

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On December 24, 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 December 24, 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, JUD  
Brian A. Dillon, JUD  
Peter Simmons, DCS

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 December 21, 2020 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

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

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

<b>PRB #</b>	<b>#20-225</b>
<b>Transaction/Contract Type:</b>	RE – Lease
<b>Origin/Client:</b>	DOT/DOT
<b>Project #:</b>	72-000-56B
<b>Lessee:</b>	Town of Lisbon
<b>Property:</b>	Lisbon, River Road (486)
<b>Project Purpose:</b>	Highway Garage Property Rental
<b>Item Purpose:</b>	30-Year Lease

**Lease Price:** \$0

Project Background:

The State owns a 9.59 acre site improved with a 14,748 square foot highway garage and ancillary site improvements. The property is subject to a DEEP Voluntary Remediation Program (VRP) to facilitate remediation of contaminated properties which are not otherwise subject to the Transfer Act.

Under this proposal (PRB #20-225), DOT is seeking SPRB approval to enter a Lease with the Town of Lisbon for a 30-year term, with one, 20-year option to extend the term.

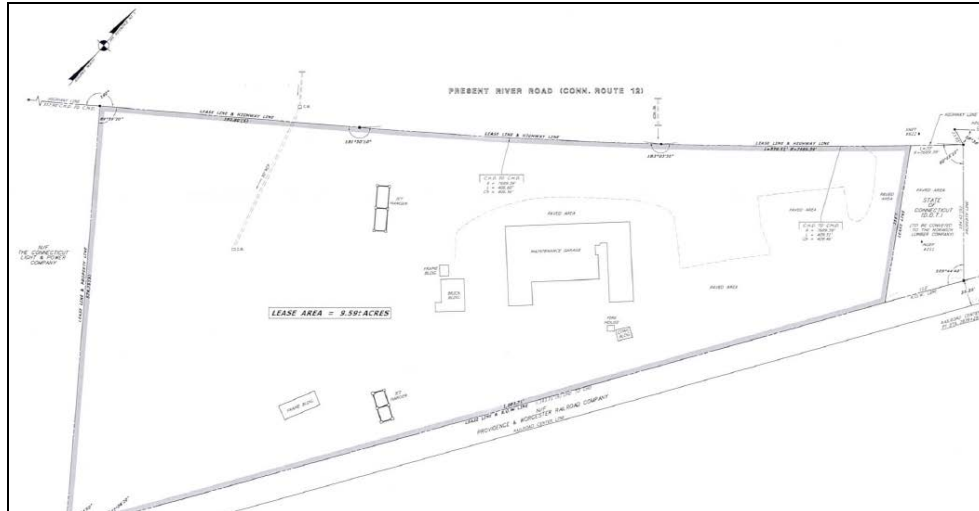
The terms of the lease are as follows:

Lessee	Town of Lisbon
Premises	9.59 acres with improvements “as-is” and “where-is”
Use	Municipal Uses for a Town Garage, future uses with DOT approval
Term	30 years commencing upon AG approval, one, 20-year, option to extend
Termination	Either party can terminate with six months’ notice, with or without cause
Rent	\$0.00/month.
Utilities, costs	All by tenant
Insurance	Requires All Risk Property Ins. for 100% Replacement Cost of Real Property & FFE
Environmental	Lessee responsible for environmental issues above base line provided in Audit Report
Other	Lease includes specifications as contained in “Standard Highway Lease Specifications & Covenants: Governmental” dated 4/1/2019, which are attached to the lease. The specifications include insurance and indemnification requirements.

The Lessee executed the Lease on June 9, 2020. The Lessor executed the Lease on July 15, 2020. OPM approved the Lease agreement on October 22, 2020.

**RECOMMENDATION:** Board approval of the lease-out agreement to Town of Lisbon is recommended for the following reasons:

1. The commissioner of transportation has the authority under CGS §13a-80 to enter into lease agreements, subject to the approval of OPM (received 10/22/2020), the SPRB & the AG.
2. This covers 9.59 acres of land and improvements to be used as part of the Town Municipal Garage and no other use, unless approved by DOT.
3. The Lessee pays no rent. The term of the lease is for 30 years, commencing upon approval of the AG. The lease includes one 20-year option, at the same terms, subject to a review and update of the rental fee. The State reserves the right to terminate the lease with six months’ notice.



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

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

<b>PRB #</b>	<b>20-235</b>
<b>Origin/Client:</b>	DCS/JUD
<b>Transaction/Contract Type</b>	AE / Task Letter
<b>Project Number:</b>	BI-JA-343A
<b>Contract:</b>	OC-DCS-MDE-0036
<b>Consultant:</b>	BVH Integrated Services, P.C.
<b>Property</b>	Enfield, Phoenix Ave (111) – Enfield Superior Court
<b>Project purpose:</b>	Roof & HVAC Replacement Project
<b>Item Purpose:</b>	Task Letter #4C

During the Board's discussion of this proposal, Mssrs. Patrick O'Brien and Brian Dillon, both from the Judicial Branch Facilities Unit, joined the meeting, as did Peter Simmons from DAS/DCS to participate in the discussion and provide background information regarding the project in Enfield. Mssrs. O'Brien and Simmons left the meeting at 10:16. Mr. Dillon left the meeting at 10:25.

**PROPOSED AMOUNT: \$128,375**

The project is the result of issues with the installation and design of the HVAC systems from project BI-JD-343. Proper temperature or humidity control was not possible in the building causing comfort and security issues. BVH was hired as an on-call MDE consultant to provide services to investigate the issues with the systems. Previous task letters used the repair project number BI-JD-373. BVH's tasks included the review of existing conditions and to provide recommendations to correct the issues. This was partially achieved through TL4 (\$49,000). During the investigation phase, the building encountered issues where the gas meter diaphragm was malfunctioning and improper balancing of the space resulted in unintentional opening of doors, etc., causing a security concern. TL4A (\$20,000) was developed to address this issue and completed. TL4B (PRB #20-109 - \$37,200) provided for a retro-commissioning of the building and to verify the testing and balancing (TAB).

Based on these tasks, BVH developed an issues log and prioritized items with input from Judicial. Based on the issues log, additional design work is required to put the project out to bid to correct the issues. Due to budget constraints, BVH will prepare two bid packages to address priority 1 items in Bid Package #1 and remaining priority 2 and selected priority 3, 4, & 5 items under Bid Package #2.

In June 2017, SPRB approved (PRB 17-139) BVH Integrated Services, PC (“BVH”) as one of five firms under the latest *On-Call Multi-Disciplined Engineering Series* of consultant contracts. These contracts expired on July 31, 2019 and have a maximum cumulative fee of \$1,000,000.

BVH has been selected and approved for the following task(s) under this series:

• Task Letter #1	Norwalk Comm. College	\$35,000	(canceled, not executed)
• Task Letter #2	Osborn/Northern CI	\$275,000	(18-167)
• Task Letter #3	Osborn/Northern CI	\$120,000	(18-170)
• Task Letter #4	Enfield Court Roof & HVAC	\$49,000	(Informal)
• Task Letter #4A	Enfield Court Roof & HVAC	\$20,000	(Informal)
• Task Letter #4C	Enfield Court Roof & HVAC	\$37,200	(#20-109)
		Total	\$501,200

Under this Proposal (PRB #20-235), DCS is seeking Board approval to expend \$128,375 to retain the Consultant under this Task Letter #4C for the following scope of work:

- Assess and remediate the remaining Priority 1 issues (life safety items), including fire alarm shutdowns for the rooftop equipment, steel fireproofing, and duct fire dampers.
- Address Priority 2 items pertaining to the building space pressurization that has compromised the building security. Also included in this second breakout will be any priority 3, 4, and 5 items (BVH Portal Items) that possibly could be captured and corrected while performing remediation to the Priority 2 open items. The items noted on the attachment (BVH Portal list) are highlighted in yellow as “potential” candidates and does not mean these items will be inclusive in this second package. That will be determined after BVH begins its assessment, any site demolition and any design considerations.

More specifically, BVH shall:

- Redesign smoke detectors for all twelve (12) rooftop units (RTU) to address code issues and for proper location, quantity, and material. This measure will address BVH Commissioning Notice Items Nos. 71, 219, 220, 237, 238, 239, 240, 241, and 242.
- Review fire dampers for conformance to code and installation. Provide recommendations for new and/or modifications. This measure will address BVH Commissioning Notice Item No. 213.
- Investigate code-required fire alarm shutdown of RTUs and modify Sequence of Operation (SOP) as required. This measure will address BVH Commissioning Notice Item No. 243.
- Investigate and design a new temperature sensor for Room 147N. This measure will address BVH Commissioning Notice Item No. 58.
- There are many static pressure, exhaust fan, and building pressurization priorities identified in the Commissioning Notice. Design will review the twelve (12) RTUs in terms of exhaust, outside air, and building pressurization, and make design recommendations to the building systems and SOP. This measure will address BVH Commissioning Notice Items Nos. 14, 92, 93, 96, 100, 176, 184, 185, 194, 195, 203, 204, 205, and 260.
- Include any priority 3, 4 or 5 items identified on BVH portal list that can be captured under any of the two phases as requested by DAS and Judicial Branch.
- Perform two (2) professional cost estimates--one at the 50% Contract Document (CD) phase and a final estimate at the conclusion of CDs.
- The project will be designed and constructed in two phases. Prepare two separate bid packages for the two phases.
- Perform field review and documentation of existing conditions for all items including the ones where as-built drawings are not available. Judicial to perform any selective demolition and access requested by BVH to document as-built conditions. (This service is identified as

optional additional services in BVH's proposal dated March 17, 2020.)

The current estimated construction cost is \$800,000 to \$1,000,000, which will be validated by cost estimate during the design phase.

BVH to perform design services, MEP field investigation and documentation of existing conditions not available in as-built documents, and bidding and construction administration services for the project.

DAS is also starting the claims process against the parties from the previous project (BI-JD-343) to recover monies for errors/incomplete work.

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

- 2A. Field Review and Documentation of Existing Conditions: \$12,000
- 2B. Bid Package 1 (Early Package):
  - a. Contract Documents Phase: \$5,518
  - b. Bidding Phase: \$915
  - c. Construction Administration Phase: \$4,387
  - d. Closeout Phase: \$2,011
- 2C. Bid Package 2:
  - a. Contract Documents Phase: \$43,878;
  - b. Bidding Phase: \$2,860;
  - c. Construction Administration Phase: \$16,370;
  - d. Closeout Phase: \$4,236;
- 2D. Record Drawings: \$3,600;
- 2E. Professional Cost Estimate: \$12,600
- 2F. Incorporation of select Priority Items# 3, 4, and 5 to contract documents: NOT-TO-EXCEED \$10,000
- 2G. Continuing Retro-Commissioning: NOT-TO-EXCEED \$10,000

Staff asked following to clarify based on our review:

1. Under PRB #20-109, the Board approved TL #4B, at which time DCS stated the Project is 95% complete. Please clarify what is the status of the project in light of the original \$2,992,700 construction budget, and the projected \$800,000 to \$1,000,000 estimate to effect repairs under this Task Letter #4C.  
DCS Response: The 95% completion comment comes from the 1105 prepared by the Branch. This is not a DAS comment. The original project reached substantial completion in January 2018, but the branch has been experiencing problems since then. BVH provided an order of magnitude estimate for the value of the corrective actions. Cost estimating to confirm the amount is part of the scope.  
Staff Response: OK
2. How can it be that the repairs will cost almost 1/3<sup>rd</sup> more of the original project in spite of various entities hired to oversee the project – A/E; CA; including DCS oversight?  
DCS Response: Our question as well. This project is an anomaly. We are making inquiries or the GC, CA and AE. Our critical action is to provide our client with a functioning building. This task letter supports this effort.  
Staff Response: OK
3. Clarify why DCS is seeking to compensate the Consultant \$12,000 for Field Review and Documentation of Existing Conditions in light of their familiarity of the Project through their work performed under Task Letters #4, #4A and #4B (specifically TL# 4B.2C), and in light of the Consultant's correspondence where it was considered an optional additional service. If this service is required, should it be on a Not-To-Exceed (NTE) basis?

DCS Response: The prior field reviews conducted by BVH were inspections to confirm as-built conditions to the contract documents. This scope is to conduct design level surveys to support the bid documents for the corrections.

Staff Response: OK

4. Why DCS is seeking a NTE \$10,000 fee for Retro-Commissioning when the Consultant provided that service under TL#4B (2A).

DCS Response: This is the scope item that we discussed last week. There will be additional time needed for BVH to support the retro-commissioning as we continue our corrective actions. Unfortunately, we can't provide a list of tasks at this point. To keep our flexibility and timelines, we are proposing a not to exceed scope item to address this need.

Staff Response: OK

5. Please clarify if a Claims Consultant has been retained to initiate a claim against the responsible parties.

DCS Response: Yes, DAS has retained Arcadis via our on-call contract. A task letter is being drafted, and should be ready very soon. Our intent is for Arcadis to begin work at the beginning of 2021

6. Provide BVH's report prepared based on the past task letters and which identifies issues log.

DCS Response: Attached, please find a copy of the BVH Report for your use.

Staff Response: OK

RECOMMENDATION: Board recommendation is to approve Task Letter #4C for the Consultant to provide expanded MDE services totaling \$128,375 to conduct design level surveys to support the bid documents for the corrections to the HVAC system.

- DCS confirmed \$128,375 is available for the Task Letter.
- The Board approved the current On-Call Contract for a maximum fee of \$1,000,000 and a term that expired on 7/31/2019 (PRB #17-139). Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$370,425.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 3/11/2020.
- At its meeting held on June 10, 2019, the Board rejected a DCS proposal under PRB #19-101 for expanded CA Services for this roof & HVAC replacement project in the amount of \$80,080 due to lack of satisfactory documentation to support the compensation.

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## FROM PRB #20-109

During the Board's discussion of this proposal, Mr. Brian Dillon, from the Judicial Branch Facilities Unit, joined the meeting to participate in the discussion and provide background information regarding the project in Enfield. He indicated that Judicial is taking over the project and will be hiring a contractor to complete the corrective action. This will probably happen in next 6 to 9 months.

PROPOSED AMOUNT: \$37,200

## PROJECT BACKGROUND

In July 2015, the Branch through DAS implemented Project BI-JD-343 – Roof and HVAC Replacement Project – Enfield Superior Courthouse. The scope of work for this project generally included the complete re-roofing of approximately 46,000 gross square feet as well as the removal/replacement of existing packaged HVAC rooftop units and other associated work. The associated work included system commissioning, a new fire alarm panel, bacnet controls and miscellaneous upgrades to the overall system infrastructure.

The project designer was Aztech Engineers, Inc. along with HAKS, Inc. acting as the contract

administrator for DCS. The project was bid and the contract awarded in June 2016. Over the past two years the contract work has proceeded with numerous issues and delays related to design deficiencies, contract work disputes, and requests for additional services which were perceived to be outside of the contract scope.

The project is currently 95% complete but has been experiencing numerous operational problems on a daily basis. The problems have been related to units not working, control sequencing and mechanical shutdowns. These issues are all related to various design and construction disputes between the design team and the contractor. Due to this impasse, the current building occupants have been experiencing building wide fluctuations in both temperature and humidity which are beyond the anticipated normal operating conditions of the system. This issue has still not been resolved and most recently required the property manager to utilize temporary cooling units within the building to maintain temperatures.

The Branch Facilities Unit has determined that a successful completion of the project is highly unlikely based upon the current situation with the design team, construction administrator and contractor. As such, the Branch has requested that DCS close-out the current project and proceed to evaluate next steps under both a claims process with the contractor and E/O Liability with the design team.

Once the close-out is completed, it is the Branch's intention to hire an On-Call Consultant for the purposes of reviewing the as-built condition, identify design to construction deviations, evaluate the operating controls system and then implement a commissioning program for the facility. The initial project scope will also include coordinating with Trane, Inc. for a review of the unit installation, PMs and warranty issues. The Branch is requesting DCS approval to proceed with this project as Agency Administered Design and Construction Project.

In July 2019, DAS/DCS retained BVH Integrated Services (BVH) to provide MDE design consultant services in conjunction with the retro-commissioning of the existing rooftop units, heating hot water system, terminal equipment, and all the temperature controls associated with these systems at the Enfield Courthouse. The initial fee for services was \$49,000 (Informal TL4) and included the following phases of work:

- Investigation Phase - \$30,000
- Implementation Phase - \$15,000
- Recommendation Phase - \$4,000

Commissioning efforts to date under TL4 identified two issues of concern: 1) defects in the gas regulators, and 2) over pressurization of the roof in various sections. The issue with the gas regulators has required four (4) of the RTUs to be subsequently locked out of service by TRANE due to safety issues. This matter must be resolved prior to the start of the heating season so as not to impact the Judicial Branch's ability to operate the facility. In December 2019 DCS retained BVH for additional MDE design consultant services under Task Letter 4A.

From DCS Form 1135: Supplemental request to increase the scope of work for the continuation of retro commissioning for the above referenced project, including but not limited to: review as-built condition, identify design to construction deviations, evaluate the operating controls system & implement a commissioning program on existing project to re-roof and replace HVAC units. Consultant shall coordinate with Trane, Inc., RM Bradley, Eversource & the GC for a review of the unit installation, PMs & warranty issues.

The fee for additional MDE services was \$20,000 (Informal TL4A) and included the following phases of work:

**1.A. Engineering Design Services - \$4,000**

- Review data from Commissioning testing and equipment gas pressure requirements.

- Develop performance specifications and piping details to replace existing gas regulators. This includes review of gas requirements.
- Provide an estimate of the potential costs for installation of gas regulator assembly.

**1.B. Bid and Contract Administration Services - \$9,500**

- Attendance at the contractor pre-bid site walkthrough.
- Review and answer bid Requests for Information (RFIs) and publish responses through Bid Addendum.
- Review the Bids received against the estimate and provide recommendation to JUD.
- Perform two (2) site visits to verify installation and the start-up of gas regulator assemblies, and issue field reports for each site visit.
- After the installation is complete, review and record actual gas pressures, before and after the new RTU gas regulators, and issue a field report of findings. Approval of installation shall be by the authorities having jurisdiction (AHJ).

**1.C. Roof Membrane Investigation Services - \$6,500**

- Review design, as-built and warranty documents for the roof system.
- Perform one (1) site visit to investigate the roof membrane uplift concerns that were found onsite on August 21, 2019.
- Develop and issue a field report indicating the findings and provided recommendations.

In June 2017, SPRB approved (PRB 17-139) BVH Integrated Services, PC (“BVH”) as one of five firms under the latest On-Call Multi-Disciplined Engineering Series of consultant contracts. These contracts expired on July 31, 2019 and have a maximum cumulative fee of \$1,000,000.

BVH has been selected and approved for the following task(s) under this series:

• Task Letter #1	Norwalk Comm. College	\$35,000	(canceled, not executed)
• Task Letter #2	Osborn/Northern CI	\$275,000	(18-167)
• Task Letter #3	Osborn/Northern CI	\$120,000	(18-170)
		<b>Total</b>	<b>\$395,000</b>

Under this new DCS proposal (PRB #20-109), DCS is now seeking approval of an additional \$37,200 in fees for the following services not included in the original project scope:

- Complete the Investigation Phase, which includes Retro Commissioning and TAB (Testing, Adjusting and Balancing) verification services;
- Conduct air and water balancing verification activities during Investigative Phase;
- Review existing documents and analyze the existing roof structure under the RTUs to confirm adequacy of the existing frame members and/or identify potential deficiency;
- If as-built drawings are not available, verify in the field and document the existing conditions as applicable to complete the task;
- Review existing documentation and generate list of items not provided, but required to perform analysis of existing frame;
- Review existing roof framing for equipment weight and snow drifts around the units;
- Prepare and submit a written summary of the analysis assessment and findings, including appropriate Deliverables, conclusions, and recommendations.

The Consultant’s fee is based on their 2019 Hourly Rate Schedule and will be billed on an hourly basis not to exceed the following totals:

- Retro-Commissioning and TAB Verification: \$20,000
- Structural Engineering Services: \$10,800
- Field Review and Documentation of Existing Conditions: \$6,400



Staff asked DCS to clarify the following:

1. Please clarify if the retro-commissioning is on the four RTUs that had defective gas regulators, or all eight RTUs.

**DCS Response:** What I understand occurred (as I wasn't involved at the time) is that the commissioning scope was removed from the DAS CA contract scope during the construction phase. Commissioning wasn't performed. This Task Letter includes scope for BVH to perform commissioning services "after the fact". In that vein, it is "retro" commissioning.

**OK**

2. Please provide the status of the claims against the design professionals and GC.

**DCS Response:** Regarding any future claims from the State on this project; DAS hasn't retained a consultant to pursue a claim against the designer, or anyone else. DAS intends to retain such services, but we need the information from BVH's work to inform on this strategy.

**Staff Response:** Is there a timeframe? I believe the substantial completion was around October 2018 and this issue has been going on for almost 18 months. State must recoup money and professionals involved should be held responsible.

**DCS Response:** No there isn't. This is a legal matter, so timeframes are different, and not related to Substantial Completion.

**Staff Response:** The claims process should have started by now to recoup the funds due to errors of other design professionals and General Contractor. Need assurance from DCS that the claims will be filed including the timeframe and report back to the Board on the amounts to be recouped from responsible entities.

**RECOMMENDATION:** Upon completion of review and discussion it was recommended that the Board approve this proposal.

- DCS confirmed \$37,200 is available for the Task Letter.
- The Board approved the current On-Call Contract for a maximum fee of \$1,000,000 and a term that expired on 7/31/2019 (PRB #17-139). Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$605,000.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 5/11/2020.
- At its meeting held on June 10, 2019, the Board rejected a DCS proposal under PRB #19-101 for expanded CA Services for this roof & HVAC replacement project in the amount of \$80,080 due to lack of satisfactory documentation to support the compensation.

## **7. OTHER BUSINESS**

## **8. VOTES ON PRB FILE:**

**PRB FILE #20-225** – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #20-225. The motion passed unanimously.

**PRB FILE #20-235** – Mr. Berger moved and Mr. Halpert seconded a motion to approve PRB FILE #20-235. The motion passed unanimously.

## **9. NEXT MEETING** – Monday, December 28, 2020.

The meeting adjourned.

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