

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On October 10, 2023

– solely by means of electronic equipment - via telephone conference –

Pursuant to CGS §1-225a, the State Properties Review Board conducted a Regular Meeting at 9:30AM on October 10, 2023. Pursuant to the statute, this Meeting was held solely by means of electronic equipment, with Participants connecting via telephone conference at (860)-840-2075 and used passcode 284890492#.

The Notice provided designated this Regular Meeting as open to the public. Call in instruction were provided as: Dial toll free (860)-840-2075 and use passcode 284890492#. If you have any questions or need assistance to attend these Meetings, you can contact SPRB Director Dimple Desai at dimple.desai@ct.gov to make appropriate arrangements.

Members Present – solely by means of electronic equipment:

Bruce R. Josephy, Chairman
Jeffrey Berger, Vice Chairman
John P. Valengavich, Secretary
Edwin S. Greenberg
Jack Halpert
William Cianci

Members Absent:

Staff Present – solely by means of electronic equipment:

Dimple Desai
Thomas Jerram

Guests Present – solely by means of electronic equipment:

Jennifer Vigneault – DAS-CS
Jenna Padula, Esq. – DAS-CS
Ira Henowitz, DAS-CS
David Barkin, AIA DAS-CS

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

OPEN SESSION

1. ACCEPTANCE OF MINUTES

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the October 5, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

Director Desai informed Board Members of communications from the Department of Agriculture's Commissioner Hurlburt and Jaime Smith thanking Mr. Greenberg for his service as Chairman and his attention to the Department's Farmland Preservation Program.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB File #: 23-160
Transaction/Contract Type: RE – Voucher
Origin/Client: DOT/DOT
DOT Project #: 017-192-003
Grantor: Kevin Sawe
Property: Bristol, Riverside Ave (234)
Project Purpose: Replacement of Bridge No. 04487 East Street over Pequabuck River
Item Purpose: Voucher

DAMAGES: \$24,000



SITE DESCRIPTION:

The subject site consists of a 4,792± square foot parcel at the northeast intersection of East Street and Memorial Boulevard. The Pequabuck River forms the southerly boundary of the property.

The property is located in the within the BHC – Route 72 Corridor Business District zone and received a zoning variance to operate the auto-related business.

The site is improved with a one-story commercial building constructed in 1940. The building contains 2,651± square feet and appears to be in average condition based on an exterior inspection.



Highest and Best Use – As Vacant: Commercial development.

Highest and Best Use – As Improved: Continued use as auto service repair garage.

VALUATION: The DOT appraisal was completed on June 20, 2023 by DOT Appraiser Austin N. Musulin.

The valuation of the subject property is subject to the following Extraordinary Assumptions and Hypothetical Conditions:

EXTRAORDINARY ASSUMPTIONS:

The subject property has been appraised as if clean. It is important to note that unless otherwise stated, this appraisal makes the extraordinary assumption that the subject is free of and unaffected by all hazardous materials and contaminated waste. If this assumption is proven to be different, I reserve the right to reconsider my opinion of value.

The subject property was inspected on both an interior and exterior basis. Information

regarding the interior of the improvements is based on both a personal inspection of the property and assessor information. In addition, I have made the Extraordinary Assumption that the proposed construction project timeline, duration, and scope of work as shown on the property acquisition map and specified to the appraiser by the project coordinator, contractor and engineer is correct. Secondly, that the property owner will have access to the remaining three repair/service bays (excluding bay 4) except for temporary movement of equipment, materials etc. If these assumptions prove to be false, the appraiser reserves the right to amend the opinion of value contained herein.

HYPOTHETICAL CONDITIONS:

The following hypothetical conditions are necessary to arrive at a value. The methodology used in this report is a standard State format in the form of a before and after valuation appraisal used for eminent domain purposes. This appraisal considers that there is a willing seller in an acquisition by eminent domain and has disregarded any effect on the market value brought on by the States project. I have based my appraisal report on the hypothetical condition that the proposed road project will be completed as currently proposed, in the Department of Transportation construction plans, on the day after the “as of” date. No other conditions are necessary to arrive at a value.

Before Land Valuation: Based on the sales comparison approach, the appraiser considered three sales (2022) of similarly zoned land, with a similar highest and best use, as follows:

LAND SALES SUMMARY OF ADJUSTMENTS - BEFORE							
ITEM	SUBJECT	COMPARABLE#1	COMPARABLE#2	COMPARABLE#3	COMPARABLE#4	COMPARABLE#5	COMPARABLE#6
	9 East Street, Bristol, CT	766 South Main Street, Southington, CT	454 Farmington Avenue, Bristol, CT				78-80 East Main Street, Plainville, CT
Unadjusted Sale Price	N/A	\$40,000	\$35,000	\$30,000	\$30,000	\$30,000	\$30,000
Unadjusted Per Sq. Ft. Sale Price	N/A	\$918	\$16.71	\$16.71	\$16.71	\$16.71	\$16.71
ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+/- ADJ.	DESCRIPTION	+/- ADJ.	DESCRIPTION	+/- ADJ.
PROPERTY RIGHTS CONVEYED	Fee Simple	Fee Simple	0%	Fee Simple	0%	Fee Simple	0%
FINANCING	N/A	None Noted	0%	None Noted	0%	None Noted	0%
CONDITIONS OF SALE	Arms Length	Arms Length	0%	Arms Length	0%	Arms Length	0%
MARKET CONDITIONS	As of 6/30/2023	2/6/2021	0%	As of 3/30/2022	0%	As of 3/30/2022	0%
ADJUSTED SALE PRICE		\$518		\$16.71		\$16.71	\$16.71
LOCATION	Good Corner	Good Corner	0%	Good Corner	0%	Good	0%
SIZESHAPE	4,792 SF / Mod. Irregular	4,356 SF / Rectangular	0%	34,417.45' / Slightly Irregular	-5%	35,283.85' / Rectangular	10%
ACCESS/FRONTAGE	Good 98.47'	Good 118.26'	0%	Very Good 346.4'	-10%	Good 147.5'	0%
TOPOGRAPHY	Mostly Level/Slope in Rear	Mostly Level	-5%	Mostly Level	-5%	Mostly Level	-5%
ZONING	BHC - Route 72 Corridor	CB - Central Business	0%	BB - General Business	-10%	CC - Central Commercial	-10%
UTILITIES	All Public	All Public	0%	All Public	0%	All Public	0%
AVERAGE DAILY TRAFFIC	ADT: 6,100 +/- & 8,800 +/-	ADT: 6,100 +/- & 8,800 +/-	0%	ADT: 19,900 +/-	0%	ADT: 11,200 +/-	5%
ENCUMBRANCES	Sewer Easement, Riparian Rights	None Noted	-5%	None Noted	-5%	None Noted	-5%
PRESENT USE	Auto Repair and Service Garage	Vacant Land	0%	Vacant Land	0%	Vacant Land	0%
WETLANDS/FLOOD ZONE	No Wetlands or Flood Zone	No Wetlands or Flood Zone	0%	No Wetlands or Flood Zone	0%	No Wetlands or Flood Zone	0%
APPROVALS	No	No	0%	Approvals for Daily Queen	-25%	None	0%
TOTAL ADJUSTMENT			-10.00%		-5.000%		-5.00%
ADJUSTED SALE PRICE		\$8.25		\$8.34		\$8.08	\$8.08

After adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject land was \$8.25/sf, calculated as follows:

Item	Calculation	Value
Land Valuation (Fee Simple)	4,792 sf x \$8.25/sf	\$39,534
	Rounded	\$39,500

*Unaffected site improvements assigned X value.

The appraiser estimated the contributory value of the site improvements –

Site improvements that were included in the sales comparison approach are as follows: Paved asphalt parking area, a grass lawn, trees, and shrubs/vegetation. The depreciated/contributory value of all site improvements is estimated at \$2,000. It is noted that the appraiser's work file contains additional information for the breakdown value of the site improvements.

Total Estimated Depreciated Contributory Value of Site Improvements **\$2,000**

Before Building Valuation

Sales Comparison Approach:

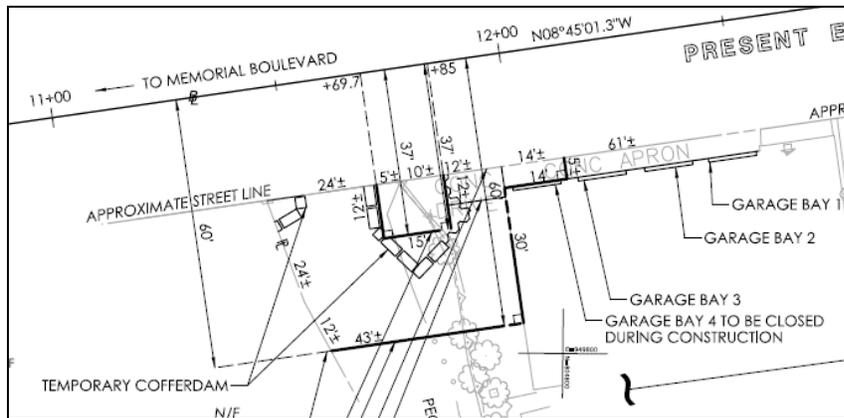
Based on the sales comparison approach, the appraiser considered three sales (2021-2023) of similarly improved properties, as follows:

IMPROVED SALES SUMMARY OF ADJUSTMENTS - BEFORE							
ITEM	SUBJECT	COMPARABLE#1	COMPARABLE#2		COMPARABLE#3		
	9 East Street, Bristol, CT	56 Frederick Street, Bristol, CT	53 N. Main Street, Southington, CT		96 E. Main Street, Bristol, CT		
Unadjusted Sale Price	N/A		\$60,000	\$300,000	\$385,000		
Unadjusted Price per Sq. Ft.	N/A		\$139.37	\$107.14	\$137.21		
ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+/- ADJ.	DESCRIPTION	+/- ADJ.	DESCRIPTION	+/- ADJ.
PROPERTY RIGHTS CONVEYED	Fee Simple	Fee Simple	0%	Fee Simple	0%	Fee Simple	0%
FINANCING	N/A	Conventional	0%	None Noted	0%	None Noted	0%
CONDITIONS OF SALE	Arms Length	Arms Length	0%	Arms Length	0%	Arms Length	0%
MARKET CONDITIONS	6/20/2023	1/11/2023	0%	8/29/2022	3%	As of 3/9/2021	7%
ADJUSTED SALE PRICE			\$139.37	\$112.50	\$144.07		
LOCATION	Good	Good	0%	Good	0%	Good	0%
SIZESHAPE	4,302 SF / Mod. Irregular	65,060SF / Rectangular	-10%	47,400SF / Irregular	-5%	21,805SF / Rectangular	-3%
LAND/BUILDING RATIO	1.8:1	16.19:1	-10%	16.36:1	-10%	7.36:1	-9%
ACCESS/FRONTAGE	Good/58.40'	Good/190.80'+/-	-5%	Good/151.5'+/-	0%	Average/129'+/-	0%
TOPOGRAPHY	Level to Sloping to River	Mostly Level	-5%	Mostly Level/ Slight Slope	0%	Mostly Level/Slight Slope	0%
ZONING	B1C - Retail/21 Condo	I - Industrial	10%	B - Business	0%	BG - General Business	0%
UTILITIES	Oil, Sewer & Electric	Oil, Sewer, Electric	0%	Propane & Oil, Sewer & Electric	3%	Oil, Sewer & Electric	0%
ENCUMBRANCES	Sewer Easement, Eminent Rights	None Noted	0%	None Noted	0%	None Noted	0%
PERSISTENT USE	Auto Repair and Service	Auto Repair and Service	0%	Auto Repair and Service	0%	Auto Repair and Service	0%
WETLANDS/ FLOOD ZONE	Flood Zone in Rear Along River	50% +/- Wetlands or Flood Zones	25%	25% +/- Wetlands or Flood Zone	15%	No Wetlands or Flood	0%
BUILDING AREA	2,651 +/- sq. ft.	4,825 +/- sq. ft.	5%	2,800 +/- sq. ft.	0%	2,886 +/- sq. ft.	0%
BUILDING GRADIENT/BASEMENT	Slab	Slab	0%	Slab	0%	Slab	0%
AGE/CONDITION	1940 Average	1965 Average-Good	-10%	1947 Fair-Average	10%	1968 Average	0%
HEATING/COOLING	Oil Fired Hot Water, No A/C	Oil Fired Furnace, No A/C	0%	Forced Hot Air, No A/C	0%	No A/C	0%
CONSTRUCTION QUALITY	Average	Average	0%	Average	0%	Average	0%
APPEAL	Average	Average	0%	Average	0%	Average	0%
AVERAGE DAILY TRAFFIC	ADT: 6,100 +/- & 8,300 +/-	ADT: 8,300 +/- and 4,800 +/-	0%	ADT: 16,800 +/-	0%	ADT: 9,300 +/-	5%
TOTAL ADJUSTMENT			0.00%	15.00%	-5.00%		
ADJUSTED SALE PRICE			\$139.37	\$129.37	\$136.87		

After adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject building was \$135/sf x 2,651 sq.ft. = \$357,885, rounded to \$358,000.

Reconciliation and Value Conclusion - Before

Approach	Opinion of Market Value
Sales Comparison Approach - Land	\$39,500
Income Capitalization Approach – Building	N/A
Sales Comparison Approach Building	\$358,000
Conclusion of Market Value	\$358,000



TAKING DESCRIPTION:

DOT requires acquiring the following:

- A defined easement for highway purposes acquired over an area of 181± square feet; and
- A construction easement for the purpose of access, storage of equipment and materials, installation of temporary sedimentation & erosion control system, temporary cofferdams, concrete driveway construction, closure of access to garage bay 4 and grading acquired over an area of 1,580± square feet.

IMPACT OF THE TAKING:

The acquisitions are located entirely on the undeveloped portion of the subject property consisting of roughly paved outskirts. The defined easement area measures 181+/- square feet. This area is located along East Street and is in close proximity to the entrance driveway and fourth garage bay from East Street that will be temporarily closed for the duration of the bridge construction. It consists primarily of open lot that is improved with asphalt pavement in fair condition and its surrounding natural vegetation in the rear of the lot.

The second acquisition consists of a 1,580+/- square foot temporary Construction Easement for the purpose of construction access, storage of equipment and materials, installation of temporary sedimentation and erosion control system, installation of temporary cofferdams, concrete driveway construction, and grading during the rehabilitation of Bridge No. 04487 acquired. Construction easement that is taken under will be restored by the removal of all appurtenances and by grading and seeding any disturbed area. The construction easement taken will be restored by the removal of all temporary appurtenances and grading/seeding any disturbed areas. Said easement will be extinguished upon completion of the project, unless sooner extinguished by the State. The Construction Easement is located along East Street. The Construction Easement area consists primarily of open paved lot and natural vegetation. Additionally, the Construction Easement area consists of a portion of East Street in addition to a portion of the surrounding vegetation. There are no rights to be acquired from the subject property as part of the proposed project.

We note that the entrance driveway for means of ingress or egress will not be impacted in the "After" scenario of the acquisition, however during the acquisition the subject property owner will not have access to their small driveway, and the fourth auto repair/service garage bay closest to the Pequabuck River and bridge replacement, which will be closed for the duration of the 12-month temporary Construction Easement. This combined with the lack of additional entrance driveway/ ingress or egress to access to garage bay four on this portion of the subject property thus, results in temporary severance noted herein for the duration of the 12-

month temporary Construction Easement



AFTER VALUATION:

After Land Valuation: Based on the sales comparison approach, the appraiser considered the same sales as in the Before Valuation and concluded that the fair market value of the subject land was unchanged at \$8.25/sf, calculated as follows:

Item	Calculation	Value
Land Valuation (Fee Simple)	4,611 sf x \$8.25/sf	\$38,041
Defined Easement	181 sf x \$8.25/sf x 1%	\$151
	Total	\$38,191
	Rounded	\$38,000

*Unaffected site improvements assigned X value.

After Building Valuation

After Sales Comparison Approach

Based on the sales comparison approach, the appraiser considered the same three sales as in the Before Valuation and after adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject building was unchanged at \$135/sf x 2,651 sq.ft. = \$358,000 (rounded), less the \$1,500 loss in value from the Defined Easement, or \$356,500.

After adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject building was \$135/sf x 2,651 sq.ft. = \$357,885, rounded to \$358,000.

Reconciliation and Value Conclusion – After

Approach	Opinion of Market Value
Sales Comparison Approach - Land	\$38,000
Income Capitalization Approach – Building	N/A
Sales Comparison Approach Building	\$356,500
Conclusion of Market Value	\$356,500

Calculation of Permanent Damages

Item	Value
Before Valuation	\$358,000
After Valuation	\$356,500
Permanent Damages	\$1,500

Calculation of Temporary Damages

The Appraiser then accounted for Temporary Damages and Temporary Severance Damages as follows:

The temporary Construction Easement will be extinguished upon the completion of the project unless sooner extinguished by the State. According to the project's calendar day chart) the temporary Constluction Easement will be needed by the State for 12-months from the commencement of the necessaly bridge work,

As a result, the appraiser has considered these conditions to result in temporary severance. To calculate the temporary severance, the appraiser multiplies 40% of the subject property's Before valuation of \$358,000. This results in the severance value as if permanent based upon the utility of the lot area affected by the acquisition (closure of the fourth garage bay — ¼ bays along with additional general inconvenience related to configuring cars/access to the remaining three bays that are scheduled to remain open and lastly, the small two car paved parking area next to the improvements and Pequabuck River). The figure of 40% represents the impact of the lost service bay (bay 4) along with the access driveway (ingress and egress to the site from East Street) due to the subject's lack of available access to the site along East Street within the telnporary Construction Easement area, which is restricted during the 12-month temporary construction easement. Should the property have had additional curb cuts and the necessary site access along Riverside Avenue to support the existing site and improvements due to the area within the temporary Construction Easement area, then lowering this percentage would be justified. This number is then multiplied by the result of 12/12 (one year or construction season), which represents the twelve-months out of the twelve-month year that the State requires the temporary Construction Easement area. This number is then divided by 7, which represents the average number of years properties comparable to the subject property are typically held under one ownership (5-10 years avg. of 7.5 years). The 15% reflects the typical rental rate and rate or return expected for properties similar to the subject (100% / 7 years 14.29%).

Temporary Severance: $\$358,000 \times 40\%$ (as if pe1manent) $\$143,200 \times 1$ year (one construction season) / 7 year holding period $\$20,457$, or $\$20,500$ rounded.

Calculation of value of the land impacted as a result of the temporary Construction Easement

Temporary Construction Easement: $1,580 \text{ sf} \times \$8.25/\text{sf} = \$13,035$. $\$13,035 \times 15\%$ $\$1,955 \times 1$ year (12-month construction period) $\$1,955$ or $\$2,000$ rounded.

Total damages are then Permanent Damages plus Temporary Damages plus Temporary Severance Damages, or $\$1,500 + \$2,000 + \$20,500 = \$24,000$.

RECOMMENDATION: Staff recommend the Board approval this proposal in the amount of \$24,000 for the following reasons:

1. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes.
2. The acquisition value is supported by the DOT appraisal report.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

PRB File #: 23-166
Origin/Client: DAS/DEEP
Transaction/Contract Type: AE / Task Letter
Project Number: BI-T-615
Contract: OC-DCS-CA-0027
Consultant: ATANE Engineers, PC
Property: Watertown, Thomaston Rd (2065) - Black Rock State Park
Project purpose: New 14,000 SF Facility
Item Purpose: Task Letter 1A to compensate the consultant for extended Construction Administration Services

PROPOSED AMOUNT: \$39,553

At its meeting held on January 24, 2019 the Board voted, under PRB #19-001, to approve TASK LETTER #1 in the amount of \$418,021 to compensate the Consultant for design and construction administration in conjunction with the Project at the West District HQ, Black Rock St. Park in Watertown. Construction Phase Services were for 425 days (14 months), plus 90 days close out.

The Board approved total fee of \$418,021 to be applied to Schematic Design, Design Development, 100% Contract Documents Phase, Bid Phase, Construction Phase, Construction Administrator overhead & profit for CxA, and Building Systems Commissioning and Building Envelope Commissioning. Pre-Design fees were rejected in the amount of \$9,464.

Under this Proposal (PRB #23-166), DAS is now seeking Board approval of Task Letter #1A for the Consultant to provide extended construction administration services in conjunction the recent time extension change order granted to the General Contractor to achieve substantial completion.

The fee for the proposed Consultant's services is \$39,553.

The Scope of Work includes:

1. Provide a sixty (60) calendar day extension of Construction Administrator and Systems Commissioning Agent services in the Construction Phase to correlate with the recent time extension change order granted to the general contractor to achieve project substantial completion - \$39,553.

DAS had previously informed the Board the Project has been bid twice and a letter of intent had been issued to the lowest responsible General Contractor bidder. A construction start was estimated for June 2022.

DAS awarded the construction contract to The Nutmeg Companies, Inc. of Norwich. The \$14,202,000 contract was signed by DAS on May 18, 2022 and approved by the AG on May 23,

2022.

In June 2017, SPRB approved HAKS Engineers, P.C. (“HAK”) as one of six firms under the latest *On-Call Construction Administrator Series* of consultant contracts. These contracts have a common expiration date of July 31, 2019 and have a maximum cumulative fee of \$1,000,000. In January 2019, the contract was amended to reflect a change in name to ATANE Engineers, PC d/b/a ATANE Consulting (“ATANE”).

On July 18, 2019, the Board approved Contract Amendment #2 to this contract under PRB #19-142 to extend the contract expiration date to January 31, 2020. There was no increase to the contract amount.

ATANE has been approved for the following task(s) under this series:

1/31/2020	OC-DCS-CA-0027	Atane Engineers, PC	\$1,000,000	19-142
	Task Letter #4	CVH Emergency Steam Pipe Replacement	\$69,910	(Informal)
	Task Letter #4A	CVH Emergency Steam Pipe Replacement	\$13,734	(Informal)
		Total Informal TLs	\$83,644	
	Task Letter #1	West District HQ @ Black Rock	\$418,021	(#19-001)
	Task Letter #2	MacDougal-Walker Chiller	\$181,838	(#18-150)
	Task Letter #5	CAS Capitol Crossing @ Washington	\$51,645	(#20-020)
	Task Letter #1A	West District HQ @ Black Rock	\$39,553	(#23-166) - pending
		Total Committed Funds	\$774,701	
		Maximum Total Fee	\$1,000,000	
		Uncommitted (Remaining)	\$225,299	

DAS confirmed funding is in place for this Task Letter.

The overall construction and total project budget have been increased to \$14,777,000 and \$19,192,566 from the previous budgets of \$7,500,000 and \$11,061,478 and from the originally established budgets of \$7,100,000 and \$10,285,478 respectively.

Task Letter #1 - ATANE – PRB #19-001	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Pre-Construction Phase Services	\$0				
Schematic Design	\$17,512				
Design Development	\$37,492				
Contract Documents Phase	\$63,050				
Bid Phase	\$1,048				
Construction Phase	\$246,419				
TOTAL BASIC SERVICE FEE (#19-001) (A)	\$365,521			\$7,500,000	4.87%
Task Letter #1A Basic Service Fee (#23-166) (A1)					
Extended CA Services - 60 Days	\$39,553				
TOTAL BASIC SERVICE FEE (#23-166) (A) + (A1)	\$405,074			\$14,777,000	2.74%
SPECIAL SERVICES:					
Building Systems & Building Envelope Commissioning (B)		\$52,500			
TOTAL SPECIAL SERVICES(B)		\$52,500			
TOTAL FEE (PRB #23-166) (A) + (A1) + (B)			\$457,574	\$14,777,000	3.10%

Staff had following questions:

1. What is the status of the project?

DAS Response: Construction Phase

Staff Response: OK.

2. Provide the original substantial completion date vs. new

DAS Response: 6/20/2023 to 10/18/2023. DAS also provided a copy of the Change Order

Proposal which included the following comments:

Description of Proposed Change(s): One Hundred Twenty (120) calendar day contract time extension, of which, 59 calendar days are to be compensable at \$1,493.05/day. With this approval, the substantial completion date will be revised from June 20, 2023 to October 18, 2023.

Staff Response: OK.

- Please clarify what the cause of delay was for the Contractor - The Nutmeg Companies, Inc. - in completing the Project, and provide a copy of the Change Order that requires additional time to achieve substantial completion.

DAS Response: See below for cause of time extension/delay & see a copy of change order.

The reasons for this extension are as follows:

- The basis of design SIP Panel manufacturer and the secondary named manufacturers declined to participate in the bid. This necessitated the General Contractor (Nutmeg Construction Industries) to seek a substitution request and locate another manufacturer in the Mid-west. The alternate SIP panels varied in dimension by 1/8th of an inch, which affected other building components including the foundation, base plate and roof line. This significantly affected the submittal review and approval process and required several meetings. To ensure complete incorporation of the architect's comments, the manufacturer conducted a redesign of the system for the revised submittal.
- Post pandemic labor shortages of trade labor on various subcontracts impacted progress. The GC worked proactively to mitigate production loss. Even so, the resultant loss is deemed unforeseeable and attributable to market forces beyond the GC's control.

Staff Response: OK.

- Please clarify what level of effort (staffing matrix) is being provided by the Consultant and Sub-Consultant during these final 60 days of the Project.

DAS Response: DAS received the following from the Consultant:

CA Staffing Matrix:

CA Staffing Matrix					
Title	Rate	Hours	Total	Monthly Hours	Monthly CA Fees
Project Manager	\$ 167.00	267	\$ 44,589.00	19	\$ 3,185
Project Engineer	\$ 137.00	1295	\$ 177,415.00	93	\$ 12,673
Administrative Assistant	\$ 95.00	257	\$ 24,415.00	18	\$ 1,744
				Total Per Month	\$ 17,601

Subconsultant Staffing Matrix:

Commissioning Staffing Monthly Matrix			
Title	Hours	Rate	Total
Project Manager	8	140	\$ 1,120.00
Commissioning Technician	8	100	\$ 800.00
Clerical	2.5	60	\$ 150.00
Total Per Month			\$ 2,070.00

Staff Response: The Consultant took the total hours for each position during the CA Phase and divided by the 14-month CA Phase to arrive at their effort for the 60-day extension. OK

RECOMMENDATION:

It is recommended that SPRB approve Task Letter #1A in the amount of \$39,553.

- DAS confirmed \$39,553 is available for the Task Letter.
- The submittal is accompanied by a Campaign Contribution Affidavit notarized on 8-22-2023.

UPDATE: JANUARY 23, 2019

DCS provided a memo (see below) justifying the need for pre-design services from the CA. Based on the memo it is recommended that the task for pre-construction phase services be rejected in the amount of \$9,464 and approve the remaining tasks in the amount of \$418,021. DCS should submit a revised contract based on this action.

MEMORANDUM

To: Dimple Desai, Director
From: Kevin J. Kopetz, Director of Legal Services *KJK*
Re: PRB # 19-001, West District Headquarters at Black Rock State Park
BI-T-615, OC-DCS-CA-0027, Task #1
Date: January 23, 2017

You have inquired whether the proposed Construction Administrator (CA) has provided any services during the early SD phase of the above-mentioned project. It is my understanding that the CA's participation has been limited to the attendance at project meetings, including early on in the schematic phase, but that it has not yet provided to the Department of Administrative Services (DAS) any of the deliverables required under Task #1 for either the Pre-Design Phase (Master Schedule and Budget Cost Analysis) or the Schematic Design Phase of the Project. The schematic design documents were not delivered to the DAS until January 21, 2019, which was a State holiday. It is DAS' intention to require the CA to provide the deliverables required under both of these two phases. Many of the deliverables build off of work done during the prior phase.

The attendance at meetings by the CA does not warrant either a rejection of the task letter or a reduction in the amount of the task letter. The statute cited at the meeting yesterday, C.G.S. Sec. 4b-23(i), does not in our opinion mandate such a result. It is interesting to note that the statute allows for the Commissioner to enter into a contract with a consultant prior to approval by the SPRB ("Any contract entered into by the Commissioner of Administrative Services..."). DAS chooses not to enter into a contract prior to its approval by the Properties Review Board (SPRB), but clearly has the authority to do so. This subsection of the statute goes on to provide that the contract entered into between the Commissioner and consultant "shall be subject to the approval of the Properties Review Board prior to the employment of such consultant or consultants by the Commissioner." The Commissioner never employed the CA on this project; rather, the CA chose to attend meetings to put itself in a position to provide the deliverables in a manner that would benefit the State. It understood, from our contract, that the approval of the SPRB must be granted before the services under the task letter can begin, and the CA accepts the risk that payment will not be made for such services performed in the absence of a subsequent approval. See Article XXIII, On-Call Construction Administration Contract. There is nothing in this statute that prevents the SPRB from approving, under these circumstances, the selection of this consultant and the contract negotiated between the Commissioner and the consultant. The provisions of the contract should be judged on their merits, and not on this interpretation of the statute that is inconsistent with past practice of the SPRB. The analysis should focus on the services and the benefit derived by the state from their performance.

PROPOSED AMOUNT: \$427,485

PROJECT BRIEF – In general this project involves the design and construction of a new, 16,000 square foot facility, to serve the West District of the Department of Energy and Environmental Protection. The proposed facility will be located at Black Rock State Park in Watertown. The new facility will provide office and meeting space for the following divisions: State Parks, Inland Fisheries, Engineering and

Field Support Services, Forestry, and Law Enforcement. A public counter/service area will be provided to sell fish and game licenses, boating certificates, Charter Oak Passes and other related items and provide park/state maps and other related outreach publications. Also provided will be space for the Black Rock State Park maintenance unit which is currently located away from the park. Laboratory space will be provided for Inland Fisheries. The overall construction and total project budget have been increased to **\$7,500,000** and **\$11,061,478** from the originally established budgets of **\$7,100,000** and **\$10,285,478** respectively.

In June 2017, SPRB approved (PRB 17-146) HAKS Engineers, PC (“HAKS”) as one of seven firms under the latest *On-Call Construction Administrator Series* of consultant contracts. These contracts expire on July 31, 2019 and have a maximum cumulative fee of \$1,000,000.

HAKS was approved for the following task(s) under this series:

• Task Letter #2	Macdougall/Walker Chiller	\$181,838	(PRB #18-150)
• Task Letter #3	Enfield Superior CT Roof/HVAC	\$95,045	(Informal)
Total Fee to Date:		\$276,883	

TASK LETTER #1 is a new task letter and is subject to SPRB approval because the total project fee will exceed the threshold cost of \$100,000. The Construction and Total Project Budget are **\$7,500,000** and **\$11,061,478** respectively. As detailed in the proposed Task Letter #1 with HAKS dated September 26, 2018 the task letter fee is intended to compensate the Construction Administrator for the following project scope:

- Pre-construction Phase
- Construction Phase
- Post Construction
- Building Systems and Building Envelope Commissioning Services

Task Letter #1 - HAKS – PRB #19-001	<u>COST (\$)</u> <u>(BASIC)</u>	<u>COST (\$)</u> <u>(SPECIAL)</u>	<u>TOTAL COST</u>	<u>C. Budget (\$)</u>	<u>(%) Budget</u>
Pre-Construction Phase Services	\$9,464				
Schematic Design	\$17,512				
Design Development	\$37,492				
Contract Documents Phase	\$63,050				
Bid Phase	\$1,048				
Construction Phase	<u>\$246,419</u>				
TOTAL BASIC SERVICE FEE (#19-001) (A)	\$374,985			\$7,500,000	5.00%
<u>SPECIAL SERVICES:</u>					
Building Systems & Building Envelope Commissioning		\$52,500			
TOTAL SPECIAL SERVICES(B)		<u>\$52,500</u>			
TOTAL FEE (PRB #19-001) (A) + (B)			\$427,485	\$7,500,000	5.70%

Funding availability has been confirmed by DCS and DEEP for pre-construction services totaling \$139,566.

Staff asked following questions for clarification and satisfactory responses have been provided:

1. The Architect's fee approved on June 28, 2018 (PRB 18-089) was based on a \$7,100,000 construction budget. The consultant's fee presented for this CA contract (PRB 19-001) is based on a \$7,500,000 construction budget. Please clarify what precipitated a \$400,000 increase (5.633%) in the revised construction budget.

DCS Response: The construction budget was revised to \$7.5M pursuant to the attached revised 1105. All preconstruction and construction services as set forth in the task letter remain required of the CA as set forth in Tom's email

Staff Comment:

- Can you pl provide me with the estimate, if there is one
- DCS Response: There is no other estimate for the project.
 - Staff Comment: DCS should be able to provide preliminary estimates that establishes a budget for securing consultant services.
- What is the status of the project? At what stage Architect is based on their contract?
 - DCS Response: The project is in schematics presently, but the CA performed, **at its risk**, the tasks set forth in the contract for pre-design and early schematics in order to maintain the project schedule. That is why the entire contract amount remains appropriate for the CA services for this project.
 - Staff Comment: Also, CA contract has not been approved by the Board and as such CA should not have started services. Alternatively, if the CA services are required during the pre-construction phase, this CA contract should have come for Board approval right after when the Architect's contract was approved by the Board on June 28, 2018. As DCS indicated, the CA performed the pre-design task and early schematics **at its risk**.

RECOMMENDATION:

Based on the above comments from DCS, how can the consultant's fees (Architect or CA) be calculated without having a preliminary budget? What is the basis of estimating a total project cost when a B1105 is prepared?

Sec. 4b-23 (i) requires approval of the Board prior to the employment of consultant by the Commissioner. This means that the CA cannot start providing services until the contract has been approved by the Board.

Therefore, it is recommended to **REJECT** the compensation for pre-construction services in the amount of \$9,464. As far as Schematic Design compensation is concerned, DCS should provide what services CA has already provided that should not be paid.

Assuming that the project is still in the Schematic Design phase (confirmation needed from DCS), staff recommends **APPROVAL** of fees related to DD/CD phase, Bid phase, Construction phase and Special Services totaling \$400,509.

7. OTHER BUSINESS

Chairman Josephy had requested Director Desai to investigate the possibility of visiting the site of the new building discussed at this morning's Meeting under PRB #23-166 – at Black Rock State Park, as suggested by DAS's David Barkin.

8. VOTES ON PRB FILE:

PRB FILE #23-160 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #23-160. The motion passed unanimously.

PRB FILE #23-166 – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #23-166. The motion passed unanimously.

9. NEXT MEETING – Thursday, October 12, 2023 – will be held solely by means of electronic equipment.

The meeting adjourned.

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