

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On June 8, 2023

– solely by means of electronic equipment - via telephone conference –

Pursuant to CGS §1-225a, the State Properties Review Board conducted its Regular Meeting at 9:30AM on June 8, 2023. Pursuant to the statute, this Meeting was held solely by means of electronic equipment, with Participants connecting via telephone conference at (860)-840-2075 and used passcode 284890492#.

The Notice provided designated this Regular Meeting as open to the public. Call in instruction were provided as: Dial toll free (860)-840-2075 and use passcode 284890492#. If you have any questions or need assistance to attend these Meetings, you can contact SPRB Director Dimple Desai at [dimple.desai@ct.gov](mailto:dimple.desai@ct.gov) to make appropriate arrangements.

#### **Members Present – solely by means of electronic equipment:**

Edwin S. Greenberg, Chairman  
Bruce Josephy, Vice Chairman  
John P. Valengavich, Secretary  
Jack Halpert  
Jeffrey Berger  
William Cianci

#### **Members Absent:**

#### **Staff Present – solely by means of electronic equipment:**

Dimple Desai  
Thomas Jerram

#### **Guests Present – solely by means of electronic equipment:**

Michele Helou, DAS-CS  
Peter Simmons, DAS-CS

Mr. Valengavich moved and Mr. Halpert seconded a motion to enter into Open Session. The motion passed unanimously.

### **OPEN SESSION**

#### **1. ACCEPTANCE OF MINUTES**

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the June 5, 2023 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

Mr. Berger informed Board Members that the Legislative Session has concluded and that the Board's bill was not called to vote.

#### **3. REAL ESTATE- UNFINISHED BUSINESS**

**4. REAL ESTATE – NEW BUSINESS**

**5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS**

**PRB #** 23-093  
**Origin/Client:** DAS/SCSU  
**Transaction/Contract Type:** AE / Task Letter  
**Project Number:** BI-RS-372  
**Contract:** OC-DCS-CA-0038  
**Consultant:** Arcadis U.S., Inc.  
**Property:** New Haven, Crescent St (501) – SCSU Academic Science & Lab  
**Project purpose:** Emergency Flood Repairs  
**Item Purpose:** Task Letter #2A

**CONSULTANT FEE: \$149,880 ~~\$147,605~~**

At the State Properties Review Board meeting held on June 5, 2023, the Board voted to suspend this file pending Board clarification of the following issues:

1. Receipt of a revised Task Letter #2A:
  - Reflecting proper job titles with corresponding hourly rates that matches the approved on-call contract including a staffing matrix for the duration of the project including closing

**DAS Response:** Please be advised that the subject revised task letter has been uploaded to the SPRB shared drive

**Staff Response:** Staff compared the differences resulting in an increase in fee to \$149,880, and at the same time shortened the duration of the project from 304 days plus 90-day closeout to 150 days, inclusive of closeout.

So it looks like the project end date would be Oct. 31, 2023; which means that the closeout period will be from August to October 2023. Why is there a full time staff support for the August and September months?

Task Letter #2 (Informal) matrix:

**Construction Administration Services Fee Matrix**

Pre-construction Phase		Months (month #1 start from after the issuance of the commission letter)										Total Hours	Total Amount
Title	Hourly Rates	1	2	3	4	5	6	7	8	9	10		
Sr. Project Manager	\$185.00	2	2	2	2	1.5						9.5	\$ 1,757.50
Project Manager	\$150.00	40	40	40	40	10.5						170.5	\$ 25,575.00
Pre-construction subtotal													\$ 27,332.50
Construction Phase		Months (month #1 start from after the issuance of the commission letter)										Total Hours	Total Amount
Title	Hourly Rates	1	2	3	4	5	6	7	8	9	10		
Sr. Project Manager	\$185.00	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	22.5	\$ 4,162.50
Project Manager	\$150.00	45	45	45	45	45	45	45	45	45	45	450	\$ 67,500.00
Construction subtotal													\$ 71,662.50
Total CA Services													\$ 98,995.00

Original:

**Construction Administration Services Fee Matrix**

Title	Hourly Rates	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total Hours	Total Amount
Sr. Project Manager	\$185.00				32	32	32	16	16			96	\$23,680.00
Project Manager	\$150.00				80							80	\$12,000.00
Sr. Project Manager	\$185.00				80	160	160	160	45			240	\$111,925.00
Subtotal													\$147,605.00

Revised:

**Construction Administration Services Fee Matrix**

Title	Hourly Rates	Monthly												Total Hours	Total Amount	
		March	April	May	June	July	Aug	Sept	Oct	Nov	Dec					
Project Manager	\$180.00				32	32	32	16	16						96	\$23,040.00
Assistant Project Manager	\$150.00				80										80	\$12,000.00
Project Manager	\$180.00				90	160	160	160	78						240	\$144,000.00
Subtotal																\$149,880.00

The Consultant did not address the issue that the \$150/hour position included for 10 months in Task Letter #2 has now been replaced with a \$180/hour position.

What level of expertise does DAS-CS require for this Project?

Why there is an increase of 33 hours in the month of October?

- Revised schedule based on actual work to date including closeout time  
Staff Response: The Consultant now reduced the CA Phase as follows:

Original:

The construction phase services shall be for a time period of three hundred four (304) calendar days plus the project closeout of ninety (90) calendar days.

Revised:

The construction phase services shall be for a time period of One Hundred Fifty (150) calendar days including the project closeout of ninety (90) calendar days.

- Revised narrative based on the above changes  
Staff Response: The Consultant acknowledged the incorrect hourly rate and will correct in forthcoming billing, as follows:

NOTE: The original task letter 2 had the incorrect hourly rates and that will be corrected in the next invoice from the Consultant as a portion of the work has already been billed and the work was performed on a time and materials basis. The correction to be made is changing the hourly rate from \$185.00/hour to \$180.00/hour for Kelly Nelli and Andrew Gentile.

**RECOMMENDATION:**

It is recommended that SPRB continue the suspension of Task Letter #2A in the amount of \$149,880 (NTE) pending further review of information from DAS.

- DCS confirmed \$149,880 is available for the Task Letter.



**CONSULTANT FEE: \$147,605**

**Project Background**

At its meeting held on January 14, 2010 the Board voted, under PRB #09-320, to approve BI-RS-283-ARC in the amount of \$7,606,746 to compensate the Consultant for design and construction administration in conjunction with the Project – a 103,608 Academic Science and Laboratory Building at Southern Connecticut State University in New Haven. (<https://www.youtube.com/watch?v=kSkgezEqcJs>)

On June 28, 2018, under PRB #18-084, the Board approved Amendment #1 to the Consultant's Contract compensate the Consultant an additional \$283,370, extending the construction duration to 809 days from the 637-day construction duration in the original Contract.

On August 2, 2010, the Board voted, under PRB #10-194, to approve BI-RS-283-OR in the amount of \$442,002 to compensate the Consultant for Owner's Representative services during the design and procurement phases (through GMP) for a new 3-story academic building to house classrooms, teaching laboratories, research laboratories and administrative offices for the departments of Biology, Chemistry, Environmental Sciences, Physics and the Center for Math and Science Education.

And, on July 15, 2013, the Board voted, under PRB #13-157, to approve BI-RS-283-CA in the amount of \$1,700,010 to compensate the Consultant - LiRo Program and Construction Management PE, P.C – for CA services during the construction phase of the Project. The contract was initially suspended as DCS considered revising the scope to an Owners' Representative Contract but DCS had decided to execute the Contract under the more comprehensive *Construction Administrator Scope* due to the complexities of the project (<https://www.liro.com/projects/ct-academic-science-and-laboratory-building>).

The \$49 million Project was constructed by FIP Construction and completed in 2015.

From DAS Form 1105:

Southern's Academic Science Building was constructed in 2015 by FIP construction with DCS project administration. Over the past weekend, 2/3/23 – 2/5/23, exterior temperatures dropped below 0 degrees. Although the facility was prepared for the cold conditions, interior interstitial spaces dropped below 32 degrees. Significant damage occurred caused by freezing water, sprinkler and HVAC pipes in the upper level new Science Building plenum space, enclosed pedestrian bridge between the Science Building and Jennings Hall and related water damage in Jennings Hall. Southern's initial reports placed up to 50 rooms in the new Academic Science Building and 25 rooms in Jennings Hall damaged.

The State Insurance Risk Division has been alerted to this incident. FM Global has visited the site, reviewed the damages to both the facility and equipment and provided recommendations that Southern can follow. A remediation contractor is currently on site removing areas of environmental concern and providing dehumidification. A separate contractor will be hired to complete repair work. Both vendors will start working on an hourly basis. Southern currently estimates the repair, restoration and equipment replacement work exceeding \$2,000,000.

On March 7, 2023, DAS retained Arcadis U.S., Inc. under Task Letter #2 to their on-call contract OC-DCS-CA-0038, to provide pre-construction and CA Services on this Project. Their negotiated fee was \$98,995 (NTE) and included the following Scope of Work:

The Academic Science Building and Jennings Hall at Southern Connecticut State University suffered leaks and flood damage during February 2023. The project requires construction administration services to oversee all work associated with the flood repairs at the aforementioned locations.

The scope of work shall include, but is not limited to the following:

- Coordinate the remedial and restoration work with various vendors/contractors and FM Global.
- Manage project documentation.
- Manage correspondence and expenses associated with the work.
- Coordinate and attend meetings, as required, and take meeting minutes at each respective meeting.
- Oversee on-site work and review payment applications and change orders, as required.

**Construction Administration Services Fee Matrix**

Pre-construction Phase		Months (month #1 start from after the issuance of the commission letter)										Total Hours	Total Amount
Title	Hourly Rates	1	2	3	4	5	6	7	8	9	10		
Sr. Project Manager	\$185.00	2	2	2	2	1.5						9.5	\$ 1,757.50
Project Manager	\$150.00	40	40	40	40	10.5						170.5	\$ 25,575.00
Pre-construction subtotal													\$ 27,332.50
Construction Phase		Months (month #1 start from after the issuance of the commission letter)										Total Hours	Total Amount
Title	Hourly Rates	1	2	3	4	5	6	7	8	9	10		
Sr. Project Manager	\$185.00	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	22.5	\$ 4,162.50
Project Manager	\$150.00	45	45	45	45	45	45	45	45	45	45	450	\$ 67,500.00
Construction subtotal													\$ 71,662.50
Total CA Services													\$ 98,995.00

- CA Services were for 304 calendar days plus 90 days for close out.

Under this Proposal (PRB #23-093), DAS is now seeking Board approval of Task Letter #2A for the Consultant to provide extended construction administration services in conjunction with this Project. The fee for the proposed Consultant’s services is \$147,605 (NTE).

DAS provided the following narrative in support of this request:

The original task letter was executed for a not-to-exceed amount \$98,995.00. The CA is performing the role of a construction administrator and a construction manager at the same time as they are managing different contractors on site hired through the trade labor contract. Due to this effort, the CA needs to spend more hours on the project. In addition, the contractors hired through the trade labor contract are not very familiar with the State construction process and associated paperwork, which puts an additional burden on the CA to ensure compliance. This effort required the CA to work full time on the project. We are projecting that the \$98,995 will be exhausted by end of May 2023. This supplemental task letter for another not-to-exceed \$147,605.00 is for continued CA services through the end of the project. We expect the construction to continue until the end of September and closeout period after that. Please note- Arcadis currently has a project manager available to cover the project until June based on his availability and will only have a Sr. PM available to serve the project after that due to staffing availabilities.

There is an open FM Global claim to cover the costs of the damage through the State’s insurance policy. The costs for the construction administrator will be part of the insurance claim and the State will be looking to recoup the monies spent after the deductible and the State’s contribution.

The Scope of Work includes:

Coordinate the remedial and restoration work with various vendors/contractors and FM Global.

- Manage project documentation.
- Manage correspondence and expenses associated with the work.
- Coordinate and attend meetings, as required, and take meeting minutes at each respective meeting.
- Oversee on-site work and review payment applications and change orders, as required.
- CA Services are unchanged at 304 calendar days plus 90 days for close out.

In a May 15, 2023 communication, the Consultant summarized their services under this proposed Task Letter #2A as follows:

**Additional Scope**

The scope of work has exceeded the expectations of the original intent. Arcadis's on site staff is working up to 12 hour days and some weekends to allow contractors access in the morning and ensuring safety of the buildings at the end of the day. The original intent was for this project not to involve a full-time person on site, but now requires that someone from Arcadis be on site whenever work is taking place. We have also brought in additional staff to assist our on-site representative. Additional time for our Senior Project Manager for solicitation of trades, tracking costs and all change orders, and supporting the onsite staff has also been needed. Please note that we will have expended all original hours planned to the project at the end of May. This add service only includes hours as show in the graph below under Additional Services and may not include enough for a full close out of the project. Also starting in June we will be working only 8 hours a day on site.

Based on this communication, it appears that the Fees (Pre-con/CA) approved under Task Letter #2 were projected on a part-time basis through January 2024. However, in light of the Consultant's expanded scope their part-time effort was expanded to a full-time effort consuming all approved Fees by the end of May approximately seven months ahead of schedule.

The Consultant's proposed fee is outlined in the following staffing matrix:

**Additional Services**

Title	Hourly Rates	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total Hours	Total Amount
Sr. Project Manager	\$185.00				32	32	32	16	16			96	\$23,680.00
Project Manager	\$150.00				80							80	\$12,000.00
Sr. Project Manager	\$185.00				80	160	160	160	45			240	\$111,925.00
subtotal													\$147,605.00

In November 2022, SPRB approved Arcadis U.S., Inc. ("AUS") (PRB #22-166) as one of seven Firms under the latest *On-Call CA Series* of consultant contracts. These contracts have a maximum cumulative fee of \$1,000,000/contract and a common expiration date of February 28, 2025.

The Consultants' hourly rates approved under the latest on-call series were as follows:

Labor Category	Per hour
Project Executive	\$240.00
Project Manager	\$180.00
Assistant Project Manager	\$150.00
Plan Reviewer	\$185.00
Estimator	\$180.00
Schedhler	\$180.00

Since the award of this contract AUS has been approved for the following tasks under this series:

• Task Letter #1	OSCG&R – per square foot analysis	\$70,860	(Informal)
• Task Letter #2	SCSU – Emergency Flood Repair	\$98,995	(Informal)
• Task Letter #2A	SCSU – Emergency Flood Repair	\$147,605	(#23-093 Pending)
		Total	\$169,855

DAS confirmed funding is in place for this Task Letter #2A.

The construction budget and project budget for Task #2A was established at \$1,100,000 and \$2,050,000, respectively.

Task Letter #2 – AUS Basic Services Fee (Informal)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Pre-Design Phase	\$27,332.50				
Construction Administration-NTE (304 days + 90 day close out)	<u>\$71,662.50</u>				
TOTAL BASIC SERVICE FEE (Informal) (A)	\$98,995			\$1,250,000	7.9%
Extended and Expanded Construction Administration	<u>\$147,605</u>				
TOTAL BASIC FEE - #23-093 (A1)	\$147,605				
TOTAL BASIC SERVICE FEE (#23-093) (A) + (A1)	\$246,600			\$1,100,000	22.42%

Staff had following questions:

1. Please provide the Consultant’s initial Proposal presented for TL#2 and all subsequent invoices presented to DAS for the Consultant’s services provided under Task Letter #2 to the on-call Contract – OC-DCS-CA-0038.

**DAS Response:** Please find attached as requested.

**Staff Response:** The Proposal was reviewed and provided for two Staff (SR PM & PM), and DAS is responding to the issues of personnel tiles (not yet received).

2. At what point in this Project did DAS identify the Consultant’s efforts were exceeding the budgeted times allocated in Task Letter #2? And, how was the need for a Construction Manager to manage all of the Trades needed for this Project overlooked?

**DAS Response:** DAS was notified early May that the costs were projected to be exceeding the budgeted amount. Arcadis is hired as the construction administrator and due to the urgency of the project, the contractors were hired through the State Trade Labor contracts through different packages. We had to act quick to remediate the mold before it gets out of control and had to work overtime and weekends to get this taken care of, and restore the building for the school to make use of. Since there is no General Contractor or a Construction Administrator to manage the different trades, Arcadis needed to manage all sub-contractors. In addition, the trade labor contractors hired also needed a lot of “hand-holding” to get the work installed correctly. This also contributed to the increased burn-rate.

**Staff Response:** How many different Contractors had difficulty installing their work correctly?

3. Under Task Letter #2 (3/7/23), the Consultant provided two Staff (SR PM & PM) during pre-construction phase and two additional Staff were provided for the CA phase. The first five months of pre-construction and CA were overlapping. Please clarify the following:

a) In the most recent Contract – OC-DCS-CA-0038 – there is no Senior Project Manager title. Please reconcile the job titles/hourly rates included in the staffing matrix with the job titles/hourly rates in the on-call contract utilized in Task Letter #2.

**DAS Response:**

**Staff Response:** Awaiting a response to this issue.

b) This should be addressed for this proposed Task Letter #2A.

**DAS Response:** We will revise this accordingly in the re-submission.

**Staff Response:** OK

4. If the Consultant committed Staff for 45 hours/month during the CA Phase through the end of

the Project in January 2024 in Task Letter #2, why is DAS now releasing the Consultant from that commitment and substituting with a Staff with a different job title at a higher hourly rate in this Task Letter #2A?

**DAS Response:** The staff projections identified in TL#2 was based on the projections from before we went out to procure the contractors for the project. Also, the work was performed on a T&M basis. As mentioned earlier, significant effort was required during pre-construction and construction to keep the project moving forward and to get the university to make use of the spaces at the earliest available date. The substitution of the staff was because the Ron Rickey is no longer available after June and they only have a Sr. PM available.

**Staff Response:** Just because a PM was not available, why should state pay for Sr. PM? The Consultant is required to honor the rates and personnel per the original TL #2. Pl revise the rate as approved under TL #2.

**RECOMMENDATION:**

It is recommended that SPRB suspend Task Letter #2A in the amount of \$147,605 (NTE) pending response from DAS.

- DCS confirmed \$147,605 is available for the Task Letter.

**6. ARCHITECT-ENGINEER – NEW BUSINESS**

<b>PRB #</b>	23-082
<b>Origin/Client:</b>	DCS/DPH
<b>Transaction/Contract Type:</b>	AE / Task Letter
<b>Project Number:</b>	BI-2B-473
<b>Contract:</b>	OC-DCS-ROOF-0039
<b>Consultant:</b>	Gale Associates, Inc.
<b>Property:</b>	Rocky Hill, West St (395) – Public Health Laboratory
<b>Project purpose:</b>	Water Infiltration Repairs
<b>Item Purpose:</b>	Task Letter #1A

At 9:32 Ms. Helou and Mr. Simmons, both of DAS, joined the Meeting to participate in the Board’s Discussion. Both left the Meeting at 10:10.

**PROPOSED AMOUNT: \$20,710**

At its meeting held on November 12, 2021 the Board voted, under PRB #21-162, to approve TASK LETTER #1 in the amount of \$214,677 (NTE) to compensate the Consultant for design and construction administration in conjunction with the Project at the Department of Public Health Laboratory in Rocky Hill.

The Project was bid on September 2, 2022, with responses due no later than October 12, 2022. DAS subsequently cancelled the Bid on February 1, 2023. There was only one response to the Bid that was subsequently withdrawn by the Contractor.

And, on April 26, 2023, DAS retained Construction Solutions Group, LLC under Task Letter #2 to their on-call contract OC-DCS-Cam-0010, to provide pre-construction and CA Services (112 days + 90-day close out) on this Project. Their negotiated fee was \$97,590.

Under this Proposal (PRB #23-082), DAS is now seeking Board approval of Task Letter #1A for the Consultant to provide extended design and construction administration services in conjunction with revisions to the Contract Documents, rebidding the Project and addition of two weeks CA



Phase services. The fee for the proposed Consultant’s services is \$20,710.

The Scope of Work includes:

1. Update Contract Documents (CD) Phase - \$10,555
2. Bidding/Negotiation (Bid Round 2) - \$5,990
3. Construction Administration (Additional 2 weeks) - \$4,165

In May 2021, SPRB approved Gale Associates, Inc. (“GAL”) (PRB #21-053) as one of five Firms under the latest *On-Call Roof Series* of consultant contracts. These contracts have a common expiration date of August 31, 2023 and have a maximum cumulative fee of \$750,000.

Since the award of this contract GAL has been approved for the following tasks under this series:

• Task Letter #1	DPH Water Infiltration	\$214,677	(#21-162)
• Task Letter #1A	DPH Water Infiltration	\$20,710	(#23-082 Pending)
• Task Letter #2	CCSU – New Engineering Building	\$4,000	(Informal)
• Task Letter #3	Hartford Armory – Limited Repointing	\$12,550	(Informal)
		Total	\$251,937

DPH and DAS confirmed funding (Federal-CDC Grant) is in place for this Task Letter.

The construction budget and project budget for Task #1A was established at \$2,124,717 and \$2,787,057, respectively. The construction budget was increased 42% from the initial project budget for Task #1 (\$1,500,000).

Task Letter #2 – GAI Basic Services Fee (#21-162)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic Development Phase	\$39,500				
Design Development Phase	\$18,200				
Contract Documents Phase	\$18,510				
Bidding Phase	\$4,900				
Construction Administration-Fixed	\$32,600				
Construction Administration-NTE	<u>\$75,425</u>				
TOTAL BASIC SERVICE FEE (#21-162) (A)	\$189,135			\$1,500,000	12.6%
Contract Documents Phase-revised	\$10,555				
Bidding Phase – rebid	\$5,990				
Construction Administration-2 wks	<u>\$4,165</u>				
TOTAL BASIC FEE - #23-082 (A1)	\$20,710				
TOTAL BASIC SERVICE FEE (#23-082) (A) + (A1)	\$209,845			\$2,124,717	9.88%
Special Services					
Roofing Contractor - NTE		\$14,960			
Industrial Hygienist Testing		\$2,937			
Nuclear Moisture Scan		\$3,960			
Aerial Lift Rental - NTE		<u>\$3,685</u>			
TOTAL SPECIAL SERVICE FEE (#21-162) (B)		\$25,542			
Total Fee #23-082 (A) + (A1) + (B)			\$235,387	\$2,124,717	11.1%

Staff had following questions:

1. Provide justification why it is costing \$10,555 for revisions while Gale charged \$18,200 to prepare the CD phase submission for the entire project?

DAS Response: After the first round of bidding resulted in only one bidder who could not be recommended, I requested Gale Associates and the Department of Public Health team re-review the construction documents and meet to discuss revisions that would make the project more appealing to potential bidders on a second bid round. These changes included revisions to work sequence, sub-contractor qualifications, product specifications, unit prices and base bid quantities, liquidated damages, and contract schedule and duration. In addition to these revisions to drawings and specifications, the addenda items from bid round 1 require a second conformed set. Also, updated cost estimate and all state administrative forms are required with the re-submission; this work accounts for a significant portion of the fee. DAS CS reviewed the Engineering Services Fee Estimate – Updated Tracing & Masters at page 8 and all hours appear to be reasonable.

This project is complex and critical – the roof and curtain wall systems of a 12-year old multi-million dollar state building are leaking into interior laboratory testing rooms and the unforeseen damage to the roof structure, ceiling and wall systems will continue until these repairs are completed. The Federal Grant to pay for these repairs expires at year end. The design of the repair work requires an experienced building envelope engineer or architect and the state is fortunate to have Marc Loranger, P.E. from Gale Associates take the lead on this project.

Staff Response: ok

2. Provide justification why it is costing \$5,990 for bid/negotiation phase while Gale charged \$4,900 previously?

DAS Response: DAS CS reviewed the Engineering Services Fees Estimate for Re-Bid Period Services at page 9 and all hours appear to be reasonable to complete the necessary tasks for pre-bid meeting, clarifications, addenda, general contractor qualifications review, sub-contractor qualifications review, and contractor bid scope review agenda and meeting, etc. According to Gale Associates, the increase in fee is partly due to the need to involve more experienced personal to address complicated questions during the bidding process.

Staff Response: Does this mean that during the first bidding, DCS did not have access to a more experienced personnel?

3. In November 2021, DAS-CS, in justifying **higher CA Services fees** under TL #1, DAS-CS specifically stated that **there will be no 3<sup>rd</sup> party CA consultant involvement**. In light of this statement please address the following:

- c) What circumstances lead to hiring of a 3<sup>rd</sup> party CA? Specifically, clarify what transpired with this Project that DAS-CS retained Construction Solutions Group under Task Letter #2 (4-26-23) to their Contract – OC-DCS-Cam-0010 – with a \$97,590 fee.

DAS Response: The primary reasons for hiring CSG as for CA services was to provide daily safety inspections and observations and to provide administrative assistance to avoid construction delays. CSG's superintendent has over 15 years of construction experience and is OSHA-30 certified. He will be on-site every morning to review conformance with safety plans for fall protection systems, crane operation, scaffolding/stair construction, and all site logistics at this four-story fully occupied building. He will also provide pre-inspection services to make best use of time from OSBI and OSFM. CSG's project manager has over 20 years of experience including state projects and she is familiar with the DAS administrative requirements and can provide a secondary check on submittals, change orders, payment applications, and close out documents.

Staff Response: This complex project went through the entire bidding process including securing one bid once before and now it is determined by DCS that a safety inspector is required for this project? Gale Associates does not have this type of expertise who can provide the services?

- d) Please reconcile the need for an additional 2 weeks (attending 2 additional progress meetings) of CA Services, in light of the CA Services approved under Task Letter #1 to this Contract. Why was the CA Phase increased to 112 days, up from the original 98 days?

DAS Response: The purpose of increasing the construction duration to 112 days was to provide a more reasonable schedule given that there have been some extended lead times on procurement of materials such as insulation, roofing membranes, etc. The design team agreed that the original 98 day duration was too tight and could unfairly subject a contractor to liquidated damages given possible extended material lead times. The work is also subject to weather conditions, and although there is a process for contract extension due to weather, the design team agreed that extending the schedule would allow more weather days to be built in.

Staff Response: These additional days as a result of more weather days is costing state additional CA fees.

CSG is required to attend 8 weekly project meetings, frequency determined by DAS-CS.

Gale, under T1, is required to attend 8 weekly project meetings. Under T1A, required to add 2 additional weekly project meetings.

Staff are still reviewing other information.

- e) Why DAS-CS has not re-negotiated Gale's contract for CA services now that a 3<sup>rd</sup> party CA consultant is providing those duplicative services?

DAS Response: CSG omitted duplicative services that Gale was already providing in their contracted task letter scope of work. For example, CSG is not leading Owner – Engineer – Contractor meetings or taking minutes, etc. CGS is not providing full-time on-site construction observation – only half-time. CSG is not taking the lead on final inspections, punch list, and close out items. CSG's scope of services was negotiated to compliment the services already contracted with Gale Associates.

Gale Associates, as the Designer of Record, will conduct owner meetings, review all submittals, respond to requests for information, prepare proposal requests, review change order proposals and payment applications, provide site visits and field reports to document work is consistent with drawings and specifications, provide final inspections, and prepare close out documentation such as record drawings. These tasks are included in their base CA fee and are consistent with their on-call contract and DAS CA requirements for Architects/Engineers.

CSG is providing only 15 hours a week of construction observation in the mornings – primarily to review the safety plans and work plans for the day, and report on progress and general consistency with construction documents. This is a standard scope under the CA on-call contract. Gale Associates was contracted to provide up to 35 half day visits (up to two ½ day visits per week) on a per diem/as needed basis to review unforeseen conditions, review technical questions or issues in the field that can only be addressed by the licensed Designer of Record. As stated in the original proposal from Gale Associates, these visits will be requested and scheduled by the DAS Project Manager. Any unused funds from this allowance would be returned to the state.

Staff Response: Staff are still reviewing other information.

**RECOMMENDATION:**

It is recommended that SPRB suspend Task Letter #1A in the amount of \$20,710 pending further review of information from DAS.

- DCS confirmed \$20,710 is available for the Task Letter.

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**FROM PRB #21-162**

PROPOSED AMOUNT: \$214,677 (NTE)

DCS Project Narrative

On January 20, 2021, DCS retained the services of the Consultant under Task Letter #2 to OC-DCS-ROOF-0035, to investigate to the causes of water infiltration at the high roof level, the intermittent roof level, the vertical face of the building and at selected window locations. The investigation included review of original construction documents with AZ Corporation, the CAc during the construction of the Lab. The Consultant's fee under Task Letter #2 was \$34,961. The results of the investigation follow:

The facility has been experiencing roof leaks at the perimeter of the building and adjacent to the AHU's (ERUs) in Area 1 (West Wing). A field investigation was conducted on 05/20/2020 and it was determined that there is extensive moisture accumulating under the roof membrane at various locations adjacent to the roof curbing that supports the large AHU's. There are several locations where the roof membrane is no longer fully adhered to the substrate and the insulation board is completely saturated. The existing roof construction consists of an EPDM roof membrane fully adhered to a 1/4" protection board over tapered insulation. The tapered insulation is on top of a composite deck consisting of lightweight concrete and metal decking. There is a 24"h x 12"w reinforced concrete equipment curb that supports the AHU and metal panel enclosure. The exterior face of the curb has a 2" thick nail base insulation board which is covered by EDPM. It could not be determined if the roof membrane extended over the curb. The AHU (ERUs) were brought to the roof in modular sections and field assembled in place. The ERUs exterior walls are constructed of a series of double wall panels fabricated of a 14 gauge embossed aluminum outer shell with an 18 gauge solid interior panel. There is 2-9/16" polyisocyanurate insulation between the inner and outer aluminum skins. The outer skin is pop-riveted to the structure. There is a field applied flashing that appears to go over the concrete curb. The specification states that "All panel seams will be externally caulked with sealant". The caulking was not visible from the exterior seams. The roof structure of the ERUs is covered by a fully adhered TPO on tapered insulation. There is a gutter system with downspouts at the corners. In summary, it could not be determined from the site observations the specific cause or location of the water infiltration.

It is DAS|FM recommendation to hire an AE Consultant specializing in the investigation and evaluation of the building envelope systems in accordance with the project description. The contract should be phased as follows:

- PHASE I - FORENSIC STUDY: The scope of work is to include a comprehensive field investigation to diagnose and resolve the cause of the moisture problem at the roof. Their services would include specifying the necessary remedial repairs, cost estimates, etc.
- PHASE II - CORRECTIVE ACTION: The consultant will provide construction documents for bidding, bidding phase and construction administrative/project closeout services.

Given that this building is less than 10 years old and that the roof is still under warranty, DAS|FM is respectfully requesting that this project be managed by DAS Construction Services.

At the State Properties Review Board meeting held on May 10, 2021, under PRB #21-053, the Board approved Gale Associates, Inc. (GAI) and the On Call Contract OC-DCS-ROOF-0039. The On-Call Contract has a maximum total cumulative fee of \$750,000 and an expiration date of 08/31/2023.

Under this Proposal (PRB #21-162), DCS is now seeking Board approval of Task Letter #1 for the Consultant to provide ROOF design and construction administration services in conjunction with the Project at the Department of Public Health Laboratory in Rocky Hill. The fee for the proposed Consultant's services is \$214,677.

The scope of work shall include, but is not limited to the following:

- a. Provide design and construction administrative services based upon the DPH Water Infiltration Investigation Report dated May 14, 2021 as prepared by Gale Consultants, Inc.

The scope of work shall include, but is not limited to the following:

- a. Western conference room curtain wall to precast panel transition including sealants and concrete coatings;
- b. Office window and Roof Area 4 parapet transition including metal panel, roof coping, window flashing, sealant and weeps, and air/vapor barrier renovations;
- c. Eastern stair tower penetrations and parapet to parapet transition including metal panel, roof coping, and roofing and air/vapor barrier renovations;
- d. Roof Area 4 to rising wall transition including metal panel, roof flashing, and air/vapor barrier renovations;
- e. ERU curb flashing and roofing including roof system replacement, membrane curb flashing, metal counter flashing, and penetration seals;
- f. ERU field joint waterproofing including seam stripping and sealant;
- g. ERU roof edge and gutter transition including roof membrane flashing, eave flashing, and gutters;
- h. Additional repairs that may include interior finish soffit repairs along the West elevation, various ceiling tile replacement, removal of protection board and penetration flashings below the ERU's, and Roof Areas 1 and 2 perimeter air/vapor sealing.
- i. Controlled water infiltration testing will occur at the following locations that are included in the design effort:
  - i. Area 2, East elevation. Full height window at end of Personnel Corridor at GF, 2nd, and 3rd. This window is between column lines 65 and 66 and is next to the entrance to Stair 2. Water on sills at each level.
  - ii. Lobby 1100 window wall at Column Line K.8 between Column Lines 7.8 and 8.
  - iii. Water on bottom sill and at intermediate sills.
  - iv. Area 3, Room 2520, 2nd floor, at Column Line M-2. Saturated sheetrock at corner of window. This is a known ongoing situation. (Area 3 East Elevation)
  - v. Area 3, Room 2520, 2nd floor, at Column Line M-1. Water on sill at window wall that forms an outside corner. (Area 3 East Elevation)
  - vi. Room 1216, Column Line J plus six (6) windows from entrance at elevator.
  - vii. Room 2214, Column Line G plus three (3) windows from entrance at elevator.

- viii. Room 2214, Column Line G plus six (6) windows from entrance at elevator.
- ix. Room 2414, Column Line N plus zero (0) windows from entrance at elevator. (Area 2 North Elevation)
- x. Room 2414, Column Line P plus three (3) windows from entrance at elevator. (Area 2 North Elevation)
- xi. Room 2514, Column Line K between Columns 3 and 4.
- j. The following locations will not be leak testing yet will be included in the design effort by extrapolation of controlled leak testing results at similar areas noted above:
  - i. Area 1, 3rd Floor, between Column Lines A and B. Water on windowsill. This window is a continuation of the window on the North Elevation of Conference Room 3250.
  - ii. Room 2214, Column Line E plus six (6) windows from entrance at elevator. (Area 1 North Elevation)
  - iii. Room 1216, Column Line F plus four (4) windows from entrance at elevator. (Area 1 North Elevation)

A breakdown of the Consultant’s fee is as follows:

- 2A. Schematic Design Phase: \$65,042, paid as follows:
  - a. Gale Consultant’s Design Fee: \$39,500;
  - b. Roofing Sub-Consultant/Contractor: \$14,960 (NTE);
  - c. Industrial Hygienist Testing Sub-Consultant: \$2,937;
  - d. Nuclear Moisture Scan Sub-Consultant: \$3,960; and
  - e. Aerial Lift Rental: \$3,685.00 (NTE).
- 2B. Design Development Phase: \$18,200.
- 2C. Contract Documents Phase: \$18,510.
- 2D. Bid Phase: \$4,900.
- 2E. Construction Administration: \$108,025 shall be paid as follows:
  - a. Construction Administration Fee (Fixed): \$32,600; and
  - b. Additional half-day site visits not-to-exceed (NTE) fee: \$75,425. Fee is based upon up to 35 site visits at a per diem rate of \$2,155.

DPH and DAS confirmed funding (Federal-CDC Grant) is in place for this Task Letter.

The initial construction budget and project budget for Task #1 have been established at \$1,500,000 and \$1,975,000, respectively.

Gale Associates, Inc. has not been approved for any Task(s) under this new on-call series.

Task Letter #2 – GAI Basic Services Fee (#21-162)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic Development Phase	\$39,500				
Design Development Phase	\$18,200				
Contract Documents Phase	\$18,510				
Bidding Phase	\$4,900				
Construction Administration-Fixed	\$32,600				
Construction Administration-NTE	<u>\$75,425</u>				
<b>TOTAL BASIC SERVICE FEE (#21-162) (A)</b>	<b>\$189,135</b>			<b>\$1,500,000</b>	<b>12.6%</b>

Special Services					
Roofing Contractor - NTE		\$14,960			
Industrial Hygienist Testing		\$2,937			
Nuclear Moisture Scan		\$3,960			
Aerial Lift Rental - NTE		<u>\$3,685</u>			
<b>TOTAL SPECIAL SERVICE FEE (#21-162) (B)</b>		<b>\$25,542</b>			
<b>Total Fee #21-162 (A) + (B)</b>			<b>\$214,677</b>	<b>\$1,500,000</b>	<b>14.3%</b>

Staff had following questions:

1. The Consultant's Proposal indicates the construction duration is five months – June to October 2022 plus 90-day closeout. Please confirm the construction duration.

**DCS Response:** Since we are in the contract phase at this point in time it is hard to confirm a construction duration, but yes we (I) feel five months is a representative amount of time to perform the work.

**Staff Response:** OK

2. Please clarify the purpose/intent of seeking to permit the Consultant up to 35 half-day inspections over a 14-week period during the construction phase. The total CA fees represents 7.2% of the Project Budget, beyond 5% guideline rate for CA services.

**DCS Response:** Since this is a water infiltration repair project and the work will require removing and replacing building components on an almost daily basis, we (I) felt that having the design professional who designed the project and knows what best may/may not be expect as building components are removed readily available made sense. There will be no 3<sup>rd</sup> party CA involvement. The fourteen weeks comes from taking 2-3 weeks off the front and back ends of a 5 month construction project. 35 visits comes from 2-3 visits/week (5 every two weeks) for 14 weeks. This made sense to me.

**Staff Response:** OK

3. On 5/17/2010 under PRB #10-122, the Board approved Contract BI-2B-179-CAc, for the Consultant (AZ Corporation) to provide CA services during the construction phase of the Public Health Lab. Please clarify if the CA's reports/submissions to DCS confirm that the affected roof areas were constructed in conformance with the ARC's Contract Documents.

**DCS Response:** Please see the attached e-mail I previously sent to you on 6/16/21 of this year.

I'm not sure how best to respond to your request. My simple response is that it is not worth it to go after an entity to determine culpability, but those kinds of decisions are above my pay grade. With that said,

There appears to be many different reasons in many different areas of the building why some leaks are occurring. Based upon each condition one could make an argument that it was a design issue (architect), a construction issue (CMR and subcontractor), a maintenance issue (in the case of caulk older than 5 years). And then you have the design and installation of the ERUs which was pretty much a delegated design. So to point the finger at one specific entity as the responsible party does not seem cut and dry.

**Staff Response:** After reviewing the Consultant's Investigative Report, DAS/FM had the following Recommendation:

Based upon the submitted Water Infiltration Investigation Report summarized in the notes above, FM | Tech Services recommends the following project approach:

1. Proceed with directing Gale Associates, Inc. to provide AE services for design/contract documents for bidding, bid phase, construction administrative/project closeout. Pending senior management approval, the F1105 for this project will be revised as required to include this scope.
2. Gale in investigating the water infiltration was tasked with determining the cause and providing a solution. As noted above, this included document review (contract documents, shop dwgs., etc..) as well as field investigation and testing. Based upon Gale's findings, there are several conditions where the water infiltration could be attributed to either design detailing or the roof installation not complying with the contract documents. It is DAS | FM – Tech Services recommendation that further investigative work needs to be done. This will require working with DAS | CS and the consultant to determine/confirm the cause, cost of repairs and if and what course of action should be pursued to make the state whole in regards to this matter.

OK

4. If it was not constructed according to specifications, is DCS considering to seek compensation from the responsible parties?

**DCS Response:** Again, please see the attached e-mail.

**Staff Response:** OK

**RECOMMENDATION:** It is recommended that the Board **APPROVE** this TL#1 in the amount of \$214,677 pending response from DCS.

## 7. OTHER BUSINESS

Vice Chairman Josephy requested that a motion be made to approve Board Fees for Mr. Berger's continued meeting with Legislators during May and June leading to the conclusion of the Legislative Session. Mr. Halpert made the motion. Secretary Valengavich seconded the motion. The motion passed unanimously.

## 8. VOTES ON PRB FILE:

**PRB FILE #23-093** – Mr. Berger moved and Mr. Valengavich seconded a motion to continue the suspension of the Proposal from the June 5, 2023 Meeting. The motion passed unanimously.

**PRB FILE #23-082** – Mr. Halpert moved and Mr. Valengavich seconded a motion to suspend PRB FILE #23-082. The motion passed unanimously.

- 9. NEXT MEETING** – Monday, June 12, 2023 – will be held solely by means of electronic equipment.

The meeting adjourned.

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
John Valengavich, Secretary