

CUMBERLAND COUNTY FACILITIES COMMITTEE
CUMBERLAND COUNTY DEPARTMENT OF SOCIAL SERVICES
1225 RAMSEY STREET, CONFERENCE ROOM C
NOVEMBER 1, 2018
SPECIAL MEETING MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams, Facilities Committee Chairman
Commissioner Jeannette Council

MEMBERS ABSENT: Commissioner Michael Boose

OTHER COMMISSIONERS

PRESENT: Commissioner Marshall Faircloth
Commissioner Jimmy Keefe

OTHERS PRESENT: Amy Cannon, County Manager
Melissa Cardinali, Assistant County Manager
Duane Holder, Assistant County Manager
Tracy Jackson, Assistant County Manager
Rick Moorefield, County Attorney
Jeffery Brown, County Engineer
A.J. Riddle, Assistant County Engineer
Vicki Evans, Finance Director
Heather Harris, Budget Analyst
Brenda Jackson, Social Services Director
Julean Self, Human Resources Director
Dr. Larry Keen, Fayetteville Technical Community College
Jeremy Aagard, Swampdogs
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board

Commissioner Glenn Adams called the meeting to order.

1. APPROVAL OF MINUTES – OCTOBER 4, 2018 SPECIAL MEETING

MOTION: Commissioner Council moved to approve the October 4, 2018 meeting minutes as presented.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (2-0)

2. CONSIDERATION OF RENEWAL OF LEASE AGREEMENT WITH HOMETOWN AMERICA SPORTS, INC.

BACKGROUND

Jeremy Aagard, General Manager for the SwampDogs, has requested an extension of the current lease agreement with an expiration date of December 31, 2018 (attached) as per the agreed upon process for requesting this extension. Representatives from Hometown America Sports, Inc. and Fayetteville Technical Community College have met and agreed upon a mutually beneficial relationship that includes shared use of J.P Riddle Stadium. Staff has been involved in discussions with both parties, and it is evident that each party is ready and willing to share the facility and assure it is utilized and maintained to the benefit of the community.

In order to advance this relationship, Hometown America Sports, Inc. desires to address the following items in the existing lease:

- Expand the cap of twenty (20) non-Coastal Plain League (CPL) events to fifty (50) non-CPL events.
- Allow four (4) consecutive one-year extensions to Hometown America Sports, Inc. starting in 2020 and ending in 2023 for the continued use of J.P. Riddle Stadium.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends approval to move this item forward to the full Board of Commissioners as a Consent Agenda Item for further consideration at the November 5, 2018 regular meeting as a consent agenda item for: 1) the initial resolution of intent to lease certain real property, and 2) required 30-day advertising as per N.C.G.S. 160A-272.

Commissioner Adams, Chair of the Facilities Committee, stated the background information and associated documents were provided prior to the meeting in the agenda packet. Tracy Jackson, Assistant County Manager, introduced Dr. Larry Keen, Fayetteville Technical Community College President, and Jeremy Aagard, Manager of the Swampdogs. Dr. Keen provided an update on Fayetteville Technical Community College's Baseball Program. Dr. Keen discussed a partnership between the Swampdogs and FTCC in which the community college's new baseball team will play their games at JP Riddle Stadium.

Commissioner Adams asked if Parks and Recreation is involved with the stadium because, if not, he believes the County should research the possibility of deeding the JP Riddle Stadium property to FTCC so the County does not have to be the "middle man" every time the contract needs to be renewed. Ms. Cannon stated Parks and Recreation is not involved with the JP Riddle Stadium, the County maintains the property working with Mr. Jeremy

Aagard. Commissioner Council asked County staff to research the matter regarding the possibility of deeding the JP Riddle Stadium over to FTCC and bring a recommendation back.

Commissioner Adams asked if the proposed agreement could be tweaked where the Swampdogs shall pay the County seven percent (7%) of the gross revenues derived from concessions at non-CPL events and pay Fayetteville Technical Community College three percent (3%) of the gross revenues derived from concessions at non-CPL events for a total of ten percent (10%). Jeremy Aagard, Swampdogs, stated the three percent increase would be a minimal piece. Dr. Keen stated the three percent would be helpful to Fayetteville Technical Community College.

MOTION: Commissioner Council moved to recommend to move this item to the full Board of Commissioners as a Consent Agenda Item for further consideration at the November 5, 2018 regular meeting for 1: the initial resolution of intent to lease certain real property, and 2: required 30-day advertising as per N.C.G.S. 160A-272 with the addition that the Swampdogs shall pay the County 7% of the gross revenues derived from concessions at non-CPL events and FTCC 3% of the gross revenues derived from concessions at non-CPL events.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (2-0)

Commissioner Adams, Chairman of the Facilities Committee, requested Item #4 be discussed next.

4. CONSIDERATION OF CONTRACT FOR EAST SLOPE CLOSURE PROJECT AT THE ANN STREET LANDFILL

BACKGROUND:

There are specific areas within landfill cells one through eight that have reached the final elevations in which waste can be placed at the Ann Street Landfill. Therefore, these areas can be officially closed out or capped. Capping these areas will tremendously reduce the maintenance costs as well as increase the ability to maintain compliance with environmental regulations. The project scope includes surveying, clearing, site preparation, soil placement, geosynthetics, stormwater berms, stormwater pipes, landfill gas pipe and seeding.

A non-mandatory pre-bid meeting was held on September 20, 2018, in which all specialty contractors were invited to attend. The bid opening was initially scheduled for October 11, 2018, however it had to be rescheduled due to Hurricane Michael. The bid opening was rescheduled for October 16, 2018. The lowest, responsible and responsive bid was submitted by Shamrock Environmental Corporation in the amount of \$4,058,342.20. A 10% contingency is included in the contract amount. The project was included in the FY19 Budget in the amount of \$3,550,000. Therefore, a budget ordinance amendment will be required to transfer money from Solid Waste Fund Balance in the amount of \$508,343 in order to award the contract.

RECOMMENDATION/PROPOSED ACTION:

The Engineering & Infrastructure Director and County Management recommend that the Facilities Committee approve the following recommendations and forward it to the Board of Commissioners as a Consent Agenda Item for consideration at their November 19, 2018 regular meeting.

1. Accept the bids for the East Slope Closure Project at the Ann Street Landfill and award a contract to Shamrock Environmental Corporation in the amount of \$4,058,342.20 inclusive of 10% for contingency purposes.
2. Approve Budget Ordinance Amendment #B191061 in the amount of \$508,343 for additional funding needed to award a contract for the bid amount. This amount is the difference between the bid amount and the budgeted amount. The additional funding is being transferred from Solid Waste Fund Balance.

Mr. Brown reviewed the background information and recommendation as recorded above.

Commissioner Adams, Chairman of the Facilities Committee, stated the background information and associated documents were provided prior to the meeting.

There were no questions or discussion.

MOTION: Commissioner Council moved to recommend to the full board approval to 1. Accept the bids for the East Slope Closure Project at the Ann Street Landfill and award a contract to Shamrock Environmental Corporation in the amount of \$4,058,342.20 inclusive of 10% contingency purposes and 2. Approve Budget Ordinance Amendment #B191061 in the amount of \$508,343 for additional funding needed to award a contract for the bid amount. This amount is the difference between the bid amount and the

budgeted amount. The additional funding is being transferred from Solid Waste Fund Balance and request this be put on the Board of Commissioners November 19, 2018 meeting as a Consent Agenda Item.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (2-0)

3. CONSIDERATION OF CONTRACT FOR PARKING LOT IMPROVEMENTS AT CROWN COMPLEX

BACKGROUND:

The Capital Improvement Plan (CIP) identified repairs for the East Parking Lot and the remaining portion of the Agri-Expo parking lots at the Crown Complex. The project consists of asphalt removal, asphalt paving and pavement markings for the both parking lots.

A pre-bid meeting was held on October 1, 2018, in which all local contractors were invited to attend. The bid opening was originally scheduled for October 15, 2018, but due to an insufficient number of bids, the bid opening had to be rescheduled. The bid meeting is scheduled for October 26, 2018. The received bids will be presented to the Facilities Committee at the November 1st meeting along with a recommendation to award a contract to the lowest, responsible and responsive bidder. A contingency amount will also be presented to the Facilities Committee for approval as part of the project to address any changes or additional work recommended by the Engineering & Infrastructure (E&I) Director and approved by the County Manager.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee approve the following recommendations and forward them to the Board of Commissioners as a Consent Agenda item at their November 19th regular meeting:

1. Accept the bids and award a contract to the lowest, responsible and responsive bidder.
2. Establish a contingency to be used for additional work recommended by the E&I Director and approved by the County Manager.

Jeffery Brown, Engineering & Infrastructure Director, reviewed the background information and recommendation as recorded above.

There were no questions or discussion.

MOTION: Commissioner Council moved to recommend to the full board approval to accept the bids and award a contract to Highland Paving Company, LLC. in the amount of \$1,328,480, the lowest, responsible and responsive bidder and establish a contingency in the amount of \$100,000 to be used for additional work recommended by the Engineering & Infrastructure Director and approved by the County Manager and forward to the Board of Commissioners as a Consent Agenda item at their November 19, 2018 regular meeting.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (2-0)

5. DESIGN BUILD DELIVERY METHOD FOR CONSTRUCTION PROJECTS:

A. CONSIDERATION OF ESTABLISHMENT OF CRITERIA FOR DESIGN BUILD DELIVERY METHOD FOR CONSTRUCTION PROJECTS

BACKGROUND:

On August 23, 2013, Session Law 2013-401, House Bill 857, was signed into law, authorizing the governmental entities to utilize the design-build delivery method for construction contracts. The first step in the process for utilizing the design-build delivery method is that a governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project. The criteria proposed is the following:

Criteria 1: The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder. The design-build delivery method may be used if it is determined that, for the project, the County has professional personnel that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications for a design-builder.

Criteria 2: The time constraints for the delivery of the project. The design-build delivery method may be used if a project has a firm date by which a facility must be operational,

and the normal delivery method is likely not be timely (typically RFQ, study, design, bid and construct). The size and cost of a project will dictate complexity and schedule.

Criteria 3: The ability to ensure that a quality project can be delivered. The design-build delivery method may be used if it is determined that, for the project, the County has professional and experienced personnel to ensure that the design-build firm will provide a quality project within the budget constraints established by the Board. Consideration will be given to the qualifications and experience of the personnel in the Engineering & Infrastructure Department.

Criteria 4: The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. The design-build delivery method may be used if it is determined that, for the project, the County has professional and experienced personnel that are knowledgeable of design-build projects, or, in the alternative, experienced consultants who are available to be retained to perform the construction management of a design-build contract.

Criteria 5: A good faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which will ensure that contractors will comply with the M/WBE goals.

Criteria 6: The criteria utilized by the County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified. The criteria utilized by the County when considering a design-build delivery method for a project will be as follows:

- Is the project well defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
- Is the project timeline overly constrained and will it be necessary to have the project complete and operational within a short timeframe?
- Will it be necessary to have beneficial use of a portion of the project while it is under construction?
- Given the scope of the project, is there a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
- Does the design-build delivery method meet the ultimate operational goals established for a given project and the quality of product achieved as a result of a more fluid and flexible delivery method?

In general terms, if it is determined that the expected expense of a design-build project will be no more than ten percent (10%) greater than the expected expense of a traditional RFQ, study, design, bid and construct project, the design-build delivery method may be utilized.

RECOMMENDATION/PROPOSED ACTION:

The Engineering & Infrastructure Director and County Management recommend that the Facilities Committee approve the establishment of criteria for a design-build delivery method for construction projects and forward it to the Board of Commissioners as a Consent Agenda item at their November 19th regular meeting.

Mr. Brown reviewed the background information and recommendation as recorded above. Commissioner Adams the Board of Commissioners need to be able to see the criteria is met.

MOTION: Commissioner Council moved to recommend to the full board approval to establish the criteria for a design-build delivery method for construction projects and forward to the Board of Commissioners as a Consent Agenda item at their November 19, 2018 regular meeting.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (2-0)

B. CONSIDERATION OF UTILIZING DESIGN BUILD DELIVERY METHOD FOR THE LANDSCAPING FACILITY PARKING LOT SLOPE STABILIZATION PROJECT

BACKGROUND:

The Capital Improvement Plan (CIP) identified slope stabilization repairs for the Landscaping Parking Lot. The Engineering and Infrastructure Department has reviewed the design-build delivery method for this project. The project meets the criteria based on the following:

Criteria 1: The Cumberland County Engineering & Infrastructure Department has professional personnel that are both qualified and experienced to thoroughly define the project requirements prior to the issuance of a request for qualifications for a design-builder.

Criteria 2: The Landscape Parking Lot Slope Stabilization has to be performed while maintaining accessibility to the parking lot. The parking lot is utilized by staff and there

are limited storage options for equipment. Additionally, the parking lot continues to face erosion issues by weather events, putting the limited space we have at risk. A traditional delivery method would not be timely, as the County would have to issue an RFQ, an engineering firm perform a study, complete a design, then bid and construct the project. A design-build delivery method would allow for the selected firm to begin their study, design and construction process upon being selected through the RFQ process.

Criteria 3: The Cumberland County Engineering & Infrastructure Department has professional and experienced personnel to ensure that the design-build firm will provide a quality project within the budget constraints established by the Board.

Criteria 4: The Cumberland County Engineering & Infrastructure Department has professional and experienced personnel that are knowledgeable of design-build projects. Should it become necessary to contract the construction management of a design-build contract, there are experienced consultants local to Cumberland County that are available.

Criteria 5: The County complies with G.S. 143-128.2, G.S. 143-128.4.

Criteria 6: The design-build process may reduce the project schedule by approximately three to six months. This has a direct benefit to the project budget. The design-build delivery method is not expected to involve any additional expense than the expected expense of a traditional RFQ, design, bid-construct project, but by reducing the timeframe of delivery, it eliminates the potential for price escalation that could occur if a traditional RFQ, design, bid-construct project was pursued. Additionally, reducing the project schedule directly impacts reducing the property loss occurring at the Landscaping Parking Lot and along the property's slope.

RECOMMENDATION/PROPOSED ACTION:

The Engineering & Infrastructure Director and County Management recommend that the Facilities Committee approve the design-build delivery method for the Landscaping Parking Lot Slope Stabilization Project and forward it to the Board of Commissioners for as a Consent Agenda item at their November 19th regular meeting.

Mr. Brown reviewed the background information and recommendation as recorded above.

Commissioner Adams requested that the qualifications of the Engineering Staff be included for documentation purposes when forwarding this item to the Board of Commissioners.

MOTION: Commissioner Council moved to recommend to the full board approval to the design-build delivery method for the Landscaping Parking Lot Slope Stabilization and forward to the Board of Commissioners as a Consent Agenda item at their November 19, 2018 regular meeting.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (2-0)

6. MONTHLY PROJECT UPDATES

Mr. Brown provided a report to the Facilities Committee detailing monthly project updates.

7. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 10:31 AM.