



# Kansas Bureau of Investigation

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Before the Joint Committee on State Building Construction  
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## Members of the Committee:

Good afternoon and thank you for the opportunity to brief you on the status of the Kansas Bureau of Investigation (KBI) five year capital improvement plan. I am pleased to report that a great deal of progress has been made on several aspects of that plan since I appeared before you in February and in April of this year.

With your indulgence, I would like to take a few minutes at the beginning of the presentation to talk about several capital projects identified in the plan and then move to a discussion of our flagship project, the construction of the new KBI forensic science laboratory on the campus of Washburn University (WU).

First a quick update of recently completed projects and projects that are in progress. In FY 2012, the KBI received an appropriation in the amount \$100,000 to replace an aging emergency generator that serves the KBI Headquarters building. This project was critical to maintain 24/7/365 availability to the Kansas Criminal Justice Information System (KCJIS) by the Kansas public safety community and to maintain 24/7/365 availability to other essential KBI systems. Unfortunately, the actual cost of the project far exceeded the original estimate. The project is now complete, but at a total cost (FY 2012 and FY 2013) of \$221,889.

Also in FY 2012, the KBI received an appropriation of \$35,000 to repair a failing retaining wall that threatened the North side of our Topeka Headquarters. This project also greatly exceeded the initial estimate. During the first bid process we received estimates exceeding \$270,000 to complete the repair. We did not accept any of those estimates and re-bid and simplified the project to eliminate the existing stairwell and replace it with an equipment access shaft. The expenditures (FY 2012 and FY 2013) for the re-cast project totaled \$91,982.

Finally, in FY 2012 we received an appropriation in the amount of \$29,500 to remove a quantity of asbestos from the sub-basement of our headquarters building so that we could address a serious plumbing issue. That project has been completed at a cost of \$23,286.

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In FY 2013, the KBI received an appropriation in the amount of \$200,000 to replace the failing electrical service panels at the Topeka Headquarters. Unfortunately, this project could not be started until both the generator and retaining wall projects were completed. I am happy to report that the electrical service panel replacement project has recently been completed at a cost of \$194,949. However, I am sad to report that during the course of that repair, our provider located additional electrical issues that are estimated to cost \$60,000 to remedy. We are currently evaluating that report and will determine the most appropriate course of action.

In FY 2014, the KBI sought budget enhancements in the amount of \$75,000 to replace two of three failing air conditioning units in the KBI data center and \$41,000 to replace a section of the roof at our Great Bend facility. Neither enhancement request was recommended by the Division of the Budget or the Legislature, but we agreed to the extent possible to use our yearly rehab and repair appropriation and whatever other funding we could muster, to make those necessary fixes. Once again, however, the actual bid for the Datacenter A/C repair was significantly over the original estimate at \$146,985. We nonetheless fully intend to complete the Data Center and the Great Bend Roof projects during FY 2014.

As you may recall, the KBI receives a yearly appropriation in the amount of \$100,000 for general rehab and repair of three major facilities (KBI HQ, the KBI Annex and the Great Bend Laboratory / Regional Office). The cost overrun on the generator project, the retaining wall project, the datacenter air conditioning project and other general facility rehab/repair expenses, when coupled with a general agency budget reduction in FY 2014 of \$176,000, has created a very difficult fiscal situation for the agency. As you can see, when considering just the routine repairs necessary for three large buildings, \$100,000 is generally insufficient to address any additional major project costs.

To give you a sense of how we have managed the maintenance of our facilities, please consider the following summary. We have received appropriations in the amount of \$565,000 (FY 2012 – FY2014) for general rehab and repair as well as for the major projects described above. From other programs in the KBI budget, we were able to carry forward into FY 2014 approximately \$134,090 in SGF savings with the plan of dedicating those funds to critical facility repairs. The total amount of dedicated facility funding for the three years was \$698,590.

The total amount of facility related expenditures for the same three year period is estimated to be \$790,507. However, that figure is not inclusive of any facility related expenditures that will be required during the last half of the year, nor does it include a long list of smaller projects that would normally come from the annual \$100,000 rehab and repair allocation. Many of those routine repairs have not been completed during the past three years and will out of necessity again be deferred.

To put the situation in perspective, we have identified several additional projects with an estimated total cost of \$606,048. That does not include the general rehab and repair projects that have been deferred. We will continue to maximize the funds available to us to keep our facilities in the best possible condition to achieve our public safety mission. The unfortunate consequence, however, is that we have insufficient dedicated funding for necessary capital improvements and routine repairs. This

requires us to use mission critical funds from other programs such as investigations to maintain our buildings.

For FY 2015, we have requested enhancement funds in the amount of \$125,000 to address three critical capital improvement projects that are included in the \$606,048 total mentioned above. The first project is the replacement of the roof on the Topeka Annex. The roof is leaking and contractors have been unable to make effective spot repairs. The annex holds a great deal of computer equipment and all KBI paper Criminal History records and fingerprint cards. Damage to the equipment and/or the records would be detrimental to our operations. The estimated cost of the repair is \$50,000.

The second enhancement request for FY 2015 is for funding in the amount of \$45,000 to replace the two primary boilers at the Great Bend Regional Office. The units are 35 years old and are at the end of their expected life cycle. Replacement is highly recommended before there is a system failure.

The third enhancement request for 2015 is for funding in the amount of \$30,000 to replace the Uninterrupted Power Source (UPS) at the Great Bend Regional Office. The existing UPS serves as backup power for all laboratory computers, equipment and telephone systems. The UPS is at the end of the expected life cycle and repair parts are no longer available. Replacement is highly recommended before there is a system failure.

Before I move on to the Forensic Laboratory project, I would also like to report significant progress on addressing new work space for the KBI in the Wichita area. As you are aware the Kansas Highway Patrol (KHP) is moving forward with construction of a new facility in Sedgwick County. They have graciously offered to make approximately 4200 square foot of space available for us in that new building at the same cost that we are currently paying for 2800 square foot at the Finney State Office Building (\$49,092). This collaboration will enhance an already excellent working relationship and further the public safety mission of both agencies.

I would also like to take a moment to make you aware of a significant cost that will appear in our FY 2016 and FY 2017 budget documents and capital improvement plan. This is a slight change from the plan that we submitted in July. In FY 2016 we will be seeking a limited amount of funding to work with architects and engineers to develop a plan to address the vacated space at Headquarters created by the forensic laboratory move, not the full amount of the project. In FY 2017, we will be seeking funding to implement that plan. We do not have any firm figures at this point, but in the FY 2009 needs assessment for the forensic laboratory, the cost for refurbishing the space was estimated to be slightly over \$3 million and an updated assessment last year put the cost at \$3,453,734.

Now I would like to turn my attention to the KBI Forensic Science Laboratory Project. I promise not to spend a great deal of time reviewing material provided in our past presentations to this committee, but I believe a short discussion of how we got to where we are is in order. I think that it is also important to remember that while we are speaking today about a building project, this is just one aspect, albeit an essential one, to solving the forensic backlog crisis. We must also hire additional forensic scientists to work in the new facility and then retain them.

For well over a decade, the KBI has presented plans and sought funding for the building of a new state forensic science laboratory. We recognized for many years that we were not providing forensic science services to the Kansas public safety community at a level that is expected or required for our criminal justice system to function effectively. We have large case backlogs and we are not providing forensic results to law enforcement agencies or prosecutors in a timely manner.

In FY 2012 and FY 2013, several things happened to change that course. First, we conducted a survey of our public safety partners from all across the state to gauge the effectiveness of our forensic laboratory services. We learned a great deal from that survey, but most disturbing was the fact that 41% of Kansas law enforcement agencies reported that they had cases dismissed or charges reduced due to the KBI's lack of capacity to get analysis reports out in a timely manner. Criminals were going free or were being allowed to remain on our streets to commit more acts of violence against our citizens. Second, Governor Brownback included in his FY 2013 budget proposal to provide \$100,000 to do a needs assessment and develop a plan to address the forensic case backlog situation. Third, the Legislature approved the funding for the assessment. Fourth, and critically important, the KBI gained a great partner in our effort to improve this vital public safety service. Washburn University (WU) of Topeka agreed to join with us in a collaboration that will not only build a laboratory facility, but will help to draw students to Washburn's programs and will play a major role in recruiting and retaining KBI forensic scientists.

For FY 2014, Governor Brownback included in his budget proposal \$3.5 million to begin the project. The Legislature approved the project and by way of a proviso, authorized the KBI to enter into an agreement with Washburn to facilitate funding for the project. The proviso also authorized the KBI to enter into a long term lease to service the debt and pay the costs associated with the operation of the facility. An associated arrangement was authorized in the same proviso, for the Department of Transportation to loan Washburn University \$3.5 million in start-up costs if needed. I am happy to report that we were able to structure the project in such a way as to avoid the necessity of taking advantage of the loan from DOT and no funds have been transferred. All funding for the project (construction and cost of the bond issuance) will come from the proceeds of the bond issue.

The general concept of the project was formalized in an MOU between the KBI and WU. That MOU was provided to the Legislature during the last session. The MOU provided for a new KBI Forensic Science Laboratory to be constructed on the campus of WU and leased to the KBI for a term approximating 20 years. During that 20 year lease term the KBI would make annual debt service payments. At the end of the initial term, the KBI could either extend the lease for a \$1.00 per year or buy the building for \$1.00. Concurrent with the lease providing for service of the debt, a triple-net lease or operating agreement would set forth the terms and costs associated with operating the facility so that those costs could be included in the yearly KBI appropriation.

The facility in question will have approximately 99,697 usable square feet. Approximately 12,000 of that space will be for training and will be shared with WU. The total project cost, including construction and associated professional fees was estimated to be between \$54 and \$55 million.

Since our last meeting we have made great progress. The following important milestones have been reached:

- Washburn University sought the assistance of The Topeka Public Building Commission (TPBC) to serve as the vehicle for issuance of the revenue bonds to support the building of the new forensic science laboratory.
- A decision was reached to use the Construction Manager at Risk (CMAR) delivery method to design and build the facility.
- The Office of Facilities and Property Management (OFPM) was contracted to serve as the owners representative for the KBI and provide consultation and on-site services during the design and building phases.
- A project steering committee, a project management team, a legal team, a fiscal team, a critical services team, a technical team and a collaboration team have been formed and all are meeting routinely to work through any issues that arise. Each team has representatives as appropriate from the KBI, WU, TPBC, KSAG, OFPM and D of A.
- Members of the various teams have traveled to several laboratory sites in the region to tour the facilities and meet with staff members who were responsible for the design and construction process. Labs in Olathe, Manhattan, Denver and Oklahoma City were visited.
- Lease Agreements and legal documents have been crafted that set forth the responsibilities of the participants in the project (TPBC, WU and the KBI).
- A working agreement has been crafted between Washburn and the KBI that defines each participant's responsibilities.
- An Architect/Engineering team has been selected through a competitive process and a contract for services has been signed. The principal architectural firm for the project is PGAV from Westwood, Kansas. PGAV has assembled a quality team that includes MWL, a national firm that specializes in forensic laboratory design. MWL was the firm that developed the needs assessments and program development in 2009 and 2013. PGAV is actively working on the project.
- A CMAR has been selected and a contract for services is in the process of final negotiation. The CMAR team will be led by the McCown/Gordon firm from Kansas City. They have also assembled a quality team and have worked with PGAV on other projects in the past.
- The City of Topeka voted to amend a local ordinance in support of the project.
- The WU Board of Regents has approved the project.
- A Preliminary Offer of Sale (POS) and all associated documents were prepared and a competitive bond sale was conducted on November 5<sup>th</sup>. There were six bidders that participated in the sale. Merrill Lynch / Bank of America was the low bidder at 3.778% - total interest cost (TIC). This is significantly better than the initial estimates provided to the Legislature, which were in the range of 4%. Our goal from the sale was to provide for a \$55 million dollar construction/project budget, pay the costs of bond issuance and interest costs accrued during construction, without exceeding a cap of \$59 million. We were successful. The final closing date for the sale has been set for November 26<sup>th</sup>.

We are currently on schedule and expect construction to start in April of 2014 after receiving a Guaranteed Maximum Price (GMP) from the CMAR. Construction is expected to be completed in early fall of 2015.

This has been truly a collaborative process that has involved the Governor's Office, The Attorney General, The Legislature, The KBI, Washburn University, The Topeka Public Building Commission, The Department of Administration and the City of Topeka. We are all committed to this undertaking and I am certain that we will be successful in creating the needed infrastructure to address the forensic backlogs in our state. We are grateful for the long standing support of this committee and the leadership of Rep. Hutton who helped us communicate our case during the last legislative session.

Thank you again for the opportunity to present this briefing. We would greatly appreciate the support of this committee for the three enhancement requests identified in the KBI Capital Improvement Plan for FY 2015 and continuing support of the forensic laboratory project. I would be happy to answer any questions that you may have.