



## Legislation Text

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**File #:** ID 17-0319, **Version:** 1

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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).

Department: Coliseum  
Council District: All

Public Hearing: N/A  
Advertising Date/By: N/A

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### **PURPOSE:**

A City Council resolution is requested to authorize 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 ("STPAC") in an amount not to exceed \$7,152,953.88. 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.

### **BACKGROUND:**

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. The CFGG committed to raise \$35 million in private donations, and the City committed to funding \$30 million from Hotel and Motel Tax Revenues and User Fees from the VIP Parking Lot on the site of the STPAC. Pursuant to this MOU, on January 6, 2015, the City Council adopted a Resolution authorizing the execution of a contract with Skanska USA Building, Inc. and Rentenbach Constructors, Incorporated to act as the City's Construction Manager-at-Risk ("CMAR") to perform Pre-Construction services for the construction of the STPAC. On December 8, 2015, the City increased its funding commitment to \$39.6 million and the CFGG increased its commitment to \$38.5 million. 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 the installation of Water, Sewer, and Electrical Utilities. Subsequent phases will consist of the actual construction of the building and other related facilities.

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. This 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. This Resolution will authorize these selected vendors to complete their Shop Drawings of the TSE designs that need to be included in and made a part of the Phase 2 Construction Documents. This will insure that these critical TSE components are designed and included within the Phase 2 Construction Documents before Phase 2 Construction begins. The vendors will not install the TSE until 2019.

NCGS 143-129 contains the North Carolina Public Bidding laws for purchases of apparatus, supplies, materials or equipment by state or local governmental units that exceed \$90,000. NCGS 143-129(e)(6)(iii), however, allows the City Council to exempt certain purchases from these requirements when “standardization or compatibility is the overriding consideration.” City Staff has selected the TSE 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. These seven items of TSE 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.

The City exceeded its 20% MWBE subcontracting goal for this procurement as follows:

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|--|--------------------|-----------|
| 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%    |

**BUDGET IMPACT:**

The total purchases of the Theatrical Specialty Equipment is not to exceed \$7,152,953.88. These project costs will be funded from accounts established in the Performing Arts Center Capital Project Fund. A budget adjustment is required to move funding into the correct accounts.

**RECOMMENDATION / ACTION REQUESTED:**

Adopt a Resolution authorizing City Staff to exempt from the requirements of the North Carolina Public Bidding Laws the procurement of certain Theatrical Specialty Equipment listed herein 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).