



## REQUEST FOR BOARD ACTION

ITEM NO. 15.

**DATE OF MEETING:** November 2, 2009

**REQUESTED BY:** David McCole, Finance Director

**SHORT TITLE:** Resolution Authorizing Contracts with and Purchase Orders to LP3P Associates, Ltd., in the Amount of \$373,910.00 for Design Services Related to the Heide Trask Auditorium/Gymnasium Project

**BACKGROUND:** Of the \$56 million school bond referendum approved by voters on May 3, 2005, \$2.2 million was allocated for the construction of a Performing Arts Center at C. Heide Trask High School. In 2007 this Board authorized \$180,894 to LS3P for this purpose. During 2007 and 2008, that money was invoiced by and paid to LS3P for work they undertook to meet the initial objectives of this project. Since revisiting this project with the County Board of Commissioners on August 18, 2009 the project has changed to an Auditorium/Gymnasium. LS3P has presented the Board of Education with the attached contract for \$373,910 to design and construct a \$4,399,960 project on the following time schedule:

Schematic Design:	September 15, 2009
Design Development/Construction Documents/Approvals	November 15, 2009
Bid	December 15, 2009
Notice to Proceed	December 31, 2009

At this time, the schools are requesting approval of this contract and associated purchase order.

The County and Schools have entered into the appropriate agreements to permit the County to pay the bills associated with construction in order to recapture the sales taxes paid and realize a substantial savings.

**SPECIFIC ACTION REQUESTED:** The Board of Commissioners is requested to authorize a contract with and purchase order to LS3P Associates, Ltd., in the amount of \$373,910 as described above.

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

    TB      
Initial

**RESOLUTION:**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners

that contracts and purchase orders to LS3P Associates, Ltd., are authorized in the amount of \$373,910 for design services related to construction of the C. Heide Trask Auditorium/Gymnasium.

63-406465-6073      Heide Trask Auditorium/Gymnasium

The Chairman/County Manager is authorized to execute any documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_      SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_      DENIED \_\_\_\_\_      UNANIMOUS

YEA VOTES: Tate \_\_\_ Brown \_\_\_ Blanchard \_\_\_ Rivenbark \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Jimmy T. Tate, Chairman      11/02/09  
DATE

\_\_\_\_\_  
ATTEST      11/02/09  
DATE

# AIA<sup>®</sup> Document G802<sup>™</sup> – 2007

## Amendment to the Professional Services Agreement

Amendment Number: 005 (August 19, 2009)

TO: David Smith - Pender County Schools  
(Owner or Owner's Representative)

In accordance with the Agreement dated: June 26, 2006 (master contract)

BETWEEN the Owner:  
(Name and address)

Pender County Schools  
925 Penderlea Highway  
Burgaw, NC 28425

and the Architect:  
(Name and address)

LS3P ASSOCIATES LTD.  
2528 Independence Blvd., Suite 200  
Wilmington, NC 28412

for the Project:  
(Name and address)

Heide Trask High School - New Auditorium and Auxiliary Gymnasium  
14328 NC Highway 210  
Rocky Point, NC 28457

Authorization is requested  
 to proceed with Additional Services.  
 to incur additional Reimbursable Expenses.

As Follows:

See Attachment A - Letter to David Smith dated August 19, 2009 and Attachment B - Standard Agreement Provisions and Hourly Rates (June 2008)

The following adjustments shall be made to compensation and time.  
(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)

Compensation:

\$ 373,910.00. See Attachment A - Letter to David Smith dated August 19, 2009 and Attachment B - Standard Agreement Provisions and Hourly Rates (June 2008)

Time:

See Attachment A - Letter to David Smith dated August 19, 2009

SUBMITTED BY:

*(Signature)*

Charles H. Boney, Jr., AIA - LEED AP  
Principal / Vice President

*(Printed name and title)*

8/20/09

*(Date)*

AGREED TO:

*(Signature)*

Thomas Roper  
Pender County Board of Education

*(Printed name and title)*

8-25-09

*(Date)*

*(Signature)*

Christopher L. Boney, AIA - LEED AP  
Principal / Vice President

8/20/09

*(Date)*



ATTACHMENT A

19 August 2009

M. David Smith  
PENDER COUNTY SCHOOLS  
925 Penderlea Highway  
Burgaw, NC 28425

**RE: Heide Trask High School  
Auditorium and Auxiliary Gymnasium  
LS3P# 7201-091870**

Dear Mr. Smith,

The attached amendment for the work at Heide Trask High School is based upon the budget approved by the County Commissioners at their meeting on 17 August. We appreciate the trust and confidence you and Pender County Schools have continued to place in our firm, and we look forward to working with you to bring this project to completion.

We understand that this project will consist of the design of an auditorium and an auxiliary gym for the High School to include stage area, dressing rooms, and associated spaces. The assumed construction will include a structural steel frame with brick exterior, and the design will complement the existing campus architecture. Separate HVAC systems will be incorporated so the facilities can operate independently.

Our consultants for these projects have been selected based on familiarity with the local conditions, project expertise, and ability to perform the work in a timely manner. The base consultant team is as follows:

Structural Engineering  
P/M/E Engineering  
Civil Engineering

Andrew Engineering  
Cheatham and Associates  
NKT Engineers

**A. SCOPE OF WORK**

The project will include architecture, structural, plumbing, mechanical, and electrical engineering services. LS3P will oversee the design process and assist in obtaining pertinent approvals for construction.

During the bidding phase, we will advertise the project, respond to requests for information, receive bids, and oversee the bid process for Pender County Schools. Upon board approval of the bids, we will prepare an AIA contract for construction to be executed by Pender County Schools.

Following the bid phase, we will provide Construction Administration services for the work. This will include periodic site visits, response to Requests for Information (RFI's), submittal reviews, preparation of change order requests, and payment application certifications.

CHARLESTON

COLUMBIA

CHARLOTTE

RALEIGH

WILMINGTON

LS3P ASSOCIATES LTD.  
2528 INDEPENDENCE BLVD. SUITE 200

ARCHITECTURE

INTERIOR ARCHITECTURE

WILMINGTON, NORTH CAROLINA 28412 PH 910.790.9901 FAX 910.790.3111

PLANNING  
WWW.LS3P.COM



**B. BUDGET**

The budget approved by the County Commissioners on 17 August includes the following:

	AREA	COST BASIS	COST
MULTI-PURPOSE BUILDING	9,186	139.49	1,281,355
Piling Foundation (to save time in lieu of pre-loading)			140,000
Bleachers			18,000
300-SEAT AUDITORIUM	8,632	206.71	1,784,320
Dressing Rms & Storage	2,000	206.71	413,420
Fixtures & equipment allowance			27,000
Soils allowance			75,000
<b>Total construction costs</b>			<b>3,739,096</b>
Design Fee at 10%		10%	373,910
Contingency at 5%		5%	186,955
Special inspections allowance			50,000
Soil & Material testing allowance			50,000
<b>TOTAL PROJECT COST</b>			<b>4,399,960</b>

The attached chart indicates our projection of cash flow for the work.

**C. SCHEDULE**

I understand that funding for a portion of the work is conditional upon starting construction by 31 December, and we are prepared to work aggressively to meet that date. Meetings with faculty and parents will be held to refine and finalize the plans by mid-September to meet that goal.

Our schedule includes the following:

Schematic Design:	15 September 2009
Design Development/Construction Documents/Approvals	15 November 2009
Bid	15 December 2009
Notice to Proceed	31 December 2009

I have combined Design Development and Construction Documents phases in order to meet the project's schedule.

**D. PROJECT EXCLUSIONS**

The following items will be considered additional services and/or are outside of our scope of work:

- Permitting fees required by local and state agencies
- Reimbursable expenses in excess of those noted below
- Survey: Pender County Schools will provide a survey of the project area for our use (if previous survey requires amendments)



- Geotechnical services. We will rely upon previously-provided soil tests.
- Construction Phase testing. PCS will employ a testing firm to conduct required construction phase testing.
- Commissioning. No commissioning services are anticipated for this work.
- Special Inspections. If the local inspections jurisdiction should require special inspection services, this will be considered an additional service.

**D. REIMBURSABLE EXPENSES**

The fees listed below will include reimbursable expenses required for day to day execution of the project. Travel expenses and printing for bidding release and construction phase working drawings will be reimbursable and billed to PCS as a reimbursable expense. Attached to this proposal is a copy of our standard expense schedule.

**E. SCHEDULE OF FEES**

For the scope of work listed above, we propose a design fee of \$ 373,910. The work will be billed monthly, by percentage of phase complete. The billing schedule will be as follows:

Schematic Design	20 %	\$ 74,782.00
Design Development/Const. Documents	55 %	\$ 205,650.50
Bidding	5 %	\$ 186,955.50
Construction Admin.	20 %	\$ 74,782.00
<b>Total</b>	<b>100%</b>	<b>\$ 373,910.00</b>

We have attached an amendment for this work tying into our original contract with Pender County Schools dated June 26, 2006. LS3P ASSOCIATED LTD. appreciates this opportunity to work with Pender County Schools. We have enjoyed our association in the past, and look forward to the successful completion of this important project. Please contact me with questions regarding this proposal.

Sincerely,

LS3P ASSOCIATES, LTD.

Charles H. Boney, Jr., AIA, LEED AP  
 Vice President

Enclosures: AIA Amendment to Professional Services Agreement  
 Standard Agreement Provisions and Hourly Rates (June 2008)  
 Cash Flow Projection

Copy: Andy Aretakis, AIA  
 Elliott O'Neal  
 Kelly Walker

7201-091870-021-DS-proposal-081909



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## Standard Agreement Provisions And Hourly Rates June 2008

LS3P ASSOCIATES LTD. provides Architecture, Interior Architecture, and Planning Services on a time and materials basis as follows:

1. Compensation for Services provided by LS3P personnel shall be at the following hourly rates:

Senior Officer / Principal	\$230
Officer / Principal	\$205
Senior Project Manager	\$185
Project Manager	\$165
Senior Architect / Senior Interior Architect-Designer /Senior Planner	\$150
Architectural Staff III / Interior Architect-Design Staff III / Planning Staff III	\$125
Architectural Staff II / Interior Architect-Design Staff II / Planning Staff II	\$115
Architectural Staff I / Interior Architect-Design Staff I / Planning Staff I	\$100
Intern	\$85
Senior Technician	\$110
Technician	\$90
Administrative	\$75

2. For Services of Professional and Engineering Consultants including but not limited to Structural, Civil, Mechanical, Electrical, Plumbing, and Surveying Services, a multiple of 1.25 times the amount billed to LS3P will apply.

3. Minimum billable time for Depositions and Testimony is One-Half Day.

4. Billing will occur monthly or at the completion of the work, whichever comes sooner, with payments due upon receipt.

5. After thirty (30) days from the date of invoice, payments due and unpaid shall bear a late charge of one and one half percent (1.5%) per month from the date of invoice.



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6. This standard schedule is subject to change 6 months from date of issuance.
7. Reimbursable Expenses (i.e., Travel, Reproductions, Printing, Plots, Postage, Handling and Delivery, Facsimile, Long Distance Communications, Renderings, Models, etc.), incur a multiple of 1.1 times the amount expended by LS3P. For limited quantities of in-house print or electronic media production, the following billing rates will apply:

Black & White	Bond	Premium Bond	Black & White Scans
30" x 42"	\$4.00	N/A	\$2.00
24" x 36"	\$3.00	N/A	\$1.50
15" x 21"	\$2.00	N/A	\$1.25
11" x 17"	\$0.20	\$0.50	No Charge
8.5" x 11"/14"	\$0.10	\$0.25	No Charge

  

Color	Premium Bond	Satin	Gloss	High Res. Color Scans
30" x 42"	N/A	\$40.00	\$60.00	\$15.00
24" x 36"	N/A	\$30.00	\$45.00	\$10.00
15" x 21"	N/A	\$20.00	\$30.00	\$7.00
11" x 17"	\$2.00	\$4.00	\$6.00	\$3.00
8.5" x 11"/14"	\$1.00	\$2.00	\$3.00	No Charge

  

Electronic	Internet	CD	DVD	Digital Tape
Data Transfer	No Charge	\$5.00	\$15.00	\$100.00
Facsimile	No Charge			
Email / FTP	No Charge			

Large quantity reproductions, blue-line prints, black-line prints, sepia prints, high resolution scans, and other special graphic media formats will be outsourced at vendor pricing plus customary 10% markup.

8. Digital Reproduction of Documents and Instruments of Service (limited to CADD drawings only and not to be considered Contract Documents as defined by the General Conditions for the Contract for Construction) may be obtained for specific qualified purposes with appropriate authorization and subject to a Letter of Agreement stating Terms and Conditions for release. The following per sheet billing rates will apply to Electronic Documents:

Electronic Documents	Autocad®DWG	MicroStation®DGN	Adobe®PDF
CADD Sheets	\$30.00	\$30.00	\$5.00

Autodesk®AutoCAD® drawings are represented in the DWG file format and Bentley® MicroStation® drawings are represented in the DGN file format. Additional charges for file format conversion may apply. Adobe® PDF files are not modifiable and may be viewed using Adobe Acrobat Reader®, available as a free download at [www.Adobe.com](http://www.Adobe.com).

Heide Trask High School  
Auditorium and Auxillary Gymnasium  
Pender County Schools  
Cash Flow Projection

Month / Year	Design Fees	Construction Billings	Contingency	Monthly Total	Cumulative Total
September 1, 2009	\$ 74,782	\$ -	\$ -	\$ 74,782	\$ 74,782
October 1, 2009	\$ 102,825	\$ -	\$ -	\$ 102,825	\$ 177,607
November 1, 2009	\$ 102,825	\$ -	\$ -	\$ 102,825	\$ 280,432
December 1, 2009	\$ 18,695	\$ -	\$ -	\$ 18,695	\$ 299,127
January 1, 2010	\$ 6,232	\$ 119,395	\$ 15,580	\$ 141,207	\$ 440,334
February 1, 2010	\$ 6,232	\$ 318,260	\$ 15,580	\$ 340,072	\$ 780,406
March 1, 2010	\$ 6,232	\$ 204,240	\$ 15,580	\$ 226,052	\$ 1,006,458
April 1, 2010	\$ 6,232	\$ 434,202	\$ 15,580	\$ 456,014	\$ 1,462,472
May 1, 2010	\$ 6,232	\$ 435,355	\$ 15,580	\$ 457,167	\$ 1,919,639
June 1, 2010	\$ 6,232	\$ 634,220	\$ 15,580	\$ 656,032	\$ 2,575,671
July 1, 2010	\$ 6,232	\$ 314,040	\$ 15,580	\$ 335,852	\$ 2,911,523
August 1, 2010	\$ 6,232	\$ 309,045	\$ 15,580	\$ 330,857	\$ 3,242,380
September 1, 2010	\$ 6,232	\$ 368,168	\$ 15,580	\$ 389,980	\$ 3,632,360
October 1, 2010	\$ 6,232	\$ 380,837	\$ 15,580	\$ 402,649	\$ 4,035,009
November 1, 2010	\$ 6,232	\$ 129,378	\$ 15,580	\$ 151,190	\$ 4,186,199
December 1, 2010	\$ 6,231	\$ 191,955	\$ 15,575	\$ 213,761	\$ 4,399,960
<b>TOTAL</b>	<b>\$ 373,910</b>	<b>\$ 3,839,095</b>	<b>\$ 186,955</b>	<b>\$ 4,399,960</b>	