

State Building Commission

Annual Report

Required under G.S. 143-135.26(13)



October 1, 2013

ANNUAL REPORT OF THE STATE BUILDING COMMISSION

September 2013

This report covers the activities of the State Building Commission from July 1, 2012 through June 30, 2013. It is submitted to comply with GS 143-135.26 which requires that the Commission submit an annual report of its activities to the Governor and the Joint Legislative Commission on Government Operations.

MEMBERSHIP

The State Building Commission consists of nine members appointed by the Governor, the President Pro Tem and the Speaker of the House. The membership during the period of this report was as follows:

Governor's Appointees

Licensed Architect	Katherine N. Peele, FAIA, LEED AP
Employee of the University System	Jorge Quintal, PE (Chairman)
Licensed Electrical Contractor	Samuel D. Vaughan, Jr.

President Pro Tem's Appointees

Registered Engineer	William M. Smith, PE, LEED AP
Public Member (Building Construction)	Valoree Eikinas, PE, LEED AP
Public Member	John Muter

Speaker's Appointees

Licensed Building Contractor	Marshall L. Gurley, Sr.
Representative of Local Government	Rodney Dickerson
Licensed Mechanical Contractor	James T. Driscoll, Jr.

MEETINGS

The State Building Commission held nine meetings. All meetings were held in the State Construction Office Conference Room on the fourth floor of the NC Education Building, Raleigh.

STAFF

The State Construction Office of the Department of Administration provides staff for the State Building Commission. The Director of the State Construction Office serves as secretary.

POWERS AND DUTIES

The State Building Commission has the following powers and duties with regard to the State's capital facilities development and management program as contained in GS 143-135.26:

- (1) To adopt rules establishing standard procedures and criteria to assure that the designer selected for each State capital improvement project, the consultant selected for planning and studies of an architectural and engineering nature associated with a capital improvement project or a future capital improvement project and a construction manager at risk selected for each capital improvement project has the qualifications and experience necessary for that capital improvement project or the proposed planning or study project. The rules shall provide that the State Building Commission, after consulting with the funded agency, is responsible and accountable for the final selection of the designer, consultant or construction manager at risk except when the General Assembly or the University of North Carolina is the funded agency. When the General Assembly is the funded agency, the Legislative Services Commission is responsible and accountable for the final selection of the designer, consultant, or the construction manager at risk and when the University is the funded agency, it shall be subject to the rules adopted hereunder, except it is responsible and accountable for the final selection of the designer, consultant, or construction manager at risk. All designers and consultants shall be selected within sixty days of the date funds are appropriated for a project by the General Assembly or the date of project authorization by the Director of the Budget; provided, however, the State Building Commission may grant an exception to this requirement upon written request of the funded agency if (i) no site was selected for the project before the funds were appropriated or (ii) funds were appropriated for advance planning only; provided, further, the Director of the Budget, after consultation with the State Construction Office, may waive the sixty-day requirement for the purpose of minimizing project costs through increased competition and improvements in the market availability of qualified contractors to bid on State capital improvement projects. The Director of the Budget also may, after consultation with the State Construction Office, schedule the availability of design and construction funds for capital improvement projects for the purpose of minimizing project costs through increased competition and improvements in the market availability of qualified contractors to bid on State capital improvement projects.

The State Building Commission shall submit a written report to the Joint Legislative Commission on Governmental Operations on the Commission's selection of a designer for a project within thirty days of selecting the designer.

- (2) To adopt rules for coordinating the plan review, approval, and permit process for State capital improvement and community college buildings, as defined in subdivision (4) of this section. The rules shall provide for a specific time frame for

plan review and approval and permit issuance by each agency, consistent with applicable laws. The time frames shall be established to provide for expeditious review, approval, and permitting of State capital improvement projects and community college buildings. To further expedite the plan review, approval, and permit process, the State Building Commission shall develop a standard memorandum of understanding to be executed by the funded agency and all reviewing agencies for each State capital improvement project. The memorandum of understanding, at minimum, shall include provisions for establishing:

- a. The type and frequency of plan reviews.
 - b. The submittal dates for each plan review.
 - c. The estimated plan review time for each review and reviewing agency.
 - d. A schedule of meeting dates.
- (2a) To adopt rules exempting specified types of State capital improvement projects, including community college buildings as defined in subdivision (4) of this section, from plan review.
 - (3) To adopt rules for establishing a post-occupancy evaluation, annual inspection and preventive maintenance program for all State buildings.
 - (4) To develop procedures for evaluating the work performed by designers and contractors on State capital improvement projects and those community college buildings, as defined in G.S. 143-336, requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129, and for use of the evaluations as a factor affecting designer selections and determining qualification of contractors to bid on State capital improvement projects and community college buildings.
 - (5) To continuously study and recommend ways to improve the effectiveness and efficiency of the State's capital facilities development and management program.
 - (6) To request designers selected prior to April 14, 1987, whose plans for the projects have not been approved to report to the Commission on their progress on the projects. The Department of Administration shall provide the Commission with a list of all such projects.
 - (7) To appoint an advisory board, if the Commission deems it necessary, to assist the Commission in its work. No one other than the Commission may appoint an advisory board to assist or advise it in its work.
 - (8) To review the State's provisions for ensuring the safety and health of employees involved with State capital improvement projects, and to recommend to the appropriate agencies and to the General Assembly, after consultation with the Commissioner of Labor, changes in the terms and conditions of construction

contracts, State regulations, or State laws that will enhance employee safety and health on these projects.

- (9) To authorize a State agency, a local governmental unit, or any other entity subject to the provisions of G.S. 143-129 to use a method of contracting not authorized under G.S. 143-128. An authorization under this subdivision for an alternative contracting method shall be granted only under the following conditions:
- a. An authorization shall apply only to a single project.
 - b. The entity seeking authorization must demonstrate to the Commission that the alternative contracting method is necessary because the project cannot be reasonably completed under the methods authorized under G.S. 143-128 or for such other reasons as the Commission, pursuant to its rules and criteria, deems appropriate and in the public's interest.
 - b1. The entity includes in its bid or proposal requirements that the contractor will file a plan for making a good faith effort to reach the minority participation goal set out in G.S. 143-128.2.
 - c. The authorization must be approved by a majority of the members of the Commission present and voting.

The Commission shall not waive the requirements of G.S. 143-129 or G.S. 143-132 for public contracts unless otherwise authorized by law.

- (10) To adopt rules governing review and final approval of plans that are submitted to the State Construction Office pursuant to G.S. 58-31-40. The rules shall provide for the manner of submission of the plan by the owner, the type of structural work that may be completed by the owner pursuant to G.S. 58-31-40(c), and the expeditious review or completion of review of the plan in a manner that ensures that the building will meet the fire safety requirements of G.S. 58-31-40 (b).
- (11) To develop dispute resolution procedures, including mediation, for subcontractors under any of the construction methods authorized under G.S. 143-128 (a1) on State capital improvement projects, including building projects of The University of North Carolina, and community college buildings as defined in subdivision (4) of this section, for use by any public entity that has not developed its own dispute resolution process.
- (12) To adopt rules governing the use of open-end design agreements for State capital improvement projects and community college buildings as defined in subdivision (4) of this section, where the expenditure of public money does not exceed the amount specified in G.S. 143-64.34(b) or (c).
- (13) To submit an annual report of its activities to the Governor and the Joint Legislative Commission on Governmental Operations

DESIGNER SELECTIONS

Attached is a summary showing all designer selections by the State Building Commission for this fiscal year.

SUBCOMMITTEE

General Conditions

In June 2012 the State Building Commission (SBC) established a work group to develop a contractor evaluation form for informal projects. The work group included Gregory Driver (State Construction Office), Luke Hoff (UNC Chapel Hill), Willy Yamamoto (North Carolina State University), Bill Bagnell (East Carolina University), Mac Fake (UNC Charlotte), Gordon Rutherford (UNC General Administration), Rodney Dickerson (State Building Commission member) and Jorge Quintal (State Building Commission Chairman).

The work group agreed that the parameters to be included in the contractor evaluation must be adequately represented in the terms and conditions of the informal construction contract. Therefore, the work group agreed to conduct a complete review of the existing standard form of contract for informal projects.

From June to November 2012, the work group:

- a. Reviewed the existing State Construction Standard form of Informal contract
- b. Reviewed terms and conditions used by other agencies
- c. Recommended changes to the existing document to the State Construction Office
- d. The Director of the State Construction Office agreed to adopt the proposed changes

The work group then developed a contractor evaluation for informal projects which was adopted by the State Building Commission in April 2013.

ANNUAL STATE CONSTRUCTION CONFERENCE

On March 28, 2013, members of the State Building Commission participated in the 32nd Annual State Construction Conference. This conference was attended by 977 people representing State agencies and institutions, architects, engineers, contractors, subcontractors and construction attorneys to discuss mutual concerns related to the planning, design and construction of the State capital improvement projects.

Chairman Quintal presented Certificates of Merit from the State Building Commission to:

DESIGNERS

Pearce Brinkley Cease & Lee

North Carolina State University
James B. Hunt Library

Snohetta

North Carolina State University
James B. Hunt Library

JKF Architecture

Pitt Community College
New Academic Classroom Building

Smith Sinnett Architecture

Environment and Natural Resources
Parks and Recreation
Morrow Mountain State Park Boathouse

CONTRACTORS

Skanska

North Carolina State University
James B. Hunt Library

D.H. Griffin Construction

UNC Chapel Hill
Steam Tunnel Replacement

SBC APPROVED DESIGNER SELECTIONS for FY 12-13 (July 1, 2012 - June 30, 2013)

<u>SBC SELECTION</u>	<u>DEPARTMENT</u>	<u>AGENCY/DIVISION</u>	<u>PROJECT TITLE</u>	<u>DESIGNER</u>
07/24/12	Administration	State Construction	State Highway Patrol Driver Training Track Resurfacing	L.S. Agnew, Jr., P.E.
08/28/12	Environment and Natural Resources	Waste Management	Inactive Hazardous Sites Cleanup Fund, Pre-Regulatory Landfill Unit	ATC Associates of North Carolina, P.C.
08/28/12	Environment and Natural Resources	Waste Management	Inactive Hazardous Sites Cleanup Fund, Pre-Regulatory Landfill Unit	E.S.P. Associates, P.A.
08/28/12	Environment and Natural Resources	Waste Management	Inactive Hazardous Sites Cleanup Fund, Pre-Regulatory Landfill Unit	Smith Gardner, Inc.
08/28/12	Environment and Natural Resources	Waste Management	Inactive Hazardous Sites Cleanup Fund, Pre-Regulatory Landfill Unit	CDM Smith, Inc.
10/23/12	Agriculture and Consumer Services	State Fair	Commercial/Education Building Parking Lot Renovation	CLH Design, P.A.
10/23/12	Justice	Justice Academy	New Western Crime Lab	Roughton, Nickelson, De Luca Architects, P.A.
11/27/12	Commerce	Employment Security	Kendall Complex - Mechanical and Electrical Renovations	Dewberry & Davis, Inc.
11/27/12	Environment and Natural Resources	Ecosystem Enhancement Program	2013 On-Call Design and Consulting Services	Confluence Engineering, PC
01/22/13	Transportation		Currituck Welcome Center	JKF Architecture PC
03/05/13	Agriculture and Consumer Services	State Fair	Dorton Arena HVAC Renovation	Sigma Engineered Solutions, PC
03/05/13	Environment and Natural Resources	Parks and Recreation	Haw River State Park: Youth Dormitory cabin Renovations	Teague Freyaldenhoven Freyaldenhoven Architects and Planners, LLP
03/05/13	Environment and Natural Resources	Parks and Recreation	Lake James State Park: New Tent Camping Loop	Bulla Smith Design Engineering, P.A.
03/05/13	Environment and Natural Resources	Parks and Recreation	Fort Macon State Park; Bathhouse Renovations	Burnette Architecture and Planning, P.A.
03/26/13	Environment and Natural Resources	NC Zoological Park	Ocelot Habitat Exhibit	Moser Mayer Phoenix Associates, P.A.
03/26/13	Environment and Natural Resources	Waste Management	Dry-Cleaning Solvent Cleanup (DCSA) Program	ATC Associates of North Carolina, P.C.
03/26/13	Environment and Natural Resources	Waste Management	Dry-Cleaning Solvent Cleanup (DCSA) Program	AECOM Technical Services of NC, Inc.
04/23/13	Environment and Natural Resources	Wildlife Resources	Marion Hatchery Renovation	Mathews Architecture, P.A.
04/23/13	Environment and Natural Resources	Wildlife Resources	McKinney Lake Hatchery Kettle Replacement	JBS Consulting, P.A.
04/23/13	Environment and Natural Resources	Wildlife Resources	Watha Hatchery Residences	Burnette Architecture and Planning, P.A.
05/28/13	Administration	State Construction	State Highway Patrol Training Academy - Building 10 Renovations	HH Architecture, P.A.
05/28/13	Transportation	Highway Maintenance and Equipment	Division 2 Equipment Shop	MHAWorks, P.A.
05/28/13	Transportation	Highway Maintenance and Equipment	Division 9 Equipment Shop	Davis Kane Architects, P.A.