

RESOLUTION AUTHORIZING CITY STAFF TO EXEMPT FROM THE REQUIREMENTS OF THE NORTH CAROLINA PUBLIC BIDDING LAWS THE PROCUREMENT OF CERTAIN THEATRICAL SPECIALTY EQUIPMENT FOR USE IN THE STEVEN B. TANGER PERFORMING ARTS CENTER IN AN AMOUNT NOT TO EXCEED \$7,152,953.88 PURSUANT TO N.C.G.S. 143-129(e)(6)

WHEREAS, on March 4, 2014, the City Council adopted a Resolution authorizing the Mayor and City Manager to enter into a Memorandum of Understanding (“MOU”) between the Community Foundation of Greater Greensboro (“CFGG”) and the City to design, finance, develop, construct, and manage the operations and programs of the proposed Steven B. Tanger Performing Arts Center (STPAC) for a total cost of \$65 million.

WHEREAS, on January 6, 2015, pursuant to this MOU, the City Council adopted a Resolution authorizing the execution of a contract with Skanska USA Building, Inc. and Rentenbach Constructors, Incorporated, which subsequently formed, Skanska Rentenbach, A Joint Venture, (“Skanska/Rentenbach”) to act as the City’s Construction Manager-at-Risk (“CMAR”) to perform Pre-Construction services for the construction of the STPAC.

WHEREAS, on December 8, 2015, the City increased its funding commitment to \$39.6 million and the CFGG increased its commitment to \$38.5 million.

WHEREAS, Skanska Rentenbach and City staff agree that it would be advantageous for the City to break the construction of the STPAC into at least two phases. Phase 1 will consist of making the site “shovel-ready”, which includes Grading, Earthwork and Storm Water Utilities, and the installation of Water, Sewer, and Electrical Utilities.

WHEREAS, Phase 1 will also consist of the City purchasing Theatrical Specialty Equipment (“TSE”) for the STCPA in an amount not to exceed \$7,152,953.88 to insure that these critical TSE components are designed and included within the Phase 2 Construction Documents before Phase 2 Construction begins.

WHEREAS, the TSE consists of the following items: (1) a Constellation Sound System from Meyer Sound Laboratories, Inc.; (2) Theatrical Production Lighting from Barbizon Lighting Company; (3) Theatrical Rigging Systems & Equipment from Stage Riggins Services, Inc.; (4) Fixed and Loose Theatre Seating from Irwin Seating Company; (5) Integrated Audiovisual Systems from Parsons Electric, LLC; (6) Interior Video Display Boards from Daktronics, Inc.; and (7) FOH Mixer In-Fill Platforms from Wenger Corporation. The vendors will not install the TSE until 2019.

WHEREAS, N.C.G.S. 143-129(e)(6) allows this Council to exempt certain purchases from the public bidding requirements otherwise found in N.C.G.S. 143-129 when “standardization or compatibility is the overriding consideration.”

WHEREAS, the City Council finds that the seven items of TSE listed hereinabove were selected specifically for its compatibility with the engineering and design specifications of the STPAC

and its standardization with other apparatus, supplies, materials, and equipment already in use by the City.

WHEREAS, the City Council finds that the seven items of TSE listed hereinabove are integral to providing the superior standards of sound and visual effects necessary to attract the types of shows and performances intended by the construction of the STPAC.

WHEREAS, the City has exceeded its 20% MWBE subcontracting goal for this procurement as by committing to contract with the following MWBE subcontractors:

- |  |                    |           |
|--|--------------------|-----------|
| 1) Stage Rigging Services, Inc.,<br>Les Martin, Greensboro, North Carolina   | Guilford           | MBE 19.2% |
| 2) Harriott Contracting, LLC<br>George Harriott (now documenting Reciprocal Agreement to qualify as state listed HUB) is a Subcontractor to Irwin Seating Company. | Columbia, Maryland | MBE 1%    |

WHEREAS, the total purchase of these seven items of Theatrical Specialty Equipment is not to exceed \$7,152,953.88.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That City staff is authorized to exempt from the requirements of the North Carolina Public Bidding Laws the procurement of certain "Theatrical Specialty Equipment" listed in this Resolution for use in the Steven B. Tanger Performing Arts Center in an amount not to exceed \$7,152,953.88. The City Councils finds as a fact that this Theatrical Specialty Equipment has been selected specifically for its compatibility with the engineering and design specifications of the STPAC and its standardization with other apparatus, supplies, materials, and equipment already in use by the City pursuant to N.C.G.S. 143-129(e)(6).