



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.washoecounty.us

CM/ACM JOH

Finance _____

DA _____

Risk Mgt. MS

HR _____

Other _____

STAFF REPORT

BOARD MEETING DATE: August 11, 2015

DATE: July 21, 2015

TO: Board of County Commissioners

FROM: Jacqueline Bryant, District Court Administrator and Clerk of Court
(775) 328-3119, Jackie.bryant@washoecourts.us

SUBJECT: **Request the Board of County Commissioners to approve the professional services agreement for facility planning and space programming for the Second Judicial District Court between the Second Judicial District Court and the National Center for State Courts in the amount of \$116,000, from August 2015 to January 2016. [All Commission Districts.]**

SUMMARY

Washoe County has been involved with court master planning since at least 2000. Washoe County funded an updated court master plan in 2007. In 2012, the Board of County Commissioners approved a court-restricted capital expansion account (Expansion Account) pilot project to support the long-term capital needs of the Second Judicial District Court (i.e., a new courthouse). Since that time, the funds in this account have accumulated in excess of \$5,000,000.

In May 2015, Chief Judge Hardy met with the National Center for State Courts (NCSC) to discuss the process by which a new building plan could be developed. Of particular interest is the size of a contemporaneous, technological, efficient, and safe courthouse that reflects current and future use trends. An equally important consideration is how the court master plan integrates with the City of Reno and related redevelopment goals. Subsequently, the Second Judicial District Court received the attached proposal to provide facility consultation services to the Second Judicial District Court for planning and programming District Court facilities. The scope of services includes:

- Preparing a long-term (40 year) court system development analysis for the District Court;
- Developing court functional space standards as the baseline for the design and construction of future court facilities;
- Developing building space program with phased implementation schedule over the next 40 years in 10-year intervals;

AGENDA ITEM #

6B

- Developing phased building implementation concepts and cost benefit analysis on two court-designated building sites.

The proposed budget for the NCSC consultation services is \$116,000, which includes \$100,000 for professional fees and an estimated \$16,000 for project expenses and travel. This money will come from the Court's existing budget.

County Priority supported by this item: Safe, secure and healthy communities.

PREVIOUS BOARD ACTION

None.

BACKGROUND

The 75 Court Street Courthouse was constructed in five phases over a period of 90 years (1873, 1911, 1946, 1949, 1963). It includes substantial unusable space that once housed Washoe County Jail inmates. Other space is not designed for a unified court that is the single courthouse occupant. The need for a new courthouse that improves citizen access and safety, allows for contemporary technology, integrates judicial services and departments, increases inmate transport efficiencies, allows for the development of a court martial infrastructure, and reduces operating/maintenance expenses was confirmed in the 1999 Courts Complex Master Plan and 2007 Courthouse Master Plan Update.

The National Center for State Courts is an industry leader in court improvement projects across the county. The Second Judicial District Court and other Nevada Judicial Districts have used the National Center for several successful outcomes in the past. The National Center has a demonstrated expertise over 30 years in courthouse design and financing. The cost of the proposed study is efficient when compared to the costs of previous court master plans.

FISCAL IMPACT

The additional expense of \$116,000 will be charged against the Second Judicial District Court Administration professional services budget (Cost Center #120101- GL #710100). There is sufficient budget authority in the District Court's budget for this expense.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the professional services agreement for facility planning and space programming for the Second Judicial District Court between the Second Judicial District Court and the National Center for State Courts in the amount of \$116,000, from August 2015 to January 2016.

POSSIBLE MOTION

If the Board agrees with this request, move to approve the professional services agreement for facility planning and space programming for the Second Judicial District Court between the Second Judicial District Court and the National Center for State Courts in the amount of \$116,000, from August 2015 to January 2016.

Copy: Chief Judge David Hardy
Second Judicial District Court Judges
Heather Potts, Court Fiscal Services Administrator
Joey Orduna Hastings, Assistant County Manager
Keith Munro, Deputy District Attorney
Mary Solorzano, Acting Comptroller
Budget Agenda Coordinator
Agenda Coordinator

PROFESSIONAL SERVICES AGREEMENT
FOR SECOND JUDICIAL DISTRICT COURT ADMINISTRATION

This Agreement is made and entered into this ___ day of August 2015, by and between the Second Judicial District Court of Washoe County, hereinafter "Court," and the National Center for State Courts (NCSC), a Washington, D.C. based non-profit corporation, hereinafter "Contractor."

W I T N E S S E T H:

WHEREAS, Court desires to obtain a project work plan of facility programming and space programming; and

WHEREAS, Contractor possesses the necessary licenses, skills, education and experience to provide professional services required by Court and has agreed to perform such services for the Court pursuant to the terms and conditions set forth herein;

NOW THEREFORE, and in consideration of the mutual promises provided herein and subject to the terms and conditions as provided below, Contractor and Court agree as follows:

ARTICLE I

SCOPE OF SERVICES

The National Center for State Courts (NCSC) proposes to provide facility consultation services to the Second Judicial District Court (Court) for planning and programming Court facilities in the County of Washoe, Reno, Nevada. The scope of services that the NCSC will perform includes the following:

1. Preparation of a long-term (40 years) court system development analysis for the Court. The long-term court system development profile will feature projected future court involvements, service enhancement initiatives, and the resulting court judgeship/staffing projection. The projection of future court system evolvments will be substantiated by supporting statistical models of court case filings and related demographical data along with consideration of best practices of modern court operational practices and visions of advanced technology utilization.
2. Development of Court functional space standards as the baseline for the design and construction of future Court facilities. The square footage space standards with graphical configuration diagram for the identified Court functions and office operations will be prepared with reference to applicable courthouse design standards observed in other states and the courthouse design guidelines developed by the NCSC.

3. Development of building space program with phased implementation schedule over the next 40 years in 10-year intervals. The Court space program will include Court functional space requirement estimates for respective courthouse occupants, major Court functional areas, courthouse ancillary space, building support areas, and parking. The space program concepts will tabulate respective functional areas and offices by the space standards identified and the required number of functional units assigned. Conceptual Court functional space blocking diagrams and building space stacking diagrams to illustrate the functional space adjacency relationship and building circulations between major Court functional elements will be developed.
4. Development of phased building implementation concepts and cost benefit analysis on two Court-designated building sites. The development of conceptual building schemes will facilitate the Court's identification of future site development capacity and the phased construction/occupancy requirements for the respective building sites considered.

The NCSC has developed the following task plan to address the project requirements and the project deliverables. The NCSC project team will produce and organize its findings in the Facility Master Plan of the Second Judicial District Court of Nevada.

Work Plan

Phase I – Data Collection and Projection of Requirements

Task 1: Work Plan Refinement and Data Collection Tool Development

This task represents the initial data collection effort of the project and will focus on developing a clear understanding of current system operations and gathering historic caseload, workload, and staffing data that will be used to generate projections of future Court system evolvments and space requirements. The NCSC project team will conduct a space requirements survey to receive input from representatives of the current and proposed facility user groups, including the judiciary of general division and the family division, departments of Court administration, Court security unit of the Washoe County Sheriff's office, and other Court designated offices, about their concerns and needs for their present and future work environments. Highlighted facility issues and users' requirements will be incorporated into the facility needs projection and functional space programming in the latter phases of the project.

Task 2: Court Operations Survey and User Interviews

The NCSC project team will tour and analyze the Court building, including the family division facility from an operational perspective, observe the current use of the facilities, and interview representatives of the Court-designated facility user groups. An understanding of existing Court operations, as well as physical constraints, will allow the NCSC project team to identify opportunities for improvement of future Court operations and their space implication. Attention will be directed to specific facility-related Court operations such as utilization of courtrooms,

hearing rooms, jury facilities, prisoner movement and security, public access to Court services, public traffic patterns in the facilities, jury management, Court office and public counter operations, use of technologies, Court record processing/storage, and judges' chambers and their support requirements. Court-related agencies that provide services in the Court buildings, with specific space needs in the courthouse, will also be included in the survey and interview process. The NCSC project team will prepare a list of information requests for relevant planning studies or documents, previously conducted by Washoe County (County) and/or the Court, and the existing Court building plans for the Court project manager to gather prior to the facility tours.

Task 3: Assessment of Long-Term Needs

In order to anticipate future space needs, it is necessary to project judicial and personnel, who will be located in the proposed Court facility. The forecast will factor in relevant trends in the Nevada judicial system, as well as, future trends of the justice system from a national perspective. Utilizing geographical population data and demographic information from the County and the surrounding broader planning district, and the historical Court caseload and staffing data, the NCSC project team will conduct a historic Court case filing trend analysis to simulate future evolutions of Court filing levels of major types of Court cases. A preliminary range of projections of caseload/workload will be developed. The Court case filing projection models will later be referred to interpret the feasible personnel requirements for both judicial and administrative support functions. The forecast will factor in relevant trends in the Nevada judicial system as well as future trends of the criminal justice system from a national perspective. These projections will be prepared for the next 40 years in 10-year intervals. The projected judicial position and personnel requirements will be used as the basis for planning of future facility needs as well as the specific space program of the proposed new facility.

Deliverable: The delivery process for the Long-term Court System Evolvement Strategy Document requires close coordination and teamwork between the NCSC project team and the client. During the course of data compilation, analysis, and the projection/assessment process, the Court project manager will participate in the process and work with the consultants to verify, confirm, and accept the findings and conclusions on the scheduled regular project meetings. This process is estimated to take the first 10 weeks of the project to conclude. A summary of the Phase I findings and the study projection will be delivered to the Court for approval at the end of the twelfth week. The Court's review and revision will take an additional two weeks to complete. The NCSC will integrate the Court's comments and changes along with the Phase I summary findings to establish the Court system requirement and facility planning strategy.

Phase II - Development of Facility Master Plan Report

Task 4: Analyze Operational Issues Impacting Space and Establish Court Space Standards

The planning of a long-term facilities solution affords an opportunity to streamline operations in the remodeled or new environments. The NCSC court operation specialist will work with the

Court to prepare a list of Court operational issues for the NCSC project team to study and incorporate the findings in the facility space requirements. The NCSC project team will analyze existing and future court operations in order to achieve the best use of space. Issues to be assessed may include the impact of using new technologies or new Court service initiatives that will affect Court space planning; proposed improvements to the workflow and the resulting impacts to Court functional adjacency requirements, improvements or enhancements of public access to Court service with streamlining public/Court interface and accommodation; and access control and space separation of Court participants and in-custody prisoners/witnesses in the Court facilities. References to best practices on various Court operational subject matters applicable to the Court and its justice partners will provide guidance to the planning of the physical work environment. The analysis of operational impact on space will ensure efficient and effective space allocation planning that meets the modern court needs. Conclusions resulting from the analysis will be incorporated in the space standards and the facility program.

Although subject to future refinements in the future building design project, which is not within the scope proposed herein, preliminary space standards for the needs analysis and master plan will be developed. The program will identify Court functional space elements with square footage estimate, based on an analysis of current and future operational practices. Current space standards recommended in publications such as *The American Courthouse* and *The Courthouse Planning and Design Guidelines* developed by the NCSC, as well as office space standards adopted by Washoe County and Nevada judicial system will be utilized, where applicable. The space standards determined will form the basis for projecting future space needs.

Task 5: Project Future Space Requirements and Adjacency Study

In conjunction with the prescribed Court functionality and the corresponding space standards set for each function units and workstations, the NCSC project team will develop space estimate for departmental space requirements and building configuration concepts. Based on the forecast of future Court operations and caseloads, as well as the resulting judicial position requirement, this task will apply ratios of required space to anticipated judicial and non-judicial personnel needs in order to project long-term space needs. The accepted space standards developed in Task 4 will be applied in the development of the net square footage requirement for individual functional spaces within the Court and the ancillary space to be accessed by the associated justice agencies. In conjunction with the net space requirements of individual functional areas projected, appropriate building grossing factors and departmental circulation factors, based on the projected activities to be accommodated within the space, will be applied during the development of the total space need estimate.

The NCSC project team will identify and define the inter-office and intra-office functional relationships between major Court functional areas. Maintaining appropriate adjacency among functional areas and regulating access by various Court users will be critical to efficient and secure Court buildings. The NCSC project team will define vertical and horizontal circulation requirements for the public, Court employees, witnesses and prisoners; proximity relationships

between courtrooms and judges' chambers; separation between the jurors and the witnesses; appropriate building access control; and regulated public access to private areas. In addition, requirements for public access, proximity to the Court, and the internal office circulation will be analyzed and documented. A space adjacency relationship matrix will be developed and included in the space requirement document. The space needs projection will be established with the planning horizon of the next 40 years.

Task 6: Alternative Development

Based on the findings and analysis of Court operational adjacency requirements and projected space requirements, the NCSC project team will develop a Court functional space allocation concept and/or expansion/implementation strategies in consideration of existing buildings renovation/expansion and new construction at potential sites designated by the Court. The building schematic concepts and site analysis are to address Court space standards and building design requirements prescribed in the Court space program. The graphic diagrams could illustrate building schemes, which would facilitate officers of the Court to vision space arrangements and rationale implementation alternatives. The conceptual diagrams should illustrate the building placement on respective site, building stacking and blocking schemes, and the floor layouts arrangements, in terms of appropriate functional space adjacency relationships, separate floor circulation systems, effective building access control, and security arrangements.

The NCSC project team will integrate the space allocation concepts with reference to various site options to formulate implementation alternatives. The alternatives should address phase implementation requirements given the physical site and facilities considerations, the Court system growth, and the optimal court facilities occupancy schedules.

The NCSC project team will prepare alternative scenario recommendations to address implementation of future space needs. These options could include (1) on-site, in-building retrofitting; (2) on site, in-building retrofitting and building additions; and/or (3) new construction at a new site identified by the Court. Each alternative will be presented with building stacking and blocking concepts, phased implementation plans, and conceptual cost estimate.

The NCSC project team will prepare a cost benefit analysis of each option studied. The cost benefit analysis will factor in consideration of such issues as project construction cost, impact and disruption to continue Court and office operation during the construction interim, urban planning consideration, and levels of impact and disruption to courts service and facilities management. This will enable the Court to make a well-informed decision with regard to growth options and the potential cost implication.

Deliverable: The development of the Facility Planning Report will take the bulk of the project effort and time schedule. It is expected that the report development may consume 10 to 12 weeks, the bulk of the project time span scheduled for the project. It will allow for adequate time for the

NCSC project team and the Court to fully review and determine feasible planning alternatives and cost implications. The draft document is scheduled for delivery at the end of the twelfth week along with a team presentation and project meeting. The Court will review the document and return its comments to the NCSC project team within two weeks. The NCSC project team will include the comments and changes in the final report and submit the final report within two weeks.

Project Communication and Management

The successful delivery such planning service requires comprehensive knowledge and expertise from the consultants and effective teamwork between the NCSC project team and the Court. The NCSC project team will thoroughly and openly communicate with the judiciary and Court designated project manager to provide a direct line of communication for information sharing and brainstorming creative ideas. The NCSC project team proposes regular meeting schedules and project status communication during the data collection, needs assessment, and master planning phases. Clear understanding of data collected and how the data will be used will facilitate the developments of the data analysis and projection models for the long-term requirements. Timely feedbacks and comments from the user groups to the NCSC project team in the meetings will provide clear guidance to the work development and avoid misunderstanding or mistakes. The NCSC project team will present various data collected for user confirmation and approval in the data collection and projection phase of the project. Space standards and the space adjacency requirements to be adopted for major court functional areas will be presented to the court users with graphical illustration to allow for group discussion, comments, and/or modification. This proactive project approach, featuring regular meetings for data confirmation and status report, as well as on-site planning charrettes for solution development, will encourage participation of concerned parties and enable the effective communication through the master planning efforts.

Planning document and reference information to be provided to the NCSC project team by the District Court:

- A. Building studies and documents:
 - 1. Previous Court master plan.
 - 2. County Master Plan, if available.
 - 3. Set of building plans for the existing Court facilities, including the family division building.
 - 4. County owned surrounding land maps with property lines.
 - 5. County standards for space planning.

- B. Court statistical data and operation information:
 - 1. Historical Court case filing data (15 years).

2. Information of current Court calendars and Court operational documents.
3. Staffing levels and office organizational charts of the existing courthouse occupants/departments.
4. County population and demographic planning data.

Project Schedule

Timeliness is a critical element in terms of coordination of work development efforts and management of the project. The NCSC has developed a series of manageable tasks and work schedule, which are practical and realistic. Adequate user reviews have been built in the project timeframe to encourage user review and feedback on study products. The entire project including tasks listed in the Project Plan should be completed in **26 weeks**.

ARTICLE II

CONTRACTOR'S RESPONSIBILITIES

1. Quality of Services: Contractor shall be responsible for the professional quality, technical accuracy, timely completion, and coordination of all services furnished by Contractor, its subcontractors and their principals, officers, employees and agents under this Agreement. Contractor agrees to follow practices consistent with generally accepted professional and technical standards for drug treatment.
2. Replacement of Personnel: Should any subcontractor, officer, employee or agent under this Agreement be unable to complete his/her responsibility for any reason, the Contractor will replace that individual with a qualified person immediately. If Contractor fails to make the required replacement within 30 days, Court may terminate this Agreement for default.

ARTICLE III

COURT'S RESPONSIBILITIES

Contract Administrator: Court designates the Court Administrator of the Second Judicial District Court as the individual who will be responsible for the contract administration. Contract administration will include the review of all reports, billing verification, the coordination of all meetings, and response to all questions of Contractor.

1. Provision of Information: Court/County agrees to provide to Contractor all available information to complete services required by this Agreement.

ARTICLE IV

FEES FOR SERVICES

The proposed budget for NCSC consultation services on the Courthouse Facility Needs Analysis and Space Program is \$116,000, which includes \$100,000 for professional fees and an estimated \$16,000 for project expenses and travel.

ARTICLE V

GENERAL PROVISIONS

Standard of Performance: Contractor shall perform services in connection with this Agreement in accordance with generally accepted professional standards.

1. Independent Contractor Status and Certification: Contractor is an independent contractor, not a County or Court employee. Contractor's employees or contract personnel are not County or Court employees. Contractor and County/Court agree to the following rights consistent with an independent contractor relationship:
 - a. Contractor has the right to perform services for others during the term of this Agreement.
 - b. Contractor has the sole right to control and direct the means, manner and method by which the services required by this Agreement will be performed.
 - c. Contractor shall not be assigned a work location on County premises, and Contractor has the right to perform the services required by this Agreement at any place, location or time.
 - d. Contractor will furnish all equipment and materials used to provide the services required by this Agreement.
 - e. Contractor has the right to hire assistants as subcontractors or to use Contractor's employees to provide the services required by this Agreement.
 - f. Contractor or Contractor's employees or contract personnel shall perform the services required by this Agreement and Contractor agrees to the faithful performance and delivery of described services in accordance with the time frames contained herein. Neither County nor Court shall hire, supervise or pay any assistants to help Contractor.
 - g. Neither Contractor nor Contractor's employees or contract personnel shall receive any training from County in the skills necessary to perform the services required by this

Agreement.

h. Neither County nor Court shall require Contractor or Contractor's employees or contract personnel to devote full time to performing the services required by this Agreement.

Further, Contractor hereby certifies:

i. That Contractor is not an employee of County or Court and thereby Contractor waives any and all claims to benefits otherwise provided to employees of the County or Court, including, but not limited to: medical, dental, or other personal insurance, retirement benefits, unemployment benefits, and liability or worker's compensation insurance.

j. Contractor must provide Federal Tax or Social Security Number on required Form W-9 OR Contractor is not licensed as Contractor and is exempt because

_____.

k. That Contractor understands that he/she is solely responsible, individually for federal taxes and social security payments applicable to money received for services herein provided. Contractor understands that an IRS Form 1099 will be filed by the County for all payments received.

l. That Contractor agrees, as a precondition to the performance of any work under this Agreement and as a precondition to any obligation of the County to make any payment under this Agreement, to provide County with a certificate issued by an insurer in accordance with NRS 616B.627 and NRS 617.210.

2. Indemnification/Insurance: Washoe County has established specific indemnification and insurance requirements for contracts/agreements with contractors/consultants to help ensure that reasonable insurance coverage is maintained. Indemnification and hold harmless clauses are intended to ensure that contractors/consultants are aware of and accept the responsibility for losses or liabilities related to their activities.
3. Discrimination: In connection with the performance of all of the obligations under this Agreement, the Contractor shall not discriminate against any person referred to Contractor for services because of race, religion, color, sex, sexual orientation, age, disability, or national origin.
4. Governing Law: This Agreement shall be deemed to be entered into in the County of Washoe, State of Nevada, and shall be construed in accordance with the laws of the State of Nevada.
5. Entire Agreement: This Agreement constitutes the entire agreement between the parties

and supersedes all other proposals and representations, both oral and in writing covering the subject matter hereof.

6. Notice: When by terms of this Agreement written notice is required to be sent, such notice shall be deemed sufficient if sent by regular mail, postage prepaid to the parties at the addresses appearing below. Notice shall be deemed received 3 days following mailing.

To Second Judicial District Court:

Jackie Bryant, Court Administrator
Second Judicial District Court
75 Court St.
Reno, Nevada 89501

To Contractor:

National Center for State Courts
Court Consulting Services
707 Seventeenth Street, Suite 2900
Denver, Colorado 80202-3429

7. Headings Not Controlling: The headings of the articles and sections of this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope of intent of any provision of this Agreement and shall not be construed to affect in any manner the terms and provisions hereof or the interpretation or construction thereof.

In witness wherefore, the parties hereto have executed this Agreement on the day and in the year first written above.

SECOND JUDICIAL DISTRICT COURT

By _____
Jackie Bryant, Court Administrator

CONTRACTOR

By _____
National Center for State Courts