

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On January 24, 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 January 24, 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

Rahul Abraham, DAS/DCS

Mr. Valengavich moved and Mr. Halpert seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

1. ACCEPTANCE OF MINUTES

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the January 20, 2022 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

<i>PRB #</i>	22-001
<i>Origin/Client:</i>	DCS/SCSU
<i>Transaction/Contract Type</i>	AE / Amendment
<i>Project Number</i>	BI-RS-329
<i>Contract</i>	BI-RS-329-CA
<i>Consultant:</i>	Turner Construction Company
<i>Property</i>	New Haven, Crescent St (501) – SCSU Health & Human Services Bldg
<i>Project purpose:</i>	Extended CA Services Beyond Scheduled Substantial Completion

Item Purpose

Amendment #2 for Extended CA Services & Credit

Mr. Rahul Abraham of DAS/DCS joined the Meeting at 9:31 to participate in the Board's discussion of this proposal. He left the meeting at 10:16.

CONSULTANT FEE: \$94,930 (NET INCREASE)

At the July 22, 2021 SPRB Meeting, the Board approved, under PRB #21-100, Amendment #1 to the Consultant's Contract (BI-RS-329-CA) to expend an additional \$22,104 for extended construction administration services due to the user (SCSU) requesting additional Storefront & Curtain Wall Testing at 20 locations.

At the June 8, 2017 SPRB Meeting, the Board approved, under PRB #17-150, the Consultant's Contract (BI-RS-329-CA) to provide construction administration services during the design and construction of a new Health & Human Services Building at SCSU comprising approximately 94,750 square feet. Construction Phase services were for a period of 600 days, plus 90-day close out. The fee for services was \$3,023,575.

Under this proposal (PRB #22-001), DCS is now seeking Board approval of Amendment #2 to the Consultant Contract to expend an additional \$277,000 for extended construction administration services due to delays in achieving substantial completion and to provide a \$182,070 credit to the Contract for eliminating Move Management Services. The net increase to the Contract is \$94,930.

DCS provided the following support for the extended services:

The Amendment is required to provide additional construction administrator services until substantial completion of the project. The Construction Administrator's original contract included 600 calendar days of construction administration services and an additional 90 days of closeout. The construction start 01/27/2019 and the 600 calendar days expired on 09/19/2021. The amendment is to compensate the CA for their services until 02/28/2022. The amendment is also removing the scope of move coordinator from the scope of work crediting the State an amount of \$182,070.00. The net total add by this amendment is \$94,930.00. The current schedule from the Construction Manager at Risk shows a substantial completion of 14 January, 2022. Some of the delays on the project was caused due to unforeseen conditions encountered during the construction phase (ACM uncovered during excavation), not fault of the CMR. Therefore DAS will seek to apportion appropriately this additional CA cost from CMR after substantial completion is achieved.

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

As part of this contract amendment DCS states that the construction budget is reduced to **\$48,865,747** (from \$52,380,000) and the total project budget is **\$74,294,760**.

TCC Fee for Basic Services (PRB 17-150)	COST (\$) (BASIC)	COST (\$) (SPECIAL)	C. Budget (\$)	(%) Budget
Pre-Construction Phase Services	\$298,000			
Bidding and Review Phase	\$71,000			
Construction Administration Phase	\$2,149,850			
Project Close-Out Phase	+\$113,150			
TOTAL BASIC SERVICE FEE (#17-150) (A)	\$2,634,000		\$52,380,000	5.03%
TCC Fee for Expanded CA Services (PRB 22-001) (A2)	\$277,000			
TOTAL BASIC SERVICE FEE (#22-001) (A) + (A2)	\$2,911,000		\$48,865,747	6.00%
SPECIAL SERVICES:				
Building Commissioning		\$207,505		
Move Management Services		+\$182,070		
TOTAL SPECIAL SERVICES(B)		\$389,575		

TCC Fee for Special Services (PRB 21-100) (B1)				
Storefront & Curtain Wall Testing		\$22,104		
TOTAL SPECIAL SERVICES(B)+(B1)		\$411,679		
TCC Credit for Special Services (PRB 22-001) (B2)		(\$182,070)		
TOTAL SPECIAL SERVICES(B)+(B1)+(B2)		\$229,609		
TOTAL FEE (PRB #21-100) (A) + (B) + (B1)		\$3,140,609	\$48,865,747	6.4%

Staff have requested clarification of the following issue:

1. What is the status of the project?
DCS Response: The project is close to substantial completion. Expect substantial completion in about 3 weeks
Staff Response: OK
2. If construction started on 01/27/2019 and asbestos containing materials (ACMs) were identified during excavation, please clarify the following:
 - a) Why is DCS now requesting extended CA Fees for a problem that was identified in early 2019?
DCS Response: THE CONTRACTOR WAS SUPPOSED TO RECOVER THE TIME DURING THE COURSE OF CONSTRUCTION, BUT ENCOUNTERED OTHER ISSUES THAT DELAYED THE SUBSTANTIAL COMPLETION. HENCE THE REQUEST AT THIS TIME
Staff Response: WHAT OTHER ISSUES? PROVIDE DETAILS. DCS HAS NOT IDENTIFIED ANY OTHER ISSUE/S OTHER THAN ACM FOR DELAYS, WHICH WAS AT THE BEGINNING OF THE PROJECT. WHO WAS RESPONSIBLE FOR THESE ADDITIONAL DELAYS?
DCS Response: PLEASE SEE RESPONSE TO ITEM#3. Skanska is responsible for some but not all of the delays. The exact days has not been determined yet.
Staff Response: Please provide what caused delays and it's affect on the overall schedule
 - b) Did the CPM schedule identify as having impact and was it adjusted?
DCS Response: Yes. Also, see response to #2.
Staff Response: OK
 - c) Why was the ACM issue or any delays not referenced during DCS request for SPRB approval of Amendment #1 presented to the Board in June 2021 and reviewed under PRB #21-100?

DCS Response: SEE RESPONSE TO 2.A. Also Amendment #1 was for a completely different scope.
Staff Response: OK

- d) Was hazardous material study conducted? If yes, pl provide a copy. If no, why not?

DCS Response: NO. New stand-alone construction. No materials to survey.

Staff Response: I am talking about subsurface assessment.

DCS Response: Please review the Geotech report provided in the previous email. Also see below snippet from the report. Hope this answers your question.

were detected in the soil samples submitted for laboratory analysis; however, the detected concentrations were consistent with natural, background conditions in Connecticut and were well within Connecticut RSR numerical criteria for direct exposure and pollutant mobility. In addition, one soil sample was analyzed for SPLP RCRA-8 metals and the results were non-detect. Visual or olfactory evidence of environmental impacts were also not observed in the test borings or test pits during the subsurface assessment program.

Based on the results of these activities, releases of petroleum or hazardous materials were not identified in the soil samples collected and evaluated by GeoInsight for this project. The soil that was evaluated as part of this project and is expected to be disturbed during the proposed redevelopment would therefore meet the definition of "Natural Soil" under the Connecticut RSRs and "Clean Fill" under the Connecticut Solid Waste Regulations and would not require special handling or off-site disposal at a regulated facility. Specific recommendations for the geotechnical findings of this subsurface assessment were provided in GeoInsight's "Geotechnical Assessment Report," date July 20, 2017.

Staff Response: OK

- e) Was geotech report prepared and test borings conducted? If yes, pl provide a copy. If no, why not?

DCS Response: See attached

Staff Response: OK

- f) Did the CA identify or review site conditions for constructability during their pre-construction services?

DCS Response: Yes. This duct bank was concrete encased and was not observable and was exposed during the construction phase and this is an unforeseen condition. A similar installation at another location on the project site has been exposed and tested negative for ACM/Haz materials

Staff Response: OK

3. Please clarify what other issues delayed the Project, if any, from achieving substantial completion by 9/19/2021? Provide CA's reports indicating these delays in reviewing the CPM schedule for the project during those months when delays were encountered and a recovery schedule not achievable.

DCS Response: Repairs needed to the exterior façade due to incorrect installation of lintels, workers affected with COVID, material availability issues are some of the issues that delayed the project.

See link to the CA reports: https://ctgovexec-my.sharepoint.com/:f:/g/personal/rahul_abraham_ct_gov/EuWH3taVUrpFgEv-t76h4ZEB-5MwbfO1UcM-O-mdmiW0IQ?e=7rCtJe

Staff Response: OK

4. Please clarify why the Consultant's HVAC Specialist increased their time/effort during Close Out to 100%/100%/0% (total 200%) up 95% from the original time/effort in the contract 50%/30%/25% (total 105%), causing a \$20,638.75 increase in the cost of Close Out.

DCS Response: Turner originally had the HVAC specialist provide 50%/30%/25%, senior PM 100%/100%/100% and PM 100%/100%/100% for closeout, since the project didn't complete as originally planned, additional services from the HVAC specialist was required. Also, the Senior PM was not available for the closeout Phase, support is provided by PM and HVAC specialist during that phase. As explained in the table below, the adjustment in staffing reduced the overall cost for closeout phase only by \$81k.

Staff Response: Can HVAC specialist provide same degree of support to the project as Senior PM?

DCS Response: YES, DAS believes that, from the experience with this individual on this project, he is very well capable to provide the support that is required for a successful closeout of the project in the absence of the senior PM.

Title	Hours/Month	CLOSEOUT PHASE		Hourly Rate	Orig. Cost	Rev. Cost
		Orig. Staffing	Revised Staffing			
PEX	173.8	50%	50%	\$ 255.00	\$ 22,159.50	\$ 22,159.50
Senior PM	173.8	300%	0%	\$ 195.00	\$ 101,673.00	\$ -
PM	173.8	250%	250%	\$ 120.00	\$ 52,140.00	\$ 52,140.00
MEP Engineer	173.8	105%	200%	\$ 125.00	\$ 22,811.25	\$ 43,450.00
					\$ 198,783.75	\$ 117,749.50
					Delta	\$ 81,034.25

Staff Response: OK

- Provide hourly backup for \$51,445/month as proposed in the CA's proposal for monthly rate beyond the contractual date.

DCS Response:

Title	Hours/Month	Hourly Rate	Total
PEX	34.76	\$ 255.00	\$ 8,863.80
PM	173.8	\$ 120.00	\$ 20,856.00
HVAC Specialist	173.8	\$ 125.00	\$ 21,725.00
			<u>\$ 51,444.80</u>

Staff Response: OK

- Please provide payment reqs from September 2021 to current from CMR as well as CA

DCS Response: See attached.

Staff Response: OK

- If substantial completion is January 14, 2022, why the CA contract is extended till February 28, 2022? Is this DCS's new policy to approve contracts beyond the substantial completion dates and then seek deduct change? This is a second proposal with this request. Fees should not be approved beyond contractual dates.

DCS Response: Based on the progress, and as noted under #1 above, DAS believes that the substantial completion will occur in February as opposed to January as identified in the CMR's schedule. No contractual extension of time to the CMR is approved to Feb, 28 date. DAS is requesting the extension to February 28th to prevent any disruption in services from the CA till substantial completion is achieved. The CA will not invoice and the DAS will seek a credit from the CA if substantial completion is achieved prior to February 28, 2022.

Staff Response: Will liquidated damages be assessed against the CMR for delays? If yes, pl provide any details if DCS has started that process. The practice of extending CA's fees beyond the CMR contractual date cannot be supported. If the project goes beyond January date, the CA contract should be amended at that time.

DCS Response: As mentioned in the SPRB memo, once the responsibilities are determined after substantial completion (some delayed due to Skanska, some due to ACM, some due to COVID and material availability etc. as identified in the response to #3), DAS will seek an appropriate portion of this cost from CMR after substantial completion is achieved. The project already went beyond the January date and hence requesting the extension till February 28, 2022 which I believe is a reasonable request. If the board reject this request to extend the services till Feb 28th, a third amendment will need to be submitted for this (6 week or less) duration and this will cause a delay in getting the consultant paid for any services provided. As noted earlier, the CA will not invoice for any services not provided. PLEASE NOTE: Even though the CA identified a monthly fees in their proposal, it is not included in the amendment as DAS is confident at this time that Skanska will be able to achieve substantial completion before Feb 28, 2022.

Staff Response: The extension should commensurate with the CMR construction schedule.

- Pl provide original staffing matrix for CA

DCS Response: See attached

Staff Response: OK

9. What is the reason for eliminating the move management services? Provide insight on impacts on the SCSU's move.

DCS Response: SCSU to provide the service through their vendor for this particular project. No impacts

Staff Response: OK

RECOMMENDATION: Based on responses from DAS/DCS staff and a supplemental communication from DAS/DCS Legal, it was recommended that the Board approve Amendment #2 in the amount of \$94,930 (net change) for extended CA Services for this Project.

FROM PRB 21-100

CONSULTANT FEE: \$22,104

At the June 8, 2017 SPRB Meeting, the Board approved, under PRB #17-150, the Consultant's Contract (BI-RS-329-CA) to provide construction administration services during the design and construction of a new Health & Human Services Building at SCSU comprising approximately 94,750 square feet. Construction Phase services were for a period of 600 days, plus 90-day close out. The fee for services was \$3,023,575.

Under this proposal (PRB #21-100), DCS is now seeking Board approval of Amendment #1 to the Consultant Contract to expend an additional \$22,104 for extended construction administration services due to the user (SCSU) requesting additional Storefront & Curtain Wall Testing at 20 locations.

DCS provided the following support for the extended services:

The Amendment is required to provide additional envelope commissioning services from the envelope commissioning agent for additional storefront/curtain wall testing at 20 additional test locations throughout the project. During construction phase of the project, the project team found that the number of tests originally included in the project specifications was not enough to cover all types of storefronts and curtain walls in the project. The team received input from the architect and the envelope commissioning agent in determining the optimum number of tests to cover all types of storefronts and windows. The agency also supports the additional testing due to issues with window systems at other campuses under BOR to ensure that the systems are installed properly.

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

As part of this contract amendment DCS states that the construction budget is reduced to **\$48,865,747** (from \$52,380,000) and the total project budget is **\$74,294,760**.

TCC Fee for Basic Services (PRB 17-150)	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>C. Budget (\$)</u>	<u>(%)</u> <u>Budget</u>
Pre-Construction Phase Services	\$298,000			
Bidding and Review Phase	\$71,000			
Construction Administration Phase	\$2,149,850			
Project Close-Out Phase	+\$113,150			
TOTAL BASIC SERVICE FEE (#17-150) (A)	\$2,634,000		\$52,380,000	5.03%
SPECIAL SERVICES:				
Building Commissioning		\$207,505		
Move Management Services		+\$182,070		
TOTAL SPECIAL SERVICES(B)		\$389,575		
TCC Fee for Special Services (PRB 21-100) (B1)				
Storefront & Curtain Wall Testing		\$22,104		
TOTAL SPECIAL SERVICES(B)+(B1)		\$411,679		
TOTAL FEE (PRB #21-100) (A) + (B) + (B1)		\$3,045,679	\$44,865,747	6.8%

Staff have requested clarification of the following issue:

10. Why was this task not identified during the design phase by the project team including the CA?

DCS Response: CA and envelope commissioning services are identified prior to the full development of the construction scope of installations and the service to observe, analyze and report are the additional services encapsulated and submitted with this amendment and were unknown at the time of the original contracting development.

Generic manufacturer testing of windows, storefront and curtainwall systems are identified in applicable sections of the respective specifications. On-site testing of installed systems – of differing wall component and flashing assemblies – was not identified or quantified in the project specifications and was an oversight during design and specification development. However, we concur with the university’s request to enact a comprehensive testing program and the need for the services of the CA.

Staff Response: Going forward DCS must make sure that the scope of CA and envelope commissioning and any other consultants is inclusive and comprehensive. There should be a standard requirement for testing various components of the building as there seems to be issues with leakage, etc. after the project is completed.

11. Clarify the statement from Gale in their proposal dated 3/10/2021 – What was not included and in whose project scope?

DCS Response: The narrative in the proposal includes an error as it referenced Section 08 51 13 Aluminum windows – this building does not include fixed windows and all references to that section should be ignored. However, the testing described in Section 08 44 13 identifies a manufacturer’s representative for mockup installation review and is the responsibility of the constructor. The comprehensive testing approach and services have been developed collectively by the Agency, the DAS, the Architect and the CA - and provides for an expansive and holistic testing program to ensure building envelope integrity. **Revised scope and proposal (Gale) is attached.**

SCOPE OF SERVICES

The Project Manual of the Contract Documents, dated November 15, 2019, requires air and water infiltration testing of the new curtainwall at the off-building mockup, as stated in Section 08 44 13 – Glazed Aluminum Curtain Walls. Please note that while Section 08 51 13 – Aluminum Windows includes in-place testing of one (1) window per type, it is our understanding that this Section and the associated testing are no longer included in the project scope. SCSU and Turner have requested Skanska (the Construction Manager, or CM) to propose additional in-place air and water infiltration testing for new storefront and curtainwall installations, to supplement the Contracted testing scope.

Staff Response: This is a major oversight on the Architect and the CA’s side. Should this have been picked up during their review?

12. Original project scope includes building envelop and various tasks and the fees are lump sum for these tasks. Why this task is considered extended services?

DCS Response: The original Basic Scope of Services and associated costs afforded minimal field observation of mockup installation testing only and did not include staffing to provide for the elevated level of service to support the revised comprehensive program of testing.

Staff Response: Again, this issue arises because of the error in the Project Manual of the Contract Documents.

13. Proposed fee for just testing (\$22,104) compared to overall envelop commissioning fees of \$117,415 is excessive.

DCS Response: The proposed costs of services are identified in the attached proposal and matrix. The staffing and durations required to perform the work are reasonable as the required field staff, analysis and reporting is robust. Base scope of services are being provided as originally contracted.

Staff Response: OK

14. Please confirm the Project Budget as page 2 of the DCS Memo states \$48,865,747, page 4 of the Memo states \$52,444,915 and the GMP Amendment states \$48,090,387.

DCS Response:

For clarification:

The original budget was:	\$52,444,915
The executed GMP was:	\$48,090,387
The current contract value is:	\$48,865,747

The project to date is approximately \$3.5M under budget.

Staff Response: Ok

Upon discussion with DCS staff Rahul Abraham, he indicated that he will provide updates on the liquidated damages when assessed for this project. It was informed to the Board that some of the delays are attributable to CMR.

RECOMMENDATION: Staff recommends to **APPROVE** Amendment #1 in the amount of \$22,104 for Storefront & Curtain Wall Testing at 20 location. However, DCS must avoid errors and omissions in the Project Manuals and scope of services for various professionals.

Re: PRB # 17-150, Standard Fixed-Fee - CA Services Contract - Project BI-RS-329-CA
New Health and Human Services Building Project - Total Fee \$3,023,575
Southern Connecticut State University – Turner Construction Company

PROJECT BRIEF– In general this project involves the design and construction of the planned major development of a new building envisioned to centralize the Southern Connecticut State University (“SCSU”) Health and Human Services Program Departments into one facility with the goal of promoting interdisciplinary faculty and research programs. This project is intended to include Phase I and Phase II of a multi-phased program to construct a new building for this program. It is envisioned that once completed, the programs in the existing Nursing Building, Jennings Hall and Davis Hall will be relocated to the new facility. The current project program anticipates that the first phase will provide approximately 47,400 GSF of newly completed program area within a 79,000 GSF structure and the balance completed in Phase II along with an additional 17,000 GSF. The project scope will require the design team to develop a verification and program process to prioritize the educational elements being relocated. Once completed the Building will house all of the School Health and Human Services Departments as well as clinic space, faculty offices, laboratory facilities, conference space, general classroom space and student services. The overall construction and total project budget have been established at \$52,380,000 and \$76,430,000 respectively.

In October 2015 the Department of Construction Services (“DCS”) issued a Request for Qualifications (RFQ) for Construction Administrator Consultant Teams related to the SCSU Health and Human Services Building Project. DCS elicited ten (10) responses to the advertisement of which all the respondents were considered “responsive”. DCS then proceeded to review the ten submittals and after the completion of the internal review process, five firms were selected for short-listed interviews. These firms were as follows, Turner Construction Company, The Whiting-Turner Contracting Company, Strategic Building Solutions, LLC, A/Z Corporation and LiRo Construction and Program Management, Inc. 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 Turner Construction Company (“TCC”) as the most qualified firm.

This contract is for Construction Administrator Consultant Teams related to the SCSU Health and Human Services Building Project from the initiation of design phase services, bidding and construction administration. The overall compensation rate for this basic service is \$2,634,000 with an additional \$389,575 for special services. As such the total project fee is \$3,023,575. The special services detailed in the project scope include building commissioning services, Multi-Vista photo documentation and move management services.

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

TCC Fee for Basic Services (PRB 17-150)	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>C. Budget</u> <u>(\$)</u>	<u>(%)</u> <u>Budget</u>
Pre-Construction Phase Services	\$298,000			
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TOTAL BASIC SERVICE FEE (#17-150) (A)	\$2,634,000		\$52,380,000	5.03%
SPECIAL SERVICES:				
Building Commissioning		\$207,505		
Move Management Services		+\$182,070		
TOTAL SPECIAL SERVICES(B)		\$389,575		
TOTAL FEE (PRB #17-150) (A) + (B)		\$3,023,575	\$52,380,000	5.77%

- The RFQ posted in October 2015 elicited 10 candidates. The Selection Panel interviewed five firms and recommended the appointment of TCC ranked #1 by the selection interview panel. The selection was approved by Commissioner Currey on 1/21/2016.

- TCC is locally located in Shelton, Connecticut. This firm was established in 1903 and has a local office staff of 70+ professionals. The office has 10± engineers and 40± construction related professionals involved with project management, field services, scheduling, inspection and estimating.
- TCC reported that over the past 5 years the company has been exposed to eighteen (18) professional and/or general liability claims none of which are related to projects in this state.
- The submittal is accompanied by a Consulting Agreement Affidavit notarized on 8/25/2016.

RECOMMENDATION: SPRB Staff recommends Approval of this contract for Turner Construction Company to provide services at the SCSU Health and Human Services Building Project. The overall basic services fee percentage of 5.03% is generally consistent with the guideline rate of 5% for CA services.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #22-001 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB 22-001. The motion passed unanimously. The Board also understands that there will be a potential claim against CMR for delays and certain costs approved under this amendment will be charged to CMR. An update should be provided when available with regard to this claim and status.

9. NEXT MEETING – Thursday, January 27, 2022.

The meeting adjourned.

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