

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On August 27, 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 August 27, 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**

Anthony DeNapoli, APM - DAS Division of Construction Services

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 August 24, 2020 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

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

#### **4. REAL ESTATE – NEW BUSINESS**

<b>PRB #</b>	<b>#20-156</b>
<b>Transaction/Contract Type:</b>	RE – Sale
<b>Origin/Client:</b>	DOT/DOT
<b>Project Number:</b>	126-91-7C
<b>Grantee:</b>	WNC Management, LLC
<b>Property:</b>	Shelton, Long Cross Hill Rd @ Route 8
<b>Project Purpose:</b>	Sale by Abutter Bid
<b>Item Purpose:</b>	Quit Claim Deed

**Sale Price:** \$21,000

Under this proposal, DOT will release an irregularly-shaped, 7,358 square foot remnant parcel of land with 25 feet of frontage on Long Cross Hill Road and 231 feet of frontage (rights of ingress/egress denied) on the easterly side of the Route 8 expressway to the Abutter located at 120 Long Cross Hill Rd, Shelton. The only other abutter, Snug Harbor, LLC, did not respond to DOT's solicitation.

The abutter located at 120 Long Cross Hill Rd is comprised of a 0.89 acre (38,768) industrially-zoned site with 242 feet of frontage on the northerly side of Long Cross Hill Rd. The site is improved with a one-story industrial/office building containing 8,400 square feet, built in 1986.



**Valuation** – With the release of this parcel via a Sale by Abutter Bid, DOT Appraiser Anthony John DeLucco appraised the property, as of October 4, 2019, in both the Before and After assemblage, valuing the two contiguous properties in the Before Valuation as they meet the standard of the Larger Parcel per Yellow Book Standards. Based on the sales comparison approach, the Appraiser utilized three sales of industrial and commercially-zoned land permitting similar uses in Brookfield, Shelton and Danbury and concluded the fair market value of the Larger Parcel was \$3.50/sq.ft. x 38,768 sq.ft. = \$135,688, rounded to \$136,000.

In the After Valuation, the Appraiser utilized the same three sales and concluded the fair market value of the subject property was \$3.50/sq.ft. x 46,126 sq.ft. = \$161,441, rounded to \$161,000.

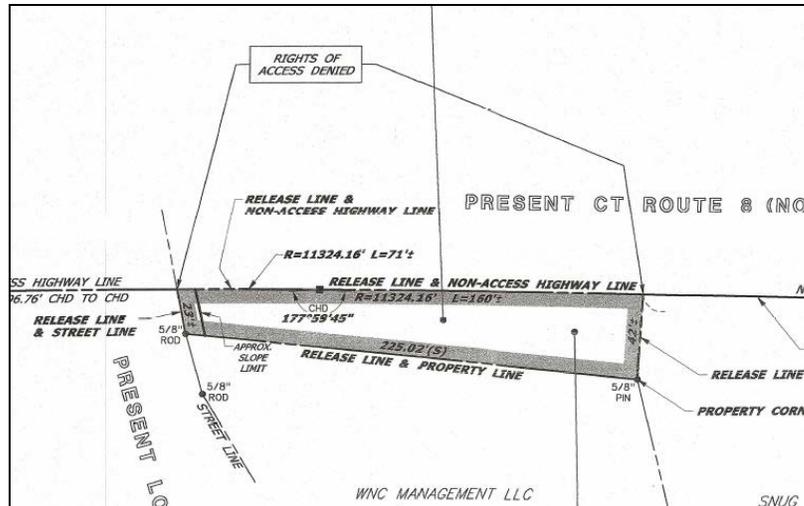
**Value of the Release**

After Valuation	\$161,000
Before Valuation	\$136,000
Value of Release	\$25,000

**Sale by Abutter Bid & Negotiations** – The two abutters were notified of the Public Bid. The abutter bid was held 11/27/2019 with an asking price of \$30,000 (+\$1,000 admin fee). One bid was received: #1. \$20,000 (+\$1,000 admin fee) from WNC Management, LLC, which was accepted by DOT as it was within a reasonable range of the appraised value.

**Recommendation** – Staff recommend approval of the proposed Sale by Abutter Bid in the amount of \$21,000 for the following reasons:

- The proposed sale complies with Sections §3-14b, and §13a-80 of the CGS in that the City of Shelton declined to purchase and the legislative delegation received the required notification on September 19, 2019.
- The release value of \$21,000 is reasonable in that it represents 80% of the appraised value for a remnant parcel with limited utility and it will return the property to the Shelton tax rolls and relieve the State of all future expenses.
- The description in the Quit Claim Deed is consistent with the compilation plan to be filed in the Shelton Land Records.



Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 9:59. The motion passed unanimously.

**EXECUTIVE SESSION**

**PRB #** 20-166-A  
**Transaction/Contract Type:** AG/PDR  
**Origin/Client:** DoAG/DoAG

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

**PRB #** 20-172-A  
**Transaction/Contract Type:** AG/PDR  
**Origin/Client:** DoAG/DoAG

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

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 10:31. The motion passed unanimously.

**OPEN SESSION**

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

**PRB #** 20-160  
**Origin/Client:** DCS/CCSU  
**Transaction/Contract Type** AE / Amendment #1  
**Project Number:** BI-RC-394  
**Contract:** BI-RC-394-CA  
**Consultant:** Nosal Builders, Inc.  
**Property** New Britain, Stanley St (1615) – CCSU  
**Project Purpose:** Barnard Hall Additions & Renovations Project  
**Item Purpose:** Amendment # 1

Mr. Anthony DeNapoli, APM from Division of Construction Services joined the meeting at 9:35 to participate in the review of the proposal. Mr. DeNapoli left the meeting at 9:50.

The Board reviewed this proposal at the August 24, 2020 meeting at which time Mr. Anthony DeNapoli, APM from Division of Construction Services participated in the review of the proposal. Subsequent to the Meeting, Mr. DeNapoli submitted responses to Board inquires, incorporated into this Memo for review by the Board.

PROPOSED AMOUNT: \$10,800

At the State Properties Review Board meeting held on May 19, 2016, the Board approved #16-113 (BI-RC-394-CA), in the amount of \$735,910, for the Barnard Hall Additions & Renovations Project located on the CCSU Campus. The Contract stated 605 days were allocated for Construction Phase Services plus a 90-day closeout period.

DCS selected KBE Building Corporation as the CMR and the CMR contract was approved by the AG on September 29, 2016. Public Bids were opened on October 16, 2018. A Guaranteed Maximum Price Amendment (GMPA) was approved by the AG on May 3, 2019. Pursuant to the GMPA, substantial completion of the project is stated as November 6, 2020. The CMR anticipated a Notice to Proceed for May 17, 2019, with construction estimated at 540 days to substantial completion.

Under this Proposal (#20-160), DCS is now seeking approval of an additional \$10,800 in CA fees to compensate the Consultant for rebidding services provided between November 30, 2018 and February 14, 2019.

The overall construction budget and total project costs are \$16,395,507 and \$23,099,000.

NBI Fee for Basic Services (PRB #16-113)	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>C. Budget</u> <u>(\$)</u>	<u>(%) Budget</u>
Pre-Construction Phase	\$147,960			
Construction Phase	<u>+\$503,000</u>			
TOTAL BASIC SERVICE FEE (#16-113) (A)	\$650,960		\$15,032,000	4.33%
<u>SPECIAL SERVICES:</u>				
Commissioning		\$64,950		
Investigation Phase Services		<u>+\$20,000</u>		
TOTAL SPECIAL SERVICES(B)		\$84,950		
TOTAL FEE ( PRB #16-113) (A) + (B)		\$735,910	\$15,032,000	4.89%
NBI Fee for Basic Services (PRB 20-160) (A1)				
Bid Phase (Procurement)	\$10,800			
TCC Fee for Basic Services (PRB 20-160) (A1)	\$10,800			
TOTAL BASIC SERVICE FEE (#20-160) (A) + (A1)	\$661,760		\$16,395,507	4.03%

DCS confirmed funding 'looks to be enough' for this Amendment #1.

Staff have requested clarification of the following issues:

1. Please clarify why this Amendment #1 is submitted in July 2020 in light of the services being provided from November 30, 2018 to February 14, 2019.

**DCS Response:** The proposal was not submitted until August of 2019 and the original proposal also included additional design phase/preconstruction services, which DAS rejected. When the CA first submitted their proposal they requested a meeting with DAS on a date/time that did not work for the DAS PM and ADPM. After this date, there was a period of about 6 months when the CA did not pursue the request. In February of 2020 the CA emailed DAS again and requested a meeting, but shortly thereafter State offices were shut down due to COVID-19 and the COVID-19 response became a priority. The CA contacted DAS about their request again in the Spring of 2020 and this is when DAS negotiated for a lesser amount than originally proposed, which is the cost associated with the re-bid period only.

**Staff Response:** The CA and DCS should have sought the approval in late 2018.

2. Why was the initial CA proposal for this amendment provided on 8/8/2019, after the work was completed? What is DCS's policy regarding seeking proposals for additional work? Why was the fee not negotiated before the work began?

DCS Response: At the time the work was taking place DAS did not know that Nosal Builders was going to request additional compensation. Clarification of DAS' policy regarding proposal's for additional work is something that Kevin Kopetz would need to clarify.

Staff Response: Seems like the CA did not inform DCS that it may cost additional fees and DCS did not confirm either. The CA should have notified DCS and DCS should have negotiated the fee at that time.

3. Need a definitive statement that funding is available for this request ('looks to be enough' is not definitive).

DCS Response: Please see attached email from Glenn Knapsack.

Staff Response: OK

4. Provide a copy of the Notice to Proceed to the CMR and CA

DCS Response: Attached is a copy of the NTP to the CMR for Construction and a copy of the CA's executed Contract. There was no NTP for the CA.

Staff Response: It should be noted that NTP should have been provided to keep track of consultant's service duration.

5. What is the status of the project?

DCS Response: This project is in the Construction Phase and is scheduled to be Substantially Complete on 11-6-20.

Staff Response: OK

6. What was the cost differential between the project budget, the final construction cost estimate from the CA and the initial bids?

DCS Response:

Original Construction Budget:	\$15,032,000.00	
Revised (current) Construction Budget:	\$16,395,507.00	Delta from Original Budget: (1,363,507.00)
CA Cost Estimate, CD Phase:	\$14,860,947.00	Delta from Original Budget: 2,828,947.00
Total of Initial Bids:	\$16,655,957.00	Delta from Original Budget (1,623,957.00)

Staff Response: OK

7. What were the reasons for such cost differential?

DCS Response: The initial bids were higher than the original budget and the CA's estimate due to the bidding climate at the time the initial bids were received (Fall of 2018). At that time Contractors had a lot of work and there were many jobs bidding. This resulted in fewer bids received for each trade and higher bid prices.

Staff Response: OK

8. Please reconcile the CA 605-day construction phase with the CMR 504-day construction phase period.

DCS Response: For clarification, the official Construction Duration is 540 days, which runs from 5-17-19 (NTP) through 11-6-20 (Substantial Completion). This is the schedule that is in the CMR's GMP Amendment. No other durations or schedule dates should be used.

Staff Response: Staff researched the original CA contract under PRB #16-113, and Nosal Builder's proposal to DCS. In that proposal they quoted 540 days for Construction Phase services plus close out and a fee of \$503,000. The executed CA contract stated 605 days for Construction Phase services plus close out and a fee of \$503,000. There seems inconsistency between number of construction days between CMR contract and CA contract. May be a credit is due to the State if the project is completed within 540 days plus closeout. Need clarification from DCS about this credit.

**RECOMMENDATION:** Staff recommendation is to **REJECT** this Amendment #1 in the amount of \$10,800 as the CA did not inform DCS of the additional fees and DCS did not seek approval of this additional fees at that time. The overall basic service rate of 4.03% is generally consistent with the established guideline rate of 5% for this Group C New Construction Project.

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FROM PRB #16-113

Re: PRB # 16-113, Standard Fixed-Fee—Construction Management Services Contract  
Central Connecticut State University– Barnard Hall Additions & Renovations Project  
Project #BI-RC- 394-CA – Nosal Builders, Inc. - Total Fee \$735,910

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PROJECT BRIEF– In general this project involves the design and construction for planned renovations to 11,000 GSF of the existing structure and a new 20,000 GSF Building addition to Barnard Hall. The existing Barnard Hall comprises 78,443 GSF and is utilized for the College of Education, Nursing Program, CCSU Information Technology Offices and main campus server room. The overall project scope is intended to include but not be limited to the completion of the following: 1.) A 20,000-GSF building addition for staff and student advising services 2.) Complete replacement of all windows within the existing Barnard Hall 3.) Installation of a new central HVAC to include both the existing building and planned addition. 4.) The complete renovation of approximately 11,000 GSF of building space which will include the complete demolition and reconstruction of this area. The overall construction and total project budget have been established at \$15,032,000 and \$22,000,000 respectively.

In July 2015 the Department of Construction Services (“DCS”) issued a Request for Qualifications (RFQ) for Construction Administrator Consultant Teams related to the CCSU Barnard Hall Additions & Renovations Project. DCS elicited eight (8) responses to the advertisement of which seven 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., Hill International, Inc., Downes Construction Company, LLC and Nosal Builders, 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 Nosal Builders, Inc. (“NBI”) as the most qualified firm.

This contract is for Construction Administrator Consultant Team Services for the completion of the CCSU Barnard Hall Additions and Renovations Project. The scope of work for this contract includes both preconstruction and construction phase services as well as commissioning and exploratory testing. The overall compensation rate for this basic service is \$650,960 with an additional \$84,950 for special services. As such the total project fee is \$735,910. DCS has confirmed for SPRB that funding is available for this contract.

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

NBI Fee for Basic Services (PRB #16-113)	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>C. Budget</u> <u>(\$)</u>	<u>(%) Budget</u>
Pre-Construction Phase	\$147,960			
Construction Phase	<u>+\$503,000</u>			
TOTAL BASIC SERVICE FEE (#16-113) (A)	\$650,960		\$15,032,000	4.33%
<u>SPECIAL SERVICES:</u>				
Commissioning		\$64,950		
Investigation Phase Services		<u>+\$20,000</u>		
TOTAL SPECIAL SERVICES(B)		\$84,950		
TOTAL FEE ( PRB #16-113) (A) + (B)		\$735,910	\$15,032,000	4.89%

- The RFQ posted July 2015 elicited 7 candidates. The Selection Panel interviewed five firms and ultimately recommended the appointment of Nosal Builders, Inc. (“NBI”). The selection was approved by Commissioner Currey on 12/7/2015.
- NBI is locally located in Durham. This firm was established in 1999 and has over 10 employees which includes 6± construction project managers and estimators.
- NBI 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 3/29/2016.

RECOMMENDATION: It is recommended that SPRB APPROVE this new contract for Nosal Builders, Inc. to provide construction administration related services at the CCSU Barnard Hall Additions and Renovations Project. The overall basic service rate of 4.33% is generally consistent with the established guideline rate of 5.00% for this Group B New Construction/Renovation Project.

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

**7. OTHER BUSINESS**

**8. VOTES ON PRB FILE:**

**PRB FILE #20-156** – Mr. Berger moved and Mr. Halpert seconded a motion to approve PRB FILE #20-156. The motion passed unanimously.

**PRB FILE #20-166-A** – Mr. Valengavich moved and Mr. Berger seconded a motion to suspend PRB FILE #20-166-A. The motion passed unanimously.

**PRB FILE #20-172-A** – Mr. Halpert moved and Mr. Valengavich seconded a motion to suspend PRB FILE #20-172-A. The motion passed unanimously.

**PRB FILE #20-160** – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #20-160. The motion failed with all Members voting against. The motion failed for the following reasons:

1. CA did not inform DCS of the additional fees; and
2. DCS did not seek approval of this additional fees at that time.

**9. NEXT MEETING** – Monday, August 31, 2020

The meeting adjourned.

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