

STATE PROPERTIES REVIEW BOARD

**Minutes of Meeting Held On November 21, 2019
450 Columbus Boulevard, Hartford, Connecticut**

The State Properties Review Board held a Meeting on November 21, 2019 in Suite 2035, 450 Columbus Boulevard, Hartford, Connecticut.

Members Present:

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

Members Absent:

Staff Present:

Dimple Desai
Thomas Jerram

Guests Present

Peter Simmons, ADPM, DAS/DCS (9:35-10:05)
Sarah Tierney, PM, DAS/DCS(9:35-10:05)

Chairman Greenberg called the meeting to order.

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 November 18, 2019 Meeting. The motion passed unanimously. Secretary Valengavich abstained.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

Mr. Valengavich moved and Mr. Berger seconded a motion to go out of Open Session and into Executive Session at 10:25. The motion passed unanimously.

EXECUTIVE SESSION

<i>PRB #:</i>	19-221
<i>Transaction/Contract Type:</i>	RE/ New Lease
<i>Origin/Client:</i>	DAS/DDS

Statutory Disclosure Exemptions: 4b-23(e), 1-200(6)(D) & 1-210(b)(24)

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and

into Open Session at 10:27. The motion passed unanimously.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

PRB #	19-230
Origin/Client:	DCS/DVA
Transaction/Contract Type	AE / Task Letter #3A
Project Number:	BI-C-292 / FAI No. CT-16-04
Contract:	OC-DCS-CIV/SUR-0032
Consultant:	Fuss & O'Neill, Inc.
Property	Middletown, Bow Ln (317) – State Veterans Cemetery
Project purpose:	Appearance Improvements at the State Veterans Cemetery
Item Purpose:	Task Letter #3A

Note: At 9:35AM Peter Simmons and Sarah Tierney joined the meeting regarding this proposed Task letter 3A and left the meeting at 10:05AM.

PROPOSED AMOUNT: \$75,000

PROJECT BRIEF – In general, this project involves the required site-civil, environmental and structural design services for the completion of various appearance improvements and upgrades at the Middletown State Veterans Cemetery. The overall project scope is envisioned to include the removal-cleaning-resetting of headstones, minor regrading, stone realignment and new turf establishment. The scope of services will encompass the entire facility and focus on each section of the cemetery at once; the Single Vault Burials, Double Vault Burials, Cremation Area and Vacant Land. The task of resetting head stones will require the removal and design of a cast-in-place beam system for head stone support.

On December 27, 2016 DAS/DCS engaged the services of Fuss & O'Neill, Inc. via Task Letter #3 (OC-DCS-CIV/SUR-0032) to provide the following pre-design services in conjunction with the appearance upgrades at the Veterans Cemetery in Middletown:

- Preparation of SD, DD and CD Phase Design Plans
- Completion of an initial illustrations to document the process and procedures for cleaning and re-setting head stones.
- Development of a narrative design report.
- Completion of all required project permits and a wetlands survey.
- Meeting and Coordination time with DVA to review procedures and process.
- Compensation for construction administration services for a projected 9-month construction period.

The Consultant's fee for Task Letter #3 was \$197,000 and the Consultant's services were based on a Construction and Project Budget of \$2,625,000 and \$3,399,500 respectively for this project.

In March 2015, SPRB approved Fuss & O'Neill, Inc. ("FON") as one of six firms under the first *On-Call Civil Engineering Services* consultant contracts. This is the third Task Letter that FON has been assigned under this series. FON has previously been assigned the following tasks under this contract:

• Task Letter #1	Camp Niantic Running Track Improvements Project	\$49,000	(Informal)
• Task Letter #2	Enfield Armory Parking Lot Expansion Project	\$99,950	(Informal)
• Task Letter #2A	Enfield Armory Parking Lot Expansion Project	\$8,000	(#17-047)
• Task Letter #3	Middletown DVA Cemetery Appearance Imp.	\$197,000	(#16-311)
Total Fee to Date:		\$353,950	

TASK LETTER #3A is subject to SPRB approval because the value of the Task Letter #3 and #3A for this project exceeds \$100,000.

The overall construction and total project budget for the appearance improvements has been increased to \$3,071,660 and \$3,849,780.

The DAS requires the following design and construction administration services on behalf of the Department of Veterans Affairs:

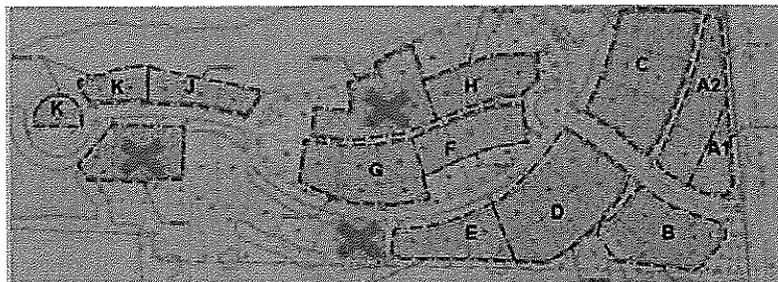
1. Phases C, D & E: Field surveyed elevation grades at gravesites where shallow vaults were identified by the Ground Penetrating Radar (GPR) survey performed by the contractor.
2. Phases C, D & E: Adjusted site layout plans to reduce the risk of damaging existing urns not buried in compliance with U.S. Department of Veterans Affairs guidance.
3. Phases C, D & E: Adjusted site grading plans to add cover to existing shallow vaults not buried in compliance with U.S. Department of Veterans Affairs guidance.
4. Attend multiple Owner-Engineer and Owner-Engineer-Contractor meetings to develop and review solutions to address shallow vault conflicts.
5. Phases F, G & H: Field survey elevation grades at gravesites where shallow vaults were identified by the GPR survey.
6. Phases F, G & H: Adjust site layout plans to reduce the risk of damaging existing urns not buried in compliance with U.S. Department of Veterans Affairs guidance.
7. Phases F, G & H: Adjust site grading plans to add cover to existing shallow vaults not buried in compliance with U.S. Department of Veterans Affairs guidance. Attend one Owner-Engineer meeting to review solutions to address shallow vault conflicts in Phases F, G & H prior to providing direction to the Contractor.
8. Review Requests for Information (RFIs) and develop responses for Phase E.
9. Participate in up to 27 construction progress team meetings.
10. Review and prepare remaining responses to RFIs.
11. Conduct Substantial Completion site walks and prepare Inspector's Daily Reports for sodding installation.

Task Letter #3- FON (PRB #16-311)	Engineer Base Fee (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic Design Phase	22,000				
Design Development Phase	34,500				
Contract Documents	49,000				
Tracing & Masters/Bidding	5,000				
Construction Administration	\$37,000				
Engineer's Base Fee (PRB #16-311) (A)	\$147,500			\$2,625,000	5.61%
Special & Sub-Consultant Services:					
Environmental Permitting Services (FON)		\$15,500			
Wetland Surveys		\$34,000			
Total Special Sub Consultants (B)		\$49,500			
Total Project Fee (A) + (B) (#16-311)			\$197,000	\$2,625,000	7.50%
TL#3A-FON (#19-230)					
Additional CA Services (A1)	\$75,000				
Engineer's Base Fee (#19-230) - (A)+(A1)	\$222,500			\$3,251,660	6.84%
Total Project Fee (A)+(A1)+(B)- (#19-230)			\$272,000	\$3,251,660	8.36%

Staff have requested clarification of the following issues:

1. DCS SPRB memo's original project budget does not match the budget provided before.
DCS Response: ST/DCS: To clarify, there have been adjustments that needed to be made to the original budget due to inconsistencies with previous information provided by the Connecticut Department of Veterans Affairs (CT DVA) on budget values that were actual, there were inconsistencies between the State budget and the federal grant budget for the U.S. Department of Veteran Affairs (US DVA), which is the federal form SF 424C, and there was additional bond funding was requested and approved in order to complete this project, as well as an expansion project running simultaneously to this project within the same property. The inconsistencies were associated with contingency values, DCS fees, administrative costs, etc. DCS does not have a current 1105 from the DVA. The budget inconsistencies had caused a number of challenges to this project, which once able to be sorted out, required an original budget adjustment which is reflected to what has been provided to SPRB as the 'new' original budget. Staff comment – the issue is there is a B1105 that was approved by the user agency and DCS and numbers from this B1105 does not match Original Budget amounts in the SPRB memo. Also, the Revised Budget amount from SPRB memo is \$3,849,780 while B1105 shows a total budget of \$3,085,687. B1105 needs to be updated to make sure that all the sources of funds are listed and that there are sufficient funds to complete the project.
2. What is the project status and how does it compare with the project schedule.
DCS Response: ST/DCS: The project status is currently in Construction Phase and was designed to be constructed in eleven (11) phases. In an effort to continue productive progress, the contractor has been allowed to work in multiple phases at the same time. Based on total cost of construction only, the project is approximately 85% complete and is currently on schedule.

See the below snapshot for a brief overall project update (phases are identified by the letters indicated over each outlined area of the Cemetery and the areas not lettered are phases or part of a phase that were supplemental bid areas not accepted to move forward as part of this project due to what was allowable by federal funding):



- Phases A1, A2, C, D, E, J, K – All are Substantially Complete and returned back to the CT DVA for their beneficial use.
- Phase B is complete, pending Substantial Completion approval within the first two weeks of November as a projected timeframe.
- Center Circle Phases F, G, and H are all currently in progress with existing turf cuts and removal, substantial increased grade changes (in comparison with what was originally contracted), additional headstone realignment outside of contract limit lines due to the grade changes, and new sod installation.

The project end date is currently April 19, 2020, but if the Center Circle Phases (F, G, and H) cannot be completed before the winter season, the project will move into a winter shutdown period, and due to the spring season having typically wet conditions not allowing for productive progress with this specific sitework, the end date will more than likely have to be

extended. Staff comment – so consultant’s contract will be extended and amended again or this proposal is to complete the project regardless of the end date?

3. Why was this issue not identified during the SD and/or DD phase? The original contract scope included onsite investigation to examine and document existing materials, conditions, and problem areas. It also included “geotechnical services”. Why was this issue not uncovered by the geotech engineer? Please provide geotech report prepared during these phases.

DCS Response: ST/DCS: The burial depth issue was not identified during any of the design phases because the consultant was made aware that the US DVA National Cemetery Administration (NCA) Standards require burial depths, regardless of burial type (urn, container, vault, casket, etc.), to be typical of 20 inches below grade. There was no discussion nor evidence that the NCA burial depth standards were not followed during any of the design phases. The consultant was not made aware by the CT DVA that these federal guidelines were not followed for a substantial amount of gravesites from when the Cemetery had opened in 1984 through approximately 2006 when the current Cemetery staff did abide by the NCA standards. It was not until construction phase on site progressed through all of the phases, and the contractors encountered multiple depth issues – some as little as one inch below grade, when the CT DVA disclosed that there were known burial depth issues on the property. This resulted in many challenges on site including situations where the contractors inadvertently damaged urns and vaults, at times exposing the ashes of the Veteran or their spouse, which caused extreme uneasiness of the contractors working on the site and in turn slowing progress of construction with having to be incredibly careful with not knowing depths of what were below shovels and equipment.

OC-DCS-CIV_SUR-0032 Task No. 3 does not indicate any geotechnical services be provided by this consultant. The consultant’s associated proposal for the original task also reflects that no “...geotechnical services are anticipated. Existing available information for the area will be provided to Fuss & O’Neill to use for design.”

A Geotechnical Engineer would not have uncovered the multiple burial depth issues that have occurred throughout this project because they would have placed their equipment for borings outside of headstone rows and columns. Their work would have focused on gathering information for soil types and avoid potential gravesite obstructions from generating that soil type information.

The consultant was provided geotechnical information from a previous project and that information is included in the attachment as a supporting document to this communication. Staff comment - OK

4. Page 2 of 3 of the Contract/TL3A, under Item 4. Construction Budget - the original construction budget should be \$2,625,000 and not \$2,603,000)

DCS Response: ST/DCS: \$2,603,000 was referenced for TL3A because that was the value of the original contract for construction. This value can be adjusted to the original budget of \$2,625,000.00. Please confirm that this is the intent of SPRB for this specific item. Staff comment – The original contract with the consultant listed the total construction budget as \$2,625,000. So why the difference in this amendment?

5. Why is there a difference in the Construction Budget (\$3,071,660) stated in the DCS SPRB Memo with that referenced in Contract/TL3A (\$3,251,660).

DCS Response: ST/DCS: The budget of \$3,071,660.00 is correct. The TL3A should be corrected to the \$3,071,660.00 value. Staff comment – OK, provide correct pages

6. Provide cost estimates from SD and DD phase. Provide bid tabulation. Are there change orders related to this unforeseen conditions?

DCS Response: ST/DCS: The SD and DD Phase estimates, and the bid tabulation are included in the attached as supporting documents to this communication. There are

construction change orders relating to these unforeseen conditions. Staff comment – Are all 4 supplemental bids included with Base bid?

7. What was the date of Notice to Proceed for construction and the projected date of Substantial Completion (original and revised, if applicable). Provide original and current project schedule.

DCS Response: ST/DCS: The Construction Start Date was December 04, 2017 and the Substantial Completion date was February 21, 2020 (810 Calendar Day project) per the project's Notice to Proceed for the contractor. The revised Substantial Completion Date for the entire project is now April 19, 2020. The original and current project construction schedule are included in the attachment as supporting documents to this communication. Staff comments – what are these delays

8. Page 1 of the Contract, Item I suggests that the consultant is providing “additional DESIGN and construction administration services – however, the F&O's Task Amendment letter dated April 12, 2019 only mentions construction administration services.

DCS Response: ST/DCS: This is correct. To clarify, the additional design work is currently being provided within the consultant's Construction Administration phase of work as this project is no longer in a design phase, but in Construction Phase. Additional design services were provided in order to respond to multiple Requests for Information (RFIs) stemming from the burial depth issues.

9. Original contract has a CA fee of \$37,000. Now there is an additional fee of 75,000. What changed in the project that requires such an increase or oversight?

DCS Response: ST/DCS: To address the burial depth issues that were encountered during the Construction Phase, a majority of the project's phases had to have their originally designed layouts changed, as much as two to three additional times. The design changes were made to headstone row and column layout drawings as well as grading drawings. The additional services are referenced in detail in the consultant's proposal under Scope of Services. The services include reviewing Ground Penetrating Radar (GPR) results, additional field surveying, redesign of layouts to reduce the risk of damaging existing burial types, redesign of grading drawings to correct shallow burial types, and having to attend multiple meetings for the changes (meetings with DAS DCS and the CT DVA, meetings with the contractors and CA reviewing RFIs, conference calls with US DVA, etc.). OK

10. Please clarify why DCS permitted/approved to expend \$30,000 in additional fees prior to DCS seeking Board approval?

DCS Response: ST/DCS: DCS did not permit/approve the consultant to expend \$30,000 in additional fees prior to DCS seeking Board approval. The consultant provided the services on a good faith merit that the State would compensate the consultant for the additional services performed. If the consultant did not proceed on a good faith merit, construction progress on the site would have immediately stopped. Such an action would have further increased State costs from extended general conditions and demobilization/remobilization costs.

Staff Response: When was this service provided – provide the timeframe? Why didn't DCS seek SPRB approval at that time? Did the consultant perform at his/her own risk?

DCS Response: Associated Requests for Information (RFI) involving the depth issues began being issued by the contractor in April of 2018. The severity of the issues became clear through the summer of 2018. Ground Penetrating Radar (GPR) Surveying was completed in August of 2018. Analyzation of GPR results, drafting of RFI responses, meetings on cost changes, additional site visits, etc. were continuous tasks between the summer of 2018 through the spring of 2019. A winter shutdown period soon followed. Fortunately, additional bond funding came through. A majority of the drawing changes, RFI responses, and change directives were completed prior to May 07, 2019 and again in June 2019. Continued analyzation of cost changes and construction administration tasks are currently in progress. The timeframe specific to the depth issues have spanned more than a year, and continue currently, and it would not have been productive to seek SPRB approval for any additional services until costs were actually known and there was sufficient funding to cover said costs

which did not occur until after the 04/02/2019 Bond Commission Meeting. Costs are now known, which is why Board approval is being requested.

No formal directive was provided for the consultant to perform. Previously stated, the consultant provided the services on a good faith merit that the State would compensate them for the additional services performed because if they did not proceed, construction progress on the site would have immediately stopped further increasing State costs. Staff comments – It seems that the consultant cost of additional work outside of the scope totaling \$30,000 was known during summer of 2018. The proposal from the consultant is dated April 12, 2019. Why it took DCS till October 2019 to seek SPRB approval?

11. Provide a staffing fee matrix for the Consultant's \$30,000 in expended fees as well as the Consultant's proposed \$45,000 fees.

DCS Response: ST/DCS: There is not a staffing fee matrix for this consultant as the original task letter and on call contract was approved prior to the date said staffing fee matrixes were required.

Please see the below breakdown justifying my negotiated amendment fee value:

- The services required multiple staff types – surveyors, engineers, and principle staff.
- Two meetings on site plus multiple phone calls to review and discuss said proposed fees were spent between DCS and F&O.
- Multiple days were spent within Phases C, D, E, F, G, and H (and refer to the proposal details) to:
 - Field survey elevation grades at each gravesite identified by GPR surveying to have a depth issue
 - Adjust the site layout and grading drawings – two to three additional times from the original design layout and grading drawings
 - Attend multiple meetings to review GPR surveying, coordinate the drawing revisions, review additional depth issues not identified by the GPR surveying, complete field inspections, etc.
 - Respond to multiple RFIs and assist with preparation of CCDs and review of contractor change orders.
- The original proposed fee was \$80,000.00.
 - The current proposed fee is \$75,000.00
 - Review of the encountered depth issues on site – multiple staff and staff types, multiple days. Budget of approximately \$1,000 per phase for C, D, E, and approximately \$1500 per phase for F, G, and H. Approximately \$7,500.00
 - Multiple Meetings to discuss submitted RFIs, preparation of draft changes, review of changes with DCS and US DVA, as well as contractor, finalize RFI responses after reviewing with contractor to make sure field conditions didn't pose any issues, meetings/inspections to verify work in progress and complete as well as separate Substantial Completion Inspections. The original value of construction administration services per Task letter T3 was \$37,000.00 (or approximately \$3,000 per phase for the original 13 phases / a rough number given the grading and size of area for each of the phases varies). Budget of approximately \$3,000 per phase for C, D, E, and approximately \$5,000 per phase for F, G, and H. Approximately \$24,000.00
 - Time to draft proposal requests, draft CCDs, review change order proposals and associated T+M backup in conjunction with the onsite CA staff and DCS. Budget of approximately \$1,000 per phase for C, D, E, and approximately \$1,500 per phase for F, G, and H. Approximately \$7,500.00
 - Preparation of the CDs for original 13 phases (reference TL#3): \$49,000.00 (or approximately \$4,000 / phase as a rough number given that the grading and size of area for each of the phases varies). Utilizing \$4,000 per phase as a guide, \$24,000.00 would be the approximate value of revising the grading and layout drawings for Phases C, D, E, F, G, and H. Phases F, G, and H

needed to have two additional revisions per phase, plus added work outside of the original contract lines, thus adding approximately \$12,000. Just for the drawing updates alone, approximately \$36,000.00.

Staff comments – my understanding from VA is that phases F, G, H were the worst and required lot of time. This issue is not site-wide but concentrated to these three phases in the middle. There should be a basis for negotiation such as fee matrix rather than lump sum per phase. It should be noted that future amendments must have fee matrix associated with proposed increase in the fees.

12. Original contract had up to 20 (18+1pre+1post construction) construction progress meetings. The Contract/TL3A lists 27 construction progress team meetings. Are these 27 meetings in addition to original 20 meetings? If yes, pl justify why more than double meetings are required?

DCS Response: ST/DCS: The TL3A meetings are in addition to the original contract meetings. There are eleven phases within this project. A majority of these phases had associated RFIs due to the burial depth issues and each phase required multiple meetings in order to develop plans to adjust all of the conflicts (at times, more than two additional times), review proposed corrections with State and Federal team members as well as the contractors, and complete periodic and final inspections associated with the changes. These additional meetings are a direct result of the burial depth issues. Staff comments – again it seems that the central portion of the project (phases F, G, H) were the worst and not all the phases.

13. On Page 2 of the Contract, the scope lists “Conduct Substantial Completion site walks and prepare Inspector’s Daily Reports for sodding installation”. How is this different than the scope approved and paid for under Item 3F (Construction administration phase) of the original contract? The original scope included – “Perform inspections, punch list, follow up inspections through construction to verify design intents, and complete substantial completion and final inspection completion inspections, including reporting. Twelve substantial completion/punch list site walks shall be included. One final inspection shall be included”.

DCS Response: ST/DCS: To continue progress on site, DCS separated inspections for scopes of work so that the contractors could avoid any potential headstone raising, realigning, and cleaning work in advance of the new sod placement so that they could be corrected prior to performing final site activities. The consultant provided extended services to perform (which they already have done and continue with the last inspection scheduled for 11/08/2019) inspections after the raise, realign, and cleaning scopes at each phase. They performed and continue to perform periodic inspections for the grade changes that are substantially more than they were when construction first began on this site. They performed and continue to perform periodic inspections to verify substantial completion field punchlist work was being completed. They performed and continue to perform periodic inspections after sod installation in preparation for Substantial Completion inspections. This project is turning over each phase back to the CT DVA once substantially complete in lieu of doing one Substantial Completion inspection at the very end of the overall project. This is necessary given the number of reinterments that take place within completed phases. OK

14. Why is there a difference in the Task Log referencing Task Letter 3 (\$153,908) with the executed Task Letter #3 approving \$197,000 in Design & CA fees.

DCS Response: ST/DCS: OC-DCS-CIV_SUR-0032 Task No. 3 was approved for \$197,000.00. CT DAS DCS Construction Support Services has been notified of the issue to correct. The updated log is included in the attachment as supporting documents to this communication. OK

RECOMMENDATION: It is recommended that SPRB APPROVE Task Letter #3A for Fuss & O’Neill, Inc. in the amount of \$75,000 to provide supplemental consulting design and construction administration services on this project. The overall basic service fee of 6.84% is well within the established guideline rate of 10% for this Group-A Site Improvements Renovation Project.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #19-221 – Mr. Valengavich moved and Mr. Berger seconded the motion to approve PRB File #19-221. The motion passed unanimously.

PRB FILE #19-230 – Mr. Halpert moved and Mr. Valengavich seconded a motion to suspend PRB FILE #19-230. The motion passed unanimously.

9. NEXT MEETING – Monday, November 25, 2019

The meeting adjourned.

APPROVED: John Valengavich **Date:** 11/25/19
John Valengavich, Secretary

