

STATE PROPERTIES REVIEW BOARD

**Minutes of Meeting Held On December 19, 2022
– 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 19, 2022 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

Peter Simmons, ADPM - DCS

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 15, 2022 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

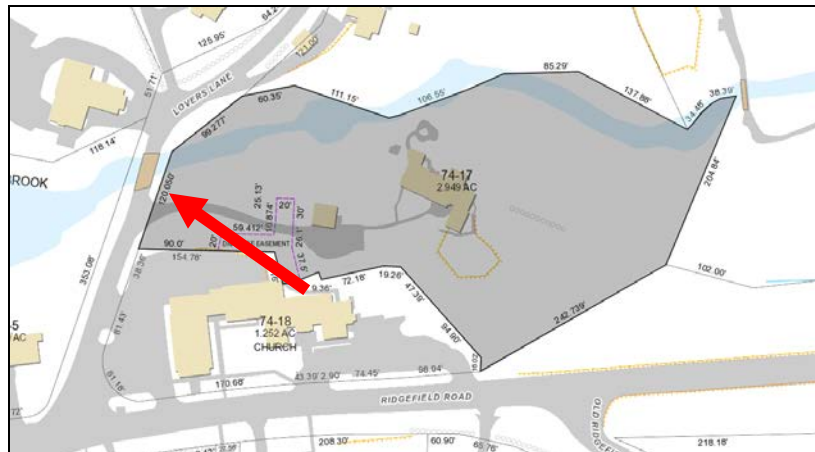
<i>PRB #</i>	22-191
<i>Transaction/Contract Type:</i>	RE – Voucher
<i>Origin/Client:</i>	DOT/DOT
<i>Project Number:</i>	161-142-003
<i>Grantor:</i>	Donald A. Allers, et al
<i>Property:</i>	Wilton, Lovers Lane (10)
<i>Project Purpose:</i>	Replacement of Bridge No. 04975 Lovers Lane over Comstock Brook
<i>Item Purpose:</i>	Voucher

DAMAGES: \$9,975



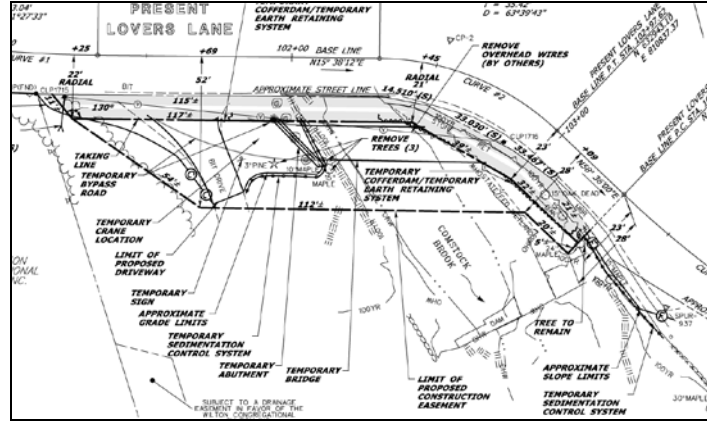
SITE DESCRIPTION: The subject property consists of an irregular-shaped, 2.949 acre (128,458 sf) site with approximately 219' of frontage on the easterly side of Lovers Lane. Comstock Brook crosses the northerly portion of the property. The property is located in an R-2 residential zone and appears to conform to zoning.

The site is improved with a one- to two-story dwelling containing 3,697 square feet of gross living area (10/3/2.5) built in 1809.



The Taking: DOT will acquire the following:

- A partial take in fee simple of 1,626± square feet;
- An easement to slope for the support and safety of the highway and remove, use or retain excavated material acquired over an area of 100± square feet; and
- A construction easement for the purpose of access, clearing and grubbing, staging of material and/or equipment, temporary crane placement, grading, construction of driveway, removal of trees, and installation of temporary cofferdams, temporary signs, temporary earth retaining systems, temporary bypass road, temporary abutments and temporary bridge acquired over an area of 3,729± square feet.



EOC Valuation: Consistent with DOT’s agreement with FHWA an estimate of compensation (EOC) worksheet has been prepared for the subject taking. This process is used for simple acquisitions related to minor site improvements where the total cost is typically less than \$10,000. In this instance, DOT Staff valued the 2.949 acre residentially-zoned site at \$4.50/SF (\$578,000 lot value). The following table indicates the results of the DOT Estimate of Compensation, prepared as of 9/06/2022:

<i>Item</i>	<i>Calculation</i>	<i>Damages</i>
Partial Take in Fee Simple	1,626 SF @ \$4.50/SF	\$7,317
Slope Easement	100 SF @ \$4.50/SF x 10%	\$45
Contributory Value of Affected Trees	Lump sum	\$900
Construction Easement	3,729 SF @ \$4.50/SF x 10%	\$1,678.05
		Total:
		Rounded \$9,975

RECOMMENDATION: Board approval of damages in the amount of \$9,975 is recommended for the following reasons:

1. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes.
2. The damages are supported by the DOT appraisal.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER – NEW BUSINESS

PRB File #: 22-197
Origin/Client: DCS/CCSU
Transaction/Contract Type AE / Task Letter
Project Number BI-RC-395
Contract OC-DCS-ANLY-0026
Consultant: Ankura Consulting Group, LLC
Property New Britain, Stanley St (1615)
Project purpose: New Engineering Building
Item Purpose Task Letter #1B

At 9:32 Mr. Simmons from DAS-DCS joined the Meeting to participate in the Board’s discussion of this Proposal. He left the meeting at 9:40.

PROPOSED AMOUNT: \$160,000

At its meeting held on September 17, 2021 the State Properties Review Board voted, under PRB #21-136, to approve Task Letter #1A to this On-Call Contract to compensate the Consultant \$79,290 to provide professional claims analyst services for any potential claims of KBE Building Corporation against the State of Connecticut. In addition, the Consultant was approved to provide professional claims analyst services for any and all claims and counterclaims of the State against the claimant regarding the above-entitled project.

Under this Proposal (#22-197), DCS is now seeking approval of an additional \$160,000 to compensate the Consultant for the following professional services:

Provide professional claims auditor services for any potential claims of KBE Building Corporation (hereinafter "claimant"), against the State of Connecticut (State). In addition, provide professional claims auditor services for any and all claims and counterclaims of the State against the claimant regarding the above-entitled project.

The services for Task 1B shall include the following:

Detailed Forensic Schedule Delay Analysis

- Detailed Review of Updated KBE/On-Point Delay Claims & Analyses (dated January 2022)
- Prepare Findings Slides re: KBE Claims / Present to DAS
- Discuss KBE Alleged issues with Turner (CA) & DAS
- Review Additional Data / Information Provided by KBE
- Present Findings / Rebuttal to KBE
- Follow-up to Meeting(s) with KBE, Participate in Settlement Discussions as Required
- Review Potential Revised KBE Claim

DCS also provided the following notation in their request before the Board:

Items a-e on the above list are items that have previously been completed. Items f and g on the list are to provide ongoing support for DAS in our continuing discussions and negotiations with the CMR regarding time delay claims and settlement discussions. The CMR has produced their own reviews of Ankura's reports and we need Ankura to respond to those responses and provide further input as required in those efforts. Additionally Ankura's input will be required on an as needed basis.

SUMMARY OF FEE'S

<u>Ankura Consulting Group - DCS-ANLY-0026</u>	<u>FEES (\$)</u>	<u>PRB FILE NUMBER</u>	<u>CUMULATIVE FEE</u>
Task Letter #1 – CCSU New Engineering Bldg.	\$85,060	Informal	\$85,060
Task Letter #1A – CCSU New Engineering Bldg.	\$79,290	#21-136	\$164,350
Task Letter #1B – CCSU New Engineering Bldg.	\$160,000	#22-197	\$324,350

Staff asked following questions for clarifications:

1. Pl provide invoices from Ankura on services provided so far since the beginning of the claims process.
2. Clarify if this fee is only for items f and g of the scope for TL 1B or all items from a thru g.
3. What has been incurred so far to address items a thru e, if they are completed and when were those items completed?
4. How close is Ankura with finalizing the review of this claim?
5. How far apart is DCS from KBE's claim?
6. What savings is anticipated at this juncture of negotiations?

7. What is the burn rate per month and what is the estimated schedule under this TL?

RECOMMENDATION: It is recommended that SPRB **SUSPEND** Task Letter #1B for the Consultant to provide Claims Analyst services related to the New Engineering Building at CCSU.

- DCS confirmed \$160,000 is available for the Task Letter.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 3/15/2022.
- Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$175,650.
- The Board approved the current On-Call Contract on 1-09-2020 (PRB #19-268) for a maximum fee of \$500,000 and a term that expires (Amendment #1) on 4/15/2023, as approved under PRB #22-048.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #22-191 – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #22-191. The motion passed unanimously.

PRB FILE #22-197 – Mr. Valengavich moved and Mr. Halpert seconded a motion to suspend PRB FILE #22-197. The motion passed unanimously.

9. NEXT MEETING – Special Meeting, Tuesday, December 20, 2022.

The meeting adjourned.

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