

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On June 2, 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 June 2, 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**

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 May 31, 2022 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

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

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

<b><i>PRB File #:</i></b>	22-075
<b><i>Transaction/Contract Type:</i></b>	RE – Voucher
<b><i>Origin/Client:</i></b>	DOT / DOT
<b><i>DOT Project #:</i></b>	Siu's Family, Inc.
<b><i>Grantor:</i></b>	Stratford, Barnum Avenue Ext (857)
<b><i>Property:</i></b>	Replacement of Bridge No. 00326 US Route 1 Over Metro-North Railroad, Stratford
<b><i>Project Purpose:</i></b>	Siu's Family, Inc.
<b><i>Item Purpose:</i></b>	Voucher

#### **DAMAGES: \$15,900**

Under this Proposal (PRB #22-075) DOT is seeking SPRB approval pursuant to CGS 13a-73(h) for DOT to acquire land and easements in conjunction with the DOT Project "Replacement of Bridge No. 00326 US Route 1 Over Metro-North Railroad" with Damages totaling \$15,900. DOT's enabling legislation to acquire land and easements is pursuant to CGS13a-73(c), 13b-36(a) and 13a-79.

**SITE DESCRIPTION:** The subject property consists of a 5,663 square feet (0.13 acre) parcel of commercially zoned land with 109.27 feet of frontage along the south side of Barnum Avenue Cut-Off. The site is improved with a one-story commercial building constructed in 1949, containing 1,815 square feet and appears to be in average condition. The site includes 7 parking spaces that were observed at the time of the exterior inspection. It is noted that a portion of the parking spaces extend into the right of way along the Barnum Avenue Cut-Off frontage. It is additionally noted that the subject zone requires approximately 25 parking spaces based on the subject use.

The property is located within the CA and MA Zones and conforms to zoning regarding use, but is pre-existing non-conforming regarding site and parking requirements.



Highest and Best Use – As Vacant: Given that the subject lot does not meet the minimum lot size requirement of the CA zone, the highest and best use of the appraised property as vacant is assemblage. Unless a variance were granted for the lot size deficiency, assemblage to an abutter is considered to be the most likely use of the property as vacant.

Highest and Best Use – As Improved: The highest and Best Use of the subject property as improved would be for its continued present use as a restaurant with attached retail use. Continued present use is physically possible, legally permissible, financially feasible, and the most profitable use of the subject property as improved.



(Source: Google Maps)

**VALUATION:** The DOT appraisal was completed on February 8, 2022 by DOT Appraiser John P. Kerr.

Land Valuation: Based on the sales comparison approach, the appraiser considered three sales (2020-2021) of similarly zoned, with a similar highest and best use, as follows:

LAND SALES SUMMARY OF ADJUSTMENTS - BEFORE							
ITEM	SUBJECT	COMPARABLE #1		COMPARABLE #2		COMPARABLE #3	
	857 Barnum Ave Cutoff, Stratford	867 Barnum Avenue Cutoff, Stratford		1742 Barnum Avenue, Stratford		2370 Stratford Avenue, Stratford	
Unadjusted Sale Price Per Sq. Ft.	N/A	\$39.34		\$16.57		\$12.44	
ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+/- ADJ.	DESCRIPTION	+/- ADJ.	DESCRIPTION	+/- ADJ.
PROPERTY RIGHTS CONVEYED	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
FINANCING	N/A	None Recorded		None Recorded		None Recorded	
CONDITIONS OF SALE	N/A	Arm's Length		Arm's Length		Arm's Length	
MARKET CONDITIONS	As of 2/10/2022	As of 4/17/2020		As of 6/10/2021		As of 12/23/2020	
ADJUSTED SALE PRICE		\$39.34		\$16.57		\$12.44	

After adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject land was \$25.00/sf, calculated as follows:

Item	Calculation	Value
Land Valuation (Fee Simple)	5,663 sf x \$25.00/sf	\$141,575
	<b>Rounded</b>	<b>\$141,500</b>

### Building Valuation

Sales Comparison Approach: The appraiser analyzed three sales of similar commercial buildings (2019-2022), as follows:

IMPROVED SALES SUMMARY OF ADJUSTMENTS - BEFORE							
ITEM	SUBJECT	COMPARABLE #1		COMPARABLE #2		COMPARABLE #3	
	857 Barnum Ave Cutoff	1980 Stratford Ave, Stratford		1641 Barnum Ave, Stratford		2224 Barnum Ave, Stratford	
Unadjusted Sale Price	N/A	\$295,000		\$275,000		\$360,000	
Unadjusted Sale Price Per Sq. Ft.	N/A	\$181.54		\$269.61		\$237.15	
ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+/- ADJ.	DESCRIPTION	+/- ADJ.	DESCRIPTION	+/- ADJ.
PROPERTY RIGHTS CONVEYED	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
FINANCING	N/A	Conventional		Seller Financing		Conventional	
CONDITIONS OF SALE	N/A	Arm's Length		Arm's Length		Arm's Length	
MARKET CONDITIONS	As of 2/10/2022	As of 1/27/2022		As of 11/14/2019		As of 1/27/2022	
ADJUSTED SALE PRICE		\$181.54		\$269.61		\$237.15	

After adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject property was \$190/sf x 1,815 sf = \$344,850, rounded to \$345,000.

### Reconciliation and Value Conclusion - Before

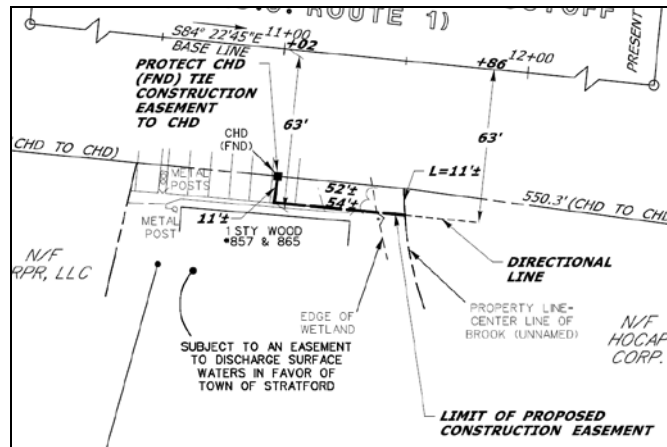
Approach	Opinion of Market Value
Sales Comparison Approach - Land	\$141,500
Income Capitalization Approach – Building	N/A
Sales Comparison Approach Building	\$345,000
Conclusion of Market Value	\$345,000

### TAKING DESCRIPTION:

DOT requires acquiring the following:

1. Construction easement for the purpose of construction access during replacement of bridge no. 00326 to U.S. Route 1 over Metro-North railroad acquired. The construction easement taken under

this paragraph will be restored by repaving disturbed areas. Said easement will be extinguished upon completion of the project, unless sooner extinguished by the state. The proposed easement area consists of 571 square feet and is for a 2-year period.



(Source: Google Maps)

#### **IMPACT OF THE TAKING:**

The proposed acquisition consists of a temporary construction easement that encompasses 571 square feet. The proposed easement is located in front of the improvements in the northeasterly corner of the property. The easement area has a mostly rectangular shape with an average length of 53 feet and a depth of 11 feet. The construction easement extends into a paved area in front of the building that is currently utilized by the property owner for parking. The utility of the site will temporarily be compromised as a result of the proposed easement which limits accessibility and use along the frontage of the subject property. The impacts to the utility of the site results in severance damages to the entire property on a temporary basis.

#### **AFTER VALUATION:**

The “After” valuation of the subject property is subject to the following Extraordinary Assumptions and Hypothetical Conditions:

**EXTRAORDINARY ASSUMPTIONS:** None

**HYPOTHETICAL CONDITIONS:** None

Land Valuation: Based on the sales comparison approach, the appraiser considered the same sales as in the Before Valuation and concluded that the fair market value of the subject land was unchanged at \$25.00/sf, calculated as follows:

Item	Calculation	Value
Land Valuation (Fee Simple)	5,663 sf x \$25.00/sf	\$141,575
	<b>Rounded</b>	<b>\$141,500</b>

#### After Building Valuation

After Sales Comparison Approach: The appraiser analyzed the same sales as in the Before Valuation and concluded that the fair market value of the subject property was unchanged at \$190/sf x 1,815 sf = \$344,850, rounded to \$345,000.

#### Reconciliation and Value Conclusion - Before

Approach	Opinion of Market Value
Sales Comparison Approach - Land	\$141,500
Income Capitalization Approach – Building	N/A
Sales Comparison Approach Building	\$345,000
Conclusion of Market Value	\$345,000

#### Calculation of Permanent Damages

Item	Value
Before Valuation	\$345,000
After Valuation	\$345,000
Permanent Damages	\$0

#### Calculation of Temporary Damages

The Appraiser then accounted for Temporary Damages and Temporary Severance Damages as follows:

The proposed acquisition consists of one temporary right which includes a 571 square foot construction easement for the purpose of construction access during the replacement of Bridge No. 00326 to U.S. Route 1 over Metro-North Railroad acquired. The construction easement taken under this paragraph will be restored by repaving the disturbed areas. Said easement will be extinguished upon completion of the project, unless sooner extinguished by the State. The duration of the project shall be for two years (two construction seasons). The proposed construction easement is located in front of the improvements in the northeasterly corner of the property. The easement area has a mostly rectangular shape with an average length of 53 feet and a depth of 11 feet. The construction easement extends into a paved area in front of the building that is currently utilized by the property owner for parking.

Temporary impacts caused by the proposed construction easement include the temporary loss of paved area in front of the building currently utilized for parking. The utility of the site will temporarily be compromised as a result of the proposed easement which limits accessibility and use along the frontage of the subject property. The impacts to the utility of the site results in severance damages to the entire property on a temporary basis. The appraiser has estimated this severance as if permanent at 15% of the subject's Fair Market Value. A typical holding period for a commercial property such as the subject is typically 8 to 10 years. The appraiser has estimated a holding period of 8 years for the subject property. The projected constructed period is based on 2 construction seasons which is equivalent to 2 years. Severance damage calculation is as follows: \$345,000 (Fair Market Value) x 15% (Estimated Severance if Permanent) x 2 yrs./8 yrs. = \$12,938 rounded to \$13,000.



Calculation of Value of Land impacted as a result of the construction easement is as follows:  
Temporary construction easement area of 571± sf x \$25.00/sf (Per Land Sales Comparison Approach)  
x 10% (rental rate) x 2 years = \$2,855 rounded to \$2,900.

Total damages are then Permanent Damages plus Temporary Damages plus Temporary Severance Damages, or \$0 + \$2,900 + \$13,000 = \$15,900.

Staff inquired with DOT for clarification of the following issues:

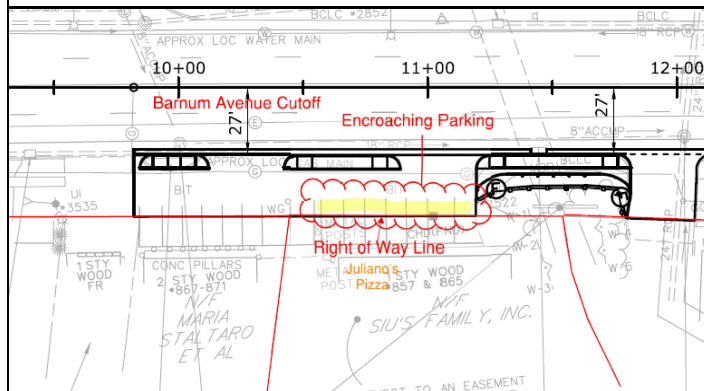
1. Please clarify if DOT Rights of Way have been notified of the Grantor's use of State land for parking and have any measures have been taken by DOT regarding Licensing said use of State land or sale of land within the highway right of way.

**DOT Response:**

Please be advised that the Connecticut Department of Transportation (Department) is proceeding with the subject construction project. In connection therewith, the Department has identified parking that is encroaching within the State highway right of way (right of way). The enclosed photo and sketch depict and illustrate the encroachment.

In accordance with Connecticut General Statute Section 13a-247, this letter will serve as official notice that the encroachment must be removed from the right of way.

Alternatively, you may seek to enter into a lease agreement with the Department. Should you wish to pursue this option, please contact Ms. Melanie Fadoir, Supervising Property Agent, Property Management Section at (860) 594-2392 or [melanie.fadoir@ct.gov](mailto:melanie.fadoir@ct.gov).



**Staff Response:** OK

**RECOMMENDATION:** Staff recommend the Board approval this proposal in the amount of \$15,900 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 acquisition value is supported by the DOT appraisal report

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 9:52. The motion passed unanimously.

**EXECUTIVE SESSION**

***PRB #:*** 22-094  
***Transaction/Contract Type:*** RE / License Agreement  
***Origin/Client:*** DAS / JUD

**Statutory Disclosure Exemptions:** 4b-23(e), 1-200(6)(D) & 1-210(b)(24)

**OPEN SESSION**

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 10:06. The motion passed unanimously.

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

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

<b><i>PRB #</i></b>	22-089
<b><i>Origin/Client:</i></b>	DCS/CCSU
<b><i>Transaction/Contract Type</i></b>	AE / Task Letter
<b><i>Project Number</i></b>	BI-RC-410
<b><i>Contract</i></b>	OC-DCS-CA-0031
<b><i>Consultant:</i></b>	Colliers Project Leaders USA NE, LLC
<b><i>Property</i></b>	New Britain, Main St (185)
<b><i>Project purpose:</i></b>	Charter Oak Relocation
<b><i>Item Purpose</i></b>	Task Letter #3

**PROPOSED AMOUNT: \$174,250**

At its meeting held on February 17, 2022 the State Properties Review Board voted, under PRB #22-009, to return (at DCS' request) TASK LETTER #1 in the amount \$178,200 to compensate the Consultant - Construction Advocacy Professionals, LLC (CAP) - for providing CA Services and Move Management Services related to the Project.

The intent of this Project is to renovate the 1st floor (6,600 gsf) and the 2nd floor (21,400 gsf) of Central Connecticut State University's Institute of Technology and Business Development (ITBD) located at 185 Main Street, New Britain. Charter Oak State College will then move out of their present locations, consolidating them into the newly renovated 1st and 2nd floor of CCSU's ITBD. This 4 story building's downtown location will provide a visible presence for Charter Oak while also accommodating the functional and programmatic needs for Charter Oak which primarily serves adult students from the State of Connecticut.

Under this Proposal (PRB #22-089), DCS is seeking SPRB approval of TASK LETTER #3 in the amount of \$174,250 to compensate the Consultant - Colliers Project Leaders USA NE, LLC (CPL) - for providing CA Services and Move Management Services related to the Project with the following scope of work:

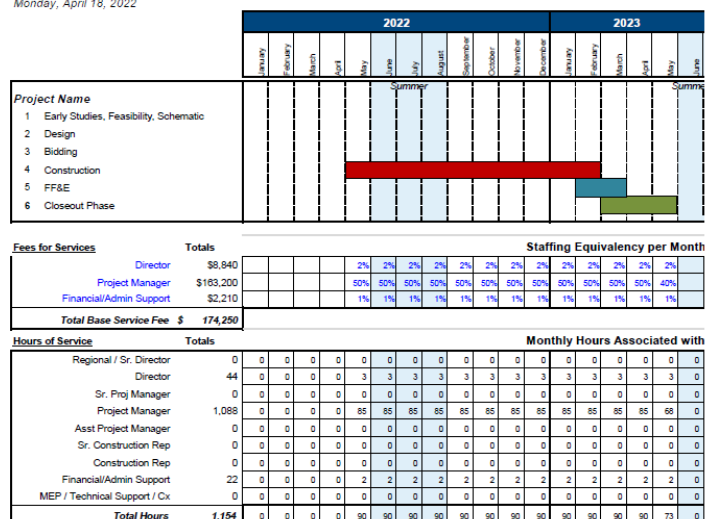
Construction Administration services for the gut and renovation of the 1st and 2nd floors of CCSU's 4-story ITBD Building in downtown New Britain. The 1st and 2nd floors will be the new permanent location of Charter Oak State College. Some work will be required to be done after hours or on 3rd shift, and weekends. CA will be responsible to oversee after hours and weekend activity. FF&E and move management are also part of the CA's services. The project is currently in Post Bid Phase.

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

- Construction Phase Oversight (part-time services over 270 days + 90-day close out)
  - a. Part time (50%) construction oversight - \$160,650
- Move Management Services - \$13,600

**Charter Oak Relocation to ITBD Project # BI-RC-410**  
**Detailed Schedule & Fees for Owner's Project Management Services**

Monday, April 18, 2022



DCS and CSCU both confirmed funding is available for this request.

The overall construction and total project budget was increased to **\$4,240,300** and **\$6,483,512**.

CPL Fee for Basic Services (PRB #22-089)	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>C. Budget (\$)</u>	<u>(%)</u> <u>Budget</u>
Schematic Design Phase	\$0			
Design Development Phase	\$0			
Construction Document Phase	\$0			
Bidding Phase	\$0			
Construction Administration Phase	\$160,650			
<b>TOTAL BASIC SERVICE FEE (#22-089) (A)</b>	<b>\$160,650</b>		<b>\$4,240,300</b>	<b>3.79%</b>
<b><u>SPECIAL SERVICES:</u></b>				
Move Management Services		\$13,600		
<b>TOTAL SPECIAL SERVICES (B)</b>		<b>\$13,600</b>		
<b>TOTAL FEE ( PRB #22-089) (A) + (B)</b>		<b>\$174,250</b>	<b>\$4,240,300</b>	<b>4.11%</b>

On April 6, 2020, the SPRB approved the 7<sup>th</sup> series of On-Call Construction Administration Consulting Contracts awarded by the Department of Construction Services ("DCS") since 1994. The seven (7) On-Call Contracts that were the subject of the memorandum have a maximum total cumulative fee of \$1,000,000/contract and a common expiration date of August 31, 2022. Colliers Project Leaders USA NE, LLC was approved under PRB #20-046.

Colliers Project Leaders USA NE, LLC has been selected for the following Tasks under the On-Call Contract.

a. Task Letter #1	Burritt Library Renov. – CCSU	\$498,568	(PRB #21-006)
b. Task Letter #2	Bridgeport JD Roof Replacement	\$170,850	(PRB #20-138)
<b>Total Fee to Date:</b>		<b>\$669,418</b>	

Staff inquired with DCS regarding the following issues:

- Article 4 of the Task Letter clearly states construction budget for this Project is \$4,200,000. The DCS Memo to the SPRB states the budget is \$4,240,300. Which is correct?

**DCS Response:** The latter value reflects the actual bid price. The project is fully funded and a revised 1105 has been fully signed/approved as of 5/1/22 and can be provided.

**Staff Response:** OK



2. The Project is currently in Post Bid Phase. Please provide a summary of the responses to the Bid.  
DCS Response: The bid results can be provided by DAS Procurement. The contract for construction is in process.  
Staff Response: DCS provided the Tabulation of Bids, identifying 13 firms responding. OK
3. Has consultant started the work? What happened to \$9,000 for pre-construction phase services that was identified in the previous TL?  
DCS Response: THIS consultant has not started work. The pre-con services identified in the previous TL were performed by DAS staff and are not included in this TL scope.  
Staff Response: OK

### **RECOMMENDATION:**

It is recommended that SPRB **approve** Task Letter #3 for the Consultant in the amount of \$174,250. The overall basic service fee of 3.79% of construction cost is within the DCS CA Services guideline of 5.0%.

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From PRB #22-009

### **PROPOSED AMOUNT: \$178,200**

At its meeting held on April 5, 2021 the State Properties Review Board voted, under PRB #21-034, to approve TASK LETTER #2A in the amount \$2,475 to compensate the Consultant (Northeast Collaborative Architects, LLC) for additional design services beyond the scope of work contained in Task Letter #2 connected to the relocation of Charter Oak College to the ITBD Building in New Britain.

The intent of this Project is to renovate the 1st floor (6,600 gsf) and the 2nd floor (21,400 gsf) of Central Connecticut State University's Institute of Technology and Business Development (ITBD) located at 185 Main Street, New Britain. Charter Oak State College will then move out of their present locations, consolidating them into the newly renovated 1st and 2nd floor of CCSU's ITBD. This 4 story building's downtown location will provide a visible presence for Charter Oak while also accommodating the functional and programmatic needs for Charter Oak which primarily serves adult students from the State of Connecticut.

The Project is currently in the Bid Phase with bids due February 16, 2022.

Under this Proposal (PRB #22-009), DCS is seeking SPRB approval of TASK LETTER #1 in the amount of \$178,200 to compensate the Consultant - Construction Advocacy Professionals, LLC (CAP) - for providing CA Services and Move Management Services related to the Project with the following scope of work:

Construction Administration services for the demolition and renovation of the 1st and 2nd floors of CCSU's 4-story Institute of Technology and Business Development (ITBD) Building in downtown New Britain. The 1st and 2nd floors will be the new permanent location of Charter Oak State College. Some work will be required to be done after hours on 2<sup>nd</sup> or 3<sup>rd</sup> shift and/or weekends. CA will be responsible to oversee after hours and weekend activity.

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

- Pre-Construction Phase (Bid Phase) - \$9,000
- Construction Phase Oversight (part-time services over 274 days + 90-day close out)
  - a. Part time construction oversight plus after-hours oversight for vault demolition and main lobby demo/construction - \$151,200
- Move Management Services - \$18,000

DCS and CSCU both confirmed funding is available for this request.

The overall construction and total project budget for the roof replacement and HVAC upgrades was increased to **\$4,219,249** and **\$5,965,876**.

CAP Fee for Basic Services (PRB #22-009)	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>C. Budget (\$)</u>	<u>(%)</u> <u>Budget</u>
Schematic Design Phase	\$0			
Design Development Phase	\$0			
Construction Document Phase	\$0			
Bidding Phase	\$9,000			
Construction Administration Phase	+\$151,200			
TOTAL BASIC SERVICE FEE (#22-009) (A)	\$160,200		\$4,219,249	3.80%
<u>SPECIAL SERVICES:</u>				
Move Management Services		+\$18,000		
TOTAL SPECIAL SERVICES (B)		\$18,000		
TOTAL FEE ( PRB #22-002) (A) + (B)		\$178,200	\$5,965,876	2.99%

On April 6, 2020, the SPRB approved the 7<sup>th</sup> series of On-Call Construction Administration Consulting Contracts awarded by the Department of Construction Services (“DCS”) since 1994. The seven (7) On-Call Contracts that were the subject of the memorandum have a maximum total cumulative fee of \$1,000,000/contract and a common expiration date of August 31, 2022.

Construction Advocacy Professionals, LLC has been selected for the following Tasks under the On-Call Contract.

c. Task Letter #2      DPH Flex Lab      \$86,600 (Informal)

Staff inquired with DCS regarding the following issue:

	CONSTRUCTION PERIOD DEC. 1, 2021 - SEPT. 01, 2022				ALLOWANCE #1 for 2nd/ 3rd Shift		ALLOWANCE #2 Move Management	
	Bid Period	Hrs	Hrs	36 Weeks	Hrs	8 Weeks	Hrs	3 Weeks
Project Executive/ Managing Director ( 1 Hr Wk)	\$ 200.00		18	\$ 3,600.00	0	\$ -	0	\$ -
					0	\$ -	0	\$ -
Project Manager (20 Hrs per Wk)	\$ 150.00	60	\$ 9,000.00	720	\$ 160	\$ 36,000.00	120	\$ 18,000.00
Financial/ Document Control (1 Hr Wk)	\$ 100.00		36	\$ 3,600.00	0	\$ -	0	\$ -
TOTAL		60	\$ 9,000.00	774	\$	36,000.00	\$	18,000.00
					TOTAL FEE \$ 178,200.00			

- Article 1.B of the Task Letter clearly states construction phase services are for 274 days plus 90-day closeout, or a total of 52 weeks. Article 2.B states the fee for Construction Phase services is \$151,200. However, the Construction Services Fee Matrix on Page 6 of the TL identifies construction period 36 weeks. To understand better, pl provide a staffing matrix for the entire construction period including 90-day closeout.

**DCS Response:** The amount of construction phase days will be updated to 270 days, this will be revised on resubmitted TL before Thursday. The fee is negotiated at half time with an assumed use of time at an average of 20 hours per week, there will be times when efforts are below or above 20 hours a week. I cannot provide a staffing matrix that will acutely reflect the expected use of time on a month-by-month basis. There for the construction phase work is a Not to Exceed Fee which requires all invoicing to show actual hours expended on the project in their monthly invoices. CA work during the 90-day closeout is substantially less effort and time. The construction phase not to exceed fee will cover the full cost of the construction phase and the closeout phase.

**Staff Response:**

2. Why is Allowance # 1 needed? The TL should be amended in the future based on the schedule finalized (regular hours/after hours/etc.) after the bids are received. It is not clearly right now if any work will be undertaken during 2<sup>nd</sup> and 3<sup>rd</sup> shift. Pl clarify what work might be done after normal hours? Per the proposal letter, this is an allowance, only if needed. (the intent is as needed not “if needed”) Is that correct? If yes, the TL should be modified to clearly state that this is allowance and that the fees will be incurred only if these services are rendered.

DCS Response: There are some construction activities that must take place after hours, including all work on main entrance, and the demolition of the bank vault. These activities must take place after hours due to the building being partially occupied during the construction period. Allowance 1 is a not to exceed fee for which the consultant will have to provide invoices showing actual hours worked, they will only earn the fees associated with after hours work for hours worked after hours.

Staff Response:

3. The TL does not properly identify that fees related to Allowance # 2 will not be incurred if the services are not rendered. The TL is in conflict with the CA services fee matrix provided in the TL. Also, when will these services be provided? During the construction period plus 90-days or later? A staffing matrix requested in Item 1 above for the entire construction period including 90-day closeout and move management will provide more clarity.

DCS Response: Fees for allowance 2 are a not to exceed fee and will only be incurred if said services are provided. Proper backup is required for these fees including monthly invoicing showing actual hours worked. These services will be provided once the project has reached a point where those services can begin, typically these services are provided near substantial completion and through the 90-day close out period. A staffing matrix would only be a guess at this time, this is why we are buying these services on a not to exceed fee basis.

Staff Response:

4. In an October 4, 2021 DCS communication to the Consultant, the following was stated: “Typically on a renovation project of this scale (construction cost \$4.2 million) we look to hire our CA’s at roughly 4% of the construction value. This would be for a full time CA. As this is part time, I cannot justify a full 4% but on the other hand, I can’t expect 2% since we need after hours oversight.” Please clarify if it is DCS Policy/Practice to inform a prospective contractor of what DCS will accept as a percentage of the construction cost vs. fees based on actual work required and how complex the project might be or not including other project requirements.

DCS Response: It is the Project Manager’s responsibility to negotiate fees as best serves the project and the State. The approach is at his/her discretion and is with the support of the Asst Director of Project Management.

Staff Response:

Staff received an email communication from DCS’ Kevin Kopetz stating “Good morning Dimple. Due to certain circumstances, DAS cannot move forward with the above-mentioned matter at this time and would like to withdraw it from SPRB’s review. We apologize for any inconvenience to you or the Board. Thank you.”

### **RECOMMENDATION:**

It is recommended that SPRB **return** Task Letter #1 for the Consultant in the amount of \$178,200, pursuant to the 2-16-2022 email from DCS.

## **7. OTHER BUSINESS**

PRB #22-025 – Update to DOT Project #88-160-7A, Public Bid QC Deed

At their April 4, 2022 Meeting, the SPRB approved this Proposal to convey this parcel of land to 414 Arch Street, LLC. Upon submission of the Quit Claim Deed to the Office of the Attorney General for final approval the QC Deed was returned to DOT to correct two scrivener's errors. DOT has requested SPRB approval to 'slip-sheet' the corrected page. The Board had no objection to slip-sheet as requested by DOT.

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

**PRB FILE #22-075** – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #22-075. The motion passed unanimously.

**PRB FILE #22-094** – Mr. Berger moved and Mr. Valengavich seconded a motion to approve PRB FILE #22-094. The motion passed unanimously.

**PRB FILE #22-089** – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #22-089. The motion passed unanimously.

## **9. NEXT MEETING – Monday, June 6, 2022.**

The meeting adjourned.

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