

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On November 12, 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 November 12, 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

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

Vice Chairman Josephy called the meeting to order.

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

OPEN SESSION

1. ACCEPTANCE OF MINUTES

Mr. Halpert moved and Mr. Berger seconded a motion to approve the minutes of the November 9, 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 #	20-205
Origin/Client:	DCS/DAS
Transaction/Contract Type	AE / Task Letter 5B
Project Number:	BI-RR-27
Contract:	OC-DCS-ARC-0052
Consultant:	Christopher Williams Architects, LLC
Property	Kent, Kent Cornwall Rd (31) – Sloane Museum
Project purpose:	Interior/Exterior Renovations
Item Purpose:	Task Letter 5B to compensate the consultant for design services

PROPOSED AMOUNT: \$4,530.98

At the State Properties Review Board meeting held on June 25, 2020, a motion to approve Task Letter #5B in the amount of **\$4,530.98** failed for the following reasons:

1. The request for additional design fees should have been requested prior to the decision to re-bid the project, not at 95% project completion.
2. The Division of Construction Services violated the timing requirements of Conn. Gen. Stat. §4b-23(i) and the contractual requirement of the on-call services contract OC-DCS-ARC-0052.

Under this proposal (PRB #20-205), DAS/DCS is now seeking SPRB approval to approve Task Letter 5B to compensate the Consultant for the following services previously completed:

1. **Re-bidding the project:** the project was released for bid twice. Consultant is seeking additional compensation for its services during the second bidding activities that were not covered in its On- Call Contract.

The first bid (received on April 3, 2019) was cancelled as there was only one bidder and the bid exceeded the project budget of \$496,812. The project was rebid on May 22, 2019, and, three (3) over-budget bids were received. The Agency decided to move ahead with the lowest bid of \$870,000 submitted by Kronenberger and Sons Restoration. Fee for rebid services is \$ 2,953.48

2. **Making revisions to the scope of work requested by the Agency:** The Consultant prepared sketches and documents to support the Agency Change Request and guide the Contractor in obtaining price quotes for the proposed changes to the project scope. The price quotes received from the Contractor were deemed to be cost prohibitive, therefore, the changes to the scope were cancelled by the Agency. Fee for the redesign services is \$ 1,577.50

Please note that the additional design work indicated in Item 2 above was for changes that the Agency requested at the end of the project construction (from late December 2019 until early February 2020). Substantial Completion was granted on February 29, 2020. DAS staffing resources were focused on pressing matters related to managing the completion of construction for the client agency. Of critical importance was the delivery of the interior space by March 1, 2020 so the Agency could start its move-in right away.

The following questions were raised based on the review of the proposal.

- Please provide a copy of the revised Task Letter 5B as it was not included with the revised DCS Memo.
[DCS Response: DCS provided revised memo.](#)
[Staff Response: OK](#)

RECOMMENDATION:

It is recommended that SPRB **APPROVE** Task Letter #5B for Christopher Williams Architects, LLC in the amount of \$4,530.98. However, it should be noted by DCS that:

1. The request for additional design fees should have been requested prior to the Architect providing such services and not at the 95% project completion. DCS must not wait to accumulate fees for additional services and then submit one amendment or TL for Board approval.
2. The Division of Construction Services violated the timing requirements of Conn. Gen. Stat. §4b-23(i) and the contractual requirement of the on-call services contract OC-DCS-ARC-0052.
3. This should not become the norm and must not be used as a precedent for future TLs or amendments.

Timing requirement is statutory. Not complying with the statutory requirement may result in rejection of the TL or amendment.

FROM PRB #20-112

PROPOSED AMOUNT: \$4,530.98

On October 18, 2018, the SPRB, under PRB #18-189, approved Task Letter #5A authorizing the Consultant to provide additional design services in conjunction with the interior/exterior renovations to the Eric Sloane Museum in Kent, CT for an additional fee of \$88,030. Task Letter #5 (Informal), provided pre-design services (Museum Study) totaling \$26,000.

Under this proposal, DCS is seeking SPRB approval of **TASK LETTER #5B** in the amount of \$4,530.98 to compensate the consultant for additional design and bidding services beyond the scope of work contained in Task Letter #5A.

Supplemental services for the above referenced project include additional compensation for the following:

1. Re-bidding the project: due to the fact that the project was put out to bid twice, the Consultant is seeking additional compensation for its services during the second bidding activities that were not covered in its On-Call Contract.

After the first bidding, the project was cancelled due to the fact that there was only one bidder and the bid exceeded the project budget of \$496,812. The project was put out to bid for a second time. After the bid opening, three (3) over-budget bids were submitted again. The Agency decided to move ahead with the lowest bid of \$870,000 submitted by Kronenberger and Sons Restoration.

The difference between the costs is based on the competitive bidding construction market including the market conditions, number of bidders, and the geographical locations of: the project (Kent) and the interested in bidding construction companies (Cheshire, Wallingford and Middletown). The bid was the lowest of the three bids submitted. The highest was over a million. There were no local DAS approved General Contractors available and/or interested in the bidding for this project. Also, the extra costs were associated with travel to the site location.

2. Making revisions to the scope of work requested by the Agency: the Consultant prepared documents needed for the Proposal Requests submitted to the Contractor in order to obtain price quotes for the proposed changes to the project scope. The price quotes received from the Contractor were deemed to be cost prohibitive, therefore, the changes to the scope were cancelled by the Agency.

Currently, the project/construction is 95% completed.

Services to be procured under this task letter are to compensate the Consultant for re-bidding the project and for making revisions to the scope of work requested by the Agency and subsequently cancelled, as explained above.

DCS confirmed funding will be utilized from the Contingency portion of the budget.

The Construction Budget and total Project Budget have been increased to **\$877,265** and **\$1,243,780** respectively for this project.

Task Letter #5A– CWA Basic Services Fee (#18-189)	Architect Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Enhanced Schematic Design Phase	\$23,754				
90% Contract Documents Phase	\$28,505				
100 % Contract Documents Phase	\$3,167				
Bidding Phase	\$3,959				
Construction Administration	<u>\$19,795</u>				
TOTAL BASIC SERVICE FEE (#18-189) (A)	\$79,180			\$496,812	15.94%
Task Letter #5B– CWA Basic Services Fee (#20-112)					
Bidding Phase	\$2,953.48				
Construction Administration	<u>\$1,577.50</u>				
TOTAL BASIC SERVICE FEE (#20-112) (A1)	\$4,530.98				
<u>SPECIAL SERVICES (B):</u>					
Topographic Survey		\$3,000			
Updated Cost Estimates		<u>\$5,850</u>			
TOTAL SPECIAL SERVICE FEE (#18-189) (B)		\$8,850			
TOTAL FEE (PRB #20-112) (A)+ (A1) + (B)			\$92,561	\$877,265	10.55%

The following question was raised based on the review of the proposal.

1. Why is this TL submitted at 95% construction completion?

DCS Response: It is my understanding that the Architect waited until the project was far enough along to determine the total of additional fees so they would not waste the state's time with multiple requests.

Staff Response: It is DCS who is supposed to get the TL approved that requires additional funds.

2. What was the original estimate from the architect? Why such a difference?

DCS Response: The original architect's estimate was \$496,812. The project was put out to bid twice. In both instances we received over-budget bids. The Agency decided to move ahead with the project. In my opinion, the difference between the costs was based on the competitive bidding construction market including the market conditions, number of bidders, and the geographical locations of: the project (Kent) and the interested in bidding construction companies (Cheshire, Wallingford and Middletown). The lowest bid was \$870,000 vs, the highest over a million. There were no local (DAS prequalified) general contractors available and/or interested in the bidding for this project. It's, also, my understanding that extra costs were associated with travel to the site location.

To summarize it, it was a lack of competition among contractors who are authorized to work for the State, the travel time and distance to the site, and prevailing market conditions at the time of bid. There was virtually no discretionary work in the project-it was mostly envelope, structural and life safety upgrades.

Staff Response: I did read the explanation that you just reiterated above. Did architect miss the mark in estimating the cost of the project?

DCS Response: No, adhering to a strict budget was not part of the task. The task was to provide life safety and envelope improvements. There was no discretionary scope that could have been eliminated or

changed to effectively reduce costs. The architect did provide a very thorough and tight set of documents, which resulted in a very low percentage of change orders.

DCS Response from ADPM Peter Simmons: There is a systemic issue with AE estimates on State owned historic renovations. Bids have been higher than the AE estimate. DAS is assessing this situation to determine cause. A factor may be that the majority of the historic museums operated by the State are former residential buildings. The majority of pre-qualified contractors eligible to bid on these projects are not involved with residential construction. Historic renovation standards and requirements also adds a greater degree of complexity to the project that scare away contractors. Many of these properties are also at/near the State border, once out of Central Connecticut this limited number of qualified contractors further diminishes due to travel and time.

In summary

1. Residential structures
2. Limited pre-qualified contractors in this field
3. Historic Properties and exacting standards
4. Remoteness of location

All the above leads to higher than anticipated bids

As stated, DAS is assessing this situation, but we don't have any results at this point in time.

3. Why is there increase in the CA fee?

DCS Response: It's all explained in the Architect's proposal. This task letter is to compensate the Architect for re-bidding the project and for making revisions to the scope of work requested by the Agency and subsequently cancelled, as explained in the TL package. In addition, according to my conversations with Legal, the provisions for the rebidding services have not been accounted for in the On-Call Consultants Contracts.

Staff Response: Additional services related to bidding are covered under re-bidding, correct?

DCS Response: I do not think I understand your question. The architect was not required to re-bid this project under its basic services.

Staff Response: Did they provide additional CA services that were not part of the original contract?

DCS Response: They provided additional design services requested by the Agency, which were not covered in the original Scope of Work, during construction. The services provided under this request are detailed in the proposal and explained in the TL package applicable documents.

Staff Response: I am assuming that CA is during construction?

DCS Response: YES. The Construction Administration services are during construction.

RECOMMENDATION:

It is recommended that SPRB **approve** Task Letter #5B for Christopher Williams Architects, LLC in the amount of \$4,530.98. The overall basic service fee of 10.55% is within the guideline rate of 12.5% for this Group B Renovation Project.

FROM PRB 18-189

PROPOSED AMOUNT: \$88,030

PROJECT BRIEF –

The Eric Sloane Museum was created through a partnership between the Stanley Tool Works, the State of Connecticut, and author and artist Eric Sloane (1905-1985). The museum was completed in 1969 and houses Sloane's extensive collection of early American hand tools and a re-creation of his studio. The

museum also has on display a collection of original works of art by Sloane, including examples of his oil paintings and pen and ink drawings.

This project is a follow-up to the identified recommendations and priority repairs that were cited in the previously approved “Eric Sloane Museum Conditions Assessment Final Report.” This report was intended to establish the immediate and long term physical needs of the building, including solutions to the immediate code deficiencies identified by the State Fire Marshall. The museum is a one-story, 4,500 SF timber-framed building that has the specific function as an exhibit of the painter, Eric Sloane, and his collection of early-American tools, as well as replication of his artist’s studio. The museum is open May to October. Staff utilize the building when the museum is closed, although the temperatures in the building prohibit public use. Improvements and remediation work must be completed to the exterior envelope, life safety systems and physical plant to preserve the building and maintain its function as a public venue.

This project seeks to contract for services to address and remediate the items described in pages 183-186 of the “Eric Sloane Museum Conditions Assessment Final Report” pertaining to the building envelope, exterior and interior conditions, structure, MEP systems and code/ADA related issues.

In November 2014, SPRB approved Christopher Williams Architects, LLC (“CWA”) (**PRB File #14-284**) as one of eight firms under the latest On-Call Architectural Support Services consultant contracts. Subsequently CWA has been approved for the following tasks under this series.

CWA has been selected for the following task(s) under this series:

• Task Letter #1	Three Rivers CC TASC Study	\$33,790	(Informal)
• Task Letter#1A	Three Rivers CC TASC Study	\$4,800	(Informal)
• Task Letter #1B	Three Rivers CC Tutor Renovation	\$79,475	(Informal)
• Task Letter #1C	Three Rivers CC Tutor FF&E Des.	\$9,950	(Informal)
• Task Letter #2	Sherwood Island Park Maintenance Bldg	\$152,800	(15-170)
• Task Letter #2A	Sherwood Island Park Maintenance Bldg	\$33,369	(Informal)
• Task Letter #3	ST Entomologist –Greenhouse Design	\$43,000	(Informal)
• Task Letter #4	Housatonic CC-Lafayette Hall Bath Renov	\$45,000	(Informal)
• Task Letter #5	Eric Sloane Museum Study	\$26,000	(Informal)
• Task Letter #7	Housatonic CC-Lafayette Hall Add. & Renov	\$79,931	(Informal)
• Task Letter #7A	Housatonic CC-Lafayette Hall Add. & Renov	\$11,500	(Informal)
Total Fee to Date:		\$519,615	

TASK LETTER #5A is a new task letter and is subject to SPRB approval because the total project fee (TL 5 & TL 5A) exceeds the threshold cost of \$100,000. The Construction Budget and total Project Budget have been established at **\$496,812** and **\$754,140** respectively for this project. As detailed in the scope letter from CWA to DCS dated September 6, 2018 the **\$88,030** is intended to compensate CWA for the following project scope:

- Review of budget in relation to existing conditions, the “Eric Sloane Museum Conditions Assessment Final Report” and the Agency’s programmatic and schedule requirements;
- Provide a topographic survey to manage surface run-off and roof storm water discharge;
- Design a storm water management system;
- Assist with State Building Department and Fire Marshall with respect to code reviews;
- Perform a preliminary review to determine what permits, certificates or approvals are applicable to the project;
- Collaborate with the utility company to upgrade to more energy efficient systems;
- Prepare and issue Enhanced Schematic Design Documents;
- Prepare 90% and 100% Construction Documents and Bid Documents;

- Prepare and issued Bidding Documents, attend pre-bid conference; support and bid analysis; and
- Contract Administration.

The Scope included in the Task Letter provide for the following:

- Site Items - storm water management, soil erosion & sedimentation control, site utilities, accessible sidewalks and entry, parking resurfacing, accessible parking spaces and signage and topographic survey;
- Architectural Exterior - renovations to include siding/fasciae, window replacement, weather barrier, gutters/leaders, cleaning roof shingles, Egress upgrades, wall sheathing, roof & flashing repairs, rodent-proof weather stripping upgrades;
- Architectural Interior - renovations to include reconfigured restrooms, janitor's closet, installation of new wall partitions, ceilings, flooring, doors & hardware, rough plumbing, plumbing fixtures, siding/fasciae, toilet stalls/urinal screens, toilet accessories, sealing openings to attic and application of fire resistant finishes;
- Other Upgrades - to include structural enhancement per State Code, MEP upgrades, Lighting & Controls upgrades; Asbestos & Lead Abatement; and
- Development of Construction Cost Estimates.

DCS has confirmed funding is in place for this Task Letter #5A.

Task Letter #5A– CWA Basic Services Fee (#18-189)	Architect Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Enhanced Schematic Design Phase	\$23,754				
90% Contract Documents Phase	\$28,505				
100 % Contract Documents Phase	\$3,167				
Bidding Phase	\$3,959				
Construction Administration	<u>\$19,795</u>				
TOTAL BASIC SERVICE FEE (#18-189) (A)	\$79,180			\$496,812	15.94%
<u>SPECIAL SERVICES (B):</u>					
Topographic Survey		\$3,000			
Updated Cost Estimates		<u>\$5,850</u>			
TOTAL SPECIAL SERVICE FEE (#18-189) (B)		\$8,850			
TOTAL FEE (PRB #18-189) (A)+ (B)			\$88,030	\$496,812	17.72%

The following questions were raised based on the review of the proposal.

- Please provide pages 183-186 of the “Eric Sloane Museum Conditions Assessment Final Report.”
 - DCS provided Form 1140 that identified the scope based on the pages cited above.
- Please clarify why this Task Letter 5A includes a 160-day construction period when the 6-19-18 CWA correspondence identifies an 80-day construction period;
 - DCS response – “The 160 calendar days was a suggested change by legal that limits additional service charges during construction though we all are confident the construction can be completed in 16 weeks (80 work days or 112 calendar days). The original contract duration was based on the 80 days but the architect had no objection to changing the language without changing his fee.”

RECOMMENDATION: Staff recommend to **APPROVE** the file **PRB 18-189** based on the responses received from DCS.



7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #20-205 – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #20-205, in good faith, even though DCS violated the timing requirements of Conn. Gen. Stat. §4b-23(i) and the contractual requirement of the on-call services contract OC-DCS-ARC-0052. The motion passed unanimously. The Board noted the following:

- a) The request for additional design fees should have been requested prior to the Architect providing such services and not at the 95% project completion. DCS must not wait to accumulate fees for additional services and then submit one amendment or TL for Board approval.
- b) This should not become the norm and must not be used as a precedent for future TLs or amendments. Timing requirement is statutory. Not complying with the statutory requirement may result in rejection of the TL or amendment.

9. NEXT MEETING – Monday, November 16, 2020

The meeting adjourned.

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