

ANNUAL REPORT OF THE STATE BUILDING COMMISSION

July 2009

This report covers the activities of the State Building Commission from July 1, 2008 through June 30, 2009. 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 | Lou Jurkowski, AIA |
| Employee of the University System | Kevin J. MacNaughton, PE |
| Licensed Electrical Contractor | Sam Vaughan |

President Pro Tem's Appointees

| | |
|---------------------------------------|---------------------------------------|
| Registered Engineer | Stephen Criscenzo, PE (Vice Chairman) |
| Public Member (Building Construction) | Terry F. Turner |
| Public Member | John Muter |

Speaker's Appointees

| | |
|------------------------------------|--------------------------|
| Licensed Building Contractor | John M. Thompson |
| Representative of Local Government | John Kirkland (Chairman) |
| Licensed Mechanical Contractor | Jim Driscoll |

MEETINGS

The State Building Commission held ten 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

Attachment A is a summary showing all designer selections by the State Building Commission.

ANNUAL STATE CONSTRUCTION CONFERENCE

On March 24, 2009, members of the State Building Commission participated in the 28th Annual State Construction Conference. This conference was attended by 984 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 Kirkland presented Certificates of Merit from the State Building Commission to:

DESIGNERS

JFK Architecture

Department of Environment & Natural Resources – NC Forest Service
Fire Control Facility for USAF Bomb Range in Dare County

Cahoon and Kasten, Architects

Department of Administration
Roanoke Island Festival Park Pavilion Renovation, Manteo, NC

CONTRACTORS

Barnhill Contracting Company

Department of Administration
Roanoke Island Festival Park Pavilion Renovation, Manteo, NC

Barnes & Powell Electrical Company, Inc.

East Carolina University
Jones and Garrett Residence Hall Fire Alarm Upgrades

BE&K Building Group

University of North Carolina at Chapel Hill
Brauer Hall Renovation

LeChase Construction

University of North Carolina at Chapel Hill
UMCA Building Renovation

Hudson Brothers Construction Company

East Carolina University
Installation of Sprinkler Systems in Cotton and Fleming Residence Halls

Rodgers Hardin
East Carolina University
Aycock Auditorium Renovation

Riley Contracting Group
North Carolina State University
1911 Building Renovation Project

Attachment

SBC APPROVED DESIGNER SELECTIONS for FY 2008 (July-1-2008 to June-30-2009)

| SBC SELECTION | DEPARTMENT | AGENCY/DIVISION | PROJECT TITLE | DESIGNER |
|---------------|-----------------------------------|---|---|---|
| 07/22/08 | Administration | SCO | History Museum - Security Improvements & Door Repairs | Stanford White, Inc. |
| 07/22/08 | Commerce | Wanchese Seafood Industrial Park Authority | Perquimans County Marine Industrial Park | Moffatt & Nichol |
| 07/22/08 | Crime Control & Public Safety | National Guard | Greensboro Readiness Center - Roof Replacement | Roof Engineering, Inc. |
| 07/22/08 | Cultural Resources | Historic Sites | Charlotte Hawkins Brown - Infrastructure Improvements | Cavanaugh & Associates, PA |
| 07/22/08 | Environment & Natural Resources | Museum Of Natural Sciences | Prairie Ridge Ecotision - Phase 2 | Frank Harmon, Architect, PA |
| 07/22/08 | Environment & Natural Resources | Parks & Recreation | Gorges State Park - Phase 1-B | System WorCox, PLLC |
| 07/22/08 | Health and Human Services | Property & Construction | 2008-2009 DHHS Annual Service Agreement (Commissioning) | RMF Engineering, Inc. |
| 07/22/08 | Health and Human Services | Property & Construction | 2008-2009 DHHS Annual Service Agreement (Commissioning) | System WorCox, PLLC |
| 07/22/08 | Environment & Natural Resources | Waste Management | Dry-Cleaning Solvent Clean-up Program | ATC Associates of NC, P.C. |
| 07/22/08 | Environment & Natural Resources | Waste Management | Dry-Cleaning Solvent Clean-up Program | Withers & Ravenel, Inc. |
| 08/26/08 | Cultural Resources | Historic Sites | Old Salem Heritage Education Center Renovation | Calloway Johnson Moore & West, PA |
| 08/26/08 | Environment & Natural Resources | NC Aquariums | Aquarium Pier at Nags Head (Commissioning) | The Wooten Company |
| 09/23/08 | Justice | SBI | Addition to SBI Buildings 17 & 18 | BJAC, pa |
| 09/23/08 | Health and Human Services | O'Berry Neuro-Medical Treatment Center | Roof Replacement for ELC-5 | Hobbs Architects, P.A. |
| 10/28/08 | Agriculture and Consumer Services | WNC Agricultural Center | McGough Arena Renovations | Architectural Design Studio, PA |
| 10/28/08 | Health and Human Services | Western NC School For The Deaf | Roof Replacement for House 12 | CBSA Architects, Inc. |
| 01/13/09 | Correction | Correction General | Western Youth Institution - Perimeter Security Fence Modifications | Woolpert North Carolina, PLLC |
| 01/13/09 | Health and Human Services | Black Mountain Neuro-Medical Treatment Center | Moore Building - Chiller Replacement | Progressive Design Collaborative, Ltd. |
| 01/13/09 | Health and Human Services | Dorothea Dix Campus | McBryde Building - Elevator Upgrades | The Wooten Company |
| 01/13/09 | Health and Human Services | Longleaf Neuro-Medical Treatment Center | Standby Generator Upgrades | Sigma Engineered Solutions, PC |
| 01/13/09 | Health and Human Services | Murdoch Developmental Center | Roof Replacement for 3 Cottages | Roof Systems Engineers, PC |
| 01/13/09 | Environment & Natural Resources | Ecosystem Enhancement Program | 2009 On-Call List for Future Wetland, Stream & Riparian Buffer Projects | 18 Firms* (see Attachment) |
| 02/24/09 | Agriculture and Consumer Services | WNC Agricultural Center | Davis Arena Renovation & Expansion | Calloway Johnson Moore & West, PA |
| 02/24/09 | Agriculture and Consumer Services | Southeastern NC Agricultural Center | New Pavilion | Bowman, Murray, Hemingway Architects, PC |
| 02/24/09 | Environment & Natural Resources | Water Quality | Reedy Creek Laboratory Complex - HVAC Renovations | Sigma Engineered Solutions, PC |
| 02/24/09 | Environment & Natural Resources | NC Zoological Park | Polar Bear Exhibit Expansion & Renovation | HH Architecture, PA |
| 03/30/09 | Cultural Resources | Historic Sites | USC NC Battleship Renovation | LS3P Associates LTD |
| 03/30/09 | Cultural Resources | Historic Sites | Boiler Plants for Enterprise Laundry (Butner, Morganton & Goldsboro) | RMF Engineering, Inc. |
| 03/30/09 | Environment & Natural Resources | NC Aquariums | NC Transportation Museum - Powerhouse Renovations | Willard Farm Architects, PA |
| 04/28/09 | Correction | Correction General | Aquarium Pier at Emerald Isle | Moffatt & Nichol |
| 04/28/09 | Transportation | DMV | Central Prison - Elevator Modernization/Repair | John B. Hawkins, AIA, Architect |
| 06/23/09 | Crime Control & Public Safety | National Guard | New Hanover County DMV-SHP Complex (Commissioning) | Hanson Professional Services, Inc. |
| 06/23/09 | Environment & Natural Resources | Parks & Recreation | Gastonia Readiness Center Upgrades | Architectural Design Studio, PA |
| 06/23/09 | Environment & Natural Resources | Wildlife Resources Commission | Haw River State Park - Improvements to Youth Conference & Admin | Edwin Bouldin, Architect, PA |
| 06/23/09 | Administration | Veterans Affairs | Hinson Lake Dam Repairs | McKim & Creed, PA |
| 06/23/09 | | | New Skilled Nursing Facilities for Kinston & Buncombe (Commissioning) | Facility Dynamics Engineering Corporation |



January 13, 2009

North Carolina Department of Environment and Natural Resources
Division of Purchase and Services

Michael F. Easley, Governor

Michael G. Bryant, Director

William G. Ross Jr., Secretary

December 2, 2008

State Construction Office
DEC 02 2008

Mr. Gregory A. Driver, Secretary
State Building Commission
Suite 450, NC Education Building
301 N. Wilmington Street
Raleigh, North Carolina 27601-2827

Subject: DENR, EEP ²⁰⁰⁹ ~~2008~~ On-Call Design and Consulting Services
Code: 24304 Item: 2984

Dear Mr. Driver:

This project has been advertised in the North Carolina Purchase Directory. All procedures prescribed by the State Building Commission were followed leading to a recommendation as follows:

1. Axiom Environmental, Inc. - Willow Springs, NC
2. Confluence Engineering, PC - Asheville, NC
3. Ecological Engineering, LLP - Holly Springs NC
4. EcoScience Corporation - Raleigh, NC
5. Equinox Environmental Consultation and Design, Inc. - Asheville, NC
6. Jordan Jones & Goulding, Inc. - Charlotte, NC
7. KCI Associates of North Carolina, PA - Raleigh, NC
8. Kimley-Horn & Associates, Inc. - Raleigh, NC
9. Ko & Associates, PC - Raleigh, NC
10. MACTEC Engineering and Consulting, Inc. - Raleigh, NC
11. Michael Baker Engineering, Inc. - Cary, NC
12. Mulkey, Inc. - Raleigh, NC
13. Robert J. Goldstein & Associates, Inc. - Raleigh, NC
14. Stantec Consulting Services, Inc. - Raleigh, NC
15. Tetra Tech, Inc. - Raleigh, NC
- 16 ~~17~~. Ward Consulting Engineers, PC - Raleigh, NC
- 17 ~~18~~. Wildlands Engineering, Inc. - Charlotte, NC
- 18 ~~19~~. Wolf Creek Engineering, PLLC - Asheville, NC