

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On November 22, 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 22, 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:

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 Leasing
David Barkin, DAS-CS
Jenna Padula, DAS CS
Rahul Abraham, DAS CS
Rebecca Tamborra, DAS CS
David Barkin, 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 20, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Board Members were informed that a site inspection was confirmed for November 28, 2023 at 10:30 for a proposal being reviewed under PRB #23-207-A.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 10:22. The motion passed unanimously. Mssrs. Mallory and Pysh were invited into the Session to participate in the Board's review of this Proposal.

EXECUTIVE SESSION

PRB #: 23-195
Transaction/Contract Type: RE / Purchase & Sale Agreement
Origin/Client: DAS / DAS

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

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 12:07. The motion passed unanimously.

OPEN SESSION

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

PRB # 23-197
Origin/Client: DAS/SCSU
Transaction/Contract Type: AE / Amendment
Project Number: CF-RS-337
Contract: CF-RS-337-CA
Consultant: Jacobs Project Management Co.
Property: New Haven, Crescent St (501) - SCSU
Project purpose: New Business School
Item Purpose: Amendment #1

PROPOSED AMOUNT: \$115,624

Project Background

Located on the corner of Wintergreen & Farnham this 60,000 sq ft facility is a CTHPB/NZE building with geothermal energy and an enhanced building envelope. Scope of work included demolition, concrete, structural steel, sitework & utilities, site electric, geothermal wells, site concrete, masonry, misc. metals, millwork, waterproofing, ACM metal panels, roofing, fireproofing, doors/frames/hardware, folding glass door, curtain wall & exterior storefront, interior storefront & glazing, drywall, general trades, tile, acoustical ceilings, carpet & resilient flooring, epoxy flooring, painting, specialties, signage, fixed seating, window treatment & projector screens, elevator, fire protection, plumbing, HVAC, electric, fire alarm, landscaping & hardscaping, and fencing.

At the June 28, 2018 SPRB Meeting, the Board approved under PRB #18-101, the Consultant's Contract (CF-RS-337-CA) - New Business School Instructional Facility - Project at Southern Connecticut State University in New Haven, CT. The overall compensation rate approved for this basic

service was \$1,965,634 with an additional \$314,714 for special services, for a total fee of \$2,280,348. Construction Phase Services were 660 days (600 days +10%) plus 120 days for Close Out.

3-15-2019 - CF-RS-337-CMR was awarded to Shawmut Woodworking & Supply, Inc. d/b/a Shawmut Design and Construction.

5-24-2021 - Notice of WAO order to proceed

7-1-2021 – GMP Amendment - \$33,048,017 Guaranteed Maximum Price.

1-14-2023 – Date of Substantial Completion per GMP Amendment.

4-14-2023 – Date of Acceptance per GMP Amendment

\$6,261/day – Liquidated Damages for each calendar day beyond Substantial Completion

Under this proposal (PRB #23-197), DAS is now seeking Board approval of Amendment #1 to the CA Consultant Contract to compensate the CA an additional \$115,624 for additional CA Services to extend the duration of construction from 660 calendar days to 738 calendar days, extending CA Services beginning on March 15, 2023 and ending on May 31, 2023, an increase of 78 days.

DAS provided the following narrative in support of this request:

The Amendment is required to extend the duration of construction from 660 calendar days to 738 calendar days. The CMR had issues where their sub-contractors (2 companies) were non-performing/going out of business. This caused the CMR to call the bonds for the two companies and get another contractor through the bonding company's assistance to get the project complete. In addition, there were additional owner requested changes that also caused a schedule impact on the project. These caused a delay to the project beyond the time allocated for construction phase time in the CA contract. Hence requesting for the extension of time till the end of May 2023. We are expecting to achieve substantial completion by May 31, 2023. Due to the university's need to occupy the building at the end of May, Jacobs has been supporting the project throughout. DAS had been working with Jacobs in negotiating the amendment since March and finalized the proposal in May resulting in the delayed submission to SPRB.

The overall construction and total project budget are \$36,459,297 and \$52,476,933 respectively. DAS-CS confirmed funding is available.

Jacobs Project Management Basic Fees (PRB #18-101)	<u>COST (\$) (BASIC)</u>	<u>COST (\$) (SPECIAL)</u>	<u>TOTAL COST</u>	<u>C. Budget (\$)</u>	<u>(%) Budget</u>
Pre-Design Phase	\$89,932				
Schematic Design Phase	\$143,718				
Design Development Phase	\$149,357				
Contract Document Phase	\$243,956				
Procurement Phase	\$103,473				
Construction	\$1,062,523				
Project Closeout and Record Drawings	\$59,029				
Acceptance of Certification of final application of payment	\$59,029				
Post Occupancy NZE Monitoring & Verification	\$54,617				
TOTAL BASIC SERVICE FEE (#18-101) (A)	\$1,965,634			\$33,510,000	5.87%
AMENDMENT#1 PRB FILE #23-197 – Basic Services					
Extended CA Services	<u>\$115,624</u>				
TOTAL BASIC SERVICES #23-197 (A1)	\$2,081,258			\$36,459,297	5.71%
SPECIAL SERVICES:					
Move Management		\$146,431			
Commissioning		<u>\$168,283</u>			
TOTAL SPECIAL SERVICES(B)		\$314,714			
TOTAL FEE (PRB #23-197) (A) + (A1) + (B)			\$2,395,972	\$36,459,297	6.57%

The Consultant provided the following support in their communication to DAS-CS:

Jacobs worked closely with CT DAS, SCSU, the A/E and CMR to proactively manage schedule risk, including development and implementation of an early phase (work authorization order), night and weekend work to avoid campus impacts for electrical and communications tie-ins, incorporation of High Temperature Hot Water line across the project site (summer 2022), and working through COVID-19 logistics, cost escalation, and supply chain challenges. Despite our team's dedicated efforts to manage the CMR's schedule performance, their most recent schedule update (DD 4/30/23) projects a Substantial Completion date of May 19, 2023.

Proposed Construction Phase Extension					
Actual Construction Start Date	5/24/2021				
CMR Baseline Substantial Completion	1/13/2023	600 days per CMR contract			
CA Services Contract Construction Phase Finish	3/14/2023	Additional 60 days (10%) per CA contract			
	660 Days - CA Contract Construction Phase Duration				
CMR Current Schedule Substantial Completion Date	5/19/2023				
CA Proposed Extension of Construction Phase Staffing	5/31/2023				
Duration (days)	738 Days - Estimated CA Construction Phase Duration				
Difference:	78 Days				
Hours					
Role / Name	Rate	Mar	Apr	May	Amount
Senior Project Manager (David Semnoski, P.E.)	\$199.00	12	20	20	\$10,348.00
Field Manager (Christopher Daur, P.E., LEED AP)	\$197.00	96	165	165	\$83,922.00
Assistant Project Manager (Andrew Lescoe)	\$129.00	24	40	40	\$13,416.00
Senior Scheduler (Sri Sri Srinivas, P.E.)	\$189.00	10	16	16	\$7,938.00
Proposed CA Services Construction Phase Extension: \$115,624.00					

Staff have requested clarification of the following issues:

1. If the CA Phase services are complete as of 5-31-2023 and closeout services are an additional 120 days, to 9-28-2023, please update SPRB on status of the Project.

DAS-CS Response: Project #BI-RS-337 is complete. There are a few minor punch list items remaining.

Staff Response: OK

2. Please confirm the Project Budget. In the DAS-CS Memo (pgs 1 & 2) to SPRB is was stated at \$35,875,731, and on pg 4 it states \$36,459,297.

DAS-CS Response: At the time of drafting the SPRB memo, the construction contract amount was \$35,875,731.00. Please note that this number changes throughout the construction phase until closeout. DAS/REC has uploaded to the SPRB SharePoint site a revised budget spreadsheet.

- a) Please confirm the Project Budget.

DAS-CS Response: The project budget is \$52,476,933.00.

Staff Response: The original \$36,459,297 Construction Budget is now revised to \$36,244,313. The Project Budget remained unchanged at \$52,476,933. OK

- b) Please reconcile the Project Budget with the actual GMP at \$33,048,017

DAS-CS Response: DAS/REC has uploaded to the SPRB SharePoint site the revised budget spreadsheet. Budget item #3.0 shows the current construction cost (GMP + change orders) for the project.

Staff Response: Change orders totaling \$2,949,085 increased the original GMP from \$33,048,017 to \$35,997,102. OK

3. Identify what impacts the two non-performing sub-contractors had on the project – in terms of schedule and cost. How long did it take to resolve the bond issue (provide a timeline)?

DAS-CS Response: DAS/REC has uploaded to the SPRB SharePoint site change order # 252.

Staff Response: DAS-REC provided a Contemporaneous Period Analysis (CPA) detailing all delays. The interior glazing accounted for 22-day delay and the HVAC accounted for 33-day delay. OK

11. **Delay Event I: Subcontractor Defaults**

Revision 1 Clarification: Analysis of this delay has not been revised as noted in §1 and §2 and is effectively dated May 24, 2023. The conclusion remains accurate.

On March 17, 2023, work on interior glazing, exterior glazing, and curtain walls was suspended due to the SDC subcontractor responsible for this scope, J&G Glass, defaulting on and abandoning the project. An alternate subcontractor, Cherry Hill Glass, was coordinated with to complete the work associated with this default, and work resumed on April 10, 2023.

On April 20, 2023, work on HVAC and plumbing was suspended due to the SDC subcontractor responsible for this scope, Eastern Energy Services, defaulting on and abandoning the project. On May 23, 2023, Ferguson Mechanical resumed this scope.

4. Please identify the following as it relates to the owner-requested changes:

- a. When were the changes requested? Please list the changes

DAS-CS Response: DAS/REC has uploaded to the SPRB SharePoint site change order # 252.

Staff Response: Items 2-8 were owner-requested changes leading to delays. OK

No	Event	Reason for Delay	Start	Finish	Duration
	Baseline	Contract - Baseline duration & contract dates	5/24/2021	1/14/2023	600
1	Delay Event A	Wood Paneling Fab	12/3/2022	12/16/2022	14
2	Delay Event D	Keying Schedule	10/7/2022	10/13/2022	7
3	Delay Event C	PR-56 & PR-62 - Changes to Door types but then door hardware	10/14/2022	10/25/2022	12
4	Delay Event B	Shop drawings for AV installation & AV Installation by others	11/15/2022	1/10/2023	57
5	Delay Event E	PR-89 - Silicone Glass Joints	1/15/2023	5/4/2023	110
6	Delay Event F	PR-90 - Drinking Fountain Cane Detectors	1/14/2023	5/31/2023	62
7	Delay Event G	PR-84 - Interior Glass thickness & Film	1/15/2023	5/24/2023	130
8	Delay Event H	Owner Configuration of F/A Network/Tie-in at Campus Police Station	3/31/2023	5/11/2023	42
9	Delay Event I	Subcontractor Defaults	4/7/2023	5/22/2023	46
10	Concurrent	Concurrent SDC Delays - Subcontractor Performance			Concurrent
			Total		138

b. What was the dollar value of the changes requested?

DAS-CS Response: DAS/REC has uploaded to the SPRB SharePoint site change order # 252.

Staff Response: DAS-REC does not specify dollar value for each change.

c. What was the estimated duration for these changes?

DAS-CS Response: DAS/REC has uploaded to the SPRB SharePoint site change order # 252.

Staff Response: See above. OK

d. What was the ultimate impact on the overall schedule?

DAS-CS Response: DAS/REC has uploaded to the SPRB SharePoint site change order # 252.

Staff Response: 138 days. Non-compensable. OK

To General Contractor:	Contract Number:	003
Shawmut Woodworking & Supply, Inc.	Change Order Number:	00252
116 Washington Avenue		
No. Haven, CT 06473		

In accordance with the requirements of Article 13 of the General Conditions, the Contractor is authorized (directed) to make the following change(s) to the Contract:

PCO	Item #	Description	Amount
00188 - COP 188 - Time Extension - 2/3/23		COP 188 - Time Extension - 2/3/23	\$0.00
		By signing this change order Shawmut Woodworking & Supply, Inc. waives its rights to file a claim for any additional costs related to this time extension.	
		The original Contract Sum was	\$33,048,017.00
		Net Change by previously authorized Change Orders	\$2,949,085.00
		The Contract Value prior to this Subcontract Change Order was	\$35,997,102.00
		Amount of this Change Order	\$0.00
		The new Contract Sum including this Change Order will be	\$35,997,102.00
		The Contract time will be changed by	138 Days
		The date of Substantial Completion as of the date of this Change Order therefore is	6/1/2023
		Note: This summary does not reflect changes in the Contract, Sum, or Contract Time authorized by the Construction Change Directive.	

5. The Consultant's correspondence stated they incorporated a HTHW line across the Project Site in 2022. Please clarify if this was a portion of the HTHW discussed during the Board's review of PRB 23-177 (T1 CF-RS-373) and PRB 23-178 (T8 CF-RS-373).

DAS-CS Response: No, this is not the portion of the HTHW line discussed during the Board's review of PRB 23-177 and PRB 23-178.

Staff Response: OK

RECOMMENDATION: Staff recommend suspension of Amendment #1 in the amount of \$115,624 to provide expanded CA Services for the Project, pending response from DAS-CS.

- CSCU has confirmed for that funding is available for this Amendment.

- The submittal is accompanied by a Campaign Contribution Affidavit notarized on 6/05/23.

From PRB #18-101

PROJECT BRIEF– In general this project provides for the design and construction of a 52,000 GSF bulding to house the entire Business School. The Master Plan had recommended an 80,000 GSF facility. Due to budget constraints, and to utilize funds being redirected from the proposed Fine Arts facility the university has decided to reduce the size of this facility to 52,000 GSF. Currently the Business School is housed in the front 3 stories of what was the old student center.

A total of 31,200 SF will be allocated to five departments: Accounting, Economics & Finance, Management & Management of Information Systems, and Marketing and MBA Business Administration. General purpose classrooms, specialty classrooms and seminar rooms will also be included along with common lobby, study and computer lab space. Department space will include offices for faculty, advising and support staff. The proposed site is the existing temporary building TE-6 on the corner of Farnham and Wintergreen Avenue. This site is close to the Wintergreen Garage and avoids the need to build new parking facilities. The building development density is based on a 4 story building which includes daylight lower level. The parking lot behind Granoff would remain and will provide proximate ADA spaces and visitor parking.

The design share pursue net zero energy (NZE) consumption through the use of active and passive systems and methods to achieve net zero energy consumption.

This project will be constructed using the Construction Manager at Risk (CMR) process and will be administered by the CT DCS. As part of the initial project scope, the overall construction and total project budget have been established at **\$33,510,000** and **\$52,476,933** respectively.

On January 23, 2017, a RFQ was issued for the Construction Administration Services. On March 29, 2017, members of the State Construction Services QBS Selection Panel met to interview and select a consultant for this contract. They created a certified list of 3 most highly qualified firms. These firms are as follows: Jacobs Project Management Co., Rocky Hill; Strategic Building Solutions, LLC, Madison; and Turner Construction Company, Shelton. At the conclusion of the process, DCS had ranked Jacobs Project Management Co. of Rocky Hill as number 1.

This contract is for *Architect* for the completion of the Business School Instructional Facility project from the schematic design phase through the construction document phase, bidding and construction administration (if funds are allocated for construction). The overall compensation rate for this basic service is \$3,016,000.00 with an additional \$514,600.00 for additional special services. As such the total project fee is \$3,530,600. The special services detailed in the project scope include programming, PV Array Structural Design, Survey, Geotechnical Engineering, Fire Modeling and Furniture Design.

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

Jacobs fees (PRB #18-101)	<u>COST (\$) (BASIC)</u>	<u>COST (\$) (SPECIAL)</u>	<u>C. Budget (\$)</u>	<u>(%) Budget</u>
Pre-Design Phase	\$89,932			
Schematic Design Phase	\$143,718			
Design Development Phase	\$149,357			
Contract Document Phase	\$243,956			
Procurement Phase	\$103,473			
Construction	\$1,062,523			
Project Closeout and Record Drawings	\$59,029			
Acceptance of Certification of final application of payment	\$59,029			
Post Occupancy NZE Monitoring & Verification	<u>\$54,617</u>			
TOTAL BASIC SERVICE FEE (#18-101) (A)	\$1,965,634		\$33,510,000	5.86%
<u>SPECIAL SERVICES:</u>				
Move Management		\$146,431		
Commissioning		<u>\$168,283</u>		
TOTAL SPECIAL SERVICES(B)		\$314,714		
TOTAL FEE (PRB #18-101) (A) + (B)		\$2,280,348	\$33,510,000	6.8%

- The RFQ was advertised on January 23, 2017. The Selection Panel recommended the appointment of Jacobs Project Management Co (JPM). The selection was approved by Commissioner Currey on 4/10/2017.
- JPM is located in Rocky Hill. License information was not provided.
- The project is funded through CSUS 2020 Program.

RECOMMENDATION: It is recommended to SUSPEND this new contract for JPM for construction administration for this project. Further clarification is needed for the following:

- The memo is not clear in terms of the CA fees, basic services and the budgets provided.
- The CA fees listed on B1105 totals \$1,405,376 vs. actual contract amount of \$2,280,348.
- License information is not provided for this consultant.

PRB #	23-199
Origin/Client:	DAS/CTMD
Transaction/Contract Type:	AE / Easement
Project Number:	BI-Q-691
Grantee:	Yankee Gas Services Co d/b/a Eversource Energy
Property:	Putnam, Pomfret St (376)
Project purpose:	CTMD – CTARNG New Readiness Center
Item Purpose:	Gas Distribution Easement

This easement is being provided for the purposes of extending natural gas service to the new CTARNG New Readiness Center in Putnam.

General Direction of Easement Area.



The Grantor (DAS) executed the Agreement on October 25, 2023. CTMD approved the Agreement on October 27, 2023 and OPM approved the Agreement on October 27, 2023.

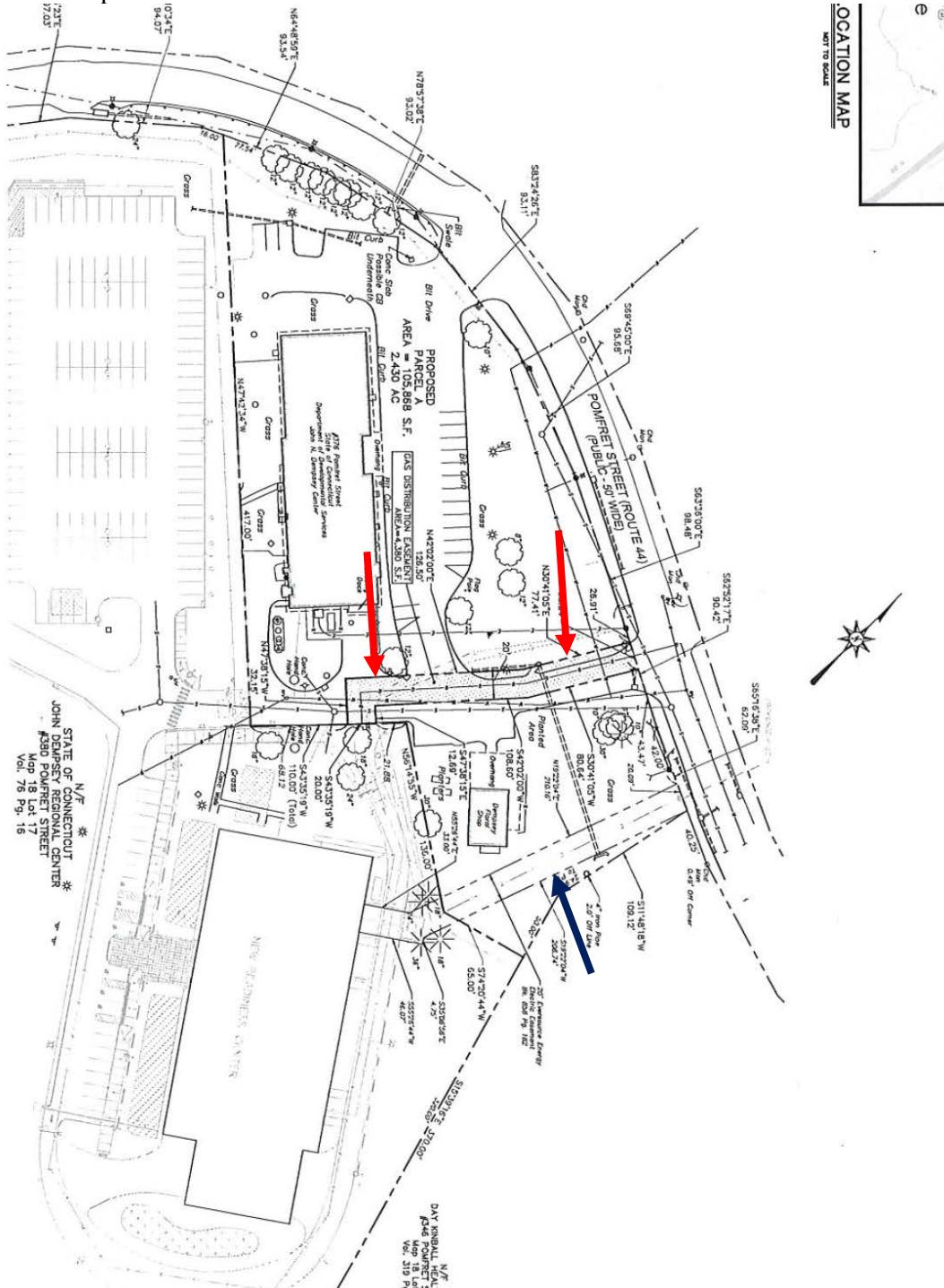
RECOMMENDATION: Staff recommend Board approval for the granting of an Electric Distribution Easement to Yankee Gas Services Company d/b/a Eversource Energy pursuant to CGS 4b-22a(1), for the following reasons:

1. The conveyance of the easements is consistent with CGS 4b-22a(1), which allows the Commissioner of DAS to grant easements on state property for the purposes of installing, maintaining and operating public utilities. Section 4b-22a of the Connecticut General Statutes is as follows:

Sec. 4b-22a. Easements. Grant and acquisition. Notwithstanding any provision of the general statutes, the Commissioner of Administrative Services may (1) grant easements with respect to land owned by the state to a public service company, as defined in section 16-1, the owner of a district heating and cooling system, a municipal water or sewer authority or a telecommunications company, as defined in section 16-1, subject to the approval of the Office of Policy and Management, the agency having supervision of the care and control of such land and the State Properties Review Board, and (2) acquire easements with respect to land not owned by the state in connection with a Department of Administrative Services project, subject to the approval of the State Properties Review Board. No easement granted under subdivision (1) of this section shall be

for the disposal or storage of radioactive or hazardous waste materials. The commissioner shall provide notice of any easement granted under said subdivision to the chief executive official of the municipality, and the members of the General Assembly representing the municipality, in which the land is located.

2. The gas distribution easement area comprises approximately 4,380 +/- SF and is clearly identified on the map that will service the CTARNG New Readiness Center.



Red Arrow – Gas Easement Area
 Blue Arrow – Electric Easement Area (PRB #23-073)

**ARMY NATIONAL GUARD
FUTURE READINESS CENTER
PUTNAM, CT**



7. OTHER BUSINESS:

Chairman Josephy sought a motion for Board Fees for Vice Chairman Berger's participation in an organizational meeting. The motion was moved by Mr. Greenberg and seconded by Mr. Cianci. The motion passed unanimously.

8. VOTES ON PRB FILE:

PRB FILE #23-195 – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #23-195. The motion passed with Messrs. Josephy, Berger, Valengavich, Halpert and Cianci voting yes. Mr. Greenberg voted no. The Board's review and approval under PRB #23-195, is noted with concern regarding the representations contained within RFP SB 21-03 and the DAS Process in selecting the Respondent to proceed with and negotiate/execute a Purchase and Sale Agreement.

PRB FILE #23-197 – Mr. Halpert moved and Mr. Berger seconded a motion to suspend PRB FILE #23-197, pending review of information provided by DAS CS. The motion passed unanimously.

PRB FILE #23-199 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-199. The motion passed unanimously.

9. NEXT MEETING – Monday, November 27, 2023 – will be held solely by means of electronic equipment.

The meeting adjourned.

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