

## **STATE PROPERTIES REVIEW BOARD**

### **Minutes of Meeting Held On March 6, 2023**

**– 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 March 6, 2023 remotely via telephone conference at (860)-840-2075 and use passcode 284890492#.

#### **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**

David Barkin – DAS/DCS  
Daniel Wagoner – DAS/DCS  
Peter Simmons, 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 March 2, 2023 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

Mr. Berger reminded Board Members that he along with SPRB Staff will be testifying before the CT Legislature's Government Administration and Elections Committee in support of HB 6827 An Act Concerning the State Properties Review Board.

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

#### **4. REAL ESTATE – NEW BUSINESS**

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

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 10:18. The motion passed unanimously. Mr. Wagoner was invited into the Executive Session to participate in the Board's review of this Proposal and left the meeting at 10:25.

**EXECUTIVE SESSION**

**PRB #** 22-197  
**Origin/Client:** DCS/CCSU  
**Transaction/Contract Type** AE / Task Letter  
**Project Number:** BI-RC-395  
**Contract:** OC-DCS-ANLY-0026  
**Consultant:** Ankura Consulting Group, LLC  
**Property** New Britain, Stanley St (1615)  
**Project purpose:** New Engineering Building  
**Item Purpose** Task Letter #1B

**Statutory Disclosure Exemptions: 1-200(6)(E) and 1-210(b)(4)**

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 10:25. The motion passed unanimously.

**6. ARCHITECT-ENGINEER – NEW BUSINESS**

**PRB #** 23-025  
**Origin/Client:** DCS/DCS  
**Transaction/Contract Type** AE / MBE Architect Consulting On-Call Contracts  
**Contract:** OC-DCS-MBE-ARC-0016  
**Consultant:** Pirie Assoc. Architects, LLC  
**Item Purpose:** Amendment #1

**PRB #** 23-026  
**Origin/Client:** DCS/DCS  
**Transaction/Contract Type** AE / MBE Architect Consulting On-Call Contracts  
**Contract:** OC-DCS-MBE-ARC-0017  
**Consultant:** ID3A, LLC  
**Item Purpose:** Amendment #1

**PRB #** 23-027  
**Origin/Client:** DCS/DCS  
**Transaction/Contract Type** AE / MBE Architect Consulting On-Call Contracts  
**Contract:** OC-DCS-MBE-ARC-0018  
**Consultant:** O’Riordan Migani Architects, LLC  
**Item Purpose:** Amendment #1

**PRB #** 23-028  
**Origin/Client:** DCS/DCS  
**Transaction/Contract Type** AE / MBE Architect Consulting On-Call Contracts  
**Contract:** OC-DCS-MBE-ARC-0019  
**Consultant:** AEPM International, LLC  
**Item Purpose:** Amendment #1

At 9:33 Mssrs. Barkin, Simmons and Wagoner joined the Meeting to participate in the Board’s discussion of this Proposal.

At the State Properties Review Board meeting held on January 21, 2021, the Board approved PRB Files #20-238 to #20-241, four Consultant Contracts under the 4<sup>th</sup> Series of the On-Call Contract that has a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 3/15/2023.

DCS advertised the new OC-DCS-MBE-ARC-20,21,22,23 on February 10, 2023 with responses due to DCS no later than March 7, 2023.

Under this Proposal (23-025 to 23-028), DCS is now resubmitting the four Firms to the Board for approval under Contract Amendment #1 to the On-Call Contracts to extend the contract expiration date to September 15, 2023. The \$500,000 maximum cumulative fee is unchanged.

Pirie Assoc. Architects, LLC has been assigned the following Tasks under this On-Call Contract:

• Task Letter #1	Norwalk CC – Faculty Renov.	\$0	(Cancelled)
• Task Letter #2	QVCC – Playscape	\$0	(Cancelled)
• Task Letter #3	3 Rivers CC – Nursing Dept. Renov.	\$0	(Cancelled)
• Task Letter #4	Capital CC – GPA Renovation	\$0	(Cancelled)
• Task Letter #5	Manchester CC – GPA Renovation	\$0	(Cancelled)
Total		\$0	

ID3A, LLC has been assigned the following Tasks under this On-Call Contract:

• Task Letter #1	300 Corporate Pl. Training/Conf. Rms	\$27,168	(Informal)
• Task Letter #2	Gateway CC – GPA Renovation	\$45,273	(Informal)
• Task Letter #3	450 Columbus Blvd – DAS/DCP Sp.	\$30,000	(Hold)
• Task Letter #4	SCSU Lyman Ctr – Acoustical Study	\$9,000	(Informal)
• Task Letter #5	St. Comptroller – Two New Offices	\$14,350	(Informal)
Total Fee to Date:		\$95,791	

O’Riordan Migani Architects, LLC has been assigned the following Tasks under this On-Call Contract:

• Task Letter #1	ECSU Science Bldg – Ext Stairs	\$29,260	(Informal)
• Task Letter #2	Norwalk CC – Child Develop Lab ren.	\$15,000	(Informal)
• Task Letter #3	Quinebaug CC – GPA Renovation	\$36,840	(Informal)
• Task Letter #4	HCC Werth Center	\$48,180	(Informal)
Total Fee to Date:		\$129,280	

AEPM International, LLC has been assigned the following Tasks under this On-Call Contract:

• Task Letter #1	Housatonic CC – Wellness Center Stu.	\$20,125	(Informal)
• Task Letter #2	Camp Nett – Bldg 803Latrine Renov.	\$83,400	(Informal)
• Task Letter #3	Norwalk CC – GPA Renovation	\$50,000	(Informal)
Total Fee to Date:		\$153,525	

Changes to the On-Call MBE Architect Consulting On-Call Contracts include the following:

- Section D is changed to extend the termination date to September 15, 2023;
- Replacement of Section P language – Indemnification;
- Replacement of Section V language – Confidentiality of Documents;
- Replacement of Section W language – Non-Discrimination;
- Replacement of Section X language – Executive Orders;

- Replacement of Section Z language – Summary of State Ethics Laws to reflect new laws effective July 1, 2021;
- Replacement of Section AA language – Whistleblowing;
- Replacement of Section EE language –Related to Campaign Contributions;
- Replacement of Section HH language – Audits and Inspection;
- Replacement of Section II language – Disclosure of Records;
- Addition of Section KK language – Large State Contract Representation for Contractor – requiring the Contractor to comply with Acting Governor Susan Bysiewicz’ Executive Order No.21-2, effective July 1, 2021 regarding gifts and the Contractor’s Principals or Key Personnel;
- Addition of Section LL language – Large State Contract Representation for Official or Employee of State Agency – requiring the State Official or Employee represents that the selection of a Contractor was not the result of collusion, gift, promise of a gift, etc;
- Addition of Section MM language – Iran Energy Investment Certification;
- Addition of Section NN language – Consulting Agreement Certification; and
- Addition of Section OO language – Access to Contract and State Data.

Staff followed up with DCS and asked following to clarify:

In prior conversations with DCS regarding an amendment to an on-call contract for time, SPRB made clear that it is not good practice to have a new on-call series overlap an existing contract, with a requirement that the older on-call contract automatically terminate upon approval of a new contract.

1. What is the process (in terms of time-frame) to secure a new on-call series when existing series is expiring?
2. It is not a good practice to keep extending the on-call series for time only. These time-only extensions will be allowed under unavoidable circumstances and should be rare. What steps are being taken to avoid time only extensions?

DCS Response: Some of the requests below require a legal response which I am not qualified to provide. It is our intent to assign new work once the new series are in place to the new series and not continue to using the old series. Regarding your two bullet points, we clearly have staffing issues we are trying to address but to the second point we sometimes see value in extending the contract period if there has been limited use of the contract series. In those cases we typically request a 1 or 2 year extension which has been granted in the past. It is a lot of work for all parties – the consultants and our legal staff – to process these contracts. I am sure you have a keen understanding of these efforts.

I defer to Jenna for comment on any proposed contract language changes. My opinion is if a task is being negotiated under an older series those rates would apply as long as the series isn’t “immediately terminated”. There is no guarantee a given consultant will be granted a contract under the new series anyway.

Staff Response: I understand in very limited instances where the on-call is not used often, DCS may seek extension after figuring out why such an on-call is not used. In other cases where the on-calls are frequently used, it comes down to equity, open process and giving new consultants a chance to be on the on-call list.

I will await a formal response from Jenna on the termination clause as well as the two bullet items. This proposal is being planned to be on the March 6<sup>th</sup> agenda.

DCS Response: Apropos our earlier conversation, we understand the concerns of the SPRB regarding the use of soon to be expired on-call contracts when there is a new series in place. Rather than provide new contract language within the on-call contracts we think a better approach would

be to institute a policy indicating our intent to assign new consultant tasks off the new series when in place. We can work on specific language in collaboration with you in the near future.

We hope this addresses the overall concerns of the SPRB and we can, in the short term, extend the existing MBE-ARC contract so that it doesn't lapse before we have the new one in place.

Staff Response: Thanks for the follow up. Let me memorialize our discussion or at least what I am trying to convey before we come up with a permanent solution. Let me know if you agree.

Expiring/extended On-call – consultants retained under the expiring contract can continue to work and complete the assignment. Once it expires, the contract/TL cannot be amended. New contract/TL can be written until a new on-call series is approved.

DCS Response: (I believe this is already the case for an expired on-call but will need some understanding there will be circumstances warranting an extension of an expiring series (perhaps specific to an individual consultant); in those cases we would be having a conversation with SPRB along with our justification for an extension – though not guaranteeing an extension both DAS and SPRB needs the flexibility if a special circumstance arises).

Supplemental tasks on existing TLs would still be utilized assuming there is funding on the relevant but expired consultant's on-call contract.

Upon/after approval of a new On-call series - the expiring/extended on-call will not be used for new contract/TL. As there cannot be two active on-call series that can be used for the same consultant type. If there is an overlap between the two on-calls, the expiring/extended on-call will not be used even if DCS staff had been working with a consultant under the expiring/extended on-call. A situation may arise when DCS staff might be working with a consultant who is on the expiring/extended on-call but not on the new on-call series. In this instance, a different consultant will be selected under the new on-call series.

DCS Response: I suggest this is not efficient for the state, nor the agency; If we have been working in good conscious with a consultant to initiate a project and they have spent time and effort meeting with us, developing a proposal, negotiating, etc. along with efforts of the agency and there is adequate time to get the TL approved prior to expiration it would be wasteful to all parties to restart the process. Were we to have to restart we are also delaying construction which has additional cost implications

**RECOMMENDATION** – Staff recommend **suspension** of Amendment #1 to the four On-Call Contracts to extend the common expiration date to 9/15/2023. The \$500,000 maximum cumulative fee is unchanged.

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From PRB Files #20-238 to #20-241

This is the 4<sup>th</sup> series of On-Call MBE Architect Consulting Contracts awarded by the Department of Construction Services (“DCS”) since 2014. Previously, on October 29, 2018, the Board under PRB #18-192 to #18-195 approved the 3<sup>rd</sup> series of the On-Call Contract that had a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 12/15/2020.

Under this Proposal DCS seeks the Board's approval of the 4<sup>th</sup> Series of the On-Call Contract that has a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 3/15/2023. The On-Call Contract can be utilized on DCS projects with construction budgets of up to two million dollars (\$2,000,000).

DAS/DCS has made some revisions to the contract for this series to include:

- Section G by adding “Notwithstanding the preceding sentence, a pre-approved hourly rate shall not exceed a reasonable rate, as determined by the Commissioner, taking into consideration the skills and experience of the person providing the services.” II. Fees and Payments, Subsection A. added last paragraph:
- Addition of Exhibit A to include the Consultant’s hourly rates.

A Request for Qualifications (RFQ) for the consultant services was released on July 10, 2020 and elicited eight (8) responses. All respondents were considered “responsive” to the submittal requirements and as such interviewed. The State Selection Panel consisted of three members and rated each firm based upon a weighted ranking system.

At the completion of the State Selection Panel process; DCS Management Team reviewed the results and recommended the approval of four firms under this series.

This proposal before the SPRB is for review and approval of the following four firms under this series.

**PRB 20-238 – Pirie Associates Architects, LLC (PAA)** originally established in 2002 and locally located in New Haven, Connecticut. PAA has a local staff of 8 employees including 5 architects and one interior design professional. DCS reports PAA was not awarded any contracts within the past 5 years.

PAA will be operating under the individual professional Architect’s License of Ms. Laura Marie Pirie (ARI.0004750) with the CT State DCP which is active until 7/31/2021. Smith Brothers Insurance, LLC reported that PAA has not experienced any professional policy or liability losses or claims during the past 5 years. PAA scored a total of 310 out of a possible 320 points and was identified as one of the most qualified Firms.

**PRB 20-239 – Id3A, LLC (ID3)** originally established in 1985 as AI Perkins + Will, Inc., more recently in 2011 the firm has reorganized under the name id3A, LLC. ID3 has a local staff of 13 employees including 6 architects and 5 interior design professionals. DCS reports ID3 was awarded two contracts with a total volume of work of \$196,400. The company has been awarded the following On-call Contract and Formal Contracts with the DCS in the past two years.

- PRB #18-027 – BI-2B-413-ARC – 505 Hudson HVAC/Int. Improvements - \$805,250
- PRB #18-040 - BI-N-345 – OC-DCS-Roof-0032 - DESPP HQ Roof/Atrium - \$177,000
- PRB #18-027 – BI-2B-413-ARC-A#1 – 505 Hudson HVAC/Int. Improvements - \$30,000
- PRB #20-044 - BI-Q-672C – OC-DCS-MBE-ARC-0003 - Enfield Armory - \$45,743

The Board voted to return the following Consultant Proposal on June 13, 2019:

PRB #19-109 - BI-Q-672C – OC-DCS-MBE-ARC-0003 - Enfield Armory - \$51,804. This Consultant Proposal was subsequently re-submitted to the Board under #20-044.

ID3 will be operating under the individual professional Architect’s License of Mr. Jason E. Stabach (ARI.0012308) with the CT State DCP which is active until 7/31/2021. Smith Brothers Insurance, LLC reported that ID3 has not had any professional policy or liability loss or claims during the past 5 years. ID3 scored a total of 300 out of a possible 320 points and was identified as one of the most qualified Firms.

**PRB 20-240 - O’Riordan Migani Architects, LLC (ORM)** originally established in 2008. ORM has a local staff of 5 employees including 2 architects and 1 construction manager. DCS reports ORM was

awarded six contracts with a total volume of work of \$244,625. The company has been awarded the following On-call Contract and Formal Contracts with the DCS in the past two years.

- PRB #18-193 – OC-DCS-MBE-ARC-0013 - \$500,000 maximum

ORM will be operating under the individual professional Architect’s License of Ms. Joan O’Riordan (ARI.0006711) with the CT State DCP which is active until 7/31/2021. Smith Brothers Insurance, LLC reported that ORM has not had any professional policy or liability loss or claims during the past 5 years. ORM scored a total of 298 out of a possible 320 points and was identified as the 4<sup>th</sup> most qualified firms.

**PRB 20-241 – AEPM International, LLC (AEP)** originally established in 1910 as Fletcher Thompson, Inc. and reorganized under AEPM in 2008 and locally located in Ansonia, Connecticut. AEP has a local staff of 13 employees including 5 architects and 1 interior design professional. DCS reports AEPM was not awarded any contracts within the past 5 years.

Hanover Insurance Company reported that AEP has not had any professional policy or liability loss or claims during the past 3 years. AEPM scored a total of 274 out of a possible 320 points and was identified as the 5<sup>th</sup> most qualified Firm.

A summary of the Consultants’ professional fee schedule is as follows:

**HOURLY RATE SCHEDULE**

Principal in Charge	\$185.00
Project Manager	\$160.00
Senior Architect/Engineer	\$165.00
Architect/Engineer	\$140.00
Senior Designer	\$145.00
Designer	\$120.00

**RECOMMENDATION** – Staff recommend **approval** of the four On-Call Contracts that have a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 3/15/2023.

- All four Firms have submitted notarized OPM Form 1 and Form 5 affidavits.

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This is the 3<sup>rd</sup> series of On-Call MBE Architect Consulting Contracts awarded by the Department of Construction Services (“DCS”) since 2014. The On-Call Contract that is the subject of this memorandum has a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 12/15/2020. The On-Call Contract can be utilized on DCS projects with construction budgets of up to two million dollars (\$2,000,000).

DCS has made some minor revisions to the boilerplate contract for this series to include:

- Removed all reference to Division of Construction Services or DCS;
- Modified *Antitrust Provision*;
- Expanded *Suspension of the Work*;
- Expanded *Termination of Contract*;
- Removal of language within *Executive Orders*; and
- Addition of *Notices* clause.

The remainder of the contract is similar to the previous contract terms and requirements under the 2016 agreements. The 1<sup>st</sup> series, awarded in 2014 to four consultants, had a term of 24 months and a maximum total cumulative fee of \$300,000/contract. The 2<sup>nd</sup> series, awarded in 2016 to four consultants, had a term of 24 months and a maximum total cumulative fee of \$500,000/contract.

A Request for Qualifications (RFQ) for the consultant services was released on April 26, 2018 and elicited six (6) responses. One of the six respondents was considered “unresponsive” to the submittal requirements and as such was disqualified. Thereafter, the DCS selection panel began the process of evaluating and short-listing all five remaining proposals. The State Selection Panel consisted of three members and rated each firm based upon a weighted ranking system.

At the completion of the State Selection Panel process; DCS Management Team reviewed the results and recommended the approval of all five shortlisted firms under this series. One consultant subsequently withdrew. This submittal is for SPRB review and approval of the following four firms under this series.

**PRB 18-192 - Maier Design Group, LLC (MDG)** originally established in 1993. MDG has a local staff of 9± employees including 3 architects and 1 CAD technician. The company has not been awarded a Task Letter under the previous series in the past two years, but DCS states MDG was awarded one DCS contract within the past two years (informal).

MDG will be operating under the individual professional Architect’s License of Mr. David Arai (ARI.0005115) with the CT State DCP which is active until 7/31/2019. Smith Brothers Insurance, LLC reported that MDG has been exposed to two professional policy or liability loss or claims during the past 5 years. Neither claim is related to a DCS project. MDG scored a total of 309 out of a possible 320 points and was identified as one of the most qualified firms.

**PRB 18-193 - O’Riordan Migani Architects, LLC (ORM)** originally established in 2008. ORM has a local staff of 4± employees including 3 architects and 1 CAD technician. The company has not been awarded a Task Letter under the previous series in the past two years, but DCS states MDG was awarded one DCS contract within the past two years (informal).

ORM will be operating under the individual professional Architect’s License of Ms. Joan O’Riordan (ARI.0006711) with the CT State DCP which is active until 7/31/2019. Smith Brothers Insurance, LLC reported that MDG has been exposed to two professional policy or liability loss or claims during the past 5 years. Neither claim is related to a DCS project. ORM scored a total of 294 out of a possible 320 points and was identified as one of the most qualified firms.

**PRB 18-194 – Cheryl Newton Architect, LLC (CNA)** originally established in 2010. CNA has a local staff of 3 employees including 2 architects and 1 administrative staff. The company has not been awarded an On-call Contract or formal contract with the DCS in the past two years.

ORM will be operating under the individual professional Architect’s License of Ms. Cheryl Lynn Newton (ARI.0009196) with the CT State DCP which is active until 7/31/2019. Smith Brothers Insurance, LLC reported that CNA had no professional policy or liability loss or claims during the past 5 years. CNA scored a total of 282 out of a possible 320 points.

**PRB 18-195 - Business Development & Telecommunications International Inc. d/b/a Amaya Architects (BDTI)** originally established 2012. The company has a local staff of 2± employees including 2 architects, of which one is an interior design professional. The company has not been awarded an On-call Contract or formal contract with the DCS in the past two years.

BDTI will be operating under its Corporate Architecture License (ARC.0000572) with the CT State DCP which is active until 7/31/2019. Smith Brothers Insurance, LLC reported that MDG has been exposed to two professional policy or liability loss or claims during the past 5 years. Neither claim is



related to a DCS project. BDTI scored a total of 260 out of a possible 320 points and was identified as one of the most qualified firms.

SPRB Staff had asked following questions regarding this new Task Letter 2B.

1. Please provide a task log for each of the 4 consultants selected from prior on-call contract.
  - a. DCS Response - In speaking with you yesterday you indicated the Board is interested in the distribution of the work to consultants. I have discussed this request with Deputy Commissioner Salemi who agrees with me the equitable distribution of the project work falls under our purview which, I assure you, we take very seriously. I don't think sharing prior task logs would be valuable as there are too many variables when I assign work to consultants. I take many factors into consideration, first and foremost are the distribution of fee in terms of \$, then the number of tasks assigned, the relative size of the tasks, sometimes the geographic proximity, if there is a specific expertise relevant to the project a particular consultant may have, whether there is a specific request from the client agency or project manager that has relevance to the selection, familiarity with a specific building, campus or client agency may, but not necessarily come into consideration. With all these factors going into my decision I am reluctant to share this with the Board especially since there has been no complaints to how we administer the distribution of work and were there any complaints I would be completely accountable and responsible to respond to and defend our process.
2. Please provide current MBE Certificates for each of the four consultants.
  - a. The certificates are being uploaded to the sharepoint site this morning.
3. Pl clarify the difference among consultants' hourly rates for different titles; – see attached spreadsheet.
  - I don't know what you are asking me to clarify – there are, and will continue to be differences between consultant rates for specific labor categories. When we started asking for labor rates at the request of the SPRB last year we start with me defining the categories and then review the rates when received. If I think a consultant's rates are significantly too high I will request an adjustment from the consultant; I won't make such a request if the rates are lower than average. I want to point out the spread sheet you shared does contain some math errors. If you have specific rates you think are out of line please let me know and I will attempt to address individually but overall I see no problem with these rates as negotiated.

**RECOMMENDATION:** Staff recommends to **SUSPEND** of this item until clarifications are provided to the above questions.

## 7. OTHER BUSINESS

## 8. VOTES ON PRB FILE:

**PRB FILE #22-197** – Mr. Valengavich moved and Mr. Berger seconded a motion to approve PRB FILE #22-197. The motion passed unanimously.

**PRB FILE #23-025, 23-026, 23-027 and 23-028** – Mr. Berger moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-025, 23-026, 23-027 and 23-028. The motion passed unanimously.

## 9. NEXT MEETING – Thursday, March 9, 2023.

The meeting adjourned.

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