

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On July 9, 2020 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted its Regular Meeting at 9:30AM on July 9, 2020 remotely via telephone conference at (866)-692-4541, passcode 85607781.

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

Jaime Smith, Director Bureau of Agricultural Development & Resource Preservation

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 July 6, 2020 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Director Desai informed the Board members that a response email was sent out to DAS DC Petra regarding his question about Board's authority.

3. REAL ESTATE- UNFINISHED BUSINESS

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 9:53. The motion passed unanimously.

EXECUTIVE SESSION

PRB #	20-206-A
Transaction/Contract Type:	AG/PDR
Origin/Client:	DoAG/DoAG

Statutory Disclosure Exemptions: 1-200(6) & 1-210(b)(7)

Jaime Smith, Director Bureau of Agricultural Development & Resource Preservation, was invited to participate in the Executive Session.

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 10:13. The motion passed unanimously.

OPEN SESSION

4. REAL ESTATE – NEW BUSINESS

PRB # 20-130
Transaction/Contract Type: RE – Legislative Conveyance
Origin/Client: DOT/DOT
Project Number: 92-532-007A
Grantee: City of New Haven
Property: New Haven, Kendall Street (25)
Project Purpose: DOT Conveyance of 0.58 acres to City of New Haven
Item Purpose: Legislative Conveyance pursuant to PA 17-238 (7)

RELEASE PRICE: \$89,000

Under this proposal (#20-130), DOT is seeking to convey an 18,500 square foot, industrially zoned, parcel of land to the City of New Haven pursuant to PA 17-238 (7). The price of the conveyance is established by the average of two appraisals, plus an administrative fee. There are no restrictions on the conveyance.

DOT Appraiser Matthew Malia appraised the property as of 1/06/2020 and based on three similarly-zoned parcels in New Haven, North Haven and Hamden, concluded the value of the land was \$5.00/sf x 18,500 sf = \$92,500, rounded to \$95,000.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	25 Kendall St New Haven, CT 06512	State St New Haven, CT 06511	57 McDermott Rd North Haven, CT 06473	91 Overlook Dr Hamden, CT 06514
Proximity to Subject		1.69 miles N	3.75 miles NE	7.61 miles N
Sales Price	\$ SP/Sq. Ft.	\$ 8.47	\$ 2.17	\$ 2.61
Price	\$ Sale Price	\$ 51,900	\$ 60,000	\$ 70,000
Data Source	City Records/Inspection	City Records/Drive-by Inspection	Town Records/Drive-by Inspection	Town Records/Drive-by Inspection
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.
Location	1/6/2020 (Eff. Date)	2/16/2018	7/25/2019	5/23/2019
Site/View	Average	Average	Average	Fair
Present Use/H&BU	18,500 sq. ft. / average	6,124 sq. ft. / average	27,663 sq. ft. / average	26,833 sq. ft. / average
Utilities/topo.	Vacant / Parking	Parking / Parking	Vacant / Ind. Building	Vacant / Parking
Zone/frontage	All / Level	All / Level	All / Level	All / Level to Sloping
Wetlands	IH / 290' +/-	IL / 121.18' +/-	IL30 / 417.32' +/-	M / 120.15'
Sales or Financing Concessions	AE Flood Zone/None	None	Minimal	None
Net Adj. (Total)	None Noted	None Noted	None Noted	None Noted
Indicated Value of Subject		+ - \$ -2.11	+ - \$ 0.54	+ - \$ 0.76
		\$ 6.36	\$ 2.71	\$ 3.35

Independent Appraiser Norman Benedict appraised the property as of 12/20/2019 and based on three similarly-zoned parcels in West Haven, North Haven and Branford, concluded the value of the land was \$4.25/sf x 18,500 sf = \$78,570, rounded to \$79,000.

LAND SALES SUMMARY OF ADJUSTMENTS - BEFORE THE RELEASE							
ITEM	Appraised Property	COMPARABLE 1	COMPARABLE 2	COMPARABLE 3			
STREET ADDRESS	25 Kendal Street	164 Fresh Meadow Road	57 McDermott Road	17-21 No. Branford Road			
CITY OR TOWN, STATE	New Haven, Ct	West Haven, Ct	North Haven, Ct	Branford, Ct			
Unadjusted Sales Price	None Recently	\$200,000	\$178,571	\$50,000	\$92,308	\$200,000	\$98,522
ADJUSTMENTS	DESCRIPTION	DESCRIPTION	± ADJ.	DESCRIPTION	± ADJ.	DESCRIPTION	± ADJ.
TRANSITIONAL ADJUSTMENTS							
PROPERTY RIGHTS CONVEYED	Fee Simple	Fee Simple	0%	Fee Simple	0.00%	Fee Simple	0.00%
FINANCING	None	None	0%	None	0.00%	None	0.00%
CONDITIONS OF SALE	Arms-length	Arms-length	0%	Arms-length	0.00%	Arms-length	0.00%
MARKET CONDITIONS	20-Dec-19	06-Nov-19	0.50%	25-Jul-19	1.00%	18-Jul-18	3.00%
ADJUSTED SALES PRICE			\$179,464		\$93,231		\$101,478
LOCATIONAL ADJUSTMENTS							
ADJUSTED SALES PRICE	Urban	Suburban	10.00%	Suburban	10.00%	Suburban	10.00%
ADJUSTED SALES PRICE			\$197,411		\$102,554		\$111,626
PHYSICAL ADJUSTMENTS:							
ZONE (use diversity)	Heavy Industrial	Light Industrial	10.00%	Light Industrial	10.00%	Light Industrial	10.00%
SIZE (acres)	0.42	1.12	-5.00%	0.65	0.00%	2.03	-7.50%
TOPOGRAPHY	Level	Level	0.00%	Level	0.00%	Minimum Roll	0.00%
SHAPE	Long, Irregular	Irregular	-10.00%	Long, Irregular	0.00%	Long Rectangle	-10.00%
INTERSTATE ADVERTISING	Good	None	20.00%	None	20.00%	None	20.00%
NEIGHBORHOOD QUALITY	Central	Some Central	5.00%	None Central	10.00%	None Central	10.00%
USE INFLUENCING EASEMENT	None	None	0.00%	None	0.00%	Substantial	25.00%
WETLANDS	Harbor Influence	Major Influence	15.00%	Major Influence	15.00%	Minor Influence	-15.00%
FRONTAGE-ACCESS	Substantial - Good	Substantial - Good	0.00%	Substantial - Good	0.00%	Average - Good	2.50%
UTILITIES	All normal Utilities	All	0.00%	All	0.00%	All	0.00%
ENCUMBRANCE-APPURTENANCE	None Special	None Special	0.00%	None Special	0.00%	None Special	0.00%
HIGHEST AND BEST USE	Lt. Ind. Improvement	Lt. Ind. Improvement	0.00%	Lt. Ind. Improvement	0.00%	Lt. Ind. Improvement	0.00%
REGIONAL VEHICLE MOBILITY	Int-95 Immediate	None Special	7.50%	None Special	7.50%	Int-95 Immediate	0.00%
ADJUSTED SALES PRICE			42.50%		62.50%		35.00%
FINAL ADJUSTED SALES PRICES			\$255,737		\$151,500		\$136,995

quality scale: 0.00-none, 1.00-poor, 1.25-fair, 1.50-average, 1.75-good and 2.00-best of database

The Public Act Language is as follows:

Sec. 7. (Effective from passage) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the city of New Haven a parcel of land located in the city of New Haven, at a cost equal to the fair market value of the property, as determined by the average of the appraisals of two independent appraisers selected by the commissioner, plus the administrative costs of making such conveyance. Said parcel of land has an area of approximately .58 acre and is identified as 25 Kendal Street at Lot 200 in Block 953 on city of New Haven Assessor's Map 69. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) 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 Transportation. 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. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance. Any funds received by said department from a sale of said parcel in accordance with this section shall be transferred to the State Treasurer for deposit in the Special Transportation Fund.

Staff asked DOT to clarify the following issues:

1. Please clarify if utilizing DOT Appraiser Matthew Malia complies with the statutory language requiring an 'independent' appraiser value the property.
DOT Response: That language as far as I know, is standard regarding independent appraiser, and using a DOT appraiser is acceptable.
Staff Response: OK
2. Malia appraised the property for \$95,000 and Benedict appraised for \$79,000. The average of the two is \$87,000 (\$174,000/2). Please clarify if the stated \$89,000 sale price which includes a \$1,000 Administrative Fee (\$88,000) complies with the statutory language regarding the 'average' of the two appraisals.
DOT Response: The sales price should be \$88,000. I do not have a copy of Marie's closing report, but I have our calculation concurring with yours, so not sure how the \$1,000 extra came about on the deed.
Staff Response: The Quit Claim Deed, as written, does not comply with the enabling legislation and should be returned to DOT for correction.

RECOMMENDATION: Staff recommends **return** of the legislative conveyance for the following reasons:

1. The Quit Claim deed is inconsistent with Section 7) of Public Act 17-238, which stipulates the conveyance of approximately 0.58 acres of land to the City of New at a cost equal to average of two independent appraisals plus the administrative cost of the conveyance.



5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

PRB #	20-122
Origin/Client:	DCS/CCSU
Transaction/Contract Type	AE / Amendment #2
Project Number:	BI-RC-393
Contract:	BI-RC-393-CA
Consultant:	Downes Construction Company, LLC
Property	New Britain, Stanley St (1615) – Kaiser Hall
Project purpose:	New Kaiser Hall Annex & Kaiser Hall Renovation
Item Purpose:	Amendment # 2

Proposed Amount: \$332,898

At the June 16, 2016 SPRB meeting, the Board approved PRB #16-145 in the amount of \$992,280 to compensate the Consultant for CA services in conjunction with the Kaiser Hall project. At that time, the overall construction and total project budget were established at \$17,872,369 and \$25,385,809 respectively.

At the July 9, 2018 SPRB meeting, DAS/DCS requested approval to compensate the Consultant via Amendment #1 (PRB #18-073) for changes to the CA fee schedule in the amount of \$99,754 for the following:

1. Deduct Schematic Design Phase Support (not used) - **(\$19,660 credit)**
2. Increase Project Manager's time from 1.5 to 2 days per week for the Construction Phase - \$70,735
3. Increase Project Superintendent's time to manage pre-construction submittals and close-out - \$35,774
4. Increase the MEP Coordinator/Engineer's time for as-needed field engineer support - NTE \$20,230
5. Decrease the Project Engineer's time during the Construction Phase - **(\$7,325.00 credit)**

At that time, the overall construction was increased to \$18,405,564 and the total project budget was unchanged at \$25,385,809.

At that meeting the Board rejected proposed Amendment #1, informing DAS/DCS a revised proposal can be submitted to the Board for items 1, 2, 4, and 5 above in the amount of \$63,980 (vs. \$99,754).

At the July 26, 2018 SPRB meeting the Board under PRB #18-145 approved DAS/DCS revised request to compensate the Consultant via Amendment #1 changes to the CA fee schedule in the amount of \$63,980 for items 1, 2, 4, and 5 above.

Under this proposal (PRB #20-122), DAS/DCS is now seeking SPRB approval to approve Amendment #2 to the Consultant's Contract for the following:

1. Early Start: (\$35,744) – DAS/DCS authorized the Consultant to start the submittal process early, prior to Notice to Proceed (NTP), while the general contractor was obtaining the DEEP Stormwater Management Permit, expected to take 60 days for review and approval. This period starting from December 20, 2017 to February 14, 2018 was not anticipated at the time of the original CA contract and its construction duration of 486 calendar days. DAS/DCS acknowledged the Board previously declined this request, but reasoned the CA provided the staff for this additional period of time to the benefit of the State and Project, as evidenced by the staffing chart.
2. Additional Construction Administration Services past the contractual substantial completion date until December 31, 2019: (\$289,124)– The Consultants original contract included CA services during the construction phase, which was estimated to be 486 calendar days until substantial completion and 90 days for closeout. This CA Contract permits the DAS Commissioner to extend the number of calendar days for a reasonable fee as this Contract did not include language that added 10% additional days found in newer CA contracts. DAS/DCS is seeking approval for additional CA services from June 15, 2019 through December 31, 2019. The coverage is based on spending a total of 264 hours per month between the CA and their Sub-Consultants.
3. Additional Envelope Building Commissioning Agent services past the contractual substantial completion date until December 31, 2019: (\$8,000) – The extended construction duration necessitated the building envelope commissioning agent make additional site visits for inspections of the work. There were four months of additional site visits required of this sub-consultant, and the amount requested for such services is \$8,000.00.

DAS/DCS states that a 2-28-2020 correspondence to the General Contractor notified the GC that DAS has assessed the GC \$1,607,067 in liquidated damages for the period of 6-7-2019 through 12-23-2019. DAS has retained and set off the sum of \$1,367,568.58 from the September 2019 payment application and the balance on the GC contract. It is the intent of DAS that the liquidated damages monies will be used to compensate the CA and its Sub-Consultants for the extended services notated in Items #2 and #3 above.

The overall construction budget was increased to \$18,420,801, from \$17,872,369. The total project budget remains unchanged at \$25,385,809.

DCC Fee for Basic Services (PRB #16-145)	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>C. Budget</u> <u>(\$)</u>	<u>(%)</u> <u>Budget</u>
Pre-Construction Phase	\$144,445			
Construction Phase	<u>+\$720,215</u>			
TOTAL BASIC SERVICE FEE (#16-113) (A)	\$864,660		\$17,872,369	4.83%
<u>SPECIAL SERVICES:</u>				
Commissioning (Van Zelm Engineering)		<u>+\$127,620</u>		
TOTAL SPECIAL SERVICES(B)		\$127,620		
TOTAL FEE (PRB #16-145) (A) + (B)		\$992,280	\$17,872,369	5.55%
PRB #18-145 – additional construction admin fees (A1)	<u>+\$63,980</u>			
TOTAL BASIC SERVICE FEE (#18-073) (A) + (A1)	\$928,640		\$18,405,564	5.05%
PRB #20-122 – additional construction admin fees (A2)	<u>+\$324,898</u>			
TOTAL BASIC SERVICE FEE (#20-122) (A) + (A1)+(A2)	\$1,253,538		\$18,420,801	6.81%
PRB #20-122 – additional special services (commissioning) (B1)		\$8,000		
TOTAL FEE (PRB #20-122) (A) + (A1)+ (A2) + (B) + (B1)		\$1,389,158	\$18,420,801	7.54%

Staff inquired with DAS/DCS to provide clarification to the following:

1. Please clarify how the Commissioning Agent’s \$8,000 fee was calculated for additional visits over a four month period.
2. What is the status of the liquidated damages in light of DAS/DCS previously planning on compensating the ARC Consultant out of the liquidated damages?
3. Was this extension provided in writing by the Commissioner around June 2019?
4. Why is this amendment brought to the Board now, almost a year later after it was recognized that CA services will go beyond the anticipated substantial completion date?
5. Provide time sheets for CA’s staff involved from June 2019 through December 2019, per the cost proposal breakdown including sub-consultants.
6. Provide backup documentation for \$1.607 million in liquidated damages
7. Did CA provide recovery/acceleration schedule per - CA Contract Appendix Section H. Construction Phase Services, subsection 1.3.4 Recovery/Acceleration Schedules.
8. Please provide a status of the project given the 12-23-2019 Notice of Substantial Completion. Why was this notice provided knowing that significant punch list items remain? What were the significant items and did these items interfere with CCSU’s operations and use of the facility?
9. Why should the State be held responsible for this compensation as it is a direct result of Lawrence Brunoli’s inability to manage the project and maintain the construction schedule?
10. Are there any delays not related to Lawrence Brunoli's ability to complete the project in a timely manner?

RECOMMENDATION: Board recommendation is contingent upon DCS response to Board inquiries. The overall basic service rate of 6.81% exceeds the established guideline rate of 5.0% for this Group B New Construction Project.

Re: PRB # 18-145, Standard Fixed-Fee—Construction Administration Services Contract
Central Connecticut State University– Kaiser Hall New Annex & Renovation Project
Project #BI-RC- 393-CA, Downes Construction Company, LLC – Amendment # 1 - \$63,980.00

Update – July 24, 2018

The file PRB # 18-073 was rejected by the Board and realized savings of \$35,774.

DCS submitted revised file PRB # 18-145 for Board approval with reduced fee of \$63,980.

RECOMMENDATION:

Staff has reviewed this file and recommends APPROVAL of this Amendment # 1 in the amount of \$63,980.

From PRB #18-073

Update – July 3, 2018

DCS provided clarifications to the questions raised by the Board. Following are the DCS responses in RED:

1. Deduct Schematic Design Phase Support (not used) (\$19,660.00): Although negotiated prior to the beginning of the project design phase, the CA contract was not executed until after the Schematic Design Phase was complete – opportunity to comment passed, but the Schematic Design Phase services remained in the contract.
2. Increase Project Manager's time from 1.5 to 2 days per week for the Construction Phase: \$70,735.00 – Provide details as to what changes in efforts in administering the project necessitated increase in Project Manager's time: 2-days per week for construction phase Project Manager services is the minimum amount of time for which DAS is comfortable. At the time of the original contract negotiations, DAS was concerned that the budget would not afford the 2-day services. With the reconciliation of the budget following the bid phase, the budget can cover the 2-day of weekly service. Due to the high degree of attention from both Central Connecticut State University Administration and the State College and University System Office Administration on this project, restoring this half day per week time for the CA's senior staff is needed.
3. Increase Project Superintendent's time to manage pre-construction submittals and close out \$35,774.00 – Review of Administration and technical submissions and shop drawings are routine for these types of projects and would have to be reviewed regardless of the timing. Provide details as to what changes necessitated increase in the Superintendent's time. The contract and purchase order with the General Contractor (Lawrence Brunoli, Inc.) was executed on December 11, 2017. Construction activities could not begin until the General Contractor submitted and received the stormwater management permit for construction activities from DEEP. The permit was issued by DEEP on February 14, 2018. 2 plus months period was used by the General Contractor to begin submittal preparation, coordination and approval. The project superintendent was needed during

this time to process these submittals. Construction began with the notice to proceed dated February 14, 2018; the 16 –month construction duration began with this February notice to proceed. The construction phase duration for the superintendent’s services matches the 16-month construction period. A 2 – month extension of the superintendent’s time is needed to cover this pre-notice period and provide coverage for the final 2 – months of construction. The 90-day close out period for construction is in addition to the aforementioned time periods.

4. Increase the MEP Coordinator/Engineer’s time up to \$20,230.00 for as-needed field engineer support \$20,230.00 – These types of coordination tasks should have been accounted for in the original contract. Please explain why this should be accounted as extra effort?: During the negotiations for the original contract, December 2015 to February 2016, DAS anticipated the need for a part-time MEP Coordinator to observe and monitor the critical MEP work activities. This work has historically been the most problematic installations and commissions on modern building projects. DAS set these anticipations for the MEP Coordinator early in the project development prior to any facility design. With the benefit of the completed 2017 design and a more refined understanding of the project requirements, DAS needs to amend the MEP Coordinator role to a Project Engineer. The MEP Coordinators original time and value needs to increase from 73.5 hours and \$8,520.00 to a not-to-exceed amount of 230 hours and \$20,230.00. This field engineer’s services are not needed throughout the entire duration of construction, but only during the following critical phases of the project (foundation development, HVAC and HVAC control installation and fire alarm programming). This amounts to approximately 12 weeks during the 16 month construction duration where DAS will need this engineer’s support.
5. Decrease the Project Engineer’s time during the Construction Phase (\$7,325.00): The Project Engineer and MEP Coordinator roles have been amended and combined. Please see explanation to Question 4

RECOMMENDATION:

Staff has reviewed the responses and finds the responses to items 1, 2, 4, 5 acceptable. However, response to item 3 is not acceptable. Just because the General Contractor started reviewing the submittals 2 months before the notice to proceed for Construction does not warrant additional compensation for this time. Again, these reviews are not for “additional services”. These reviews would have been conducted regardless of the start date. The coverage for the final 2-months of Construction is part of the original contract. Therefore, there should not be additional compensation for this “pre-construction” submittals.

It is recommended that the Board REJECT this file PRB # 18-073. DCS can submit revised proposal for items 1, 2, 4, and 5 in the amount of \$63,980 (vs. \$99,754).

Project History:

In general this project involves the design and construction of a new 70,000 GSF Recreation Center and renovations to the existing Kaiser Hall Facility at Central Connecticut State University (“CCSU”). The new recreation center will be designed and constructed with a 50-year+ life expectancy and is anticipated to provide multi-sport courts, a wellness track, fitness areas, studio space, pilates area, offices, meeting rooms and complete shower facilities. The design and layout of this facility shall be appropriate for the recreational and educational needs of a 12,000 student campus population. The project will also include the complete renovation of the existing Kaiser Hall Gymnasium to include a 1st and 2nd Floor entrance as well as VIP seating, a press box, elevator access and other associated basketball court amenities. The overall project will also include the demolition of the existing 34,000 GSF fabric structure currently adjacent to the athletic facility as well as a new access drive, pedestrian access and landscaping. During the previous approval under PRB # 16-145, the overall construction and total project budget was established at \$17,872,369 and \$25,385,809 respectively.

In July 2015 the Department of Construction Services (“DCS”) issued a Request for Qualifications (RFQ) for Construction Administrator Consultant Teams related to the Renovate/Expansion of Kaiser

Hall and Kaiser Annex Project. DCS elicited seven (7) responses to the advertisement of which all of the respondents were considered “responsive”. DCS then proceeded to review the seven submittals and after the completion of the internal review process, five firms were selected for short-listed interviews. These firms were as follows, Newfield Construction, Inc., STV Construction, Inc., Downes Construction Company, LLC, Hill International, Inc., and O&G Industries, Inc. The State Selection Panel consisted of 5 members and interviewed each firm for evaluation purposes based upon an established weighted ranking system. At the conclusion of the process DCS identified Downes Construction Company, LLC (“DCC”) as the most qualified firm.

This contract is for Construction Administrator Consultant Team Services for the completion of the Renovate/Expansion of Kaiser Hall and Kaiser Annex Project. The scope of work for this contract includes both preconstruction and construction phase services as well as mechanical and building envelope commissioning. Under the previous approval, the overall compensation rate for basic services was \$864,660 with an additional \$127,620 for special services. As such the total project fee was \$994,205.

CONTRACT AMENDMENT # 1

This amendment is for \$99,754.00. Due to the complexity of the project and high degree of attention afforded to project activities by university administration, increasing the Construction Administrator manager’s time from 1.5 days per week to 2 days per week is needed. The notice to proceed for project construction activities was issued 2 months after execution of the contract to allow for the submission and issuance of a stormwater permit from DEEP. During this time period, the general contractor, Lawrence Brunoli, Inc., was allowed to prepare and submit administrative and technical submissions and shop drawings. As such, the early start necessitates an extension of the Construction Administrator’s superintendents’ time to review and process these submissions and coordinate preconstruction activities with the general contractor, DAS and the University.

This amendment # 1 will provide for the following:

- 1) Deduct Schematic Design Phase Support (not used) (\$19,660.00)
- 2) Increase Project Manager’s time from 1.5 to 2 days per week for the Construction Phase \$70,735.00
- 3) Increase Project Superintendent’s time to manage pre-construction submittals and close-out \$35,774.00
- 4) Increase the MEP Coordinator/Engineer’s time up to \$20,230.00 for as-needed field engineer support \$20,230.00
- 5) Decrease the Project Engineer’s time during the Construction Phase (\$7,325.00)

FEE – The costs of basic and special services are as follows:

DCC Fee for Basic Services (PRB #16-145)	COST (\$) (BASIC)	COST (\$) (SPECIAL)	C. Budget (\$)	(%) Budget
Pre-Construction Phase	\$144,445			
Construction Phase	+\$720,215			
TOTAL BASIC SERVICE FEE (#16-113) (A)	\$864,660		\$17,872,369	4.83%
SPECIAL SERVICES:				
Commissioning (Van Zelm Engineering)		+\$127,620		
TOTAL SPECIAL SERVICES(B)		\$127,620		
TOTAL FEE (PRB #16-145) (A) + (B)		\$992,280	\$17,872,369	5.55%
PRB #18-073 – additional construction admin fees (A1)	+\$99,754			
TOTAL BASIC SERVICE FEE (#18-073) (A) + (A1)	\$964,414		\$18,405,564	5.20%
TOTAL BASIC SERVICE FEE (#18-073) (A) + (A1) + B	\$964,414	\$1,092,034	\$18,405,564	5.93%

RECOMMENDATION: It is recommended that SPRB SUSPEND Contract Amendment #1 for Downes Construction Company, LLC. SPRB Staff is recommending the Board request additional information on the following items:

1. Deduct Schematic Design Phase Support (not used) (\$19,660.00)
2. Increase Project Manager’s time from 1.5 to 2 days per week for the Construction Phase \$70,735.00 – Provide details as to what changes in efforts in administering the project necessitated increase in Project Manager’s time.
3. Increase Project Superintendent’s time to manage pre-construction submittals and close-out \$35,774.00 – Review of administrative and technical submissions and shop drawings are routine for these types of projects and would have been reviewed regardless of the timing. Provide details as to what changes necessitated increase in the Superintendent’s time.
4. Increase the MEP Coordinator/Engineer’s time up to \$20,230.00 for as-needed field engineer support \$20,230.00 – These types of coordination tasks should have been accounted for in the original contract. Please explain why this should be accounted as extra effort?
5. Decrease the Project Engineer’s time during the Construction Phase (\$7,325.00)

Re: PRB # 16-145, Standard Fixed-Fee—Construction Administration Services Contract
 Central Connecticut State University– Kaiser Hall New Annex & Renovation Project
 Project #BI-RC- 393-CA, Downes Construction Company, LLC - Total Fee \$992,280

PROJECT BRIEF– In general this project involves the design and construction of a new 70,000 GSF Recreation Center and renovations to the existing Kaiser Hall Facility at Central Connecticut State University (“CCSU”). The new recreation center will be designed and constructed with a 50-year+ life expectancy and is anticipated to provide multi-sport courts, a wellness track, fitness areas, studio space, pilates area, offices, meeting rooms and complete shower facilities. The design and layout of this facility shall be appropriate for the recreational and educational needs of a 12,000 student campus population. The project will also include the complete renovation of the existing Kaiser Hall Gymnasium to include a 1st and 2nd Floor entrance as well as VIP seating, a press box, elevator access and other associated basketball court amenities. The overall project will also include the demolition of the existing 34,000 GSF fabric structure currently adjacent to the athletic facility as well as a new access drive, pedestrian access and landscaping. The overall construction and total project budget have been established at \$17,872,369 and \$25,385,809 respectively.

In July 2015 the Department of Construction Services (“DCS”) issued a Request for Qualifications (RFQ) for Construction Administrator Consultant Teams related to the Renovate/Expansion of Kaiser Hall and Kaiser Annex Project. DCS elicited seven (7) responses to the advertisement of which all of the respondents were considered “responsive”. DCS then proceeded to review the seven submittals and after the completion of the internal review process, five firms were selected for short-listed interviews. These firms were as follows, Newfield Construction, Inc., STV Construction, Inc., Downes Construction Company, LLC, Hill International, Inc., and O&G Industries, Inc. The State Selection Panel consisted of 5 members and interviewed each firm for evaluation purposes based upon an established weighted ranking system. At the conclusion of the process DCS identified Downes Construction Company, LLC (“DCC”) as the most qualified firm.

This contract is for Construction Administrator Consultant Team Services for the completion of the Renovate/Expansion of Kaiser Hall and Kaiser Annex Project. The scope of work for this contract includes both preconstruction and construction phase services as well as mechanical and building envelope commissioning. The overall compensation rate for basic services is \$864,660 with an additional \$127,620 for special services. As such the total project fee is \$992,280. DCS has confirmed for SPRB that funding is available for this contract.

FEE – The costs of basic and special services are as follows:

DCC Fee for Basic Services (PRB #16-145)	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>C. Budget</u> <u>(\$)</u>	<u>(%) Budget</u>
Pre-Construction Phase	\$144,445			
Construction Phase	+\$720,215			
TOTAL BASIC SERVICE FEE (#16-113) (A)	\$864,660		\$17,872,369	4.83%
<u>SPECIAL SERVICES:</u>				
Commissioning (Van Zelm Engineering)		+\$127,620		
TOTAL SPECIAL SERVICES(B)		\$127,620		
TOTAL FEE (PRB #16-145) (A) + (B)		\$992,280	\$17,872,369	5.55%

- The RFQ posted July 2015 elicited 7 candidates. The Selection Panel interviewed five firms and ultimately recommended the appointment of Downes Construction Company, LLC (“DCC”). The selection was approved by Commissioner Currey on 12/3/2015.
- DCC is locally located in New Britain. This firm was established in 1935 and has over 40 employees which includes 20± construction project managers and estimators.
- DCC provided DCS written correspondence that the company has not been exposed to any general liability or professional liability claims which is still open.
- The submittal is accompanied by a Consulting Agreement Affidavit notarized on 12/15/2015.

RECOMMENDATION: It is recommended that SPRB Approve this new contract for Downes Construction Company, LLC. to provide CA related services at the Renovate/Expansion of Kaiser Hall and Kaiser Annex Project. The overall basic service rate of 4.83% is generally consistent with the established guideline rate of 5.0% for this Group B New Construction Project.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILES #20-106-A – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #20-106-A. The motion passed unanimously.

PRB FILES #20-130 – Mr. Berger moved and Mr. Valengavich seconded a motion to return PRB FILE #20-130. The motion passed unanimously.

PRB FILES #20-122 – Mr. Valengavich moved and Mr. Cianci seconded a motion to suspend PRB FILE #20-122. The motion passed unanimously.

9. NEXT MEETING – Monday, July 13, 2020.

The meeting adjourned.

APPROVED: _____ **Date:** _____
John Valengavich, Secretary