

STATE BUILDING COMMISSION

March 27, 2007
10:00 a.m.
New Education Building, Suite 450
Raleigh, NC

M I N U T E S

MEMBERS PRESENT

Chairman Kevin MacNaughton, John Kirkland, Buren Williford, Steve Criscenzo, John Thompson, Terry Turner, Paul Boney, Lou Jurkowski, Ron Hinson

OTHERS PRESENT

Lauren Vincent (UKS Corporation); Mark Adkins (Delta Consultants); Glenn Olsen, Paul Warne (Olsen Associates); Perry Safran, Riana Smith (Safran Law Offices); Bill Schmithonst (CH2MHill); L. Monetz (TRC); Gordon Rutherford, Sid Stone (UNC); Susan Gentry (Department of Insurance); Don Teeter, LeAnn Rhodes, Dana Phillips, D. Stacy (Department of Justice); Chris Ivers (NC Aquarium); Niki Fountain, Dianne Thomas, Delonda Alexander, Dolan Simmons (Department of Environment & Natural Resources); John Lail (Department of Health & Human Services); Kent Yelverton (Department of Agriculture & Consumer Services); Greg Driver, Bill Davis, Ryan Scruggs, Veronica Howell (State Construction Office)

1. CALL TO ORDER

Chairman Kevin MacNaughton called the meeting to order at 10:00 a.m.

STATE GOVERNMENT ETHICS ACT

Chairman MacNaughton informed members that as a result of changes to the State Government Ethics Act, there was a new protocol the Commission was required to follow. He had just attended training on the ethics changes and would share what he learned with the Commission. The Act identifies categories of people who are designated as "covered persons." Commission members fall into this category. The new Act requires that lobbyists report contacts with covered persons, so he cautioned members to always be aware of who they are talking to. The new act also requires that an Ethics Awareness and Conflict of Interest Reminder (Attachment A) be read at the beginning of Commission meetings. Any member who has a conflict of interest or appearance of conflict of interest regarding any matter coming before the Commission is then required to refrain from participating in the matter.

After discussion regarding conflicts of interest and clarification of the Act by Attorney Don Teeter, the Commission decided that the statement would be read at the beginning of each meeting and any member having a conflict of interest with a selection or issue coming before the Commission, would identify the issue to the Chairman and recuse from the vote or refrain from participation on the issue. Reading of the Ethics Statement and subsequent statements of a conflict of interest by Commission members will be recorded in the minutes. Attorney Don Teeter agreed to talk further with the Ethics Commission soon to discuss the procedures and report to the Commission at a later date.

ETHICS STATEMENT

Chairman MacNaughton read the following Ethics Statement.

Ethics Awareness and Conflict of Interest Reminder

In accordance with the State Government Ethics Act, it is the duty of every State Building Commission member to avoid both conflicts of interest and appearances of conflict.

Does any Commission member have any known conflict of interest or appearance of conflict with respect to any matters coming before the Commission today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

Steve Criscenzo recused from Agenda Item 6c (Dry Cleaning Solvent Cleanup Act (DSCA) Program.

2. APPROVAL OF MINUTES

Ron Hinson made a motion to approve the minutes of the February 20, 2007, Commission meeting and the motion was seconded by Lou Jurkowski. The minutes were approved as written.

Chairman MacNaughton asked members for feedback on the Electronic Advance Review Process initiated in the prior meeting. Response was favorable. This process will continue; however, additional steps will be taken to ensure the confidentiality of the information.

Chairman MacNaughton stated that Design Firm Selections listed as Agenda Items 3–6b would be voted on as a group and Item 6c would be discussed and voted on individually.

3. SELECTION OF DESIGN FIRM – DEPARTMENT OF JUSTICE

NC Justice Academy
New Entrance for Western Justice Academy

The project was advertised in the Purchase Directory January 17-29, 2007. Four firms responded; none were interviewed. The Pre-selection Committee recommended the following firms in priority order.

- #1 Mattern & Craig – Asheville, NC
- #2 McGill Associates – Asheville, NC
- #3 Vaughn & Melton – Asheville, NC

4. SELECTION OF DESIGN FIRM – DEPARTMENT OF HEALTH & HUMAN SERVICES

Wright School
New Entrance for Western Justice Academy

The project was advertised in the Purchase Directory December 29, 2006, through January 18, 2007. Thirteen firms responded; none were interviewed. The Pre-selection Committee recommended the following firms in priority order.

- #1 Hoke/New Vision Architects – Durham, NC
- #2 W.W. Kingsbury, Architect – Durham, NC
- #3 JAE Architecture, Inc. – Wake Forest, NC

5. SELECTION OF DESIGN FIRM – DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

a. WNC Farmers Market
Roof and Ventilation System Repairs and Miscellaneous Improvements

The project was advertised in the Purchase Directory on January 12, 2007. Five firms responded; none were interviewed. The Pre-selection Committee recommended the following firms in priority order.

- #1 PBC+L Architecture – Asheville, NC
- #2 Masters Gentry Architects, PA – Asheville, NC
- #3 2H Design Services, PA – Charlotte, NC

b. NC State Fair
Infrastructure Renovations

The project was advertised in the Purchase Directory on December 12, 2006. Twelve firms responded; four were interviewed. The Pre-selection Committee recommended the following firms in priority order.

- #1 Dewberry & Davis, Inc. – Raleigh, NC
- #2 Municipal Engineering Services Company – Garner, NC
- #3 The Wooten Company – Raleigh, NC

c. Old Health Building
Renovation and Repairs – Phase 2

The project was advertised in the Purchase Directory on December 13, 2006. Twelve firms responded; four were interviewed. The Pre-selection Committee recommended the following firms in priority order.

- #1 HH Architecture, PA – Raleigh, NC
- #2 Roughton, Nickelson, De Luca Architects, PA – Durham, NC
- #3 Sears, Hackney, Keener & Williams, Inc. – Cary, NC

6. **SELECTION OF DESIGN FIRMS – DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES**

a. Fort Fisher Aquarium
Entrance Area Awning

The project was advertised in the Purchase Directory on February 21, 2007. Three firms responded; none were interviewed. The Pre-selection Committee recommended the following firms in priority order.

- #1 BMS Architects, PC – Wilmington, NC
- #2 James T. Vinson, Architect – Raleigh, NC
- #3 Laughing Dog Studio Architecture, PLLC – Charlotte, NC

b. Fort Fisher Aquarium
Cape Fear Shoals Exhibit Chiller and Air Handler Renovation

The project was advertised in the Purchase Directory on February 21, 2007. Seven firms responded; none were interviewed. The Pre-selection Committee recommended the following firms in priority order.

- #1 MCBH Engineers, PLLC – Wilmington, NC
- #2 United Engineering Group, Inc. – Charlotte, NC
- #3 Peterson Associates – Charlotte, NC

John Thompson made a motion to approve the Committee's recommendations for Agenda Items 3-6b. The motion was seconded by John Kirkland. The selections were approved as recommended.

c. Division of Waste Management
Statewide Dry Cleaning Solvent Clean-up Contracts

The project was advertised in the Purchase Directory on November 28, 2006. Twenty-eight firms responded; nine were interviewed. The Pre-selection committee recommended award of three contracts to the following firms in priority order.

- #1 ATC Associates of NC, PC – Raleigh, NC
- #2 Hart and Hickman, PC – Charlotte, NC
- #3 URS Corporation-North Carolina – Charlotte, NC
- #4 CH2M Hill, Inc. – Raleigh, NC
- #5 Arcadis G&M of NC – Raleigh, NC
- #6 TRC Environmental Corporation – Raleigh, NC

John Thompson made a motion to approve the Committee's recommendation. The motion was seconded by Paul Boney. Steve Criscenzo recused from the vote. The selections were approved as recommended.

Chairman MacNaughton advised members that Agenda Item 10 – New Business: Stakeholders Group Report would be moved ahead of remaining agenda items since Lou Jurkowski had to leave early.

NEW BUSINESS

SCO/DOI/UNC Stakeholders Group Report

Greg Driver discussed the structure of the Stakeholders Group, meetings, and the challenges they face. He also noted there should be a UNC side and an agency side since some Recommendations were group specific.

Susan Gentry from Department of Insurance talked about changes they had implemented such as a "fast track review process" for small projects, hopefully, with a two-week turn-around; and an "express team review" for urgent projects such as when ordered by the courts.

Ron Hinson stated that retainage and change orders were the biggest concern right now.

7. REPORTS – UNIVERSITY OF NORTH CAROLINA GENERAL ADMINISTRATION

- a. Designer Selections for Project Greater than \$2 Million
- b. Designer Selections for Projects Less than \$2 Million
- c. Open-end Designer Agreements
- d. Status of CM at Risk Projects Advertised after January 1, 2002
- e. Status of Original Nineteen CM at Risk Projects

Gordon Rutherford presented these reports. There was general discussion on CM at Risk. Paul Boney asked about bills introduced in Legislative regarding construction. Greg Driver stated that he would send members a list of all bills regarding State Construction before the next meeting. Buren Williford asked about the retainage bill. Greg Driver stated that there was a bill that had been introduced in the Senate.

8. INFORMATION

- a. Project Distribution
Greg Driver presented the report.
- b. Emergency Selections
 - (1) North Carolina Central University – Replace UPS Unit
 - (2) Department of Environment & Natural Resources – Division of Parks and Recreation
Hammocks Beach State Park – Dredging in Cove Channel

Greg Driver presented the briefly discussed the emergency selections. No action by the Commission was required.

9. OLD BUSINESS

- a. Evaluation Forms
Greg Driver stated that the Designer Evaluation Form was on the web. Chairman MacNaughton requested that the previously approved Contractor Evaluation Form also be placed on the web.

Mr. Driver advised members that the HUB language on the Contractor Evaluation Form was being reviewed by Don Teeter and should be on the web shortly.

b. Subcommittee Appointments

Steve Criscenzo, Lou Jurkowski, John Thompson, Paul Boney, and Greg Driver volunteered to serve on the Subcommittee on Recommendations by the Legislative Study Commission on State Construction Inspections. Chairman MacNaughton appointed Steve Criscenzo to chair the subcommittee. Mr. Criscenzo stated he would schedule a subcommittee meeting prior to the next Commission meeting.

Members decided that these same members would serve on the Rule Changes Subcommittee.

c. Feedback on New Electronic Advance Material Review

Commission members felt the advance review process was helpful and decided to continue with this method. In the future, Ryan Scruggs will read each designer selection before the vote is taken by the Commission. After all selections have been presented and voted on, the meeting will then pause and allow agency representatives to exit before the meeting resumes.

10. **NEW BUSINESS**

See "New Business" above

11. **SCHEDULE NEXT MEETING**

The next meeting was scheduled for April 24, 2007, at 10:00 a.m.

12. **ADJOURNMENT**

Steve Criscenzo made a motion to adjourn the meeting. The motion was seconded by John Thompson. Chairman MacNaughton adjourned the meeting at 11:15.