

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On November 20, 2023

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

Pursuant to CGS §1-225a, the State Properties Review Board conducted a Regular Meeting at 9:30AM on November 20, 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](mailto:dimple.desai@ct.gov) to make appropriate arrangements.

#### **Members Present – solely by means of electronic equipment:**

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

#### **Members Absent:**

#### **Staff Present – solely by means of electronic equipment:**

Dimple Desai  
Thomas Jerram

#### **Guests Present – solely by means of electronic equipment:**

Shane Mallory, DAS Leasing  
Tom Pysh, DAS  
David Barkin, DAS-CS  
Brian Dillon, JUD  
Bruce Cranstoun, DESPP  
Jenna Padula, 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 November 16, 2023 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

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

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 9:35. The motion passed unanimously. Mssrs. Mallory and Pysh were invited

into the Session to participate in the Board's review of Proposal under PRB #23-183, 23-186 and 23-187.

**EXECUTIVE SESSION**

***PRB #:*** 23-183  
***Transaction/Contract Type:*** RE / Lease  
***Origin/Client:*** DAS / DPH

**Statutory Disclosure Exemptions: 1-210(b)(24)**

The Board remained in Executive Session to discuss three Proposals under Real Estate – New Business.

**4. REAL ESTATE – NEW BUSINESS**

***PRB #:*** 23-186  
***Transaction/Contract Type:*** RE / Lease  
***Origin/Client:*** DAS / ADS

**Statutory Disclosure Exemptions: 1-210(b)(24)**

***PRB #:*** 23-187  
***Transaction/Contract Type:*** RE / Amendment  
***Origin/Client:*** DAS / DSS

**Statutory Disclosure Exemptions: 1-210(b)(24)**

Upon completion of the Board's review of these Proposals, Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 10:41. The motion passed unanimously.

**OPEN SESSION**

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 11:30. The motion passed unanimously.

***PRB #:*** 23-207-A  
***Transaction/Contract Type:*** AG / PDR  
***Origin/Client:*** DoAG/DoAG

**Statutory Disclosure Exemptions: 1-200(6) & 1-210(b)(7)**

Upon completion of the Board's review of this Proposal, Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 11:42. The motion passed unanimously.

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

***PRB #*** 19-114  
***Origin/Client:*** DAS/JUD  
***Transaction/Contract Type:*** AE / DBCA Services Contract  
***Project Number:*** BI-JD-239  
***Contract:*** BI- JD-239-DBCA  
***Consultant:*** Kallman, McKinnell & Wood, Architects, Inc.  
***Property:*** Torrington, Field St (59) – Litchfield Courthouse

**Project purpose:** DBCA Services for new Courthouse  
**Item Purpose:** Amendment # 1

PROPOSED AMOUNT: ~~\$164,165~~ \$106,568.64.

At its meeting held on June 20, 2019, the State Properties Review Board voted to suspend this item pending clarification of the following issues:

- The SPRB Contract Memo budget submitted differs from the original B100. Please provide executed revised B1105 with current dollar amounts for various line items.
- Was public art in lobbies and galleries part of the original project? If no, why not?
- When did DCS find out that the Public Art is required for this project?
- Was public art in lobbies and galleries part of the original DBCA contract? If no, why not?
- What modifications are planned to existing corridor on the 4<sup>th</sup> floor to create a Gallery for Public Art?
  - What is the estimated cost of these modifications?
  - Will there be an amendment to the D-B contract for this work?
  - If yes, what is the source of funds?
  - If no, how will this work be procured?
- Pl provide backup documentation justifying the negotiated monthly fee of \$13,760. The backup should include staffing/fee matrix associated with various tasks.
- Provide staffing/fee matrix for \$26,475 (Art related tasks) and also identify sub-consultants, their fees including markups

On Monday, October 30, 2023, DAS has resubmitted a revised Amendment #1 to the contract with the following narrative:

The original projected substantial completion date was April 11, 2016. A number of items adversely impacted the schedule in the contract amendment approval process with the design builder KBE. The broad effect on the schedule was that Substantial Completion was granted on February 6, 2017, an actual ten (10) month impact. The DBCA was present for all the biweekly site visits, attendance at project meetings, attending special design meetings regarding interior wall finish requirements in the main lobby and courtroom corridors, and finishing all other construction administration duties.

Whereas the DBCA's monthly fee per contract was eighteen (18) equal installments of \$24,602.00, DAS negotiated a monthly fee equal to \$8,600.00 for that extended ten (10) month period. This portion of the total amendment fee would be equal to Eighty-Six Thousand Dollars (\$86,000.00).

The second part of the DBCA's Amendment One is the assistance with the development of a Gallery for Public Art on the fourth level of the building. The existing corridor, which serves the Jury Assembly and Law Library spaces, was identified as a place to exhibit the public art as purchased through the Department of Economic and Community Development 1% Art program. The fourth floor is a corridor that required spatial definition, exhibit surfaces, and appropriate lighting. The previous PM with Judicial Facilities and DECD wanted to utilize KMW's extensive experience in the design of public art spaces with requisite lighting systems. KMW and the previous PM scoped an appropriate level of services in transforming the 4th floor corridor into a space for the presenting and viewing of the public art pieces that will be procured for the courthouse.

The fee negotiated with KMW on the art gallery development is Twenty Thousand Five Hundred Sixty-Eight Dollars and Fifty-Four Cents (\$20,568.54). The fee amount includes sub-consultant fees. The design work has been completed; however, the actual designed work was not completed. These design fees are due and owing to the consultant.

The sum of both parts comprising Amendment One is equal to One Hundred Six Thousand Five Hundred Sixty-Eight Dollars and Fifty-Four Cents (\$106,568.54). This fee is lower than the previously suspended requested amendment from 2019. This fee has been negotiated down and agreed to by all parties based on the project's ability to pay. The original amendment was for a total of \$164,165.00. The revised amount of \$106,568.54 is all the money left in the project.

The overall budget as included here in this document, which reflects the Design-Build Agreement approval memorandum to the State Properties Review Board on July 8, 2014, is \$81,445,700.00. The extreme care in managing the available funding has allowed the project to be completed without any further requirement for additional bond funds. This Contract Amendment One for the DBCA Architect will be paid from the current balance of funds remaining in the project.

With respect to the first part of this revised Proposal under PRB #19-114, DAS seeks approval of an additional \$86,000 to compensate the Consultant for a Time Extension of 10 months beyond the original 18 month Contract. This fee was reduced from the initial request of \$137,960 in 2019.

It should be noted that on November 13, 2018, the Board approved PRB #18-208 (Amendment # 1 to DB Contract with KBE). At that time DAS provided additional information to justify time extension (10 months) payment to KBE as the previous file - PRB 17-320 – seeking approval of payment for a time extension was rejected at its meeting on May 20, 2018.

With respect to the second part of this revised Proposal under PRB #19-114, DAS seeks approval of an additional \$20,568.54 to compensate the Consultant for the design of the public art space that has already been completed, but not implemented. This fee was reduced from the initial request of \$26,475 in 2019.

1. Overall status of the art work (for all included floors) and related tasks, including design fees, art costs, etc.
2. DAS-CS and the Judicial Branch to review the status of the outstanding claims as it relates to HVAC and other items discussed at the meeting
3. DAS-CS and the Judicial Branch to resolve the budgetary/funding issue with respect to this Proposal and outstanding claims as discussed at the meeting
4. Criteria Architect's roles and responsibilities as it relates to the claims that Judicial is working on
5. Please provide the proposal from the Architect for this work for which reimbursement is sought

Please clarify the following items from the June 20, 2019 action memo:

- The SPRB Contract Memo budget submitted differs from the original B100. Please provide executed revised B1105 with current dollar amounts for various line items.
- Was public art in lobbies and galleries part of the original project? If no, why not?
- When did DCS find out that the Public Art is required for this project?
- Was public art in lobbies and galleries part of the original DBCA contract? If no, why not?
- What modifications are planned to existing corridor on the 4th floor to create a Gallery for

Public Art?

- What is the estimated cost of these modifications?
- Will there be an amendment to the D-B contract for this work?
- If yes, what is the source of funds?
- If no, how will this work be procured?
- Pl provide backup documentation justifying the negotiated monthly fee of \$13,760. The backup should include staffing/fee matrix associated with various tasks.
- Provide staffing/fee matrix for \$26,475 (Art related tasks) and also identify sub-consultants, their fees including markups

**RECOMMENDATION:** Staff recommend suspension of Amendment #1 to the DBCA Contract in the amount of \$106,568.54, pending response from DAS-CS.

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PROPOSED AMOUNT: \$164,165

CONTRACT AMENDMENT #1 – The Department of Construction Services (“DCS”) has submitted to the Board Contact Amendment #1 which is intended to compensate the Consultant, Kallman, McKinnell & Wood, Architects, Inc. (dba KMW Architecture) (“KMW”) for additional Design-Build Construction Administration (“DBCA”) services. The submittal provided by DCS breaks down Amendment #1 into two (2) different project components which are described as follows:

1. DCS reported the substantial completion date for construction of the Litchfield Courthouse was April 11, 2016, but was extended by 10-months to February 6, 2017, due to the following owner-responsible issues:
  - a. Storm water reconstruction;
  - b. Ground water remediation and discharge;
  - c. Eversource Agreement for natural gas supply; and
  - d. Stone finishings in the court lobby and corridors

DCS reports that during the 10-month extension, the DBCA was present for all the bi-weekly site visits, attendance at project meetings, attending special design meetings regarding interior wall finish requirements in the main lobby and courtroom corridors, and finishing all other construction administration duties.

DCS stated the original contract was for 18 months and the DBCA’s monthly payment was \$24,602/month.

In this Amendment #1, DCS is seeking approval to compensate the DBCA for additional fees due to the 10-month extension. DCS negotiated a reduced monthly consultant fee of \$13,769, or a total of totaling \$137,960.

2. Included in the second part of Amendment #1, DCS is seeking Board Approval to expand the scope of services provided by the DBCA in transforming the fourth floor corridor into a space for the presenting and viewing of the public art pieces that will be procured for the courthouse pursuant to CGS §4b-53. The existing corridor serves the Jury Assembly and Law Library spaces and has been identified by DCS and JUD as a place to locate a Gallery for Public Art.

DCS is seeking Board approval for the increased fee of \$26,475 to compensate the Consultant for the design of the public art space and state the work will be complete within six (6) months.

Staff have requested clarification of the following issues:

1. The SPRB Contract Memo budget submitted differs from the original B100. Please provide executed revised B1105 with current dollar amounts for various line items.
2. Was public art in lobbies and galleries part of the original project? If no, why not?
3. When did DCS find out that the Public Art is required for this project?
4. Was public art in lobbies and galleries part of the original DBCA contract? If no, why not?
5. What modifications are planned to existing corridor on the 4<sup>th</sup> floor to create a Gallery for Public Art?
  - a. What is the estimated cost of these modifications?
  - b. Will there be an amendment to the D-B contract for this work?
  - c. If yes, what is the source of funds?
  - d. If no, how will this work be procured?
6. Pl provide backup documentation justifying the negotiated monthly fee of \$13,760. The backup should include staffing/fee matrix associated with various tasks.
7. Provide staffing/fee matrix for \$26,475 (Art related tasks) and also identify sub-consultants, their fees including markups

**RECOMMENDATION:** It is recommended to SUSPEND the file until further clarification is received from DCS on the questions raised by the staff and Board.

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FROM PRB #12-216

PROJECT BRIEF– In general the project involves the required architectural and engineering services utilizing the Design/Build Delivery Method for the construction of the new Litchfield Judicial District Courthouse in Torrington. The project will include the construction of a new courthouse that is estimated to comprise 117,000 GSF in addition to the renovation of an existing 43,000 GSF two-story office building. The project shall be designed and constructed to receive a LEED Silver rating and meet the State of Connecticut High Performance Building Guidelines. The overall project and construction budgets are \$65,046,400 and \$52,270,000 respectively.

In March 2009 the Department of Public Works now known as the Department of Construction Services (“DCS”) issued a Request for Qualifications (RFQ) for *Design Build Criteria Architect Consultant Teams* related to the *New Litchfield County Courthouse*. DCS elicited six (6) responses to the advertisement and after completion of the internal review process interviewed three firms. The firms were as follows; Kallman, McKinnell & Wood Architects, Inc., Tecton Architects, Inc. and Perkins Eastman Architects P.C. The State Selection Panel consisted of 5 members and interviewed each firm for evaluation purposes based upon an established weighted ranking system. At the conclusion of the process DCS identified Kallman, McKinnell & Wood Architects, Inc., (“KMW”) as the most qualified firm.

This contract is for *Design Build Criteria Architect Consultant Services* for the development of the *D-B Criteria, Project Design Oversight and Construction Observation*. The total compensation rate for this project is \$991,186. The overall contract can be segregated with basic services and special services accounting for 891,910 and 99,276 respectively. Whereas the basic service fee is equivalent to 1.71% of the construction budget.

This contract was subsequently approved by Commissioner Curtis in April 2009 but not executed by DPW due to internal funding issues and discussions on the viability of the project for

Torrington. These issues have all been resolved and DCS has submitted updated proposals by KMW and their consultants to reflect the current requirements for the project, staffing and 2012 fee schedule.

DCS has confirmed for SPRB that funding is available for this contract.

**FEE** – The costs of basic and special services are as follows:

|   | <u>COST (\$)</u><br><u>(BASIC)</u> | <u>COST (\$)</u><br><u>(SPECIAL)</u> | <u>C. Budget</u><br><u>(\$)</u> | <u>(%) Budget</u> |
|---|------------------------------------|--------------------------------------|---------------------------------|-------------------|
| KMW Fee for Basic Services:                       |                                    |                                      |                                 |                   |
| Phase I – Programming and RFP Develop.            | \$121,106                          |                                      |                                 |                   |
| Phase II – Project Design Oversight               | \$116,162                          |                                      |                                 |                   |
| Phase III – Construction Observation              | \$254,012                          |                                      |                                 |                   |
| KMW Fee for Basic Services                        | \$491,280                          |                                      |                                 |                   |
| Cosentini Associates – CxA & MEP                  | \$220,700                          | \$99,276                             |                                 |                   |
| VHB Inc. – Site Civil Engineering                 | \$35,430                           |                                      |                                 |                   |
| DiBlasi Assoc. – Structural Engineering           | \$116,500                          |                                      |                                 |                   |
| Chris Laux – Independent Code Review              | <u>+\$28,000</u>                   |                                      |                                 |                   |
| <b>TOTAL BASIC SERVICES(A)</b>                    | \$891,910                          |                                      | \$52,270,000                    | 1.71%             |
| <b>TOTAL SPECIAL SERVICES(B)</b>                  |                                    | \$99,276                             |                                 |                   |
| <b>TOTAL PROJECT FEE ( PRB #12-216) (A) + (B)</b> |                                    | \$991,186                            | \$52,270,000                    | 1.88%             |

The submittal conforms to State statute and/or DCS policy as follows:

- The RFQ posted March 2009 elicited six responses. The Selection Panel interviewed three firms and the selection of KMW was approved by Commissioner Curtis on 4/27/09.
- KMW was established in 1962 and is located in Boston Massachusetts. The firm has 10± architects and construction related professionals.
- Poole Professional Ltd. reported that over the past 5 years KMW has not been exposed to any general liability or professional liability claims.
- The submittal is accompanied by a Consulting Agreement Affidavit notarized on 8/16/2012.
- KMW is a licensed Architecture Corporation in the State of Connecticut. (ARC.0000283)

**RECOMMENDATION:** It is recommended that SPRB approve this contract as all the required documents have been submitted by DCS and the basic service fee of \$891,910 amounts to 1.71% of the construction budget which is well within the consistent guideline rate of 2 to 3% that has been established for similar DBCA contracts.

## 6. ARCHITECT-ENGINEER - NEW BUSINESS

### 7. VOTES ON PRB FILE:

**PRB FILE #23-183** – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #23-183. The motion passed unanimously.

**PRB FILE #23-186** – Mr. Berger moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-186. The motion passed unanimously.

**PRB FILE #23-187** – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-187. The motion passed unanimously.

**PRB FILE #23-207-A** – Mr. Valengavich moved and Mr. Berger seconded a motion to suspend PRB FILE #23-207-A, pending a site inspection of the Farm. The motion passed unanimously.

**PRB FILE #19-114** – Mr. Halpert moved and Mr. Berger seconded a motion to suspend PRB FILE #19-114, pending response to issues raised by the Board. The motion passed unanimously.

8. **NEXT MEETING** – Wednesday, November 22, 2023 – will be held solely by means of electronic equipment.

The meeting adjourned.

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