

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 19, 2023

SUBJECT: Department of Public Safety Lease – Court Services Building

PRESENTER: Amy Brantley, Assistant County Manager

ATTACHMENTS: Yes

1. Lease Proposal from Department of Public Safety
2. PO28 - Specifications for Non-Advertised Lease

SUMMARY OF REQUEST:

Attached for Board approval is a lease proposal for the Department of Public Safety's (DPS) Division of Community Corrections Offices in the County's Court Services Building at 1347 Spartanburg Highway. DPS proposes to lease +/- 1,334 square feet, for an annual cost of \$13,846.92, which does include an 18.6% increase over the previous lease amount, based on a three year CPI increase from May 2020. The proposed term of the lease is from September 1, 2023 through August 31, 2026.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached lease proposal between Henderson County and the State of North Carolina for the period of September 1, 2023 through August 31, 2026, and authorize the County Manager to execute documentation on behalf of Henderson County.

Suggested Motion(s):

I move the Board approve the attached lease proposal between Henderson County and the State of North Carolina for the period of September 1, 2023 through August 31, 2026, and authorize the County Manager to execute documentation on behalf of Henderson County.

THE STATE OF NORTH CAROLINA SHALL NOT BE RESPONSIBLE FOR ANY EXPENSES INCURRED BY THE PROPOSER IN THE PREPARATION OF THIS PROPOSAL. THE STATE RESERVES THE RIGHT TO REJECT ANY PROPOSAL FOR ANY REASON IT DEEMS WARRANTED.

NON-ADVERTISED LEASE PROPOSAL

PROPOSAL TO LEASE TO THE STATE OF NORTH CAROLINA NON-ADVERTISED- PO-28

1. NAME OF LESSOR: County of Henderson	2. LESSOR'S AGENT: John Mitchell, County Manager/Amy Brantley, Asst County Manager
INDICATE EACH LESSOR'S BUSINESS CLASSIFICATION AS APPLICABLE: <input type="checkbox"/> A. PROPRIETORSHIP <input type="checkbox"/> B. PARTNERSHIP <input type="checkbox"/> C. CORPORATION <input type="checkbox"/> D. GOVERNMENTAL <input type="checkbox"/> E. NON-PROFIT <input type="checkbox"/> F. *** (HUB) HISTORICALLY UNDERUTILIZED BUSINESSES <input type="checkbox"/> G. OTHER: _____ TAX I.D. # _____	

MAILING ADDRESS: 1 Historic Courthouse Square	MAILING ADDRESS
CITY: Hendersonville ZIP: 28792	CITY: _____ ZIP: _____
PHONE#: 828-697-4809 FAX#: 828-698-6014	PHONE#: _____ CELL#: _____
E-MAIL: brantley@hendersoncountync.org	E-MAIL: _____

3. SPACE LOCATION:(including building name, floors involved & suite or room numbers unless entire floor)
Henderson County Court Services Building, Suite 4

STREET ADDRESS	CITY	COUNTY	ZIP CODE
1347 Spartanburg Hwy, Suite 4	Hendersonville	Henderson	28792

4. ATTACH FLOOR PLAN TO SCALE SHOWING THE SIZE AND LAYOUT OF SPACE OFFERED)

5. GROSS SQUARE FOOTAGE BEFORE NET A. OFFICE B. WAREHOUSE C. OTHER

6. All proposals must be submitted on the basis of net square footage as defined on reverse side of this sheet and in the State Specifications (form PO-27 if applicable)

A. DESIRED PROPOSAL

TYPE OF SPACE	TOTAL NET SQ. FT.	ANNUAL RENTAL	ANNUAL RENT PER SQ. FT.	UTILITIES	JANITOR. SERVICES	WATER / SEWER	REQUIRED PARKING SPACES
OFFICE	+/-1334	\$13,846.92	\$10.38	YES	YES	YES	clientele
WAREHOUSE							state car
OTHER							
TOTALS			XXXX	XXXX			XXXX

Lessor will provide () employee parking spaces in above proposal at no additional charge to the State.

Comments:

ERRORS BY PROPOSERS IN CALCULATING NET SQUARE FOOTAGE WILL REDUCE THE ANNUAL RENTAL WITHOUT CHANGING THE PROPOSED RATE PER SQUARE FOOT IN THE PROPOSAL (see NOTE on page #2)

B. OPTIONAL ALTERNATE PROPOSAL NO. 1

(FOR PROPOSALS NOT INCLUDING UTILITIES AND/OR JANITORIAL SERVICES)

TYPE OF SPACE	TOTAL NET SQ. FT.	ANNUAL RENTAL	ANNUAL RENT PER SQ. FT.	UTILITIES YES/NO	JANITORIAL SERVICES YES/NO	WATER/SEWER YES/NO
OFFICE						
WAREHOUSE						
OTHER						
TOTALS			XXXX	XXXX	XXXX	

Lessor will provide () clientele parking spaces, () employee parking spaces and () state vehicle parking spaces

Comments:

7. LEASE TERM: 3 YEARS BEGINNING DATE: 9/1/2023

8. RENEWAL OPTIONS, IF ANY: TERMS AND CONDITIONS: Option to renew after expiration of 3 year period

NOTE: RATES THAT INCLUDE INDETERMINABLE PERCENTAGE INCREASES, SUCH AS UNCAPPED CPI INCREASES ETC., ARE NOT ACCEPTABLE DURING EITHER THE INITIAL TERM OR ANY RENEWAL PERIOD(S)

The State of North Carolina supports the use of products and materials having recycled content in renovation and construction. The proposed building must have facilities for handling materials to be recycled such as plastics, aluminum, wastepaper and cardboard.

THE PROPOSED BUILDING MUST BE COMPLETELY FREE OF ANY HAZARDOUS ASBESTOS OR HAZARDOUS LEAD PAINT THROUGHOUT THE STATE'S TENANCY.

Is the proposed building free of hazardous asbestos?	YES <input type="checkbox"/> XX <input type="checkbox"/>	NO <input type="checkbox"/>
Is the proposed building free of hazardous lead paint?	YES <input type="checkbox"/> XX <input type="checkbox"/>	NO <input type="checkbox"/>

DEPARTMENT: NCDAC-Community Supervision	DIVISION: IV, District 29
CITY:	SQUARE FEET: _____ AGENT: _____
DATE:	

LESSOR:

9. ADDITIONAL INFORMATION

10. Is Property To Be Leased Within An Area Designated By Fema To Be In A Flood Prone Area (100 Year, 500 Year)? If So, Please Provide Details Below

11. Does this space comply with local and State Building safety and zoning codes specifically including OSHA provisions for the handicapped and applicable sections of the State Building Code Volumes I-V?

XX YES NO PARTIALLY

EXPLAIN IF OTHER THAN "YES" IS CHECKED ABOVE:

12. This proposal is made in compliance with the specifications furnished by NCDAC-Community Supervision I realize that the State reserves the right to reject this proposal for any reason it deems warranted. This proposal is good until I ACKNOWLEDGE AND FURTHER AFFIRM THAT I am aware of and familiar with the Americans with Disabilities Act of 1990 (42 United States Code, Section 12101 et seq.) and if the above firm is awarded the contract, it will comply with the provisions of said Act.

I am aware that annual per square foot rental rate(s) which include indeterminable percentage increase(s) such as uncapped Consumer Price Index increases etc., are not acceptable during either the initial term or any renewal period(s):

(HUB) HISTORICALLY UNDERUTILIZED BUSINESSES (HUB) CONSIST OF MINORITY, WOMEN AND DISABLED BUSINESS FIRMS THAT ARE AT LEAST FIFTY-ONE PERCENT OWNED AND OPERATED BY AN INDIVIDUAL(S) OF THE AFOREMENTIONED CATEGORIES. ALSO INCLUDED IN THIS CATEGORY ARE DISABLED BUSINESS ENTERPRISES AND NON-PROFIT WORK CENTERS FOR THE BLIND AND SEVERELY DISABLED.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of this proposal, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Printed Name of Lessor

Signature of Lessor Date

ELECTRONIC DELIVERY INSTRUCTIONS

NON-ADVERTISED PROPOSAL:

Questions should be directed to your NC agency contact or to NC State Property Office at: 984-236-0270

NOTE: Net square footage is a term meaning the area to be leased for occupancy by State Personnel and/or equipment. To determine net square footage:

- 1. Compute the inside area of the space by measuring from the normal inside finish of exterior walls or the roomside finish of fixed corridor and shaft walls, or the center of tenant separating partitions.
2. Deduct from the Inside area the following:
*a. Toilets and lounges
*b. Entrance and elevator lobbies
*c. Corridors
*d. Stairwells
*e. Elevators and escalator shafts
*f. Building equipment and service areas
*g. Stacks, shafts, and interior columns
*h. Other space not usable for State purposes

*Deduct if space is not for exclusive use by the State. Multiple State leases require a, b, and c to be deducted. The State Property Office may make adjustments for areas deemed excessive for State use.

DEPARTMENT DIVISION:

CITY: SQUARE FEET: AGENT:

DATE:

SPECIFICATIONS FOR NON-ADVERTISED LEASE

1. A floor plan to scale or a plan with room dimensions is required. Also provide the year the building was constructed.
2. This facility must provide environment that is barrier free and easily accessible to physically disabled staff, visitors and clientele. Compliance with the State Building Code and the Americans with Disabilities Act is required. Toilet facilities shall be ADA accessible and code compliant.
3. Air conditioning and heating system shall be maintained by Lessor including frequent filter cleaning and replacement. Year round ventilation shall be provided to prevent stale air problems and unacceptable CO2 content.
4. Telecommunication room temperature should be within a range of 65° to a maximum of 75°. This is a 24-hour per day, 7 days per week requirement.
5. All lighting and electrical maintenance shall be furnished by Lessor including the replacement of ballasts, light tubes and replacement bulbs.
6. The Lessor shall provide required fire extinguishers and servicing and outside trash disposal including provision for the handling of recycling items such as cardboard and paper. Year-round maintenance is required to maintain a neat and professional appearance of the site at all times. NOTE: Pest control will be provided by the Lessor as needed.
7. Internal and external signage to be customary (directory) to the building that will provide easy identification of the office by the general public. All other signage is to be provided by the Lessor as agreed upon by the Lessor. NOTE: Lessor to provide Directory signage on the building entry way ONLY
8. Locking hardware is required on all storage rooms, equipment rooms, files rooms and LAN room. Supply storage closets require shelving.
9. Lessor shall be responsible for snow removal as quickly as possible to avoid work delays.
10. The per square foot price proposal is based on the floor plan and repair lists agreed upon by the State of North Carolina and includes but it not limited to: all partitions, demolition, and up fitting costs; building and grounds maintenance; property taxes; insurance; fire and safety inspection fees; storm water fees; land transfer tax; common area maintenance and other building operational costs.
11. The number of keys to be provided to the State for each lockset shall be reasonably determined by the State prior to occupancy, at no cost to the State. NOTE: Lessor to provide (3) sets only.
12. All parking areas shall be adequately lighted and located within a reasonable distance of the office.

Lessor is in agreement with the above conditions and the conditions of the also signed "proposal to Lease to the State of North Carolina" Form P0-28.

Signature of the Lessor

Date

Print Name of the Lessor