

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On October 10, 2019 450 Columbus Boulevard, Hartford, Connecticut

The State Properties Review Board held a Regular Meeting on October 10, 2019 in Suite 2035, 450 Columbus Boulevard, Hartford, Connecticut.

Members Present:

Edwin S. Greenberg, Chairman
Bruce Josephy, Vice Chairman
Jack Halpert
Jeffrey Berger
William Cianci

Members Absent:

John P. Valengavich, Secretary

Staff Present:

Dimple Desai
Thomas Jerram

Guests Present

James Mason, Transportation Principal Property Agent (10:04-11:50AM)
Terry Obey, DOT Director of Rights of Way (10:04-11:50AM)
Ken Decker, DOT Project Manager (10:04-11:50AM)

Chairman Greenberg called the meeting to order.

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

OPEN SESSION

1. ACCEPTANCE OF MINUTES

Mr. Halpert moved and Mr. Berger seconded a motion to approve the minutes of the October 7, 2019 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

PRB #	19-145 – For Discussion Only
Transaction/Contract Type:	RE/ Administrative Settlement
Origin/Client:	DOT/DOT
Project Number:	301-176-021
Grantor:	City of Norwalk
Property:	Norwalk, Water St (10)
Project Purpose:	Walk Railroad Bridge
Item Purpose:	Administrative Settlement

Terry Obey, James Mason and Ken Decker (DOT staff) were in attendance. A lengthy discussion took place with the DOT staff, Board Members and its staff regarding concerns raised by the Board as it

relates to the 1st amendment to the Administrative Settlement Agreement (ASA), past incurred costs, overall management of the project, etc. The discussion also revolved around DOT's replacement of the Walk Railroad Bridge, and its impact on the adjacent land owned by the City of Norwalk and utilized by the Maritime Aquarium.

DOT provided a chronology of events since the Board approved the Administrative Settlement Agreement (ASA) in June 2018, under PRB #18-078, and background on why the proposed First Amendment to Administrative Settlement Agreement is now before the Board for review. DOT assured that their staff had conducted a thorough audit of expenses incurred by Maritime Aquarium. The Board was concerned about providing funds to the City in advance of the work completed (as per the funding schedule of the 1st Amendment).

After discussions, DOT agreed to work with the City of Norwalk to modify the funding schedule, as well as provide internal controls with respect to the State funds that are deposited with the City of Norwalk, and subsequently return to the Board with any changes to the 1st Amendment to the ASA.

4. REAL ESTATE – NEW BUSINESS

PRB #	19-206
Transaction/Contract Type:	RE/ Special Act Conveyance
Origin/Client:	DAS/DOC
Project Number:	Special Act 03-19 (6)
Grantee:	Town of East Lyme
Property:	East Lyme, West Main St (221)
Item Purpose:	Legislative Conveyance pursuant to 03-19 (6) – QC Deed

A summary of the conveyance is as follows:

1. Section 6 of Special Act 03-19, requires the Commissioner of Corrections convey approximately 3.57 acres of land to the Town of East Lyme at the administrative cost of such transaction (\$1). A Class A-2 Survey was prepared by the Town of East Lyme Engineering Department identifying a total of 3.5722 acres to be conveyed. The land is a portion of the York Correctional Institution campus.
2. The conveyance includes a restriction that the property be utilized for 'recreation purposes' and includes a reverter clause if not used for this purpose, or if any portion of the property is sold or leased.

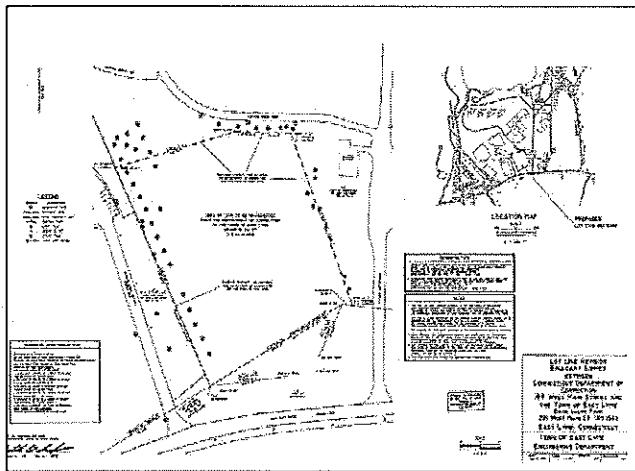
The Special Act Language is as follows:

Sec. 6. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Correction shall convey to the town of East Lyme a parcel of land located in the town of East Lyme, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately 3.57 acres and is identified as the parcel shown as "Area of Land to be Transferred from the Department of Correction to the Town of East Lyme" on a map entitled "Lot Line Revision Boundary Survey between Connecticut Department of Correction, 199 West Main Street and the Town of East Lyme, Bride Brook Park, 221 West Main St. (Rt 156), East Lyme, Connecticut, Town of East Lyme Engineering Department, July 17, 2002, Scale 1"=40', W. S. , M. G. ". The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The town of East Lyme shall use said parcel of land for recreational purposes. If the town of East Lyme:

- (1) Does not use said parcel for said purposes;
- (2) Does not retain ownership of all of said parcel; or
- (3) Leases all or any portion of said parcel,
the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Correction. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Correction shall have the sole responsibility for all other incidents of such conveyance.



5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

PRB #	18-183
Origin/Client:	DCS/DCS
Transaction/Contract Type	AE / "On-Call" MBE Civil Engineer Consulting Contracts
Contract:	OC-DCS-MBE-CIV-0015
Consultant:	Freeman Companies, LLC
Project purpose:	New On-Call Series
Item Purpose:	New On-Call contract series for Minority Business Enterprise ("MBE") Engineers to provide the State consulting services for a wide range of engineering projects including maintenance and repair, design and related services. The maximum cumulative fee under this series is \$500,000 with an expiration date of 3/15/2021

UPDATE – SEPTEMBER 24, 2019

At its December 27, 2018 Board Meeting, the Board approved the following contracts:

- 18-179, Zuvic, Carr and Associates, Inc.- OC-DCS-MBE-CIV-0011
- 18-180, Diversified Technology Consultants - OC-DCS-MBE-CIV-0012
- 18-182, GM2 Associates, Inc. - OC-DCS-MBE-CIV-0014

At its meeting held on October 15, 2018, the State Properties Review Board voted to suspend the following file, 18-183, Freeman Companies, LLC - OC-DCS-MBE-CIV-0015, pending further clarification regarding:

1. If the \$250 political contribution to 'Urban Progression PAC' in July 2017 made by Rohan Freeman, President of Freeman Companies, LLC, was in compliance with CGS §9-612(g)(2).

DAS/DCS has provided the Board with SEEC File No. 2019-098, approved by SEEC on September 9, 2019, regarding the outcome of the SEEC investigation of the Respondent's (Rohan A. Freeman) July 2017 \$250 contribution to the 'Urban Progression PAC.' Paragraph 8 of the *Agreement Containing Consent Order* confirms that "Respondent, as the principal of a state contractor, made a single prohibited contribution in the amount of \$250 to Urban Progression PAC, a political committee that was authorized to make contributions to statewide candidates." And in Paragraph 9, the "Commission concludes therefore that Respondent's \$250 contribution to Urban Progression PAC was in violation of CGS §9-612."

The SEEC, in paragraph 17 of the Agreement, concludes that "these mitigating circumstances concerning the violation by Respondent do not bar the state agencies and other entities covered by General Statutes §9-612 (f) from negotiating contracts or continuing their existing contract obligations with the Company and those state agencies and entities may exercise their discretion consistent with their authority under that section."

Given the time that has elapsed since this on-call contract was submitted to the Board, DCS has revised page 5 of the contract to change the termination date to 3/15/2021, from the initial 12/15/2020 date.

It is recommended that the Board **APPROVE** #18-183, OC-DCS-MBE-CIV-0015, for Freeman Companies, LLC with a \$500,000 maximum contract and 3/15/2021 termination date.

December 20, 2018 Update:

At its meeting held on October 15, 2018, the State Properties Review Board voted to suspend this item, pending further clarification regarding:

1. If the \$250 political contribution to 'Urban Progression PAC' in July 2017 made by Rohan Freeman, President of Freeman Companies, LLC, was in compliance with CGS §9-612(g)(2).
2. If the \$300 political contribution to 'Friends of Susan Exploratory Committee' in December 2017 made by Eugene Chuang, President of Garg Consulting Services, Inc. was in compliance with CGS §9-612(g)(2).
3. Are there any consequences if the political contribution is not listed on the form?

➤ **DCS Response:** At a 10-23-18 meeting between DAS and SPRB it was agreed that the Board will take whatever action deemed appropriate with regard to this question and issue.

4. Please provide a task log for each of the five consultants selected from prior on-call contract.

➤ **DCS Response:** "This issue was addressed by DB in connection with the recent MBE-ARC On-call series and it was not a condition precedent to approval of those contracts. DAS will provide a copy of the requested task log to SPRB post-approval of the contracts in the series.

5. Should CT 330 Part II (pgs 1-6) for Joseph F. Pierz, AIA be included in this submission?
 - DCS Response: Pierz was a subconsultant to Diversified Technology Consultants and provided this information, DAS provided as it was part of Diversified's submission.
6. Zuvic, Carr & Associates' MBE Certificate expired on 9/23/18, pl provide a current certificate.
 - DCS Response: DAS provided current certificate.
7. Further clarification regarding the variance in hourly rates for these consultants as identified in the attached spreadsheet. Also, why are some hourly rates missing for certain job titles from consultants? Are they not required for the type of projects that they may bid on in the future?
 - DAS selects consultants based on qualifications. Each firm provides hourly rates to remain in effect through the duration of the contract. As the selection is quality based, and no rates are dictated by DAS, there are bound to be differences in rates for job titles. As most task letters re for a defined scope and work for a fixed fee, if a consultant's proposal is too high DAS can select among other consultants.
 - DAS did approach one consultant about rates (Garg) and the consultant revised three hourly rates, identified in the following table:

Title	Revised	Original	Change
Project Manager	\$198	\$215	-7.91%
Project Engineer	\$170	\$180	-5.56%
Senior Engineer	\$170	\$158	7.59%

RECOMMENDATION:

It is recommended that the Board **APPROVE** #18-179 (Zuvic), #18-180 (Diversified) and #18-182 (GM2) for On-Call MBE Civil Engineer Consulting Contracts.

It is recommended that the Board continue **SUSPENSION** of #18-181 (Garg) and #18-183 until further clarification on campaign contributions.

This is the 3rd series of On-Call MBE Civil Engineering Consulting Contracts awarded by the Department of Construction Services (“DCS”) since 2014. The On-Call Contract that is the subject of this memorandum has a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 12/15/2020. The On-Call Contract can be utilized on DCS projects with construction budgets of up to two million dollars (\$2,000,000).

DCS has made some minor revisions to the boilerplate contract for this series to include:

- Relocated *Antitrust Provision*;
- Expanded *Suspension of the Work*;
- Expanded *Termination of Contract*;
- Removal of language within *Executive Orders*; and
- Addition of *Notices* clause;

The remainder of the contract is similar to the previous contract terms and requirements under the 2016 agreements. The 1st series, awarded in 2014 to six consultants, had a term of 24 months and a maximum total cumulative fee of \$300,000/contract. The 2nd series, awarded in 2016 to four consultants, had a term of 24 months and a maximum total cumulative fee of \$500,000/contract. Four of the selected firms under this current 3rd series RFP were previously approved for the 2nd series On-Call MBE Civil Engineer Consulting On-Call Contracts. The fifth firm selected under this current 3rd series RFP was previously approved for the 1st series.

A Request for Qualifications (RFQ) for the consultant services was released on April 26, 2016 and elicited seven (7) responses. Two of the seven respondents were considered “unresponsive” to the submittal requirements and as such disqualified. Thereafter, the DCS selection panel began the process of evaluating and short-listing all five remaining proposals. The State Selection Panel consisted of three members and rated each firm based upon a weighted ranking system.

At the completion of the State Selection Panel process; DCS Management Team reviewed the results and recommended the approval of all five shortlisted firms under this series. This submittal is for SPRB review and approval of the following five firms under this series.

PRB 18-179 - Zuvic, Carr and Associates, Inc. (ZCA) was originally established in 1988. ZCA has a local staff of 20 employees including 4 civil engineers and 4 engineer design professionals for various disciplines. ZCA’s team includes three sub-consultants. The company has not been awarded an On-call Contract or formal contract with the DCS in the past two years.

ZCA will be operating under its Professional Engineering Corporation License (**PEC.0000731**) with the CT State DCP which is active until 9/14/2019. RSUI Group, Inc. reported that ZCA has been exposed to one professional policy or liability loss or claim during the past 5 years. DEEP was the Claimant. ZCA scored a total of 310 out of a possible 320 points and was identified as the most qualified firm.

PRB 18-180 - Diversified Technology Consultants, Inc. (DTC) originally established in 1979. DTC has a local staff of 52 employees including 10 civil engineers and 20 engineer design professionals for various disciplines. The company has been awarded two (2) On-call Contracts and has not been awarded a formal contract with the DCS in the past two years. DTC has been awarded the following contracts:

• Task Letter #1	DVA Cemetery Phase II Project	\$ 153,908 (#16-310)
• Task Letter #2	CJTS Campus Site Layout Project	\$ 36,000 (Informal)
• Task Letter #1A	DVA Cemetery Phase II Exp. Project	\$ 165,230 (Informal)
TOTAL FEES TO DATE		\$ 355,138

DTC will be operating under its Professional Engineering Corporation License (**PEC.0000234**) with the CT State DCP which is active until 12/13/2018. Smith Brothers Insurance, LLC reported that DTC has been exposed to one professional policy or liability loss or claim during the past 5 years and that it is closed. It was not determined if it was related to a project with the State of Connecticut. DTC scored a total of 304 out of a possible 320 points and was identified as one of the most qualified firms.

PRB 18-181 - Garg Consulting Services, Inc. (GCS) originally established in 1990. GCS has a local staff of 78 employees including 3 civil engineers and 18 engineer design professionals for various disciplines. The company has not been awarded an On-call Contract or formal contract with the DCS in the past two years.

GCS will be operating under its Professional Engineering Corporation License (**PEC.0000815**) with the CT State DCP which is active until 1/15/2019. Willis Towers Watson reported that GCS had no professional policy or liability loss or claims during the past 5 years. GCS scored a total of 301 out of a possible 320 points.

PRB 18-182 - GM2 Associates, Inc. (GM2) originally established in 1988. GM2 has a local staff of 66 employees including 7 civil engineers and 31 engineer design professionals for various disciplines. GM2 has been awarded the following contracts:

• Task Letter #1	NWCC Greenwood Hall Site Improv.	\$ 67,550	(Informal)
• Task Letter #1B	Bristol Tech Painting & Site Improv.	\$ 7,870	(Informal)
• Task Letter #2	61 Woodland Street ADA Project	\$ 48,500	(Informal)
• Task Letter #3	Middlesex CC Paving & Site Improv.	\$ 125,150	(Informal)
TOTAL FEES TO DATE			\$ 355,138

GM2 will be operating under its Professional Engineering Corporation License (**PEC.0000708**) with the CT State DCP which is active until 2/9/2019. Smith Brothers Insurance, LLC reported that GM2 has not been exposed to any professional policy or liability loss or claim during the past 5 years. GM2 scored a total of 274 out of a possible 320 points and was identified as one of the most qualified firms.

Freeman Companies, LLC (FCL) originally established in 2009. FCL has a local staff of 36 employees including 6 civil engineers and 8+ surveying and construction professionals for various disciplines. The company has been awarded two (4) On-call Contracts and has not been awarded a formal contract with the DCS in the past two years. FCL has been awarded the following contracts:

• Task Letter #1	Gateway Campus Site Improvements Project	\$ 54,400	
• Task Letter #2	10 Clinton Street Demolition Project	\$ 188,950	(#16-248)
• Task Letter #2A	10 Clinton Street Demolition Project	\$ 95,000	(#17-135)
• Task Letter #2B	10 Clinton Street Demolition Project	\$ 60,230	(#18-152)
TOTAL FEES TO DATE			\$ 398,580

FCL will be operating under its Joint Practice License for Architecture, Surveying and Engineering (**JPC#0000109**) which is active until 4/30/2019. Smith Brothers Insurance, LLC reported that FCL has not incurred any general liability or professional policy losses or claims during the past 5 years. FCL scored a total of 245 out of a possible 320 points.

SPRB Staff had asked following questions regarding this new Task Letter 2B.

1. If the \$250 political contribution to 'Urban Progression PAC' in July 2017 made by Rohan Freeman, President of Freeman Companies, LLC, was in compliance with CGS §9-612(g)(2).
2. If the \$300 political contribution to 'Friends of Susan Exploratory Committee' in December 2017 made by Eugene Chuang, President of Garg Consulting Services, Inc. was in compliance with CGS §9-612(g)(2).
3. Are there any consequences if the political contribution is not listed on the form?
4. Please provide a task log for each of the five consultants selected from prior on-call contract.
5. Should CT 330 Part II (pgs 1-6) for Joseph F. Pierz, AIA be included in this submission?

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6. Zuvic, Carr & Associates' MBE Certificate expired on 9/23/18, pl provide a current certificate.
7. How long these hourly rates are valid for? i.e. life of the contract?; they change every year?
8. Also, does DCS review the hourly rates for these consultants? There is a huge difference among consultants' hourly rates for different titles; for example - Hourly rate for PM for Garg consulting is very high; the spread for Staff Engineer/Survey Party Chief among consultants is high

RECOMMENDATION: Staff recommends to **SUSPEND** of this item until clarifications are provided to the above questions.

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #19-206 – Mr. Berger moved and Mr. Halpert seconded a motion to approve PRB FILE #19-206. The motion passed unanimously.

PRB FILE #18-183 – Mr. Berger moved and Mr. Halpert seconded a motion to approve PRB FILE #18-183. The motion passed unanimously.

9. NEXT MEETING – Special Meeting, Wednesday, October 16, 2019

The meeting adjourned.

APPROVED:


John Valengavich, Secretary

Date: 10/21/19