

**From:** Sheets, Mike - Purchasing <[William.M.Sheets@wv.gov](mailto:William.M.Sheets@wv.gov)>

**Sent:** Tuesday, March 30, 2021 3:32 PM

**To:** Kilpatrick, Robert P <[Robert.P.Kilpatrick@wv.gov](mailto:Robert.P.Kilpatrick@wv.gov)>

**Cc:** Melton, Gregory L <[Gregory.L.Melton@wv.gov](mailto:Gregory.L.Melton@wv.gov)>; Barry, William D <[William.D.Barry@wv.gov](mailto:William.D.Barry@wv.gov)>; Casdorff, Scot R <[Scot.R.Casdorff@wv.gov](mailto:Scot.R.Casdorff@wv.gov)>; Whittaker, Frank M <[Frank.M.Whittaker@wv.gov](mailto:Frank.M.Whittaker@wv.gov)>; Jones, James R <[James.R.Jones@wv.gov](mailto:James.R.Jones@wv.gov)>; Hovatter, Robert W <[Robert.W.Hovatter@wv.gov](mailto:Robert.W.Hovatter@wv.gov)>; Totten, Mark L <[Mark.L.Totten@wv.gov](mailto:Mark.L.Totten@wv.gov)>

**Subject:** RE: Special Circumstances Request for Engineering Services for Investigation and Design - North Portico Step Concrete Failures

Bob,

Your request is approved for special circumstances design work. Please submit the award documentation within 30 days for processing.

Regards,  
Mike

W. Michael Sheets  
Director  
WV Purchasing Division  
2019 Washington Street, East  
Charleston, WV 25305

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**From:** Kilpatrick, Robert P <[Robert.P.Kilpatrick@wv.gov](mailto:Robert.P.Kilpatrick@wv.gov)>

**Sent:** Tuesday, March 30, 2021 3:25 PM

**To:** Sheets, Mike - Purchasing <[William.M.Sheets@wv.gov](mailto:William.M.Sheets@wv.gov)>

**Cc:** Melton, Gregory L <[Gregory.L.Melton@wv.gov](mailto:Gregory.L.Melton@wv.gov)>; Barry, William D <[William.D.Barry@wv.gov](mailto:William.D.Barry@wv.gov)>; Casdorff, Scot R <[Scot.R.Casdorff@wv.gov](mailto:Scot.R.Casdorff@wv.gov)>; Whittaker, Frank M <[Frank.M.Whittaker@wv.gov](mailto:Frank.M.Whittaker@wv.gov)>; Jones, James R <[James.R.Jones@wv.gov](mailto:James.R.Jones@wv.gov)>; Hovatter, Robert W <[Robert.W.Hovatter@wv.gov](mailto:Robert.W.Hovatter@wv.gov)>

**Subject:** Special Circumstances Request for Engineering Services for Investigation and Design - North Portico Step Concrete Failures

Mike:

You undoubtedly heard about our "injury" last Friday. Please accept the attached as our formal request to invoke "special circumstances" and forego competitive bidding for A/E Services to address the subject project immediately.

Let me know if you need any additional information or have any questions.

Thanks  
Bobk



STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
GENERAL SERVICES DIVISION  
State Capitol  
Charleston, West Virginia 25305


Allan L. McVey  
Cabinet Secretary

Gregory L. Melton  
Director

**MEMORANDUM**

**To:** Mike Sheets, Director, State Purchasing Division

**From:** Robert P Kilpatrick, Business Manager, General Services Division

**Date:** March 30, 2021 

**Ref:** **A/E Services for North Portico Stairs – Failing Concrete Slab Investigation**

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Mike:

On March 26, 2021, a portion of the concrete slab below the Main Capitol North Portico Stairs (and above the suspended ceiling in the House of Delegates' Journal Reading Room), collapsed, injuring an employee. Immediate investigation of the area by our Agency indicated that the additional expertise would be required to determine the exact cause of the failure, to gauge the full risks of additional failure, and to determine the appropriate means and methods to address the concern.

Pursuant to Section 6.3.1.1 of the Purchasing Division Procedures Handbook, we are requesting approval of the Director of Purchasing to forego competitive bidding and directly and immediately contract with WDP & Associates to perform engineering design services to first provide an onsite survey, then in-depth investigation, and then, finally, design services to prepare project plans to repair the area sufficiently to prevent further failures, damage and injuries.

The Agency wishes to select WDP & Associates to perform these design services in this building due to their previous satisfactory performance as the structural engineer-of-record for the WV Capitol Dome Moisture Intrusion Repair Project, having spent nearly the past five years investigating the structural conditions of the Main Capitol, designing various repairs to both structure and masonry (including both the Dome Moisture Intrusion and the Clay Tile Wall repairs projects), and administering the work of contractors onsite. During my tenure with the Agency (over two decades), the only other design firm to have worked as intensively with structural and masonry repairs on the building had been Swanke Hayden Connell Architects, who filed for bankruptcy in 2015. No vendor other than WDP has current knowledge of the structural and masonry systems of the Capitol for the purposes of designing immediate repairs.

Seeking a competitively bid procurement for these services is not practical at this time, as the intent is to respond as quickly as possible to the emergent conditions to avoid any further risk or damage.

Pursuant to §5G-1-3 of the Code (as we expect a thorough investigation, combined with any immediately launched repairs, will exceed \$250,000), we request approval to enter directly into a contract with WDP & Associates, foregoing competitive bidding, due to the inherent compromise to the safety of the public and its property, the increased risk of extended interruption of the essential services provided by the employees of

this area of the Main Capitol, and the prospect that contracting with a different engineer to complete the work would result in the increased costs of any alternate vendor's time to "learn" the building to the degree that WDP & Associates already have. Work by WDP & Associates. under the prospective contract would cover an immediate, onsite investigation; further forensic investigation involving the use of subconsultants and appropriate technologies; reporting and recommendations on the appropriate solution; then, design and construction administration services to cover the emergency construction procurement. We would submit a contract based upon an AIA B101 agreement, as amended by the State of WV Supplement, likely with a Fixed Period for completion of the immediate design work.

Thank you for your timely consideration of this request.

Robert P Kilpatrick, Business Manager, GSD