

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On December 1, 2022 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted its Regular Meeting at 9:30AM on December 1, 2022 remotely via telephone conference at (866)-692-4541, passcode 85607781.

Members Present:

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

Members Absent:

Staff Present:

Dimple Desai
Thomas Jerram

Guests Present

Sarah Tierney, DCS ADPM
Barbara Cosgrove, DCS PM
Donald Poulin, SDE-CTECS

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 November 28, 2022 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

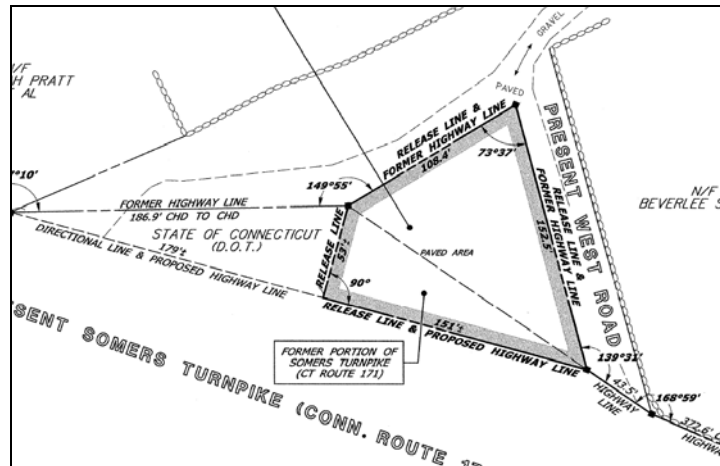
3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

<i>PRB #</i>	22-183
<i>Transaction/Contract Type:</i>	RE – Sale
<i>Origin/Client:</i>	DOT/DOT
<i>Project Number:</i>	169-000-50A
<i>Grantee:</i>	Christopher J. Whitehouse, Sr.
<i>Property:</i>	Woodstock, Somers Tnpk. (11,940 sf)
<i>Project Purpose:</i>	Sale by Public Bid
<i>Item Purpose:</i>	QC Deed

Sale Price: \$10,501 plus \$1,000 Admin Fee

Description – The release parcel was formerly known as 495 Somers Turnpike, Woodstock. The property was previously improved with a DOT maintenance garage which has been razed. The property is a corner parcel and has no private abutters. The property now consists of a vacant, nonconforming, 0.2741± acre (11,940± sq.ft.) parcel.



The Appraiser opined the Highest and Best Use of the property, as vacant, is for use as a seasonal farm stand or food vendor site, subject to local approvals.

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

Extraordinary Assumptions

The appraiser is not a qualified expert in the field of site contamination, soil remediation, environmental hazards and/or other such potentially negative soil conditions. While no such contamination or potentially hazardous conditions were apparent during the property inspection, for the purposes of this report, the appraiser is valuing the subject property with the Extraordinary Assumption that the subject in whole is 'Free and Clear' of any and all environmental contamination, hazardous waste material, and any and all other potentially negative soil conditions. The appraiser reserves the right to reconsider value after a qualified soil scientist and/or hazardous material remediation expert has delivered a signed inspection and remediation report.

Valuation – With the release of this parcel via a Sale by Public Bid, DOT Appraiser John Kerr appraised the property most recently, as of April 11, 2022. Based on the sales comparison approach, the Appraiser utilized four non-conforming lot sales in the greater market area that sold between 2016 and

2021, and concluded the fair market value of the property was $\$1.20/\text{sf} \times 11,940 \text{ sf} = \$14,328$, rounded to \$14,500.

Public Bid & Negotiations – The public bid was held multiple times, most recently on June 8, 2022, with an asking price of \$16,000. One bid was received, \$10,501 offer from Christopher Whitehouse, which was accepted by DOT (+ \$1,000 Admin Fee).

<https://portal.ct.gov/DOT/Properties/Active-Public-Bids/169-000-050A---Woodstock---Item-838>

From the DOT narrative:

The subject vacant parcel consists of 11,940± square feet of land and is located on the northerly side of Present Somers Turnpike (Conn. Route 171), in the town of Woodstock, in a Community District Zone and is nonconforming.

On December 12, 2016, an appraisal was prepared by Staff Appraiser Thomas L. Fox, who established a value of \$19,700.00. A Public Bid was held on June 21, 2017, with an asking price of \$25,000.00, which elicited one (1) bid in the amount of \$2,500.00 which was not accepted by the Department as not being within a reasonable range of the fair market value.

An updated appraisal was prepared on December 5, 2019, by Staff Appraiser John P. Kerr, who established a value of \$10,000.00. A second Public Bid was held on March 25, 2020, with an asking price of \$15,000.00, which elicited no bids.

A recertification of release value was prepared on March 5, 2021, by Staff Supervising Property Agent Anthony J. Delucco, in which the previous value of \$10,000.00 was well supported with the current sales data. On March 25, 2021 a bid in the amount of \$15,302.00 was submitted by Mr. Jeffrey S. Kupiec which was accepted by the Department.

After numerous attempts to proceed with the sale of the State land, Mr. Kupiec was nonresponsive and, therefore, the sale fell through.

On March 10, 2022, the Department received an offer from Mr. Christopher J. Whitehouse Sr. in the amount of \$9,000.00. Due to the age of the last appraisal, Mr. Whitehouse's offer was not accepted and an appraisal was obtained to establish the updated fair market value.

On April 11, 2022, Staff Appraiser John P. Kerr, updated the appraisal and established a value of \$14,500.00. A third Public Bid was held on June 8, 2022, with an asking price of \$16,000.00, which one bid was received from Mr. Whitehouse in the amount of \$10,501.00 (see attached Administrative Acceptance).

The subject parcel was marketed three (3) times and there was very little public interest. Given that the final offer is approximately seventy percent (70%) of the appraised value, by releasing the subject State property, it will end the State's liability and obligation to maintain excess land that is not being utilized for highway purposes.

It is herewith recommended that Mr. Whitehouse's offer of \$11,501.00 (includes \$1,000.00 administrative fee) be accepted and forwarded to the Office of Policy and Management, State Properties Review Board and the Office of the Attorney General for approval.

Recommendation – Staff recommend approval of the proposed Sale by Public Bid in the amount of \$10,501 (plus \$1,000 Admin Fee = \$11,501 in QC Deed) for the following reasons:

- The proposed sale complies with Sections §3-14b, and §13a-80 of the CGS in that the Town of Woodstock declined to purchase and the legislative delegation received the required notification on April 19, 2019.
- The release value of \$10,501 is 72.4% of the appraised value, but represents the highest amount offered after three attempts and it will return the property to the Woodstock tax rolls and relieve the State of all future expenses.
- The description in the Quit Claim Deed is consistent with the survey map filed in the Woodstock Land Records.



Courtesy: Google Maps

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER – NEW BUSINESS

<i>PRB File #:</i>	22-188
<i>Origin/Client:</i>	DCS/DOE
<i>Transaction/Contract Type</i>	AE / Amendment
<i>Project Number</i>	BI-RT-889
<i>Contract</i>	BI-RT-889-ARC
<i>Consultant:</i>	JCJ Architecture, PC
<i>Property</i>	Bridgeport, Palisade Ave (500)
<i>Project purpose:</i>	New Bullard-Havens Technical High School
<i>Item Purpose</i>	Amendment #1 for Expanded ARC/CA Services & Contract Credit

At 9:32 Ms. Tierney and Ms. Cosgrove, both from DCS, and Mr. Poulin from the Department of Education (DOE) CT Technical Education and Career System (CTECS) joined the Meeting to participate in the Board’s discussion of this Proposal. All left the Meeting at 10:42.

CONSULTANT FEE: \$417,257 (NTE)

At the February 25, 2021 SPRB Meeting, the Board approved, under PRB #21-007, the Consultant’s Contract (BI-RT-889-ARC) for the Bullard Havens Technical High School project with the completion of a pre-design study and then the initiation of a schematic design phase through the construction document phase and subsequent completion of construction. The overall compensation rate approved for this basic service was \$4,573,722 with an additional \$613,632 for special services, for a total fee of \$5,187,354. The contract includes an additional \$30,000 for A/E Design and Construction Phase Contingency.

The following are the salient dates with respect to this Proposal:

- 4-07-2021 – AG approval of BI-RT-889-ARC Contract
- 4-14-2021 – Predesign Phase commenced (due 60 days)
- 6-13-2021 – Predesign Phase due date to DCS
- 8-01-2021 – OSCGR issues Revised Education Specifications reducing GBA by 61,649 sq.ft.
- 8-13-2021 – NTP for Schematic Design Document issued (due 90 days)
- 9-07-2021 – AG approval of CMR (Gilbane) Contract
- 11-10-2021 – Schematic Design due date to DCS
- 12-8-2021 – NTP for Design Development issued (due 90 days)

- 1-04-2022 – DCS email (PM) discussing WAO for structural steel and stating expectation that CD will be completed by 9-01-2022. ADPM to notify OSBI & OSFM that Early Steel Bid Package will require review/approval on or before 9-22-2022.
- 1-04-2022 – ARC Letter to DCS for additional \$4,975 fee for WAO/Bid Docs for structural steel
- 1-10-2022 – ARC Letter to DCS for additional \$92,700 fee for geothermal design to meet carbon reduction measures (Eos 1 & 3)
- 3-08-2022 – Design Development due date to DCS
- 5-01-2022 – NTP for Contract Documents (due 159 days – up from 120 days - granted due to redesign issues)
- 5-07-2022 – Governor signs PA 22-118 including additional funding for Project

(2) Previously Authorized Projects For the Technical Education and Career System That Have Changed Substantially in Scope or Cost which are Seeking Reauthorization.

School District School Project Number	Authorized	Requested
CTECS (Bridgeport) Bullard-Havens 900-0015 VT/N		
Estimated...		
Total Project Costs	\$139,447,195	\$199,000,000
Total Grant	\$139,447,195	\$199,000,000

- 5-18-2022 (revised letter) – ARC Letter to DCS for expanded design services stating ‘design efforts are complete through the design development phase’ need 30 days for redesign and extend CD phase to 150 days (up from 120 days)
- 5-18-2022 (revised letter) – ARC Letter to DCS for extended CA services for 5.5 additional months @ \$25,250/month for a total of \$138,875.
- 10-07-2022 – Contract Documents due to DCS
- 10-20-2022 – CMR Invitation to Bid to qualified Subcontractors
- 11-07-2022 – Bid Opening Date
- 1-07-2023 – GMP Proposal due to DCS (not more than 60 days from Bid due date)
- TBD – Notice to Proceed (1,248 construction days + 90 days to Acceptance)
- TBD – Substantial Completion
- \$6,345/day – Liquidated Damages beyond Substantial Completion
- TBD – Final Acceptance
- \$3,225/day – Liquidated Damages beyond Final Acceptance

Under this proposal (PRB #22-188), DCS is now seeking Board approval of Amendment #1 to the Consultant Contract to expend an additional \$417,257 (NTE) for additional Design Services, extended CA Services and provision of a Credit, all related to the construction of the new Bullard Havens Technical High School project, not included in the Scope of the original ARC Contract.

DCS provided the following support for the expanded Design and CA services:

A. Ninety-Two Thousand Seven Hundred Dollars (\$92,700.00), for **carbon reduction design and wellfield(s)** and is intended to compensate the Architect for the following services:

Carbon Reduction Design/Geothermal Mechanical System Design, utilizing a geothermal design approach to implement carbon reduction measures for the Bullard Havens THS new facility per the Governor’s Executive Orders #1 and #3.

Prepare Design Development and Contract Document plans and specifications for the installation of mechanical, electrical, and plumbing (MEP) systems design to implement Carbon Reduction measures within the new building and geothermal well field(s).

Calculate the minimum number of wells required using thermal conductivity test results.

B. Four Thousand Nine Hundred Seventy-Five Dollars (\$4,975.00), for **early structural steel bid documents** and is intended to compensate the Architect for the following services:

The Early Structural Steel package is to include the entire building superstructure, specs, decking, joists, structural model, framing for screens for the main building and all ancillary buildings, such as the bus storage, field house, and bus garage, etc. Annotate the selected bid date on pertinent drawings and FYI on drawing being provided for reference only.

C. A Credit of Ninety-Seven Thousand Six Hundred Seventy-Five Dollars (\$97,675.00), for **reduction in design services scope** and is intended to compensate for the following services:

Provide a credit for design for the reduction in the overall gross square footage, reduction in gross square footage was calculated at 61,649 gross square foot reduction and is per the revised Education Specifications dated 8/1/21 issued by OSCGR and CTECs and Agency Request #2.

D. Two Hundred Seventy-Eight Thousand Three Hundred Eighty-Two Dollars (\$278,382.00) and is intended to compensate the Architect for the following services:

Construction document design phase services to accommodate the scope of work outlined in Agency Request #2 and add thirty (30) calendar days to the duration of the Contract Document Phase.

E. One Hundred Thirty-Eight Thousand Eight Hundred Seventy-Five Dollars (\$138,875.00) and is intended to compensate the Architect and subconsultants for the following services:

Provide additional construction administration services per the Terms and Conditions of The Contract between the State and Architect and per the Connecticut Department of Administrative Consultant Procedure Manual requirements for the Architect Construction Administration Phase Services for a monthly rate of Twenty-Five Thousand Two Hundred Fifty Dollars (\$25,250.00) for an additional one hundred sixty-four (164) calendar days.

DCS & OSCGR have confirmed for that funding is available for this contract.

With this contract amendment DCS states that the construction budget is increased to \$163,292,579 and the total project budget is increased to \$199,999,000. The original budgets were \$95,580,000 and \$135,000,194 respectively.

JCJ Basic Service Fee (#21-007)	ARC Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic Design Phase	\$693,533				
Design Development Phase	\$923,545				
Construction Document Phase	\$1,371,066				
Bidding and Review Phase	\$226,512				
Construction Administration Phase	\$1,359,066				
TOTAL BASIC SERVICE FEE (#21-007) (A)	\$4,573,722			\$95,580,000	4.79%
JCJ Fee for Extended Basic Services (PRB 22-188) (A1)	\$319,582				
TOTAL BASIC SERVICE FEE (#22-188) (A+A1)	\$4,893,304			\$163,292,579	3.00%
JCJ Special Services Fee (#21-007)					

Pre-Design (3 concept plans)		\$50,000			
Boundry/Topo/Wetlands Survey		\$15,400			
Geotechnical Services		\$60,445			
Special Inspection Services		\$8,800			
Acoustical Engineering Consultant		\$21,945			
Civil Engineering Supplemental Services		\$48,400			
Electronic/Audio Visual Services		\$41,635			
HAZMAT & Environmental Cons. Svs.		\$214,027			
Kitchen/Food Service Design Consultant		\$73,480			
Security/Telecom/Data Design Consultant		\$49,500			
Design Allowance/contingency		\$30,000			
TOTAL SPECIAL SERVICE FEE (#21-007) (B)		\$613,632			
JCJ Fee for Extended Special Services (PRB 22-188) (B1)					
Carbon Reduction Design (EOs 1 & 3)		\$92,700			
WAO Structural Steel Design/Bid		\$4,975			
TOTAL SPECIAL SERVICE FEE (#22-188) (A+A1)		\$711,307		\$163,292,579	0.44%
TOTAL FEE (PRB #22-188) (A) + (A1) + (B) + (B1)			\$5,604,611	\$163,292,579	3.43%

Staff have requested clarification of the following issues:

1. The approved Form 1105 identifies a \$95,580,000 Construction Budget and in this Amendment #1 it identifies a \$163,292,579 Project Budget, an increase of \$67,712,579 (+70.8%). Please clarify the following:

a) What is the correct Construction Budget?

DCS Response: \$163,292,579

Staff Response: OK

b) If the higher Construction Budget is correct, please provide an updated Form 1105 and confirm and identify the source of funding for construction.

DCS Response: I have requested a revised 1105 from CTECs and DAS Management.

Staff Response: Staff will wait for the amended document.

11-30-22 - CA-Arcadis Response: Amendment is underway and will be forwarded as soon as document is fully executed by all parties

c) Please provide the initial cost estimates included from both the SD and DD Phases.

DCS Response: Please see attached.

Staff Response:

Phase	Issued	Firm	Cost of Work
SD	12-3-2021	Unknown	\$155,448,933
DD	4-9-2022	AM Fogarty	\$152,928,139
CD	10-10-2022	Gilbane Cons.	\$164,591,411

d) The original Construction Budget indicated a \$341/sf project cost. The new cost is \$747/sf. Please clarify if this increase is within reason when compared to other DCS Projects.

DCS Response: The original 1105 was prepared by Kosta Diamantis is incorrect. \$341/sf cost is not correct for a technical high school building and based on 2010/2011 funding values. \$747/sf is in line with Grasso and Platt Technical High School and includes drilling approximately 250 geothermal wells to comply with the Governor's Executive Order #1 and #3

Staff Response:

#1. What is the process at OSCG&R for preparing B1105 and associated estimates?

11-30-22 - CA-Arcadis Response: Unfortunately, we are unaware of the process that was used to create the 1105 and estimate. At the time this was being executed by Kosta Diamantis.

#2. What is DCS's role/process in assisting user agency in preparing estimates/B1105, etc. as it is the final approving authority?

11-30-22 - CA-Arcadis Response: In the original submission of the 1105 DAS did not have a role in the creation of the document but the final document was reviewed and approved by DAS based on the recommendations of OSCG&R. For the revised 1105 DAS and CTECS prepared the documents based on the SD Estimate.

#3. Does DCS have any say in the estimates prepared by the user agency?

11-30-22 - CA-Arcadis Response: In the original 1105 there was not collaboration on the preparation of the funding request. In the revised 1105, DAS and CTECS had the ability to opine on the value based on the SDE estimates.

2. Article 2.E of the original ARC Contract provided a \$30,000 Design and Construction Phase. Please clarify what, if any, draws have been made from the Contingency.

DCS Response: No draws have been made from the \$30K contingency.

Staff Response: DCS should draw down this contingency. Pl amend the documents accordingly.

11-30-22 - CA-Arcadis Response: Barbara Cosgrove to reach out directly to discuss the usage of contingency

3. Please provide copies of Notice to Proceed (NTP) for SD, DD and CD Phases.

DCS Response: Please see attached.

Staff Response: DCS provided NTP for each Phase stating initial Total Construction Budget was \$95,580,000 per terms of Contract, and included the following salient information contained within each NTP:

Phase	NTP Issued	Due	Days to Complete	Construction Cost Est.
SD	8-13-2021	11-10-2021	89 (90/ARC)	\$116,207,572
DD	12-8-2021	3-8-2022	90 (90/ARC)	\$155,448,933
CD	5-1-2022	10-7-2022	159 (120/ARC)	\$163,292,578

4. Please provide copies of the WAO and NTP provided to the ARC and CA for the structural steel.

DCS Response: The WAO was submitted by the CMR on 11/14/2022 and is currently under review by OPLAPP. No Notice to Proceed to the ARC and CA have been issued relative to the structural steel.

Staff Response: OK

5. In 2018, Northeast Collaborative Architects prepared an ED SPEC for this Project that was incorporated into the Project and utilized in the initial design (likely already approved by OSCGR at the time), and in August 2021, OSCGR revised the ED SPECS and reduced the size of the Project by 61,649 sf. Please clarify the following:

a) Did this occur during the SD or DD phase?

DCS Response: The ED spec was revised during schematic design phase.

Staff Response: OK

b) What are the reasons for reducing the size of the project?

DCS Response: Inflation and the original 1105 budget prepared by Kosta Diamantis did not provide sufficient funding to construct a 260,000-sf school.

Staff Response: See 1d above.

c) Please clarify how the credit in the amount of \$97,675 was calculated and provide communications from the ARC to that effect.

DCS Response: Per JCJ proposal dated 12/23/2021, the dollar value credit for the decrease in the overall square footage off set the design work by the design of the geothermal well and carbon natural design, specific calculation were not provided.

Staff Response: OK

6. The CA Consultant Contract (Arcadis) was approved in May 2021 and the CMR Contract (Gilbane) was approved in September 2021. Both firms identified a 1,248-day construction phase, plus closeout. Please clarify the following:

a) What is the correct Construction Duration?

DCS Response: At the time this Amendment was prepared in June of 2022, the revised construction duration was 1,414 calendar days.

Staff Response: OK

b) Please identify the issues that led the ARC to request an addition 5.5 months (164 days) CA Services?

DCS Response: The delay associated with funding at the predesign phase, the inclusion of Carbon neutral requirements requested by David Barkin during the schematic design phase, and Agency Request #2 that was issued during the design development phase. All attributed to the construction duration extension to accommodate constraints on the construction schedule as it related to building occupancy and weather-related constructability.

Staff Response: Pl provide specific time frame for each that led to 5.5 months of delay. How did the funding delay at the predesign phase and carbon neutral requirements affect CA services? Also, if the design related to carbon neutral requirements is not complete, how was the time delay calculated for the CA phase?

11-30-22 - CA-Arcadis Response:

Per the executed contract issued to JCJ Architecture the following schedule was included

A. Schematic Design Phase: Ninety (90) calendar days after receipt of written notice to proceed;

B. Design Development Phase: Ninety (90) calendar days after receipt of written notice to proceed;

C. Contract Documents Phase: One Hundred Twenty (120) calendar days after receipt of written notice to proceed

JCJ Architecture Contract Execution Date 2/26/21

Predesign Phase Notice to Proceed - Form 3001 - 4/14/21 (due 60 days from NTP)

Schematic Design Phase Notice to Proceed – Form 3090 – 8/13/21 Included Revised Education

Specification dated 8/4/21

Design Development Phase Notice to Proceed – Form 3090 – 12/8/12

Construction Document Phase Notice to Proceed – Form 3090 – 5/11/22

Phase	NTP Issued	Due	Days to Complete
SD	8-13-2021	11-10-2021	89 (90/ARC)
DD	12-8-2021	3-8-2022	90 (90/ARC)
CD	5-1-2022	10-7-2022	159 (120/ARC)

c) What are the impacts to the CA and CMR Contracts?

DCS Response: The same as JCJ, the CA is in the process of providing a revised cost proposal for the longer construction phase. The GMP will address the additional construction duration in for the CMR.

Staff Response: See above.

7. Please clarify if Article F of Amendment #1 should be reviewed for numbering of the sub-categories.

DCS Response: I defer to OPLAPP for document layout and numbering.

Staff Response: Staff will wait for the response.

RECOMMENDATION: Staff recommend suspension of Amendment #1 in the amount of \$417,257 to provide expanded ARC and CA Services for the Project pending responses from DCS.

FROM PRB #21-007

PROPOSED AMOUNT: \$5,187,354

Project Background:

The Architect will provide all design discipline services to the DAS/CS in support of the Bullard Havens Technical High School located at 500 Palisade Avenue, Bridgeport, CT.

The Architect shall design and create complete and accurate contract documents for a completely new technical high school at the existing Bullard Havens THS site.

Construction of a new +/- 260,000 gross sf facility on the current site to accommodate 13 separate shop programs, plus associated classrooms and theory rooms, per the Educational Specifications (ED Spec). New construction will also include a field house, bus garage, and new ball fields per ED Spec, and construction of storage and out-buildings to provide ancillary space as described in the ED Spec and building program.

This project includes the demolition of the existing buildings on the site: “A” Building consisting of classrooms, the “B” building consisting of shop/lab/classroom spaces, and the “C” Building, consisting of shop/storage spaces in their entirety.

Project delivery will be a Construction Manager at Risk (CMR). The Site is within a residential area. Hazardous materials abatement will be required.

The existing building will remain occupied during construction and school functions must not be interrupted.

The project will meet CT High Performance Building requirements.

The architect is required to design in accordance with the school construction standards established by the Office of School Construction Grants and Review (OSCGR).

The project will meet FM Global standards as well as current Connecticut State Building/Fire Safety Code and other state agency (DAS, DEEP, DPH) & utility company requirements. The Authority Having Jurisdiction will be Connecticut Office of the State Building Inspector (OSBI) / Office of the State Fire Marshal (OSFM). The project will be reviewed by the OSCGR.

In May 2020 DAS/DCS (“DCS”) issued a Request for Qualifications for Architect/Engineer (A/E) Consultant Services related to the Construction Manager at Risk project – Bullard-Havens Technical High School in Bridgeport. DCS elicited 14 responses to the advertisement of which all submittals were considered “responsive”. DCS then proceeded to review the submittals and after the completion of the internal review process, five (5) firms were selected for short-listed interviews. These firms were as follows, TSKP Studio, LLC, Moser Pilon Nelson, Architects, LLC, JCJ Architecture, PC, Quisenberry Arcari Malik, LLC, and Kaestle Boos Associates, Inc. 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 JCJ Architecture, PC (“JCJ”) as the most qualified firm.

This contract is for Architect/Engineer Consultant Design Team Services for the Construction Manager at Risk project – Bullard-Havens Technical High School in Bridgeport with the completion of a pre-design study consisting of three design concepts/pre-design layouts for consideration and approval by DAS, OSCGR and CTECS. Upon selection of the pre-design, the consultant will continue through the initiation of a schematic design phase through the construction document phase, bidding and the subsequent completion of construction. The overall construction and total project budget have been established at **\$95,580,000** and **\$135,000,194** respectively. DCS confirmed bond funding is available. The current legislative authorization for this project has \$27,331,000 for Total Project Costs.

The overall compensation rate for this basic service is \$4,573,722 with an additional \$613,632 for special services, for a total fee of **\$5,187,354**. The contract includes an additional \$30,000 for A/E Design and Construction Phase Contingency.

JCJ Basic Service Fee (#21-007)	ARC Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic Design Phase	\$693,533				
Design Development Phase	\$923,545				
Construction Document Phase	\$1,371,066				
Bidding and Review Phase	\$226,512				
Construction Administration Phase	<u>\$1,359,066</u>				
TOTAL BASIC SERVICE FEE (#21-007) (A)	\$4,573,722			\$95,580,000	4.79%
JCJ Special Services Fee (#21-007)					
Pre-Design (3 concept plans)		\$50,000			
Boundry/Topo/Wetlands Survey		\$15,400			
Geotechnical Services		\$60,445			
Special Inspection Services		\$8,800			
Acoustical Engineering Consultant		\$21,945			
Civil Engineering Supplemental Services		\$48,400			
Electronic/Audio Visual Services		\$41,635			
HAZMAT & Environmental Cons. Svs.		\$214,027			
Kitchen/Food Service Design Consultant		\$73,480			
Security/Telecom/Data Design Consultant		\$49,500			
Design Allowance/contingency		<u>\$30,000</u>			
TOTAL SPECIAL SERVICE FEE (#21-007) (B)		\$613,632			
TOTAL FEE (PRB #21-007) (A)+ (B)			\$5,187,354	\$95,580,000	5.43%

- The May 2020 RFQ elicited 14 responses. The Selection Panel interviewed five firms and ultimately recommended the appointment of JCJ Architecture, PC (JCJ). The selection was approved by Deputy Commissioner Petra on 12/7/2020.
- JCJ is located in Hartford. This firm was established in 1975 and became JCJ Architecture in 2005. JCJ has 117 employees which includes 42 registered Architects. JCJ is operating under its corporate license No. ARC.0000442. The license is valid until 07/31/2021.
- Ames & Gough reported that over the past 5 years JCJ has been exposed to one general liability or professional liability claims, which was closed. The claim was not involved with State projects
- The submittal is accompanied by a Consulting Agreement Affidavit notarized on 1/07/21.

Staff inquired with DCS regarding the following issues:

1. DAS/DCS Form 1105 for this new Project was initiated by CTHS Superintendent of Schools on September 1, 2018. Please clarify what transpired between April 23, 2018 (approval #18-049) and September 1, 2018 that ultimately led to the termination of the prior renovation project.

DCS Response: OSCGR requested the development of an Educational Specification (ED SPEC) for the comprehensive planning of the entire Bullard Havens Technical High School and provide a space program to accompany and support the Educational Specifications. The ED SPEC was prepared by Northeast Collaborative in conjunction with CTTECHS and

OSCGR.

OSCGR - the original project was proposed to be an alteration of the "A" building only, which is an existing 3 story 1970's era facility currently used primarily as classroom and administrative space, with an underutilized school nurse/community health component and two large non-useable assembly spaces. The original project did not adequately address the primary functional problem of this school, which was the long-term viability of the existing shop spaces. It was economically infeasible to commit state funding to a project that did not fully address both the deferred maintenance issues and all of the programmatic issues at this site, including the technical shop learning environments, administrative requirements, exterior site improvements including unusable ball fields, tennis courts and running track, and ongoing problems with existing out-buildings, grandstand, and bus garage.

As a result of enrollment number, program viability, unusable condemned, and eliminating outside use of the building, OSCGR deemed the need for new school construction for the entire Bullard Havens Technical High School. OSCGR elected to cancel the original project (BI-RT-880) which consisted of a gut renovation of Building A, ball fields and ancillary buildings and create a new project (BI-RT-889) for construction of a brand-new school in its entirety, new ballfields, and ancillary buildings.

After consultation with Attorney General's Office, readvertisement for design consultant services was required due to the material and substantial change in the scope of work. As a result, DAS provided formal notification to Northeast Collaboratives canceling the project prior to advertisement for design consultants for the new project. Project was canceled by OSCGR at the 50% schematic design phase.

Staff Response: OK

2. What services were provided under previous approvals – PRB 17-202 and PRB 18-049?

DCS Response: The following services were provided for PRB 17-202: Preparation of Study, Schematic Design Phase Services, HAZ MAT Report, Geotech Report, Phase 1 Environmental Study, Property Survey, and Wetlands Report. The following services were provided for PRB 18-049: The ED SPEC, Space Program, and building utilization and suitability.

Staff Response: OK

- a. How much of the approved \$4,539,795 Consultant Fees were expended and what stage of design was completed?

DCS Response: Approximately \$540K of cost were incurred. Exact values can be provided upon request. The Architect completed 50% schematic design phase.

Staff Response: OK

- b. Provide a list of deliverables and cost incurred by each consultants under these approvals

DCS Response: Deliverables: Study, HAZ MAT Report, Geotech Report, Phase 1 Environmental Study, Property Survey, Wetlands Report, 50% schematic design documents, and ED SPEC.

Costs incurred by consultants

\$ 5,074,000.00	A/E Fees Funding
\$ 102,000.00	Art Funding
<u>\$ 612,500.00</u>	DCS Fees Funding
\$ 5,788,500.00	Bonded PA 15-3 Sec. 2 (3)
\$ (96,659.00)	DCS Fees
\$ (6,232.60)	GZA GeoTech & Wetland Report Reviews
\$ (535,164.40)	NCA Schematic Design, Land Survey, Education Spec, Geo Tech
<u>\$ (1,750.00)</u>	SES Commissioning Services
\$ 5,148,694.00	Balance Remaining

Staff Response: OK

c. Are consultant contracts approved under these two proposals still active or cancelled?

DCS Response: For PRB 17-202 the contract was canceled per Noel Petra's Letter dated May 6, 2020 to Northeast Collaboratives, see attached. PRB 18-049 Services were rendered by Northeast Collaborative by issuance of the ED SPEC and Space Program.

Staff Response: OK

d. Is this project terminated?

DCS Response: The project was formally canceled by Connecticut State Department of Education form 7988 Notice of Project Cancellation, see attached.

Staff Response: Notice dated May 6, 2020, signed by DOE Chief of Engineering Services on August 31, 2020. OK

3. Why is DCS hiring two architects to perform certain tasks? Is JCJ not qualified to provide the services being provided by NCA?

DCS Response: DCS is only hiring/contracting with one Architect, that is JCJ. Yes, JCJ is qualified for this project. JCJ has hired Northeast Collaborative as a sub consultant, just like JCJ hired MEP and other subconsultants for base fee services. DCS considers Northeast Collaborative a subconsultant.

Staff Response: OK

4. NCA is not mentioned in the DCS contract with JCJ. What is the contractual relationship between JCJ and NCA?

DCS Response: DCS does not identify the names of subconsultants for base fee services, for example the MEP subconsultants are not identified either. Only special services consultants are identified. NCA's contractual relationship to JCJ is a subconsultant.

Staff Response: OK

5. Under Attachment 1 to the contract:

a. Pg. 1 of 12-II(C) – what is this language referencing?

DCS Response: With regard to provision Attachment 1, Article II.C. the language references the Architect's duty to understand those existing, specific and atypical conditions, e.g., the building will remain occupied, the need to maintain daily operations, or space limitations that will need to be addressed in plans and specifications for the successful execution of the work by the contractor. These conditions may require phasing, working off-hours, special security measures, etc. and it is the responsibility and duty of the architect, working with the project manager and client agency to identify such project specific conditions and develop plans and specifications that allow the project to be completed without issue caused by the conditions.

Staff Response: OK

b. Pg. 4 of 12 (E) – why pay the architect for "Reuse" of the plans? Doesn't State own the plans/design?

DCS Response: Concerning Article V. E., while the State may "own" the documents and the building, under the Architectural Works Copyright Protection Act, the architect is the originator and holder of the copyright to the design and/or building. If such design is imitated or transcribed in whole or in part, infringement occurs. In addition, under C.G.S. Sec. 20-293, the working drawings and specifications prepared for a building and structure shall be stamped by the seal of the author of such drawings and specifications. No person can designate or imply that he or she is the author of working drawings or specifications unless he or she was in responsible charge of their preparation. To address both issues, if we are going to reuse the plans the State will pay a fee to the architect, essentially a license fee to use the copyrighted design, as well as a fee for any changes that may be required as determined by the

Commissioner. Another architect, who is not the author of the working drawings and specifications, cannot make a few changes and place his or her stamp on the drawings and specifications. I am unaware of any instance in fourteen years where we wanted to reuse plans and specifications to build a duplicate building. It makes no sense to negotiate or pay a license fee or an assignment fee on every project. If we should ever decide to do so, the architect has agreed that the Commissioner will determine the reuse fee and the fee for any changes.

Staff Response: OK

- 6. On Form 1200, under section 3.4 - Interview Procedure - it says New Procedure for Ranking and Fees

DCS Response: Old procedure.

- a. Provide what was the former procedure

7. 18	QBS Selection Interview Rating Criteria Categories:	The QBS Selection Panel shall conduct Selection Interviews with the Shortlisted Firms. At the end of all of the Selection Interviews, the Selection Panel shall "Rate" each of the Firms in accordance with the "Selection Interview Rating Criteria Categories" table below and create a "Certified List" of the three (3) "most highly qualified Firms" to be submitted to the Departments Director of Project Management for consideration.	
	Item No.	Selection Interview Rating Criteria Categories:	Max. Rating Points
	1	Proposed Team's Experience with Projects of Similar Size & Scope as this Project <i>(See 1212 QBS Submittal Booklet Requirements – Division 1 – Letter of Interest & Narrative, Division 7 – CT 330 Part I, Sections D, E, F, & G, and Division 8 – CT 330 Part II, Sections 8, 9, & 10; and the Team's Selection Interview Presentation)</i>	30
	2	Proposed Team's Approach to the Work Required for this Project <i>(See 1212 QBS Submittal Booklet Requirements – Division 1 Letter of Interest & Narrative, and the Team's Selection Interview Presentation)</i>	30
	3	Proposed Team's Organizational Structure for this Project <i>(See 1212 QBS Submittal Booklet Requirements – Division 7 – CT 330 Part I, Sections D, E, F, and G; and the Team's Selection Interview Presentation)</i>	20
	4	Prime Firm's Past Performance Record with State & Other Clients <i>[RCSA 4-134e-9(c)]</i> <i>(Including, but not limited to, Control of Costs, Quality of Work, Conformance with Program, Cooperation with Client, and Supervision of Construction)</i> <i>(See 1212 QBS Submittal Booklet Requirements – Division 7 – CT 330 Part I, Sections E, F, I, & J; Active (past 5 years) DAS/CS Consultant Performance Evaluations; Prime Firm's Reference Checks; and the Team's Selection Interview Presentation)</i>	20
		Maximum Total Possible Rating Points per Selection Panel Member:	100
		Three (3) Member Selection Panel - Maximum Total Possible Rating Points:	300
		Five (5) Member Selection Panel - Maximum Total Possible Rating Points:	500

New procedure.

3. QBS Longlist, Shortlist, Interview, and Fee Proposal Procedures													
3.4 Interview Procedure (Selection):	<ul style="list-style-type: none">Shortlisted firms will be invited to attend a mandatory site visit, scope meeting, and interview. Each firm's Interview presentation will be evaluated by the QBS Selection Panel in accordance with the following "Selection Interview Rating Criteria Categories":<table border="1"><thead><tr><th colspan="2">Selection Interview Rating Criteria Categories</th></tr></thead><tbody><tr><td>></td><td>Proposed Team's Experience With Projects Of Similar Size & Scope As This Project</td></tr><tr><td>></td><td>Proposed Team's Approach To The Work Required For This Project</td></tr><tr><td>></td><td>Proposed Team's Organizational Structure and Availability For This Project</td></tr><tr><td>></td><td>Prime Firm's Geographic Proximity To & Familiarity With The Area In Which The Project Is Located</td></tr><tr><td>></td><td>Proposed Team's Relevant Knowledge Of Connecticut Building & Fire Codes</td></tr></tbody></table>NEW PROCEDURE – RANKING: No "Rating Points" will be assigned per category. In the place of Rating Points, the QBS Selection Panel will independently "rank" each of the Consultant Teams on a scale of 1st (most qualified for this Contract) to 5th (least qualified for this Contract) at the conclusion of all Interviews.NEW PROCEDURE – CONSULTANT SERVICES FEE PROPOSAL: The top three most qualified firms will be notified and required to submit a "Consultant Services Fee Proposal" within ten (10) calendar days of the notification. Details will be included in the notification.The DAS/CS Policy & Procurement Unit will create a "Certified List" of the most highly qualified firms and, along with the total volume of work awarded to each firm in the previous five years* and the Consultant Services Fee Proposals, will furnish a "Selection Approval Memorandum" to the DAS Deputy Commissioner or his delegated individual for his review and approval. (*NOTE: In order to achieve an equitable distribution of contracts, the Deputy Commissioner or his delegated individual may utilize the total volume of work to determine the final selection of the most qualified firm.)	Selection Interview Rating Criteria Categories		>	Proposed Team's Experience With Projects Of Similar Size & Scope As This Project	>	Proposed Team's Approach To The Work Required For This Project	>	Proposed Team's Organizational Structure and Availability For This Project	>	Prime Firm's Geographic Proximity To & Familiarity With The Area In Which The Project Is Located	>	Proposed Team's Relevant Knowledge Of Connecticut Building & Fire Codes
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>	Proposed Team's Organizational Structure and Availability For This Project												
>	Prime Firm's Geographic Proximity To & Familiarity With The Area In Which The Project Is Located												
>	Proposed Team's Relevant Knowledge Of Connecticut Building & Fire Codes												
3.5 Conditional Selection Procedure:	<ul style="list-style-type: none">The DAS/CS Policy & Procurement Unit will email the selected firm a "Conditional Selection Notification Letter" which will provide instructions regarding additional information that must be submitted for the processing of its contract.												

Staff Response:

b. When was this new procedure implemented and is this for all the selections across the board?

DCS Response: This was the first project this New Ranking and Fee Proposal was Implemented. At this time, these processes will only be applicable for Architectural/Engineering and Construction Administration contracts.

Staff Response: OK

c. Why was this new procedure implemented?

DCS Response: The new ranking procedure provides a more accurate and consistent way of determining the 3 most highly qualified firms, and less subject to the vagaries of disparate scores among panelists in one or more rating categories.

New Fee Proposal Procedure: In the past once a first-place firms have been determined; Project Management would enter into Contract Negotiations with the firm. If DAS/CS could not agree on an acceptable Fee and scope of work, it and would then have to go to the next highest ranked firm and hope that the 2nd ranked firm had not already reassigned/committed the previously proposed staff to another project. The current fee proposal process requires each firm to submit proposals simultaneously, with scope reviews of each firm to follow. This allows for competitive proposals and a process that results in a best value selection. To date we have found a significant savings by negotiating with the highest ranked firms before actual contract signing. The fee, in addition, is not based upon a percentage guideline but a competitive proposal comparison.

Staff Response: OK

7. Pl provide Screening scoring for all the 14 firms reviewed.

DCS Response: Please see attached Screening Rating Calculation Spreadsheet for the above project.

Staff Response: OK

8. PA 15-3, Section 1(3) provides authorization for \$27,331,000. Please clarify if there is proposed legislation authorizing additional funding to cover the total costs of this Project and when and how much funding was authorized by the Bond Commission.

DCS Response: KOSTA DIAMANTIS TO PROVIDE A FORMAL ANSWER AS A FOLLOW UP TO HIS PHONE CONVERSATION WITH DIMPLE DESAI ON 2/22/21 WITHIN THE NEXT OR TWO.

Staff Response: Have sufficient funds for this proposal. Usually the construction funds will come later when the prices are finalized. OK

RECOMMENDATION: Staff recommends **APPROVAL** of this consultant contract in the amount of \$5,187,354, of which \$4,573,722 is for basic services and an additional \$613,632 for special services. The A/E basic fee of 4.79% of construction cost is within the DCS guideline of 5.0%.

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #22-183 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #22-183. The motion passed unanimously.

PRB FILE #22-188 – Mr. Halpert moved and Mr. Valengavich seconded a motion to suspend PRB FILE #22-188. The motion passed unanimously.

9. NEXT MEETING – Monday, December 5, 2022.

The meeting adjourned.

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