REQUEST FOR QUALIFICATIONS



Pender County Finance PO Box 1578 805 S. Walker Street Burgaw, NC 28425

Park Design, Engineering and Construction **Administration – Central Pender Park Phase 1**

RFQ# 23-252

Addendum 2 Additional Questions & Answers

Issued:

07/26/2023 Responses Due: 08/01/2023 by 2:00pm

Trisha Newton, Purchasing Manager Contact: Phone: 910.259.1281 Email: purchasing@pendercountync.gov



Additional Q&A for Central Pender Park RFQ # 23-252

Q1 The RFQ is asking for a Statement of Qualifications but page 4 is asking for a fee schedule. Please confirm a fee schedule is not required since this is an RFQ not and RFP. (In North Carolina, the procurement of professional services performed by architects, engineers, surveyors, and construction managers at risk is governed by G.S. 143-64.31, sometimes referred to as the "Mini-Brooks Act." The QBS process is a procurement process that focuses on the qualifications of potential firms rather than their fees or the price of the contract. Local governments must use this process when selecting an architect, engineer, surveyor, construction manager. After evaluating RFQ responses submitted by interested firms, the unit of government can negotiate a "fair and reasonable" price for the contract with the firm the unit has determined is the best qualified based on the evaluation criteria used by the unit to evaluate responses. Contracts with an estimated cost of \$50,000 or more cannot be exempted and the QBS process must be used.)

A1. We are committed to fully comply with North Carolina statutes on QBS. In this case, we are only asking for <u>unit pricing</u>—most likely a simple existing price list of professional services. It is permissible to require this as part of or attached to a Statement of Qualifications. (Although it is certainly debatable how helpful the information may or may not be at this point in the process.) Nonetheless, we are following NC statutes as we are not seeking enough information to calculate an estimated cost of the project. Please reference an excerpt from NC § 143-64.31 (f) as well as an excerpt from the UNC School of Government's Coates' Cannon: NC Local Government Law Blog regarding interpretation of the statute.

Article 3D. Procurement of Architectural, Engineering, and Surveying Services. § 143-64.31. Declaration of public policy.

(f) Except as provided in this subsection, no work product or design may be solicited, submitted, or considered as part of the selection process under this Article; and no costs or fees, other than unit price information, may be solicited, submitted, or considered as part of the selection process under this Article.

Mini-Brooks Act FAQ's, Published: 09/28/11, Author Name: Norma Houston NOTE: This post has been updated to reflect changes enacted by the General Assembly in 2013 and 2014.

Is QBS the same as competitive bidding? Can we solicit price?

No. QBS is not competitive bidding, which focuses on price under the lowest responsive responsible bidder standard of award. In fact, the initial determination of which firm is the best qualified must be done "without regard" to the fee or price other than unit cost (an example of unit cost would be a general hourly fee, but articulation of fees that can be easily correlated as a fixed price or bid is prohibited, such as including both hourly fees and an estimate of the number of hours to complete the project). So, the unit of government cannot request firms to submit an estimated total fee or contract price when responding to the RFQ, and firms are prohibited from submitting this information whether or not requested by the local government. And, if a firm submits price information, the local government is prohibited from considering it.

Q2. Can the County send us their preliminary breakdown of construction costs of the \$2,825,000 budget for review?

A2. See attached project worksheet that was submitted for the PARTF grant. – Attachment A

Q3. Has the county already coordinated the environmental requirements and or permits for the jurisdictional streams on the property?

A3. We have a Wetland Delineation as attached—Attachment B. The awarded firm should coordinate additional requirements.

Q4. Has or will the County be contracting separately for the geotechnical engineering report (needed for structural design and permitting of structure and light pole footings?)A4. The County expects the awarded firm to coordinate.

Q5. Has the County already obtained permission from the utility purveyor to place park improvements (grading, trails, parking) within the 100' utility easement?

A5. We have reached out to Four County for initial information. We will need to follow up before bidding. See attached email—Attachment C.

Q6. The park master plan mentions Long Creek, Malpass Corner and Canetuck community parks on the west side. Not mention of this site. How did you acquire this property?

A6. This property was acquired in 2021. The 2022 Parks and Recreation Master plan refers to this project site as the "proposed US 117 District Park" as it had not been named Central Pender Park at the time the master plan was adopted. It can be found on pages 54 and 55 in the master plan.

Q7. Page 12 of the RFQ has references to being a "healthcare provider". We believe this is a typo from a previous project that this form was used for. Please confirm.

A7. You are correct, this is a typo. We apologize. Please replace the words "healthcare provider" and "Provider" with "responding firm". An updated form is attached—Attachment D.

Statements of Qualifications are due on or before 2:00 pm on August 1, 2023. There will not be a formal opening. The submittal package should be clearly marked "RFQ # 23-252 Pender Central Park Design, Engineering and Construction Administration" and identify the firm submitting the SOQ. Submissions shall be addressed to the attention of Trisha Newton, Purchasing Manager at one of the following addresses.

<u>By US Mail:</u> Pender County Purchasing Attn: Trisha Newton PO Box 1578 Burgaw, NC 28425

Mark outside of Envelope RFQ # 23-252 Pender Central Park Design, Engineering and Construction Admin

Also indicate your firm name.

In Person / By Courier: Pender County Purchasing Attn: Trisha Newton 805 S. Walker St. Burgaw, NC 28425

<u>Mark outside of Envelope</u> RFQ # 23-252 Pender Central Park Design, Engineering and Construction Admin

Also indicate your firm name.

Project Cost

Pender County – Central Pender Park Development

Project Elements (Include specific units – sizes, numbers, lengths, etc for each item.)	Unit	Unit Cost	Total Item Cost
Restroom/Concession Stand	Lump Sum	\$350,000	\$350,000
Picnic Shelter (24' x 36' with 4 picnic tables and 4 trash cans)	Lump Sum	\$50,000	\$50,000
Playground (Play Structure with accessible surfacing)	Lump Sum	\$150,000	\$150,000
Multi-Purpose Field (With lights, irrigation, sub-surface drainage)	4	\$350,000	\$1,400,000
Multi-use Path (8 foot wide, will also provide accessible routes to site amenities)	3500 Linear Feet	\$50/Linear Foot	\$175,000
Parking Lot (Asphalt)	Lump Sum	\$650,000	\$650,000
Utilities (Sewage Field, Wells, Pump House, etc.)	Lump Sum	\$50,000	\$50,000
Cost to build			\$2,825,000

Contingency Cost of the Building

Contingency (not to exceed 5% or \$50,000 of the cost to build, whichever is	Lump Sum	\$50,000	\$50,000
less)			

Land Value (indicate purchase or donation)

Land Acquisition:	60 +/-	\$5,500	\$330,000
X Purchase	acres		
Donation			

Total Project Cost	\$3,205,000
Total PARTF Grant	\$500,000
Request	
Total Local Match	\$2,705,000

U.S. ARMY CORPS OF ENGINEERS

WILMINGTON DISTRICT

Action Id. SAW-2021-00653 County: Pender U.S.G.S. Quad: NC- Burgaw

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Requestor:	<u>Mr. Robert Morton</u>		
Address:	<u>698 South Lumina Ave</u>		
	Wrightsville Beach, NC 28408		
E-mail:	<u>bobmorton2@gmail.com</u>		
	<u>(404) 312-8484</u>		
Agent:	Land Management Group, Inc.		
	<u>Attn: Ms. Kim Williams</u>		
E-mail:	<u>kwilliams@lmgroup.net</u>		
	<u>(910) 452-0001</u>		
Size (acres)	+/- 60.05	Nearest Town	Burgaw
Nearest Waterway	Burgaw Creek	River Basin	NE Cape Fear
USGS HUC	03030006	Coordinates	Latitude: 34.599412
	<u></u>		Longitude: -77.923517
			6

Location description: The 60-acre tract is located on the east side of Hwy 117, just north of intersection with Old Savannah Road, adjacent to an unnamed tributary of Burgaw Creek, north of Burgaw, Pender County, North Carolina.

Indicate Which of the Following Apply:

A. Preliminary Determination

- □ There appear to be **waters** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The **waters** have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. The approximate boundaries of these waters are shown on the enclosed delineation map dated **DATE**. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- □ There appear to be **waters** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the **waters** have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the **waters** at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the **waters** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- ☐ There are Navigable Waters of the United States within the above described project area/property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are **waters**on the above described project area/property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

SAW-2021-00653

We recommend you have the **waters** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

The waters on your project area/property have been delineated and the delineation has been verified by the Corps. The approximate boundaries of these waters are shown on the enclosed delineation map dated 3/1/2021. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The waters have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on **DATE**. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are no waters of the U.S., to include wetlands, present on the above described project area/property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in **in Wilmington**, NC, at (910) 796-7215 to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact <u>Emily Greer at 910-251-4567</u>/ Emily.c.greer@usace.army.mil or Mickey Sugg at (910) 251-4811.

C. Basis For Determination: Basis For Determination: <u>See the approved jurisdictional determination</u> <u>form dated 6/23/2021.</u>

D. Remarks: None.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers South Atlantic Division Attn: Phillip Shannin, Review Officer 60 Forsyth Street SW, Room 10M15 Atlanta, Georgia 30303-8801 In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by <u>8/21/2020</u>. **It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.**

Mickey Sugg Digitally signed by Mickey Sugg Date: 2021.06.23 14:33:19 -04'00'

Corps Regulatory Official:

Date of JD: <u>6/23/2021</u> Expiration Date of JD: <u>6/23/2026</u>

cc: (Electronic) Ms. Kim Williams, LMG Inc. Mr. Aaron Hutchens, Summit Mr. Chad McEwen, Pender County

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0



U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM) NAVIGABLE WATERS PROTECTION RULE

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

App	licant: <u>Mr. Robert Morton</u>	File Number: <u>SAW-2021-00653</u>	I	Date: <u>6/23/2021</u>
Atta	ched is:		See Section	n below
	INITIAL PROFFERED PERMIT (Standard Permit	or Letter of permission)		А
	PROFFERED PERMIT (Standard Permit or Letter of permission)			В
	PERMIT DENIAL			С
\boxtimes	APPROVED JURISDICTIONAL DETERMINATION			D
	PRELIMINARY JURISDICTIONAL DETERMINA	ATION		Е

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at or <u>http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx</u> or the Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.



U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM) NAVIGABLE WATERS PROTECTION RULE

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

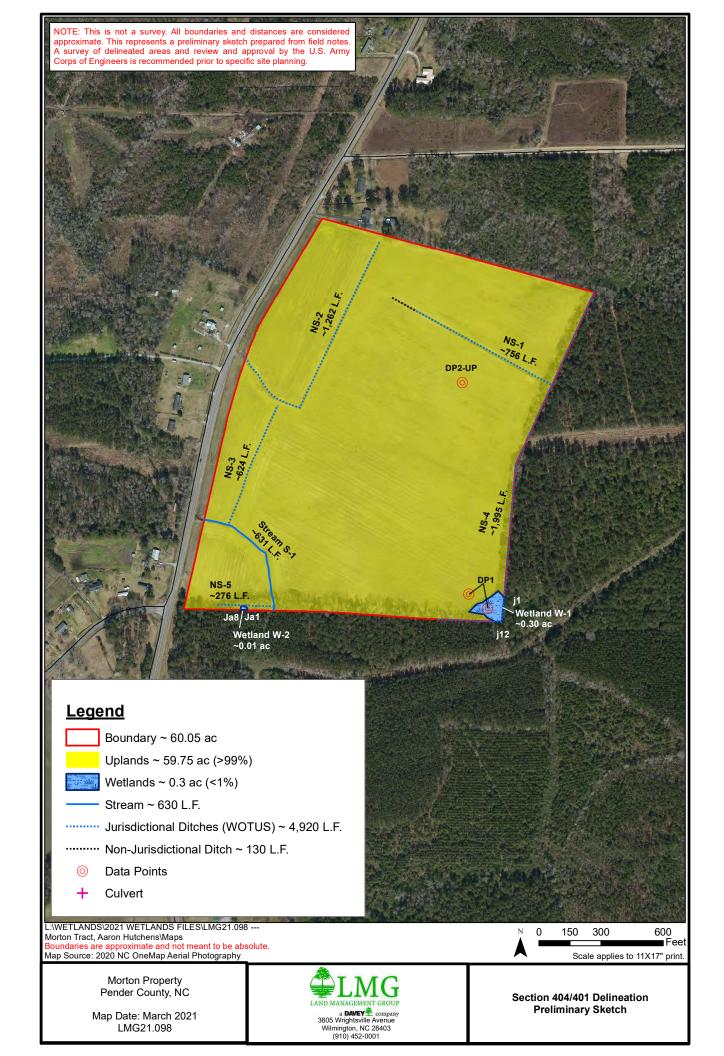
FOR TOP CONTACT FOR QUESTIONS OR INFORMA	FOUNT OF CONTACT FOR QUESTIONS OR INFORMATION.				
If you have questions regarding this decision and/or the	If you only have questions regarding the appeal process you may				
appeal process you may contact:	also contact:				
District Engineer, Wilmington Regulatory Division	Mr. Phillip Shannin, Administrative Appeal Review Officer				
Attn: Mickey Sugg	CESAD-PDO				
Wilmington Regulatory Office	U.S. Army Corps of Engineers, South Atlantic Division				
U.S Army Corps of Engineers	60 Forsyth Street, Room 10M15				
69 Darlington Avenue	Atlanta, Georgia 30303-8801				
Wilmington, North Carolina 28403	Phone: (404) 562-5137				

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:		Telephone number:
Signature of appellant or agent.			

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Phillip Shannin, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801, Phone: (404) 562-5137



Attachment C

Ingram, Chris
Zach White
[External]RE: [EXTERNAL EMAIL] Central Pender Park - Transmission Line Easement
Friday, April 22, 2022 12:09:16 PM
image001.png

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Zach,

I have actually read the easement for the transmission line going through the proposed park, here is what it basically says:

The right of way distance is 50 feet on either side of the center line of the transmission line or 100 feet. You can put crops underneath the transmission line, but no building structures can be inside the 100 ft easement. You can put a fence or parking inside the easement. Also, we must have 24/7 access to the transmission line in case of problems. In addition, we need access to maintain the easement if trees come up or we need to do maintenance.

I hope this helps, if you have any other questions, please let me know.

Chris Ingram

Four County EMC

910-259-1819

From: Zach White <zwhite@pendercountync.gov>

Sent: Thursday, April 21, 2022 2:50 PM

To: Ingram, Chris <chrisingram@fourcty.org>

Subject: [EXTERNAL EMAIL] Central Pender Park - Transmission Line Easement

Chris,

Can you let me know again what the easement setback distance is from center of the transmission line that runs through our proposed Central Pender Park on US 117 N? Pin Number: 3321-30-8998-0000. Thanks, Zach

Zachary White, CPRP

Parks and Recreation Supervisor Pender County, NC

805 S. Walker Street

Burgaw, NC 28425

910-663-3771 Office

910-734-3648 Mobile

zwhite@pendercountync.gov

ATTACHMENT D

PROPOSAL FORM – Pender County RFQ # _____

To the County of Pender, North Carolina:

By submitting a response to this Request for Qualifications, the responding firm represents that it has read and understands the Scope of Work and has familiarized itself with all federal, state, and local laws, ordinances, rules, and regulations that in any manner may affect the cost, progress, or performance of the contract work.

I have carefully examined the Request for Qualifications and any other documents, to include addenda, accompanying or make a part of this Request for Qualifications to perform the necessary services.

I certify that all information contained in this proposal is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this proposal on behalf of the responding firm as its act and deed and that the responding firm is ready, willing and able to perform if awarded the contract.

I hereby acknowledge receipt of any Addenda issued by County. It is the responsibility of the responding firm to ensure that all addenda have been received.

Addenda No	_dated		
Addenda No	_dated		
Company Name:			
Address:			
City/State/Zip:			
Phone/Fax:			
Email:			
Authorized Signature	2:	Date:	
Printed Name:			