



Danville-Pittsylvania Regional Industrial Facility Authority

**City of Danville, Virginia
County of Pittsylvania, Virginia**

SPECIAL CALLED MEETING AGENDA

December 16, 2022

8:30 AM

**Danville Municipal Building
427 Patton Street – Fourth Floor Conference Room
Danville, Virginia**

County of Pittsylvania Members

**William V. (“Vic”) Ingram, Chairman
Darrell W. Dalton
Robert M. Tucker, Jr., Alternate**

City of Danville Members

**Sherman M. Saunders, Vice Chairman
J. Lee Vogler, Jr.
Dr. Gary P. Miller, Alternate**

Staff

**Kenneth F. Larking, City Manager Officer
J. Vaden Hunt, County Administrator Officer
Christian & Barton, LLP, Legal Counsel to Authority
Susan M. DeMasi, Authority Secretary
Michael L. Adkins, Authority Treasurer**

1. MEETING CALLED TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT PERIOD

Members of the public who desire to comment on a specific agenda item will be heard during this period. The Chairman/Vice Chairman of the Authority may restrict the number of speakers. Each speaker shall be limited to a total of three minutes for comments. *[Please note that the public comment period is not a question-and-answer session between the public and the Authority.]*

4. NEW BUSINESS

- A. Consideration of Resolution No. 2022-12-16-4A Approving Change Order 1 to the Site Development Work by Jimmy R. Lynch & Sons, Inc., a North Carolina Corporation, originally approved under Resolution No. 2022-04-11-5A, for Lot 1 and 2 Graded Pad Project in the Authority's Southern Virginia Megasite at Berry Hill, Located in Pittsylvania County, Virginia, Increasing the contract price by \$744,936.30 – Matthew Rowe, Pittsylvania County Director of Economic Development and Corrie Bobe, City of Danville Director of Economic Development.
- B. Consideration of Resolution No. 2022-12-16-4B approving the preparation by Dewberry Engineers, Inc., a New York Corporation, of a survey that complies with the standards of the American Land Title Association (also known as an Alta Survey) for portions of the Authority's Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, at a cost not to exceed \$90,000 – Matthew Rowe, Pittsylvania County Director of Economic Development and Corrie Bobe, City of Danville Director of Economic Development.

5. ADJOURN

Resolution No. 2022-12-16-4A - Special Meeting

A RESOLUTION APPROVING CHANGE ORDER 1 TO THE SITE DEVELOPMENT WORK BY JIMMY R. LYNCH & SONS, INC., A NORTH CAROLINA CORPORATION, ORIGINALLY APPROVED UNDER RESOLUTION NO. 2022-04-11-5A, FOR LOT 1 AND 2 GRADED PAD PROJECT IN THE AUTHORITY’S SOUTHERN VIRGINIA MEGASITE AT BERRY HILL, LOCATED IN PITTSYLVANIA COUNTY, VIRGINIA, INCREASING THE CONTRACT PRICE BY \$744,936.30

WHEREAS, the Danville-Pittsylvania Regional Industrial Facility Authority (the “**Authority**”) is a political subdivision of the Commonwealth of Virginia duly created pursuant to the Virginia Regional Industrial Facilities Act, as amended; and

WHEREAS, the Authority approved certain site development work (the “**Original Work**”) to the Authority’s Southern Virginia Megasite at Berry Hill project (“**SVM**”) located in Pittsylvania County, Virginia, under Resolution No. 2022-04-11-5A, by Jimmy R. Lynch & Sons, Inc., a North Carolina corporation (“**JR Lynch**”); and

WHEREAS, in the course of its site development work, JR Lynch discovered additional rock, and has submitted Change Order 1 (as defined below), recommended by the Authority’s engineers, which would include rock excavation and revised grading plans, increasing the contract price by \$744,936.30 (the “**Change Order 1 Amount**”), as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (“**Change Order 1**”); and

WHEREAS, the Authority has determined that Change Order 1 is reasonable, necessary and proper for the further development of SVM; and

WHEREAS, the fiscal agent of the Authority has determined that the available funds are within “**Southern Virginia Megasite at Berry Hill – Lots 1 & 2 Site Development**”, a funding sheet under the budget previously approved by the Authority for this project for this purpose, with TIC Grant #3358 as a source; and

WHEREAS, the Authority has determined that it is in the best interests of the Authority and of the citizens of Pittsylvania County, Virginia, and the City of Danville, Virginia, and in further development of SVM, for the Authority to accept Change Order 1.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Authority hereby approves the acceptance of Change Order 1 as reviewed at this meeting and substantially in the form set forth in **Exhibit A** and is supported under the Authority’s budget as certified by the Authority’s Treasurer, each of the Authority’s Chairman and Vice Chairman, in consultation with the other, is authorized to further modify Change Order 1 on such terms and conditions as the Chairman or Vice Chairman, in consultation with the other, determines to be reasonable, appropriate and consistent with this Resolution and hereby authorizes the Chairman and the Vice Chairman,

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either of whom may act independently of the other, to execute and deliver Change Order 1, and all other related documents to consummate the transaction, on behalf of the Authority, such execution of Change Order 1, and related documents by the Chairman (or Vice Chairman as the case may be) to conclusively establish his approval of any modifications as consulted by and between the Chairman and Vice Chairman.

2. The Authority hereby authorizes and directs staff and other agents and representatives working on behalf of the Authority to take such actions and to do all such things as are contemplated by Change Order 1, or as they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of these resolutions.

3. The Authority hereby approves, ratifies and confirms any and all actions previously taken by the Authority, its agents and representatives, in respect to Change Order 1 and the matters contemplated therein.

4. This Resolution shall take effect immediately upon its adoption.

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CERTIFICATE

I, the undersigned Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the directors of the Danville-Pittsylvania Regional Industrial Facility Authority at a special meeting duly called and held on December 16, 2022, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

WITNESS my hand as Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority this 16th day of December 2022.

(SEAL)

SUSAN M. DeMASI

Secretary, Danville-Pittsylvania Regional Industrial
Facility Authority

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Exhibit A

(Change Order 1)

Date of Issuance:	Effective Date:
Owner: Danville-Pittsylvania Regional Industrial Facility Authority	Owner's Contract No.: 50018376
Contractor: Jimmy R. Lynch & Sons, Inc	Contractor's Project No.:
Engineer: Dewberry Engineers Inc.	Engineer's Project No.: 50018376
Project: Southern Virginia Megasite at Berry Hill	Contract Name: Lot 1 and 2 Graded Pad

The Contract is modified as follows upon execution of this Change Order:

Description: Contract is modified to Include the excavation of additional rock discovered during excavation.

Attachments: *[List documents supporting change]* Change order request submitted by Jimmy R. Lynch & Sons Inc.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 2,972,000.00	Original Contract Times: Substantial Completion: <u>220</u> Ready for Final Payment: <u>250</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : \$ 0.00	[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days
Contract Price prior to this Change Order: \$ 2,972,000.00	Contract Times prior to this Change Order: Substantial Completion: <u>220</u> Ready for Final Payment: <u>250</u> days or dates
Increase of this Change Order: \$ 744,936.30	Increase of this Change Order: Substantial Completion: <u>180</u> Ready for Final Payment: <u>180</u> days or dates
Contract Price incorporating this Change Order: \$ 3,716,936.30	Contract Times with all approved Change Orders: Substantial Completion: <u>400</u> Ready for Final Payment: <u>430</u> days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: <u>Shawn Harden</u>	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Senior Associate</u>	Title _____	Title _____	Title _____	Title _____	Title _____
Date: <u>12/5/2022</u>	Date _____	Date _____	Date _____	Date _____	Date _____

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Jimmy R. Lynch & Sons

307 South Academy St.
P.O. Drawer BB
Pilot Mountain, NC 27041
Office: (336) - 368-4047
Fax: (336) - 368-4613

Change Order Request

Change Order Request:	COR #1
Project Name:	Southern Virginia Megasite at Berry Hill - Lot 1 and 2 Graded Pad
Project #:	2374
Engineer:	Dewberry
Owner:	Danville-Pittsylvania Regional Industrial Facility Authority
Today's Date:	November 30, 2022
Additional Days Required:	180 Days
Scope/Additional Time Explanation:	Rock Excavation and Revised Grading

Rock Excavation and Revised Grading Plans

Work Item	Oty	Unit	Unit Price	Total Price
Material Credit (Credit for 113,122.7 CY of Earthwork @ \$2.21/CY) This is from moving 403,658.90 CY in original contract to 290,536.20 CY in new proposed grades.	113,122.70	CY	\$ 2.21	\$ (250,001.17)
Rock Removal @ \$19.98/CY	39,249.26	CY	\$ 19.98	\$ 784,200.21
Remove 84,000 CY of Fill already placed and returned to original grade (\$/CY increased from \$2.21/CY to \$2.36/CY for Fuel Price increase from Job Bid Time to Time of Change Order).	84,000.00	CY	\$ 2.36	\$ 198,240.00
Add 475 LF of 6" Underdrain (Includes all Labor, Equipment, and Materials)	475.00	LF	\$ 26.31	\$ 12,497.25

TOTAL OF THIS CHANGE ORDER REQUEST: \$ 744,936.30

JIMMY R. LYNCH & SONS, INC. APPROVAL:	Daniel Lynch, President	11/30/2022
		DATE:

Danville-Pittsylvania Regional Industrial Facility Authority:	
	DATE: