STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On May 4, 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 May 4, 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

Jennifer Vigneault, ADPM Anthony DiNapoli, PM

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 May 1, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Mr. Berger provided an update with respect to proposed Legislation that may impact the Board.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

PRB # 22-002
Origin/Client: DCS/WCSU
Transaction/Contract Type AE / Amendment
Project Number BI-RD-290
Contract BI-RD-290-ARC
Consultant: TSKP Studio, LLC

Property Danbury, White St (181) – Higgins Hall & Annex

Project purpose: Extended CA Services Beyond Scheduled Substantial

Completion

Item Purpose Amendment #1 for Extended CA Services

At 9:32 Ms. Vigneault and Mr. DiNapoli, both of DAS-CS, joined the Meeting to participate in the Board's discussion of this Proposal. Both left the meeting at 9:40.

CONSULTANT FEE: \$57,547

At its meeting held on January 27, 2022 the State Properties Review Board voted to suspend this item pending clarification of the following issues:

1. In a June 10, 2020 DAS communication to the CMR, DAS assessed Liquidated Damages in the amount of \$1,171,635. On page 2 of the DAS Memo it states "Specifically, the final settlement change order to the CMR was signed by DAS on 10-29-21."

a) Please provide a copy of the final 'settlement change order.'

DAS Response: Please see attached.

Staff Response: From the 10-29-2021 Change Order:

Pursuant to Article 13 of the General Conditions the General Contractor is hereby authorized and directed to make the following change(s) to the Contract Documents:

PCO	Item #	Description	Amount
341 - Final Settlement		1 - Deduct for additional costs incurred by TSKP, O & G, and WCSU due to delays in completing the project.	(\$98,924.87)
The original Co	ntract Value was		\$25,211,293.00
Sum of change	s by prior Subcontrac	t Change Orders	\$1,116,681.07
The Contract V	alue prior to this Sub	contract Change Order was	\$26,327,974.07
The Contract v	alue will be changed l	by this Subcontract Change Order in the amount of	(\$98,924.87)
The new Contr	act Value including th	is Subcontract Change Order will be	\$26,229,049.20
The Contract d	uration will be change	ed by	0 Days
The revised Su	bstantial completion	date as of this Subcontract change order is	4/28/2016

b)Identify various costs that were recovered from the CMR – A/E; CA; legal

DAS Response:

- 1).Delay costs from TSKP Studio (AE) to attend site meetings, follow-up walkthroughs, punch list follow-up, review of closeout documents well after the scheduled project completion. <u>Value:</u> \$57,547.00, TSKP Amendment 1.
- 2). Delay costs from O & G Industries (CA) to provide 31 additional days of full time CA Services due to CMR's delays in completing the project. <u>Value: \$40,920.00</u>, included in O & G Amendment 1.

<u>Staff Response</u>: Why was the O&G portion negotiated at 31 days and \$40,920, when under A1 to the CA Contract (PRB 19-279) the Consultant was compensated for 60 days totaling \$52,800?

<u>DAS Response</u>: The O & G Amendment was negotiated at 60 days because at the time it was my understanding that the additional 60 days was a result of the delays in project completion, but later while we were settling with Downes it was determined that that only 31 days of O & G's time was due to the delay and the remaining 29 days was due to the WAO at the start of the project.

<u>Staff Response</u>: What happened to the \$5,775 Commissioning Fee requested and approved under A1 to the Consultant's Contract?

DCS Response: Services were provided, invoiced and paid in full.

Staff Response: OK

3). Costs from Western Connecticut State University to make corrections to doors, hardware, and access control due to failures in the original installations by the CMR. <u>Value:</u> \$457.87.

Staff Response: OK

c) Identify the liquidated damages that were assessed

<u>DAS Response</u>: No LD's were assessed, only the charges in the Final Settlement CO, described above.

<u>Staff Response</u>: Why did DCS abandon the claim for Liquidated Damages? Please provide all the expenses (staffing/fees/reimbursables/etc.) related to the CMR in managing this project from the agreed upon substantial completion date to the actual substantial completion and closeout. What was the rationale for

negotiating the CO down from \$1,171,635 (estimated liquidated damages assessment – letter dated June 10, 2020 to Downes Construction) to \$98,924.87.

<u>DAS Response</u>: The value of \$98,924.87 represents the full costs for TSKP Amendment + costs incurred by WCSU for door and hardware adjustments + attributable delay costs (31 days) for OG extended services. Determination for pursuit of LDs is made by the Deputy Commissioner and the Director of Legal services and as I understand, is generally based on recovery of true monetary costs/losses which is represented by the negotiated sum.

<u>Staff Response</u>: Pl clarify if the State should pay for all the expenses incurred by the CMR in managing the project because of their lack of performance and associated delays?

<u>DAS Response</u>: The damages reflect the incurred costs and were recovered from the CRM through a deduct Change Order.

Staff Response: OK

RECOMMENDATION: Staff recommends to **APPROVE** Amendment #1 in the amount of \$57,547 for extended CA Services for this Project.

At the July 25, 2016 SPRB Meeting, the Board approved, under PRB #16-186, the Consultant's Contract (BI-RD-290-ARC) for the completion of the <u>WCSU Major Renovations to Higgins Hall Project</u> with the completion of a pre-design study and then the initiation of a schematic design phase through the construction document phase and the subsequent completion of construction. The overall compensation rate for this basic service was \$2,032,500 with an additional \$219,853 for special services, totaling \$2,252,353. The special services detailed in the project scope include traffic engineering, geotechnical/environmental engineering, land surveying and FF&E consulting.

Under this proposal (PRB #22-001), DCS is now seeking Board approval of Amendment #1 to the Consultant Contract to expend an additional \$57,547 for extended design and construction administration services due to delays in final completion of the project.

DCS provided the following support for the extended services:

This Amendment is required for extension of the Architect's Construction Administration Services due to delayed completion of the project. The additional time needed to complete the project resulted in the Architect and their sub-consultants having to make additional site visits, attend additional meetings, and perform additional punch list inspections.

The original Substantial Completion Date for the project was June 7, 2019. This was for all areas except for the Lower Level of Area B, which had a later Substantial Completion Date of August 17, 2019. The original Final Acceptance Date for the project was September 11, 2019, but the project was not completed until June 10, 2020. Please refer to the timeline below:

TSKP Original Contract Duration: 360 Calendar Days + 10% (36 Calendar Days) = 396

Days

TSKP Original Duration: May 10, 2018 + 396 Calendar Days = June 10, 2019

Closeout Period (90 days): June 11, 2019-September 11, 2019 Extended CA Services due to delays: September 11, 2019-October 9, 2020

Between September 11, 2019 and October 9, 2020, the Architect and their sub-consultants spent time on the project continuing to support DAS and the Construction Team by attending site meetings and additional walkthroughs well beyond the project's scheduled completion dates, reviewing closeout documents that were submitted late and/or required

resubmission, following up on missing submittals, and preparing record drawings once all closeout documents were submitted. Again, this process extended well beyond the project's Final Acceptance Date of September 11, 2019. All of the above services were completed by October 9, 2020.

DAS did not process this Amendment until the costs had been recovered from the CMR. DAS settled the delay costs with the CMR in October of 2021. Specifically, the final settlement change order to the CMR was signed by DAS on 10-29-21.

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

As part of this contract amendment DCS states that the construction budget was \$24,255,576 and the total project budget was \$34,576,000.

toject budget was \$54,570,000.				
TSKP Fee for Basic Services (PRB #16-186)	COST (\$)	COST (\$)	C. Budget (\$)	<u>(%)</u>
	(BASIC)	(SPECIAL)		Budget
Schematic Design Phase	\$316,150			
Design Development Phase	\$416,800			
Construction Document Phase	\$618,200			
Bidding and Review Phase	\$99,150			
Construction Administration Phase	+\$582,200			
TOTAL BASIC SERVICE FEE (#16-186) (A)	\$2,032,500		\$22,184,486	9.16%
TSKP Fee for Expanded CA Services (PRB 22-002) (A1)	\$57,547			
TOTAL BASIC SERVICE FEE (#22-002) (A) + (A1)	\$2,090,047		\$24,255,576	8.62%
SPECIAL SERVICES:				
Pre –Design Study (TKSP)		\$60,000		
Survey (Milone & MacBroom)		\$15,373		
FF& E Consulting Services (TSKP)		\$104,000		
Educational Programming (Rickes Assoc)		\$27,500		
Traffic Engineering (Hesketh Associates)		\$2,750		
Geotech Engineering (Welti)		+\$10,230		
TOTAL SPECIAL SERVICES(B)		\$219,853		
TOTAL FEE (PRB #22-002) (A) + (A1) + (B)		\$2,309,900	\$24,255,576	9.52%

Staff have requested clarification of the following issue:

- 2. In a June 10, 2020 DAS communication to the CMR, DAS assessed Liquidated Damages in the amount of \$1,171,635. On page 2 of the DCS Memo it states "Specifically, the final settlement change order to the CMR was signed by DAS on 10-29-21."
- d) Please provide a copy of the final 'settlement change order.'
- e) Identify various costs that were recovered from the CMR A/E; CA; legal
- f) Identify the liquidated damages that were assessed

RECOMMENDATION: Staff recommends to suspend Amendment #1 in the amount of \$57,547 for extended CA Services pending response from DCS.

PROJECT BRIEF— In general this project involves the design and construction of a planned major renovation to Higgins Hall at the Western Connecticut State University ("WCSU") Campus. Higgins Hall is comprised of two buildings encompassing approximately 90,000 GSF of existing structure. The overall goal of the project is to complete a major "like new" renovation of the existing structure inclusive of complete space re-programming and utilization. The primary goal of the project is to create an updated plan and atmosphere for classrooms, faculty offices and support services area. The project program may include a small building addition to establish a more formal building entrance that is cohesive with planned program and space layout. As part of the project, all building systems will be replaced including but not limited to HVAC Systems, Plumbing, electrical Services, A/V equipment and telecommunication requirements. The overall construction and total project budget have been established at \$22,184,486 and \$34,576,000 respectively.

In February 2015 the Department of Construction Services ("DCS") issued a Request for Qualifications (RFQ) for *Architect & Consultant Design Teams* related to the <u>WCSU Major Renovations to Higgins Hall Project</u>. DCS elicited eleven (11) responses to the advertisement of which ten (10) submittals 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, Amenta/Emma Architects, P.C., Tai Soo Kim Partners, LLC, ID3A, LLC, The S/L/A/M Collaborative, Inc. and SviGals + Partners, LLP. 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 Tai Soo Kim Partners, LLC ("TSKP") as the most qualified firm.

This contract is for *Architect/Engineer Consultant Design Team Services* for the completion of the WCSU Major Renovations to Higgins Hall Project with the completion of a pre-design study and then the initiation of a schematic design phase through the construction document phase and the subsequent completion of construction. The overall compensation rate for this basic service is \$2,032,500 with an additional \$219,853 for special services. As such the total project fee is \$2,252,353. The special services detailed in the project scope include traffic engineering, geotechnical/environmental engineering, land surveying and FF&E consulting.

DCS has confirmed for SPRB that funding is available for this contract. FEE – The costs of basic and special services are as follows:

TOTAL BASIC SERVICE FEE (#16-186) (A)	\$2,032,500		\$22,184,486	9.16%
SPECIAL SERVICES:				
Pre –Design Study (TKSP)		\$60,000		
Survey (Milone & MacBroom)		\$15,373		
FF& E Consulting Services (TSKP)		\$104,000		
Educational Programming (Rickes Assoc)		\$27,500		
Traffic Engineering (Hesketh Associates)		\$2,750		
Geotech Engineering (Welti)		+\$10,230		
TOTAL SPECIAL SERVICES(B)		\$219,853		
TOTAL FEE (PRB #16-186) (A) + (B)		\$2,252,353	\$22,184,486	10.15%

- The RFQ February 2015 elicited 11 candidates. The Selection Panel interviewed five firms and ultimately recommended the appointment of Tai Soo Kim Partners, LLC ("TSKP"). The selection was approved by Commissioner Currey on 3/23/2015.
- TSKP is locally located in Hartford. This firm was established in 1970 and has over 20 employees which includes 6± registered Architects, Landscape Architects and Interior designers. TSKP is operating under the license of Mr. Whit Iglehart, a Principal of TSKP, license No. ARI.0003711. The license is valid until 07/31/2016.
- Fenner & Essler Inc. reported that over the past 5 years TSKP has been exposed to one general liability or professional liability claims which has been closed.
- The submittal is accompanied by a Consulting Agreement Affidavit notarized on 4/21/2015.

<u>RECOMMENDATION:</u> It is recommended that <u>Approve</u> this new contract for Tai Soo Kim Partners, LLC to provide design related services at the <u>WCSU Major Renovations to Higgins Hall Project</u>. The overall basic service rate of 9.16% is within the established guideline rate of 11.50% for this Group B New Construction/Renovation Project.

6. ARCHITECT-ENGINEER – NEW BUSINESS

PRB # 23-061
Origin/Client: DCS/DCS

Transaction/Contract Type AE/ On-Call CAm Consulting Contracts

Contract: OC-DCS-CAm-0012
Consultant: D.H. Bolton, Inc.

Item Purpose: New On-Call Consultant Contracts

PRB # 23-062
Origin/Client: DCS/DCS

Transaction/Contract Type AE/ On-Call CAm Consulting Contracts

Contract: OC-DCS-CAm-0013
Consultant: STV Construction, Inc.

Item Purpose: New On-Call Consultant Contracts

PRB # 23-063
Origin/Client: DCS/DCS

Transaction/Contract Type AE/ On-Call CAm Consulting Contracts

Contract: OC-DCS-CAm-0014
Consultant: The Morganti Group, Inc.

Item Purpose: New On-Call Consultant Contracts

PRB # 23-064
Origin/Client: DCS/DCS

Transaction/Contract Type AE/ On-Call CAm Consulting Contracts

Contract: OC-DCS-CAm-0015

Consultant:Bismark Construction CompanyItem Purpose:New On-Call Consultant Contracts

PRB # 23-065
Origin/Client: DCS/DCS

Transaction/Contract Type AE/ On-Call CAm Consulting Contracts

Contract: OC-DCS-CAm-0016

Consultant: 7 Summits Construction, LLC
Item Purpose: New On-Call Consultant Contracts

This is the 3rd series of On-Call Construction Administrator – Minor Projects - Consulting Service Contracts awarded by the Department of Administrative ("DAS"). This series of Construction Administration ("CA") Contracts was developed for consultant services on minor capital projects where the construction budgets are \$5,000,000 or less and services are anticipated to be 8-20 hours per week. The five (5) On-Call Contracts that are the subject of this memorandum have a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 9/30/2025.

The prior series, approved under PRB Files #20-101 to #20-105 had a maximum total cumulative fee of \$500,000/contract and a common expiration date of October 31, 2022.

Under PRB Files 22-155 to 22-159 the Board approved extending the common expiration date to May 1, 2023.

<u>DESCRIPTION:</u> The scope of work under these contracts shall encompass, but not be limited to:

The selected Construction Administrator (for Minor Capital Projects) shall have responsibilities to the Department of Administrative Services and its client custodial agencies of the State of Connecticut for the coordination and management during the pre-design (if requested), design, and construction phases for various projects, which services shall be identified in the task letters.

The On-Call Contract can be utilized on DAS projects with construction budgets of up to five million dollars (\$5,000,000).

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

- Expansion of Article V language Duties and Services;
- Expansion of Article IX language Indemnification;
- Expansion of Article XIII language Termination;
- Expansion of Article XXI language Non-Discrimination, Affirmative Action, EO, Anti-Harassment and Discrimination; and Summary of State Ethics Laws;
- Addition of Article XXVII language Audit & Inspection of Plants, Places of Business and Records:
- Addition of Article XIX language Access to Contract and State Data requiring the Contractor to provide information to the Client Agency and State Auditors of Public Accounts;
- Addition of Article XXX 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 Article XXXI 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 Article XXXII language Iran Energy Investment Certification;
- Addition of Article XXXIII language Consulting Agreement Certification;
- Addition of Article XXXIV Language Notices; and
- Revised Exhibit A Hourly Rate Schedule.

A Request for Qualifications (RFQ) for the consultant services was released on September 22, 2022 and elicited nine (9) responses at the October 25, 2022 due date for response. All nine consultants responding were 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 the following Firms under this Series. The selection of the Firms was approved by DAS Deputy Commissioner Hobbs on February 9, 2023.

The Proposal before the SPRB is for review and approval/disapproval of the following Firms under this Series:

<u>PRB #23-061 – D.H.</u>, <u>Bolton, Inc. (DHB)</u> originally established in 2006 and locally located in Hartford, Connecticut. DHB has a local staff of 2 employees, both project managers. DCS reports the Consultant has been awarded two contracts in the last five years with \$890,188 total volume of work.

DHB has been awarded the following Formal Contracts and Task Letters for the prior two years:

PRB #20-105 – 6/2020 - OC-DCS-Cam-0011 - \$500,000 maximum cumulative fee:

D.H. Bolton, Inc. has been assigned the following Tasks under this On-Call Contract:

 Task Letter #1 	Newbury Res. Hall. Wellness Center	\$107,760	(21-042)
 Task Letter #1A 	Newbury Res. Hall. Wellness Center	\$61,820	(Pending)
 Task Letter #2 	DSET Training Area	\$30,000	(Informal)
 Task Letter #2A 	DSET Training Area	\$10,000	(Informal)
 Task Letter #3 	Hartford CI Energy Audit	\$73,150	(Informal)
 Task Letter #4 	Willard CI Energy Audit	\$0	(Cancelled)
 Task Letter #5 	Robinson CI Energy Audit	\$84,850	(Informal)
 Task Letter #6 	DCF State Receiving Home Energy	\$70,740	(Informal)
	Audit		
 Task Letter #7 	DVA Main Campus – Boiler	\$97,520	(Informal)
	Replacement		
	Total Fee to Date:	\$474,020	

Suggs Insurance, Inc. reported that DHB has not had any professional policy or liability loss or claims during the past 5 years. DHB scored a total of 300 possible 360 points.

<u>PRB #23-062 – STV Construction, Inc.</u> (STV) was originally established in 1996 as Diversified Project Management, Inc. and merged with STV Inc. STV has a local staff of 20± employees including 4 project executives, 5 professional engineers and 6 construction project managers (2,200 employees nationwide). STV is locally located in Hartford. DCS reports STV was not awarded any contracts within the past 5 years.

Starr Insurance/Lloyds reported that STV has had 113 professional policy claims during the past 5 years. Only one was state related (DOT) and remains open with no claims paid. STV scored a total of 290 out of a possible 360 points.

#23-063 - The Morganti Group, Inc. (MGI) originally established in 1985 and locally located in Danbury. MGI has a local staff of 40± employees including 5 project managers, 2 estimators and 11 construction managers. DCS reports MGI was awarded 2 contracts within the past 5 years with a total \$1,007.711 volume of work.

MGI has been awarded the following Formal Contracts, On-Call Contracts and Task Letters for the prior two years:

PRB #20-101- 6/2020 - OC-DCS-Cam-0007 - \$500,000 maximum cumulative fee:

•	Task Letter #1	CA services for various projects	\$90,000	(Informal)
•	Task Letter #1A	CA services for various projects	\$90,000	(Pending)
•	Task Letter #2	New Center & Memorial Unit energy	\$172,040	(#23-001)
		audit		
		Total Fee to Date:	\$262,040	

Willis Tower Watson reported that MGI had no professional policy losses or claims during the past 5 years. MGI scored a total of 282 out of a possible 360 points.

<u>PRB #23-064 – Bismark Construction Company (BCC)</u> is located in Milford, established in 1982, has a staff of 10 employees including 6 project managers and 2 construction managers. DCS reports the Consultant has not been awarded any contracts in the last five years.

Wright Company Insurance reported that BCC had no professional policy loss or claim during the past 5 years. BCC scored a total of 260 out of a possible 360 points.

<u>PRB #23-065 – 7 Summits Construction, LLC (7SC)</u> is located in Hartford, established in 2014, has a staff of 5 employees, all construction managers. DCS reports 7SC was not awarded any contracts within the past 5 years.

Smith Brothers Insurance Company reported that 7SC had no professional policy loss or claim during the past 5 years. 7SC scored a total of 238 out of a possible 360.

A summary of the Consultants' professional rate schedule (all identical) is as follows:

Labor Category	Per hour
Principal	\$220.00
Senior Project Manager	\$185.00
Chief Estimator	\$175.00
Scheduler	\$166.00
Project Manager	\$155.00
Superintendent / MEP Superintendent	\$145.00

Staff inquired with DAS regarding the following:

1. Please review/resubmit The Morganti Groups QBS Submittal as it appears there was a formatting/printing error.

<u>DAS Response</u>: Attached. Staff Response: OK

2. Please submit the Task Logs for the current CAm Series.

<u>DAS Response</u>: Attached. Staff Response: OK

<u>RECOMMENDATION</u> – Staff recommend approval of the five On-Call Contracts that have a maximum total cumulative fee of \$500,000 per contract and a common expiration date of September 30, 2025.

At the State Properties Review Board meeting held on June 15, 2020, the Board approved PRB Files #20-101 to #20-105, five Consultant Contracts under the 2nd series of On-Call Construction Administrator – Minor Projects - Contracts awarded by the Department of Administrative Services ("DAS") since 2017. All of the contracts have a maximum total cumulative fee of \$500,000/contract and a common expiration date of October 31, 2022.

Under this Proposal (22-155 to 22-159), DCS is now resubmitting all five Firms to the Board for approval under Contract Amendment #1 to the On-Call Contracts to extend the contract expiration date to May 1, 2023. The \$500,000 maximum cumulative fee is unchanged.

Changes to the On-Call Construction Administrator – Minor Projects - Contracts include the following:

- Article 3 is changed to extend the termination date to May 1, 2023;
- Expansion of Section A of Article XXI language Non-Discrimination;
- Replacement of Section B of Article XXI language Executive Orders;
- Replacement of Section D of Article XXI language Summary of State Ethics Laws;
- Replacement of Section E of Article XXI language Campaign Contributions;
- Addition of Article XXX 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 Article XXXI 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 Article XXXII language Iran Energy Investment Certification;
- Addition of Article XXXIII language Consulting Agreement Certification; and
- Addition of Article XXXIV language Access to Contract and State Data.

The Morganti Group, Inc. has been assigned the following Tasks under this On-Call Contract:

•	Task Letter #1	CA services for various projects	\$90,000	(Informal)
•	Task Letter #2	New Center & Memorial Unit energy	\$176,550	(Pending)
		audit		
		Total Fee to Date:	\$90,000	

Martinez Couch & Associates, LLC has been assigned the following Tasks under this On-Call Contract: None.

Diversified Technology Consultants, Inc. has been assigned the following Tasks under this On-Call Contract:

•	Task Letter #1	Uncas on Thames Chiller Repl.	\$25,000	(Pending)
		Total Fee to Date:	90	

Construction Solutions Group, LLC has been assigned the following Tasks under this On-Call Contract:

 Task Letter #1 	CA services for various projects	\$90,000	(Informal)
 Task Letter #2 	DPH Water Infiltration at Roof	\$45,000	(Pending)
 Task Letter #3 	RL Corrigan Energy Audit	\$110,550	(Pending)
 Task Letter #4 	Rowland Govt Center Energy Audit	\$33,000	(Pending)
 Task Letter #5 	410 Capitol Ave Energy Audit	\$38,500	(Pending)
	Total Fee to Date:	\$90,000	

D.H. Bolton, Inc. has been assigned the following Tasks under this On-Call Contract:

 Task Letter #1 	Newbury Res. Hall. Wellness Center	\$107,760	(21-042)
 Task Letter #2 	DSET Training Area	\$30,000	(Informal)
 Task Letter #2A 	DSET Training Area	\$10,000	(Informal)
 Task Letter #3 	Hartford CI Energy Audit	\$73,150	(Pending)
 Task Letter #4 	Willard CI Energy Audit	\$70,950	(Pending)
 Task Letter #5 	Robinson CI Energy Audit	\$53,350	(Pending)
 Task Letter #6 	DCF State Receiving Home Energy	\$22,550	(Pending)
	Audit		
	Total Fee to Date:	\$147,760	

<u>RECOMMENDATION</u> – Staff recommend **approval** of Amendment #1 to the five On-Call Contracts to extend the common expiration date to 5/01/2023. The \$500,000 maximum cumulative fee is unchanged.

From PRB #20-101 to #20-105

This is the **2nd** series of On-Call Construction Administrator – Minor Projects - Consulting Service Contracts awarded by the Department of Construction Services ("DCS"). This series of Construction Administration ("CA") Contracts is being developed for consultant services on minor capital projects where the construction budgets are \$5,000,000 or less and services are anticipated to be 8-20 hours per week. All other state CA program requirements will remain the same. The **1st** series, awarded in 2017, had a term of 24 months and a maximum total cumulative fee of \$500,000/contract. Under PRB #19-123-#19-127, the Board approved a contract amendment to extend the 1st series contract expiration date from June 15, 2019 until June 15, 2020. The current maximum contract remained at \$500,000. Three of the five firms under this current 2nd series RFP submittal have been previously approved for Construction Administrator – Minor Projects

Services Consulting On-Call Contracts. The Morganti Group, Inc, Construction Solutions Group, LLC and D.H. Bolton, Inc.

The five (5) On-Call Contracts that are the subject of this memorandum have a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 10/31/2022.

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

- Section II. Fees and Payments, Subsection A. added last paragraph:
 - For the services and deliverables specified in a task letter, the Construction Administrator shall be paid a fee based on the classification and hourly rate of personnel as shown in Exhibit A entitled "Hourly Rate Schedule." Said Exhibit A is attached hereto and made a part hereof. In addition to providing the hours of services and fee of any particular employee on any particular job, the Construction Administrator shall make available upon request appropriate information to verify the actual burden, fringe, and overhead rates. The State reserves the right to audit these data. *Hourly rates used for any task assigned under this contract shall remain unchanged for the term of this contract.*
- Changes to Section II.B. 'Progress Payments' added language clarifying work prepared and compensated by an Hourly Rate.
- Added Antitrust Provision (Section X);
- Expanded Indemnification language;
- Expanded Suspension of the Work language;
- Expanded Termination of Contract language; and
- Addition of Notices clause.

A Request for Qualifications (RFQ) for the consultant services was released on January 27, 2020 and elicited 16 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 five firms under this series.

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

PRB 20-101 – **The Morganti Group, Inc. (MGI)** originally established in 1985 and locally located in Danbury, Connecticut. MGI has a local staff of 40± employees including 4 project managers, 2 estimators and 12 construction managers. DCS reports MGI was awarded 5 contracts within the past 5 years with a total \$146,200,000 volume of work.

The company has been awarded the following On-Call Contract or Formal Contract with the DCS in the past two years:

- PRB #18-224 CF-RD-303-CA WCSU Berkshire Hall Renovation \$1,021,250
- PRB #19-139 BI-CTC-565-CA Norwalk CC B-Wing Renovation \$690,315

AON Insurance, Inc. reported that MGI has not experienced any professional policy or liability losses or claims during the past 5 years. MGI scored a total of 286 out of a possible 300 points and was identified as the most qualified Firm.

PRB 20-102 – Martinez & Couch Associates, LLC (MCA) was originally established in 2009. MCA has a local staff of 25± employees including 4 civil engineers, 4 project managers and 1 construction inspector. DCS reports MCA was awarded 1 contract within the past 5 years with a total \$176,411.41 volume of work.

The company has not been awarded the following On-call Contracts or Formal Contracts in the past two years.

DCS submitted two related proposals to SPRB that were both rejected.

• PRB #19-175 / #19-274 - BI-JA-465-ARC – York CI Central Plant (Amend #2) - \$147,450

Maloney and Company Insurance, LLC reported that MCA has not incurred any general liability or professional policy losses or claims during the past 5 years. MCA scored a total of 280 out of a possible 300 points. MCA was identified as the second most qualified Firm (MBE) for this submittal.

PRB 20-103 – Diversified Technology Consultants, Inc.("DTC") originally established in 1979, has a local staff of 45± employees including over 20 professional engineers in the civil, environmental, mechanical, structural and electrical disciplines. DCS reports DTC was awarded 4 contracts within the past 5 years with a total \$750,000 volume of work.

DTC has been awarded the following On-Call Contract or Formal Contracts over the past two years:

- PRB #18-180 DCS-MBE-CIV-0012 \$500,000
- PRB #19-184 OC-DCS-ENGY-0028 \$300,000

Smith Brothers Insurance Company reported that DTC has had one professional policy losses or claims during the past 5 years. The claim is currently open (Centerplan Construction) and no claims have been paid to date, with a \$10,000 reserve. DTC scored a total of 256 points out of 300 and was identified as the 3rd highest ranking Firm (MBE).

PRB 20-104 - Construction Solutions Group, LLC (CSG) originally established in 2014 and locally located in West Hartford, Connecticut. MCG has a local staff of 15± employees including 13 project managers. DCS reports CSG was awarded 2 contracts within the past 5 years with a total \$400,000 volume of work.

The company has been awarded the following On-call Contract or Formal Contract with the DCS in the past two years.

• PRB #18-178 - BI-T-614-CA - Harkness State Park Support Complex & Tower - \$354,970

Admiral Insurance, Inc. reported that CSG has not had any professional policy or liability loss or claims during the past 5 years. CSG scored a total of 259 out of a possible 300 points and was identified as the 5th most qualified Firm.

<u>D.H.</u> Bolton, Inc. (DHB) originally established in 2006 and locally located in Hartford, Connecticut. DHB has a local staff of 2 employees, both 2 project managers. DCS reports DHB was awarded 3 contracts within the past 5 years with a total \$220,320 volume of work.

The company has not been awarded an On-Call Contract or Formal Contract with the DCS in the past two years.

• PRB #19-169 - OC-DCS-SCH-0020 - \$300,000

Suggs Insurance, Inc. reported that DHB has not had any professional policy or liability loss or claims during the past 5 years. DHB is a certified MBE vendor. DHB scored a total of 242 out of a possible 300 points and was identified as the 6th most qualified Firm.

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

All Five Consultants	Proposed
Principal	\$200
Senior Project Manager	\$180
Chief Estimator	\$170
Scheduler	\$160
Project Manager	\$150
Superintendent / MEP Super.	\$140

Staff have requested clarification of the following issues:

1. Please clarify why Nosal Builders was excluded from this 2nd Series of CAm On-Call Series when the Interview Committee scored this Firm as the 3rd highest scoring firms out of the 16 interviewed.

DCS Response: DAS chose to select another firm instead of Nosal Builders, Inc. for a number of reasons. The nature of this on-call contract is to provide mostly smaller firms, especially MBE firms, the opportunity to perform construction administration work for the State. Ideally, DAS would like to utilize firms that focus their work on Construction Administration as opposed to working as construction administrators, trade contractors and general contractors. This is to ensure that the approach to our work is as a construction administrator and not as a contractor. Moreover, utilizing firms that are principally construction administration firms avoids potential conflicts of interest. As a CA on one project, a firm may need to take an adversarial position against a trade contractor. This becomes difficult in circumstances where the CA is a GC on other project, and as a GC is dependent upon the very same trade contractor to perform work.

The selection panel's list of five highest scoring firms contained two firms that perform work both as a CA and as a contractor – The Morganti Group, Inc. and Nosal Builders, Inc. Of the two, The Morganti Group, Inc. was the higher rated of the two firms, and its work for DAS, outside of Construction Administration, has been as a CMR, which parallels the CA work to a greater extent than that of a general contractor. The sixth highest rated firm, DH Bolton, Inc., is a MBE firm that focuses on Construction Administration as well as the services of Cost Estimating and Scheduling, which are valuable services for a CA. DAS determined that the selection of DH Bolton, Inc. in lieu of Nosal Builders, Inc. was in the best interests of the State and the work, policies and purposes associated with this particular on-call contract. OK

2. Four of the five firms submitted QBS Submittal Booklets Divisions 4, 5 and 6. Please clarify if the only firm not to submit these Booklets - Construction Solutions Group - submitted Form 330 parts I and II, and is use of the Booklets Divisions 4, 5 and 6 a change in DCS requirements?

https://portal.ct.gov/-/media/DAS/Construction-Services/DAS-CS-Library/1000-Series/1200-Series/1212-QBS-Submittal-Booklet-Instructions.pdf

DCS Response: Construction Solutions Group submitted Form 330 Parts I and II using the old format (Forms 1214 and 1215) instead of the new format (Divisions 4 and 5). This is an acceptable method of submitting Form 330 Parts I and II, since some consultants have preformatted CT 330 Part I and II, and we are allowing them to submit the old format for one year. Both the old format (Forms 1214 and 1215) and the new format (Divisions 4 and 5) collect identical information. Construction Solutions Group submitted Division 6 as required

in the same format as the other consultants. Divisions 4, 5 and 6 do not change DCS requirements; rather, they represent a re-design of our QBS Submittal Booklet as a result of going 100% online and paperless earlier this year. OK

3. Please clarify if the Consultant's hourly rates contained within the QBS Submittal Booklet Division 4 were their proposals for this On-Call Series and reconcile with the hourly rates in Exhibit A of the On-Call Contract (see below).

<u>DCS Response</u>: As with other recent on-call series, DAS analyzed the rates listed by each consultant for its personnel and positions, and then established a contract rate for positions utilized under this contract to avoid significant differences in amounts charged on a consultant-by-consultant basis. This caused consternation among the PRB in the past. DAS provided the contract rates to each conditionally selected firm for review and acceptance. Each consultant firm agreed to the contract rates that appear in Exhibit A. OK

4. Please provide a summary of the five Morganti contracts that totaled \$146,200,000.

DCS Response: The total volume of work listed by Morganti under Section 8.4 of the QBS

Submittal Booklet, Division 4, appears based on the six contracts listed in Section 8.5. These contracts, and amounts, are:

BI-CTC-56 CA \$690,315

OC-DCS-CAm \$806,933, \$848,000 & \$847,668

BI-RT-878-CMR \$91,745,845 BI-CTC-422-CMR \$38,041,416 BI-CTC-437-CA \$9,400,000 BI-CTC-471-CA \$4,600,000

Of course, the contract amounts listed above represents, in most cases, the project cost and not the fee/general conditions cost paid to Morganti.

OK

5. Why is utilization of Morganti higher than the other consultants on the lists?

<u>DCS Response</u>: At the outset it should be noted that Morganti included two contracts that DAS awarded more than five years ago, instead of contracts awarded within the past five years. Second, two of the projects were CMR projects and none of the other selected firms provided such services to DAS. Lastly, the experience on BI-CTC-437-CA may have played a role in their selection for BI-CTC-471-CA as both projects involved advanced manufacturing centers, which were state priority projects at the time. Despite the number of projects listed, the fees earned for CA work total \$1,130,000 approximately over the past five years, with almost half of that amount coming from BI-CTC-56-CA

6. Please confirm if Exhibit C (Campaign Contribution and Solicitation Limitations) is current as SEEC last update was 7/18 and DCS is utilizing a 1/11 version. https://seec.ct.gov/Portal/data/forms/ContrForms/seec_form_11_notice_only.pdf

<u>DCS Response</u>: When you search Campaign Contribution and Solicitation Limitations the 1/11 form appears for DAS Procurement. I have been unable to load the page from the SEEC website to see the current form and date. Regardless, we will use the most current SEEC Form 11 for procurement contracts.

Morganti

7.2 Names Of Key Personnel: (see Section E – Key Person	7.3 Role In This Contract: (see Section E – Role In	7.4 \$ Hourly Rates NOT APPLICABLE FOR CMR SELECTIONS 7.5 Example Proj Section (Place an "X" under it Example Project Key participation in same o				F he applicable y Number for	
Name)	This Contract)	(all hourly rates are subject to negotiation between the Consultant and DAS)	1	2	3	4	5
Lawrence Rosati	Director of Preconstruction	\$175	×	×	×	×	×
Lawrence Rosati	Project Manager	\$175	×	×	×	×	×
Lawrence Rosati	Scheduler	\$175	×	×	×	×	×
Kanu Shree Maheshwari	Project Manager	\$140			×		
John Ambra	Superintendent	\$140	×	×	×	×	×
Danillo Andrade	Assistant Project Manager	\$85	⊠	×	×	×	×
Fred Ricci	MEP Superintendent / BIM Manager	\$140	×	×	×	×	×
Ed Herndon	Chief Estimator	\$165	×	×	×	×	×
Roy Riacchi	Junior Estimator	\$85	⋈	×	×	\boxtimes	×
Gianni Giacchi	Corporate & Field Safety Officer	\$140	⊠	⊠	⊠	×	×
Alice McDonnell	Project Administrator	\$80			×	×	×

Martinez Couch

Martinez Couch								
7.2 Names Of Key Personnel:	7.3 Role In This Contract: (see Section E – Role In	7.4 \$ Hourly Rates NOT APPLICABLE FOR CMR SELECTIONS	(Plac Exar	Example Projects From Section F e an "X" under the applicable nple Project Key Number for pation in same or similar role.)				
(see Section E – Key Person Name)	This Contract)	(all hourly rates are subject to negotiation between the Consultant and DAS)	1	2	3	4 5	5	
Richard Couch, P.E.	Principal-in-Charge	\$218.00	×	×	\boxtimes	×	⋈	
Rima Laukaitis, P.E.	Senior Project Engineer	\$197.00	⋈	×	\boxtimes	\boxtimes	×	
Matt Ranando, P.E.	Project Engineer	\$161.00	×	×	\boxtimes	×		
Samuel Couch, EIT	Staff Engineer	\$128.00		⋈		\boxtimes	⋈	
Frank Villar, EIT	Staff Engineer	\$128.00	\boxtimes		\boxtimes	\boxtimes	⋈	
Elizabeth Norris	Technician	\$ 92.00			\boxtimes	\boxtimes		
Ryan Curley	Technician	\$ 92.00	\boxtimes					

Diversified Technology

7.2 Names Of Key Personnel: (see Section E – Key Person Name)	7.3 Role In This Contract: (see Section E – Role In This Contract)	7.4 \$ Hourly Rates NOT APPLICABLE FOR CMR SELECTIONS	(Plac Exar	Example Projects From Section F e an "X" under the applicable nple Project Key Number for pation in same or similar role.)				
		(all hourly rates are subject to negotiation between the Consultant and DAS)	1	2	3	4	5	
A. Graham Curtis, PE, LEED AP	Principal-in-Charge	\$210	×	\boxtimes	×	×	\boxtimes	
Scott Feulner, NICET III	Construction Administration	\$175	×	\boxtimes	×	×		
Joseph L. Whitley, EIT	Construction Administration	\$150	×	\boxtimes	×			
Joseph R. Caruso	Inspection/Construction Administration	\$100	×	×				
David T. Seitlinger	Inspection/Construction Administration	\$100	×	×				

7.2 Names Of Key Personnel: (see Section E – Key Person Name)	7.3 Role In This Contract: (see Section E – Role In This Contract)	7.4 \$ Hourly Rates NOT APPLICABLE FOR CMR SELECTIONS	7.5 Example Projects From Section F (Place an "X" under the applicable Example Project Key Number for participation in same or similar role.)					
		(all hourly rates are subject to negotiation between the Consultant and DAS)	1	2	3	4	5	
Dwight H. Bolton	Principal	\$205.00	\boxtimes	\boxtimes	\boxtimes	\boxtimes	\boxtimes	
Xiana Clarke	Project Manager	\$165.00	\boxtimes	\boxtimes	\boxtimes	\boxtimes		

RECOMMENDATION – Staff recommend **approve** of the five On-Call Contracts that have a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 10/31/2022.

• All five Firms have submitted notarized OPM Form 1 and Form 5 affidavits.

From PRB #17-082-#17-086

To: Chairman Greenberg and State Properties Review Board Members

From: Brian Dillon, Director State Properties Review Board

Date: 5/4/2023

Re: On-Call Construction Administrator – Minor Projects - Consulting On-Call Contracts

PRB # 17-082, Nosal Builders, Inc.......Contract #OC-DCS-CAm-0001

PRB # 17-083, The McCloud Group, LLC...... Contract #OC-DCS-CAm-0002

PRB # 17-084, The Morganti Group, Inc.......Contract #OC-DCS-CAm-0003

PRB # 17-085, Construction Solutions Group, LLC.....Contract #OC-DCS-CAm-0004

PRB # 17-086, D.H. Bolton, Inc.......Contract #OC-DCS-CAm-0005

This is the **1**st series of On-Call Construction Administrator – Minor Projects - Consulting Service Contracts awarded by the Department of Construction Services ("DCS"). This new series of Construction Administration ("CA") Contracts is being developed for consultant services on minor capital projects where the construction budgets are \$5,000,000 or less and services are anticipated to be 8-20 hours per week. All other state CA program requirements will remain the same. The five (5) On-Call Contracts that are the subject of this memorandum have a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 6/15/2019.

A Request for Qualifications (RFQ) for the consultant services was released in May 2016 and elicited seventeen (17) responses. All of the respondents but one were considered "responsive" and as such sixteen (16) submittals were considered for review. Thereafter, the DCS selection panel began the process of evaluating the proposals. The State Selection Panel consisted of three members and rated each firm based upon a weighted ranking system with the following scoring methodology:

Organizational / Team Structure

Past Performance Record 20 Points

Contract Oversight Capabilities 15 Points
Partnering Experience 10 Points

TOTAL POINT VALUE

100 Points

25 Points

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

<u>RECOMMENDATION</u> – Board <u>approval</u> of the following five (5) firms as On-Call Construction Administrator – Minor Projects – Consultant for projects of various sizes and scope is recommended.

PRB # 17-082, Nosal Builders, Inc.......Contract #OC-DCS-CAm-

PRB # 17-083, The McCloud Group, LLC...... Contract #OC-DCS-CAm-0002

PRB # 17-084, The Morganti Group, Inc.......Contract #OC-DCS-CAm-

PRB # 17-085, Construction Solutions Group, LLC......Contract #OC-DCS-CAm-0004

PRB # 17-086, D.H. Bolton, Inc.......Contract #OC-DCS-CAm-0005

Nosal Builders, Inc. (NBI) originally established in 1999 and locally located in Durham, Connecticut. NBI has a local staff of 10± employees including 4 project managers, 2 estimators and 2 schedulers. The company has not been awarded an On-call Contract or formal contract with the DCS in the past two years.

Arthur J. Gallagher, Insurance, Inc. reported that NBI has not had any professional policy or liability loss or claims during the past 5 years. NBI scored a total of 293 out of a possible 300 points and was identified as one of the most qualified firms.

<u>The McCloud Group, LLC (MCG)</u> originally established in 2002 and locally located in Bridgeport, Connecticut. MCG has a local staff of 20± employees including 15 project managers, 2 estimators and 2 schedulers. The company has not been awarded an On-call Contract or formal contract with the DCS in the past two years.

Marquis Insurance. Inc. reported that MCG has experienced two professional policy or liability losses or claims during the past 5 years. Both of these are closed and neither was related to a state funded project. MCG is a state certified MBE vendor. MCG scored a total of 265 out of a possible 300 points and was identified as one of the most qualified firms.

The Morganti Group, Inc. (MGI) originally established in 1985 and locally located in Danbury, Connecticut. MGI has a local staff of 40± employees including 14 project managers, 5 estimators, 4 engineers and 3 schedulers. The company has been awarded (1) three formal contract and (1) one On-Call contract with the DCS in the past two years. MGI has been awarded the following contracts:

03/2015 QVCC New Manufacturing Center PRB #14-301

\$273,149

02/2016 On-Call Cost/Schedule Consultant PRB #16-002 NTE

\$300K

XL Catlin Insurance, Inc. reported that MGI has experienced two professional policy or liability losses or claims during the past 5 years. Both of these are closed and neither was related to a state funded project. MGI scored a total of 259 out of a possible 300 points and was identified as one of the most qualified firms

Construction Solutions Group, LLC (CSG) originally established in 2014 and locally located in West Hartford, Connecticut. MCG has a local staff of 5± employees including 3 project managers, 1 estimator and 1 scheduler. The company has not been awarded an On-call Contract or formal contract with the DCS in the past two years.

Admiral Insurance, Inc. reported that CSG has not had any professional policy or liability loss or claims during the past 5 years. CSG scored a total of 258 out of a possible 300 points and was identified as one of the most qualified firms.

D.H. Bolton, Inc. (DHB) originally established in 2006 and locally located in Hartford, Connecticut. DHB has a local staff of 5± employees including 2 project managers and 1 schedulers. The company has been awarded (1) one On-Call contract with the DCS in the past two years. DHB has been awarded the following contract:

04/2016 On-Call Cost/Schedule Consultant PRB #16-054 NTE \$300K

Suggs Insurance, Inc. reported that DHB has not had any professional policy or liability loss or claims during the past 5 years. DHB is a certified MBE vendor. DHB scored a total of 234 out of a possible 300 points and was identified as one of the most qualified firms.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #22-002 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILES #22-002. The motion passed unanimously.

PRB FILES #23-061, 23-062, 23-063, 23-064 & 23-065 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILES #23-061, 23-062, 23-063, 23-064 & 23-065. The motion passed unanimously.

9. NEXT MEETING – Monday, May 8, 2023.

The meeting ac	ljourned.		
APPROVED:		Date:	
	John Valengavich, Secretary		