

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

January 24, 2023

FROM

**TERRY W. THOMPSON, Director, Real Estate Services Department
JASON ANDERSON, District Attorney**

SUBJECT

Lease Agreement with San Bernardino Community College District for Office Space in San Bernardino

RECOMMENDATION(S)

1. Approve the Real Estate Services Department's use of an alternative procedure in lieu of a formal Request for Proposal as allowed per County Policy 12-02 - Leasing Privately Owned Real Property for San Bernardino County Use to lease approximately 4,504 square feet of office space for a one-year period from February 1, 2023 through January 31, 2024, for the District Attorney located at 560 East Hospitality Lane, Suite 450 in San Bernardino.
2. Approve a lease **Agreement No. 23-32** with San Bernardino Community College District, for a one-year period from February 1, 2023 through January 31, 2024, for approximately 4,504 square feet of office space for the District Attorney located at 560 East Hospitality Lane, Suite 450, in San Bernardino in the amount of \$129,720.
3. Direct the Clerk of the Board of Supervisors to file and post the Notice of Exemption as required under the California Environmental Quality Act.
(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Operate in a Fiscally-Responsible and Business-Like Manner.
Promote the Countywide Vision.**

FINANCIAL IMPACT

Approval of this item will not require Discretionary General Funding (Net County Cost). The total cost of this one-year lease agreement is \$129,720. The cost of the lease agreement for the remainder of 2022-23 is \$54,050 and the cost for 2023-24 will be \$75,670. Lease payments will be made from the Real Estate Services Department (RESA) Rents budget (7810001000) and reimbursed from the District Attorney (DA) budget (4500001000). The appropriation is included in the DA's 2022-23 budget and will be included in the 2023-24 Recommended Budget.

BACKGROUND INFORMATION

The recommended actions will approve RESA's use of an alternative procedure in lieu of issuing a formal Request for Proposal (RFP) as allowed under San Bernardino County (County) Policy 12-02 - Leasing Privately Owned Real Property for County Use, to enter into a new one-year lease agreement with San Bernardino Community College District (SBCCD) for the period of February 1, 2023 through January 31, 2024, for approximately 4,504 square feet of office space located at 560 East Hospitality Lane, Suite 450, in San Bernardino.

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The DA's Central Office located at 303 West Third Street in San Bernardino is not large enough to accommodate the mid-year added positions and the new positions that will be assigned to the Central Office. The DA has multipurposed conference rooms to house staff and recently converted another conference room into two cubicles. In addition, the DA's Bureau of Victim Services Claims Unit currently leases office space at 255 North D Street in San Bernardino. However, there is no additional space at the D Street location.

Due to new positions, and the need to be in close proximity to the Superior Court, RESD negotiated a lease with SBCCD for interim space until a lease can be negotiated and approved for a permanent space. The term of the lease for the interim space is for a one-year period of February 1, 2023 through January 31, 2024. The total cost of the one-year lease is \$129,720. The rent for the one-year term of the lease is \$2.40 per square foot per month.

The DA requests the Board of Supervisors (Board) approve the new lease at 560 East Hospitality Lane, Suite 450, in San Bernardino to allow the DA office space to continue providing its essential services to County residents. The County shall have the right to terminate the lease by providing not less than 90-day prior written notice to the landlord.

The lease allows for the RESD Director, in administering the lease, to:

- Exercise the County's early termination right.
- Execute estoppel certificates confirming facts regarding the lease.
- Execute subordination, non-disturbance, and attornment agreements to preserve the County's lease rights during the landlord's financing transactions involving the real property.
- Execute amendments to the lease that solely reflect a successor landlord following the original landlord's sale of the real property and assignment of the lease.

Staff has reviewed the recommended action pursuant to the California Environmental Quality Act (CEQA) and has determined that it does not constitute a project. Accordingly, no further action is required under CEQA.

Summary of Lease Terms

Lessor:	San Bernardino Community College District (Steven J. Sutorus, Business Manager)
Location:	560 East Hospitality Lane, Suite 450, San Bernardino
Size:	4,504 square feet of office space
Term:	One year, commencing on February 1, 2023
Options:	None
Rent:	Cost per square foot per month: \$2.40* full-service gross Monthly: \$10,810 Annual: \$129,720 *Mid-range for comparable facilities in the San Bernardino area per the competitive set analysis on file with RESD
Annual Increases:	None

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Improvement Costs:	None
Custodial:	Provided by Lessor
Maintenance:	Provided by Lessor
Utilities:	Provided by Lessor
Insurance:	The Certificate of Liability Insurance as required by the lease will be obtained by RESD prior to occupancy
Right to Terminate:	County has the right to terminate with 90-days' notice
Parking:	Shared use of approximately 300 parking spaces

PROCUREMENT

RESD is requesting that the Board approve the use of an alternative procedure in lieu of a formal RFP as allowed per County Policy 12-02 - Leasing Privately Owned Real Property for County Use, to lease approximately 4,504 square feet of office space at 560 East Hospitality Lane, Suite 450 in San Bernardino for the DA for a one-year period of February 1, 2023 through January 31, 2024. Policy 12-02 provides that the Board may approve the use of an alternative procedure in lieu of the RFP process whenever the Board determines that compliance with the RFP requirements would unreasonably interfere with the financial or programmatic needs of the County, or when the use of an alternative procedure would otherwise be in the best interest of the County.

RESD, acting in its approved capacity as the County Administrative Office designee to review proposed real property leases under Policy 12-02, completed a competitive analysis of the area and found the lease rate is competitive for a one-year period and that the interim premises best meet the requirements of the department due to its close proximity to the DA's Central Office and the ability to serve the same community from the interim premises.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Katherine Hardy, Deputy County Counsel, 387-5455) on December 22, 2022; District Attorney (Claudia Walker, Administration Chief, 382-3800) on December 14, 2022; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on December 15, 2022; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412, and Penelope Chang, Administrative Analyst, 387-4886) on January 5, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on January 6, 2023.

(PN: 677-8321)

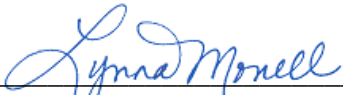
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: January 24, 2023



cc: RESD - Thompson w/agree w/CEQA & receipt
Contractor - C/O RESD w/agree
File - w/agree w/CEQA & receipt
CCM 01/25/2023