

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On October 26, 2020 – 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 October 26, 2020 remotely via telephone conference at (866)-692-4541, passcode 85607781.

Members Present:

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

Members Absent:

Staff Present:

Dimple Desai
Thomas Jerram

Guests Present

Denise O'Meara – Dept. of Agriculture, Property Agent 2
Peter McClure – DAS/DCS ADPM

At Chairman Greenberg's request, Vice Chairman Josephy led the meeting.

Vice Chairman Josephy called the meeting to order.

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 22, 2020 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 9:58. The motion passed unanimously. Denise O'Meara of the Department of Agriculture was invited to join the Executive Session.

EXECUTIVE SESSION

<i>PRB #</i>	20-165-A
<i>Transaction/Contract Type:</i>	AG/PDR
<i>Origin/Client:</i>	DoAG/DoAG

Statutory Disclosure Exemptions: 1-200(6) & 1-210(b)(7)

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 10:55. The motion passed unanimously. Ms. O’Meara left the meeting at 10:55.

OPEN SESSION

4. REAL ESTATE – NEW BUSINESS

PRB # #20-202
Transaction/Contract Type: RE – Voucher
Origin/Client: DOT/DOT
Project Number: 018-135-022
Grantor: Landmark Office Center Condominium Association, Inc.
Property: Brookfield, Old New Milford Rd (2)
Project Purpose: Safety Improvements along Route 202
Item Purpose: Voucher

DAMAGES: \$5,640

DOT PROJECT: The purpose of this project is to improve safety on the lower portion of Route 202 (Federal Road) for all users. The project limits are from the driveway of BJ’s/Kohl’s to the intersection of Route 202 (Federal Road) and Route 133 (Junction Road).

The project consists of four (4) intersection safety improvements:

- The construction of a southbound dedicated left-turn lane into Chick-Fil-A and Shop Rite plaza.
- The installation of a traffic signal at the intersection of Beverly Drive and Hardscrabble Road.
- The installation of a traffic signal at the southern intersection of Route 202 and Old New Milford Road.
- The removal of one of the two traffic signals at the northern intersection of Route 202 and Old New Milford Road.

The project also proposes the widening of the roadway along the corridor to provide 4-foot shoulders to improve safety for bicyclists. In addition, the project will include the construction of 5-foot sidewalks to accommodate pedestrian traffic along the corridor.

The present schedule indicates that the design will be completed in January 2021, with construction anticipated to begin in summer 2021. The estimated construction cost for this project is approximately \$6.0 million, anticipated to be undertaken with 80% federal funds and 20% state funds.

Subject Property Description, Before the Taking: The subject property (per appraisal) consists of a commercially-zoned, 167,270 square foot (3.84 acre) lot, with 242.82 feet of frontage on Old New Milford Road, improved with a multi-tenant office condominium building containing 18 units on three levels. The property is located at the northerly fringe of an intensely developed retail/commercial neighborhood known as the ‘Miracle Mile.’ The highest and best use is for continued office use as improved.



Southwesterly.



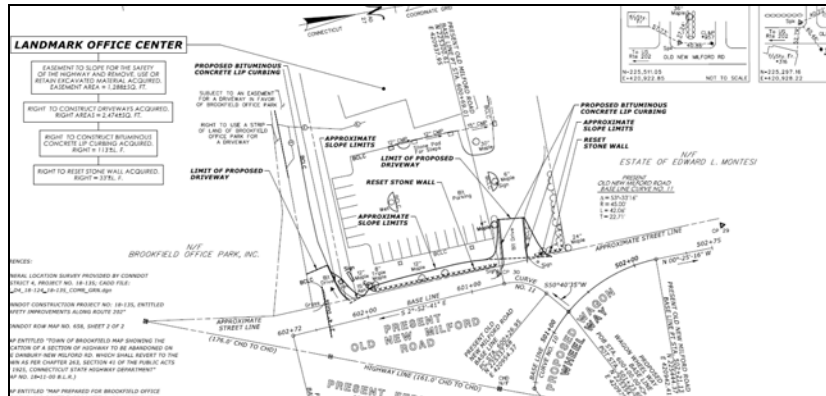
Northwesterly.



Northeasterly.

The Taking: DOT will acquire the following:

1. An easement to slope for the safety of the highway and remove, use or retain excavated material acquired over an area of 1,288± sq.ft.;
2. A right to construct driveways acquired over an area of 2,474± sq.ft.;
3. A right to construct bituminous concrete lip curbing acquired over an area of 113± LF; and
4. A right to reset stone wall acquired over an area of 33± LF.



EOC Valuation: Consistent with DOT’s agreement with FHWA an estimate of compensation (EOC) worksheet has been prepared for the subject taking. This process is used for simple acquisitions related to minor site improvements where the total cost is typically less than \$10,000. In this instance, DOT Staff valued the 3.84 acre commercially-zoned site at \$12.00/SF (\$2,000,700 lot value). The following table indicates the results of the DOT Estimate of Compensation, prepared as of 8/26/2020:

Item	Calculation	Damages
Slope Easement	1,288± SF @ \$12/SF	\$4,637
Contributory Value of Trees	Lump sum	\$1,000
		Total: \$5,637
		Rounded \$5,640

DOT provided the following summary of sales in support of their value finding:

Land	Address	City	Parcel	Acres	Sale Price	Price/SF	Date	Total Value	Price/Acre
291 Federal Rd	Brookfield	C1	4.09	178,160	\$ -		7/19/2019	\$ 2,800,000	\$ 15.72
401 B Federal Rd	Brookfield	IRC80	2.73	118,919	\$ -		3/15/2019	\$ 1,500,000	\$ 12.61
291 Federal Rd	Brookfield	C1	4.09	178,160	\$ -		07/19/2019	\$ 2,800,000	\$ 15.72
857 Federal Rd	Brookfield	TD	4.76	207,346	\$ -		7/30/2018	\$ 1,275,000	\$ 6.15
801 Bridgeport Ave	Shelton	IA-2	19.08	831,125	\$ -		12/21/2018	\$ 6,600,000	\$ 7.94
440 Boston Post Rd	Orange	C2	11.21	488,308	\$ -		10/2/2019	\$ 6,148,129	\$ 12.59

Square Foot Price Range: (\$ 6.15 - \$ 15.72)

Chosen: \$ 12.00

RECOMMENDATION: Board approval of damages in the amount of \$5,640 is recommended 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 damages are supported by the DOT Appraisers estimate of value.



5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

PRB # 20-209
Origin/Client: DCS/DPH
Transaction/Contract Type AE / Task Letter
Project Number: BI-2B-465
Contract: OC-DCS-MEP-0046
Consultant: Landmark Facilities Group, Inc.
Property Rocky Hill, West St (395) – Public Health Laboratory
Project Purpose: Intermittent Power Source Upgrades
Item Purpose: Task Letter #1

At 9:30 Peter McClure, ADPM from DAS/DCS to participate in the review of this proposal.

PROPOSED AMOUNT: \$156,000

At the State Properties Review Board meeting held on October 22, 2020, the Board voted to return this proposal to DCS, pending DCS resubmission of the Task Letter #1, excluding the \$30,000 contingency clause. As discussed at that meeting, the Board notes the urgency of this project and that any subsequent Task Letters to this Task Letter #1 will be managed in an expedited manner. Please keep the Board staff apprised if there are any unforeseen conditions found that requires tasks that are not part of the current proposal.

Under this Proposal (PRB #20-209), DCS is now seeking approval of Task Letter #1 for the Consultant to provide MEP services in conjunction with the project at the Department of Public Health Laboratory in Rocky Hill. The fee for the proposed Consultant’s services is \$156,000. There is no design contingency included in the Task Letter.

A breakdown of the Consultant’s fee is as follows:

1. Combined Schematic Design/Design Development Phase: \$53,000
2. Contract Documents Phase: \$48,000
3. Bid Phase: \$2,000
4. Construction Administration: \$53,000

The initial construction budget and project budget for Task 1 have been established at \$2,300,000 and \$3,075,000, respectively.

Task Letter #1 – LFG Basic Services Fee (#20-209)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic/Design Development Phase	\$53,000				
Contract Documents Phase	\$48,000				
Bidding Phase	\$2,000				
Construction Administration	<u>\$53,000</u>				
TOTAL BASIC SERVICE FEE (#20-209) (A)	\$156,000			\$2,300,000	6.78%

RECOMMENDATION: It is recommended that the Board **APPROVE** this TL#1 in the amount of \$156,000. This revised proposal reducing it by \$30,000 constitutes savings.

Mr. McClure left the meeting at 9:55.

From PRB #20-200

PROPOSED AMOUNT: \$186,000

The Dr. Katherine A. Kelley State Public Health Laboratory serves all communities in the state through the analysis of clinical specimens and environmental samples submitted by federal and state agencies, local health departments and districts, clinical laboratories, health care providers, and water utilities. The Laboratory provides over 2 million test results on approximately 250,000 specimens and samples it receives each year. Analytical data are used to monitor for agents harmful to the public health, identify the causes of outbreaks of disease, and assure that control measures (e.g., vaccines, antibiotics, environmental remediation, etc.) are effective.

The Laboratory has recently experienced problems with the existing uninterrupted power system (UPS) as it nears the end of its useful life, which problems are compounded by the fact that the existing system is no longer manufactured. As a consequence, servicing the current system has become more difficult. The Department of Public Health requested an expansion of the scope of work to include the installation of a new generator that would allow the facility to operate for an extended period of time off of the electrical grid. The laboratory provides important functions critical to the public health of the citizens of Connecticut. While the lab has an existing generator with UPS that provides power to the life safety functions of the building, the cooling function, lighting, testing equipment and certain areas of the laboratory are not tied up the current generator. In the past 12 months, the Laboratory has experienced three events resulting in the temporary loss of power and the potential of losing costly reagents and equipment for testing. It is even more critical in pandemic situations that the Laboratory be able to operate twenty-four hours per day, seven days a week.

Under this proposed TASK LETTER #1 with the Consultant, DCS is seeking SPRB approval to expend \$186,000 to compensate the Consultant, which includes a \$30,000 Design/CA Phase contingency, for professional electrical engineering and construction administration services for UPS upgrades and new electrical generator installation at the Connecticut Department of Public Health Laboratory (Laboratory) in Rocky Hill. The new generator, UPS and docking station shall prevent the loss of critical services, equipment and reagents, as well as promote the safety of Laboratory employees by providing them proper air control and lighting while they perform critical testing.

The scope of work shall include, but is not limited to the following:

1. Design of a new electrical generator with the capacity to power the entire building and remain operational for 72 hours without the need for fuel refilling during an emergency event. The existing 800 kW emergency generator will remain and continue to operate as a back-up generator based on the sequence of operation to be determined;
2. Provide new docking station and necessary switching that will allow connecting a temporary portable generator to power the building for use in case both the 2 generators fail to operate;
3. Design of a new Uninterruptable Power System (UPS) to replace the existing UPS.

A breakdown of the Consultant's fee is as follows:

5. Combined Schematic Design/Design Development Phase: \$53,000
6. Contract Documents Phase: \$48,000
7. Bid Phase: \$2,000
8. Construction Administration: \$53,000
9. Design and CA Phase Contingency*: \$30,000

*This contingency shall be used at the discretion of, and only upon the prior written approval of DCS. This written approval will be provided to the State Properties Review Board.

The initial construction budget and project budget for Task 1 have been established at \$2,300,000 and \$3,075,000, respectively.

An executed Form 1105 has been submitted for this Task. DCS confirmed federal funding is in place for MEP services totaling \$186,000.

This original contracts for MEP Engineering services were approved by the Board on January 6, 2020 under PRB #19-256 to #19-260.

Landmark Facilities Group, Inc. (LFG) was approved for the following task(s) under this series:

- Task Letter #2 York CI – Central Plant & Distribution System \$22,000 (Informal)

Task Letter #1 – LFG Basic Services Fee (#20-200)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic/Design Development Phase	\$53,000				
Contract Documents Phase	\$48,000				
Bidding Phase	\$2,000				
Construction Administration	<u>\$53,000</u>				
TOTAL BASIC SERVICE FEE (#20-200) (A)	\$156,000			\$2,300,000	6.78%
Design/CA Phase Contingency (B)		\$30,000			
TOTAL FEE (PRB #20-200) (A)+ (B)			\$186,000	\$2,300,000	8.09%

Staff have requested clarification of the following issues:

1. Clarify why DCS selected a Norwalk-based Consultant in light of the three (3) other Consultants approved under this On-Call Series are located in the greater Hartford region.
DCS Response: I cannot clarify as I am not part of the decision making process when assigning tasks. I only request a consultant and work with whomever is assigned.
DCS Legal: Assignments are made on a rotational basis, unless there is a compelling reason that a particular consultant is best-suited for a specific assignment. In this case, per Craig Russell, Landmark was next in line for a task letter assignment. We want to encourage more firms to participate in the on-call contract process, particular firms outside the greater Hartford area. This benefits the State through greater competition, and helps the particular industry through an equitable distribution of work. I have gone to various out-reach events and heard the concerns of the industry that the State is too Hartford-centric in general. Rotational assignment is seen as a fair and equitable manner of distributing work. Each firm, moreover, understands that it may be required to work throughout the State of Connecticut and, per Paragraph H of the terms and conditions, the consultant is not reimbursed for per diem expenses or travel expenses.
Staff Response: OK
2. Please provide a copy of the Informal Task Letter #2.
DCS Response: I do not know what you asking for. This is task assignment #1 for this consultant.
Staff Response: This TL2 is on the task log submitted by DCS. We need a copy of this informal TL.
DCS Legal: As to Task Letter No. 2, I posed the question to Craig and he gave me the following information. The status of the project is noted in the notes column of the task letter log report.

There are columns entitled “estimated” and “actual.” If there is a dollar value in the “actual” column, the task letter has been completed and “notes” column will mark the project as completed. If there is a dollar value in the “estimated” column, the 1135 has been issued and the value provided as an estimate is noted in the “estimated” column. That means that the task letter has not been executed as of yet. That is the case for Task Letter No. 2 for this consultant – an 1135 has been issued with an estimate (a copy attached), but no task letter has been prepared and executed as of yet.

Staff Response: Please keep SPRB informed when the informal TL 2 is executed and the tasks associated with this TL. I know that DCS has started sending us the informal TLs for our records.

NOTE: The consulting services requested in the Form 1135 (TL#2) are connected to the Central Plant and Piping Distribution System at York CI, but unrelated to the additional consulting services requested under #19-274.

3. Should estimating services be included during the SD/DD phase to provide you with a potential cost compared to available budget?

DCS Response: No as the project is expected to be design and constructed as an emergency project, the costs will be monitored by our CA;

Staff Response:

4. Contingency to be removed

DCS Response: I would advise against this. This project is being funded through monies received through pandemic relief and is to be designed and constructed as an emergency project. Having a contingency will allow us to move forward in case of any unforeseen issues and avoid going back through DCS legal and SPRB which will create a delay.

Staff Response: Kevin, see Dennis's response related to contingency (#4). I would remove the contingency given Board's stance on contingencies in the recent past.

DCS Legal: We have been asked to move forward and complete this project as soon as possible, and are doing so under Executive Order 7GG, Section 3. This is based on the role the Public Health lab plays in the current coronavirus environment as well as other health matters, and the fact, as I understand, that the facility has experienced a number of weather-related outages in the past couple of years. As Dennis points out, it is being funded from a CDC pandemic allocation received by the State that included this project. I think a contingency under these circumstances is appropriate.

Staff Response: I understand. I don't think the source of funds should dictate the process. The Board has accommodated DCS expeditiously when requested (less than 7 day response in majority of the cases). I think this should be a straight forward project, as DCS us dealing with just one component. An experienced consultant should be able to envision the potential problem areas and plan for that in their scope.

Because of the complexity in terms of what happens if there is a question on validity of additional services/fees, etc, the Board does not like to approve contingencies.

DCS Legal: I agree that the funding source does not dictate process, but it may be indicative of an identified need arising out of, and related to, the pandemic and the role the DPH lab occupies for the State in connection therewith. I believe that this distinguishes the present case from, for example, general federal funding made available to a state agency for capital improvements, which might include a generator. It is in this vein that I mentioned the CDC funding stream.

I appreciate that the Board has made accommodation in the past for matters requiring expedited handling. I really do. Yet, there remains a distinction between expedited handling of a supplemental task letter and the ability to address the matter in the field. There may be, in addition, more complexity to this project than at first blush due to a number of factors. The Project Team, however, is in a better position to speak to those issues and factors than me.

Staff Response: It is recommended that the contingency should be removed.

RECOMMENDATION: The only outstanding issue with this proposal is the inclusion of Contingency in this Task Letter - \$30,000. Consistent with the Board’s discussion in the past about contingencies, it is recommended that the contingency not be allowed to be included. It is recommended that the Board

APPROVE this TL#1 in the amount of \$156,000 (reducing it by \$30,000). DCS should submit revised TL removing the contingency for approval.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #20-165-A – The Board took no action on PRB #20-165-A and it remains under suspension.

PRB FILE #20-202 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #20-202. The motion passed unanimously.

PRB FILE #20-209 – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #20-209. The motion passed unanimously. The Board notes the subject Task Letter #1 has a total fee of \$156,000. This fee was reduced from \$186,000, which constitutes a savings of \$30,000.

9. NEXT MEETING – Thursday, October 29, 2020

The meeting adjourned.

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