

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On June 5, 2023

– solely by means of electronic equipment - via telephone conference –

Pursuant to CGS §1-225a, the State Properties Review Board conducted its Regular Meeting at 9:30AM on June 5, 2023. Pursuant to the statute, this Meeting was held solely by means of electronic equipment, with Participants connecting via telephone conference at (860)-840-2075 and used passcode 284890492#.

The Notice provided designated this Regular Meeting as open to the public. Call in instruction were provided as: Dial toll free (860)-840-2075 and use passcode 284890492#. If you have any questions or need assistance to attend these Meetings, you can contact SPRB Director Dimple Desai at dimple.desai@ct.gov to make appropriate arrangements.

Members Present – solely by means of electronic equipment:

Edwin S. Greenberg, Chairman
Bruce Josephy, Vice Chairman
John P. Valengavich, Secretary
Jack Halpert
Jeffrey Berger
William Cianci

Members Absent:

Staff Present – solely by means of electronic equipment:

Dimple Desai
Thomas Jerram

Guests Present – solely by means of electronic equipment:

Jennifer Vigneault, DAS-CS

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 June 1, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB # 23-083
Origin/Client: DAS / DDS
Transaction/Contract Type: RE / Assignment of Space
Property: Hartford, Woodland St (61)
Project Purpose: DDS Relocation
Item Purpose: Assignment of Space Pursuant to CGS 4b-29

PROJECT BACKGROUND

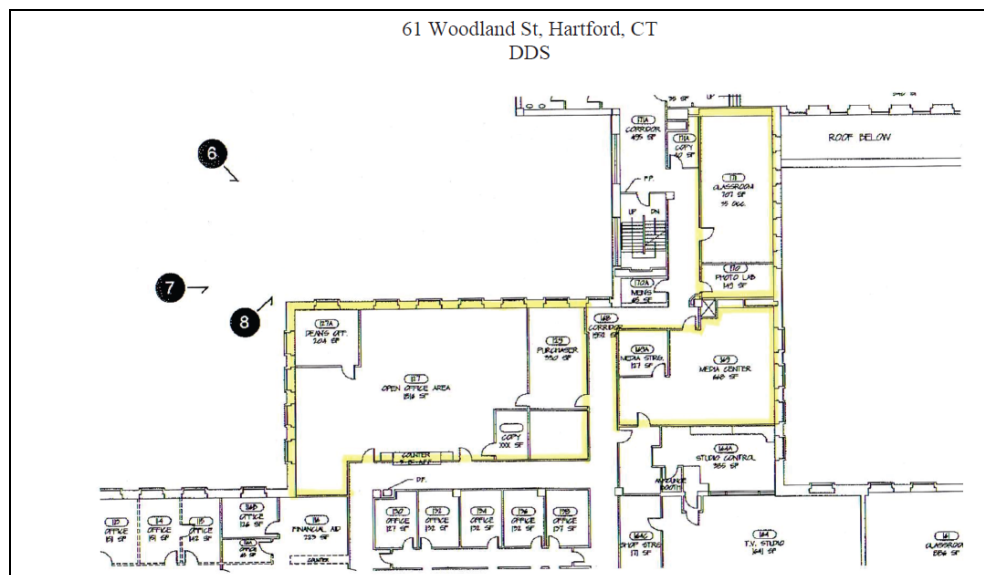
On August 4, 2010, DAS (f/k/a DPW) and the Department of Developmental Services (DDS) entered into a Memorandum of Understanding (MOU) for DDS to utilize 4,833 square feet of space located in the basement level of the building at 61 Woodland Street, Hartford. The space was provided at no cost to DDS and the MOU included a termination provision with 18 months advance written notice. This MOU was not reviewed by either OPM or SPRB.

Under this Proposal (PRB #23-083), DAS seeks SPRB approval, pursuant to CGS 4b-29, to assign 4,001 square feet of office space on the first floor of the building to the Department of Developmental Services (DDS).

DAS provided the following narrative in support of their request:

DAS has agreed to allow DDS to use and occupy 4,001 SF of office space in 61 Woodland St, Hartford. Enclosed is an MOU between DAS and DDS to clarify the term of use for this space. The following is a breakdown of the MOU terms:

- There is no cost to DDS for the use of this space. However, DDS shall reimburse DAS \$50.00 per hour for the use of the HVAC system outside of the business hours (7am-5:30pm) as set forth in Section 1.1 of the MOU.
- DDS shall use the space as office space
- DDS shall provide their own IT/Data and furniture as needed.
- The MOU can be terminated with a 180 day notice.



OPM has previously approved (5-11-2023) the location of staff pursuant to CGS 4-67g(f) “(f) Each state agency shall request and obtain the written approval of the secretary or his or her designee prior to any (1) change in ownership of state real property, (2) change in use of state real property, (3) use of state real property by an entity other than a state agency, or (4) use of state real

property by a state agency other than the state agency with custody and control over such state real property. For purposes of this subsection, “state agency” does not include a constituent unit of the state system of higher education, a technical high school or an agency in the legislative or judicial branch of state government.”

Staff inquired with DAS regarding the following:

1. Please identify how many DDS Staff are being assigned to this office space and where they are currently located.
DAS Response: DDS is already located there, there are 10 people, and they mostly telework, other than on-site mandatory training.
Staff Response: When did these people move to this location and can you provide 4b-29 approval paperwork.
DAS Response: Please find attached the MOU between DDS and DPW from 2010 from Marilyn and her notes below. She believes Tom Jerram and Bill Falletti worked on it. As we discussed this morning, I spoke with Paul Hinsch and seeking approvals from OPM and SPRB were not done during this time for state owned space between agencies. He and I later expanded that.
Staff Response: OK.
2. Please identify what costs, if any, are borne by DAS/DDS in assigning this space.
DAS Response: They are already there. There is no cost or preparation.
Staff Response: At some point during the past 12-13 years, DDS relocated from the basement-level space to the first floor space. OK
3. Please clarify the durational needs of this assignment of space, beyond the 180-day notice to terminate.
DAS Response: They are already there. Once the disposition of 61 Woodland is decided relocation for all agencies there will be determined.
Staff Response: OK.

RECOMMENDATION: Staff recommends that the Board approve this Proposal to assign 4,001 square feet of space to DDS on the first floor of 61 Woodland Street, Hartford.

- The relocation complies with CGS 4-67g(f) (OPM statutes); and
- The relocation complies with CGS 4b-29 (DAS statutes).

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER – NEW BUSINESS

PRB #	23-093
Origin/Client:	DAS/SCSU
Transaction/Contract Type:	AE / Task Letter
Project Number:	BI-RS-372
Contract:	OC-DCS-CA-0038
Consultant:	Arcadis U.S., Inc.
Property:	New Haven, Crescent St (501) – SCSU Academic Science & Lab
Project purpose:	Emergency Flood Repairs
Item Purpose:	Task Letter #2A

At 9:31 Ms. Vigneault, of DAS, joined the Meeting to participate in the Board's discussion of this Proposal. She left the Meeting at 9:49.

CONSULTANT FEE: \$147,605

Project Background

At its meeting held on January 14, 2010 the Board voted, under PRB #09-320, to approve BI-RS-283-ARC in the amount of \$7,606,746 to compensate the Consultant for design and construction administration in conjunction with the Project – a 103,608 Academic Science and Laboratory Building at Southern Connecticut State University in New Haven. (<https://www.youtube.com/watch?v=kSkgezEqcJs>)

On June 28, 2018, under PRB #18-084, the Board approved Amendment #1 to the Consultant's Contract compensate the Consultant an additional \$283,370, extending the construction duration to 809 days from the 637-day construction duration in the original Contract.

On August 2, 2010, the Board voted, under PRB #10-194, to approve BI-RS-283-OR in the amount of \$442,002 to compensate the Consultant for Owner's Representative services during the design and procurement phases (through GMP) for a new 3-story academic building to house classrooms, teaching laboratories, research laboratories and administrative offices for the departments of Biology, Chemistry, Environmental Sciences, Physics and the Center for Math and Science Education.

And, on July 15, 2013, the Board voted, under PRB #13-157, to approve BI-RS-283-CA in the amount of \$1,700,010 to compensate the Consultant - LiRo Program and Construction Management PE, P.C – for CA services during the construction phase of the Project. The contract was initially suspended as DCS considered revising the scope to an Owners' Representative Contract but DCS had decided to execute the Contract under the more comprehensive *Construction Administrator Scope* due to the complexities of the project (<https://www.liro.com/projects/ct-academic-science-and-laboratory-building>).

The \$49 million Project was constructed by FIP Construction and completed in 2015.

From DAS Form 1105:

Southern's Academic Science Building was constructed in 2015 by FIP construction with DCS project administration. Over the past weekend, 2/3/23 – 2/5/23, exterior temperatures dropped below 0 degrees. Although the facility was prepared for the cold conditions, interior interstitial spaces dropped below 32 degrees. Significant damage occurred caused by freezing water, sprinkler and HVAC pipes in the upper level new Science Building plenum space, enclosed pedestrian bridge between the Science Building and Jennings Hall and related water damage in Jennings Hall. Southern's initial reports placed up to 50 rooms in the new Academic Science Building and 25 rooms in Jennings Hall damaged.

The State Insurance Risk Division has been alerted to this incident. FM Global has visited the site, reviewed the damages to both the facility and equipment and provided recommendations that Southern can follow. A remediation contractor is currently on site removing areas of environmental concern and providing dehumidification. A separate contractor will be hired to complete repair work. Both vendors will start working on an hourly basis. Southern currently estimates the repair, restoration and equipment replacement work exceeding \$2,000,000.

On March 7, 2023, DAS retained Arcadis U.S., Inc. under Task Letter #2 to their on-call contract OC-DCS-CA-0038, to provide pre-construction and CA Services on this Project. Their negotiated fee was \$98,995 (NTE) and included the following Scope of Work:

The Academic Science Building and Jennings Hall at Southern Connecticut State University suffered leaks and flood damage during February 2023. The project requires construction administration services to oversee all work associated with the flood repairs at the aforementioned locations.

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

- Coordinate the remedial and restoration work with various vendors/contractors and FM Global.
- Manage project documentation.
- Manage correspondence and expenses associated with the work.
- Coordinate and attend meetings, as required, and take meeting minutes at each respective meeting.
- Oversee on-site work and review payment applications and change orders, as required.

Construction Administration Services Fee Matrix

Pre-construction Phase		Months (month #1 start from after the issuance of the commission letter)										Total Hours	Total Amount
Title	Hourly Rates	1	2	3	4	5	6	7	8	9	10		
Sr. Project Manager	\$185.00	2	2	2	2	1.5						9.5	\$ 1,757.50
Project Manager	\$150.00	40	40	40	40	10.5						170.5	\$ 25,575.00
Pre-construction subtotal													\$ 27,332.50
Construction Phase		Months (month #1 start from after the issuance of the commission letter)										Total Hours	Total Amount
Title	Hourly Rates	1	2	3	4	5	6	7	8	9	10		
Sr. Project Manager	\$185.00	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	22.5	\$ 4,162.50
Project Manager	\$150.00	45	45	45	45	45	45	45	45	45	45	450	\$ 67,500.00
Construction subtotal													\$ 71,662.50
Total CA Services													\$ 98,995.00

- CA Services were for 304 calendar days plus 90 days for close out.

Under this Proposal (PRB #23-093), DAS is now seeking Board approval of Task Letter #2A for the Consultant to provide extended construction administration services in conjunction with this Project. The fee for the proposed Consultant's services is \$147,605 (NTE).

DAS provided the following narrative in support of this request:

The original task letter was executed for a not-to-exceed amount \$98,995.00. The CA is performing the role of a construction administrator and a construction manager at the same time as they are managing different contractors on site hired through the trade labor contract. Due to this effort, the CA needs to spend more hours on the project. In addition, the contractors hired through the trade labor contract are not very familiar with the State construction process and associated paperwork, which puts an additional burden on the CA to ensure compliance. This effort required the CA to work full time on the project. We are projecting that the \$98,995 will be exhausted by end of May 2023. This supplemental task letter for another not-to-exceed \$147,605.00 is for continued CA services through the end of the project. We expect the construction to continue until the end of September and closeout period after that. Please note- Arcadis currently has a project manager available to cover the project until June based on his availability and will only have a Sr. PM available to serve the project after that due to staffing availabilities.

There is an open FM Global claim to cover the costs of the damage through the State's insurance policy. The costs for the construction administrator will be part of the insurance claim and the State will be looking to recoup the monies spent after the deductible and the State's contribution.

The Scope of Work includes:

Coordinate the remedial and restoration work with various vendors/contractors and FM Global.

- Manage project documentation.
- Manage correspondence and expenses associated with the work.

- Coordinate and attend meetings, as required, and take meeting minutes at each respective meeting.
- Oversee on-site work and review payment applications and change orders, as required.
- CA Services are unchanged at 304 calendar days plus 90 days for close out.

In a May 15, 2023 communication, the Consultant summarized their services under this proposed Task Letter #2A as follows:

Additional Scope

The scope of work has exceeded the expectations of the original intent. Arcadis's on site staff is working up to 12 hour days and some weekends to allow contractors access in the morning and ensuring safety of the buildings at the end of the day. The original intent was for this project not to involve a full-time person on site, but now requires that someone from Arcadis be on site whenever work is taking place. We have also brought in additional staff to assist our on-site representative. Additional time for our Senior Project Manager for solicitation of trades, tracking costs and all change orders, and supporting the onsite staff has also been needed. Please note that we will have expended all original hours planned to the project at the end of May. This add service only includes hours as show in the graph below under Additional Services and may not include enough for a full close out of the project. Also starting in June we will be working only 8 hours a day on site.

Based on this communication, it appears that the Fees (Pre-con/CA) approved under Task Letter #2 were projected on a part-time basis through January 2024. However, in light of the Consultant's expanded scope their part-time effort was expanded to a full-time effort consuming all approved Fees by the end of May approximately seven months ahead of schedule.

The Consultant's proposed fee is outlined in the following staffing matrix:

Additional Services

Title	Hourly Rates	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec			Total Hours	Total Amount
Sr. Project Manager	\$185.00				32	32	32	16	16					96	\$23,680.00
Project Manager	\$150.00				80									80	\$12,000.00
Sr. Project Manager	\$185.00				80	160	160	160	45					240	\$111,925.00
subtotal															\$147,605.00

In November 2022, SPRB approved Arcadis U.S., Inc. ("AUS") (PRB #22-166) as one of seven Firms under the latest *On-Call CA Series* of consultant contracts. These contracts have a maximum cumulative fee of \$1,000,000/contract and a common expiration date of February 28, 2025.

The Consultants' hourly rates approved under the latest on-call series were as follows:

Labor Category	Per hour
Project Executive	\$240.00
Project Manager	\$180.00
Assistant Project Manager	\$150.00
Plan Reviewer	\$185.00
Estimator	\$180.00
Schednler	\$180.00

Since the award of this contract AUS has been approved for the following tasks under this series:

• Task Letter #1	OSCG&R – per square foot analysis	\$70,860	(Informal)
• Task Letter #2	SCSU – Emergency Flood Repair	\$98,995	(Informal)
• Task Letter #2A	SCSU – Emergency Flood Repair	\$147,605	(#23-093 Pending)
	Total	\$169,855	

DAS confirmed funding is in place for this Task Letter #2A.

The construction budget and project budget for Task #2A was established at \$1,100,000 and \$2,050,000, respectively.

Task Letter #2 – AUS Basic Services Fee (Informal)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Pre-Design Phase	\$27,332.50				
Construction Administration-NTE (304 days + 90 day close out)	<u>\$71,662.50</u>				
TOTAL BASIC SERVICE FEE (Informal) (A)	\$98,995			\$1,250,000	7.9%
Extended and Expanded Construction Administration	<u>\$147,605</u>				
TOTAL BASIC FEE - #23-093 (A1)	\$147,605				
TOTAL BASIC SERVICE FEE (#23-093) (A) + (A1)	\$246,600			\$1,100,000	22.42%

Staff had following questions:

1. Please provide the Consultant’s initial Proposal presented for TL#2 and all subsequent invoices presented to DAS for the Consultant’s services provided under Task Letter #2 to the on-call Contract – OC-DCS-CA-0038.

DAS Response: Please find attached as requested.

Staff Response: The Proposal was reviewed and provided for two Staff (SR PM & PM), and DAS is responding to the issues of personnel tiles (not yet received).

2. At what point in this Project did DAS identify the Consultant’s efforts were exceeding the budgeted times allocated in Task Letter #2? And, how was the need for a Construction Manager to manage all of the Trades needed for this Project overlooked?

DAS Response: DAS was notified early May that the costs were projected to be exceeding the budgeted amount. Arcadis is hired as the construction administrator and due to the urgency of the project, the contractors were hired through the State Trade Labor contracts through different packages. We had to act quick to remediate the mold before it gets out of control and had to work overtime and weekends to get this taken care of, and restore the building for the school to make use of. Since there is no General Contractor or a Construction Administrator to manage the different trades, Arcadis needed to manage all sub-contractors. In addition, the trade labor contractors hired also needed a lot of “hand-holding” to get the work installed correctly. This also contributed to the increased burn-rate.

Staff Response: How many different Contractors had difficulty installing their work correctly?

3. Under Task Letter #2 (3/7/23), the Consultant provided two Staff (SR PM & PM) during pre-construction phase and two additional Staff were provided for the CA phase. The first five months of pre-construction and CA were overlapping. Please clarify the following:

a) In the most recent Contract – OC-DCS-CA-0038 – there is no Senior Project Manager title. Please reconcile the job titles/hourly rates included in the staffing matrix with the job titles/hourly rates in the on-call contract utilized in Task Letter #2.

DAS Response:

Staff Response: Awaiting a response to this issue.

b) This should be addressed for this proposed Task Letter #2A.

DAS Response: We will revise this accordingly in the re-submission.

Staff Response: OK

4.If the Consultant committed Staff for 45 hours/month during the CA Phase through the end of the Project in January 2024 in Task Letter #2, why is DAS now releasing the Consultant from that commitment and substituting with a Staff with a different job title at a higher hourly rate in this Task Letter #2A?

DAS Response: The staff projections identified in TL#2 was based on the projections from before we went out to procure the contractors for the project. Also, the work was performed on a T&M basis. As mentioned earlier, significant effort was required during pre-construction and construction to keep the project moving forward and to get the university to make use of the spaces at the earliest available date. The substitution of the staff was because the Ron Rickey is no longer available after June and they only have a Sr. PM available.

Staff Response: Just because a PM was not available, why should state pay for Sr. PM? The Consultant is required to honor the rates and personnel per the original TL #2. Pl revise the rate as approved under TL #2.

RECOMMENDATION:

It is recommended that SPRB suspend Task Letter #2A in the amount of \$147,605 (NTE) pending response from DAS.

- DCS confirmed \$147,605 is available for the Task Letter.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #23-083 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #23-083. The motion passed unanimously.

PRB FILE #23-093 – Mr. Halpert moved and Mr. Valengavich seconded a motion to suspend PRB FILE #23-093. The motion passed unanimously.

9. NEXT MEETING – Thursday, June 8, 2023 – will be held solely by means of electronic equipment.

The meeting adjourned.

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