

949



**Robert O. Oakes, Jr.**  
Mayor

**Doug Remaley**  
Mayor Pro Tem

**Cliff Ogburn**  
Town Manager

### Town of Nags Head

Post Office Box 99  
Nags Head, North Carolina 27959  
Telephone 252-441-5508  
Fax 252-441-0776  
www.townofnagshead.net

**Anna D. Sadler**  
Commissioner

**M. Renée Cahoon**  
Commissioner

**Susie Walters**  
Commissioner

NORTH CAROLINA  
DARE COUNTY

ANNUAL SERVICES CONTRACT

**THIS CONTRACT IS NOT VALID WITHOUT THE REQUIRED ACCOMPANYING/  
CORRESPONDING TASK AND PURCHASE ORDERS**

DMR  
(CONTRACTOR *initials*)

THIS CONTRACT is made and entered into this the 1<sup>st</sup> day of February 2012, by and between the TOWN OF NAGS HEAD, a public body corporate of the State of North Carolina, (hereinafter referred to as "the TOWN") party of the first part and **CREATIVE ENGINEERING SOLUTIONS, PLLC**, 262 Mother Vineyard Rd., Manteo, NC 27954-9548 (hereinafter referred to as "CONTRACTOR"), party of the second part.

1. SERVICES TO BE PROVIDED AND AGREED CHARGES

The services and/or material to be furnished under this contract (hereinafter referred to collectively as "SERVICES"):

a. Engineering design services for the following (typical) types of projects:

- Waterline replacement and extension projects for 6-, 8-, and 12-inch waterlines;
- Roadway, sidewalk and multi-use path projects;
- Parks and recreation facility projects;
- Traffic Engineering;
- Stormwater management and drainage improvement projects;
- Associated municipal engineering projects.

b. Plan Review:

- Technical review and approval of site plans, master plans, and subdivision plans;

8. NON-DISCRIMINATION IN EMPLOYMENT

The CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, or national origin. The CONTRACTOR shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their age, sex, race, creed, or national origin. In the event the CONTRACTOR is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Contract may be cancelled, terminated or suspended in whole or in part by the TOWN, and the CONTRACTOR may be declared ineligible for further contracts.

9. GOVERNING LAW

This contract shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this contract shall be brought in the General Court of Justice of the State of North Carolina or in the Federal District Court for the Eastern District of North Carolina, and the parties hereby submit to venue in and the personal jurisdiction of the said Courts.

10. OTHER PROVISIONS

This Contract is subject to such additional provisions as are set forth in any addendum executed separately by each party and attached hereto.

11. CONTRACT DOCUMENTS/AMENDMENTS

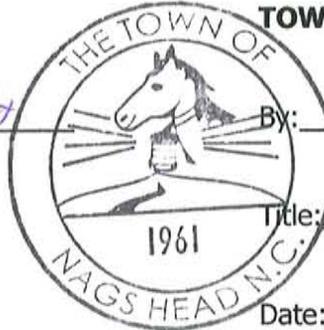
This document together and any attached exhibits constitutes the entire Contract between the said two parties and may only be modified by a written mutual agreement signed by the parties and attached hereto. If any conflict is found between this contract and any attachments, the contract language will govern.

12. SIGNATURES

Both the TOWN and the CONTRACTOR agree to the above contract.

Witnessed or Attested By:

Carolyn J. Myers



**TOWN OF NAGS HEAD**

By: [Signature]

Title: TOWN MANAGER

Date: 2-9-12

Cheryl C. Ryan



**CONTRACTOR**

By: [Signature]

Title: PRINCIPAL

Date: FEB 8, 2012

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

[Signature]  
Finance Officer

APPROVED AS TO FORM AND LEGAL SUFFICIENCY.

[Signature]  
TOWN ATTORNEY

Attachment: Schedule of Fees

## **1.0 INTRODUCTION:**

**Creative Engineering Solutions, PLLC (CES)** is a veteran-owned consulting engineering firm, whose principal David Ryan, P.E. has provided technical services to clientele in Northeastern North Carolina for the past fifteen years. Our services are focused on client response, reality-based design, and value engineering which are combined with accumulated knowledge and assurance that every project is successfully implemented.

CES understands the Outer Banks community and its unique environment. We also understand the quality of life and preservation of its community values which demands a process that can clearly identify and reflect those values in its long term approach to development.

CES's basic "approach and philosophy" is the composite simulation of interpretive information which when formulated through creative planning processes and is carefully directed, produces long-lasting results. The objective is to produce exceptional solutions. It is the standard practice to produce results that exhibit cost effective physical elements that meet the mixed needs of the client and are acceptable to regulatory agencies having authority. The firm's orientation is that of achieving excellence.

CES maintains the value that quality work in the enhancement of a site's natural resources rather than quantity of engineered structures constructed always leads to better projects which complement the client's expectations and budget. This philosophy works on the basis that clear, understandable, detailed plans and specifications must be prepared. It is CES's conviction, that every project receives this high degree of professional attention.

The client's overall best interests are of primary concern to **Creative Engineering Solutions**.

## **2.0 CAPABILITIES**

### **Design & Development**

At **Creative Engineering Solutions, PLLC**, engineering and design development is the precise and systematic processing of information. Each phase of the design process is reviewed with staff and client participation. Communication and coordination are crucial in producing results which are complete, accurate, compliant with current regulatory requirements, and to the satisfaction of the client.

Quality Project Control is the function of a written project program that outlines work to be accomplished along with cost guidelines, time frames, descriptive details, and in-depth analysis. CES generally follows the work format and procedures developed in accordance with industry standard practices and principles in the review of plans and specifications.

Throughout the production effort, from the cooperative effort of professionals and associates, CES strives to provide results that are the best operational solutions possible. Through discussion and refinement, the necessary elements of each determined work task is approached so that assignments are ideally focused and talents effectively utilized. CES has a proven record as a respected consultant with honest integrity upon which client(s) rely.

### **Collaborative Efforts**

When required, CES will subcontract with local professionals that know and are extremely familiar with the region, are experienced and actively involved within their professions. These will consist of engineers, surveyors, architects, and environmental professionals, (a list of these professionals is compiled at the end of this document). These experienced professionals have been collectively "pooled" together and will be called upon to provide indirect supporting services to assist in addressing project related technical matters. Their talents will be utilized as a valuable resource by employing their vast knowledge of local municipal requirements and civil and environmental engineering expertise to provide exceptional and economical solutions.

In an effort to provide a value-based approach, land surveying services, when required, will be sub-contracted through local surveying firms. A competitive selection process will be employed, dependent upon methodology and cost-effectiveness to meet the specific project requirements, as applicable per professional guidelines.

### **Timeliness**

CES has a history of project timeliness, performing quality work and meeting project budgets and schedules.

David Ryan, P.E. has accumulated a history of project management, control, implementation, and scheduling. CES encourages contact with its established client base and references to verify that they have always maintained a professional commitment to project timeliness including prompt return of calls, fully completing all contractual obligations, adhering to established schedules and providing continued assistance, even after final payments are made, should their project warrant such support.

CES understands the dynamics surrounding municipal planning and review and the flexibility necessary to be able to meet the demands of the client. Mr. Ryan has demonstrated a commitment to timeliness and responsiveness during his tenure as consulting Town of Nags Head Engineer by providing an extremely high level of service.

### **Completing Work Within Budget**

Precise, particular attention to proper design and cost estimating, to the

measurement of payment items in contract documents has proven very successful at meeting budgets which are often inflexible. CES's adherence to this conviction significantly avoids construction contractor disputes.

CES's involvement with major project developments (multi millions of investment dollars) has provided a special appreciation for proper cost estimating and budget control. Today's economic atmosphere, environmental protection, and the rights and safety of the public are highly complex, very unpredictable and often difficult to define.

CES has found that proper quantity and cost estimates enable the projection of schedules that can be met without significant delays. Many projects are often controlled by rigorous schedules set by demand of the client, economic conditions, and the weather. CES is adept at establishing and meeting schedules.

David Ryan, P.E. has continually demonstrated the ability to meet budgetary constraints and has been reflected within the numerous Town of Nags Head Capital Improvement projects Mr. Ryan has been involved with. Whether it's related to development design or construction related costs, project actual costs have come in at or below project budget projections.

#### **Quality of Work**

CES and David Ryan's quality of work, is documented by the number of successful projects it has accomplished and by the clients that it has maintained by providing services for additional project needs, existing project expansion, or new project requirements. CES client references and past performance with the Town of Nags Head will verify and confirm that the execution of work is always of the highest quality.

#### **Experience with Field Supervision**

CES has considerable field experience in construction layout, observation, supervision, review of shop and working drawings, recording of quantities, certificates for progress and final contractor payments, and revision of drawings to show changes during construction for the preparation of "As-Built" drawings.

Key categories of work performed by CES staff include processing of Change Orders, preparation of "As-Built" Plans as well as Quality Assurance and Quality Control (QA/QC) oversight for construction items, permitting, construction problem resolution and assembly of final certification documents as appropriate.

#### **Experience with competitive Sealed Bid Procurement**

CES has extensive experience with the North Carolina requirements for the Formal and Informal Bidding Process including public advertisement, competitive sealed bids procedures, and procurement for construction

projects. CES adheres to all State and Federal Procurement Laws and has adapted its standard specification bid documents to conform to those utilized by AIA, EJCDC, State Building Services, and other State agencies.

It has been CES's experience that clear, detailed engineering plans and specification documents provide for precise measurements of separate payment items, set up in the form of a bid table will provide results that meet the established budget and in receiving the lowest-best prices. This method has proven most successful in avoiding contractor disputes and eliminates the need for most Change Orders.

CES maintains a cost data base from several sources, publicized current project bid openings, Means estimators and others to become adept at establishing cost estimates and meeting schedules. Clients appreciate and understand graphic, written spreadsheet and verbal information that clearly agree and indicate facts for decision making. Every effort is made to maintain these open communication policies to all involved parties at all times.

#### **Experience with the Coastal Environment**

The coastal area's natural environment dictates public and private land development choices that differ from those elsewhere in the state. CES is successful at meeting the needs of our clients because of our knowledge of constraints inherent in coastal area development, and our ability to work within those constraints.

This knowledge and experience also extends to the regulatory side of the development process. CES understands the policies and procedures which are very specific to developmental activities within the coastal environment as prescribed through the North Carolina Department of Environment & Natural Resources, (NCDENR). Relationships have been formed with reviewing agents from such agencies as the Division of Coastal Management, Division of Land Quality, Surface Water Protection Section, and Aquifer Protection Section which have proved beneficial in reducing permit review time, leading to earlier project construction and completion dates.

David M. Ryan, P.E. has completed the NC Low Impact Development (LID) certification program demonstrating the knowledge, expertise, and skills necessary to properly design, plan, implement, and maintain LID projects. Low Impact Design is a stormwater management design framework aimed at minimizing the negative impacts of stormwater runoff by mimicking the pre-development hydrology of a site. LID includes: mimicking pre-development hydrology, tree conservation, maximizing open space, maintenance, structural practices, and education. Mr. Ryan is an advocate of Low Impact Development and has promoted the development of LID practices into local ordinances as well as integrating LID techniques into project design which is vital to the protection and preservation of the sensitive coastal environment.

### **Municipal Plan Review & Technical Assistance:**

CES's is familiar with local zoning techniques and regulations as it applies to residential and commercial development. CES's focus on the physical design and arrangement of built and natural elements on a land parcel involves the knowledge and understanding of technical matters (utility infrastructure, zoning and building codes and ADA, circulation patterns, integration of man-made objects with the site's natural features: topography, vegetation, drainage, etc.) inherent to site development.

David Ryan, P.E. has a depth of experience with local municipal plan review and zoning technical assistance. This concentration is specific to the Town of Nags Head with exposure and assistance provided on hundreds of assignments including; residential and commercial development plan review, zoning text amendment assistance, on-site project review, professional reports and opinions, and public presentations. Each assignment was performed and completed promptly and without prejudice, meeting or exceeding the demands of the specific task request.

### **Current Work Load**

At this time, our work capacity is highly elastic. Current work involvement includes one (1) subdivision currently in planning and design, several commercial projects in various stages of design completion, approval and construction development, and potentially (2) waterline improvement projects in which authorization has yet to be issued for the planning & design.

CES is currently working below its maximum capacity and desires additional work. There is currently (1) existing conflict for a site development plan amendment for the Surfside Motel. The emphasis of this application is primarily related to building code issues, but will require zoning approval for this application. Based upon preliminary discussions, it appears that this application could potentially be handled administratively. If so, it is hopeful that this could be resolved in advance of the Town decision making process. No other existing conflicts exist or will be accepted if given the opportunity to serve in the requested capacity.

### **3.0 REPRESENTATIVE SERVICES**

CES is experienced and capable of providing a wide range of professional services. For the past 15 years, the principal of Creative Engineering Solutions, PLLC have provided a full range of site development and construction services to satisfied clients throughout the Northeastern Region of North Carolina. CES's Client Base consists of Local Governments, Commercial and Real Estate Developers, and Individual Property Owners.

The accumulated experience of includes civil, sustainable design, environmental, hydrology, structural, project management, contract administration, construction administration and feasibility study services.

Complete site development and engineering services including streets, water, sewer and supporting utilities, site space and circulation improvements, storm drainage and storm water pollution prevention controls, erosion control and landscape enhancements, municipal review, with structure and facility design assistance.

**CES's staff is trained and technically competent to:**

- Evaluate opportunities and constraints of sites
- Understand a sites relationship to surrounding environments
- Intellectually understands social and humanistic approaches to design and planning
- Completely analyze, synthesize, and communicate on design issues with clients and the public
- Provide technical assistance in environmental regulations, compliance, and issues involving land and water
- Manage projects generally and technically

Our capabilities include the following areas of expertise exclusive to the Outer Banks region;

- Simple to complex residential, commercial, and industrial design development services
- Public and private infrastructure design and construction services
- Municipal site development design services, (to include oceanfront and estuarine public access facilities)
- Schools and hospital design development services
- Street and roadway design and permitting services
- Multi-modal pathway design services
- Transportation and traffic engineering studies and reports
- Wastewater collection, treatment, and disposal system design & permitting services
- Stormwater management/erosion control design, permitting and Monitoring services
- Water distribution design and permitting services
- Environmental Permitting Services
- Engineering services for contractors
- Legal support services
- Minor structural related services
- Project programming services
- Feasibility Studies and Preliminary Site Analysis Services
- Construction Document & Technical Specification Preparation Services
- Bidding or Negotiation Services
- Construction Contract Administration services
- Construction review and inspection services
- Post-Construction and Commissioning services
- Low-Impact Design services
- Technical Plan Review of commercial and residential design development plans
- Technical Review of municipal related projects (to include streets, roadways, drainage, utility, oceanfront & estuarine access, recreational, and support facilities)
- Zoning Text Administration and Assistance

## **4.0 PROFESSIONAL COVERAGE , CONFIDENTIALITY & CONDUCT**

### **PROFESSIONAL COVERAGE**

As engineering consultants, CES's responsibility is extensive and exposed in the performance of competent work. CES has a \$300,000 aggregate limit for professional coverage when a project warrants or is required. Workman's Compensation Insurance is also provided for CES employees and sub-consultants with a maximum policy limit of \$500,000. Based on project requirements, professional liability insurance and workman's compensation insurance coverage can be provided upon request.

### **CONFIDENTIALITY**

**Creative Engineering Solutions, PLLC (CES)** practices the highest of moral principles in providing knowledgeable consulting engineering services to the planning, review, design and construction management of project activities in whom clients may place their complete confidence. In providing engineering consulting services to its clients, CES is often privileged to confidential information, acquiring certain valuable, proprietary, technical and economic information, and knowledgeable private industry practices. In consideration of its client, CES takes all reasonable steps to preserve the confidentiality and proprietary nature of such data and information. All written data and information furnished to CES by the client and copies, reproduction, and portions thereof, and all written data and information based on or derived there from shall be and remain the exclusive property of the client and for client's intended purpose and use. Such restrictions do not limit CES's right to use information contained in the data if it is obtainable from another source, or is public information.

### **PROFESSIONAL CONDUCT**

CES performs project planning, review and construction management services in a professional, ethical and responsible manner for the restricted use of its client. When preparing reviews, reports and studies, or the formulation of planning concepts and assembling of plans and specification for development and/or compliance, CES is respectful of professional, local, state, and federal laws, provisions and regulations and the needs, concerns and protection of others, to the protection and enhancement of environmental quality and to meeting occupational health and safety standards.

All information described herein, to include project related information, was either directly prepared, or prepared under the direct supervision of David M. Ryan, P.E.. This includes information that was directly prepared, coordinated, supervised, reviewed, or commissioned by Mr. Ryan in his current role as Creative Engineering Solutions, PLLC principal, or as Vice President of Engineering with Bissell Professional Group, Inc.

## **5.0 RESUME**

Attached is a brief resume of David M. Ryan, P.E. summarizing the descriptions of past projects relevant to your request.

### **David M. Ryan, P.E., NC LID Creative Engineering Solutions, PLLC**

#### **Key Qualifications:**

David M. Ryan, P.E., NC LID is a professional engineer with 15 plus of years of practical engineering experience providing engineered technical services to various clientele within the northeast region of North Carolina. Formerly employed with Bissell Professional Group, Inc. of Kitty Hawk, NC, Mr. Ryan has served in the capacity of Vice President of Engineering while providing direct engineering consulting services for the Town of Nags Head, NC as well as serving as the lead project engineer on several hundred commercial, residential, and municipal related projects.

In working within both the private and public sector Mr. Ryan, has become versatile in providing a broad range of engineering services related to concept, design, permitting, and construction in support of various types of development activities. Areas of expertise include site development, roadway, drainage, water, and wastewater infrastructure design as well as contract and construction administration.

Mr. Ryan understands the unique dynamics of the coastal environment as well as the needs of the client. By strategically balancing price, efficiency, and differentiation, CES strives to exceed the client's expectations in an effort to achieve desired project outcomes.

#### **Education:**

Bachelor of Science- Civil Engineering Technology- State University of New York Institute of Technology at Utica/Rome- Utica, NY, 1996

Associates in Applied Science- Civil Engineering Technology- Hudson Valley Community College – Troy, NY, 1993

#### **Military:**

United States Armed Forces, Army Headquarters & Headquarters Company, 4<sup>th</sup> Battalion, 17<sup>th</sup> Infantry, 7<sup>th</sup> Infantry Division, Fort Ord, CA 1990

#### **Professional Registrations:**

- State of North Carolina, Registered Professional Engineer in Civil Engineering
- State of North Carolina, NC Low Impact Development Certification

**Professional Affiliations:**

Dare County Board of Health Member  
Healthy Carolinians of the Outer Banks  
NC American Water Works Associations  
Water Environment Federation  
National Society of Professional Engineers  
Outer Banks Chamber of Commerce

**Representative Project Work**

**Town of Nags Head:**

Provided consulting engineering services to the Town of Nags Head for a six-year period. Technical services provided included technical plan review of commercial and residential site development plans for stormwater management & internal traffic circulation elements. Other job descriptions include planning, design, and construction related services for various Capital Improvement Projects. The following is a summary of the related project work.

**Town of Nags Head Capital Improvement Projects:**

- Whalebone Park Site Development
- Carolinian Circle Roadway Design Concept Report
- Baltic Street Beach Access & Parking Improvements
- June Street Beach Access & Parking Improvements
- Indigo Street Beach Access & Parking Improvements
- Gull Street Roadway Widening Project
- Finch Street Roadway Widening Project
- W. Side Multi-Use Path Phases 1/2/3
- Admiral Street Roadway Widening project
- W. Vista Colony Drainage Improvements
- Harvey Estuarine Access Improvements
- Municipal Recycling Facility

**Albemarle Plantation, Hertford, NC:**

Provided consulting engineering services for various phases of residential development in support of Phase One of the 1,100 unit Planned Unit Development. Technical Services included planning, design, permitting assistance, and construction related services in support of the residential development.

**Currituck Outer Banks Wastewater Study, Corolla, NC:**

Provided consulting engineering services for the preparation of a master planning study that was conducted in conjunction with Hazen-Sawyer, P.C. The scope of the work included a comparative alternatives analysis for wastewater collection system types to include conceptual planning, preliminary design & cost alternatives.

**Wanchese Seafood Industrial Park, Wanchese, NC :**

Provided consulting engineering services for the preparation of various site planning, roadway, drainage, and utility infrastructure improvements over the span of a 10-year period. Project highlights include drainage infrastructure improvements to establish NCDENR stormwater management permit compliance, design and permitting of a water distribution line extension, and a roadway widening project of Harbor Rd.

**Walnut Island Sanitary District, Wastewater Collection Improvements, Grandy, NC:**

Served as the Project Engineer for the \$1.5 million removal and replacement of the wastewater collection system servicing the Walnut Island Sanitary District. Services provided consisted of the design, permitting, bidding, and construction administration of the gravity collection and conveyance line improvements.

**Other Representative Projects**

Kilmarlic Subdivision & Golf Course Clubhouse,  
Harbinger, Currituck County, NC  
Kill Devil Hills Commercial Development, Kill Devil  
Hills, Dare County, NC  
Manteo Middle School, Manteo, Dare County, NC  
Hatteras Island Plaza Avon, Dare County, NC  
Island Land Centre, Kill Devil Hills, Dare County, NC  
Town of Manteo, Manteo, Dare County, NC

**References**

Albemarle Plantation  
Kip Peregoy, General Manager  
1 Plantation Drive  
Hertford, NC 279544  
(252)-426-4653

Wanchese Seafood Industrial Park  
N.C. Department of Commerce  
Bob Peele, Director  
P.O. Box 549  
Wanchese, NC 27981  
(252)-473-5867

Town of Manteo  
Kermit Skinner, Town Manager  
407 Budleigh St.  
Manteo, NC 27954  
(252)-473-2133

**Local Sub-Consultants**

Anlauf Engineering, PLLC  
Michael Robinson, P.E.  
Andy Deel, P.E.  
Beacon Architecture & Design, PLLC

Michael O'Steen, P.E.  
MESA, P.C.  
Seaboard Surveying & Planning, Inc.  
Environmental Professionals, Inc.

**EXHIBIT "A"**

**SCHEDULE OF FEES FOR PROFESSIONAL SERVICES**

<b>CATEGORY</b>	<b>HOURLY BILLING RATE</b>
Civil Engineer	\$100.00
Designer/Cad Technician	\$75.00
Construction Administrator	\$90.00
Inspector	\$65.00
Subcontracted Services	cost + 10%

**REIMBURSABLE EXPENSES**

18x24 Prints	\$1.50
18x24 Mylar Prints	\$3.00
24x36 Prints	\$2.00
36x42 Prints	\$2.50
11x17 Copies	\$0.20
11x17 Color Copies	\$0.50
Letter/Legal Copies	\$0.10
Color Letter/Legal Copies	\$0.50
Mileage Expense	prevailing federal rate

The rates described hereon reflect the current rates for CES, PLLC through June 30, 2012. CES, PLLC reserves the right to adjust pricing annually, with an effective date of July 1st.

Mileage expense rate adjustments will coincide with Federal standard mileage reimbursement rate schedules. Current 2012 rate is 55.5 cents per mile.