

- (2) The maximum period of confinement shall not exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses.
- (d) (1) Within 30 days of making an order of commitment to a secure youth treatment facility, the court shall receive, review, and approve an individual rehabilitation plan that meets the requirements of paragraph (2) for the ward that has been submitted to the court by the probation department and any other agencies or individuals the court deems necessary for the development of the plan. The plan may be developed in consultation with a multidisciplinary team of youth service, mental and behavioral health, education, and other treatment providers who are convened to advise the court for this purpose. The prosecutor and the counsel for the ward may provide input in the development of the rehabilitation plan prior to the court's approval of the plan. The plan may be modified by the court based on all of the information provided.
- (2) An individual rehabilitation plan shall do all of the following:
- (A) Identify the ward's needs in relation to treatment, education, and development, including any special needs the ward may have in relation to health, mental or emotional health, disabilities, or gender-related or other special needs.
  - (B) Describe the programming, treatment, and education to be provided to the ward in relation to the identified needs during the commitment period.
  - (C) Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care.
  - (D) The ward and their family shall be given the opportunity to provide input regarding the needs of the ward during the identification process stated in subparagraph (A), and the opinions of the ward and the ward's family shall be included in the rehabilitation plan report to the court.
  - (e) (1) The court shall, during the term of commitment, schedule and hold a progress review hearing for the ward not less frequently than once every six months. In the review hearing, the court shall evaluate the ward's progress in relation to the rehabilitation plan and shall determine whether the baseline term of confinement is to be modified. The court shall consider the recommendations of counsel, the probation department and any behavioral, educational, or other specialists having information relevant to the ward's progress. At the conclusion of the review hearing, the court may order that the ward remain in custody for the remainder of the baseline term or may order that the ward's baseline term be modified downward by a reduction of confinement time not to exceed six months. The court may additionally order that the ward be assigned to a less restrictive program, as

provided in subdivision (f).

(2) The ward's confinement time, including time spent in a less restrictive program described in subdivision (f), shall not be extended beyond the baseline confinement term, or beyond a modified baseline term, for disciplinary infractions or other in-custody behaviors. Any infractions or behaviors shall be addressed by alternative means, which may include a system of graduated sanctions for disciplinary infractions adopted by the operator of a secure youth treatment facility and subject to any relevant state standards or regulations that apply to juvenile facilities generally.

(3) The court shall, at the conclusion of the baseline confinement term, including any modified baseline term, hold a probation discharge hearing for the ward. For a ward who has been placed in a less restrictive program described in subdivision (f), the probation discharge hearing shall occur at the end of the period, or modified period, of placement that has been ordered by the court. At the discharge hearing, the court shall review the ward's progress toward meeting the goals of the individual rehabilitation plan and the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary. At the conclusion of the hearing, the court shall order that the ward be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. If the court so finds, the ward may be retained in custody in a secure youth treatment facility for up to one additional year of confinement, subject to the review hearing and probation discharge hearing provisions of this subdivision and subject to the maximum confinement provisions of subdivision (c).

(4) If the ward is discharged to probation supervision, the court shall determine the reasonable conditions of probation that are suitable to meet the developmental needs and circumstances of the ward and to facilitate the ward's successful reentry into the community. The court shall periodically review the ward's progress under probation supervision and shall make any additional orders deemed necessary to modify the program of supervision in order to facilitate the provision of services or to otherwise support the ward's successful reentry into the community. If the court finds that the ward has failed materially to comply with the reasonable orders of probation imposed by the court, the court may order that the ward be returned to a juvenile facility or to a placement described in subdivision (f) for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer, and in any case not to exceed the maximum confinement limits of subdivision (c).

(f) (1) Upon a motion from the probation department or the ward, the court may order that the ward be transferred from a secure youth treatment facility to less restrictive program, such as a halfway house, a camp or

ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. The court shall consider the transfer request at the next scheduled treatment review hearing or at a separately scheduled hearing. The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan described in subdivision (d) and that placement is consistent with the goals of youth rehabilitation and community safety. In making its determination, the court shall consider both of the following factors:

- (A) The ward's overall progress in relation to the rehabilitation plan during the period of confinement in a secure youth treatment facility.
  - (B) The programming and community transition services to be provided, or coordinated by the less restrictive program, including, but not limited to, any educational, vocational, counseling, housing, or other services made available through the program.
- (2) In any order transferring the ward from a secure youth treatment facility to a less restrictive program, the court may require the ward to observe any conditions of performance or compliance with the program that are reasonable and appropriate in the individual case and that are within the capacity of the ward to perform. The court shall set the length of time the ward is to remain in a less restrictive program, not to exceed the remainder of the baseline or modified baseline term, prior to a probation discharge hearing described in subdivision (e). If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic review hearings, as provided in subdivision (e) and to the maximum confinement provisions of subdivision (c).
- (g) A secure youth treatment facility, as described in this section, shall meet the following criteria:
- (1) The facility shall be a secure facility that is operated, utilized, or accessed by the county of commitment to provide appropriate programming, treatment, and education for wards having been adjudicated for the offenses specified in subdivision (a).
  - (2) The facility may be a stand-alone facility, such as a probation camp or other facility operated under contract

with the county, or with another county, or may be a unit or portion of an existing county juvenile facility, including a juvenile hall or probation camp, that is configured and programmed to serve the population described in subdivision (a) and is in compliance with the standards described in paragraph (3).

(3) The Board of State and Community Corrections shall by July 1, 2023, review existing juvenile facility standards and modify or add standards for the establishment, design, security, programming and education, and staffing of any facility that is utilized or accessed by the court as a secure youth treatment facility under the provisions of this section. The standards shall be developed by the board with the coordination and concurrence of the Office of Youth and Community Restoration established by Section 2200. The standards shall specify how the facility may be used to serve or to separate juveniles, other than juveniles described in subdivision (a) serving baseline confinement terms, who may also be detained in or committed to the facility or to some portion of the facility. Pending the final adoption of these modified standards, a secure youth treatment facility shall comply with applicable minimum standards for juvenile facilities in Title 15 and Title 24 of the California Code of Regulations.

(4) A county proposing to establish a secure youth treatment facility for wards described in subdivision (a) shall notify the Board of State and Community Corrections of the operation of the facility and shall submit a description of the facility to the board in a format designated by the board. Commencing July 1, 2022, the Board of State and Community Corrections shall conduct a biennial inspection of each secure youth treatment facility that was used for the confinement of juveniles placed pursuant to subdivision (a) during the preceding calendar year. To the extent new standards are not yet in place, the board shall utilize the standards in existing regulations.

(5) In lieu of establishing its own secure youth treatment facility, a county may contract with another county having a secure youth treatment facility to accept commitments of wards described in subdivision (a).

(6) A county may establish a secure youth treatment facility to serve as a regional center for commitment of juveniles by one or more other counties on a contract payment basis.

(h) (1) By July 1, 2023, the Judicial Council shall develop and adopt a matrix of offense-based classifications to be applied by the juvenile courts in all counties in setting the baseline confinement terms described in subdivision (b). Each classification level or category shall specify a set of offenses within the level or category that is linked to a standard baseline term of years to be assigned to youth, based on their most serious recent adjudicated offense, who are committed to a secure youth treatment facility as provided in this section. The classification matrix may provide for upward or downward deviations from the baseline term and may also provide for a

system of positive incentives or credits for time served. In developing the matrix, the Judicial Council shall be advised by a working group of stakeholders, which shall include representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system. In the development process, the Judicial Council shall also examine and take into account youth sentencing and length-of-stay guidelines or practices adopted by other states or recommended by organizations, academic institutions, or individuals having expertise or having conducted relevant research on dispositions and sentencing of youth in the juvenile justice system.

(2) Upon final adoption by the Judicial Council, the matrix of offense-based classifications shall be applied in a standardized manner by juvenile courts in each county in cases where the court is required to set a baseline confinement term under subdivision (b) for wards who are committed to a secure youth treatment facility. The discharge consideration date guidelines of the Division of Juvenile Justice that were applied on an interim basis, as provided in subdivision (b), shall not thereafter be utilized to determine baseline confinement terms for wards who are committed to a secure youth treatment facility under the provisions of this section.

(i) A court shall not commit a juvenile to any juvenile facility, including a secure youth treatment facility as defined in this section, for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense or offenses.

**875.5.** (a) It is the intent of the Legislature to apply Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5, governing extended detention of persons physically dangerous to the public who are served by the Division of Juvenile Justice, to persons physically dangerous to the public who are committed to a secure treatment facility pursuant to Section 875, pending development of a specific commitment process for realigned persons pursuant to subdivision (b).

(b) The Governor and the Legislature shall work with stakeholders, including, but not limited to, the Division of Juvenile Justice, the State Department of State Hospitals, the Chief Probation Officers of California, the California State Association of Counties, advocacy organizations representing youth, and the Judicial Council to develop language by July 1, 2021, to replace the procedures specified in Section 876 with a commitment process that ensures the treatment capacity, legal protections, and court procedures are appropriate to successfully serve persons realigned from the Division of Juvenile Justice to the counties by Senate Bill 823 (Chapter 337, Statutes of 2020).

(c) It is the intent of the Legislature to enact legislation that would, effective July 1, 2022, extend detention of

persons physically dangerous to the public who are in a secure youth treatment facility pursuant to the commitment process developed in subdivision (b).

**876.** (a) If a probation department determines that the discharge of a person confined in a secure youth treatment facility from the control of the court at the time required by Section 875 would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior, the department shall request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the department beyond that time. The petition shall be filed at least 90 days before the time of discharge otherwise required. The petition shall be accompanied by a written statement of the facts upon which the department bases its opinion that discharge at the time stated would be physically dangerous to the public, but the petition may not be dismissed and an order may not be denied merely because of technical defects in the application.

(b) The prosecuting attorney shall promptly notify the probation department of a decision not to file a petition.

(c) If a petition is filed with the court and, upon review, the court determines that the petition, on its face, supports a finding of probable cause, the court shall order that a hearing be held. The court shall provide notification of the hearing to the person whose liberty is involved and, if the person is a minor, the minor's parent or guardian, if the minor's parent or guardian can be reached, and, if not, the court shall appoint a person to act in the place of the parent or guardian and shall afford the person an opportunity to appear at the hearing with the aid of counsel and the right to cross-examine experts or other witnesses upon whose information, opinion, or testimony the petition is based. The court shall inform the person named in the petition of their right of process to compel attendance of relevant witnesses and the production of relevant evidence. When the person is unable to provide their own counsel, the court shall appoint counsel to represent them. The probable cause hearing shall be held within 10 calendar days after the date the order is issued pursuant to this subdivision unless the person named in the petition waives this time.

(d) At the probable cause hearing, the court shall receive evidence and determine whether there is probable cause to believe that discharge of the person would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling dangerous behavior. If the court determines there is not probable cause, the court shall dismiss the petition and the person shall be discharged from the control of a secure youth treatment facility at the time required by Section 875, as applicable. If the court determines there is probable cause, the court shall order that

a trial be conducted to determine whether the person is physically dangerous to the public because of their mental or physical condition, disorder, or other problem.

(e) If a trial is ordered, the trial shall be by jury unless the right to a jury trial is personally waived by the person, after the person has been fully advised of the constitutional rights being waived, and by the prosecuting attorney, in which case trial shall be by the court. If the jury is not waived, the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than 4 days nor more than 30 days from the date of the order for trial, unless the person named in the petition waives time. The court shall submit to the jury, or, at a court trial, the court shall answer, the following question: Is the person physically dangerous to the public because of a mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior? The court's previous order entered pursuant to this section shall not be read to the jury, nor alluded to in the trial. The person shall be entitled to all rights guaranteed under the federal and state constitutions in criminal proceedings. A unanimous jury verdict shall be required in any jury trial. As to either a court or a jury trial, the standard of proof shall be that of proof beyond a reasonable doubt.

(f) If an order for continued detention is made pursuant to this section, the control of the department over the person shall continue, subject to the provisions of this article, but, unless the person is previously discharged as provided in Section 875, the department shall, within two years after the date of that order in the case of persons committed by the juvenile court, or within two years after the date of that order in the case of persons committed after conviction in criminal proceedings, file a new application for continued detention in accordance with the provisions of this section if continued detention is deemed necessary. These applications may be repeated at intervals as often as in the opinion of the department may be necessary for the protection of the public, except that the court shall have the power, in order to protect other persons in the custody of probation to refer the person for evaluation for civil commitment or to transfer the custody of any person over 25 years of age to the county adult probation authorities for placement in an appropriate institution. Each person shall be discharged from the control of the probation department at the termination of the period stated in this section unless the probation department has filed a new application and the court has made a new order for continued detention as provided above in this section.

(g) An order of the committing court made pursuant to this section is appealable by the person whose liberty is involved in the same manner as a judgment in a criminal case. The appellate court may affirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged. Pending appeal, the appellant shall remain under the control of the probation department.

**SEC. 13.** Section 1731.5 of the Welfare and Institutions Code is amended to read:

**1731.5.** (a) After certification to the Governor as provided in this article, a court may, until July 1, 2021, commit to the Division of Juvenile Justice any person who meets all of the following:

- (1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.
- (2) Is found to be less than 21 years of age at the time of apprehension.
- (3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.
- (4) Is not granted probation, or was granted probation and that probation is revoked and terminated.
- (b) The Division of Juvenile Justice shall accept a person committed to it prior to July 1, 2021, pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care.
- (c) A person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the division by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court may, until July 1, 2021, order that the person be transferred to the custody of the Division of Juvenile Justice pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the director as a place of reception for a person described in this subdivision. The director has the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Division of Juvenile Justice either under the Arnold-Kennick Juvenile Court Law or



subdivision (a). The duration of the transfer shall extend until any of the following occurs:

- (1) The director orders the inmate returned to the Department of Corrections and Rehabilitation.
- (2) The inmate is ordered discharged by the Board of Parole Hearings.
- (3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 25th birthday, the director may continue to house the inmate until the period of incarceration is completed or until final closure of the Division of Juvenile Justice.
- (d) The amendments to subdivision (c), as that subdivision reads on July 1, 2018, made by the act adding this subdivision, apply retroactively.

**SEC. 14.** Section 1731.6 of the Welfare and Institutions Code is amended to read:

**1731.6. (a)** In any county in which there is in effect a contract made pursuant to Section 1752.1, if a court has determined that a person comes within the provisions of Section 1731.5 and concludes that a proper disposition of the case requires such observation and diagnosis as can be made at a diagnostic and treatment center of the Division of Juvenile Justice, the court may continue the hearing and, until July 1, 2021, order that the person be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the Division of Juvenile Justice report to the court its diagnosis and recommendations concerning the person within the 90-day period.

(b) The Director of the Division of Juvenile Justice shall, within the 90 days, cause the person to be observed and examined and shall forward to the court the diagnosis and recommendation concerning the person's future care, supervision, and treatment.

(c) The Division of Juvenile Justice shall accept that person if it believes that the person can be materially benefited by such diagnostic and treatment services and if the Director of the Division of Juvenile Justice certifies that staff and institutions are available. A person shall not be transported to any facility under the jurisdiction of the Division of Juvenile Justice until the director has notified the referring court of the place to which the person is to be transported and the time at which the person can be received.

(d) Notwithstanding subdivision (c), the Division of Juvenile Justice shall accept without cost to the county any persons remanded pursuant to Section 707.2.

(e) The sheriff of the county in which an order is made placing a person in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing the person in the center or returning them therefrom to the court. The expense of the sheriff or other peace officer incurred in executing that order is a charge upon the county in which the court is situated.

**SEC. 15.** Section 1731.7 of the Welfare and Institutions Code, as amended by Section 42 of Chapter 29 of the Statutes of 2020, is amended to read:

**1731.7.** (a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Division of Juvenile Justice. The Division of Juvenile Justice shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.

(d) An eligible person may be transferred to the Division of Juvenile Justice by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Division of Juvenile Justice as a place of reception for a person described in this section.

(e) The duration of the transfer shall extend until either of the following occurs:

- (1) The director orders the youth returned to the Department of Corrections and Rehabilitation.

- (2) The youth's period of incarceration is completed.
- (f) The Division of Juvenile Justice shall produce and submit a report to the Legislature on January 1, 2020, to assess the program. At a minimum, the report shall include all of the following:
- (1) Criteria used to determine placement in the program.
  - (2) Guidelines for satisfactory completion of the program.
  - (3) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.
  - (4) Disciplinary infractions incurred by participants.
  - (5) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.
  - (6) Quantitative and qualitative measures of progress in programming.
  - (7) Rates of attrition of program participants.
  - (g) The Division of Juvenile Justice shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.
  - (h) The Division of Juvenile Justice shall promulgate regulations to implement this section.
  - (i) Effective July 1, 2020, the pilot program operated pursuant to this section shall be suspended. Any pilot program participants who were diverted from an adult prison pursuant to this section and who were housed at the Division of Juvenile Justice prior to January 1, 2020, may remain at the Division of Juvenile Justice pursuant to subdivision (e).
- SEC. 16.** Section 1731.7 of the Welfare and Institutions Code, as added by Section 68 of Chapter 25 of the Statutes of 2019, is repealed.

**SEC. 17.** Section 1752.1 of the Welfare and Institutions Code is amended to read:

**1752.1.** (a) The director may enter into contracts with the approval of the Director of Finance with any county of this state, upon request of the board of supervisors thereof, wherein the Division of Juvenile Justice agrees to furnish diagnosis and treatment services and temporary detention during a period of study to the county for selected cases of persons eligible for commitment to the Division of Juvenile Justice. The county shall reimburse the state for the cost of those services, the cost to be determined by the Director of the Division of Juvenile Justice.

(b) The Division of Juvenile Justice shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(c) The Division of Juvenile Justice shall not accept new cases from the counties pursuant to this section on and after July 1, 2021.

**SEC. 18.** Section 1752.15 of the Welfare and Institutions Code is amended to read:

**1752.15.** (a) The director may enter into contracts, with the approval of the Director of Finance, with any county of this state upon request of the board of supervisors thereof, wherein the Division of Juvenile Justice agrees to furnish temporary emergency detention facilities and necessary services incident thereto, for persons under the age of 18 years who are in the custody of the county probation officer pursuant to provisions of Chapter 2 (commencing with Section 200) of Part 1 of Division 2. Facilities of the department may be used only on a temporary basis when existing county juvenile facilities are rendered unsafe or inadequate because of a natural or manmade disaster, or when the continued presence of the minor or minors in the county juvenile facilities would, in the opinion of the judge of the juvenile court having jurisdiction over the minor, of the chief probation officer of the county, and of the director, present a significant risk of violence or escape. They may not be used for the detention of a person who is alleged to be or has been adjudged to be a person described by Section 300 or Section 601.

(b) Whenever any person is detained in a Division of Juvenile Justice facility located in a county other than the county which has contracted for services pursuant to this section, the county shall provide for adequate consultation between the minor and the minor's attorney; and, if the minor's parent or guardian lacks adequate private means of transportation, and if the minor has been detained in the facility for more than 10 days, the

county shall make reasonable efforts to provide for visitation between the minor and the minor's parents or guardian.

(c) The county shall reimburse the state for the cost of these services, the cost to be determined by the director. The department shall present to the county, not more than once a month, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(d) The Division of Juvenile Justice shall not accept new cases from the counties pursuant to this section on and after July 1, 2021.

**SEC. 19.** Section 1767.35 of the Welfare and Institutions Code is amended to read:

**1767.35.** (a) For a ward discharged from the Division of Juvenile Justice to the jurisdiction of the committing court, that person may be detained by probation, for the purpose of initiating proceedings to modify the ward's conditions of supervision entered pursuant to paragraph (6) of subdivision (b) of Section 1766 if there is probable cause to believe that the ward has violated any of the court-ordered conditions of supervision. Within 15 days of detention, the committing court shall conduct a modification hearing for the ward. Pending the hearing, the ward may be detained by probation. At the hearing authorized by this subdivision, at which the ward shall be entitled to representation by counsel, the court shall consider the alleged violation of conditions of supervision, the risks and needs presented by the ward, and the supervision programs and sanctions that are available for the ward. Modification may include, as a sanction for a finding of a serious violation or a series of repeated violations of the conditions of supervision, an order for the reconfinement of a ward under 18 years of age in a juvenile facility, or for the reconfinement of a ward 18 years of age or older in a juvenile facility as authorized by Section 208.5, or for the reconfinement of a ward 18 years of age or older in a local adult facility as authorized by subdivision (b), or, until July 1, 2021, the Division of Juvenile Justice as authorized by subdivision (c). The ward shall be fully informed by the court of the terms, conditions, responsibilities, and sanctions that are relevant to the order that is adopted by the court. The procedure of the supervision modification hearing, including the detention status of the ward in the event continuances are ordered by the court, shall be consistent with the rules, rights, and procedures applicable to delinquency disposition hearings, as described in Article 17 (commencing with Section 675) of Chapter 2 of Part 1 of Division 2.

(b) Notwithstanding any other law, subject to Chapter 1.6. (commencing with Section 1980), and consistent with the maximum periods of time set forth in Section 731, in any case in which a person who was committed to and

discharged from the Department of Corrections and Rehabilitation, Division of Juvenile Justice to the jurisdiction of the committing court attains 18 years of age prior to being discharged from the division or during the period of supervision by the committing court, the court may, upon a finding that the ward violated their conditions of supervision and after consideration of the recommendation of the probation officer and pursuant to a hearing conducted according to the provisions of subdivision (a), order that the person be delivered to the custody of the sheriff for a period not to exceed a total of 90 days, as a custodial sanction consistent with the reentry goals and requirements imposed by the court pursuant to paragraph (6) of subdivision (b) of Section 1766. Notwithstanding any other law, the sheriff may allow the person to come into and remain in contact with other adults in the county jail or in any other county correctional facility in which the person is housed.

(c) Notwithstanding any other law and subject to Chapter 1.6 (commencing with Section 1980), in any case in which a person who was committed to and discharged from the Department of Corrections and Rehabilitation, Division of Juvenile Justice, to the jurisdiction of the committing court, the juvenile court may, upon a finding that the ward violated their conditions of supervision and after consideration of the recommendation of the probation officer and pursuant to a hearing conducted according to the provisions of subdivision (a), order that the person be returned to the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, for a specified amount of time no shorter than 90 days and no longer than one year. This return shall be a sanction consistent with the reentry goals and requirements imposed by the court pursuant to paragraph (6) of subdivision (b) of Section 1766. A decision to return a ward to the custody of the Division of Juvenile Justice can only be made prior to July 1, 2021, and pursuant to the court making the following findings: (1) that appropriate local options and programs have been exhausted, and (2) that the ward has available confinement time that is greater than or equal to the length of the return.

(d) Upon ordering a ward to the custody of the Division of Juvenile Justice, the court shall send to the Division of Juvenile Justice a copy of its order along with a copy of the ward's probation plans and history while under the supervision of the county.

**SEC. 20.** Section 1991 of the Welfare and Institutions Code is amended to read:

**1991.** (a) Commencing with the 2021–22 fiscal year, and annually thereafter, there shall be an allocation to the county for use by the county to provide appropriate rehabilitative housing and supervision services for the population specified in subdivision (b) of Section 1990. In making allocations, the Board of Supervisors shall consider the plan required in Section 1995. Any entity receiving a direct allocation of funding from the Board of Supervisors under this section for any secure residential placement for court ordered detention will be subject to

existing regulations. With the exception of county probation departments, a local public agency that has primary responsibility for prosecuting or making arrests or detentions shall not provide rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 or receive funding pursuant to this section:

- (1) For the 2021–22 fiscal year, thirty-nine million nine hundred forty-nine thousand dollars (\$39,949,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 177.6 wards. The by-county distribution shall be based on 30 percent of the per-county percentage of the average number of wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as of December 31, 2018, June 30, 2019, and December 31, 2019, 50 percent of the by-county distribution of juveniles adjudicated for certain violent and serious felony crime categories per 2018 Juvenile Court and Probation Statistical System data, updated annually based on the most recently available data, and 20 percent of the by-county distribution of all individuals between 10 and 17 years of age, inclusive, from the preceding calendar year.
- (2) For the 2022–23 fiscal year, one hundred eighteen million three hundred thirty-nine thousand dollars (\$118,339,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990. The by-county distribution is based on the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 526 wards.
- (3) For the 2023–24 fiscal year, one hundred ninety two million thirty-seven thousand dollars (\$192,037,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) Section 1990. The by-county distribution is based the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 853.5 wards.
- (4) For the 2024–25 fiscal year and each year thereafter, two hundred eight million eight hundred thousand dollars (\$208,800,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 928 wards. The Governor and the Legislature shall work with stakeholders to establish a distribution methodology for the funding in this paragraph by January 10, 2024, and ongoing that improves outcomes for this population.
- (5) The Department of Finance shall increase to no more than two hundred fifty thousand dollars (\$250,000)

the award amount for any county whose allocation as calculated pursuant to paragraphs (1), (2), (3), and (4) totals less than two hundred fifty thousand dollars (\$250,000). The appropriation in paragraphs (1), (2), (3), and (4) shall be increased by the amount(s) needed to bring each county allocation to \$250,000.

(b) Commencing with the 2024–25 fiscal year, the allocations determined by paragraphs (4) and (5) of subdivision (a) and shall be adjusted annually by a rate commensurate with any applicable growth in the Juvenile Justice Growth Special Account in the prior fiscal year. Each year this growth shall become additive to the next year's base allocation.

(c) By July 1, 2021, and each July 1 annually thereafter, the Department of Finance shall allocate the amount calculated in paragraphs (1), (2), (3), (4), and (5) of subdivision (a) from the General Fund and provide a schedule for the allocation of funds among counties to the Controller. The Controller shall allocate these funds no later than August 1 each year, consistent with the schedule provided by the Department of Finance.

**SEC. 21.** Section 2250 of the Welfare and Institutions Code is amended to read:

**2250.** (a) Nine million six hundred thousand dollars (\$9,600,000) is hereby appropriated from the General Fund to the Youth Programs and Facilities Grant Program, which shall be administered by the Board of State and Community Corrections, to award one-time grants, to counties for the purpose of providing resources for infrastructure related needs and improvements to assist counties in the development of a local continuum of care.

(b) Each entity receiving a grant from the Youth Programs and Facilities Grant Program shall submit a detailed report to the office with the following information:

- (1) An accounting of expenditures.
  - (2) A description of the physical and system enhancements made.
  - (3) How many regional placement beds were supported with the funding.
  - (4) What proportion of the regional placement beds were contracted to other counties and which counties.
- (c) With the exception of county probation departments, a local public agency that has responsibility for making arrests and detaining suspects as its primary responsibility, or which is responsible for prosecutions, is ineligible to apply for this grant.



(d) Funds from the Youth Programs and Facilities Grant Program shall not be used by counties to enter into contracts with private entities whose primary business is the custodial confinement of adults or youth in a prison or prison-like setting.

(e) (1) The Board of State and Community Corrections shall complete and submit, no later than October 1, 2024, a report to the budget and public safety policy committees of the Legislature describing the expenditures of the Youth Programs and Facilities Grant Program, including, but not limited to, recipients and award amounts, how funding was spent, how many regional placements were supported and a detailed description of the counties that contracted to utilize the regional facility beds. The report shall also be made available to the public on the board's internet website.

(2) The report required by paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(f) Any costs incurred by the office in connection with the development or administration of the grant program shall be deducted from the amount appropriated before awarding any grants, not to exceed five percent of the amount appropriated.

(g) This chapter shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 22.** Fifty thousand dollars (\$50,000) is hereby appropriated from the General Fund in the 2021–22 fiscal year to the Adult Reentry Grant administered by the Board of State and Community Corrections to support rental assistance programs.

**SEC. 23.** This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH -- DPH

Dept. Code: DPH

Type of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)

Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)

Type of Service: Substance Use Disorder Residential Treatment Services for Youth

Funding Source: General Funds, Federal Dollars

PSC Duration: 5 years 4 weeks

PSC Amount: \$4,000,000

**1. Description of Work**

A. Scope of Work/Services to be Contracted Out:

The selected contractor(s) will provide substance use residential services at American Society of Addiction Medicine (ASAM) Level 3.1, clinically managed low-intensity residential services, for youth up to the age of 18 years old experiencing high level of substance use and meeting the ASAM criteria for residential services.

B. Explain why this service is necessary and the consequence of denial:

The need for services is based on the prevalent and increasing substance issues that our youth are facing in San Francisco, and indications are that youth in the City who are experiencing elevated risks associated with their substance misuse would benefit from a residential milieu to support their treatment in a safe and supervised environment. Additionally, the trend we see of adult users starting their substance use journey in adolescence presents an opportunity to treat any elevated or problematic substance use sooner in their life by expanding into this level of care. Denial of services could result in a lack of appropriate care for youth facing substance use issues, increased risks for youth such as poor health outcomes and a continuation of substance-related issues, and negative impacts on their long-term health and well-being. Additionally, if the Department does not maintain program compliance with State and Federal requirements, it can result in sanctions ranging from fines to withholding payments.

C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.

This is a new service.

D. Will the contract(s) be renewed?

Yes, as the need continues and as funding is available, and as long as the City continues to contract with the Department of Healthcare Services (DHCS).

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.

The department expects the need for these services to be ongoing.

**2. Reason(s) for the Request**

A. Indicate all that apply (be specific and attach any relevant supporting documents):

Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).

B. Explain the qualifying circumstances:

The Department currently does not have a children's residential facility, licensed and certified by DHCS and CDSS, to provide 24/7 substance use treatment. The Department also does not have capacity nor plans to build or acquire such a facility and therefore must utilize contractors to meet as many of the City's youth needs as possible. Additionally, if the Department does not maintain program compliance with State and Federal requirements, it can result in sanctions ranging from fines to withholding payments.

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: Contractor(s) must have: -Clinical staff who are knowledgeable about the biological and psychosocial dimensions of substance use disorders for adolescents and their treatment, and are able to identify signs and symptoms of acute psychiatric conditions including psychiatric decompensation. -Experience with youth substance youth residential treatment or mental health residential treatment. -Clinical staff who are experienced and knowledgeable in family dynamics and family system work. -Medical director who is an addiction specialist physician under whose license the program will exist. -Licensed practitioners of the healing arts (LPHA), such as licensed or license-eligible professional staff registered under Board of Behavioral Sciences (BBS) or Board of Psychology (BOP), who can determine medical necessity, diagnose, and supervise clinical work of allied staff. LPHA experience will include working with youth with intense behavioral needs. -Drug counselors, registered or certified with DHCS-approved national licensing boards. -Nurse practitioners who can administer and monitor medication given to youth and take vital signs as necessary. -Group living workers who monitor the safety and well-being of the youth, especially overnight. -Care coordinators and navigators to help youth and family link to other services and transition to another level of care upon discharge.
- B. Which, if any, civil service class(es) normally perform(s) this work? 2233, Supervising Physician Spec; 2585, Health Worker 1; 2586, Health Worker 2; 2587, Health Worker 3; 2588, Health Worker 4; 2930, Psychiatric Social Worker; 2932, Sr Psychiatric Social Worker; 2242, Senior Psychiatric Physician Specialist; 2243, Supervising Psychiatric Physician Specialist;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes. Contractor will maintain appropriate community facilities that are licensed and otherwise compliant with external funding and regulatory requirements for provision of contracted services.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

The Department is responsible for continually monitoring the abilities of its system of care to deliver services and utilizes civil service staff to provide services. The Department currently does not have a children's residential facility, licensed and certified by DHCS and California Department of Social Services (CDSS), to provide 24/7 substance use treatment. The Department also does not have capacity nor plans to build or acquire such a facility.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
Civil service classes are not applicable because the Department does not have a children's residential facility, licensed and certified by DHCS and CDSS, to provide 24/7 substance use treatment. The Department also does not have capacity nor plans to build or acquire such a facility.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No, the Department does not have the infrastructure, e.g. children's residential facility, to provide substance use disorder youth residential services.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.  
No. No. The purpose of the services does not include formal training of civil service staff.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
No.

**7. Union Notification:** On 01/22/2024, the Department notified the following employee organizations of this PSC/RFP request:  
Physicians and Dentists - 11AA; Physicians and Dentists - 8CC; SEIU 1021 Miscellaneous; SEIU Local 1021

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Reanna Albert Phone: 628-271-6178 Email: reanna.albert@sfdph.org

Address: 1380 Howard St. San Francisco, CA 94103

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 43395 - 23/24

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 05/06/2024

# **Receipt of Union Notification(s)**

**From:** [dhrrpscordinator@sfgov.org](mailto:dhrrpscordinator@sfgov.org) on behalf of [reanna.albert@sfdph.org](mailto:reanna.albert@sfdph.org)  
**To:** [Albert, Reanna \(DPH\)](mailto:Albert.Reanna@DPH); [oumar.fall@seiu1021.org](mailto:oumar.fall@seiu1021.org); [cade.crowell@seiu1021.org](mailto:cade.crowell@seiu1021.org); [max.porter@seiu1021.org](mailto:max.porter@seiu1021.org); [Laxamana, Junko \(DBI\)](mailto:Laxamana.Junko@DBI); [sarah.wilson@seiu1021.org](mailto:sarah.wilson@seiu1021.org); [Sandeep.Jal@seiu1021.me](mailto:Sandeep.Jal@seiu1021.me); [leah.berlanga@seiu1021.org](mailto:leah.berlanga@seiu1021.org); [jegy.sering@seiu1021.org](mailto:jegy.sering@seiu1021.org); [matthew.torres@seiu1021.org](mailto:matthew.torres@seiu1021.org); [SF-DHR-Info@seiu1021.org](mailto:SF-DHR-Info@seiu1021.org); [Najuawanda Daniels](mailto:Najuawanda.Daniels); [Jason Klumb](mailto:Jason.Klumb); [Frigault, Noah \(HRC\)](mailto:Frigault.Noah@HRC); [Meyers, Julie \(HSA\)](mailto:Meyers.Julie@HSA); [Thomas Vitale](mailto:Thomas.Vitale); [Ricardo.lopez@sfgov.org](mailto:Ricardo.lopez@sfgov.org); [Kbasconciillo@sfgwater.org](mailto:Kbasconciillo@sfgwater.org); [pcamarillo\\_seiu@sbcglobal.net](mailto:pcamarillo_seiu@sbcglobal.net); [Wendy Frigillana](mailto:Wendy.Frigillana); [pscreview@seiu1021.org](mailto:pscreview@seiu1021.org); [ted.zarzecki@seiu1021.net](mailto:ted.zarzecki@seiu1021.net); [davidmkersten@gmail.com](mailto:davidmkersten@gmail.com); [XiuMin Li](mailto:XiuMin.Li); [Sin.Yee.Poon@sfgov.org](mailto:Sin.Yee.Poon@sfgov.org); [David Canham](mailto:David.Canham); [jtanner940@aol.com](mailto:jtanner940@aol.com); [Pierre King - UAPD](mailto:Pierre.King-UAPD); [tienkins@uapd.com](mailto:tienkins@uapd.com); [Qin, Kevin \(DPH\)](mailto:Qin.Kein@DPH); [DHR-PSCCoordinator, DHR \(HRD\)](mailto:DHR-PSCCoordinator)  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 43395 - 23/24  
**Date:** Monday, January 22, 2024 9:15:18 AM

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RECEIPT for Union Notification for PSC 43395 - 23/24 more than \$100k

The PUBLIC HEALTH -- DPH has submitted a request for a Personal Services Contract (PSC) 43395 - 23/24 for \$4,000,000 for Initial Request services for the period 06/01/2024 – 06/30/2029. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/21652> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION -- PUC

Dept. Code: PUC

Type of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)

Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)

Type of Service: Construction management (CM) staff augmentation services for the Islais Creek Bypass Project

Funding Source: Bay Corridor Transmission and Distribution PSC Duration: 3 years

PSC Amount: \$4,000,000

**1. Description of Work**

A. Scope of Work/Services to be Contracted Out:

This PSC is to provide specialized, short-term staff to provide construction management services for an approximately \$20M Power Enterprise construction project to construct underground electrical duct bank and vaults, Emergency Firefighting Water System (EFWS) pipeline, San Francisco Water Department (SFWD) pipeline, installation of electrical cable and switches, inter-connection to high-voltage switchgear, and roadway and sidewalk work.

The construction management services required under this PSC would include, but are not limited to, construction contract administration, construction inspection, construction contracts management, and project controls.

B. Explain why this service is necessary and the consequence of denial:

The SFPUC does not have the staff resources to perform all of the required work nor could the SFPUC locate enough current staff be transferred from other City departments such as San Francisco Public Works (SFPW). Also, no new hires could be added to meet the timing and/or requirements of the limited duration and specialized expertise for this proposed work effort. If denied, there would not be adequate staff and the necessary construction management expertise to manage the construction, which would increase the likelihood of inadequate execution of the project and delays to the energization of the new City Distribution Division's headquarters at 2000 Marin Street.

C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.

Construction management services have been provided in the past to augment City staff to handle peak, specialized, and temporary workloads. PRO.0160 is an example of a PSC that is providing construction management services.

D. Will the contract(s) be renewed?

No

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.  
not applicable

**2. Reason(s) for the Request**

A. Indicate all that apply (be specific and attach any relevant supporting documents):

Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).

B. Explain the qualifying circumstances:

The skills and expertise required for this scope are directly related to construction management (CM) work in the following CM areas: construction administration and change management; construction inspection (general, warranty, & specialty); project controls (cost and schedule); special inspection (coating, welding, geotechnical, marine, tunnel, etc.); supplier quality surveillance; special laboratory testing; testing, startup, & commissioning assistance; surveying; construction safety inspection; and technical data entry and document control including engineering archives. To the fullest extent possible, City staff will be utilized to provide construction management services for the construction project. However, additional resources will be required on an as-needed basis to help accommodate peak workloads during relatively short-term capital projects and to provide specialized expertise for the anticipated work.

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: Construction management skills include contract administration, inspection services, contracts management, and project controls with expertise in underground electrical distribution construction, including: contractor means and methods, safety regulations, water quality standards, compliance with State and Federal regulations applicable to the work, system shutdowns and start-up procedures, equipment and performance testing, compliance with the latest building codes, and claims expertise.
- B. Which, if any, civil service class(es) normally perform(s) this work? 5207, Assoc Engineer; 5211, Eng/Arch/Landscape Arch Sr; 5241, Engineer; 6318, Construction Inspector; 6319, Senior Const Inspector;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain:  
No

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

The SFPUC has previously used resources from SFPW to support projects throughout San Francisco. As such, the SFPUC and SFPW will continue to partner by augmenting existing CM staffing resources to meet the specialized needs and peak workload demands of SFPUC's construction projects. However, neither department has the staff available during the project's timeframe.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
The SFPUC does not have staff available to perform these services, as they are committed to other projects. Once project construction begins and if a SFPUC or SFPW staff person becomes available, then that person may be assigned to the project to gain experience and training for similar work on future construction projects.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. Not applicable. Existing civil service classifications can perform the work.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.



- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not.  
No. No formal training is included in the scope of work. However, City and County employees will gain construction management knowledge and skills by working with the experienced contractors.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
No.

7. **Union Notification:** On 03/11/2024, the Department notified the following employee organizations of this PSC/RFP request:  
Prof & Tech Eng, Local 21; Professional & Tech Engrs, Local 21

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Shawndrea Hale Phone: (415) 551-4540 Email: shale@sfgwater.org

Address: 525 Golden Gate Ave 8th Floor San Francisco, CA 94102

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 41323 - 23/24

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 05/06/2024

# **Receipt of Union Notification(s)**

**From:** [dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org) on behalf of [shale@sfgwater.org](mailto:shale@sfgwater.org)  
**To:** [Hale, Shawndrea M.](mailto:Hale,Shawndrea.M.); [junko.laxamana@sfgov.org](mailto:junko.laxamana@sfgov.org); [jnuti@ifpte21.org](mailto:jnuti@ifpte21.org); [sportillo@ifpte21.org](mailto:sportillo@ifpte21.org); [kdavis@ifpte21.org](mailto:kdavis@ifpte21.org); [jharding@ifpte21.org](mailto:jharding@ifpte21.org); [mweirick@ifpte21.org](mailto:mweirick@ifpte21.org); [agarza@ifpte21.org](mailto:agarza@ifpte21.org); [ewallace@ifpte21.org](mailto:ewallace@ifpte21.org); [WendyWong26@yahoo.com](mailto:WendyWong26@yahoo.com); [wendywong26@yahoo.com](mailto:wendywong26@yahoo.com); [tmathews@ifpte21.org](mailto:tmathews@ifpte21.org); [kschumacher@ifpte21.org](mailto:kschumacher@ifpte21.org); [amakayan@ifpte21.org](mailto:amakayan@ifpte21.org); [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org); [Hale, Shawndrea M.](mailto:Hale,Shawndrea.M.); [dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org)  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 41323 - 23/24  
**Date:** Monday, March 11, 2024 2:38:27 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

RECEIPT for Union Notification for PSC 41323 - 23/24 more than \$100k

The PUBLIC UTILITIES COMMISSION -- PUC has submitted a request for a Personal Services Contract (PSC) 41323 - 23/24 for \$4,000,000 for Initial Request services for the period 06/30/2024 – 06/30/2027. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/22155> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT

READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - PUBLIC WORKS -- DPW

Dept. Code: DPW

Type of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)

Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)

Type of Service: Professional Design and Engineering Services

Funding Source: San Francisco Public Utilities Commission

PSC Amount: \$7,000,000

PSC Est. Start Date: 07/01/2024

PSC Est. End Date 09/01/2031

**1. Description of Work**

A. Scope of Work/Services to be Contracted Out:

The consultant and their joint venture partners will provide the following services: Mechanical design, electrical design, plumbing design, structural design, civil (underground utility), security & technology, sustainability, energy modeling, daylighting, LEED (Leadership in Energy and Environmental Design) coordination and documentation, audio-visual and low-voltage design, fire protection, acoustic design, vertical transportation, building management systems integration, façade maintenance, wind consulting, signage and environmental graphic design, and waterproofing.

B. Explain why this service is necessary and the consequence of denial:

SF Public Works will provide architecture and landscape architecture design services for the project; Public Works in-house mechanical, electrical, and structural engineers will also provide services to some components of the project within their capacity. The services identified in the description of proposed work above are necessary and Public Works would like to secure those services via an RFP (Request for Proposal). Although consultant services can be obtained via our as-needed consultants, however most as-needed contracts are limited in capacity and has a max. of 3 to 5 years in duration. Due to the anticipated schedule and consultant fees for the SFPUC Millbrae Campus Improvement project, awarding the contract via an RFP would be the most appropriate option. This will help eliminate future contracting issues with respect to fees and early contract expirations. Additionally, due to the complexity and the scale of the project, Public Works is seeking consultants with certain qualifications and experience levels who can successfully complete the project, the consultant's proposals will be reviewed very carefully to ensure the highest ranking and most qualified proposer is selected.

C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.

Service has not been provided in the past.

D. Will the contract(s) be renewed?

No

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.

The San Francisco Public Utilities Commission (SFPUC) Millbrae Campus Improvement project consists of the design and construction of multiple buildings on a common site. The delivery of the project will be phased across several years, the consultants will be involved from the schematic design, design development, construction document, permit and bid, construction administration, and close-out phase of the project. Design will begin in 2024 and the final completion is anticipated in 2031.

**2. Reason(s) for the Request**

A. Indicate all that apply (be specific and attach any relevant supporting documents):

Short-term or capital projects requiring diverse skills, expertise and/or knowledge.

B. Explain the qualifying circumstances:

This service will only be utilized for the SFPUC Millbrae Campus Improvement project.

**3. Description of Required Skills/Expertise**

A. Specify required skills and/or expertise: The types of skill required are design and engineering services in the mechanical, electrical, plumbing, civil, and structural engineering discipline. Professional experiences in the following expertise are also necessary: security, technology, sustainability, audio-visual and low-voltage, acoustic design, fire protection, vertical transportation, building management systems, façade maintenance, wind analysis, signage, graphic design, and waterproofing.

B. Which, if any, civil service class(es) normally perform(s) this work? 5218, Structural Engineer; 5241, Engineer;

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: No

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

Public Works in-house mechanical, electrical, plumbing, civil, and structural engineers will work on some components of the project where their capacity allows, however they are not able to provide service for the full scope and advised the project team to procure services via outside consultants. Additionally, Public Works do not currently possess in-house expertise for the other areas of work outside of mechanical, electrical, plumbing, civil, and Structural engineering as listed in the Concise Description of Proposed Work.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

A. Explain why civil service classes are not applicable.

Public Works in-house mechanical, electrical, plumbing, civil, and structural engineers will work on some components of the project where their capacity allows, however they are not able to provide service for the full scope and advised the project team to procure services via outside consultants. Additionally, Public Works do not currently possess in-house expertise for the other areas of work outside of mechanical, electrical, plumbing, civil, and Structural engineering as listed in Concise Description of Proposed Work.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. Due to the timing of the RFP schedule, establishing new civil service classes to perform the services listed in description of proposed work would be infeasible. Additionally, many of the services listed in description of proposed work are unique and are not regularly needed in other projects, thus, creating new civil service classes in those areas would not be practical.

**6. Additional Information**

A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.

B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.  
No. The consultants will be providing professional services and training is not typically offered under their scope of work. This request is for a one-time service that is needed for the SFPUC Millbrae Campus Improvement project, there is no on-going service that requires training to be provided.

C. Are there legal mandates requiring the use of contractual services?  
No.

D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.