of the bid advertisement(s) in accordance with the ABC Manual of Procedures.

Task 6.2. Pre-Bid Conference

Pre-bid conferences may be conducted by PM, if deemed necessary, to explain the requirements of the project, answer questions, and assist D-B teams in their understanding of the project to facilitate the preparation of responsive bids.

Task 6.3. Requests for Information

PM will assist Owner in responding to the Developer Team's questions regarding the intent of the Criteria Documents to facilitate procurement. PM will track and ensure timely responses to all RFI's.

Task 6.4. Pre-Bid Addenda

PM will prepare and issue pre-bid addenda as necessary to clarify and properly document requirements throughout the bid process.

Task 6.5. Web-Based Project Management System

PM will implement a web-based project management system for use as the centralized hub for all project

communication and documentation. This system will utilize custom workflows for routing of documentation and a document management repository for storage of all project information. The intent of using this system is to foster transparency, accountability and collaboration among all project stakeholders.

Task 6.6. Site Visits

Participate in a total of two (2) site visits with Owner and prospective Developer Teams to representative prison facilities inside the United States. The intent of these visits will be to use them to convey design, operational, functional and maintenance requirements, as well as opportunities for innovation and cost savings ideas, to the prospective Developer Teams through interactive tours of selected prison facilities.

Task 7. Not Used

Task 8. Not Used

General Assumptions/Clarifications:

1. Includes three (3) new men's prison facilities only. New women's facility and renovations to existing facilities are not included.
2. Basic Fee for Phases 1B & 2 assumes the three (3) new men's prisons will be awarded to two (2) developers with a three (3) month lag between notices to proceed by no later than January 31, 2020. Further assumes procurement process for Facility #2 and #3 will be combined and can be accomplished within a consecutive six (6) month duration.
3. Computerized Maintenance Management System is not included.
4. Master Planning Services are not included.
5. Public Relations / Communications Strategy consulting services are not included. These services may be incorporated later as an Additional Service as negotiated.
6. Design Workshops during Phases 2 are not included. These may be incorporated later as an Additional Service as negotiated.
7. Reasonable Travel Expenses related to Task 6.6 - Site Visits are not included in the Basic Fee.
8. Excludes use of Revit for production of design criteria. CAD only.

Amendment No. 1
Attachment B
Payment Schedule for Phases 1B & 2

Alabama Department of Corrections
Alabama Prison Infrastructure Revitalization Plan

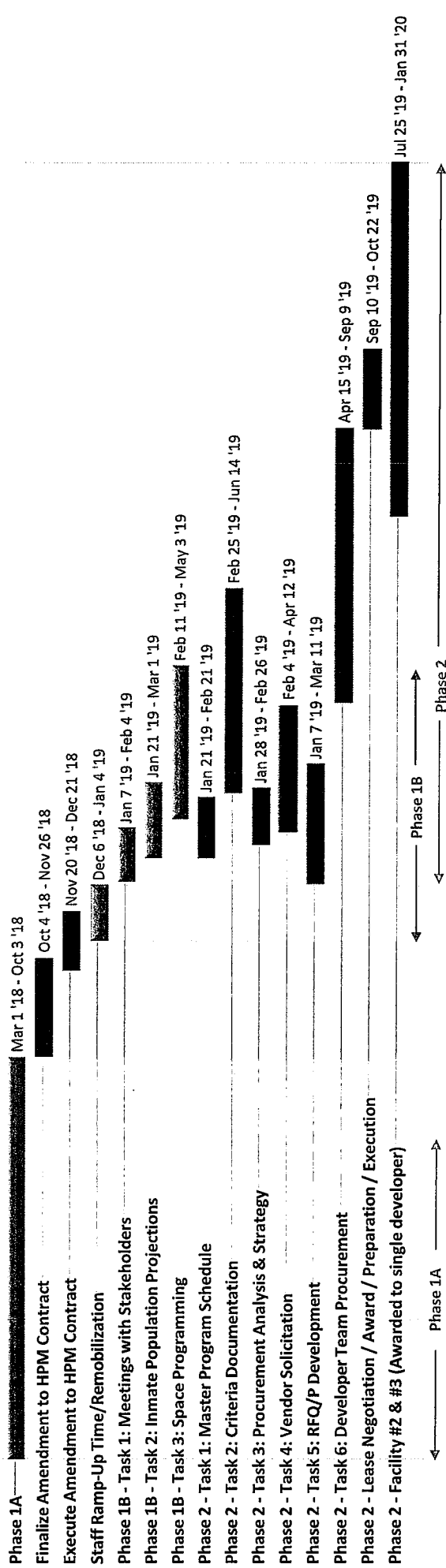
November 20, 2018

	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Total
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Month 13	dollars
Basic Services														
Phase 1B - Architectural & Operational Programming														
Task 1: Meetings with Stakeholders	\$311,758	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$311,758
Task 2: Inmate Population Projections	\$100,567	\$223,662	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$324,229
Task 3: Space Programming (New Facilities)	\$0	\$135,795	\$275,751	\$130,626	\$101,991	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$644,163
Phase 2 - RFQ/P Development and Criteria Documents for New Facilities														
Task 1: Master Program Schedule	\$30,430	\$30,468	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$60,897
Task 2: Criteria Documentation	\$0	\$152,811	\$1,579,043	\$1,528,107	\$1,579,043	\$713,116	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,652,120
Task 3: Procurement Analysis & Strategy	\$9,129	\$37,722	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$46,851
Task 4: Vendor Solicitation	\$0	\$34,820	\$133,206	\$114,832	\$0	\$0	\$0	\$84,181	\$146,979	\$94,252	\$0	\$0	\$0	\$618,270
Task 5: RFQ/P Development	\$73,031	\$40,624	\$47,267	\$0	\$0	\$0	\$127,076	\$109,878	\$52,154	\$0	\$0	\$0	\$0	\$460,030
Task 6: Developer Team Procurement	\$0	\$0	\$0	\$143,540	\$249,712	\$287,402	\$164,140	\$121,651	\$142,238	\$243,484	\$209,095	\$209,073	\$209,073	\$1,979,408
Total Fixed Fee for Phases 1B and 2	\$ 524,915	\$ 655,901	\$ 2,035,267	\$ 1,917,104	\$ 1,930,747	\$ 1,000,518	\$ 291,216	\$ 325,711	\$ 341,371	\$ 337,735	\$ 209,095	\$ 209,073	\$ 209,073	\$9,987,727

**Amendment No. 1
Attachment C – Program Timeline**

**Alabama Department of Corrections
Alabama Prison Infrastructure Revitalization Plan**

November 20, 2018



**Attachment D
Hourly Rate Schedule
November 20, 2018**

Team resources	Rates
	per hour
Frank Marsac - Project Executive	\$285.00
Joe Lee -Associate Project Executive	\$402.50
Robert Glass - Director	\$345.00
Greg Ellis - Director	\$255.00
Jared Scheeter - Director	\$255.00
Rick Davidson	\$253.00
Ken McGinnis - Master Planning	\$345.00
Karl Becker - Phasing/Scheduling	\$287.50
Stephen Carter - Women's Programming	\$345.00
Vlnar - Planner	\$172.50
Brad Sassatelli - Planning & Programming	\$253.00
C. Glass - Planner	\$253.00
Sharp - Document Production	\$115.00
R. Glass - Document Editor	\$138.00
Rodney Moss - Financial Analysis	\$287.50
Charles Lewis - Preconstruction Director	\$255.00
Ivy Mitchell - Senior Preconstruction Manager	\$185.00
Vernell McDonald - Senior Preconstruction Manager	\$185.00
Erin Nemec - Administrative Assistant	\$85.00
Chris Soffe - Director	\$258.75
Charl Nesor - Associate Director	\$230.00
Elizabeth Duncan - Executive Project Cost Consultant	\$166.75
Todd Tanner - Executive Project Cost Consultant	\$166.75
Don Harris - Executive MEP Cost Consultant	\$166.75
Aaron Schoeneman - Senior Mechanical Cost Consultant	\$143.75
Tere Ayers -Senior Cost Consultant	\$143.75
John Welborn - Associate Director, Construction	\$402.50
Macia	\$253.00
Altebello	\$207.00
Planner	\$207.00
Medical SME	\$317.00
Mental Health SME	\$317.00
Public Relations Liason / Consultant	\$250.00
Communications Liason / Consultant	\$288.00
Communications Manager	\$173.00
Mike Lamb or Lee Williams - Sr. Program Manager	\$221.00
Tommy Alfano - Sr. Project Manager	\$199.00
Bart Bush - Sr. Project Manager	\$199.00
Nathan Terrell - Project Manager	\$174.00
Project Engineer / Document Manager	\$113.00
James Goree - Precon Director	\$255.00
Don Rhodes - Sr. Precon Manager	\$185.00
Ivy Mitchell - Sr. Precon Manager	\$185.00
Vernell McDonald or Mike DeCurtins - Sr. Precon Manager	\$185.00
Tarek Hakim or Jontrey King - Precon Manager	\$163.00
Pape Fall - Dir. of Quality Control	\$255.00
Heath Nichols - Quality Assurance Manager	\$185.00
Dennis Quick - Quality Assurance Manager	\$185.00

Hourly rates are based on a 2,080 hour work year.

Thirty (30) days prior to expiration of the Term of the Agreement, and prior to any extension of said Term, Architect shall have the opportunity to propose modified hourly rates to account for cost of living, taxes or other factors that may affect the cost of providing the services to prevent an inequitable relationship between Owner and Architect. The Consumer Price Index will be used as the basis for consideration of any such adjustment. Any such adjustments shall be mutually agreed in advance between Owner and Architect and otherwise administered in accordance with change provisions set forth in the Agreement.