

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 3, 2024

SUBJECT: JCAR – Architecture Letter

PRESENTER: Christopher Todd, Assistant County Manager

ATTACHMENTS: Yes

1. ASA 004 Decoupling of Courts and Jail

SUMMARY OF REQUEST:

The Board of Commissioners voted in May 2024 to alter the scope of the Courthouse addition and renovation project. As part of this rescoping, the board removed the fifth floor of the courthouse tower addition and directed staff to only do a minor renovation of the Courthouse.

The attached ASA 004 document is designed to memorialize the scope change as directed by the Board of Commissioners.

BOARD ACTION REQUESTED:

The Board is requested to review the ASA 004 and direct staff to respond to Fentress Architects accepting the ASA 004 document as drafted.

Suggested Motion:

I move the Henderson County Board of Commissioners direct staff to respond to Fentress Architects accepting the ASA 004 document as drafted.

~~June 17, 2024~~
July 9, 2024, Rev 01

Mr. Christopher Todd
Business and Community Development Director
Henderson County
100 North King Street
Hendersonville, NC 208792

Re: Henderson County Justice Center project
Additional Services Agreement (ASA) 004 – De-coupling of Courts and Jail
Project #20220006.004

Dear Mr. Todd:

We would like to confirm your authorization for this office to proceed with an additional design service for the above referenced Project. The additional service is associated with the de-coupling of the courts and jail projects. Pursuant to Section 4 of our Owner Architect Agreement dated June 17, 2022, this service is outside of our basic scope of services. All other terms and conditions of our agreement remain in effect.

This additional service includes several components. The Interim Additional Service letter dated March 9, 2024 (Rev 1) included four scope of work items. Due to the direction of the Henderson County Commissioner's vote on June 14, 2024, **five** additional items have been added and compiled in this ASA. These **nine** total items are described below with associated fees. Please remember, by necessity the work for items 1, 2, and 3 has already commenced and/or has been completed. Additional supporting information is provided in the attachments.

1. De-coupling of the Courts and Jail is a separation of the physical construction drawings and specifications for each building area and includes the separation of the design process and construction schedule. The original design process for the project's development and documentation included design efficiencies; by de-coupling the courts and jail into two distinct projects, the design team is no longer able to recognize the anticipated efficiencies. This includes time associated with independent and separate coordination, meetings, development, reviews, and QA/QC process. The increased schedule duration for separated courts and jail extended the courts project approximately one year compared to the original schedule, resulting in escalation of labor rates. The design team proposes as part of this ASA to issue multiple early release fast track bid packages during the Courts CD phase of the project to mitigate the resulting separation and enable the contractor to start construction prior to completion of the final Courts CDs, allowing for continuous work on the site. The revised construction schedule includes approximately six months of extended CA phase services. Total design team fee for item 1 is \$1,160,679.
2. Cross-over items are site and/or building elements that require a temporary design solution to be provided in the interim between proceeding with the jail design and documentation, and receipt of direction and Notice to Proceed for the courts building. Examples include inmate transfer connection, fire access at the north side of the jail, and temporary fire truck access route. Total design team fee for item 2 is \$21,600.
3. Courthouse VE cost option exploration is a study and assessment period for the design team to review and outline multiple options for the courthouse direction during the period from October 2023 to May 2024. Studies include the site, new courthouse annex, existing 95 building, and the jail building expansion. Several options were reviewed with OCMI to provide a cost estimate.

Other options were reviewed with WGLA and N&B for their internal review regarding functionality or drawing development. Cost estimate information was provided to Henderson County to aid in the review and approval. The fee for this item is based on T&M records attached for information. Total design team fee for item 3 is \$54,130.

4. Revise the SD drawings for the Courts to show the full extent and scope of the approved direction from the Board of Commissioners. The previously issued courthouse SD level drawings dated 4/28/2023, reflecting a 5-story building. Per the approved direction list the documents will be revised to indicate a 4-story building, with a fully developed 4th level courtroom layout, and the secure basement Judges' parking garage. This change will additionally require full review and adjustments in response to new department layouts. Examples of adjustments include elevations, building sections, stair sections, elevator sections, plans, and site grading. Total design team fee for item 4 is \$218,753.
5. Design Fee credit for removal of level 5 from the previously designed courthouse necessitates providing a design fee credit back to Henderson County for the design and engineering time associated with the 5th floor deletion. This credit includes design team scopes for DD, CD and CA phases. Note that level five is a duplication of level four and therefore all the floor development like typical details, specifications, MEP, and elevator design are still needed and will not generate a full fee credit. Total design team credit for item 5 is \$(-164,497).
6. Design Fee credit for not proceeding with the redesign of the 95 building includes the removal of the 95 building renovation scope of the project, including architectural and engineering time. It includes fees for DD, CD, and CA design phases. This value correlates directly to the approved fee schedule in the base contract agreement. The existing 95 building is a total of 98,677 SF over 3 floors. Total design team credit for item 6 is \$(-1,470,018).
7. Light touch includes the six areas in the existing 95 building where the new annex courthouse will physically connect (two locations on each of the three floors) to the 95 building. This light touch refers to the revision of the interior spaces of the 95 building to allow for new public and staff corridors to connect to the existing 95 building corridors and maintain all fire egress routes. The approved construction budget for this scope of work is \$1.5m. Total design team fee for item 7 is \$128,926.
- ~~8. Minor Shuffle is a multi-stepped approach to moving existing tenants in the 95 building to unrevised existing but vacated tenants' spaces. The vacated tenant spaces in the 95 building (and incorporated into the new courthouse building) will include the Security area, Clerk of Court, four courtrooms, and the Jury Assembly. Once these spaces are vacated, smaller tenants are planned to move to the vacated spaces over four different move phases. The approved budget for this scope of work is \$3.5m. The fee includes DD, CD, and CA design phases. Please see attached sheets, Existing Color Department plans and the Minor Shuffle plans. Total design team fee for item 8 is \$564,992.~~
9. Separate conditional zoning submittals for Courts and Jail includes a the three step site submittal process for the project needs to be de-coupled, and courts and jail individually submitted. Total design team fee for item 9 is \$22,000.
10. Revisions to the TIA (Traffic Impact Analysis) are required to reflect the building approved changes and the submittal process will need to be re-started. Total design team fee for item 10 is \$12,950.

There is an additional fee for this service, which shall be billed as indicated in Section 11 of the Agreement. Our fee for this service is a lump sum amount, **Zero Dollars and Zero Cents (\$0.00)**, including reimbursable expenses. ~~Parts of our approved current base fee will be re-allocated to accommodate the scope of work outlined in this ASA 04.~~

We have attached the revised Courts schedule that has been coordinated with the CMAR. It shows the expected design issue dates to support the CMAR site construction initiation. To meet this schedule, it is important for this ASA 04 to be reviewed, negotiated and executed quickly.

All billing for this work will be invoiced under the heading of #20220006.004.

Our fee is based on several assumptions. They are:

1. FF&E is not included
2. Existing FF&E inventory is not included
3. Move Management is not included
4. Food Service Design Consultant is not included
5. Design work associated with the minor shuffle for 95 building spaces and sizing of spaces are not comprised from the program and may be compromised based on existing conditions
6. Design and engineering fees associated with tenant "off-site" swing space is not included as part of this proposal
7. The existing 95 building does not include fire protection. The fees associated with connecting the new courthouse with the existing 95 building assume code authorities will accept a 2-hour fire barrier approach. If the code authorities do not accept this solution, an alternate 3-hour fire wall will be required and will impact the current design and layout of spaces, further impacting labor efforts
8. Laser scanning and as-built documentation of existing above ceiling elements is not included as part of the scope of services listed herein. We recommend engaging Haskell to provide these services
9. **As shown above and as discussed, item 8 Minor Shuffle is removed from the scope of services provided for in this ASA. This is due to its unknown condition and changeable nature. This removed scope of work will be pushed out to about a mid-CD phase start and does not need to be completed until after the completion of the new courthouse building, about three years. By pushing this scope forward, the extent of work and the priorities of Henderson County will become clearer and more defined, and then a separate ASA proposal can be provided for this scope of work. The attached sheets, Existing Color Department plans and the Minor Shuffle plans, are provided here for record (see Exhibit C and D, respectively)**

If the foregoing correctly states your understanding, please execute this letter and return it to this office.

Sincerely,

Fentress Architects



Charles Cannon, RA NCARB
Project Manager

cc/ne

encl: Exhibit A - FA Combined Fee Spreadsheet for ASA 004 Rev 01
Exhibit B - FA Interim ASA 004 dated March 9, 2024, Rev 1
Exhibit C - FA Existing Color Department Layout Plans (For Record, not applicable)
Exhibit D - FA Minor Shuffle Plans with four phases (For Record, not applicable)
Exhibit E - FA Courts Schedule
Exhibit F - FA Labor Detail for Henderson County ASA 004 (item 3 on FA Fee Spreadsheet)
Exhibit G - FA Expense reports (3 expense reports for item 3 on FA Fee Spreadsheet)
Exhibit H - FA 2024 Hourly Rate Fee Schedule

c: Nicole Encinias/Accounting Dept., Fentress Architects
S. White, Fentress Architects
A. Roberts, Fentress Architects