

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On September 28, 2023

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

Pursuant to CGS §1-225a, the State Properties Review Board conducted a Regular Meeting at 9:30AM on September 28, 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:

David Barkin, AIA DAS-CS
Brian Dillon, JUD
Darren Hobbs, DAS Deputy Commissioner

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 September 26, 2023 Special Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB # 23-153
Transaction/Contract Type: RE – Lease
Origin/Client: DOT/DOT
Project Number: 161-87-26A
Lessee: Mariani Enterprises, LLC d/b/a Glengate
Property: Wilton, Danbury Rd – behind 575 Danbury Rd
Project Purpose: Lease for Continued Use of 46,220 sq.ft.
Item Purpose: Five-Year Lease with Two 5-Year Options

Lease Price: Initial \$2,800/month

Project Background:

At the State Properties Review Board meeting held on November 5, 2018, under PRB #18-203, the Board approved a Lease with Micheal Pfahl for 34,149± square feet (0.78 acre) of land for a five year term through September 30, 2023. The Lease included two, five-year options to extend the term. The rent was \$2,000/month. The land was utilized by the Lessee for parking company vehicles, storing landscape materials, equipment and container storage.

Under this proposal (PRB #23-153), DOT is seeking SPRB approval to enter a Lease with Mariani Enterprises, LLC d/b/a Glengate for a 5-year term, with two, 5-year options to extend the term. This new Lease will encumber 46,220 sq. ft. or 1.06± acres. DOT authority to enter this Lease is pursuant to CGS 13a-80.

DOT noted the following:

During the annual property inspection that took place in July 2022 and May 2023, it was determined that a porta toilet, a geodesic dome greenhouse, plantings, trees storing and a movable container structure for usage of equipment storage were encroaching beyond the original contractual lease area. Moreover, Mr. Pfahl has permitted Mariani Enterprise, d/b/a Glengate, a local landscaping company, utilized his property for the same usage in November 2022. With the additional encroaching area and Mariani Enterprise is the current user of the state property, a new lease sketch and new lease agreement is needed.

Shown on the lease sketch of the updated leasing area (lease sketch attached) contains totaling of 46,220± square feet, (1.06± acre) of land (the “Premises”). It is land locked by two State of Connecticut parcels and the abutter, Mr. Pfahl. The Premises can be accessed from Mr. Pfahl’s property which consists of 2.25± acres on Danbury Road (U.S. Route 7). Abutting property located at zoned General Business (GB) and Premises is located at the residential zone (R1).

The terms of the lease are as follows:

Lessee	Mariani Enterprises, LLC d/b/a Glengate
Premises	46,220 sq.ft. of land “as-is” and “where-is”
Use	Solely for the purpose of parking vehicles, storing landscape materials, equipment, plantings and greenhouse. Installation of two removable shipping containers for usage of an office and machine storage-space. Other uses with DOT permission.
Term	5 years commencing upon AG approval, two 5-year, options to extend
Termination	Either party can terminate with 30 days’ notice, with or without cause
Rent	\$2,800.00/month, increasing 2.5%/year. Initial 5-yr term total payments = \$176,628.
Utilities, costs	All by tenant
Insurance	Liability Insurance by Tenant

Other	Lease includes specifications as contained in “Standard Highway Lease Specifications & Covenants: Non-Governmental Under \$50,000” dated 7/1/2022, which are attached to the lease. The specifications include insurance and indemnification requirements.
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The Lessee executed the Lease on July 13, 2023. The Lessor executed the Lease on August 8, 2023. OPM approved the Lease agreement on August 15, 2023.

RECOMMENDATION: Board approval of the Lease (lease-out) agreement to Mariani Enterprises, LLC d/b/a Glengate is recommended for the following reasons:

- The commissioner of transportation has the authority under CGS §13a-80 to enter into lease agreements, subject to the approval of OPM (received 8/15/2023), the SPRB & the AG.
- This covers 46,220 sq.ft. of land to be used for the purpose of parking vehicles, storing landscape materials, equipment, plantings and greenhouse. Installation of two removable shipping containers for usage of an office and machine storage-space. Other uses with DOT permission.
- The Lessee initially pays \$2,800/month, increasing annually by 2.5%, based on Wilton area sales and an 8% rental rate on the estimated land value (range of values).
- The State reserves the right to terminate the lease with 30 days’ notice.

From PRB #18-203

The property is a residentially zoned 2.25 acre rear lot located off Danbury Road in Wilton. The property is accessible via other state-owned parcels. The property abuts other land of the proposed Lessee fronting Danbury Road.

The terms of the lease are as follows:

Lessee	Michael Pfahl
Premises	34,149± square feet (0.78 acre)
Use	Parking company vehicles, storing landscape materials and equipment and container storage
Term	October 1, 2018 – September 30, 2023, two (2), five-year options to extend
Termination	Either party can terminate with 30 days’ notice, with or without cause
Rent	\$2,000/month, plus posting a \$10,000 surety bond to the benefit of the state (in DOT possession).
Utilities, costs	All by tenant, if available (no electric, gas, sewer or water currently at site)
Other	Lease includes specifications as contained in “Standard Highway Lease Specifications & Covenants: Non-Governmental Under \$50,000” dated 8/5/2015, which are attached to the lease. The specifications include insurance and indemnification requirements.

DOT arrived at the conclusion by evaluating three land sales in the area (\$7.79/sf, \$9.79/sf & \$11.11/sf) and applying an 8% land rental rate as follows:

Land Value	Leased Area	Land Rent	Indicated Annual Rent	Monthly Rent
\$7.79	34,149	8.00%	\$21,281.66	\$1,773.47
\$9.79	34,149	8.00%	\$26,745.50	\$2,228.79
\$11.11	34,149	8.00%	\$30,351.63	\$2,529.30

The DOT initiated negotiations with the Lessee at \$2,500 per month and, after further negotiations, ended at the proposed \$2,000 per month.

The Lessee executed the Lease on August 27, 2018. The Lessor executed the Lease on September 10, 2018. OPM approved the Lease agreement on October 12, 2018.

Staff asked DOT for clarification on the following issues.

- It appears the Lessee has been utilizing the state land prior to this Lease. Any attempt at compensation for Lessee’s prior use?
 - DOT don’t inspect Super 7 acquisition land, and had no way of knowing he was encroaching until he requested to Lease the land from us. When DOT went out there to inspect the property he was told to cease his encroachment. There is no way of knowing how long he had been encroaching, so how could we back charge him?

RECOMMENDATION: Staff recommend approval of the Lease for the following reasons:

- The commissioner of transportation has the authority under CGS §13a-80 to enter into lease agreements, subject to the approval of OPM (received 10/129/18), the SPRB & the AG.
- This is a 34,149 sq. ft. portion of a residentially zoned 2.25 acre rear lot located off Danbury Road in Wilton. The property is adjacent to Lessee, and is accessible via other state-owned parcels to be used for parking company vehicles, storing landscape materials and equipment and container storage and no other use.
- The Lessee shall pay \$2,000 per month. The Lessee provides a Ten Thousand Dollar (\$10,000) surety bond.

The term of the lease is for 5 years, commencing 10/1/2018. The lease includes two (2) additional five-year options, subject to a review and update of the rental fee. The State reserves the right to terminate the lease with 30 days’ notice.



5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

PRB #	23-162
Origin/Client:	DAS/DMHAS
Transaction/Contract Type	AE / Task Letter
Project Number:	BI-MH-143
Contract:	OC-DCS-MEP-0047
Consultant:	Fuss & O'Neill, Inc.
Property	Middletown, Silver St (1000) – CVH
Project purpose:	Dutcher Hall Generator Replacement
Item Purpose	Task Letter #7A

PROPOSED AMOUNT: \$165,535

On December 22, 2021, DAS-CS retained the Consultant – Fuss & O'Neill, Inc. – under Task Letter #7 (informal) to their On-Call Contract OC-DCS-MEP-0047 to prepare a study to assess the code requirements to remove and replace the existing 150 kw generator serving the 208-volt three phase electrical service at Dutcher Hall.

Part of the study was to provide a construction opinion of cost for two options as follows:

- #1. Generator replacement with necessary infrastructure to meet current codes; and
- #2. New electrical service and generator with necessary infrastructure to meet current codes.

Under this Proposal (#23-162), DAS is now seeking Board approval of Task Letter #7A to their On-Call Contract OC-DCS-MEP-0047 to provide engineering design and construction administration services for this generator replacement Project. The negotiated fee for the Consultant's services is \$165,535. The scope of work includes:

Remove and replace the existing 150kw generator serving the 208-volt three phase electrical service at Dutcher Hall, and separate emergency and critical branch circuits.

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

- Installation of two new generators to support life safety and critical equipment per the Connecticut State Building and Fire Codes.
- Installation of three new transfer switches.
- New distribution panels for emergency and critical loads located in Dutcher Hall per code.
- Demolition of existing construction including but not limited to equipment & branch circuits.
- Demolition of existing original-construction switch located in Dutcher Hall.
- Phased construction:
 - 1) Installation of generators, distribution panels, cam-lock/generator connection panels, and related equipment.
 - 2) Separation and tie in of existing branch circuits, i.e., emergency or critical.

DAS notes that this is a patient-occupied building and this is a life safety issue and required by their regulatory agencies.

In January 2020, SPRB approved (PRB #19-257) Fuss & O'Neill, Inc. (FOI) as one of five firms under the latest *On-Call MEP (Mechanical, Electrical and Plumbing) Engineer* series of consultant contracts. These contracts have a maximum total cumulative fee of \$1,000,000 per contract and a common expiration date of 3/15/2022.

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

3/15/2022	OC-DCS-MEP-0047	Fuss & O'Neill, Inc.	\$1,000,000	19-257
	Task Letter #1	WCSU - Central Steam Plant Chimney Study	\$25,100	(Informal)
	Task Letter #1A	WCSU - Central Steam Plant Chimney Study	\$25,010	(Informal)
	Task Letter #2	Covid related HVAC Study	\$0	(Canceled)
	Task Letter #3	CMHC-HVAC Study	\$34,720	(Informal)
	Task Letter #3A	CMHC-HVAC Study	\$1,180	(Informal)
	Task Letter #4	CVH-Batell Hall - Dorm Renovations	\$0	(Informal)
	Task Letter #5	SCSU - MEP Various Projects	\$70,000	(Informal)
	Task Letter #6	505 Hudson Street - HVAC Replacement	\$89,675	(Informal)
	Task Letter #7	CVH - Dutcher Hall - Existing Generator Study	\$12,510	(Informal)
	Task Letter #7A	CVH - Dutcher Hall - Existing Generator Replacement	\$165,535	#23-162 Pending
		Total Informal TLS	\$423,730	
		Total Committed Funds	\$423,730	
		Maximum Total Fee	\$1,000,000	
		Uncommitted (Remaining)	\$576,270	

At the State Properties Review Board meeting held on April 28, 2022, the Board approved PRB Files 22-042 to 22-046, five Consultant Contracts under the 9th series of On-Call Structural MEP Contracts (0051 to 0055) awarded by the Department of Administrative Services (“DAS”) since 2002. The On-Call Contracts have a maximum total cumulative fee of \$1,000,000 per contract and a common expiration date of 7/01/2024.

Fuss & O’Neill did not respond to the RFQ for the latest MEP Consultants in the on-call series.

DAS has confirmed funding is in place for this Task Letter.

The Construction Budget and total Project Budget are estimated at \$1,750,000 and \$2,335,535, respectively.

Task Letter #7 – FOI Basic Services Fee Informal)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
TOTAL BASIC SERVICE FEE (Informal) (A)	\$0				
FOI Basic Service Fee - PRB #23-162 (A1)					
Combined SD/DD Phase (112 Days)	\$53,225				
Contract Documents (84 Days)	\$59,840				
Bid Phase	\$10,015				
Construction Administration (548 Days)	\$42,455				
TOTAL BASIC SERVICE FEE (PRB #23-162) (A1)	\$165,535			\$1,750,000	9.46%
FOI Special Services (Informal)					
Generator Assessment Study		\$12,510			
TOTAL SPECIAL SERVICE FEE (Informal) (B)		\$12,510			
TOTAL FEE (PRB #23-162) (A)+(A1)+(B)			\$178,045	\$1,750,000	10.17%

The Consultants fee was based on the hourly rates included in the following table, as compared to the hourly rates approved in OC-DCS-MEP-0047.

	OC-DCS-MEP-0047	Proposed TL #7A	
Position	Hourly Rate	Hourly Rate	Delta from MEP-0047
Principal	\$220.00	\$215.00	-2.3%
Project Manager	\$180.00	\$195.00	8.3%
Senior Mechanical Engineer	\$185.00	\$180.00	-2.7%
Mechanical Engineer	\$170.00	\$135.00	-20.6%
Senior Electrical Engineer	\$170.00	\$180.00	5.9%
Junior Electrical Engineer	\$100.00	\$130.00	30.0%
Plumbing/FP	\$165.00	\$0.00	-100.0%
Junior Civil Engineer		\$130.00	100.0%
Structural Engineer		\$170.00	100.0%
Junior Structural Engineer		\$130.00	100.0%

Staff followed up with DAS and asked following to clarify:

1. In Section 1.D of the Task Letter it states the CA Phase is estimated at 18 months, and later in the same Section it states “Attend biweekly job meetings, based upon a 13-month construction duration, in conjunction with up to twenty-six (26) site visits.” Furthermore, the Consultant’s Proposal includes an 18-month CA Phase. Please clarify and confirm what CA Phase services are being provided by the Consultant for clarity and revise Task Letter as necessary.

DAS Response: To clarify CA Services, the consultant is providing basic construction administration services in line with 1.4.1 of the Consultants Procedure Manual.

To clarify the 13 months vs the 18 months, we anticipate on site construction activity for approximately 13-months with approximately 5-months of down-time awaiting equipment. For example, we anticipate installing equipment pads during warmer weather in preparation for generators then waiting several months for the generators to arrive. We will not have formal biweekly meetings or site visits during this anticipated period of inactivity. Both the proposal and task letter are intended to allow for this period of inactivity while the project awaits equipment with extended lead times.

Staff Response: OK

RECOMMENDATION: It is recommended that SPRB approve Task Letter #7A in the amount of \$165,535 for the Consultant to engineering design and CA Services for the Project.

- DCS confirmed \$165,535 is available for the Task Letter.
- The Board approved the current On-Call Contract with a maximum total cumulative fee of \$1,000,000/contract (amended PRB #19-257) and an expiration date of March 15, 2022.
- Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$576,270.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 8/16/2023.

PRB #	23-163
Origin/Client:	DAS/CSCU
Transaction/Contract Type	AE / Task Letter
Project Number:	BI-CTC-619
Contract:	OC-DCS-CAM-0007
Consultant:	The Morganti Group, Inc.
Property	Statewide Community College Campuses
Project purpose:	Statewide Construction Administration Services
Item Purpose	Task Letter #1A

PROPOSED AMOUNT: \$90,000

Project Background

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

On August 19, 2021, DAS-CS retained the Consultant – The Morganti Group, Inc. – under Task Letter #1 (informal) to their On-Call Contract OC-DCS-CAM-0007 to provide the services of a

Construction Administrator (CA) to represent them in administrating and managing construction projects at their various Community College campus locations. The Consultant shall provide full/part time CA support services during the pre-construction, bidding, and construction phases as requested and/or needed by CSCU. The Consultant’s Fee was \$90,000.

And, under PRB #22-155 the Board for approved Amendment #1 to the On-Call Contract to extend the contract expiration date to May 1, 2023. The \$500,000 maximum cumulative fee was unchanged.

Under this Proposal (PRB #23-163), DAS is seeking SPRB approval of Task Letter #1A to the Consultant’s Contract – OC-DCS-CAM-0007, in the amount of \$90,000 to compensate the Consultant for providing the services of a Construction Administrator (CA) to represent them in administrating and managing construction projects at their various Community College campus locations. The Consultant shall provide full/part time CA support services during the pre-construction, bidding, and construction phases as requested and/or needed by CSCU.

The Morganti Group, Inc. (MGI) has been assigned the following Tasks under On-Call Contract Cam-0007:

	10/31/2022	OC-DCS-CAM-0007	Morganti Group Inc	\$500,000	20-101
Amend #1	5/1/2023	Task Letter #1	CA services for various projects	\$90,000	(Informal)
		Task Letter #1A	CA services for various projects	\$90,000	(#23-163 Pending)
		Task Letter #2	New Center & Memorial Unit energy audit	\$172,040	(#23-001)
			Total Committed Funds	\$352,040	
			Maximum Total Fee	\$500,000	
			Uncommitted (Remaining)	\$147,960	

At the State Properties Review Board meeting held on May 4, 2023, the Board approved The Morganti Group, Inc. (PRB #23-063), for one of five new On Call Consultant Contracts under the 3rd series of On-Call Construction Administrator – Minor Projects - Contracts awarded by the Department of Administrative (“DAS”). This series of Construction Administration (“CA”) Contracts was developed for consultant services on minor capital projects where the construction budgets are \$5,000,000 or less and services are anticipated to be 8-20 hours per week. All of the On-Call Contracts have a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 9/30/2025.

The Morganti Group, Inc. (MGI) has been assigned the following Tasks under On-Call Contract Cam-0014: None.

CSCU have confirmed funding is in place for this Task Letter.

Within the Consultant’s Proposal, the Consultant confirmed that the hourly rates approved under Cam-0007 will be utilized for this Task Letter.

	OC-DCS-Cam-0007	OC-DCS-Cam-0014	Delta from Cam-0007
Position	Hourly Rate	Hourly Rate	
Principal	\$200.00	\$220.00	10.0%
Senior Project Manager	\$180.00	\$185.00	2.8%
Chief Estimator	\$170.00	\$175.00	2.9%
Scheduler	\$160.00	\$166.00	3.8%
Project Manager	\$150.00	\$155.00	3.3%
Superintendent / MEP Sup.	\$140.00	\$145.00	3.6%

Staff followed up with DAS and asked following to clarify:

1. If the Consultant’s On Call Contract, Cam-0007, expired in May 2023, and the Consultant has an approved new On-Call Contract, CAM-0014, why is the expired contract being

utilized? Specifically, it seems that there is no continuation of a particular project awarded under Cam-0007 requiring additional funds for that project.

2. Provide a summary of projects undertaken by TMG under Task Letter #1 – campus; building; scope; \$ amount with fee matrix; project cost; status of the project; etc.
3. Were any other consultants retained for further services for these projects undertaken under Cam-0007?

RECOMMENDATION:

It is recommended that SPRB suspend Task Letter #1A in the amount of \$90,000 pending response from DAS.

- CSCU confirmed \$90,000 is available for the Task Letter.
- The Board approved the On-Call Contract Cam-0007 with a maximum total cumulative fee of \$500,000/contract (amended PRB #22-155) and an expiration date of May 1, 2023.
- Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$147,960.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 3/02/2023.

<i>PRB #</i>	23-164
<i>Origin/Client:</i>	DAS/JUD
<i>Transaction/Contract Type</i>	AE / Task Letter
<i>Project Number:</i>	BI-JD-372
<i>Contract:</i>	OC-DCS-MBE-CIV-0011
<i>Consultant:</i>	Zuvic, Carr and Associates, Inc.
<i>Property</i>	Bridgeport, Housatonic Ave (60)
<i>Project purpose:</i>	Juvenile Detention Center Recreation Yard Fence
<i>Item Purpose</i>	Task Letter #1C

PROPOSED AMOUNT: \$161,000

Project Background

On December 11, 2000, under PRB #00-616, the Board approved a Purchase and Sale Agreement for the State to acquire 4.39 acres of land from the City of Bridgeport for a total of \$3,000,000, of which \$2,100,000 was for the land and \$900,000 was for relocation of the present Bridgeport DPW Garage. Included in the Proposal was a Transfer Act Site Assessment Phase I prepared by Consulting Environmental Engineers, Inc. At that time DAS (then DPW) informed the Board that a Transfer Act Site Assessment Phase II had commenced.

Within the Board's approval were the following conditions:

The environmental audits, site inspections and the total cost bids to plan and complete the remediation of all hazardous materials stored, generated, present or found at or on site to bring site into compliance with applicable environmental laws and regulations should be completed and presented to Board for review and approval prior to expiration date of State's right to terminate Purchase and Sale Agreement as set forth in Section 13 of Agreement.

The acquisition was recorded on July 6, 2001 in a Special Warranty Deed beginning on page 277 of volume 4638 of the Bridgeport Land Records.

On January 17, 2002, under PRB #00-022, the Board approved BI-JD-241-DB, a \$29.5 million design build contract with TBI Construction Company to build a new two-story courthouse of 86,000 square feet and 88-Bed juvenile detention center, to include parking for 100 cars. The Board was subsequently informed that in December 2003, then-Commissioner Fleming had terminated the DB Contract – as a matter of convenience.

On September 22, 2005, under PRB #05-246, the Board approved BI-JD-241-DB, a \$39,623,000 design build contract with Turner Construction Company to build a new two-story courthouse containing 37,300 square feet and an 88-Bed juvenile detention center containing 51,700 square feet, with parking for 100 cars.

The Board’s approval came with the following notations:

1. Receipt of a copy of the revised Refinement Documents, Appendix C, removing the cost exposure to the State relative to utilities infrastructure (electric & water pressure), and project duration, as discussed with the Department of Public Works, to insure consistency with the original Request for Proposals.
2. Board prior written approval is required for any additional costs relative to environmental remediation concerning the project, should these costs exceed the \$3.60 million contracted allowance and/or any increase in the total contract price of \$39,623,000.
3. The Board respectfully requests quarterly progress reports regarding project status from the project manager.

Upon completion of the construction, and effective October 6, 2008, the Superior Court for Juvenile Matters relocated to this property, now identified as 60 Housatonic Avenue, Bridgeport, from 172 Golden Hill Street.

On September 5, 2019, DAS-CS retained the Consultant – Zuvic, Carr and Associates, Inc. – under Task Letter #1 (informal) to their On-Call Contract OC-DCS-MBE-CIV-0011 to develop an improved enclosure that addresses the current structural and security concerns with the recreation yard fencing at the Connecticut Judicial Branch Court Support Services Division (CSSD). Site-civil design services shall be required to address parking lot and interior roadway impacts. The Consultant’s fee was \$39,790.

On January 9, 2020, DAS-CS retained the Consultant under Task Letter #1A (informal), compensating the Consultant \$8,300 for the following scope of work:

- Determine the status of an Environmental Land Use Restriction (ELUR) in the area of previously identified contaminated soil and groundwater and determine the current environmental condition of the property.
- Review existing site Remedial Action Report and compliance groundwater monitoring reports.
- Collect soil samples from two borings completed as part of the geotechnical investigations.
- Complete physical logging of soil types and test screen the soil samples for total volatile organic compounds (VOCs).
- Prepare a technical memorandum summarizing findings and observations, including boring logs, appropriate data tables and figures.

The Judicial Department (hereafter the “JUD”) required the following services:

- Research CT DEEP files and conduct telephone/email interviews with CT DEEP personnel

to determine the status of the ELUR and the current environmental condition of the property.

- Review existing site Remedial Action Report and compliance groundwater monitoring reports.
- Hold discussions with the client to evaluate options and desired environmental services.
- Make recommendations to Judicial (JUD) concerning potential implications during construction.
- Collect soil samples from two borings completed as part of the geotechnical investigations.
- Complete physical logging of soil types and test screen the soil samples for total volatile organic compounds (VOCs) using a photoionization detector (PID).
- Submit up to two samples under proper chain of custody procedures for laboratory analyses for the following analyses: VOCs by EPA Method 8260, ETPH by the CT Method, SVOCs by EPA Method 8270, polychlorinated biphenyls by EPA Method 8082, pesticides by EPA Method 8081B, total 15 metals that have criteria published in the RSRs by EPA Method 7471B or 6010C, and leachable metals via the synthetic precipitation leaching procedure.
- Measure and annotate the depth to groundwater in existing monitoring wells located near the proposed new enclosure.
- Prepare a technical memorandum summarizing the findings and observations and, at a minimum, the stated conclusions on soil quality at the site and any future potential construction implications. Boring logs, associated data tables and corresponding figures shall be included as appendices to the memorandum.

On September 18, 2020, DAS-CS retained the Consultant under Task Letter #1B (informal), compensating the Consultant \$43,850 for the following scope of work:

Based on a preliminary review of the documents and correspondence with the Connecticut Judicial Branch, the following items were identified that still need to be completed to meet PTP requirements.

- Notify the Connecticut Department of Energy and Environmental Protection (DEEP) of the new Licensed Environmental Professional (LEP) of record
- Obtain all available environmental files and perform a thorough review by the new LEP of record
- Prepare an updated Phase I Environmental Site Assessment (ESA) since the prior one was completed 20 years ago and does not meet current requirement.
- Complete a groundwater monitoring round to obtain current data on groundwater quality. The last round was completed 10 years ago and needs to be updated.
- Evaluate additional areas or items of concern, if any, identified during the review of the existing environmental files and completion of the updated Phase I ESA.
- Prepare and submit a LEP for Verification.

The Judicial Department (hereafter the “JUD”) requires the following services:

1.A. Yard Fence Replacement Soil Management

- Conduct in-situ waste characterization sampling and testing within the expected excavation area.
- Collect, log, and screen soil samples from the area using direct push technologies.
- Collect up to five (5) soil samples and submit for analyses of site contaminants of concern (COCs) and additional parameters that are typically required by disposal facilities.
- Utilize the results of the waste characterization sampling to obtain pre-approved for disposal at one (1) or more facilities to allow direct loading during construction and include the preparation of waste profiles for authorized signatures.

- Prepare a technical specification, following the preferred format, for inclusion in the project Contract Documents which will include provisions for handling and management of excavated soils.

1.B. LEP of Record Notification

- Prepare a letter for submittal to DEEP notifying them of the change in LEP of Record for the site to Zuvic, Carr and Associates, Inc. (ZCA). The letter shall be submitted on ZCA letterhead unless requested differently by the authorities having jurisdiction.

1.C. Review Available Environmental Files

- Thoroughly review available environmental files provided by the Judicial Branch, and at the direction and assistance of the Judicial Branch, acquire additional files for review from consultants that have worked on the project previously.

1.D. Updated Phase I ESA

- Prepare a Phase I ESA for the site following the current standard of practice and requirements.
- Conduct the Phase I ESA following the scope and limitations of ASTM International's Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process E1527-13 and the Connecticut Department of Energy and Environmental Protection's (DEEP) 2007 Site Characterization Guidance Document (Revised December 2010).

1.E. Groundwater Monitoring

- Collect groundwater samples from the existing well network (MW-1 through MW-9) using low-flow sampling methods.
- Analyze the samples for site COCs at a Connecticut certified laboratory following reasonable confidence protocols. Measure depths to groundwater and use the data to evaluate groundwater flow direction at the site.
- Prepare, and include in the specifications, a groundwater monitoring report, presenting the results of the groundwater monitoring including tables and figures.

Under this Proposal (#23-164), DAS is now seeking Board approval of Task Letter #1C to their On-Call Contract OC-DCS-MBE-CIV-0011 to compensate the Consultant's \$161,000 for this Agency-Administered Project. The scope of work includes:

The Judicial Branch (hereafter the "JD") requires the following design and construction administration services:

1.A. Well Receptor Survey

- Prepare a Well Receptor Survey (WRS) to identify potable wells and other sensitive receptors within 500 feet of the Site as required by the Connecticut Property Transfer Program (PTP).
- Conduct the WRS in accordance with the CTDEEP Water Supply Well Receptor Survey Guidance Document, effective September 2009, and revised January 2015.

1.B. Groundwater Monitoring

- Quarterly monitoring is required, based on review of previous compliance monitoring conducted by others between 2008 and 2010 compliance with the arsenic and lead SWPC was not demonstrated.
- Install three new wells and one replacement well.
- Four compliance groundwater sampling events will be required on a quarterly basis, reflecting seasonal variability to evaluate compliance with the CT Remediation Standard Regulations (RSRs) for arsenic and lead. Prepare a letter report summarizing the findings.
- Install five additional wells to be sampled on two occasions and tested for volatile organic compounds (VOCs) due to the elevated levels of VOCs in indoor air in site buildings.

Evaluate the results for compliance with the groundwater volatilization criteria, along with vapor monitoring data, to indicate potential sources of subsurface contamination that may be contributing to VOCs in indoor air.

- Complete drilling to install nine wells, sampling, and preparation of one report summarizing four quarterly monitoring event findings regarding compliance of arsenic and lead concentrations in groundwater.

1.C. Environmental Use Restriction (EUR)

- Prepare an EUR that includes the allowable restrictions to gain compliance with the RSRs. Include the following required CTDEEP documents:
 - Electronic Transmittal Form for secure file transfer (SFT)
 - Transmittal Form
 - EUR Factsheet
 - Fee Form
 - EUR Form
 - Exhibit A – Declaration of ELUR
 - Exhibit B – EUR Opinion Overview
 - Exhibit C – EUR Opinion Inaccessible Soil – Two forms
 - Exhibit D – EUR Opinion Residential Activity Restriction – Two forms
 - Exhibit E – EUR Opinion Environmentally Isolated Soil – Two forms
- Prepare an A2 survey of the site, updated title search, and subordination agreements.
- Submit a draft of the EUR forms to the CTDEEP for review.
- Include completion of public notice, including but not limited to: letters to abutting owners, Bridgeport Health Department, and publication of Notice in the local newspaper.

1.D. Sub-Slab Ventilation System (SSVS) Evaluation of Potential Sources and Compliance

- Work in this task includes, but is not limited to the following:
 - A site visit by the LEP
 - Communication between the Client and the Consultant
 - Installation for a vapor point
 - Testing and sampling
 - Prepare one report including the results of groundwater monitoring pertinent to indoor air, summarizing findings.

From the Consultant's Proposal:

In 2001, the Site was purchased by the State of Connecticut Department of Public Works (CTDPW). As part of the acquisition, CTDPW filed a Form III certification pursuant to CGS Section 22a-134a with the Connecticut Department of Environmental Protection (CTDEP), as well as an Environmental Condition Assessment Form (ECAAF) since the Site was determined to meet the definition of an "Establishment". As part of the Form III filing, CTDEP informed CTDPW that a licensed environmental professional (LEP) would be required to verify that the Site was remediated in accordance with the Connecticut Remediation Standard Regulations (RSRs).

Numerous environmental investigations and remedial work were completed at the Site from the early 1990s through 2010. These investigations were reviewed during the completion of a Phase I ESA update completed by ZUVIC in March 2021 since the prior Phase I ESA was completed 20 years ago and does not meet current requirements.

Although a significant amount of environmental evaluation of the property was completed through 2010, all the environmental obligations required by the Connecticut Property Transfer Program (PTP) have not been met. Most notably, the environmental use restriction (EUR) was not recorded on the City of Bridgeport Land Records and a LEP Verification was not completed. In 2020, you retained the undersigned to act as the LEP for verifying the Site.

In December 2018, SPRB approved (PRB #18-179) Zuvic, Carr and Associates, Inc. (ZCA) as one of five firms under the 3rd series of *On-Call MBE Civil Engineering Consulting Contracts* that had a maximum total cumulative fee of \$500,000 per contract and a common expiration date of 3/15/2021.

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

OC-DCS-MBE-CIV-0011	Zuvic Carr and Associates	\$500,000	18-179
Task Letter #1	Juvenile Detention Center Fence Replacement	\$39,790	(Informal)
Task Letter #1A	Juvenile Detention Center Fence Replacement	\$8,300	(Informal)
Task Letter #1B	Juvenile Detention Center Fence Replacement	\$43,850	(Informal)
	Total Informal TLs	\$91,940	
Task Letter #1C	Juvenile Detention Center Fence Replacement	\$161,000	(23-164)-Pending
	Total Committed Funds	\$252,940	
	Maximum Total Fee	\$500,000	
	Uncommitted (Remaining)	\$247,060	

DAS has confirmed funding is in place for this Task Letter.

The Construction Budget and total Project Budget are estimated at \$1,400,000 and \$1,657,000, respectively.

Task Letter #1 –ZCA Basic Services Fee (Informal-T1)	Base Fees (\$)	Special Services	Total Fee	Construction Budget (\$)	% of Budget
Pre-Design Phase	\$17,600				
Schematic Design Phase (NTE)	\$19,000				
TOTAL BASIC SERVICE FEE (Informal) (A)	\$36,890			\$600,000	
ZCA Special Service (Informal-#T1) (B)					
GeoTechnical Services		\$2,900	\$39,790	\$600,000	
ZCA Special Service (Informal-#T1A) (B)					
Soil Sampling, Testing & Memorandum		\$8,300		\$600,000	
ZCA Special Service Fee - Informal #T1B (B1)					
Yard Fence Soil Management		\$17,000			
LEP of Record Notification		\$350			
Review Environmental Files		\$6,000			
Phase I ESA		\$5,000			
Ground Water Monitoring		\$12,800			
Project Meetings		\$2,700			
TOTAL SPECIAL SERVICE FEE (Informal #T1B) (B1)		\$43,850		\$1,400,000	
ZCA Special Service Fee - PRB #23-164 (B2)					
Well Receptor Survey		\$8,050			
Ground Water Monitoring		\$56,350			
Environmental Use Restriction		\$40,250			
Sub Slab Ventilation System & Potential Source & Compliance		\$56,350			
TOTAL SPECIAL SERVICE FEE (PRB #23-164) (B2)		\$161,000			
TOTAL SPECIAL SERVICE FEE (Informal) (B) + (B1) + (B2)		\$216,050			
TOTAL FEE (PRB #23-164) (A)+(B)+(B1)+(B2)			\$252,940	\$1,400,000	18.07%

Staff followed up with DAS and asked following to clarify:

1. Why Zuvic is providing environmental services under this MBE-CIV on-call series? Pl clarify why these services fall under CIV and not within the on-call services for Environmental Protection Act Consultants (OC-DCS-EPA)?

DAS Response: Definitive responses are not possible due to the age of the project and lack of records.

ZC was retained for civil services. They also provide environmental services. When the lack of an ELUR was discovered, DAS asked ZC for a proposal. Bringing on a second engineer would not be efficient. ZC agreed to do the work via their on-call.

DAS 9-27 Response - PS: Unfortunately, DAS – RECS is conducting a training program for the State's CA Community through CMAA during the morning of 9/28. We have been working on this workshop for a while now and can't break this commitment.

Ryan Davis will try to dial in to answer Task Letter Questions (He is also at this workshop, but will break away). He was not involved in the historical review, so can't respond to those questions. Hopefully, Brian will be available to answer questions.

As discussed this week, a lot of your questions are historical and the records do not exist. We recovered what records were not lost to document destruction schedules as best we could. Prior staff involved no longer exist in this world, so weren't available for interview. Responses are below.

Staff Response: There is still one item that is concerning. It is Q1. Zuvic, even though they accommodated DCS related to environmental tasks, is not authorized to take on tasks outside of their CIV on-call series. CIV procurement is specific related to site civil related tasks. EPA on-call is for tasks related to CEPA, Transfer Act,

May be David Barkin or Jenna Padula can provide response as to how consultants can undertake tasks outside of their on-call allowed tasks.

DAS 9-27 Response - PS: We looked at this. There is nothing prohibiting this scope within the CIV on-call.

Staff Response: Peter, I respectfully disagree. All the on-call series are for very specific tasks otherwise there is no need for different on-call series. DCS can just keep amending the contract adding various tasks from civil to roofing to environmental to claims analysis and so on. There are about 20 or so different on-call series.

Please review the CIV on-call series contract under which Zuvic is retained

DAS 9-27 Response - PS: Bear in mind, this is a task letter supplement. ZC was previously tasked for environmental work through this CIV on-call.

Staff Response: Understood - started as civil. Environmental tasks were added and that's when the issue started and should have been rectified. The Board will discuss this on Thursday. I know you and your staff is busy but may be David and/or Jenna can attend as they manage the on-call series in general.

During the meeting, the Board inquired of DAS-CS that when it was determined that Zuvic was to provide the environmental-related services did they follow the language contained within Article L of their MBE-CIV-0011 contract (see below) and have Zuvic provide three quotations from outside sources in sealed envelopes, to which DAS-CS responded 'No.'

L. Should the Engineer personally wish to perform special services as described in Sections J and K, the Engineer shall submit to the State a written quotation of the cost of so performing such services. The quotation shall not include, nor shall the Engineer be paid for, an additional percentage of the cost for overhead and profit. In addition, the Engineer shall arrange to have at least three (3) independent outside sources submit written quotations for the work directly to the State in sealed envelopes. The State shall decide whether to allow the Engineer to perform the work with the Engineer's own forces based on the Engineer's quotation, and shall notify the Engineer accordingly.

A relevant on-call contract – the EPA Series, active at the time Zuvic was selected to self-perform, the general description includes the following:

I. GENERAL

For each specific task assigned under this contract, the Consultant shall furnish a project manager, engineers, environmental specialists, and other personnel to do work when directed as hereinafter provided. For all such tasks, the Consultant agrees to follow specific provisions as may be required by the DCS and set forth in the two (2) DCS documents entitled the "CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES /DIVISION OF CONSTRUCTION SERVICES CONSULTANTS PROCEDURE MANUAL," and "Connecticut Environmental Policy Act (CEPA) Procedure Manual" prepared by the State of Connecticut, Department of Administrative Services, Division of Construction Services, and in the Department of Energy and Environmental Protection document entitled "Transfer Act Site Assessment Guidance Document," copies of which three (3) documents were given to the Consultant prior to this contract being entered into, which may be amended and/or supplemented current with the date of this contract. The relevant portions of these three (3) documents are incorporated herein by reference and made a part hereof as though fully set forth herein

Whereas the Zuvic's MBE-CIV on-call contract lacked any reference to the Transfer Act Site Assessment Guidance Document.

A. For each specific project assigned under this contract, the Engineer shall furnish a project manager, architects, engineers, and other personnel to do work when directed as hereinafter provided. For all such projects, the Engineer agrees to become familiar with and follow the provisions set forth in the "CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES CONSULTANTS PROCEDURE MANUAL," which may be amended and/or supplemented current with the date of this contract. These guidelines and provisions are incorporated herein by reference and shall be as binding upon the parties to this contract as though fully set forth herein.

2. In the Consultant's Proposal is stated "Most notably, the environmental use restriction (EUR) was not recorded on the City of Bridgeport Land Records and a LEP Verification was not completed." Please clarify the following:
- a) Who was responsible for confirming that Consulting Environmental Engineers (CEE) had fully complied necessary recordings as required by statute?
 - b) Who was the Construction Administrator overseeing the work of the CEE?
 - c) Was this oversight identified in Project Closeout?

DAS Response: CEE no longer exists as a firm. The DAS Attorney passed away. The Environmental engineer passed away. The DEP liaison passed away. The DPW PM is gone. When the unfiled ELUR was discovered by Judicial, DAS approached both DTC and Turner Construction (the CMR). Both corporations did not know the document was unfiled. As I discussed with you yesterday, the ELUR was completed in draft. It was in the execution phase. One of the potentially responsible parties was required to sign a subordination agreement. They refused. DPW was negotiating these documents, in the meanwhile the project activities concluded. At this point I am conjecturing what happened as there is no record and this is 15 – years old. But some point DPW became DCS and staff were re-assigned and the case went cold.

This project is very old. It predates PM Web and any DAS electronic project management system. Record drawings were available from the DAS library. Some miscellaneous records were located in support offices, but none complete.

Staff Response: OK

3. Furthermore the Consultant informed DAS that "ZUVIC was unable to locate two of the nine monitoring wells (MW-1 and MW-9) installed at the Site following site remediation and construction of the two existing buildings." Please clarify the following:

- a) Did DAS receive an as-built survey prepared upon completion of construction, identifying all monitoring wells, and if all 9 wells were identified on the survey?

DAS/Zuvic Response: The site plans that we have show all 9 wells, however, we were unable to physically locate two of them in the field and suspect they were destroyed during or after construction.

Staff Response: OK

4. Please clarify the status of the original Project - Juvenile Detention Center Recreation Yard Fence.

DAS/Zuvic Response: Brian Dillon to provide.

Staff Response: OK

5. Clarify how many monitoring wells will be installed and why? It looks like there are already 9 MWs right now from the past.

DAS/Zuvic Response: There are 7 existing wells – 2 could not be located as described above. We plan to install six new wells surrounding the two buildings that have indoor air issues to evaluate potential source area(s) causing the air problems and to provide an upgradient well.

Staff Response: OK

6. There is indoor air quality issue, did the D/B project include any vapor barriers below the slab to address VOC issue; was the soil removed as per the RAP? Turner Construction reduced the soil remediation cost from \$6.5 million to \$3.6 million. Can this have an impact on the indoor air quality issue?

DAS/Zuvic Response: The Remedial Action Plan (RAP) that I have was prepared by Diversified Technology Consultants (DTC), dated March 2006. The RAP calls for installation of a vapor barrier and sub-slab ventilation system (SSVS) beneath the southern corner of the Superior Court building and the western corner of the Juvenile Facility – see Figure 11 of the RAP, also attached here. The building areas underlain by the vapor barrier and SSVS represent a small portion of the buildings and may contribute to the indoor air quality issue.

The Remedial Action Report, prepared by DTC, dated September 2008 indicates that the vapor barrier and SSVS were installed. In addition, the RAR indicates that some soil excavation was completed, with some of the contaminated soil disposed off site, and the remainder placed beneath the two new buildings, buried beneath 2 ft. of clean soil and paved, or buried beneath 4 ft. of clean soil and landscaped. I do not have the figures that were part of the RAR so I cannot comment on where the vapor barrier or SSVS were actually installed.

DCS/PS Response: Response for Questions 5 and 6: Zuvic Carr will be certifying a site through the DEEP Transfer Act Program as the designated Licensed Environmental Professional and bring this site into regulatory compliance. This plan was coordinated with DEEP Remediation Program Staff. For Zuvic Carr's own liability, insurance requirements and risk management, they are obligated to verify the site conditions prior to certification. As such, their plan includes siting additional wells and testing for this certification.

Staff Response: OK

7. Is there a possibility of recouping funds from Turner Construction or any other consultants responsible for compliance with DEEP requirements?

DAS/Zuvic Response: I have no knowledge of work by Whiting Turner or the construction project.

DCS/PS Response: No possibility. The team acted in good faith and diligence, as best DAS can ascertain. ZC will be taking on the responsibilities for this past project and as such

(and understandable), needs to conduct additional testing to confirm their findings and make the necessary findings to DEEP as a Licensed Environmental Professional.

Staff Response: OK

RECOMMENDATION: After the deliberations between Deputy Commissioner Hobbs, DCS staff and the Board, the proposal was recommended for approval to move the project forward to address the indoor air-quality issues impacting the juvenile detention center in Bridgeport.

- DAS confirmed \$161,000 is available for the Task Letter.
- The Board approved the current On-Call Contract with a maximum total cumulative fee of \$500,000/contract (PRB #18-179) and an expiration date of March 15, 2021.
- Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$247,060.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 7/05/2023.

7. OTHER BUSINESS

The Board reviewed and discussed their draft of the Board's Annual Report to the Governor pursuant to CGS §4b-2.

8. VOTES ON PRB FILE:

PRB FILE #23-153 – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #23-153. The motion passed unanimously.

PRB FILE #23-162 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #23-162. The motion passed unanimously.

PRB FILE #23-163 – Mr. Valengavich moved and Mr. Berger seconded a motion to suspend PRB FILE #23-163. The motion passed unanimously.

PRB FILE #23-164 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-164. The motion passed unanimously.

The Board noted that this approval is to move the project forward noting concerns about following the on-call contractual requirements. Per CGS Section 4b-3(f), the Board advises to start the drafting of the on-call process policies to address issues that the Board and DCS had raised during the review of the on-call consultant proposals.

9. NEXT MEETING – Monday, October 2, 2023 – will be held solely by means of electronic equipment.

The meeting adjourned.

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