

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On October 22, 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 a Regular Meeting at 9:30AM on October 22, 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

Dennis G. Tovey, PE DCS PM

At Chairman Greenberg's request, Vice Chairman Josephy led the meeting.

Vice Chairman Josephy 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 October 19, 2020 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

PRB #	20-197
Origin/Client:	DCS/DCS
Transaction/Contract Type	AE / Environmental Policy Act Services Consulting Contracts
Contract:	OC-DCS-EPA-0027
Consultant:	Fitzgerald & Halliday, Inc.
Item Purpose:	New On-Call Contract

PRB # 20-198
Origin/Client: DCS/DCS
Transaction/Contract Type AE / Environmental Policy Act Services Consulting Contracts
Contract: OC-DCS-EPA-0028
Consultant: GZA GeoEnvironmental, Inc.
Item Purpose: New On-Call Contract

PRB # 20-199
Origin/Client: DCS/DCS
Transaction/Contract Type AE / Environmental Policy Act Services Consulting Contracts
Contract: OC-DCS-EPA-0029
Consultant: Milone & MacBroom, Inc.
Item Purpose: New On-Call Contract

This is the 7th series of On-Call Construction Administration Contracts awarded by the Department of Administrative Services (“DAS”) since 1994. It is the intention of DAS to award a total of three on-call contracts under this series including a certified MBE firm. All of these contracts will have a maximum total cumulative fee of \$300,000/contract and a common expiration date of January 30, 2023.

The 6th Series of Environmental Policy Act services awarded by DCS were approved by the Board on August 27, 2015 under PRB Files #15-199 through #15-201. The contract was extended for a two-year term, through October 15, 2019, as approved by the Board on September 28, 2017 under PRB #17-275 to #17-277.

The contract was extended to April 15, 2020, as approved by the Board on October 2, 2019, under PRB #19-201 to #19-203. There was no increase to the contract amount.

A Request for Qualifications (RFQ) for the consultant services was released on May 13, 2020 and elicited six responses. All of the respondents were considered “responsive” to the submittal requirements and as such interviewed. The State Selection Panel consisted of three members and rated each firm based upon a weighted ranking system, with a 300 maximum score.

At the completion of the State Selection Panel process; DCS Management Team reviewed the results and recommended the approval of three of the six firms under this series.

This proposal before the SPRB is for review and approval of the following three (3) firms under this series.

Fitzgerald & Halliday, Inc. (FHI) was originally established in the 1987 with its main corporate office in Hartford with satellite offices in New York and New Jersey. FHI has a Connecticut office staff of 40± employees including 2 project executives, over 20 environmental planners and 3 environmental professionals. DCS reports the Consultant was awarded one contract within the past five years valued at \$66,051.

• Task Letter #1	MIL-Range Maint. Bldg. East Haven	\$20,077	(Informal)
• Task Letter #2	CT Firearms Training Facility	\$4,330	(Informal)
• Task Letter #3	Forensic Lab Pre-Design & Historic Documentation	\$45,974	(Informal)
Total Fee to Date:		\$70,381	

FHI’s Engineering Corporation License (PEC.0000925) with the CT State DCP is active. Victor Insurance Managers, Inc. reported that FHI has not had a professional policy loss, claims or litigation exposure in the past 5 years. FHI scored a total of 300 out of a possible 300 points and was identified as one of the most qualified firms. FHI is a Certified Small/Minority Business Enterprise.

GZA GeoEnvironmental, Inc. (GZA) was originally established in 1968 and is locally located in Glastonbury. GZA has a local staff of 60± employees including 3 corporate executives, 10 professional

engineers, over 20 environmental professionals and 8 construction project managers. DCS reports the Consultant was awarded two contracts within the past five years with a total value of \$678,605.

• Task Letter #2	Environmental Support-Variou Projects	\$50,000	(Informal)
• Task Letter #3	Charter Oak College – Odor Study	\$16,232	(Informal)
• Task Letter #4	DMV Wethersfield – Parking Lot Imp.	\$20,000	(Pending)
Total Fee to Date:		\$88,232	

GZA's Engineering Corporation License (PEC.0000259) with the CT State DCP is active. AIG Insurance Company reported that GZA has experienced fifteen (15) professional or general liability policy loss or claims during the past 5 years. None of these claims are to be related to DCS projects. Nine of the 15 claims are closed with no loss payments. GZA scored a total of 300 out of a possible 300 points and was identified as one of the most qualified firms.

Milone & MacBroom, Inc. (MMI) established in 1986, has a staff of 50± employees including 2 project executives, 20+ professional engineers and 10+ construction project managers. MMI is locally located in Cheshire. DCS reports the Consultant was awarded four contracts within the past five years with a total value of \$444,150.

MMI was approved for the following task(s) under OC-DCS-CIV-LA-0034:

• Task Letter #1	SCSU – Women's Softball Field	\$22,000	(Informal)
• Task Letter #2	DVA – Cemetery Master Plan	\$122,000	(#18-138)
• Task Letter #3	CCSU-New Engineering Building	\$11,750	(Informal)
• Task Letter #4	Statewide DESPP Infrastructure Review	\$144,700	(#20-121)
Total Fee to Date:		\$300,450	

MMI will be operating under its Joint Practice License for Architecture, Surveying and Engineering (**JPC#0000074**). Smith Brothers Insurance Inc. reported that MMI has had twelve (12) professional or general liability policy loss or claims during the past 5 years. None of these claims are to be related to DCS projects. Nine of the 15 claims are closed with no loss payments. MMI scored a total of 300 out of a possible 300 points and was identified as one of the most qualified firms.

A summary of the Consultants' professional fee schedule is as follows (all three consultants are identical):

No. OC-DCS-EPA-0027

Labor Category	Per Hour
Principal in Charge	\$215
Project Manager	\$175
Assistant Project Manager	\$145
Lead Environmental Engineer Contaminated Soils	\$200
Environmental Engineer Contaminated Soils	\$160
Lead Environmental Engineer / Scientist, Wetlands - Wildlife	\$170
Environmental Engineer / Scientist, Wetlands – Wildlife	\$125
Lead Water Resources Engineer, Hydrology and Hydraulics	\$175
Water Resources Engineer, Hydrology and Hydraulics	\$140
Lead Certified Planner, Master Planner, Land Use / Socioeconomics	\$175
Certified Planner, Master Planner, Land Use / Socioeconomics	\$125
Lead Certified Flood Manager	\$175
Certified Flood Manager	\$145
Historic Preservationist	n/a
Historian	n/a
Archeologist	n/a
Lead Traffic Engineer	\$180
Traffic Engineer	\$140
Lead Transportation Engineer	\$180
Transportation Engineer	\$140
Landscape Architect	\$150
GIS Specialist / Technician	\$100
Administrative Support	\$80

Staff have requested clarification of the following issues:

1. Please clarify if the sequencing of the contract numbers is correct. The prior series were OC-DCS-EPA-0021 to 0023 and this series is OC-DCS-EPA-0027 to 0029.

DCS Response: The numbering reflects that DAS had advertised for this series, but then pulled the ad before receiving any submittals. When we advertised again, the series was given new numbers.

Staff Response: OK

2. Please provide the Task Logs for OC-DCS-EPA-0021 to 0023.

DCS Response: DCS provided the Task Log.

Staff Response: Should TL4 on page 3 be re-issued as I don't see NTP date or executed value?

DCS Response: As to Task 4, it has been cancelled. As noted on the Summary Task Report, master plan services under OC-DCS-CIV-LA-0038 needed to be completed prior to commencement of work under Task 4. Craig inquired of the project manager as to the status of the master plan services. She informed Craig that the DMV suspended BI-MM-56 prior to completion of the master plan services. As a result, there is no need for Task 4 from GZA, and it should be cancelled. Craig will update the Summary Task Report to so indicate.

Staff Response: OK

Staff Response: Also, for F&O and GZA, TL1 is missing. Can you pl clarify, thanks.

DCS Response: As to the missing Task Letters No. 1 for F & O and GZA, the early task letters pre-date Craig's involvement in managing the task letter process. He did check the file folders where paper copies of the task letters are kept, and did not see any TL No. 1 issued for either consultant.

DCS Legal: I can add that Glenn is unable to find a TL1 for either consultant in CORE CT.

Staff Response: OK

RECOMMENDATION – Staff recommend approve of the three On-Call Contracts that have a maximum total cumulative fee of \$300,000 per contract and a common expiration date of January 30, 2023.

From PRB #19-201 to #19-203

This submittal is related to the original contracts for Environmental Policy Act services approved by the Board on August 27, 2015 under **PRB Files #15-199 through #15-201**. The contract was extended for a two-year term, through October 15, 2019, as approved by the Board on September 28, 2017 under PRB #17-275 to #17-277. These three Contracts were the 6th Series of Environmental Policy Act services awarded by DCS.

DCS is now resubmitting the three consulting firms to the Board for approval under individual Amendments to extend the contract expiration date to April 15, 2020. The current consulting contracts expire on October 15, 2019. There is no increase to the contract amount.

Fitzgerald & Halliday, Inc. was approved for the following task(s) under this series:

- | | | | |
|------------------|--|----------|------------|
| • Task Letter #1 | MIL-Range Maint. Bldg. East Haven | \$20,077 | (Informal) |
| • Task Letter #2 | CT Firearms Training Facility | \$4,330 | (Informal) |
| • Task Letter #3 | Forensic Lab Pre-Design & Historic Documentation | \$45,974 | (Informal) |
| | Total Fee to Date: | \$70,381 | |

Fuss & O'Neill, Inc. was approved for the following task(s) under this series:

• Task Letter #1	Osborn & Northern CI Boiler Replacement	\$7,500 (Informal)
Total Fee to Date:		\$7,500

GZA GeoEnvironmental, Inc. was approved for the following task(s) under this series:

• Task Letter #1	Environmental Support-Vari- ous Projects	\$50,000 (Informal)
• Task Letter #2	Charter Oak College – Odor Study	\$16,232 (Informal)
Total Fee to Date:		\$66,232

RECOMMENDATION:

It is recommended that the Board **APPROVE** this Amendment #2 to extend the three Consultant Contracts to April 15, 2020.

PRB #17-251 to #17-254 approved September 14, 2017.

This series of On-Call Environmental Policy Act Consulting Services Contracts was approved by the Board in August 2015 under **PRB Files #15-199 through #15-201**. This was the 6th series of On-Call Environmental Policy Act Consulting Services Contracts awarded by the Department of Construction Services (“DCS”) since 2004 and included three firms. DCS is resubmitting these three firms to the Board for approval under a contract amendment to extend the contract expiration date from October 15, 2017 until October 15, 2019. DCS has informed SPRB Staff that the current maximum contract value will remain at \$300,000.

RECOMMENDATION – Board approval for the following firms to have the contract expiration date extended to October 19, 2017 while maintaining the current contract value of \$300,000 is recommended. Each consultant has also provided the required updated Gift/Campaign and Consulting Affidavits accompanied by appropriate Corporate Resolutions.

PRB # 17-275, Fitzgerald & Halliday, Inc.....Contract #OC-DCS-EPA-0021

PRB # 17-276, Fuss and O’Neill, Inc.....Contract #OC-DCS-EPA-0022

PRB # 17-277, GZA GeoEnvironmental, Inc.....Contract #OC-DCS-EPA-0023

This is the 6th series of On-Call Environmental Policy Act Consulting Contracts awarded by the Department of Construction Services (“DCS”) since 2001. The three (3) On-Call Contracts that are the subject of this memorandum have a maximum total cumulative fee of \$300,000 per contract and a common expiration date of 10/15/2017. The purpose of these contracts is to provide DCS support on Connecticut Environmental Policy Act (“CEPA”) obligations for “state actions” such as the design and construction of various facilities and their effect on existing natural, historical, critical habitats and environmental impacts related to such development.

DCS has made some minor revisions to the boilerplate contract for this series to include the following; state’s rights for inspections, state ethics law, updated executive orders, new non-discrimination language and sovereign immunity language. The 5th series, awarded in 2010, also had a term of 24 months and a maximum total cumulative fee of \$300,000/contract. All of the three (3) selected firms under this current 6th series RFP have been previously approved for *Environmental Policy Act Consulting On-Call Contracts*. Fitzgerald & Halliday, Inc. was previously awarded a contact under the 2nd contract series. Fuss and O’Neill, Inc. was previously awarded contracts under the 3rd through 5th

series. GZA GeoEnvironmental, Inc. recently acquired BayState Environmental, Inc., which was awarded a contract under the 3rd through 5th series.

A Request for Qualifications (RFQ) for consultant services was released in November 2013 and elicited six (6) responses. All of the responses except one were considered “responsive”. Thereafter, the DCS selection panel began the process of evaluating the remaining five proposals. The State Selection Panel consisted of 3 members and rated each firm based upon a weighted ranking system with the following scoring methodology:

<i>Problem Solving Capabilities</i>	<i>30 Points</i>
<i>Organizational / Team Structure</i>	<i>25 Points</i>
<i>Past Performance Record</i>	<i>20 Points</i>
<i>Approach to the Identified Work</i>	<i>15 Points</i>
<i>Contract Oversight</i>	<i>10 Points</i>
TOTAL POINT VALUE	100 Points

At the end of the process the State Selection panel recommended three firms for approval as *Environmental Policy Act Consulting On-Call Contracts*.

RECOMMENDATION – Board approval of the following three (3) firms as potential *Environmental Policy Act On-Call Consultants* for projects of various sizes and scope is recommended. All three consultants provided the required insurance, Gift/Campaign and Consulting Affidavits accompanied by appropriate Corporate Resolutions. The three firms recommended for approval at this time are the following.

PRB # 15-199, Fitzgerald & Halliday, Inc.....Contract #OC-DCS-EPA-0021
PRB # 15-200, Fuss and O’Neill, Inc.....Contract #OC-DCS-EPA-0022
PRB # 15-201, GZA GeoEnvironmental, Inc.....Contract #OC-DCS-EPA-0023

Fitzgerald & Halliday, Inc. (FHI) was originally established in the 1987 with its main corporate office in Hartford with satellite offices in New York and New Jersey. FHI has a Connecticut office staff of 30± employees including 2 project executives, over 10 environmental planners and 5 environmental professionals. The company has not been awarded an On-call Contract or formal contract over the past two years.

FHI’s Engineering Corporation License (PEC.0000925) with the CT State DCP is active. Glover Insurance, Inc. reported that FHI has not had a professional policy loss, claims or litigation exposure t the past 5 years. FHI scored a total of 300 out of a possible 300 points and was identified as one of the most qualified firms.

Fuss and O’Neill, Inc. (FON) FON was originally established in 1924 in is locally located in Manchester. FON has a staff of 200± employees including 3 corporate executives, over 30 professional engineers, over 40 environmental professionals and 10 construction project managers. The company has been awarded two (2) On-call Contracts with the DCS in the past two years and has not been awarded a formal contract over the past two years. FON has been awarded the following contracts:

- | | | | | |
|----|---------|-------------------------|-------------|---------------|
| 1. | 02/2015 | On-Call MDE Consultant | PRB #14-286 | NTE \$300,000 |
| 2. | 03/2015 | On-Call ENGY Consultant | PRB #15-005 | NTE \$300,000 |

FOI’s Engineering Corporation License (PEC.0000044) with the CT State DCP is active. Ames and Gough Insurance Company reported that FON has experienced over twenty-five (25) professional or general liability policy loss claims during the past 5 years. None of these claims appear to be related to DCS projects. FON scored a total of 300 out of a possible 300 points and was identified as one of the most qualified firms.

GZA GeoEnvironmental, Inc. (GZA) was originally established in 1968 and is locally located in Glastonbury. GZA has a local staff of 60± employees including 3 corporate executives, 9 professional engineers, over 20 environmental professionals and 7 construction project managers. The company has not been awarded an On-call Contract or formal contract with the DCS in the past two years.

GZA's Engineering Corporation License (PEC.0000259) with the CT State DCP is active. AIG Insurance Company reported that GZA has experienced fourteen (14) professional or general liability policy loss or claims during the past 5 years. None of these claims appear to be related to DCS projects. GZA scored a total of 300 out of a possible 300 points and was identified as one of the most qualified firms.

<i>PRB #</i>	20-200
<i>Origin/Client:</i>	DCS/DPH
<i>Transaction/Contract Type</i>	AE / Task Letter
<i>Project Number:</i>	BI-2B-465
<i>Contract:</i>	OC-DCS-MEP-0046
<i>Consultant:</i>	Landmark Facilities Group, Inc.
<i>Property:</i>	Rocky Hill, West St (395) – Public Health Laboratory
<i>Project purpose:</i>	Intermittent Power Source Upgrades
<i>Item Purpose:</i>	Task Letter #1

Dennis G. Tovey, PE DCS PM joined the meeting at 9:32 to participate in the review of this proposal. Mr. Tovey left the meeting at

PROPOSED AMOUNT: \$186,000

The Dr. Katherine A. Kelley State Public Health Laboratory serves all communities in the state through the analysis of clinical specimens and environmental samples submitted by federal and state agencies, local health departments and districts, clinical laboratories, health care providers, and water utilities. The Laboratory provides over 2 million test results on approximately 250,000 specimens and samples it receives each year. Analytical data are used to monitor for agents harmful to the public health, identify the causes of outbreaks of disease, and assure that control measures (e.g., vaccines, antibiotics, environmental remediation, etc.) are effective.

The Laboratory has recently experienced problems with the existing uninterrupted power system (UPS) as it nears the end of its useful life, which problems are compounded by the fact that the existing system is no longer manufactured. As a consequence, servicing the current system has become more difficult. The Department of Public Health requested an expansion of the scope of work to include the installation of a new generator that would allow the facility to operate for an extended period of time off of the electrical grid. The laboratory provides important functions critical to the public health of the citizens of Connecticut. While the lab has an existing generator with UPS that provides power to the life safety functions of the building, the cooling function, lighting, testing equipment and certain areas of the laboratory are not tied up the current generator. In the past 12 months, the Laboratory has experienced three events resulting in the temporary loss of power and the potential of losing costly reagents and equipment for testing. It is even more critical in pandemic situations that the Laboratory be able to operate twenty-four hours per day, seven days a week.

Under this proposed TASK LETTER #1 with the Consultant, DCS is seeking SPRB approval to expend \$186,000 to compensate the Consultant, which includes a \$30,000 Design/CA Phase contingency, for professional electrical engineering and construction administration services for UPS upgrades and new electrical generator installation at the Connecticut Department of Public Health Laboratory (Laboratory) in Rocky Hill. The new generator, UPS and docking station shall prevent the loss of critical services, equipment and reagents, as well as promote the safety of Laboratory employees by providing them proper air control and lighting while they perform critical testing.

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

1. Design of a new electrical generator with the capacity to power the entire building and remain operational for 72 hours without the need for fuel refilling during an emergency event. The existing 800 kW emergency generator will remain and continue to operate as a back-up generator based on the sequence of operation to be determined;
2. Provide new docking station and necessary switching that will allow connecting a temporary portable generator to power the building for use in case both the 2 generators fail to operate;
3. Design of a new Uninterruptable Power System (UPS) to replace the existing UPS.

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

1. Combined Schematic Design/Design Development Phase: \$53,000
2. Contract Documents Phase: \$48,000
3. Bid Phase: \$2,000
4. Construction Administration: \$53,000
5. Design and CA Phase Contingency*: \$30,000

*This contingency shall be used at the discretion of, and only upon the prior written approval of DCS. This written approval will be provided to the State Properties Review Board.

The initial construction budget and project budget for Task 1 have been established at \$2,300,000 and \$3,075,000, respectively.

An executed Form 1105 has been submitted for this Task. DCS confirmed federal funding is in place for MEP services totaling \$186,000.

This original contracts for MEP Engineering services were approved by the Board on January 6, 2020 under PRB #19-256 to #19-260.

Landmark Facilities Group, Inc. (LFG) was approved for the following task(s) under this series:

- Task Letter #2 York CI – Central Plant & Distribution \$22,000 (Informal)
System

Task Letter #1 – LFG Basic Services Fee (#20-200)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic/Design Development Phase	\$53,000				
Contract Documents Phase	\$48,000				
Bidding Phase	\$2,000				
Construction Administration	<u>\$53,000</u>				
TOTAL BASIC SERVICE FEE (#20-200) (A)	\$156,000			\$2,300,000	6.78%
Design/CA Phase Contingency (B)		\$30,000			
TOTAL FEE (PRB #20-200) (A)+ (B)			\$186,000	\$2,300,000	8.09%

Staff have requested clarification of the following issues:

1. Clarify why DCS selected a Norwalk-based Consultant in light of the three (3) other Consultants approved under this On-Call Series are located in the greater Hartford region.
DCS Response: I cannot clarify as I am not part of the decision making process when assigning tasks. I only request a consultant and work with whomever is assigned.
DCS Legal: Assignments are made on a rotational basis, unless there is a compelling reason that a particular consultant is best-suited for a specific assignment. In this case, per Craig Russell, Landmark was next in line for a task letter assignment. We want to encourage more firms to participate in the on-call contract process, particular firms outside the greater Hartford area. This benefits the State through greater competition, and helps the particular industry through an equitable distribution of work. I have gone to various out-reach events and heard the concerns of the industry that the State is too Hartford-centric in general. Rotational assignment is seen as a fair and equitable manner of distributing work. Each firm, moreover, understands that it may be required to work throughout the State of Connecticut and, per Paragraph H of the terms and conditions, the consultant is not reimbursed for per diem expenses or travel expenses.
Staff Response: OK
2. Please provide a copy of the Informal Task Letter #2.
DCS Response: I do not know what you asking for. This is task assignment #1 for this consultant.
Staff Response: This TL2 is on the task log submitted by DCS. We need a copy of this informal TL.
DCS Legal: As to Task Letter No. 2, I posed the question to Craig and he gave me the following information. The status of the project is noted in the notes column of the task letter log report. There are columns entitled "estimated" and "actual." If there is a dollar value in the "actual" column, the task letter has been completed and "notes" column will mark the project as completed. If there is a dollar value in the "estimated" column, the 1135 has been issued and the value provided as an estimate is noted in the "estimated" column. That means that the task letter has not been executed as of yet. That is the case for Task Letter No. 2 for this consultant – an 1135 has been issued with an estimate (a copy attached), but no task letter has been prepared and executed as of yet.
Staff Response: Please keep SPRB informed when the informal TL 2 is executed and the tasks associated with this TL. I know that DCS has started sending us the informal TLs for our records.
NOTE: The consulting services requested in the Form 1135 (TL#2) are connected to the Central Plant and Piping Distribution System at York CI, but unrelated to the additional consulting services requested under #19-274.
3. Should estimating services be included during the SD/DD phase to provide you with a potential cost compared to available budget?
DCS Response: No as the project is expected to be design and constructed as an emergency project, the costs will be monitored by our CA;
Staff Response:
4. Contingency to be removed
DCS Response: I would advise against this. This project is being funded through monies received through pandemic relief and is to be designed and constructed as an emergency project. Having a contingency will allow us to move forward in case of any unforeseen issues and avoid going back through DCS legal and SPRB which will create a delay.
Staff Response: Kevin, see Dennis's response related to contingency (#4). I would remove the contingency given Board's stance on contingencies in the recent past.
DCS Legal: We have been asked to move forward and complete this project as soon as possible, and are doing so under Executive Order 7GG, Section 3. This is based on the role the Public Health lab plays in the current coronavirus environment as well as other health matters, and the fact, as I understand, that the facility has experienced a number of weather-related outages in the past couple of years. As Dennis points out, it is being funded from a CDC pandemic allocation received by the State that included this project. I think a contingency under these circumstances is appropriate.
Staff Response: I understand. I don't think the source of funds should dictate the process. The Board has accommodated DCS expeditiously when requested (less than 7 day response in majority of the cases). I think this should be a straight forward project, as DCS us dealing with just one

component. An experienced consultant should be able to envision the potential problem areas and plan for that in their scope.

Because of the complexity in terms of what happens if there is a question on validity of additional services/fees, etc, the Board does not like to approve contingencies.

DCS Legal: I agree that the funding source does not dictate process, but it may be indicative of an identified need arising out of, and related to, the pandemic and the role the DPH lab occupies for the State in connection therewith. I believe that this distinguishes the present case from, for example, general federal funding made available to a state agency for capital improvements, which might include a generator. It is in this vein that I mentioned the CDC funding stream.

I appreciate that the Board has made accommodation in the past for matters requiring expedited handling. I really do. Yet, there remains a distinction between expedited handling of a supplemental task letter and the ability to address the matter in the field. There may be, in addition, more complexity to this project than at first blush due to a number of factors. The Project Team, however, is in a better position to speak to those issues and factors than me.

Staff Response: It is recommended that the contingency should be removed.

RECOMMENDATION: The only outstanding issue with this proposal is the inclusion of Contingency in this Task Letter - \$30,000. Consistent with the Board's discussion in the past about contingencies, it is recommended that the contingency not be allowed to be included. It is recommended that the Board **APPROVE** this TL#1 in the amount of \$156,000 (reducing it by \$30,000). DCS should submit revised TL removing the contingency for approval.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILES #20-197, #20-198 & #20-199 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILES #20-197, #20-198 & #20-199. The motion passed unanimously.

PRB FILE #20-200 – Mr. Halpert moved and Mr. Valengavich seconded a motion to return PRB FILE #20-200. The motion passed unanimously.

The Board voted to return this proposal to DCS, pending DCS resubmission of the Task Letter #1, excluding the \$30,000 contingency clause. As discussed, the Board notes the urgency of this project and that any subsequent Task Letters to this Task Letter #1 will be managed in an expedited manner. Please keep the Board staff apprised if there are any unforeseen conditions found that requires tasks that are not part of the current proposal.

9. NEXT MEETING – Monday, October 26, 2020

The meeting adjourned.

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