



## Henderson County Capital Projects

100 North King Street, Suite 206  
Hendersonville, North Carolina 28792

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**Memorandum To:** *Interested Qualified Firms*

**From:** *Bryan W. Rhodes*  
*Henderson County Project Manager*

**Subject:** ***RFQ: Construction Manager at Risk for the Judiciary Complex, Annex and Renovation Project Hendersonville, NC***

**Date:** *January 6<sup>th</sup>, 2023*

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### RFQ: Construction Manager at Risk

Henderson County is soliciting services from qualified Construction Managers, to provide services for a Renovation and Addition Project, to the Henderson County Courthouse and Detention Center, located in Hendersonville, NC. Interested qualified firms should submit **sealed** proposals, with 6 hard copies, for Construction Manager at Risk, to the following address as detailed below, no later than **1:30pm on February 3, 2023.**

Bryan W. Rhodes, Henderson County Project Manager  
100 N. King St. Suite 206  
Hendersonville, NC, 28792

**\*\* There is a MANDATORY PRE-PROPOSAL MEETING at 100 N. King St. Hendersonville, NC, 28792 1<sup>st</sup> Floor Meeting Room, at 1:30pm on January 25, 2023.**

#### **Proposed Scope of Service:**

The selected CMR firm will work with Henderson County's Project Superintendent and Project Manager, and the County's architect/design firm, Fentress Architects, to complete the project. The services requested must be by a firm with CMR experience and will be inclusive of both pre-construction and construction services.

#### **Project Overview:**

The overall project scope will include a Courthouse addition of an approximate 94,315 square feet and the renovations of the existing Courthouse of an approximate 99,100 square feet. In addition to the Courthouse, there will be additions to the Detention Facility of an approximate 58,069 square feet, and the renovations of the existing Detention Facility of an approximate 62,462 square feet. All necessary repairs and replacements of all building systems components including but not limited to HVAC, plumbing, electrical, structural, detention equipment, electronic security, AV equipment, data, courtroom technology, interior, and exterior finishes, envelope/enclosure, and parking, associated with a yet to be finalized design criteria and scope, are to be included in the project scope. A part of the CMR's scope will be the necessary programming with Henderson



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County, in order to provide cost estimates and schedules for project approval. Additionally, the CMR's services will be to provide the necessary Pre-Construction and Bid Administration for the bidding process and awarding of the trades, to ensure project success.

\*\*Although the exact cost for this project is yet to be determined, the estimated construction cost is 125-150 million dollars.

### **Format for Statements of Qualifications:**

Each proposal submitted (6 hard copies), in response to this solicitation should address the following elements:

1. A description of the professional qualifications of the firm and staff proposed for the Construction Manager at Risk services. Clearly indicate the experience (with current and previous firms) and roles of staff members. Include information about the firm's Licensure in North Carolina.
2. An explanation of the CMR's approach to addressing the proposed scope of services outlined in this document.
3. A brief description of projects completed that are similar in scope and size. For each project listed, please include the name of the entity and the name, and contact information of the person, who would be familiar with the work performed.
4. A schedule of hourly compensation rates for the proposed project team.
5. Additional references.

**Please note, firms may submit prior work product that shows their competence as it relates to this RFQ. However, firms may NOT submit work products or designs for the project described in this RFQ. Firms can NOT submit an estimated total fee, total contract price, or an estimation of hours involved in completing the project in response to this RFQ.**

### **Selection Process:**

Proposals submitted by the deadline will be evaluated by a not yet determined selection committee, comprised of representatives and staff from Henderson County. Each firm will be evaluated based upon the following weighted criteria.

The following criteria will be used to evaluate the solicitations:

1. Evaluation of Project Team (20%)
2. Firm's History and resource capability to perform and provide the required services (20%)
3. Previous descriptions of similar construction projects (20%)
4. Ability to relate to project requirements (20%)
5. Additional references. (10%)
6. Project Schedule (10%)

As a general guide to prospective proposers, the Professional Services selection procedures adopted by North Carolina, appropriately modified by Henderson County, will be employed in the selection process, and weighted as



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noted above. All proposals must include all aspects of North Carolina law and Henderson County policy. The owner may or may not interview potential candidates to assist in the selection process.

### **Standard of Award:**

The standard of award for this Request for Qualifications will be based on the demonstrated competence and qualifications of firms to provide Construction Manager at Risk services for the renovations and additions to Henderson County Courthouse and Detention Facility. Proposals will be reviewed after opening and will be ranked in order of choice based on selection criteria, at which point, contract negotiations will begin with the most qualified firm. Should negotiations fail with the initial qualified firm the County may, at its discretion, continue negotiations with lower ranked qualified firms. The County shall not be bound or in any way obligated until both parties have executed a contract. The County reserves the right to delay the award of a contract or to not award a contract.

Henderson County reserves the unqualified right to reject any and / or all statements of qualifications, and to waive any informalities in so far as it is authorized to do so and further specifically reserves the right to make the award in the best interest of the County. Qualified firms interested in providing qualification statements or having questions for this project may contact David Berry at [dberry@hendersoncountync.gov](mailto:dberry@hendersoncountync.gov).

### **CMR Requirements**

The CMR shall contract directly with the County for all construction; shall publicly advertise as prescribed in NCGS 143-129; and shall prequalify and accept bids from first tier sub-contractors for all construction work under this section. The CMR shall use the prequalification process determined by the County in accordance with NCGS 143-135.8, provided that the County and the CMR shall jointly develop the assessment tool and criteria for the specific project, which include the prequalification scoring and minimum required score for prequalification on the project (refer to Henderson County Pre-Qualification Policy). The County shall require the CMR to submit its plan for compliance with NCGS 143-128.2 for approval by the County prior to soliciting bids for the project's first-tier subcontractors. The CMR and first tier contractors shall make a good faith effort to comply with NCGS 143-128.2, NCGS 143-128.4, and to recruit small business entities. The CMR shall act as Henderson County's fiduciary in handling and opening the bids.

### **Qualification Criteria**

A. Experience and Performance on Projects of Similar Size and Scope. This includes consideration of references and client feedback from past and ongoing projects and a demonstrated ability to maintain project schedule and budget.

1. Firm Experience: The contractor or contractor's office that will handle this project has undertaken at least three (3) construction projects of similar complexity and comparable scope: minimum of 3 stories; governmental function; and dollar cost \$100 Million or similar building system components. The projects shall be sufficiently comparable so that the agency may conclude that the contractor is familiar with and capable of handling the project(s) described herein.

Preferred Firm Experiences:

- a. Working in a downtown urban environment with site constraints
- b. One judicial facility project and one detention facility project or more
- c. Multi-Phased Project – please identify phased project experience in proposal
- d. Previous CMAR experience on projects that exceed \$100 million in construction value



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e. Previous experience performing construction work on existing buildings

### 2. Project Team/Staffing:

- a. The successful organization shall provide and maintain an experienced, professional project team that is tailored to the size, complexity, and scope of work of the Project. It is recognized that the composition of the team will vary in response to the particular phases and needs of the Project. However, the Offeror is obligated to provide sufficient staffing with the qualifications required to expertly manage all construction activities relating to the Project at all times.
- b. By submitting a response, the Offeror agrees that no individual assigned to the Project shall be removed from the Project without the prior consent of the Owner.
- c. If the Offeror wishes to reassign an individual from the team assigned to the Project to another Project, the Offeror must make a formal, written request to the Owner and must verify that the Owner has received the request not later than ten (10) working days prior to the intended date of reassignment.
- d. The Owner will make the final, binding decision on a release from the Project of a member of the team not later than five (5) working days from the intended date of reassignment.
- e. The above process may be waived in cases of personal emergency or extreme personal hardship or duress. The burden of proving such conditions to the Owner remains with the Offeror. In cases in which the Owner requests the removal of a member of the team for the remainder of the duration of the Project, the Offeror's Project Manager or Principal-in-Charge will act upon such cases promptly and will, within 72 hours, propose a replacement to the Owner.

### 3. Key Personnel Experience:

- a. The Project Manager most likely to be assigned to this project has served as Project Manager on at least three (3) projects of similar complexity and comparable scope: 3 stories; Governmental function; and dollar cost \$100 Million; or similar building system components Equivalent or comparable experience may be considered, at the agency's sole discretion; however, it shall be sufficiently similar so that the agency may conclude that the proposed Project Manager is familiar with and capable of handling the project(s) described herein.  
Preferred Project Manager Experiences:
  - i. Working in urban environment
  - ii. One judicial or detention facility project or more
  - iii. Multi-Phased Project – please identify phased project experience in proposal
  - iv. Previous CMAR experience on projects that exceed \$100 million in construction value
  - v. Previous experience performing construction work on existing buildings
- b. The Superintendent most likely to be assigned to this project has served as Superintendent on at least three (3) projects of similar complexity and comparable scope: 3 stories; Governmental function; and dollar cost \$100 Million; or similar building system components Equivalent or comparable experience may be considered, at the agency's sole discretion; however, it shall be sufficiently similar so that the agency may conclude that the proposed Superintendent is familiar with and capable of handling the project(s) described herein.  
Preferred Superintendent Experiences:
  - i. Working in urban environment
  - ii. One judicial or detention facility project or more
  - iii. Multi-Phased Project – please identify phased project experience in proposal



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- iv. Previous CMAR experience on projects that exceed \$100 million in construction value
- v. Previous experience performing construction work on existing buildings

### **Payment and Performance Bonds**

The CMR shall provide Performance and Payment Bond issued and guaranteed by a North Carolina-licensed insurer in the amount of 100% of an event's estimated contract cost the bond shall continue throughout the contract execution period, from when the County issues a Notice to Proceed and Purchase or Contract Order, until such time as the scope of work contained in the contract is completed as determined by the County.

Bonds shall remain in effect until final acceptance of the project by the County or when final payment becomes due for a County Purchase Order initiated project or until the County determines the bond may be reduced or is no longer required. The Performance Bond and the Payment Bond shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina and shall become effective upon the execution of the Purchase Order.

The surety bonds must be in the form as provided by Surety Association of America, the American Institute of Architects (AIA-A312), Associated General Contractors of America, Engineers Joint Contract Documents Committee, American Consulting Engineers Council, American Society of Civil Engineers, and the Construction Specification Institute without any variations in the standard forms, or in any other forms authorized by North Carolina General Statute.

### **Licensure**

The CMR shall be a Licensed General Contractor in the State of North Carolina.

### **Compliance with Legal Requirements**

This Procurement will be in accordance with N.C.G.S. 143-128.1 and all applicable state and local laws, and Owner policies and procedures.

### **Minority and Disadvantaged Businesses:**

Pursuant to General Statutes of North Carolina Sections 143-128 and 143-131, the County encourages and provides equal opportunity for Certified Minority and Women- Owned Business Enterprise (MWBE) businesses to participate in all aspects of the County's contracting and procurement programs.

For Disadvantaged Business Enterprise requirements, see Minority Business Participation Guidelines posted under Doing Business with Henderson County at <https://www.hendersoncountync.gov/county/page/doing-business-henderson-county>.

### **Terms and Conditions:**

Any proposal submitted to Henderson County shall be deemed to include all the Terms and Conditions shown in the document found online at [https://www.hendersoncountync.gov/sites/default/files/fileattachments/henderson\\_county/page/42611/terms\\_and\\_conditions\\_02.23.2022.pdf](https://www.hendersoncountync.gov/sites/default/files/fileattachments/henderson_county/page/42611/terms_and_conditions_02.23.2022.pdf)



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These Terms and Conditions, which refer to a “purchase order”, shall be deemed to be included in any contract entered into as a result of this Request for Qualifications (“RFQ”).

Any attempt by a proposed contracting party (the “Bidder”) under the RFQ to exclude any of these Terms and Conditions shall cause any Proposal made in response to this RFQ to be deemed to be non-responsive (unless Henderson County has notified the Bidder that the funding source for the goods or work sought under this RFQ is not federal funds, in which case those provisions under number 15 of the Terms and Conditions (and all subparts thereunder) may be excluded from a Proposal.