

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On September 5, 2023

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

Pursuant to CGS §1-225a, the State Properties Review Board conducted its Regular Meeting at 9:30AM on September 5, 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:

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

Members Absent:

Staff Present – solely by means of electronic equipment:

Dimple Desai
Thomas Jerram

Guests Present – solely by means of electronic equipment:

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 August 31, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS







PRB # 23-137
Transaction/Contract Type: RE –Release
Origin/Client: DOT/DOT
DOT Project #: 004-118-001A
Grantee: Town of Avon
Property: Avon, Waterville Rd (Rt 10) at Old Farms Rd
Project Purpose: Replacement of Bridge No. 04470, and Reconstruction of Old Farms Road & Route 10 Intersection

CONVEYANCE FEE: \$0

At its meeting held on March 28, 2016, under PRB #16-062, the State Properties Review Board voted to approve the Release (TRR) the remainder of seven acquisitions (fee, easements & DROWs) under DOT Project No. 004-118-001A, to the Town of Avon. DOT previously acquired the land acquired for the *Realignment of Old Farms Road Project* and pursuant to Item No. 11 of Agreement No. 06.06-14(00) all remnants of the acquisitions were conveyed to the Town. There was no monetary consideration.

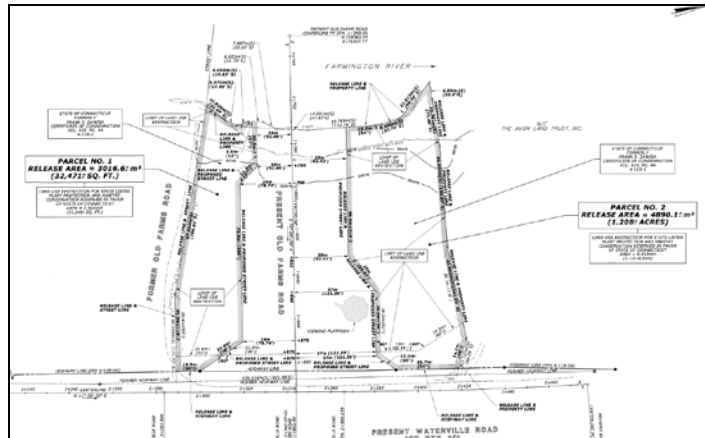
A review of DOT conveyances to the Town of Avon reveal that this Release was never recorded in the town’s Land Records.

Search Results 1 to 3 of 3 For Expanded: Name #1 Firm/Last Name: (begins with) connecticut, state of In All Parties Index Type(s): LAN Document Type(s): QC Date From: 3/1/2016 Date Thru: 12/31/2023
Searched on 8/1/2023 7:34:04 AM ET
Filters:
Selected Rows Printed

#	View	Scan Pages	Date	Type	Party One	Party Two	Description	File#	Book/Page
1	 	3	01/30/2020	LAN QC	CONNECTICUT STATE OF	ZACHERY, CLARENCE E AKA ZACHERY, CLARENCE E SR	AVON MOUNTAIN RD		736 / 1203
2	 	3	09/11/2020	LAN QC	CONNECTICUT STATE OF DOT	AVON TOWN OF	REPLACE LOCAL BRIDGE 05850		745 / 1125
3	 	5	07/06/2022	LAN QC	CONNECTICUT STATE OF DOT	AVON TOWN OF	INTERSECTION OF OLD FARMS RD AND WATERVILLE RD		776 / 1015

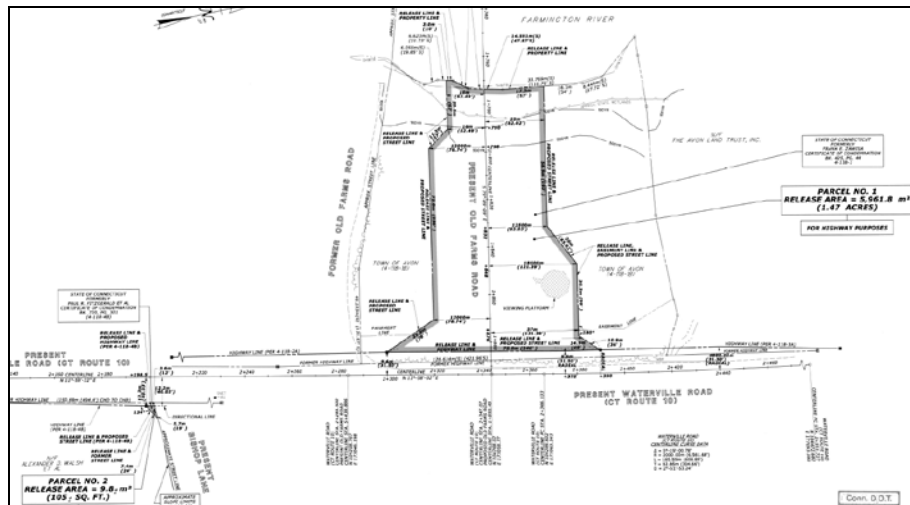
And on March 31, 2022, under PRB #22-023, SPRB approved the release two remnant parcels of land to the Town of Avon. Parcel No. 1 (s/s Old Farms) consisting of 32,471 ± square feet, and Parcel No. 2 (n/s Old Farms) consisting of 1.208 ± acres, are located on the westerly side of Present Waterville Road (CT Route 10), split by Old Farms Road.

The land was acquired by the Department of Transportation on behalf of the Town for the realignment of Old Farms Road. This property was requested by the Town of Avon for open space with a land use restriction for plant protection and habitat conservation pursuant to DEEP’s regulations of 25- 68h-1 to 3 and use restriction for state listed plant protection and habitat conservation.



Parcels No 1 & No 2 released under PRB #22-023.

Under this Proposal (PRB #23-137), DOT is seeking SPRB approval to Release the land and easements to the Town of Avon, consisting of 1.47 ± acres (Parcel No. 1) and 105 ± square feet (Parcel No. 2), consisting of the present Old Farms Road and land located north of Old Farms Road and west of Present Waterville Road (CT Route 10).



Staff inquired with DOT regarding the following:

1. DOT Project No. 4-118-1A was presented to the SPRB on March 7, 2016, and the SPRB voted to approve the Release on March 28, 2016. No record of said Release was identified in the Avon Land Records. Please clarify why the land and easements were not released to the Town in 2016.
2. In this current Release, an easement acquired under DOT Project No. 4-118-11 is identified in the QC Deed to be released, as follows:

A full and perpetual easement to slope for the support of the highway, as acquired from Avon Old Farms School, Inc. d/b/a The Avon Old Farms School, Incorporated, as contained in an Easement Instrument dated April 18, 2017 and recorded in Book 708 at Page 1134 of the Avon Land Records.

Please clarify the following:

- a. Please confirm it is the intent of the State to Release this slope easement to the Town.
- b. And, if it is the intent to Release this easement, should a statement of assigning the easement to slope be included on page 3 of the Deed, similar to that of Fitzgerald as follows:

Together with that easement to slope assigned, as acquired from Paul R. Fitzgerald and Jill M. Fitzgerald as evidenced by a Certificate of Condemnation filed on June 26, 2018 and recorded in Book 720 at Page 301 of the Avon Land Records.

- c. Please identify the location of this slope easement on the Release Map to be filed in the Land Records and submitted with this Proposal.

RECOMMENDATION: Staff recommend suspension of this Proposal to assign the land and easements acquired by the State to the Town of Avon pending response from DOT.

Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Open Session and into Executive Session at 9:42. The motion passed unanimously.

EXECUTIVE SESSION

PRB #: 23-149-A
Transaction/Contract Type: AG / PDR
Origin/Client: DoAG/DoAG

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

Upon completion of the Board’s review of this Proposal, Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session at 10:11. The motion passed unanimously.

5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

PRB # 23-078
Origin/Client: DAS/DOC
Transaction/Contract Type: AE / Amendment
Project Number: BI-JA-485
Contract: BI- JA-485-CA
Consultant: Hill International, Inc.
Property: Somers, Bilton Rd (335) – Osborn CI
Project purpose: CA Services for Window & Door Replacement
Item Purpose: Amendment #1

PROPOSED AMOUNT: \$341,910 ~~\$350,461~~

At the State Properties Review Board meeting held on June 1, 2023, the Board voted to suspend this file pending Board clarification of the following issues:

- 1) On page 2/11 of Amendment #1, is the addition of Article F to the Contract “Extended Design Phase and Bid Phase” properly titled as most of the content relates to CA Phase services?
DAS Response: Please advise which who amendment you are referring to, Hill or Hoffman? I couldn’t locate the reference Article on page 2 of 11.
Staff Response: CA Consultant – Hill. Section F in Contract specifically states Bid Phase. Article 1.B specifically states Bid Phase is increased by \$27,340. There are no other references to ‘Extended Design Phase.’ Should any reference to ‘Extended Design Phase’ be removed for clarity?

H. RE: Exhibit A, Article II, Section F., "EXTENDED DESIGN PHASE AND BID PHASE" – is hereby added:

F. **EXTENDED DESIGN PHASE AND BID PHASE**

The Construction Administrator shall be compensated for the following:

- Escalation for construction administration rates to extend the design phase and bid phase durations.
- Calculate escalation through August of 2026
- Provide one (1) additional Assistant Project Manager to oversee CMR work crews, maximum of four (4) work crews through May of 2026

The Construction Administrator shall be compensated in the amount of Three Hundred Twenty-Three Thousand One Hundred Twenty-One Dollars (\$323,121.00) for the services noted above.

DAS elected to keep this language in the contract. OK

- 2) What value engineered/cost reduction alternative were proposed by the CA in an effort to meet the original \$35,900,000 Project Budget?

DAS Response: The original 1105 construction budget did not have enough money to support this project (designed prior and during Covid), which was identified in reconciled estimates. The scope of this project was limited to windows and doors, therefore, wasn't anything to value engineer as typically would be considered on a project with more design disciplines.

Staff Response: During the 6-1-23 SPRB Meeting, DAS informed the Board that all windows and doors are specialty items with a limited number of manufacturers and installers. OK

- 3) Please provide the CA's SD, DD and CD cost estimates and reconcile those estimates with the estimates provided by the ARC.

DAS Response: See attached.

Staff Response: Two Sub-Consultants provided cost estimates for this project: Nasco (ARC) and Ellana (CA), and their final, reconciled, cost estimates were \$44,118,547 and \$43,796,000, respectively. OK

- 4) Provide support for the Consultant's escalation calculation of \$63,513 for the reported 18-month delay.

DAS Response: Because the schedule start date got pushed out, the original rates and escalation rates were shown on Hill original proposal were used to calculate the extension.

Staff Response: A staffing matrix identifying the Consultant's efforts in support of the \$63,513 request was provided, but only in a dollar increase, but with no reference to the original hourly rate, or at what % rate of increase was applied to the original base rate. Staff utilized the original staffing matrix identifying the Consultants efforts provided under PRB #20-203 and compared to the staffing matrix in support of this new request.

An updated staffing matrix was provided fully identifying effort and rates. OK

- 5) Please reconcile the request to add an Associate PM toward this effort, beyond what was contemplated in the original CA Contract.

DAS Response: At time of contract the original contract was written the thought was that the CMR would only have one crew, but as the design and logistics of building project progressed, it was determined to maintain the schedule that the CMR will have multiple crews working at the same time and the supplemental part time help is to oversee multiple work areas. Please note this project has restricted access one person can't move from crew to crew.

Staff Response: During the 6-1-23 SPRB Meeting, DAS informed the Board that due to the secure nature of the facility and plan to prosecute the installation, construction crews will be in different, secure, locations and will not be able to migrate from one construction site to the next due to security concerns. OK

- 6) Provide an updated staffing matrix identifying the Consultants efforts and please highlight those specific efforts relative to this request.

DAS Response: See attached.

Staff Response: OK

Upon receipt of the Consultant's updated staffing matrix, the following information was requested of the Consultant:

1. There was an error in the formula when we sent the excel spreadsheet. See cell D47 (this cell originally added pre-construction costs to the construction phase total). We corrected the formula in cell D47 and now the new numbers are highlighted in YELLOW in the excel named as ... with staff comments

DCS/Consultant - I Agree that this was an error

Staff Response: An updated matrix was provided with a revised Amendment #1 addressing this Item and Item 2 below. OK

2. Based on the above - now the new Amendment #1 fee should be \$341,910 instead of \$350,461

DCS/Consultant - this looks to match my revision after the above correction

3. Also, need clarification as to why there are hours in column AY (under Billing Phase 3)

DCS/Consultant - As we are now comparing our base contract (already negotiated and executed) with the revised labor force, I had to include all the base contract hours. We were not offering a credit on any hours. You will see hours in columns 78 through 81 up in the rates for 2024, that is because we did not ask for escalation on these, so the rates are not shown as escalated (hill's error). The length of the Construction phase has not shortened, and with the next GMP it will get longer.

Staff Response: The Consultant is not seeking escalated rates for this portion of Close Out services. OK

4. Pl clarify where closeout hours are listed under Billing Phase 3 (Columns AZ/BA/BB)?

DCS/Consultant - In the original contract, Hill missed the closeout hours, and we understand that we own the closeout as part of the original contract.

Staff Response: The Consultant is not seeking escalated rates for this portion of Close Out services. OK

RECOMMENDATION: Staff recommend approval of Amendment #1 in the amount of \$341,910 ~~\$350,461~~ to provide expanded CA Services for the Project. This reduction in fee of \$8,551 represents savings to the State.

- DAS has confirmed for that funding is available for this Amendment.

PROPOSED AMOUNT: \$350,461

At the March 5, 2020 SPRB Meeting, the Board approved under PRB #20-203, the Consultant's Contract (BI- JA-485-CA) for the exterior door and window replacement project at Osborn Correctional Institution in Somers, CT. The overall compensation rate approved for this basic service was \$1,464,354. Construction Phase services were for 1,274 calendar days plus 90 days for project close out.

Under this proposal (PRB #23-078), DAS is now seeking Board approval of Amendment #1 to the CA Consultant Contract to compensate the CA an additional \$350,461 for additional CA Services, including:

1. The Construction Administrator shall provide a Project Manager and a Project Executive for the CMR preconstruction procurement/bid phase services - \$27,340;
 - a) Attend multiple pre-bid conferences and site visits as necessary with the CMR, subcontractors, Department of Corrections (DOC), and DAS.
 - b) Attend multiple scope review meetings with CMR and DAS to evaluate and review low bids and low bidder qualifications to make recommendations for award.
 - c) Attend meetings with the CMR, DAS, and DOC to review and discuss the CMR’s proposed construction phasing plan.
 - d) Attend meetings with the CMR, DAS, and DOC to review contract documents and discuss feasibility and logistics.
 - e) Review final reconciled Guarantee Maximum Price (GMP) and recommend approval.
 - f) Review and provide written approval of all subcontractor trade allowances.
 - g) Review and provide written approval of all subcontractor bid packages.

2. Expanded Design Phase and Bid Phase Services - \$323,121;
 - a) Escalation for construction administration rates to extend the design phase and bid phase durations.
 - b) Calculate escalation through August of 2026
 - c) Provide one (1) additional Assistant Project Manager to oversee CMR work crews, maximum of four (4) work crews through May of 2026

The overall construction and total project budget have now been established at **\$50,932,511 (+\$15,032,511)** and **\$66,600,000** respectively.

For reference purposes, the overall construction and total project budget, established under PRB #20-023, were established at **\$35,900,000** and **\$46,749,000**.

Hill International Basic Service Fee (#20-023)	CA Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Schematic Design Phase	\$44,993				
Design Development Phase	\$38,141				
Construction Document Phase	\$39,297				
Bidding and Review Phase	\$18,845				
Construction Administration Phase	<u>1,323,078</u>				
TOTAL BASIC SERVICE FEE (#20-023) (A)	\$1,464,354				
TOTAL FEE (PRB #20-023) (A)	\$1,464,354			\$35,900,000	4.08%
Procurement/Bid Phase	\$27,340				
Extended Design Phase and Bid Phase	<u>\$323,121</u>				
TOTAL BASIC SERVICE FEE (#23-078) (A1)	\$350,461				
TOTAL FEE (PRB #23-078) (A) + (A1)	\$1,814,815			\$50,932,511	3.56%

Staff have requested clarification of the following issues:

- 7) On page 2/11 of Amendment #1, is the addition of Article F to the Contract “Extended Design Phase and Bid Phase” properly titled as most of the content relates to CA Phase services?
- 8) What value engineered/cost reduction alternative were proposed by the CA in an effort to meet the original \$35,900,000 Project Budget?
- 9) Please provide the CA’s SD, DD and CD cost estimates and reconcile those estimates with the estimates provided by the ARC.
- 10) Provide support for the Consultant’s escalation calculation of \$63,513 for the reported 18-month delay.
- 11) Please reconcile the request to add an Associate PM toward this effort, beyond what was contemplated in the original CA Contract.
- 12) Provide an updated staffing matrix identifying the Consultants efforts and please highlight those specific efforts relative to this request.

RECOMMENDATION: Staff recommend suspension of Amendment #1 in the amount of \$350,461 to provide expanded CA Services for the Project, pending response from DAS to aforementioned issues.

- DAS has confirmed for that funding is available for this Amendment.

FROM PRB #20-023

PROPOSED AMOUNT: \$1,464,354

This project involves providing construction administration services for the exterior door and window replacement project at Osborn Correctional Institution in Somers, CT.

Osborn CI – population 1,348 - is a medium security institution constructed in two phases. The original section was constructed in 1957. The second and larger phase was constructed in 1960. All windows and doors are original to the building and have exceeded their useful service life. The correctional institution comprises approximately 990,000 square feet of floor area and approximately 93,200 square feet of window and door openings. The facility is heated from a central boiler house but, there is no air-conditioning, with the exception of window units for some spaces. All window replacements must take into account the requirement for natural ventilation in the building.

The Department of Corrections had requested DCS effect the renovation/modernization identified in a July 2017 Study – Osborn Window and Exterior Door Replacement (BI-JA-479).

In December 2018 the Department of Construction Services (“DCS”) issued a Request for Qualifications for Construction Administrator (CA) Consultant Services related to the Osborn Exterior Door and Window Replacement project. DCS elicited six (6) responses to the advertisement. DCS then proceeded to review the submittals and after the completion of the internal review process, and five of the six firms were selected for short-listed interviews. These firms were as follows, AI Engineers, Inc., ATANE Engineers, P.C., Hill International, Inc., The Morganti Group, Inc. and Nosal Builders, 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 Hill International, Inc. (“HII”) as the most qualified firm.

The overall construction and total project budget have been established at \$35,900,000 and \$46,749,000.

This proposal before the Board is for a new CA contract for the Consultant to provide Construction Administration services with the following scope:

The replacement of all exterior doors and windows at Osborn Correctional Institution including

- Visual survey / investigation of existing doors and windows throughout the facility to design head, jamb, and sill details for new units;
- Verification of existing window types and quantities;
- Exploratory probes at select locations to understand the condition and configuration of existing materials adjacent to window openings;
- Review preliminary design concepts for reduction in existing glazing area. Prepare and value engineer schematic level wall assembly options for DCS/DOC approval;
- Construction of interior and exterior temporary partitions, fences, barricades, access routes, etc. for project phasing and security;
- Abatement and removal of all window and door frames;
- Disposal of the entire window and frame as hazardous material contaminated refuse;
- Preparation of existing masonry/rough openings;
- Preparation and painting of miscellaneous structural steel;
- Installation of new detention grade doors, windows, curtain walls, hardware, and associated materials and assemblies; and,
- Replacement of windows and coordination with new wall assemblies to reduce glazing area.

The overall compensation rate for this CA services is \$1,464,354.

DAS has confirmed that funding is in place for design and construction administration services.

- The December 2018 RFQ elicited 6 responses. The Selection Panel interviewed five firms and ultimately recommended the appointment of Hill International, Inc. (HII). The selection was approved by Deputy Commissioner Petra on 5-10-2019.
- HII is a Philadelphia based, publicly-traded, firm with a branch offices located in East Hartford and Needham MA. This firm has 28 employees which includes four registered Architects, 9 construction managers and one project manager. HII is operating under its professional engineering license No. PEC.0000861. The license is valid until 04/08/2020.
- Marsh USA, Inc. reported that over the past 5 years HII has been exposed to 160 general liability or professional liability claims, of which 123 have been closed at an expense of \$1,777,360.
- The submittal is accompanied by a Consulting Agreement Affidavit notarized on 3/15/2019.

Staff have requested clarification of the following issues:

1. BI-JA-485-ARC was approved by the AG on 7-01-2019.
When was the ARC Consultant given 'Notice to Proceed' with Schematic Design Phase?
DCS Response: August 1, 2019.
Was Notice issued for the Design Development Phase? DCS Response: No. If yes, please provide date. N/A
What phases of their contract they have completed?
DCS Response: None, the C.A. has not completed any phases of design the Architect has finished the SD phase and we are waiting until the CA comes on board to do their review and provide a cost estimate before the project proceeds to DD Phase.
2. What are the "pre-design services" or "Preliminary Evaluation" identified in the Exhibit A of the CA Contract (pages 14 and 16 of 28)?
DCS Response: Page 14: This is standard contract language, there are no pre-design services for this CA Contract, those words "pre-design services" can be removed and/or crossed out as it does not apply to this contract. Page 16: Preliminary Evaluation is exactly what it says is,

1. the CA review will review the States program, in this case the number of exterior doors and windows, the pre-design study and the States Construction Budget, which is \$35.9M and evaluate each to insure there is enough construction money for the scope of work. This requirement is at the option of the State. 2. This requires the C.A. to become familiar with previous project decisions and planning, in this case a there is a feasibility study dated July 27, 2017 that the CA would need to be familiar with.
3. When will these pre-design/preliminary evaluation services may begin?
DCS Response: Pre-design services will not be required. Preliminary Evaluation services will be provided at the option of the State and will begin once the C.A. contract is fully executed.
4. On page 17 of 28 – Under Item 6 – Construction Cost Estimate: it states ..., “schedule to start the second quarter of 2012”. Is there a typo?
DCS Response: Yes this is typo, it should be 2022
5. Provide a list of attendees at the Scope Meeting held on 7/29/2019
DCS Response: Please see attached.
6. Provide a copy of the staffing matrix referenced in the Consultant’s proposal.
DCS Response: Please see attached.
7. Please clarify if the Consultant provided a table with hourly rates and, if yes, please provide a copy.
DCS Response: Please see attached.
8. CA fee for construction administration phase is estimated at \$1,323,078. The construction administration phase fee for the Architect is estimated at \$1,436,000. What is the rational for paying such high fees for the same project to basically duplicate the effort?
DCS Response: The rational is: This is not a high fee, it is the fee that was budgeted in the 1105 by the Department of Corrections Deputy Commissioner of Administration, Cheryl Cepelak and approved by DAS Deputy Commissioner, P.J. Salemi. Please see the attached CA Manual Section 2.4 for the construction administration duties required during construction. Please see the attached Consultants Procedure Manual Section 3.5.5 for the Architect's construction administration duties required during construction.
9. Please provide staffing matrix for BI-JA-485-ARC.
DCS Response: A staffing matrix was not provided by Hoffman Architects. The services provided by the CA and Architect during construction are not duplicated services. The Architect provides service related to the review of submittals, design related questions, RFI answers, etc. The CA is DAS’ representative on-site every day to watch the contractor performing the work. They make sure the project is constructed as designed by the Architect.

RECOMMENDATION: Staff recommends approval of this consultant contract in the amount of \$1,464,354. The CA fee of 4.08% of construction cost is within the DCS CA Services guideline of 5.0%.

6. ARCHITECT-ENGINEER - NEW BUSINESS

7. OTHER BUSINESS

Vice Chairman requested that the Monday, September 25, 2023 be changed to Tuesday, September 26, 2023 to recognize the Yom Kippur holiday. All Members agreed to the change of date.

8. VOTES ON PRB FILE:

PRB FILE #23-137 – Mr. Valengavich moved and Mr. Berger seconded a motion to suspend PRB FILE #23-137, pending response from DOT regarding Board inquiries. The motion passed unanimously.

PRB FILE #23-149-A – Mr. Halpert moved and Mr. Valengavich seconded a motion to suspend PRB FILE #23-149-A, pending a site inspection of the Property. The motion passed unanimously.

PRB FILE #23-078 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #23-078. The motion passed unanimously.

9. NEXT MEETING – Special Meeting, Wednesday, September 6, 2023.

The meeting adjourned.

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