

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On November 30, 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 30, 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**

Patrick O'Brien, Director Facilities, Judicial Branch  
Brian Dillon, Program Manager Facilities, Judicial Branch

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 November 23, 2020 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

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

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

<b>PRB #</b>	<b>20-215</b>
<b>Transaction/Contract Type:</b>	RE/ License Agreement
<b>Origin/Client:</b>	DAS/BOR
<b>Licensee:</b>	Capital Workforce Partners
<b>Property:</b>	Bristol, North Main Street (430)
<b>Project Purpose:</b>	Co-location at Tunxis Community College (TXCC)
<b>Item Purpose:</b>	New License Agreement

At the May 26, 2020 SPRB Meeting the Board, under PRB #20-068, approved a License Agreement for Capital Workforce Partners to co-locate within 2,500 square feet of DAS-leased space (8,300 sf total) at 430 North Main St, Bristol, occupied by TXCC. Capital Workforce Partners will assist TXCC students with career counseling, job identification, connections to employers with job openings and workshops.

Subsequent review by the Attorney General's office the License Agreement was returned to add/edit the first two pages of the License Agreement:

**LICENSE AGREEMENT**

This LICENSE AGREEMENT (the "Agreement") is entered into by and between the ~~Connecticut State Colleges and Universities on behalf of Tunxis Community College, and the State of Connecticut, acting herein by Joshi Geballe, its Commissioner of the Department of Administrative Services (the "Licensor") with an address of 450 Columbus Boulevard, Suite 1501, Hartford, Connecticut, 06103, pursuant to the provisions of the Connecticut General Statutes Section 4b-38, as revised, and Capital Workforce Partners, a corporation (the "Licensee"), with a principal place of business at One Union Place, Hartford, Connecticut 06103 acting herein by Alex Johnson, its President & CEO, duly authorized.~~

WHEREAS, Tunxis Community College ("Tunxis") has a working relationship with the ~~Capital Workforce Partners~~Licensee; and

WHEREAS, ~~pursuant to a Lease approved on February 6, 2008 by the State of Connecticut Office of the Attorney General, the Department of Administrative Services ("DAS"), on behalf of the Connecticut State Colleges and Universities and Tunxis,~~ currently leases 8,003 square feet of space ~~and ten (10) unreserved parking spaces located at 430 North Main Street, Bristol Connecticut 06010 (the "Property") from Northside Square, LLC ("Northside") and desires to sublet~~license 2,500 square feet of that space to ~~the Licensee~~Capital Workforce Partners ("CWP"); and

WHEREAS, ~~CWP~~the Licensee, as an American Job Center, provides to the public and can offer to Tunxis students assistance with career counseling, job identification, connections to employers with current job openings and workshops; and

WHEREAS, ~~CWP~~the Licensee, administers all of Tunxis' Workforce Innovation and Opportunity Act of 2014 Federal funding for all of their workforce development programs, Trades Act funding and parts of the apprenticeship framework for students; and

WHEREAS, The Connecticut Community Colleges' Policy Manual section 4.7.5, "Facilities – Use of Community College Facilities" indicates "that the college should reach out into the community to encourage utilization of the resources of the college, including its physical facilities."; and

WHEREAS, ~~CWP~~the Licensee seeks to conduct some of its operations through a license agreement at ~~the Property; Tunxis' leased space located at 430 North Main Street, Bristol, Connecticut 06010; and~~

4. Use.

a. The Licensee shall use 2,500 square feet of the License Area for the purpose of assisting Tunxis students with career counseling, job identification, connections to employers with current job openings and workshops. Should the License Area become unusable for any reason, Licensor shall not be obligated to provide alternate space.

b. The Licensee shall supply hangtags to any of its employees authorized to park in the License Area parking spaces allotted to the Licensor under the lease with Northside.

Under this proposal (PRB #20-215), DAS is now seeking Board approval of the AG-requested changes to the License Agreement and 'slip-sheet' the two pages in the previously-approved agreement.

September 22, 2020 - DAS approved the changes.

October 15, 2020 - OPM approved the changes.

**RECOMMENDATION:** It is recommended that SPRB **approve** the AG-requested changes within the License Agreement with CWP to co-locate within TXCC space at 430 North Main Street, Bristol. The changes provide clarity within the agreement and do not alter the business terms of the agreement.

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May 22, 2020 Update:

At its meeting held on May 14, 2020 the State Properties Review Board voted to suspend this item pending resolution of the following issues:

- Clarification of when the co-location commenced and whether CWP has been paying rent and reimbursing their pro-rata share of increased operating expenses since their occupancy commenced.

**DAS provided the following response from Tunxis Community College.**

CWP has been paying us \$4,000/month since October 2018. They have continued to pay through the shutdown. We do not invoice for any other charges and there hasn't been any increases to our lease either.



**Nancy A. Eschenbrenner**

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OK

- Submission of an updated Exhibit C (Campaign Contribution and Solicitation Limitations) to include current statutory language.

**DAS provided the following response from Capital Workforce Partners.**

**From:** Johnson, Alex <[AJohnson@capitalworkforce.org](mailto:AJohnson@capitalworkforce.org)>

**Sent:** Thursday, May 21, 2020 12:55 PM

**To:** Pysh, Thomas <[Thomas.Pysh@ct.gov](mailto:Thomas.Pysh@ct.gov)>

**Cc:** Staley, Kimberly <[kstaley@capitalworkforce.org](mailto:kstaley@capitalworkforce.org)>

**Subject:** Re: DAS-BOR and CWP Bristol, Main St. (430) License Agreement status

Tom

Please accept this email as my authorization to amend exhibit C per the below referenced agreement.

Alex B. Johnson

OK

**RECOMMENDATION:** It is recommended that SPRB **approve** the License Agreement with CWP to co-locate within TXCC space at 430 North Main Street, Bristol.

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At the December 6, 2016 SPRB Meeting, under PRB #16-276, the SPRB approved a new Lease for the continued use of 8,003 square feet of office space by the Board of Regents and TXCC at 430 North Main Street, Bristol. The Lease commenced on December 19, 2016, and will terminate on December 28, 2021. The rent for this space is \$122,445.96/year, or \$15.30/sf, fixed for the five year term. Lessee expenses include natural gas, water, sewer, electricity, janitorial and light and lamp replacement and 18% of taxes over base lease year rate (2017)

Under this Proposal (PRB #20-068), DAS and BOR are seeking SPRB approval to co-locate Capital Workforce Partners (CWP) within 2,500 square feet of the Leased space at 430 North Main Street. The co-location of TXCC with CWP (which operates an American Jobs Center) will benefit regional programs for workforce education and job training. The proposed License Agreement has the following terms:

DESCRIPTION	PRB #20-068 Agreement for Shared Space/Expenses
Parties to Agreement	DAS-BOR-CWP
Shared Areas	2,500 sq.ft. within the Leased Premises as identified in Exhibit A.
License Fee	\$48,000/year, payable in \$4,000 monthly installments (\$19.20/sf)
Term	One year upon AG approval, automatic one-year renewal terms
Shared Expenses	CWP shall reimburse TXCC for actual operating expenses, other than electricity, $(2,500 \div 8,003 = 31\%)$ .
Telephone, Data, Copier	CWP is responsible for all photocopier, telephone & IT resources.
Termination Clause	Either party may terminate with 30 days advanced written notice.

The License Agreement has been approved by each party as follows:

- BOR initial request to DAS for License Agreement: August 23, 2018;
- Capital Workforce Partners: April 22, 2019;
- Board of Regents: April 30, 2019;
- DAS Commissioner: May 13, 2019;
- Office of Policy & Management: March 2, 2020; and
- Submission to SPRB: April 24, 2020.

Staff inquired with DAS for clarification of the following issues:

1. Please clarify whether CWP staff is already utilizing space within this location, without the benefit of a License Agreement, based on their advertising this location on their website: <https://capitalworkforce.org/american-job-centers/>.  
**DAS Response:** Yes, BOR didn't want to lose the opportunity so they went ahead with it.  
**Staff Response:** The BOR's initial request to DAS for this License Agreement was on August 23, 2018. In your response below you indicate that BOR didn't want to lose the opportunity so they permitted the co-location. Please clarify when the co-location commenced and whether CWP has been paying rent and reimbursing their pro-rata share of increased operating expenses since their occupancy commenced.  
**DAS Response:** Awaiting response from BOR.
2. Please provide an electronic copy of the existing Lease for this location.  
**DAS Response:** Attached OK
3. Please clarify if there is sufficient reserved/unreserved parking included in the Lease to accommodate additional CWP staff and is there any financial impact with the Lessor if the addition of CWP staff exceeds the parking included in the Lease.  
**DAS Response:** All parking is sufficient. No financial impact with the lessor. OK
4. Please clarify how Capital Workforce Partners (CWP) will reimburse TXCC for operating expenses in light of the DAS memo stating CWP will reimburse TXCC for any increase in operating expenses, excluding electric, and the License Agreement states "Licensee shall also reimburse Licensor actual operating expenses other than electricity for the License Area."  
**DAS Response:** Tunxis will identify the increase to the CWP in writing as it occurs for inclusion into the lease payment. DAS will be cc'd on the correspondence. Costs are based on a prorated share. OK
5. Regarding operating expenses, please clarify if the CWP reimbursement based on their pro-rata share of occupied space, or some other basis?  
**DAS Response:** The CWP occupies 2,500 s.f. within the leased space of 8,006 s.f. The prorated share of the total is 31%
6. Please clarify if CWP will have access to the Leased Premises beyond TXCC normal business hours.  
**DAS Response:** No OK
7. Please confirm if Exhibit C (Campaign Contribution and Solicitation Limitations) is current in light of the AG identifying outdated language in Exhibit L (Campaign Contribution and Solicitation Limitations) in the most recent Worker's Compensation Lease.

**DAS Response:** No, it is not, we anticipate getting it slip sheeted on or before this Thursday. OK

**RECOMMENDATION:** It is recommended that SPRB **suspend** the License Agreement with CWP to co-locate within TXCC space at 430 North Main Street, Bristol pending resolution of the following issues:

- Clarification of when the co-location commenced and whether CWP has been paying rent and reimbursing their pro-rata share of increased operating expenses since their occupancy commenced.
- Submission of an updated Exhibit C (Campaign Contribution and Solicitation Limitations) to include current statutory language.

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

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

<b>PRB #</b>	<b>20-221</b>
<b>Origin/Client:</b>	JUD / JUD
<b>Transaction/Contract Type</b>	AE / Task Letter
<b>Project Number</b>	JB1106094
<b>Contract</b>	02-1910
<b>Consultant:</b>	BVH Integrated Services, P.C. (BVH)
<b>Property</b>	Statewide – Six state-owned court facilities
<b>Project purpose:</b>	Statewide Security Improvements - Planning & Feasibility Study
<b>Item Purpose</b>	Task Letter

Mr. Patrick O'Brien and Mr. Brian Dillon, both from the Judicial Branch Facilities Unit, joined the meeting at 9:35 to participate in the Board's review of this Proposal. Messrs. O'Brien and Dillon left the meeting at 10:05.

### **PROPOSED AMOUNT: \$432,000**

This project includes the preliminary planning and feasibility study for next generation statewide security Improvements. The Judicial Branch currently operates over thirty (30) court related facilities and intends to focus the initial phase of the study on six (6) primary court locations to focus its efforts and efficiency on developing a program that provides the best possible options with a range of costs to better evaluate the cost/benefits of various approaches.

Under this Proposal (PRB #20-221) the Judicial Branch is seeking SPRB approval to compensate the Consultant for the following project scope:

a. Complete a review of the December 2017 "Friar Report" (i.e. 'Friar Report') and provide a narrative report summarizing the work to be done at the locations listed below:

- Hartford GA - 101 Lafayette Street, Hartford
- New Haven JD - 235 Church Street, New Haven
- New Haven GA - 121 Elm Street, New Haven
- Waterbury GA - 400 Grand Street, Waterbury
- Bridgeport GA - 172 Golden Hill Street, Bridgeport
- Fairfield JD - 1061 Main Street, Bridgeport

b. For each subject property, review and evaluate the Friar Report and provide additional guidance on the recommended improvements or other alternative "best practices".

c. For each subject property, review existing drawings, specifications, surveys, reports and other documents available from the Judicial Branch and/or its designees.

- d. For each subject property, perform field inspections and measurements of existing conditions to verify the configuration of existing space and field measure critical dimensions; specific to the scope of work and desired security improvements
- e. For each subject property, establish the final scope and prepare plans and specifications suitable for bidding consistent with Judicial Branch Procurement Code.
- f. For each subject property, review the Judicial Branch's Division 1 (General Requirements) and potential bidding requirements and collaborate with the Judicial Branch's designees regarding their development for the Project. Proposed modifications shall be compliant with the Judicial Branch's Division 1 (General Requirements) and consistent with the Contract Documents. Summary Specifications sections shall identify major materials and systems and establish quality levels in general terms.
- g. For each subject property, complete a code review specific to the identified improvements and confirm the need for any required OSBI or OSFM approvals.
- h. For each subject property, provide two (2) sets drawings and specification along with a detailed cost estimates to the Judicial Branch for review and comment. Provide written responses to their comments and incorporate said comments into the next submission.
- i. If requested, meet with Judicial Branch staff to provide consultation, specifications and biddable documents for improvements to the video monitoring systems, card key access, etc.
- j. This scope of work does not include bidding or contract administration services. Should the Branch require these services; a proposal shall be requested at a later date.

The statutory funding authority is June Special Session P.A. 17-2, Sec. 378 (k) (4). The Funding was approved at the April 16, 2020 Bond Commission Meeting.

<b>BVH Basic Service Fee (#20-221)</b>	<b>ARC Base Fees (\$)</b>	<b>Special Services</b>	<b>Total Fee</b>	<b>Construction Budget (\$)</b>	<b>% of Budget</b>
Schematic Design Phase	\$216,000				
Design Development Phase	\$108,000				
Construction Document Phase	\$108,000				
Bidding and Review Phase	\$0				
Construction Administration Phase	<u>\$0</u>				
<b>TOTAL BASIC SERVICE FEE (#20-221) (A)</b>	\$432,000			\$3,500,000	12.34%

Staff have the following questions based on the review of the proposal.

- Please provide a copy of the JUD Branch On-Call Contract procured with the Consultant pursuant to contract solicitation 02-1910.  
JUD Response: Please see the attached contract solicitation for RFP 02-1910.  
Staff Response: OK
- Please provide a draft of the Task Letter to be utilized in engaging the Consultant.  
JUD Response: Please note that the "Task Letter process" is specific to DAS and its statutory requirements and procurement policies. The Judicial Branch is a separate branch of government and not subject to these requirements. Consistent with the Branch's procurement code a "Requisition & Purchase

Order” process is utilized to establish a *not to exceed* fee based on the approved proposal, scope of work and established contract rates. As such all of the Branch’s consultant contracts are considered T&M with a “not to exceed” fee for the required scope of services. A copy of the Judicial Branch Requisition Form is included with this response. A copy of the BVH proposal was previously provided in the original transmittal.

Staff Response: OK

- Please provide a copy of the Consultant’s professional license.

JUD Response: Please see attached.

Staff Response: OK

- The Board has acknowledged a guideline rate of 12.5% for Group B Renovation Projects, which would indicate a total fee of \$437,500, to include Bidding and CA Services, on a project with a \$3,500,000 construction budget. Under this Proposal, the proposed Consultant’s Fee is \$432,000, or 12.34% of the construction budget, excluding Bidding and CA Services.

JUD Response: Consistent with the DAS/DCS Consultant procedures manual, Courthouses are identified as unique structures to the State of Connecticut and therefore considered Class A Renovation Projects. In addition, the scope of work for this project requires both specialized services and the possible inclusion of historic renovation aspects. Please note that the referenced rates in your question have been established by DCS as its guideline rates for consultant project fees. As detailed in the BVH proposal a large majority of the \$432,000 fee is related to existing conditions review, planning and feasibility analysis for security improvements including but not limited to the following:

- Video surveillance upgrade and technology improvements
- Evaluation and Review of Egress and Ingress fortification points
- Evaluation and Review of Access Control Systems
- Evaluation of possible fixed Security Post Locations
- Evaluation of Ballistic/Intrusion Resistant Treatments
- Point of Control Upgrades for Facility Lock Down Requirements
- Active and Passive Weapon Detection Systems
- Duress Alarm Capabilities and Requirements

The goal of this first phase is to complete the feasibility/evaluation study along with limited SD plans to assist in the decision making process for next steps. Once various technologies and improvements have been endorsed by the Branch; the project will proceed into the full design and bidding process. Please note that some improvements may proceed as stand-alone equipment/technology purchases; while other aspects will be consolidated into a traditional public works “bid-build” project.

1. Based on prior Board-reviewed projects, bidding and CA services are generally about 0.005 and 0.02, respectively, of the Construction Budget, indicating potential future expenses of \$17,500 and \$70,000, respectively. This would increase the Consultant’s fee to \$519,500, or 14.84%, beyond the guideline rate. Please clarify the need for the Consultant’s fee, as proposed, to exceed the guideline rate when Bidding and CA services are considered?

JUD Response: Please see the response above, the vast majority of this project is considered special services and outside of the established “DCS” consultant fee guideline rates. A traditional “Design-Bidding-CA” services proposal will be requested upon completion of this first phase. In general, the Branch is accepting an average fee of \$70,000 per location to complete an “as-built” review of the existing security improvements at each courthouse along with the completion of an extensive evaluation for the feasibility and implementation of new technologies and state of the art security improvements. Please also note that each of the Branch’s court locations are unique and do not follow a redundant infrastructure plan and building layout; as such economies of scale can’t be derived under the assumption of multiple locations.

Staff Response: OK

2. Please clarify if the proposed Schematic Design fees total 50% of the fee (41.5% if Bidding & CA from #1 above) exceeds base line standards generally about 15% of the Consultant's fee for Schematic Design Services.

JUD Response: Please see the answers above.

Staff Response: OK

- CGS 4b-23(i) requires Board approval for the JUD Branch to retain Consultant Services costing in excess of \$300,000. Under this Proposal, the JUD Branch is seeking Board approval to expend \$432,000 for design services for six buildings.

1. Please clarify how the JUD Branch can proceed administering a project with an estimated \$3,500,000 budget in light of the \$1,250,000 cap on project pursuant to CGS 4b-51(a)(1).

JUD Response: The \$3.5M budget includes the acquisition of technology and security improvements which may not fall under the umbrella of a "public works" project. This would include the possible purchase of biometric scanners, mobile or stand-alone x-ray devices, weapon detection systems and access control improvements. Some of this equipment may also be sole sourced through a competitive RFQ/RFP solicitation.

You are correct that CGS 4b-23(i) requires SPRB approval for Branch consultant contracts in excess of \$300,000. Meanwhile, please note that pursuant to CGS 4b-1(E), DAS does not have authority over Branch projects that do not constitute a project under 4b-55 Sub-Section (6). This section defines a project as any state program requiring consultant services in excess of \$500,000. Please note that the Chief Court Administrator has the authority to pursuant to CGS 51-9(19) for the care and control of all property where the Judicial Department is the primary occupant, which supervision shall include planning, execution of contracts, except for contracts for consultant services which shall be subject to section 4b-58, oversight and supervision of work involving the construction, repair or alteration of a building or premises under the supervision of the Office of the Chief Court Administrator, when construction contracts do not exceed one million two hundred fifty thousand dollars.

Since this project is currently only in the planning and feasibility phase; the Branch is unsure as to whether this project will be subject to the provisions of CGS 4b-55 and 4b-58. As such, the Branch has opted to submit this proposal to SPRB at this time.

Staff Response: OK

**RECOMMENDATION:** It is recommended that SPRB approve the Task Letter BVH Integrated Services, P.C. to provide a Statewide Security Improvements - Planning & Feasibility Study at six state-owned court facilities.

## 7. OTHER BUSINESS

## 8. VOTES ON PRB FILE:

**PRB FILE #20-215** – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #20-215. The motion passed unanimously.

**PRB FILE #20-221** – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #20-221. The motion passed unanimously.

## 9. NEXT MEETING – Thursday, December 3, 2020.

The meeting adjourned.

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