

**PERMANENT SCHOOL FACILITIES BUILDING COMMITTEE
REGULAR MEETING
September 26, 2012**

The Permanent School Facilities Building Committee held a meeting on Wednesday, September 26, 2012 at City Hall, Conference Room B. Chairman Woods called the meeting to order at 7:00 p.m.

Committee Members Present

M. Woods, Chairman
J. Quish
R. Vitali
S. DiBiase (BOE)
C. Saley (BOE)
R. Nunno (BOA)

Absent: M. Hardiman

Also Present

B. Silver, Silver Petrucelli Assoc., A/E
C. Nardone, Silver Petrucelli Assoc., A/E
J. Richetelli (MPS)
P. Bradbury (MPS)
C. Williams (MPS)
G. Raucci, Bismark Construction
A. Ridinger, Paragon Construction

Consideration of the Minutes of September 5, 2012 meeting

Ald. Nunno and Mr. Quish made and seconded a motion to approve the minutes of the September 5, 2012.

Mr. Quish noted two changes. On p. 2, 2nd paragraph from the top, the last two words should read “*travel time*”, *not* travel and time. Also on p. 2, 3rd paragraph from the bottom, delete word “renew.” Mr. Quish stated his comment to Mr. Bradbury was if he was satisfied with the work.

Motion carried unanimously as corrected.

Status Report RE: Elementary Schools Asbestos Abatement Project.

a) John F. Kennedy Elementary School – Mr. Silver referred the Committee to p. 1 for the financial summary. He reported the project is substantially complete and that Mr. Jorgensen has been going back and forth with the punch list and warranties. Mr. Silver referred the Committee to p. 2 of the handout which he explained showed the project substantially complete as of August 20, 2012. He stated this is a typical document that is sent out.

Ms. DiBiase and Mr. Quish made and seconded a motion to accept the John F. Kennedy elementary school asbestos abatement project as substantially complete as of August 20, 2012. Motion carried unanimously.

Status Report – Joseph A. Foran High School – Additions, Renovations, Code Compliance Phases III and III-A and Status Report and Joseph A. Foran High School – Phase II Lead Asbestos Abatement

Mr. Silver noted the Committee accepted Phase II as substantially complete last month. He stated tonight the same acceptance is needed from the Committee for the balance of the project. He stated they are just about finished with the punch list items.

Mr. Nardone commented the Committee is nearing close out of this project with Mountford Construction. He stated there are a handful of outstanding items from the building department but they have not received a final Certificate of Occupancy.

Status Report – East Shore Middle School Additions/Replacements

Chairman Woods reported he was told by the City Attorney Jonathan Berchem that he received a call from Kevin Koptez, DAS that they have no authority to waive any statutory non-compliance. He stated he feels bad, but there is nothing they can do and that the City Attorney has recommended the Committee rescind the award and re-bid the project.

Mr. Saley asked if this is the final word.

Chairman Woods replied nothing was in writing.

Mr. Quish commented this amounted to splitting hairs. He stated Mr. DeFronzo's email was dated September 19, 2012 and this Committee voted to award the bid prior to that. He also pointed out neither the City Purchasing Department nor this Committee was informed of this new legislation and there is a different statute that says something else. Mr. Quish asked who was responsible for knowing that a new statute was in place; the city attorney, purchasing agent, who?

Chairman Woods stated it is the Purchasing Agent's Office, but the question is which purchasing agent, the current or previous. He stated the statute is in force and has been since 2010. Discussion ensued.

Mr. Saley stated at this point the contract has been awarded, but it is his understanding it has not been signed. He stated he would like a further explanation of the 'going out to bid' costs and delays.

Mr. Quish questioned the wording in the statute which reads "shall be awarded."

Chairman Woods stated it is the exposure of losing State reimbursement that is preventing the City from going ahead with the project. He stated Salce could bring a lawsuit and that State could take the reimbursement.

Mr. Quish stated the notice says "prior to being awarded." He stated this project has been awarded.

Chairman Woods stated the statute was enacted before the bid was awarded.

Mr. Saley commented he understands the portal statute, but feels this bid has already been awarded.

Ald. Vitali asked if there was a legal opinion as to the verbiage.

Chairman Woods stated basically it is that the bid package was not posted on the portal. He commented that it is interesting to note that prior to the statute change, the city did post on the portal. Discussion resumed.

Mr. Silver commented they put this request out in writing to Kevin Kopetz and Carlos Velez of the DAS and all they have received is a telephone call. He suggested the Committee send out a letter asking for clarification in writing.

Mr. Richetelli commented it is his understanding this is still an open discussion at the State level.

Mr. Saley asked what the drop dead date is to commence the work.

Mr. G. Raucci stated the work is still doable based on the current schedule, but that it would be tight.

Mr. Saley asked about charges incurred to date by Bismark.

Mr. Silver explained a significant charge is the Builder's Risk coverage which was added by addendum.

Ald. Vitali asked what the Committee was expected to do at this time.

Chairman Woods responded the Committee had three choices: 1) rescind the award and rebid; 2) reaffirm the bid and move ahead; or 3) do nothing and wait.

Mr. Quish and Ald. Vitali made and seconded a motion to wait and pursue getting something in writing by the next meeting.

Mr. Quish stated he would also seek something from the Attorney General's Office.

Ald. Vitali stated he wished to amend the motion to add language that they wait no longer than 30 days.

Mr. Saley asked if the Committee should get the state representatives and senators involved. He suggested sending a letter to State Senator Gayle Slossberg and Representative Dick Roy.

Chairman Woods asked what this Committee would be asking them to do.

Mr. Saley stated this Committee has a question and needs a response. He stated the decision should not come from the City Attorney, but from the State. Discussion ensued as to how the Committee members wished to proceed.

Mr. Richetelli stated the current request went from Silver Petrucelli to the State. He suggested a request come from this Committee and not from the city.

Chairman Woods noted the City Attorney has had conversation with Mr. Kopetz. Discussion resumed.

Chairman Woods stated this Committee must guard against not receiving reimbursement for the project and also Salce suing for damages. He also stated there is exposure to Bismark Construction in the amount of \$131,051.

Mr. Quish stated they needed to do their due diligence and ask the Bureau of School Facilities and the Attorney General for their opinion with a copy of any letter going to the appropriate city representatives.

Chairman Woods asked the Committee what they wished the letter to say.

Mr. Quish replied it should be basic and simply if this committee were to go forward with this contract would the city receive reimbursement or do they have to go back out to bid. He stated Milford is surely not the only

town in this predicament. He stated quite simply, the question should be will Milford receive reimbursement for the project.

Ald. Vitali suggested Mr. Richetelli and Mr. Silver sit down with the City Attorney to get a flavor of what is going on.

Mr. Quish stated the question should be will this put an extra burden on Milford. Discussion ensued.

Motion carried unanimously.

Chairman Woods stated he received a response from bond counsel indicating the funds from the asbestos project can in fact be used for the East Shore Middle School design and construction administration phase services.

Mr. Silver referred the Committee to p. 26 of the handout regarding the Phase II repackage/rebid, which he stated continued onto p. 27. He explained the numbers were not actual fees, but an educated guess. He stated the numbers are a not to exceed, but if the Committee so desires Silver Petrucelli would be willing to guarantee the value numbers, however he would ask the Committee to increase the number by 10% as they do not control all of the agencies and parties involved which can require more work of the A/Es than is customary. He reiterated this is a best estimate to go to the Bureau of School Facilities. He stated there is nothing that needs to be approved at this time.

Mr. Quish stated he would be in favor of a not to exceeds, but not a penny more, or hourly.

Ms. DiBiase and Mr. Quish made and seconded a motion to accept the Phase II repackaging/rebidding services hourly proposal in the amount of \$46,000 from Silver Petrucelli in a letter dated September 25, 2012.

Mr. Silver explained the not to exceed implies they cannot exceed without this Committee's authority. He stated it also directs them to inform the Committee with their detailed monthly invoices.

Mr. Saley commented it seems there is always a bill every time this Committee meets and that it just seems like a lot of money.

Mr. Silver agreed it is a lot of money but that the requested effort is significant as well. He stated over a 12 day period Corey met with the BSF, reviewed documents with the entire design team which exceed 300 drawings and over 2,500 specification pages. He stated he wished they did not have to re-bid the project.

Mr. Quish asked about an incentive to Silver Petrucelli to get that number down. He also asked where there is accountability and safeguards in place.

Mr. Saley stated as a taxpayer and Board of Education member he feels there is a lot of wasted money. He stated it also seems it is Silver Petrucelli that is used exclusively, so in his mind he is looking for some kind of a deal.

Mr. Silver stated they are not trying to waste this Committee's time. He stated if the Committee wants to benchmark the design value, they could put this out to bid.

Ald. Nunno stated he is more comfortable with a fixed number. He stated it seems when it starts at 42 it ends up being 52.

Mr. Silver stated their company has plenty of work and that they have never and are currently not putting the screws to Milford. He stated Mr. Nardone and his crew work diligently and effectively on this project and all projects in Milford.

Mr. Bradbury commented the members present tonight have no idea and will never know what Silver Petrucelli goes through getting plans to the BSF. He stated Silver Petrucelli knows the code and what they always need in order to be prepared. He encouraged the members to go up to the State BSF for the hours of drawing reviews to see what Silver Petrucelli goes through to get these buildings built. Mr. Bradbury agreed a lot of money is spent, but they do more than anyone at this table knows or even sees. He stated when he needs a drawing or anything from Silver Petrucelli, they get it to him. Mr. Bradbury stated he would not get that type of service from any other architect.

Mr. Saley stated he was not trying to be offensive, but was being another set of eyes. He stated his comments were from his own perspective.

Mr. Silver stated his firm would be happy to provide financial updates at any time.

Motion carried 5 yes (Saley, DiBiase, Vitali, Nunno, Woods) and 1 no (Quish).

Chairman Woods stated the Committee needed to discuss the bathroom issue. Referring to the schematic design package from the architects, he stated the estimated cost of the completed bathrooms is \$241,851 for the lesser interior cosmetic and fixture improvements.

Mr. Nardone continued with an explanation of the drawings. He also pointed out this scope includes the renovating of the four gang toilets and 2 staff toilets.

Mr. Quish stated he felt this could be added to the upcoming Phase II bidding.

Chairman Woods asked if it could be an add alternate bid item.

Mr. Silver responded yes, but it was the Committee's choice.

Chairman Woods stated the issue is the cost to pay a contractor to do the work.

Mr. Saley asked why this work was not done a few years ago in prior renovations at East Shore.

Mr. Silver provided the Committee with the history of the projects and Aldermanic decisions. He stated what was approved was an addition only at the 1993 Middle School conversions. He stated what the entire program and design team must look at, based on limited funding, and is what was minimally required to educate the kids. He also informed the committee of the renovate-as-new option offered by state statute that Milford chooses not to pursue for its school projects.

Mr. Bradbury added it just did not make the priority list at that time.

Chairman Woods commented they are not just 60 year old bathrooms, but 60 year old elementary school bathrooms.

Mr. Nardone pointed out some of the urinals do not meet health requirements.

Mr. Quish asked about construction phase drawings. He stated he is looking at architectural fees.

Mr. Silver suggested the Committee choose the option they want and Silver Petrucelli will tailor the fee to their needs.

Chairman Woods asked what would give the Committee the most flexibility at the lowest cost.

Mr. Quish suggested they ask the building principal, Mrs. Williams and Mr. Bradbury what they want.

Mr. Bradbury reiterated it is a 60 year old bathroom with 60 year old plumbing. He stated the question to the Committee should be; “do you want to spend \$200,000 and then in 5 years rip it up”. Discussion ensued.

Chairman Woods suggested he would prefer to renovate the bathrooms while the other work is being done.

Mr. Quish stated the work is not within their price. He also stated this project was approved by the Board of Aldermen without this work in it.

Mr. Silver stated 4 years ago the BOE Capital Plan was looking at only at the educational needs for the school.

Mr. Richetelli stated it may require bonding authority by the Board of Finance and the Board of Aldermen.

Chairman Woods stated he would be in favor of having the architect design the full scope renovation architectural plans and presenting to the BSF. Discussion ensued.

Ald. Vitali and Ms. DiBiase made and seconded a motion to move forward with a full bathroom renovation.

Mrs. Williams commented the bathrooms at this point are at the ‘disgusting’ stage.

Ald. Nunno commented the bathrooms at West Shore Middle School are just as old, if not older and they find a way to get by. He stated the bathroom work should have been done over the summer. He stated he sees work getting done that just is not a priority and that the Board of Education needed to do a better job prioritizing.

Chairman Woods stated what happens at West Shore Middle School and Harborside were not valid arguments for not doing the bathroom work. He stated the work being done is at East Shore Middle School.

Mr. Silver stated they would come back to this Committee with a fee breakdown and proposal.

Ald. Vitali commented as a former administrator himself, that it is the administrator of the building that bears the complaints. He stated if the addition and work is to be done, then it should all be done right. He stated it was time to move forward and not worry about the past.

Mr. Quish stated it was a hard number for the design. He stated he was looking for a revised number on the CA service to include the bathroom to see what they are spending.

Mr. Saley stated he would like to take a look at the bathroom. He asked the architects when they would be in Hartford again.

Mr. Nardone replied the end of October.

Mr. Saley stated he would like to get as much information as possible before making a final decision.

Ald. Vitali and Mr. Saley made and seconded a motion to table the motion until the next meeting. Motion carried unanimously.

Chairman Woods stated the Committee would revisit this at its next meeting.

Mr. Silver referred the Committee to p. 16 of the handout. He explained the material testing service bids, adding the Committee did not have to approve them tonight.

Mr. Quish asked who hires them.

Mr. Silver replied, the building committee.

Chairman Woods suggested they wait until there is a contractor.

Mr. Silver referred the Committee to pgs. 17-18 of the handout which he stated showed the vetting conducted by the architects.

Mr. Saley asked if it is part of the A/E services.

Mr. Silver explained this bidding and vetting is a service they provide.

Chairman Woods suggested the Committee pass on the special testing for now and also defer the Silver Petrucelli construction administration contract at this point.

Status Report – Jonathan Law High School – Roof Replacement

Mr. Silver reported they are still hammering out one change order which includes factoring in allowance for credits. He stated the roof is in good shape, with the membrane done.

Chairman Woods stated it was reported at the last meeting they were 1-3 weeks away from completion.

Mr. Silver stated they still did not have the details of the change order credit.

Status Report - Joseph A. Foran High School – Roof Replacement

Mr. Silver reported there is no change, just waiting for the observatory dome. Chairman Woods reported a FOI was requested of the roofing contractor's wage reports in the Finance Department, which was forwarded to the City Attorney.

Status Report – Joseph A. Foran High School – Phase III Lead Asbestos Abatement

Mr. Nardone reported there are a handful of items to close out. He also reported there is a change order credit in the amount of \$5,802.66. He explained the work included on the drawings but did not need lead abatement. He also added the lighting was adequate.

Ald. Nunno and Ms. DiBiase made and seconded a motion to approve a change order credit in the amount of \$5,802.66 for the deleted room work, dark room and storage rooms.

Mr. Quish stated he did not see the quantity of tiles.

Mr. Nardone referred the Committee to p. 6 of the handout.

Mr. Quish questioned the numbers. He stated he did not see other elements for which unit prices are in the contractor's bid form.

Mr. Ridinger stated the amount reflected labor only and that the material was all bought.

Mr. Quish asked about the quantity of the ceiling. He also wanted confirmation the feather finish was not being done.

Mr. Nardone stated the credit is for labor only.

Mr. Quish asked the square footage.

Mr. Nardone stated he could not discern the contractor price and reiterated it was for labor only.

Mr. Quish stated they needed to look at the unit price for asbestos, adding a unit price is a unit price, valid for credits too. He stated he did not feel the number was fair.

Mr. Ridinger explained part of the labor is getting material to the site.

Mr. Quish asked about the quantity of ceiling tiles.

Ald. Nunno and Mr. Quish made and seconded a motion to table any action on this item pending more information. Motion carried 3 yes (Woods, Nunno, Quish) and 2 no (Saley, DiBiase). Note: Ald. Vitali left the meeting at 8:15 p.m.

Mr. Silver referred the Committee to p. 4 of the handout regarding moving services. He stated the moving services from W.B. Meyer Moving. He stated the details could be found on p. 11. He stated the cost to move out was \$28,000 and \$19,158.25 to move in.

Mr. Quish asked if this is a final bill and if the times were accurate and in line with the contract.

Mr. Bradbury responded yes.

Ald. Nunno and Mr. Quish made and seconded a motion to approve a change order to the W.B. Meyer Moving Services contract in the amount of \$19,158.25 for moving in furniture before the start of the school year. Motion carried unanimously.

Consideration of Payment Requisitions

None.

There being no further business to discuss, Ald. Nunno and Ms. DiBiase made and seconded a motion to adjourn at 9:13 p.m. Motion carried unanimously. The next meeting will be held October 17, 2012.

Respectfully submitted,

Kathleen K. Huber
Recording Secretary