

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On September 1, 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 September 1, 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

Alicia Feller, LCSW, DMHAS, CEO - Southwest Connecticut Mental Health System
Steven Hecimovich, DMHAS
Shane Mallory, DAS

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 August 29, 2022 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

<i>PRB File #:</i>	22-125
<i>Transaction/Contract Type:</i>	RE – License Agreement
<i>Origin/Client:</i>	DAS/DMHAS
<i>Licensor:</i>	Bridgeport Hospital
<i>Property:</i>	Bridgeport, Central Ave (1466) & Barnum Ave (1193)
<i>Project Purpose:</i>	Temporary Greater Bridgeport Community MHC Parking
<i>Item Purpose:</i>	New 3 Year License Agreement

At 9:33 Ms. Feller and Mr. Hecimovich, both of DMHAS, joined the Meeting to participate in the Board's review of this Proposal. Mr. Mallory of DAS joined the Meeting at 9:38. All left the Meeting at 9:58.

Project Background

Under prior PRB Files #15-234, 16-229, 17-185 and 20-177, the State Properties Review Board approved Task Letters #1, #1A, #1B and #1C to the On Call Contract OC-DCS-MDE-0028 to provide Multi-Discipline Engineering design and construction administration services for the rehabilitation of an existing two-level parking structure at Greater Bridgeport Community Mental Health Center in Bridgeport, CT (BI-MH-121). The project includes the addition of surface level parking spaces extending from the upper level of the parking structure, site storm water system upgrades, lead paint removal, and connection to a dedicated storm water system as required by the city.

Additionally, DCS had retained Michael Baker International under Task Letters #1A and #1B and #1C to the On Call Contract OC-DCS-CA-0035 to provide construction administrator services for the construction phase through the completion of the Project. CA services commenced in February 2022.



Under this Proposal (#22-125), DAS and DMHAS are now seeking approval of a three-year License Agreement for 25 parking spaces to park fleet vans and staff vehicles at 1466 Central Ave & 1193 Barnum Ave (corner lot). The lot is approximately 600 feet south of the DMHAS hospital campus. The total cost for this parking is \$23.00 per car, per month or \$575.00 per month (\$6,900/yr). DAS provided the following narrative in support of their request:

The State-Owned DMHAS Hospital located at 1635 Central Ave in Bridgeport has an on-site parking garage which is currently closed and undergoing reconstruction. This garage has been in disrepair and the top deck has been closed due to safety concerns for a number of years. Due to the condition of the garage, in 2016, DMHAS entered into an agreement with Bridgeport Hospital to allow them to park fleet vehicles at 1466 Central Ave, a nearby surface lot owned by Bridgeport Hospital. DMHAS entered into this agreement without DAS's involvement. DMHAS has since brought to DAS's attention that their current agreement has expired and the Hospital wants a new agreement put in place or they will terminate DMHAS's current use. Unfortunately, this would be problematic for DMHAS as the area surrounding the DMHAS Hospital is densely developed and supplemental parking options are virtually non-existent.



The terms of the License Agreement are as follows:

Item	Proposed Agreement
PRB#	22-125
Address	1466 Central Ave/1193 Barnum Ave
Facility	Surface Parking Lot
Spaces Provided	25 non-reserved spaces
Initial Term	3 years, commencing 4-1-2022
License Fee	Base rental rate of \$6,900, or \$23/car/month (24/7/365).
Additional Rent	None
Renewal Option	None

DAS provided the following rental comparables in support of this Proposal.

Lease Comparable Per Square Foot							
Property Address	Tenant	Parking Spaces	Term	Renewal Options	Per Space/Per Month	Operating Expenses	Total Annual Cost
95 Chapel St, Bridgeport	JUD	140	10 Year	0	\$86.87	\$0.00	\$145,941.60
70 State St, Bridgeport	None	600	N/A	N/A	\$80.00	\$0.00	\$80.00
159 John St, Bridgeport	None	336	N/A	N/A	\$65.00	\$0.00	\$65.00

Staff inquired with DAS regarding the following:

1. Under what statutory authority did DMHAS enter into the Agreement with Bridgeport Hospital?

DAS Response: None, they did this on their own.

Staff Response: See “b” below.

- a) Was that Agreement approved by DAS/Leasing and the Office of the Attorney General?

DAS Response: No, DAS nor the AG approved or signed this agreement.

Staff Response: See “b” below.

- b) Please provide a copy of the prior Agreement with Bridgeport Hospital for parking utilized by DHMAS to park at the 1466 Central Ave location.

DAS Response: Attached.

Staff Response: The Agreement was between ‘Owner’ and ‘User’ for the ‘Premises’ and was signed by Bridgeport Hospital’s Marc Brunetti, SVP Administration and former DMHAS Commissioner Delphin-Rittmon. There were no references to the Commissioner’s authority to enter into the Agreement and the Agreement was not approved by the AG. OK

- c) When did DAS/Leasing came to know about this prior agreement with Bridgeport Hospital and DMHAS?

DAS Response: When DMHAS was told, they were going to get kicked out without a new agreement. We were made aware of the existence of the then current use agreement.

Staff Response: OK

- d) If DMHAS does not have the statutory authority, what action did DAS/Leasing take to address this serious nature of statutory violation?

DAS Response: We are not a regulatory agency. We told DMHAS they would need to do a new agreement through DAS in compliance with all statutes.

Staff Response: See “e” below.

- e) What measures have been adopted by DAS/Leasing to limit Executive Branch Agencies from exceeding their statutory authority with respect to leasing/licensing? Does DAS/Leasing have any control over what the Executive Branch Agencies does in terms of leasing/licensing related issues?

DAS Response: It is well documented that only DAS has the statutory authority to handle real estate matters. Every spring the DAS Commissioner issues a letter to all agency heads (the SPRB is copied) which we forward to our agency liaisons stating the statutes and what is expected of the agencies. Moreover, every year I personally present to all agencies, who choose to attend, this information along with how to comply with the State Facilities Plan, etc. (this past June 1 a virtual meeting of some 60 agency personnel attended such a session).

Staff Response: OK

2. Clarify if a Statement of Financial Interest is required.
DAS Response: No, it is not, the statute only requires that if it's a lease or lease/purchase agreement.
Staff Response: OK
3. Provide a Certificate of Incumbency or Corporate Authorization stating Mr. Carbery is authorized to enter into this Agreement.
DAS Response: Not applicable, according to AG's office no corporate authority is required for license agreement.
Staff Response: OK
4. Provide a copy of the Licensor's Insurance Certificate pursuant to Article 6.e of the Agreement, if available.
DAS Response: See attached.
Staff Response: OK
5. Article 2 of the License Agreement requires the Licensor to provide basic services including lighting, snow removal/sanding, etc during the periods of Monday through Friday. Under Article 5, the License Agreement provides for the State's use of the License Area at any time, seven days per week. Please clarify what protections are provided to the Licensee (State/DMHAS) during those periods where the duties of the Licensor required under Article 2 are not required (Sat/Sun),
DAS Response: The next sentence sets the operating hours to be what is stated in paragraph 5 (a) (24 hours seven days a week).
Staff Response: OK
6. Why is this 25-space license agreement necessary with Bridgeport Hospital given that Under PRB 22-139; DAS/DMHAS is seeking 200 surface parking spaces at 700 Main Street by entering into an MOU between DAS/DOT/DMHAS?
DAS Response: Because 200 spaces for PRB 22-139 is for staff (on a temporary basis while DMHAS' garage is repaired). The 25 spaces are for state vehicles. When the garage is finished (18-24 months from June 2022) these 25 can park there as well. This license agreement is for three years and most importantly it has a cancellation clause that requires only 30 days prior written notice.
Staff Response: The approved RFS identifies 30 state vehicles and 5 staff vehicles, but only 25 spaces are secured under this Agreement. Article 1 of the License Agreement states the purpose is for parking of Fleet and/or private automobiles.

DAS should provide a narrative regarding how the MHC staff utilize the vans during operational hours and whether or not there is any alternative space on the campus to park the van fleet, or a portion thereof.

8-26-22 DAS Response: The hospital is only willing to give us 25 spaces. It is our understanding DMHAS plans to use them for the parking of their fleet vans/vehicles, some of which are larger transport vans.

The vans are used for transporting of patients and for business operations, there is not anywhere to park them on the campus other than in the garage which is what they plan to do once the construction is complete. DMHAS has engaged the services of a shuttle company for transporting staff to and from the DOT lot which is a separate agreement from this. The max space available on the DOT Lot is 200 spaces, all of which are used by staff. This is the most cost-effective option for this need.

Staff Response: OK

Recommendation: SPRB staff believes that in general, this License Agreement as negotiated is a sound proposal, and recommends approval for the following reasons;

1. The License Fee is fixed at \$23/car/month, or \$6,900/year;
2. DMHAS will utilize the spaces for parking of fleet vehicles (vans); and
3. The DOT Lot at Main Street does not have sufficient spaces to accommodate the additional 25 vehicles, as they are permitting 200 DMHAS vehicles to park under a separate MOU (PRB #22-139).

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER – NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #22-125 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #22-125. Board recommended to provide recommendations in the action memo and also contact Comptroller’s office. The motion passed unanimously.

9. NEXT MEETING – Tuesday, September 6, 2022.

The meeting adjourned.

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