

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL JOINT MEETING WITH THE CORRECTIONAL FACILITY REVIEW COMMITTEE

Teleconference Meeting
Thursday, September 6, 2007
Prairie Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 8:30 a.m.

Members present: Representatives Al Carlson, Rick Berg, Merle Boucher, Jeff Delzer, Shirley Meyer, Phillip Mueller, Chet Pollert, Bob Skarphol; Senators Dick Dever, Tim Flakoll, Ray Holmberg, David O'Connell, Larry J. Robinson, Bob Stenehjem, Rich Wardner

Members absent: Representative Lee Kaldor; Senator Joel C. Heitkamp

Others present: Representatives Ralph Metcalf, Alon Wieland, Senator Tony Grindberg; Correctional Facility Review Committee

Jay E. Buringrud, Jim W. Smith; Legislative Council, Bismarck

See attached [appendix](#) for additional persons present.

It was moved by Senator Stenehjem, seconded by Senator Wardner, and carried on a voice vote to dispense with the reading of the minutes of the June 6, 2007, meeting and to approve the minutes as distributed.

Chairman Carlson called on Representative Chet Pollert, Chairman, Correctional Facility Review Committee, for [an overview of the committee's review of consultant proposals](#) for the development of correctional facility concepts and the committee's recommendation. Representative Pollert said a request for proposal, based on Section 10 of 2007 House Bill No. 1015, was sent to 27 potential consultants on June 18, 2007. He said the study is to include a comprehensive review of the current State Penitentiary facility and the Missouri River Correctional Center and the development of three correctional facility concepts:

1. Construction of a new correctional facility on the existing State Penitentiary site;
2. Construction of a new correctional facility at a site other than the State Penitentiary site; and
3. Remodeling of the existing State Penitentiary facility.

Representative Pollert said the request for proposal provided that selection of the consultant was to be made by the Correctional Facility Review Committee, subject to Legislative Council approval. He said the proposals were to be submitted to the Legislative Council office by August 3, 2007. He said

the Legislative Council staff received proposals from seven companies:

1. Syscon Justice Systems, Inc., Folsom, California.
2. The Durrant Group, Inc., Denver, Colorado.
3. Foss Architecture and Interiors, Ltd., Fargo, North Dakota.
4. KMD Justice, San Francisco, California.
5. Criminal Justice Institute, Inc., Middletown, Connecticut.
6. EAPC, Bismarck, North Dakota.
7. HDR Architecture, Inc., Chicago, Illinois, in association with Ritterbush-Ellig-Hulsing, PC, Bismarck, North Dakota.

Representative Pollert said the Correctional Facility Review Committee, based on presentations from all seven companies at its August 21, 2007, meeting, selected the following three companies in priority order:

1. **Criminal Justice Institute, Inc.** - Criminal Justice Institute, Inc., is a private not-for-profit, national correctional planning, programming, research, and evaluation firm based in Middletown, Connecticut. Team members include DMJM, a prison architectural firm from Orange, California; The Louis Berger Group, a site evaluation firm from Florham Park, New Jersey; and Parametrix, Inc., a cost estimating firm from Sumner, Washington.
2. **HDR Architecture, Inc.** - In association with Ritterbush-Ellig-Hulsing, PC. HDR is an architecture and engineering firm based in Chicago, Illinois. Ritterbush-Ellig-Hulsing is a multidisciplinary architectural firm based in Bismarck. Team members include Carter Goble Lee, a correctional facility consulting firm from Columbia, South Carolina; Parsons Commercial Technology Group, a construction management and cost estimating firm from Minneapolis, Minnesota; Swenson Hagen & Company, a civil engineering and land surveying firm from Bismarck; Prairie Engineering, an electrical and mechanical engineering firm from Bismarck; Ulteig Engineers, Inc., from

Bismarck; and Midwest Testing Laboratory, a geotechnical engineering firm from Bismarck.

3. **KMD Justice** - KMD is a criminal justice facility design firm from San Francisco, California. The KMD team includes Fuller, Coe & Associates, a master planning firm from Sacramento, California.

Representative Pollert said the Legislative Council staff conducted reference checks and all companies received positive references, except KMD Justice which received negative comments from two references. One reference said it would not use KMD for full design work. One reference said KMD did not provide design services in a timely manner and did not provide adequate construction support.

Representative Pollert said the Correctional Facility Review Committee recommends as its first priority Criminal Justice Institute, Inc., to provide the consulting services for the committee, subject to Legislative Council approval.

Representative Pollert provided a summary of proposed costs for the three selected companies:

- Criminal Justice Institute - \$248,869.
- HDR Architecture - \$236,000.
- KMD Justice - \$285,000.

Representative Pollert said KMD Justice changed the scope of its proposal. He said KMD Justice stated the proposed fee of \$285,000 could be reduced to reflect the change in scope.

Representative Metcalf said the difference in "balloting points" between Criminal Justice Institute and HDR Architecture was minimal. He said HDR Architecture should be moved to the first priority position because of its knowledge of the State Penitentiary and its lower proposed cost.

Representative Pollert said he believes according to Section 10 of House Bill No. 1015, the Correctional Facility Review Committee is to forward its recommendation to the Legislative Council for its approval.

In response to a question from Representative Carlson, the legislative budget analyst and auditor said Section 10 of 2007 House Bill No. 1015 provides that the Legislative Council appoint a Correctional Facility Review Committee to engage consultant and architectural services, subject to Legislative Council approval. He said the committee has brought forth its recommendation and it is up to the Legislative Council as to how to proceed.

Representative Berg said it would be appropriate to vote on the recommendation made by the Correctional Facility Review Committee and then discuss other options if the recommendation is not approved.

In response to a question from Senator Flakoll, Representative Carlson said HDR Architecture did not provide information on the percentage of work to be completed by local firms. He said any of the companies, if selected, could engage local firms to assist with the project.

Representative Pollert said both HDR Architecture and Criminal Justice Institute have prior experience with the Department of Corrections and Rehabilitation.

In response to a question from Representative Mueller, Representative Pollert said the first vote taken by the Correctional Facility Review Committee was to determine the top three choices from the seven finalists. He said each first place choice was given three points, each second place choice was given two points, and each third place choice was given one point. Based on this point system, he said, Criminal Justice Institute and HDR Architecture each received 10 points and KMD Justice received 7 points. He said the second vote taken by the committee was to rank the top three companies in priority order. Using the same point system, he said, Criminal Justice Institute received 15 points, HDR Architecture received 13 points, and KMD Justice received 8 points.

Representative Wieland said he supports Criminal Justice Institute. He said HDR Architecture is very cooperative to work with; however, HDR Architecture's close association with the Governor's office and the Department of Corrections and Rehabilitation on a prior proposal would not allow for a fresh perspective.

In response to a question from Representative Carlson, the legislative budget analyst and auditor said the Correctional Facility Review Committee has submitted three companies in priority order for Legislative Council approval. He said if the Legislative Council does not approve the first selection, it would be appropriate for the Legislative Council to consider the second and third selections.

Senator Robinson said the selected company will rely on past studies and reviews. He said he supports HDR Architecture because of its familiarity with the region and lower proposed cost.

Senator Stenehjem said to clarify the voting process the first vote taken by the Correctional Facility Review Committee included all seven potential consultants and the second vote only included the top three finalists.

Senator Grindberg said Criminal Justice Institute has the depth and experience to meet the high expectations of the correctional facility review study.

Senator Holmberg said regardless of prior experience with the Department of Corrections and Rehabilitation the Legislative Council needs to approve the best company. He said he supports Criminal Justice Institute.

Representative Pollert said Criminal Justice Institute in its presentation indicated it would be very hands-on throughout the project. He said its proposed timeline includes monthly meetings with the Correctional Facility Review Committee and conference calls between visits.

It was moved by Representative Pollert, seconded by Representative Berg, and carried on a roll call vote that the Legislative Council contract with Criminal Justice Institute, Inc., to conduct the correctional facility review study. Representatives Carlson, Berg, Boucher, Delzer,

Meyer, Pollert, and Skarphol and Senators Dever, Flakoll, Holmberg, O'Connell, Stenehjem, and Wardner voted "aye." Representative Mueller and Senator Robinson voted "nay."

Representative Pollert said the next meeting of the Correctional Facility Review Committee is tentatively scheduled for Tuesday, October 2, 2007.

It was moved by Senator Stenehjem, seconded by Senator Dever, and carried on a voice vote that the meeting be adjourned. Chairman Carlson adjourned the meeting at 9:00 a.m.

Becky Keller
Fiscal Analyst

John D. Olsrud
Director

ATTACH:1