

**PERMANENT SCHOOL FACILITIES BUILDING COMMITTEE
SPECIAL MEETING
SEPTEMBER 16, 2014**

The Permanent School Facilities Building Committee held a special meeting on Tuesday, September 16, 2014 at East Shore Middle School (media center). Chairman Woods called the meeting to order at 7:00 p.m.

Committee Members Present

M. Woods, Chairman
Ald. M. Hardiman
M. Ahrens
Ald. R. Vitali

Also Present

B. Silver, Silver Petrucelli Assoc., A/E
P. Jorgensen, Silver Petrucelli Assoc., A/E
J. Richetelli (MPS)
P. Bradbury (MPS)
C. Williams (MPS)

Excused: J. Federico (BOE), M. DeGrego (BOE), B. Nunno

Consideration of the Minutes of August 7, 2014 Meeting

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve the minutes of the August 7, 2014 meeting as presented. Motion carried unanimously.

Status Report RE: Hazardous Materials Abatement/Tile Replacement Projects

Mr. Silver reported the students returned to school and nothing stopped them from occupying the three buildings on time. He deferred to Mr. Jorgensen for full update.

a) West Shore Middle School – Mr. Jorgensen reported there was one change order on this project which was approved at the last meeting. A brief discussion ensued regarding closing out each of the three permits.

Mr. Silver stated the recommended substantial completion date for this project was August 5, 2014.

Mr. Ahrens and Ald. Hardiman made and seconded a motion to accept West Shore Middle School Hazardous Material Abatement/Tile Replacement project as substantially complete and fully complete as of August 5, 2014. Motion carried unanimously.

b) John F. Kennedy Elementary School– Mr. Jorgensen reported a credit for abatement and waxing of the floors. He stated that is the one and only change order credit which he stated regarding the THP contract in the amount of \$3,231.

Mr. Silver pointed out the backup could be found on p. 16-19 of the handout.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order credit to the THP Contractors contract in the amount of \$3,231 for abatement and waxing of the floors. Motion carried unanimously.

Mr. Silver stated there was one more change order for the Committee to consider for furniture moving in and out of the classrooms being abated for August 18, 19 and 25 to William Meyer Moving. He explained the Finance Department allows a direct charge for small amounts. He stated the total amount is \$2,733. A brief discussion ensued.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order to the William B. Meyer contract in the amount of \$2,733 at John F. Kennedy Elementary School for moving furniture in and out of the classrooms being abated. Motion carried unanimously.

Mr. Silver stated the substantial completion date on this project was of August 26, 2014.

Mr. Richetelli asked if making such a motion would close out the projects.

Mr. Silver replied no, explaining a substantial completion date sets the date for the warranties. He stated the final completion date should be in another month or so.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to accept John F. Kennedy Elementary School Hazardous Material Abatement/Tile Replacement project as substantially complete as of August 26, 2014.

Mr. Ahrens asked if there was anything else that was forthcoming.

Mr. Silver explained by contract the substantial completion date was September 16, 2014. He stated they would be letting go of the liquidated damages if they had been late in completing the project. He reiterated accepting the substantial completion date starts the warranty dates.

Motion carried unanimously.

c) Joseph A. Foran High School– Mr. Jorgensen explained the Foran project had two contractors, Bismark Construction and Paragon Construction who worked during the summer. He stated there were several change orders for the Committee to consider. He referred to p. 1 of the handout for the first change order which he explained was additional clean up and air clean up (backup found on p. 3). Mr. Jorgensen stated this change order came about when an air conditioning unit was turned on during abatement in the planetarium which spread some dust into the lobby.

Chairman Woods asked who was responsible for turning the air conditioning unit on.

Mr. Jorgenson stated they have gone over various scenarios and Bismark Construction insists they did not turn the air conditioning on.

Mr. Silver pointed out the details could be found on p. 5.

Mr. Bradbury stated the air conditioning was scheduled “and turned off.” He stated it was his opinion the system should have been mechanically locked off by the general contractor and reiterated he put it on the shut off schedule. He also stated he did not see a credit for the 3rd floor for the demo of the cabinets which his crew did.

Mr. Jorgensen stated they have not yet received anything from Bismark for the 3rd floor as yet.

Mr. Bradbury stated he would like to see the Committee pass on this tonight until he knows the credit for the 3rd floor is forthcoming.

Chairman Woods asked if the dollar amount is fair, but the question is whether or not it should be paid.

The Committee passed on the \$2,218.67 change order.

A brief discussion ensued regarding the air conditioning issue.

Mr. Jorgensen stated the next change order in the amount of \$3,098.04 for the additional electrical work above the planetarium. He also pointed out they have reviewed the hours of work that were done.

Mr. Silver referred the Committee to p. 8 of the handout for the details.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve the change order in the amount of \$3,098.04 to the Bismark Construction Company contract for the cleanup of the wiring “spaghetti” above the abated ceiling per the building official.

Mr. Ahrens asked if this was one of those contingencies they thought might happen.

Mr. Silver explained they were dropped ceilings and that they did not build-in “J” hooks to the bid values.

Mr. Ahrens asked about the contingency remaining in the abatement projects.

Mr. Silver stated it is approximately \$80,000.

Motion carried unanimously.

Mr. Jorgensen stated the next two change orders are credits. He stated the summer work went smoothly and the spaces were turned over in a reasonable amount of time which allowed Mr. Bradbury’s crews to get in. He stated the two credits are for two small offices, but not for abatement.

Chairman Woods asked Mr. Bradbury if his crews worked on straight time or overtime.

Mr. Bradbury stated it was straight time.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order credit to the Bismark Construction Company contract in the amount of \$1,144 to delete the waxing of the corridor floor, which was done by MPS custodians. Motion carried unanimously.

Mr. Jorgensen stated the next change order credit was for the VCT for offices 103 and 104.

Mr. Ahrens and Ald. Hardiman made and seconded a motion to approve a change order credit to the Bismark Construction Company contract in the amount of \$480.00 for deletion of VCT work in two offices. Motion carried unanimously.

Mr. Silver stated the Foran project was substantially complete as of August 26, 2014 for Bismark Construction. He stated the contract date was August 23, 2014. A brief discussion ensued regarding liquidated damages.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to accept Joseph A. Foran High School Hazardous Material Abatement/Tile Replacement project for Bismark Construction Company as substantially complete as of August 26, 2014. Motion carried unanimously.

Mr. Jorgensen stated the next four change orders were regarding the work done by Paragon Construction Company. He stated one was a credit. He referred the Committee to p. 11 of the handout. He stated the first change order in the amount of \$3,162.50 was to replace plywood subfloor in the observatory. He explained after removing the plywood they found deterioration and questioned whether the plywood would hold together.

Mr. Ahrens asked how big the area was.

Mr. Bradbury stated it was about 16' around.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order to the Paragon Construction Company contract in the amount of \$3,162.50 for the deteriorated flooring after shot blasting and removal of VAT flooring for the Joseph A. Foran High School lead and abatement project.

Chairman Woods asked if it was a fair price.

Mr. Jorgensen replied yes.

Motion carried unanimously.

Mr. Jorgensen stated the second change order was related to the infill fire rated CMU above corridor door. He explained when the ceiling was removed it was clear it did not go all the way to the deck and therefore there was a breach in the rated walls.

Mr. Silver referred the Committee to p. 12 of the handout for the details.

Mr. Bradbury said he found out about this as he went through the building. He commented that was why he had pushed for sprinklers.

Mr. Silver added the stairwells were a priority. He also pointed out the corridor walls are "D" rated, with stairwells always having the highest priority.

Mr. Ahrens and Ald. Hardiman made and seconded a motion to approve a change order to the Paragon Construction Company contract in the amount of \$1,653.70 for the above ceiling fire wall not separating the corridor from Stair #3 for the Joseph A. Foran High School lead and abatement project.

Chairman Woods asked if the price was fair.

Mr. Jorgensen replied yes.

Motion carried unanimously.

Mr. Jorgensen stated the next change order was a change order credit for deleting the waxing of the floors in the amount of \$60.06.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order credit to the Paragon Construction Company contract in the amount of \$60.06 to delete the waxing of the corridor floor, preferred to be done by MPS custodians at Joseph A. Foran High School. Motion carried unanimously.

Mr. Jorgensen stated the next change order was for replacement of two exit lights in the observatory corridor. He explained the two existing lights were not properly functioning. He stated during construction they spoke with Mr. Bradbury about replacing these two fixtures.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order to the Paragon Construction Company contract in the amount of \$111.70 to replace two non-functioning exit lights, per the Fire Marshal. Motion carried unanimously.

Mr. Silver stated the project was substantially complete as of August 26, 2014 and asked the Committee is they wished to accept that date.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to accept Joseph A. Foran High School Hazardous Material Abatement/Tile Replacement project for Paragon Construction Company as substantially complete as of August 26, 2014. Motion carried unanimously.

Mr. Silver reported they were anticipating some moving costs which did not happen. He stated on the environmental side of the project, the Committee budgeted \$12,600 and spent \$9,500. He continued with a detailed explanation of the numbers. Mr. Silver stated he would come to the Committee next month with a minor adjustment. He noted there is still about \$80,000 in the contingency.

Mr. Bradbury stated he still wanted to see some type of a credit for the abatement work on the 3rd floor at Foran High School.

Mr. Jorgensen stated he has asked for a credit, but has not received anything to date.

Mr. Bradbury stated the record should reflect a huge thank you to Mrs. Jessica Shear who at 9 months pregnant packed up the entire music/band area. He stated it was Mrs. Shear and her students who did everything and he wished to publically thank her. He stated she did a tremendous amount of work considering she was about to deliver.

Mr. Silver reported the increased bond costs per the BSF. He explained the contract requires them to submit the value of the change orders to the bonding company which the BSF wants to see. He stated as a result there would be one more change order on the project for the bond performance.

Status Report – East Shore Middle School Additions/Replacements – Phases I, II& III

Mr. Silver reported he received 8 change order requests from Mr. Funaro, but that he was only submitting two to the Committee for consideration tonight.

Mr. Bradbury commented although the students were able to return to school on time, it was a rush to get ready for opening day. He stated Bismark was working right to up August 27th and they still are not done.

Mr. Silver stated they are recommending August 26th as the substantial completion date. He also pointed out the electrical contractor has let his crews go, including the foreman.

Mr. Ahrens asked if the punch-list items were clear that they will pay.

Mr. Bradbury stated there is a lot of work to be done, including a great deal of site work. He pointed out the field is still a mess. Discussion ensued regarding the numerous punch list items.

Ald. Vitali questioned why this Committee continues to pay change orders if there is so much work left undone.

Mr. Silver stated the retainage is over \$950,000, as well as \$1,000,000 of primary construction completed dollars.

Mr. Richetelli suggested Chairman Woods send a letter to Bismark advising them the Committee is holding payment and also an explanation as to why Bismark did not have a representative present tonight to answer this Committee's questions.

Ald. Vitali stated he wished to make a motion to hold payment of change orders until substantial progress has been made on the punch-list at East Shore Middle School and get a letter from Bismark as to when the work will be complete.

Ald. Hardiman stated he would second that motion.

Chairman Woods asked what specifics the letter should include.

Mr. Richetelli reiterated this Committee is entitled to an explanation as to why there is no representative from Bismark present tonight to answer questions.

Mr. Bradbury pointed out a promise was made by Greg Raucci in the spring that all work would be completed in June and that all the crews would be gone.

Chairman Woods stated the focus should be on finishing the job.

Mr. Bradbury stated the grounds surrounding the building cannot be used and essentially the playground area is unsafe. He also pointed to wires hanging in the addition area, mechanical still incomplete, IT work incomplete and the grounds are a mess. He also stated there are open wall sources, open exhaust fans in the parking lot, the art room has no pull down, many walls were clipped by equipment, therefore damaged and in need of repair, and there are holes in walls and crooked cabinets in the art room.

Mr. Richetelli stated he believed this was a lack of attention and that there is no plan in place to address the punch list. He stated Bismark needs to come to the table and come up with a plan to complete the work.

Mr. Bradbury stated the punch list is not even complete. He explained the process in coming up with a final punch list.

Mr. Ahrens asked if there was a contingency that with the punch list and Bismark does not complete everything that the monies would come out of that fund.

Chairman Woods stated the Committee would have to terminate the contract, then hire a replacement contractor. Discussion ensued.

Mr. Silver pointed out the contractor did provide substantial completion and that Milford did receive beneficial use. He went on to explain the retainage is for work they have not completed.

Ald. Vitali and Ald. Hardiman made and seconded a motion to hold up consideration of change orders until such time as progress has been made in the punch list. Motion carried unanimously.

Ald. Vitali and Ald. Hardiman made and seconded a motion to have the Chairman write to Bismark Construction expressing this Committee's dissatisfaction that a representative was not present tonight to answer questions and that they come up with a plan as to when the work will be complete. Motion carried unanimously.

Chairman Woods asked Mr. Silver when a single comprehensive punch list would be available.

Mr. Silver stated the architect and interior designers have done a punch list and they have given that list to the contractors. He stated he could not answer when Mr. Bradbury or Ms. Williams would have their lists ready. Discussion ensued.

Mr. Silver stated the substantial completion approval is what leads to getting a certificate of occupancy and beneficial use of building. He stated the contractor then agrees to complete the work in a specified amount of time.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve accept East Shore Middle School Phase I and Phase II Expansion and Alterations projects as substantially complete as of August 26, 2014, with a 60 day completion date for the punch list. Motion carried 3 yes (Woods, Hardiman, Vitali) and 1 no (Ahrens).

Mr. Silver referred the Committee to p. 23 of the handout. He stated the change order was for William Meyer, Inc. for furniture moving. He explained they had to empty 12 classrooms to make room for the new furniture. He noted W.B. Mason moved in the new furniture.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order to the William B. Meyer, Inc. contract in the amount of \$6,288.25 to move crew to store new furniture in trailers at East Shore Middle School. Motion carried unanimously.

Mr. Ahrens and Ald. Hardiman made and seconded a motion to approve a change order to the William B. Meyer, Inc. contract in the amount of \$420.00 for storage rental for July at East Shore Middle School. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order to the William B. Meyer, Inc. contract in the amount of \$420.00 for storage rental for August at East Shore Middle School. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve a change order to Fairfield Testing Laboratory contract in the amount of \$1,204.00 to increase the materials testing beyond the prior approved estimate limit. Motion carried unanimously.

Mr. Silver pointed out the Committee previously considered West Shore Middle Schools and payment to Weise Construction.

Consideration of Payment Requisitions

Chairman Woods asked Mr. Silver if he could represent to the Committee that all the requisitions have been reviewed and were found to be in order and if payment was recommended at this time.

Mr. Silver replied yes.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Fairfield Testing Lab (#14-05-58) in the amount of \$1,340.00 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Fairfield Testing Lab (#14-05-79) in the amount of \$906.00 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Van Zelm Engineers Commissioning (25) in the amount of \$973.00 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Van Zelm Engineers Commissioning (26) in the amount of \$2,942.00 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Silver Petrucelli Toilets (#14-1391) in the amount of \$240.00 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to William B. Meyer Moving (#C125/3) in the amount of \$420.00 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to William B. Meyer Moving (#C1235/4) in the amount of \$420.00 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to William B. Meyer Moving (#COM 902 14/1) in the amount of \$6,288.25 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Silver Petrucelli PH 2 CA+ENV CA (#14-1637) in the amount of \$8,599.86 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to W.B. Mason (Phase III Furniture) in the amount of \$30,265.21 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Omni (Phase III Security + IT) #1 in the amount of \$163,950.07 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to The Eagle Leasing Company (#R1647222) in the amount of \$310.00 for East Shore Middle School Expansion and Alterations and Abatement Projects. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to THP Construction Company (#2) in the amount of \$24,465.55 for John F. Kennedy Elementary School HAZ Material Abatement. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to William B. Meyer Moving (#COM 902 14/1) in the amount of \$2,733.00 for John F. Kennedy Elementary School HAZ Material Abatement. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Silver Petrucelli Design and CA (#14-1633) in the amount of \$720.00 for John F. Kennedy Elementary School HAZ Material Abatement. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Paragon Construction Company (4th Floor (#2) in the amount of \$27,641.46 for Joseph A. Foran High School Phase IV Haz Material Abatement. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Bismark Construction Company (1st & 3rd Floor (#2) in the amount of \$194,968.91 for Joseph A. Foran High School Phase IV Haz Material Abatement. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Silver Petrucelli Design and CA (#14-1639) in the amount of \$2,875.00 for Joseph A. Foran High School Phase IV Haz Material Abatement. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Weise Construction Company in the amount of \$4,615.80 for West Shore Middle School Haz Material Abatement. Motion carried unanimously.

Ald. Hardiman and Mr. Ahrens made and seconded a motion to approve payment to Silver Petrucelli Design and CA (#14-1550) in the amount of \$1,920.00 for West Shore Middle School Haz Material Abatement. Motion carried unanimously.

Chairman Woods asked the Committee how they wished to proceed regarding the requisitions for Bismark Construction Company at East Shore Middle School.

Ald. Hardiman and Ald. Vitali made and seconded a motion to approve payment to Bismark Construction Company PH 1 (Gen Const) (#22) in the amount of \$191,368.95 for East Shore Middle School – Phase I.

Mr. Ahrens stated he felt the Committee would not have any leverage if they didn't hold something of value.

Motion carried 3 yes (Hardiman, Woods, Vitali) and 1 no (Ahrens).

Ald. Hardiman and Ald. Vitali made and seconded a motion to approve payment to Bismark Construction Company PH 2 (Gen. Const) (#18) in the amount of \$327,025.65 for East Shore Middle School – Phase II.

Motion carried 3 yes (Hardiman, Woods, Vitali) and 1 no (Ahrens).

Mr. Richetelli stated he wished to bring this Committee up to date as to where the Board of Education is with the Long Range Planning. He reported the BOE will go to the K-5 configuration for school year 2015-2016, which would likely include redistricting. He also reported they would decentralize pre-school. Mr. Richetelli also reported the school board voted to request the Mayor move forward with the West Shore Middle School project to include an addition to the Capital Improvement Plan. He stated they would also be moving to close Harborside Middle School and go with two middle schools. He stated the school board has not decided if there will be 8 or 7 elementary schools going forward and that they have left open which school it will be, but Live Oaks, Calf Pen and Pumpkin Delight schools have all been mentioned. Mr. Richetelli stated there would be public hearings on Tuesday, September 23rd at Jonathan Law High School and Monday, September 29th at Foran High School. He stated the Board would make a final vote on October 13th. Mr. Richetelli stated in light of the Long Range Planning the Board wishes to move as quickly as possible with renovations at West Shore Middle School. He stated he would suggest that the Chairman, Mr. Bradbury and himself make an appointment to meet with the mayor, with the hope that bonding be considered in November or December for architectural fees and turned over to this Committee to start working on the project.

Chairman Woods questioned if East Shore Middle School was designed to accommodate the closing of a middle school.

Mr. Richetelli stated the East Shore Middle School project was approved for 600 students. He stated he wished to make this Committee aware because the Board is moving quickly in that direction. Discussion ensued.

Mr. Richetelli also noted the school roofs are high on the priority list.

The next meeting of the Permanent School Facilities Building Committee will take place on Thursday, October 9, 2014, at City Hall (conference room).

There being no further business to discuss, Ald. Hardiman and Mr. Ahrens made and seconded a motion to adjourn at 9:07 p.m. Motion carried unanimously.

Respectfully submitted,
Kathleen K. Huber
Recording Secretary