



Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Executive Director

December 5, 2012

Dr. Edward Bouquillon, Superintendent
Minuteman Regional Vocational Technical School District
758 Marrett Road
Lexington, MA 02421

Re: Project Manager Approval
Minuteman Regional Vocational Technical High School
MSBA Project No. 200908300605

Dear Dr. Bouquillon:

As you are aware, pursuant to the provisions of G.L. c. 149, s. 44A ½ and 963 CMR 2.11, the Minuteman Regional Vocational Technical School District (“District”) is required to procure the services of an Owner’s Project Manager for the above-referenced project using a qualifications based selection process. As required by 963 CMR 2.11 (3), the District has certified in writing to the Massachusetts School Building Authority (“MSBA”) that it has used a qualifications based selection process that complies with Massachusetts law. Pursuant to 963 CMR 2.11(2) and G.L. c. 70B, s. 2, the District has requested in writing that the MSBA approve the District’s selection of Skanska USA Building, Inc. as the Owner’s Project Manager for the above-referenced project. The MSBA has reviewed the information submitted by the District in support of its selection of Skanska USA Building, Inc. Based upon the information provided by the District, the MSBA hereby approves the District’s selection of Skanska USA Building, Inc. for the above-referenced project. The MSBA’s approval is specific to Skanska Integrated Solutions and to the key personnel identified by Skanska USA Building, Inc. in the proposal that was submitted to the District and reviewed by the MSBA. Pursuant to the provisions of 963 CMR 2.11(4) and the applicable requirements of any agreements between the MSBA and the District, any change in the OPM or its key personnel, as described in the attached organizational chart, must be approved in writing by the District and the MSBA. The MSBA’s approval is also based upon the District’s representation that the Eligible Applicant for the District has designated Dr. Edward Bouquillon, Superintendent, as the individual who shall have the authority to act on behalf of the Owner under its contract with the Owner’s Project Manager and who shall be responsible for day-to-day communication between the Owner and the Owner’s Project Manager. Any change in this designation must be approved in writing by the MSBA.

The MSBA's approval of the District's selection, however, is subject to the provisions of 963 CMR 2.11 that, among other things, allow the MSBA to rescind its approval and/or to direct the removal of the Owner's Project Manager in certain circumstances. The MSBA retains the right to rescind its approval of the District's selection of Skanska USA Building, Inc. and to deny and/or recoup reimbursement for expenditures or costs related to the Owner's Project Manager services if Skanska

USA Building, Inc. does not perform its services to the satisfaction of the MSBA. The MSBA's approval is further subject to the execution of a contract between the District and Skanska USA Building, Inc. in a form that is satisfactory to the MSBA, utilizing any standard contracts, forms, and provisions that the MSBA may require and the completed MSBA System Access Request form. Please forward a copy of the fully executed contract between the District and Skanska USA Building, Inc. to Jennifer Connarton at the MSBA by December 26, 2012.

It will be the District's responsibility to monitor the performance of Skanska Integrated Solutions, to ensure that Skanska USA Building, Inc. performs its obligations in a satisfactory manner, and to enforce the provisions of its contract with Skanska USA Building, Inc. Among obligations imposed upon the Owner's Project Manager in the MSBA's standard contract is the requirement that the Owner's Project Manager submit monthly reports to the MSBA. The District shall ensure that the Owner's Project Manager submits its monthly reports on time and in the form and manner prescribed by the MSBA. Such reports shall be submitted to the MSBA by the Owner's Project Manager using the MSBA's on-line OPM Report System. In order to activate and use this system, the District must complete and submit the attached MSBA System Access Request form. The completed form must be delivered to the MSBA by December 26, 2012.

The District must comply with all provisions of law and all conditions imposed by any agreements executed between the MSBA and the District, including, but not limited to, a project funding agreement, project scope and budget agreement and a feasibility study agreement, that relate to the provision of services by an Owner's Project Manager. The MSBA maintains the right to withhold reimbursement of costs and expenditures associated with Owner's Project Manager services if the District fails to comply with the applicable terms and conditions of its agreements with the MSBA or any administrative directives issued by the MSBA, now in effect or hereafter promulgated. The MSBA's decision to approve the District's selection of an Owner's Project Manager; to approve changes in the Owner's Project Manager or its key personnel; or to decline to exercise any of its rights in relation to the selection or performance of the Owner's Project Manager shall not be construed as a waiver of the MSBA's right to review, audit and disallow costs incurred by the District in relation to Owner's Project Manager services, to withhold reimbursement, or to take any other actions available to the MSBA under the law or under its agreements with the District.

The MSBA shall bear no liability of any kind whatsoever for any claims directly or indirectly arising out of the MSBA's approval of the District's selection of the Owner's Project Manager; the MSBA's approval or non-approval of changes in the Owner's Project Manager or its key personnel; the MSBA's decision to rescind its approval or to direct the removal of an Owner's

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Project Manager; or any other alleged acts or omissions on the part of the MSBA related to the selection, performance, acts or omissions of the Owner's Project Manager.

Sincerely,



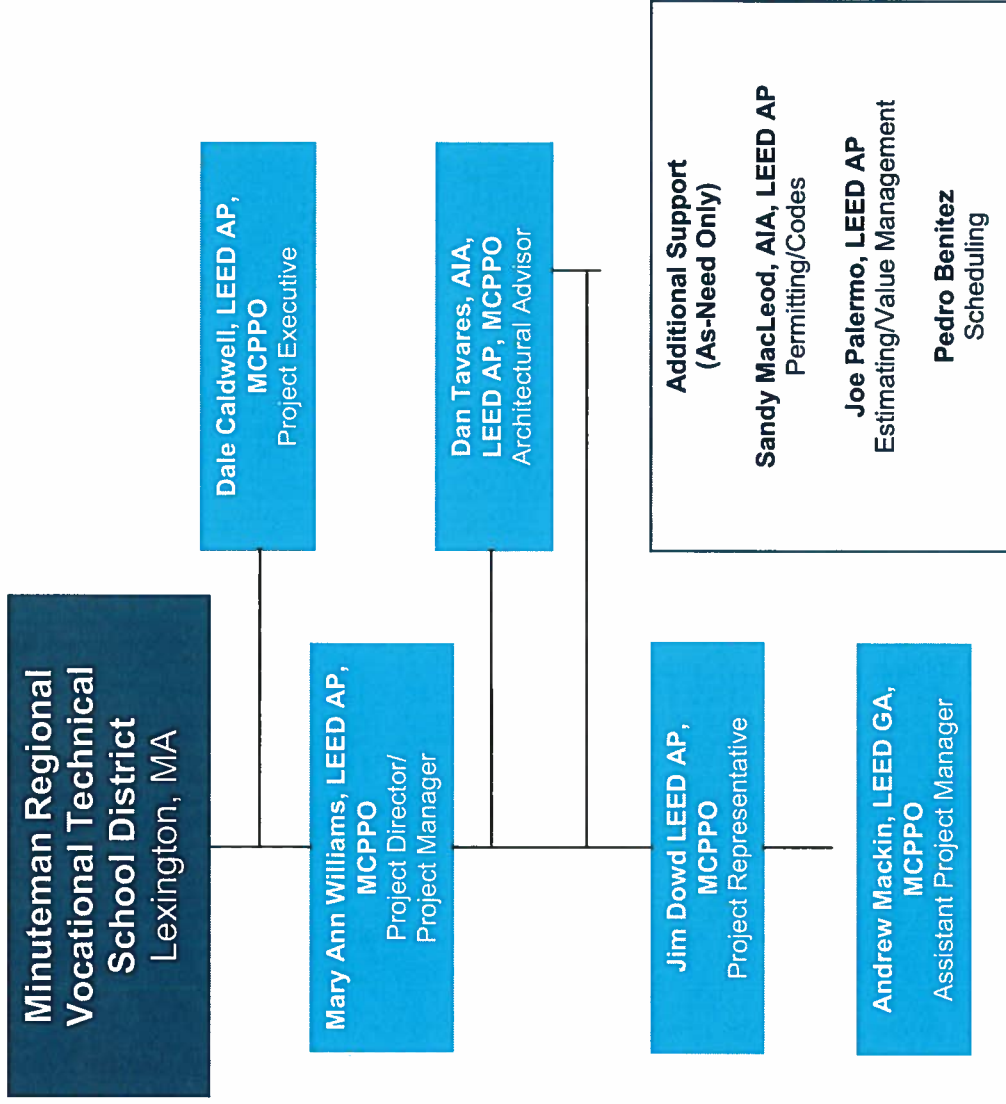
Mary Pichetti
Director of Capital Planning

Cc: Senator James Eldridge
Senator Jennifer Flanagan
Senator Kenneth Donnelly
Senator Richard Ross
Senator Susan Fargo
Senator William Brownsberger
Representative Alice Hanlon- Peisch
Representative Cory Atkins
Representative Denise Garlick
Representative Harold Naughton
Representative Jay Kaufman
Representative Jennifer Benson
Representative Kate Hogan
Representative Sean Garballey
Representative Thomas Conroy
Representative Thomas Stanley
Ford Spaulding, Chair, Minuteman School Committee
File: 4.1 OPM Selection (Region 4)

Attachments:
Skanska USA Building, Inc.
MSBA Systems Access Form

5. List **ONLY** Those Prime and Sub-Consultant Personnel identified as Key personnel in the Response to Request for Services. This Information Should Be Presented Below In The Form Of An Organizational Chart modified to fit the firm's proposed management approach. Include Name of Firm And Name Of The Person:

Organization Chart Revised 12.3.12



MSBA SYSTEM ACCESS REQUEST FORM OPM REPORT SYSTEM USER

PLEASE PRINT CLEARLY.

TODAY'S DATE: _____

TITLE: _____ PHONE: _____

NAME: _____

E-MAIL ADDRESS: _____

ADDRESS: _____ CITY: _____ ZIP: _____

DISTRICT NAME: _____

SYSTEM ACCESS REQUESTED:

OPM REPORT SYSTEM

OPM Firm (Update)

OPM Firm (Read Only)

District Staff (Read Only)

SCHOOLS FOR WHICH ACCESS IS REQUESTED (Please List)

I, _____, the Superintendent of Schools or Mayor/Town Administrator for the Town/City/Regional School District of _____ hereby authorize the above-named individual to access and use the MSBA online database as requested above, with the level(s) of access indicated. I understand that, should the above-named individual be granted access to this database, he/she will be solely responsible for access to the database on behalf of the Town/City/Regional School District of _____, using the login ID and password provided by the MSBA.

Signed: _____, Superintendent of Schools/Mayor/Town Administrator

MSBA Use Only

APPROVED BY: _____ DATE _____

COMPLETED BY: _____ DATE _____

Please fax completed form to either Paul Fowkes or, for the Green Repair Program, William Cross at the MSBA:

617-720-5260 or 617-720-8460