

TERMINATION OF 2020 PROJECT DELIVERY AND CONSTRUCTION AGREEMENT

This PROJECT DELIVERY AND CONSTRUCTION AGREEMENT (this “Termination Agreement”) is entered into as of August 18, 2021, (the “Effective Date”) by and among the STATE PUBLIC WORKS BOARD OF THE STATE OF CALIFORNIA (the “Board”), an entity of state government of the State of California (the “State”), the DEPARTMENT OF CORRECTIONS AND REHABILITATION OF THE STATE OF CALIFORNIA (the “Department”), an entity of state government of the State, the BOARD OF STATE AND COMMUNITY CORRECTIONS OF THE STATE OF CALIFORNIA (the “BSCC”), an entity of state government of the State, and the COUNTY OF SISKIYOU (the “Participating County”), a Political Subdivision of the State. For purposes of this Agreement, the Board, the Department, the BSCC, and the Participating County are referred to collectively as the “Parties,” and individually as a “Party.” The Board, the Department, and the BSCC are referred to collectively herein, as the “Agencies” and individually as an “Agency.”

WHEREAS, pursuant to Chapter 3.12 of Part 10b of Division 3 of Title 2 of the California Government Code (commencing at Section 15820.91) (the “Law”), the Board is authorized to finance the acquisition, design, and construction of a jail facility approved by the BSCC pursuant to Section 15820.91 of the California Government Code (the “AB 900 Jail Financing Program”); and

WHEREAS, the Participating County has proposed to build or renovate a jail facility, as more particularly described in **EXHIBIT A** attached hereto (the “Project”), to be located at 269 Sharps Road, Yreka, CA 96097, real property controlled by the Participating County through fee-simple ownership (the “Site”); and

WHEREAS, the Parties entered into a Project Delivery and Construction Agreement, dated February 4, 2020, (the “PDCA”) related to the method of delivery of the Project, the construction of the Project, and the financing of the Project; and

WHEREAS, in late January and early February of 2021, the Participating County notified the Agencies that on January 5, 2021, the Board of Supervisors for the Participating County adopted Resolution No. 21-01 to relinquish the conditional award of funding to the Participating County through the AB 900 Jail Financing Program and request termination of the PDCA; and

WHEREAS, the Parties desire to terminate the PDCA; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereto hereby agree as follows:

1. Party Representation. Each Party represents that its respective undersigned officer is duly authorized to execute this Termination Agreement on behalf of the Party.

2. Termination. The Parties acknowledge and agree that the PDCA has been terminated in accordance with its terms and the terms of this Termination Agreement. The Parties further acknowledge and agree that the PDCA is of no further force or effect and the Participating County is not entitled to any financing or reimbursement by the State or Agencies for any costs associated with the Project.

3. Survival of Indemnity. Nothing in this Termination Agreement shall be interpreted to terminate or amend the Participating County's indemnification obligations under section 1.10 of the PDCA.

4. Notice and Waiver. The Parties acknowledge that they have received adequate notice of the termination of the PDCA and hereby waives the requirement in Section 2.2 (d) of the PDCA that the Parties provide each other at least thirty (30) calendar days written notice, stating the reasons for termination and the effective date thereof.

5. Counterparts. This Termination Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one agreement. The signature and acknowledgment pages from each counterpart may be removed and attached to a single document in order to create one original instrument.

[SIGNATURE PAGE TO IMMEDIATELY FOLLOW]

IN WITNESS WHEREOF, the Parties have caused this Termination Agreement to be executed by their respective officers thereunto duly authorized, all as of the day and year first above written.

STATE PUBLIC WORKS BOARD OF THE
STATE OF CALIFORNIA

By: _____
Sally Lukenbill
Executive Director

DEPARTMENT OF CORRECTIONS AND
REHABILITATION OF THE STATE OF
CALIFORNIA

By: _____
Chris Lief
Deputy Director

BOARD OF STATE AND COMMUNITY
CORRECTIONS OF THE STATE OF
CALIFORNIA

By: _____
Kathleen T. Howard
Executive Officer

ATTEST:
LAURA BYNUM
Clerk, Board of Supervisors

By: _____
Deputy

COUNTY OF SISKIYOU

By: _____ Date
Ray A. Haupt, Chair
Board of Supervisor
County of Siskiyou
State of California

EXHIBIT A

PROJECT SCOPE, COST, AND SCHEDULE DESCRIPTION

Siskiyou County AB 900 Jail Facility Project

PROJECT SCOPE

The proposed project consists of the design and construction of an expansion to and renovations of the existing Charlie Byrd Youth Corrections Center (CBYCC) juvenile facility located on county-owned land in Yreka, California. The expansion will add 120 beds and approximately 28,000 square feet of housing, program, and support services space. The expansion will connect to a renovated juvenile facility through a covered walkway.

The multi-level AB 900 expansion will contain six 20-bed housing pods, a central control station, dayrooms, multi-functional program space, a medical/dental clinic, a respiratory isolation cell, two holding cells, and outdoor recreation space.

The project scope also includes an emergency generator; a new perimeter emergency access road; a covered fenced walkway to connect the new housing unit to the existing corrections center; accessibility improvements to the existing parking areas, sidewalks, walkways; and a fenced vehicle enclosure adjacent to the existing sallyport.

The project will include all standard and necessary appurtenances for building operations.

PROJECT COST

Study / Acquisition		\$ 167,000
Performance Criteria		\$ 842,000
Design-Build		\$ 26,551,000
Contract	\$ 21,830,000	
Contingency	\$ 1,092,000	
A & E Costs	\$ 64,000	
Agency Retained	\$ 1,029,000	
Other	\$ 2,536,000	
 Total Project Cost		 <u>\$ 27,560,000</u>

PROJECT SCHEDULE

Approve Performance Criteria	April 2020
Start Design-Build	November 2020
Complete Design-Build	May 2022