



WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE June 30, 2017

TO Members, Joint Appropriations Committee

FROM Tamara Rivale, Staff Attorney

SUBJECT Report of State Penal Facility Subcommittee Actions

BACKGROUND

The South Facility (occupied in 2000) of the Wyoming State Penitentiary (WSP) was originally built to house maximum security and special management inmates. In 2000, due to habitability issues, the North Facility (occupied in 1980), was vacated and inmates of all populations were relocated to the nearby South Facility and other State facilities. Additions to the South Facility have since included A Unit (occupied in 2001), the Central Production Facility Building (occupied in 2006), and K Unit (occupied in 2009). These facilities together comprise what is considered WSP today.

Key Parties

Entities involved in recent discussions, investigations, and remediation efforts at WSP include the following:

- **Lower & CO., P.C.** Mr. Robert Lower is the structural engineer for the South Facility. Lower & CO., P.C. also conducted investigation and site observation of the damage at the South Facility from December 2011 through December of 2014.
- **Martin/Martin Wyoming, Inc. (Martin/Martin).** Martin/Martin was engaged by the State in 2015 to provide a third party structural investigation and forensic analysis. Martin/Martin also authored the Structural Engineering Reconnaissance Study and Conceptual Cost Estimate for the 2016 Task Force on State Penal Facilities and the State Construction Department (the Martin/Martin study). Martin/Martin has continued on contract with the State Construction Department and has prepared the engineering work for several on-going remediation projects at WSP.
- **Sletten Construction Inc. (Sletten Construction).** Sletten Construction is the primary contractor for the reconstruction of the gymnasium wall and soil stabilization services at WSP. The firm has national expertise in the construction of correctional facilities and has a main office in Cody, Wyoming.
- **Wiss, Janney, Elstner Associates, Inc. (WJE).** WJE is the firm selected to peer review portions of the Martin/Martin study.

2016 Task Force on State Penal Facilities (Task Force)

The Task Force was charged to "study and make recommendations for solutions related to building

deficiencies at the Wyoming state penitentiary in Rawlins and associated inmate housing issues." It was comprised of Senator Bruce Burns (Co-Chairman), Representative Kermit Brown (Co-Chairman), Senator Eli Bebout, Senator John Hastert, Senator Stephan Pappas, Senator Jeff Wasserburger, Representative Donald Burkhart, Jr., Representative James Byrd, Representative Dan Laursen, Representative David Miller, Mr. Copper France, Mr. Todd Peterson, and Mr. Jeffrey Sanders.

After consultation with the Task Force, Governor Mead approved the expenditure of funds to amend an existing contract for consulting services between the Martin/Martin and the State to commission a comprehensive study of available options and estimated costs. On September 14, 2016, Martin/Martin issued the Structural Engineering Reconnaissance Study and Conceptual Cost Estimate to the State Construction Department and the Task Force (the Martin/Martin study).

The Task Force formally recommended the State pursue repair and remediation of WSP, described as "Option 1" within the Martin/Martin study. Option 1 was estimated to cost \$87,233,000 inclusive of a design/construction contingency and escalation. The Task Force also recommended, and Governor Mead approved, the expenditure of up to \$3.5 million of a \$7.75 million appropriation to address immediate structural and safety concerns, including Electrical Room F and repair of the deteriorating gymnasium wall. Also upon the Task Force's recommendation, Governor Mead approved expenditure of the remaining or unallocated portion of the \$7.75 million to counteract moisture accumulation and building movement, including efforts to stabilize soils through compaction grouting. The final report of the Task Force is available on LSO's website at:

<http://legisweb.state.wy.us/InterimCommittee/2016/SPIRpt0111.pdf>.

Peer Review Study Authorized

The Legislature, through Section 332 of the 2017 Budget Bill, appropriated \$50,000 for an independent peer review study of Martin/Martin study. Section 332 directed the funds to Management Council to secure a report to be submitted to the JAC by July 1, 2017.

2017 STATE PENAL FACILITY SUBCOMMITTEE ACTIONS

In March of 2017 the JAC chairs appointed a subcommittee to gain expertise and advise on the WSP issues. These members are Chairman Nicholas (Chairman), Senator Landen and Representative Burkhart. The Subcommittee has endeavored to address three major areas related to WSP. First, individual members have gained extensive background on WSP issues by touring the facility, meeting with the State Construction Department and the Department of Corrections, and receiving weekly updates on issues and remediation efforts. Second, the Subcommittee was designated by Management Council to help procure and oversee a peer review study. Third, the Subcommittee has gathered information and learned about various options and estimated costs for construction of a new maximum security facility, including options to engage a company to finance, design, build, or operate a new facility.

The major actions of the Subcommittee are described below in chronological order. However, this description does not address individual members' efforts.

Informal Meeting on Section 332 Peer Review Study April 4, 2017

Representative Nicholas and Representative Burkhart met with LSO staff, State Construction Department, Construction Management Division staff, Martin/Martin and Sletten Construction representatives to discuss ongoing work at WSP and approaches to a potential peer review study. After reviewing the Martin/Martin findings and evaluating different approaches to conduct a peer review, the Subcommittee

requested Management Council refrain from acting on the peer review until members had an opportunity to gain more information. During this meeting, Sletten Construction agreed to provide, at no charge, a high-level review of the cost estimates contained in the Martin/Martin study and an opinion on the cost of constructing a new facility north of Rawlins.

Meeting with Mr. Lower, April 26, 2017

The Subcommittee met with Mr. Robert Lower of Lower & CO., P.C. and discussed the structural issues at WSP, initial engineering findings, and suggestion of areas for further study. In particular, Mr. Lower suggested Martin/Martin's recommendation to remove all slab-on-grade floors and replace them with structural floors should be reviewed to determine whether complete replacement is necessary.

Management Council Meeting, May 2, 2017

During the Management Council meeting, the Subcommittee recommended one area of the Martin/Martin study for peer review concerning the findings and recommendations within "Option 1" to repair the South Facility, Central Production Facility (CPF) and K Unit Buildings. Management Council agreed and authorized the Subcommittee to proceed with the statutory process to procure professional services, advertise for statements of qualifications, conduct interviews, and recommend a firm to conduct a peer review study of the Martin/Martin study.

Request for Professional Services, May 5, 2017

The Subcommittee approved a request for professional services (#0774) to solicit statements of qualification from interested and qualified firms. The request was advertised in the Casper Star Tribune and online for four consecutive weeks.

WSP Tour, May 8, 2017

The Subcommittee, LSO Staff, and Mr. Lower toured WSP in Rawlins and evaluated areas exhibiting damage.

Information Gathering with Correctional Facility Related Firms, May 25, 2017

The Subcommittee invited legislative leadership, Joint Appropriations Committee members, and the directors of the Department of Corrections and the State Construction Department to receive information related to correctional facility design, construction, financing, and operation from interested firms. During the meeting, legislators received preliminary information from the GEO Group and CoreCivic. The GEO Group and CoreCivic are Real Estate Investment Trusts (REIT) and each provides a range of services related to corrections and detention. The Subcommittee also received information from Sletten Construction on constructions cost estimates for a new facility north of Rawlins. Each firm was invited to attend and present at the July 17 and 18, 2017 JAC meeting.

Peer Review Study State of Qualification Due, May 31, 2017

The advertising period for the peer review study closed with two firms submitting letters of interest and qualifications: Simpson, Gumpertz & Heger, and Wiss, Janney, Elstner Associates, Inc (WJE). Accordingly, the Subcommittee determined less than three firms were qualified and interested in performing the peer review study. The Subcommittee informed Management Council of this determination on June 2, 2017.

Interviews with Firms, Week of June 5 – June 8, 2017

The Subcommittee interviewed Mr. Jerry E. Maly, PE and Mr. John D. Reins, PE with WJE on June 5 and Mr. Kevin S. Moore, P.E., with Simpson Gumpertz & Heger Inc. on June 8. Both interviews were recorded and each firm was scored based on the criteria described in the request for professional services #0774. The Subcommittee ranked WJE highest and members directed LSO to negotiate terms for Management Council's consideration and approval.

Peer Review Study Conducted, June 12 – June 30, 2017

On June 9 a proposed contract between LSO and WJE was presented to Management Council for review. The contract provides for hourly compensation for the independent peer review study inclusive of expenses and travel in an amount not to exceed \$49,726.00. This amount comprises the funds appropriated for the peer review study less advertising costs. Management Council approved the contract via email ballot. LSO subsequently provided WJE notice to proceed with the project on June 12, 2017.

Throughout the project, the Department of Corrections, the State Construction Department, the Attorney General's Office and LSO worked to respond to requests for information from WJE. The agencies were responsive and each dedicated a significant amount of time and resources to locate documents in a timely manner. WJE personnel conducted site visits at WSP on June 15, June 22 and June 23. During the latter two visits, WJE performed new elevation surveys. The WSP staff worked to provide WJE a safe and secure work environment and to minimize interruptions to operations.

WJE has completed an initial report on June 30 and will submit a final report on July 13 to LSO. Subcommittee members plan to discuss the final report with WJE on Friday, July 14 in preparation of the July 17 and 18 full JAC meeting.