Resolution #R-24-15

RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL TO ENTER INTO A CONTRACT FOR PROFESSIONAL DESIGN-BUILD SERVICES FOR THE BLACK MOUNTAIN SWANNANOA RIVER FLOODBENCH & CONSTRUCTED WETLANDS PROJECT-SRP-SW-ARP-0026

WHEREAS, The State of North Carolina passed Session Law 2013-401 authorizing local governmental entities in North Carolina to utilize the design- build method for construction contracting pursuant N.C. Gen. Stat. § 143- 128.1A; and

WHEREAS, on January 8, 2024, the Town Council of the Town of Black Mountain passed a Resolution to establish criteria to be utilized by the Town when considering the design-build delivery method for Town projects ("Town of Black Mountain Design-Build Criteria"); and

WHEREAS, the Town received a $5 million dollar Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA) in March 2023; and

WHEREAS, the Town intends to use these monies to enter into agreements to design, construct, repair, rehabilitate, or replace existing stormwater infrastructure to control stormwater quantity to mitigate flooding, improve water quality, and enhance the stability and function of the river and its riparian buffers along two project sites encompassing approximately 3,300 linear-feet area of the Swannanoa River; and

WHEREAS, based upon the Town of Black Mountain Design-Build Criteria, the Town of Black Mountain conducted a qualifications and price based selection process to solicit proposals using the design-build method for the Floodbench and Wetland Construction Project# SRP-SW-ARP-0026 pursuant to N.C. Gen. Stat. § 143-128.1A, to construct, repair, rehabilitate, or replace existing stormwater infrastructure along two project sites identified in the Stormwater Master Plan which encompass approximately 3,300 linear-feet area of the Swannanoa River; and

WHEREAS, Town Staff have determined **North State Environmental Inc.** as most advantageous and have received a proposal response and negotiated general fees for services from **North State Environmental Inc.** to provide engineering, design, permitting, and construction administration services to support the project.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina that:

1. **North State Environmental Inc.** (selected firm) is most advantageous to provide professional engineering, design, permitting, and construction administration services for the project, as recommended by staff.

2. The pricing proposal (attached as Exhibit A) for engineering, design, permitting, and construction administration services fees from **North State Environmental Inc.** (selected firm) is approved in the amount **$1,001,600.00.**

3. The Town Manager and Town Attorney are authorized to negotiate and execute a final contract with **North State Environmental Inc.** (selected firm) not to exceed a total amount of **$5,000,000.00,** consistent with the Town's purchasing terms and conditions and of this Resolution, as approved by the Town Attorney.

Adopted by the Town Council of the Town of Black Mountain, North Carolina on the 21st day of March 2024.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk

Josh Harrold, Town Manager