

VIRGINIA: At A Special Meeting of the Board of Supervisors for the County of
Accomack held in the Board of Supervisors Chambers in Accomac,
Virginia on the 10th Day of February, A.D., 2014.

Members Present: Wanda J. Thornton
Ron S. Wolff
Grayson Chesser
John Charles "Jack" Gray, Chair
Kay W. Lewis
Laura Belle Gordy
Robert D. Crockett
C. Reneta Major, Vice-Chair
Donald L. Hart, Jr.

Others Present: Steven B. Miner, County Administrator
Mark B. Taylor, County Attorney
Michael Mason, Finance Director
Shelia Goodman, Administrative Assistant

Call to Order

The meeting was called to order by the Chair and opened with a prayer by Mrs.
Lewis, after which the Pledge of Allegiance to the Flag was recited.

Consent Agenda

Mr. Wolff made motion to approve the following Consent Agenda items. Mrs.
Lewis seconded the motion. The motion was unanimously approved.

2.2 An Amendment to the Wallops Research Park Covenants grandfathering the
WING Building (Northrup Grumman).

2.3 The following Resolution to Enact Procedures for Design-Build Contracts.

Resolution of the Board of Supervisors of Accomack County To Enact Procedures for Design-Build Contracts

WHEREAS, the Code of Virginia enables the Board of Supervisors to enter into
contracts for construction on a fixed price or not-to-exceed price design-build or
construction management basis; and

WHEREAS, the Board of Supervisors finds that, in appropriate circumstances,
fixed price or not-to-exceed price design-build or construction management based
construction contracts may be financially advantageous for Accomack County or
otherwise advantageous in circumstances where competitive sealed bidding is
impractical; and

WHEREAS, the Code of Virginia requires the Board of Supervisors to adopt
procedures for design-build contracts consistent with procedures adopted by the Virginia
Secretary of Administration; and

WHEREAS, the Accomack County Design-Build Procedures have been prepared
in accordance with state law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of
Accomack County, Virginia hereby adopts the Design/Build Procedures attached hereto
as Exhibit A.

ACCOMACK COUNTY DESIGN BUILD (D/B) **PROCEDURES**

SUMMARY

These procedures to be followed by all departments, agencies and institutions of the County (each of which is hereinafter referred to as a "County Department") for the procurement of Design-Build ("D/B") contracts.

PREREQUISITES:

- The County will enter Design-Build (D/B) contracts only after it has determined, in writing by the County Administrator, that competitive sealed bidding is either not practicable or not fiscally advantageous to the public.
- Prior to using a D/B contract, a County Department must receive approval from the County Administrator.
- Procurement of a D/B contract is a two-step competitive negotiation process. Qualified offerors are first selected and then from among them, the design-build contractor.

KEY REFERENCES TO THE CODE OF VIRGINIA APPLICABLE TO THIS CHAPTER:

Section 2.2-4301: Definitions of design-build contract and other key terms
Section 2.2-4303(D) (4): Exceptions to competitive sealed bidding
Section 2.2-4308: Design-build contracts for public bodies other than the Commonwealth

1. General

A design-build contract is a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, road or other item specified in the contract. The County may contract to secure D/B projects on a fixed price or not-to-exceed price basis in accordance with Virginia Code § 2.2-4308(A), the requirements of that section, and the procedures adopted by the Virginia Secretary of Administration for utilizing design-build or construction management contracts. The County is authorized to use competitive negotiations to procure D/B contracts when it determines in advance, and sets forth in writing, that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

D/B contracts are intended to minimize the project risk for an owner and to reduce the delivery schedule by overlapping the design phase and construction phase of a project.

2. Procedure for Approval

Prior to taking any action, the County Department shall request authority, in writing and receive approval from the County Administrator, to use a D/B contract. The request shall justify and substantiate that D/B is more advantageous than a competitive sealed bid construction contract with a general contractor and shall indicate how the County will benefit from using D/B. The request shall also include a written justification that sealed bidding is not practicable and/or fiscally advantageous. These justifications for the use of D/B shall be stated in the Request for Qualifications. Approval or exceptions to this procedure may be granted by the County Administrator, who is the approving authority for requests to use D/B procedures.

3. Selection Procedures

On projects approved for D/B, procurement of the contract shall be a two-step competitive negotiation process. The following procedures shall be used in selecting a Design-Builder and awarding a contract:

(1) The Department Director, in consultation with the Purchasing and Contracts Manager (PCM), shall appoint an Evaluation Committee ("Committee") which shall consist of at least three members from the Department, including a licensed design professional, if possible. In addition to the Department members, the Committee shall include a licensed professional engineer or architect with competence appropriate to the project, employed by the County.

(2) The basis of the award of the contract shall be in accordance with Virginia Code § 2.2-4301(3) (b) and the criteria for the award shall be submitted to the County Administrator, in advance, for approval. It is noted that cost is a critical component of the selection process. Guidance on methods for award can be found in the *Virginia Construction and Professional Services Manual* (2012 Edition, as amended), Section 7.30.1.

(3) Selection of Qualified Offerors (Prequalification): On projects approved for D/B, the County Department may conduct a prequalification process as follows to determine which offerors are qualified to receive Request for Proposals (RFPs).

A, The County Department, with assistance from the PCM, shall prepare a Request for Qualifications (RFQ) containing the County Department's facility requirements, building and site criteria, site and

survey data (if available), the criteria to be used to evaluate RFQ responses and other relevant information, including any unique capabilities or qualifications that will be required of the contractor. All offerors shall be a licensed Class "A" contractor and an architect or engineer registered in the Commonwealth of Virginia as part of the Project Team.

B. The RFQ shall be posted in accordance with the current standards for the posting of public bids in the Virginia Code and in accordance with the latest edition of the *Construction and Professional Services Manual*.

C. The Committee shall evaluate each offeror's RFQ responses and any other relevant information and shall determine which offerors are fully qualified and suitable for the project.

D. The RFQ evaluation shall result in a short list of two to five offerors to receive the RFP. An offeror may be denied prequalification only as specified under Virginia Code § 2.2-4317, but the short list shall also be based upon the RFQ criteria.

E. At least thirty (30) days prior to the date established for the submission of proposals, the County Department shall advise, in writing, each offeror which sought prequalification, whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

(4) Selection of Design-Build Contractor:

A. Descriptive Notice of the RFP shall be published in a newspaper of general circulation and posted at least ten (10) days prior to the date set for receipt of proposals. If prequalification was conducted, the County Department, with assistance from the PCM, shall send an RFP to the D/B offerors on the short list for the project and request formal proposals from them. All RFPs for D/B contracts shall require two (2) separately sealed elements: the Technical Proposal and the Cost Proposal. The criteria for award shall be included in the RFP.

B. Sealed Technical Proposals as described in the RFP shall be submitted to the Committee. Separately-sealed Cost Proposals shall be submitted to the County's Purchasing Office and kept sealed until evaluation of the Technical Proposals and the design adjustments are completed.

C. STEP 1 – Technical Evaluation: The Committee will evaluate the Technical Proposals based on the criteria contained in the RFP. It will inform each D/B offeror of any adjustments necessary to make its Technical Proposal fully comply with the requirements of the RFP. In addition, the County Department may require that offerors make design adjustments necessary to incorporate project improvements and/or additional detailed information identified by the Committee during design development.

D. Based on the adjustments made to the Technical Proposals, the offeror may amend its Cost Proposal. In addition, an offeror may submit cost modifications to its original sealed Cost Proposal which are not based upon revisions to the Technical Proposals.

E. The Committee shall evaluate (and rank if technical rankings are to be considered as a criteria for award) the Technical Proposals, reporting its findings to the County Department Director and the PCM. Should the County Department, with the concurrence of the PCM, determine in writing that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror after approval by the County Administrator.

F. STEP 2 – Cost Evaluation: If more than one offeror is determined to be fully qualified, the County Department Director and the PCM shall open and the Committee shall evaluate the cost proposals, evaluate the value represented by each proposal, and apply the criteria for award as specified in the RFP and approved by the County Administrator.

G. The Committee shall make recommendation for the selection of a Design Builder to the PCM based on its evaluations of the technical and cost proposals and all amendments thereto. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.

H. The PCM shall notify the County Administrator of the Committee's recommendation for award and request permission to add consideration of the award to the Board of Supervisor's Agenda. Once approved by the Board of Supervisors, the PCM shall have authority to finalize a contract by processing the notice of award and providing supporting documents to the purchasing division via e-mail.

I. The PCM will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, the PCM may notify all offerors who submitted proposals of the County's intent to award the contract to a particular offeror at any time after the County has selected the Design-Builder. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.

J. Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

County Administrator's Proposed FY15 Annual Fiscal Plan

County Administrator Steve B. Miner presented the proposed FY2015 Fiscal Plan to the Board of Supervisors and stated that the budget presented was balanced with recommendations included. He said Finance Director Michael T. Mason would be explaining the budget in detail.

He told the Board the overall real estate/land values were continuing to decrease and that he was recommending an equalization to equalize revenues. He offered comments related to the EMS funding issue and said it was being depleted at a rapid rate and that he had made a recommendation concerning funding for EMS Services.

He referenced the following initiatives he had included in the budget;

- 1) The replacement of the Human Resources position and spoke at length concerning the position and its need, and
- 2) The Pay Classification Shared Services Study.

Finance Director Michael Mason gave a Fiscal Year 2015 Annual Fiscal Plan overview and orientation. He told the Board the FY15 Proposed Plan totaled \$53 million and approximately \$2.3 million was a one-time cost including an additional and a \$783,000 transfer to the County's "Rainy Day" Fund. He continued and stated the operation side of the budget reflects a 1.8% increase over the prior year.

He told the Board the 2014 reassessment was expected to yield a 3.4% reduction in taxable property values. The Proposed Plan recommended an increase in the real estate tax to equalize or offset the 3.4% reduction in revenue and the tax increase needed to obtain equalization was 2.5 cents. He said the Proposed Plan also recommended a

property tax increase of 2.5 cents to fully fund the cost of emergency medical services (EMS).

He stated on the expenditure side, the Proposed Plan funds an additional \$871,000 in new operational initiatives including \$217,000 in additional local funds for public education and \$1.5 million was directed towards addressing pressing capital needs.

Mr. Mason stated no salary increases were proposed, but the Plan did recommend a one-time 2% bonus for County and State-supported local positions.

The key issues addressed were the reassessment impact, EMS Fund sustainability, employee compensation, post-employment benefits, school funding, capital needs, and the “Rainy Day” stabilization fund contribution.

He informed the Board the health insurance decreased 12.7% and he responded to questions from the Board regarding health insurance. Mr. Mason explained the FY2015 additional requests from Departments and Agencies Summary. He told the Board of Supervisors the Departments and Agencies that were requesting additional funding will be held on February 12 and have been given 10 minutes or less to explain why they needed additional funding. Mr. Mason responded to questions from the Board concerning land use (SLEAC). A discussion continued on the SLEAC.

Mr. Miner thanked Mr. Mason and his staff for the wonderful presentation and all the hard work that was done preparing the budget and that a meeting on stormwater would have to be set.

A discussion took place.

It was the consensus of the Board to begin the meeting at 4:30 p.m. on February 12, 2014 to discuss the new stormwater regulations, and the budget work session at 5:30 p.m.

Adjournment

Mr. Wolff made a motion to adjourn the meeting to February 12 at 4:30 p.m. Mr. Crockett seconded the motion. The motion was unanimously approved. The meeting adjourned at 6:11 p.m.

John Charles “Jack” Gray, Chair

Date