



## Buncombe County Board of Commissioners

### Request for Board Action

**Meeting Date: 5/21/2024**

#### Consent Agenda

**Department:** General Services

**Presenter(s):** Scott Metcalf

**Contact(s):** Scott Metcalf

**Subject:** Pre-Construction services contract with Vannoy Construction for the FY24 Courthouse Renovation Project.

**Brief Summary:** The FY24 Courthouse renovation project will consist of replacing the plumbing infrastructure inside the old courthouse while maintaining normal courthouse operations. General Services recommends Construction Manager at Risk (CMAR) services to complete this project since it is very complex and will require multiple levels of phasing. CMAR services will also help mitigate fluctuating costs in the current construction market. Pre-construction services are the first step forward in this process and include the following:

- Cost estimating
- Value engineering
- Project scheduling
- Developing scopes of work
- Preparing bid packages
- Other services necessary for project completion

In November of 2023, General Services released an RFQ seeking CMAR services for the FY24 Courthouse Renovation project. There were five statements of qualifications received and scored by members of Buncombe County General Services. Vannoy Construction scored the highest of the statements received. As a result, staff met with and negotiated a pre-construction services contract with Vannoy Construction for \$168,848. Vannoy Construction will work closely with the design team to develop the complete scopes of work, provide cost estimates throughout design, develop bid packages, and ensure that the project is completed within budget and satisfactorily for Buncombe County.

**Recommended Motion & Requested Action:** Recommend executing the CMAR Pre-Construction contract with Vannoy Construction.

**County Manager's comments and Recommendation:** Approve as presented.

**STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE**

**FY24 COUNTY COURTHOUSE RENOVATION & REPAIR  
PRECONSTRUCTION SERVICES CONTRACT**

THIS AGREEMENT is made and entered into this the 19<sup>th</sup> day of April 2024, by and between **BUNCOMBE COUNTY** and **JAMES R. VANNOY AND SONS CONSTRUCTION CO., INC.** (hereinafter referred to as Vannoy Construction).

WHEREAS, Buncombe County needs the services of a Construction Manager At Risk for Preconstruction Services associated with the design and development of the FY24 County Courthouse Renovation & Repair; and

WHEREAS, the facility will be funded through FY24 capital projects; and

WHEREAS, Buncombe County requested Statements of Qualifications from parties interested in providing Construction Manager At-Risk services for the project; and

WHEREAS, proposals were received on April 15, 2024, and based on the proposals submitted, the County has determined that the team of Vannoy Construction will provide the best combination of qualifications and experience necessary to perform the services of a Construction Manager At-Risk on this project; and

WHEREAS, Vannoy Construction accepts a relationship of trust and confidence between Vannoy Construction and Buncombe County and undertakes to act as Buncombe County's fiduciary in matters related to the project; and

WHEREAS, Vannoy Construction agrees to furnish their best skills and best judgment to cooperate with Buncombe County and the Architect during the design of the project and in all ways to further the interests of Buncombe County and the project; and

WHEREAS, Vannoy Construction agrees to furnish efficient engineering reviews and business administration during the Preconstruction Services phase of this project.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, Buncombe County and Vannoy Construction agree as follows:

Preconstruction Services. Preconstruction services shall be provided in accordance with the Fee Proposal for Preconstruction Services submitted by Vannoy Construction, advertisements, and the "Request for Proposals for Construction Manager at Risk Services and Providing a Guaranteed Maximum Price for the FY24 County Courthouse Renovation & Repair," which documents are hereby incorporated by reference.

Payments to CMAR. Buncombe County will compensate Vannoy Construction for Preconstruction Services in the amount of one hundred sixty-eight and eight hundred forty-eight dollars (\$168,848.00), which shall be payable as outlined in the Fee Proposal upon satisfactory completion of preconstruction services described in this agreement.

Mediation. Any claim, dispute, or other matter in question arising out of or related to this Agreement shall be subject to voluntary non-binding mediation as a condition precedent to the institution of legal or equitable proceedings by either party. If the parties are unable to agree upon a certified mediator to hear

their dispute, the President of the Buncombe County Bar Association shall name a mediator to hear the matter.

The parties shall equally share the mediator's fee. The mediation shall be held in Asheville at a location designated by the mediator selected to hear the matter.

Legal Proceedings. Claims, disputes and/or other matters in question between the parties that are not resolved by mediation shall be heard in the North Carolina General Courts of Justice in Asheville, Buncombe County, North Carolina, which said Court shall have jurisdiction to hear any dispute between the parties arising out of this agreement. The Parties hereby agree that this paragraph establishes exclusive and sole jurisdiction for any legal proceeding in Buncombe County, North Carolina.

Termination without Cause. The County may terminate this contract without cause by giving 14 days written notice to the Contractor. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the County, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made.

IN WITNESS WHEREOF, this Agreement has been executed by Buncombe County and Vannoy Construction by and through a duly authorized representative, and is effective the date and year first above written.

**JAMES R. VANNOY AND SONS CONSTRUCTION CO., INC.**

BY:

TITLE:

\_\_\_\_\_  
\_\_\_\_\_

**BUNCOMBE COUNTY**

BY:

TITLE:

\_\_\_\_\_  
\_\_\_\_\_

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

X

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Buncombe County Finance Director



January 20, 2023

Attn: Mr. Scott Metcalf

Buncombe County Government  
40 McCormick Place  
Asheville, NC 28801

Dear Mr. Metcalf,

Thank you for the opportunity to be a part of the team on the FY24 County Courthouse Renovation & Repair Project. We would propose a total preconstruction fee of \$168,848.00 for the proposed scope.

We intend to continue our work with the owner and design team providing budgets at each stage while reviewing the construction documents and providing review related comments to ensure we have clear and well-defined contract documents for bidding and construction. We will provide value engineering as part of this process and set up related bid documents in the form of a bid manual containing all the necessary documents to bid the project including but not limited to bid package, scopes of work, allowances, unit prices, alternates, overall project schedule, site utilization plan, required bid forms, and other bid related information. We will advertise for bidder prequalification, prequalify bidders, propose a prequalified bidders list to the owner, bid the project publicly and select the lowest qualified bidders under the direction of the owner.

If this proposal is acceptable, please let us know and your office or we can draft a preconstruction contract reflecting the budget and fee amounts. Again, we appreciate the opportunity to provide our services on this project and look forward to its successful completion.

Respectfully,

A handwritten signature in blue ink, appearing to read 'TJ Hollars', is written over a light blue circular stamp.

TJ Hollars  
Senior Project Manager  
**Vannoy Construction**  
**(828)-265-6447**