PERMANENT BUILDING COMMITTEE
SPECIAL MEETING
TOWN HALL ANNEX
May 19, 2022
MINUTES

Members Present:
Peter Welti – Chairman, Ronald Stomberg, Thomas Adams, Dale Gerber, Gary Magnuson – Vice Chairman, Blanchette, Gary Feldman, Sean Kelly

Members Absent:
James Fay, Jeff Olender

Others Present:
Tiffany Pignataro, Finance Officer/Treasurer, Brian Greenleaf, Director of Finance and Operations, Attorney Gregory Faulkner via video; Representative Jaime Foster.

1. Call to Order
Chairman Peter Welti called the meeting to order at 6:05 PM.

2. Citizen’s Forum (Non-Agenda Items): Looked at school. Trying to figure out a way where education would not be disrupted so much. Construct section at a time so that the kids can move into the perm location as built/renovation as opposed to utilizing pods. Wanted to make aware as to why that option was chosen by the committee

3. Approval of Minutes of April 19th, 2022 Meeting
MOVED (Gerber), SECONDED (Feldman) AND PASSED UNANIMOUSLY TO APPROVE THE MINUTES OF THE APRIL 19, 2022 SPECIAL MEETING.

4. Introduction of Construction Attorney
Attorney Gregory Faulkner, partner with Robinson and Cole. Mr. Greenleaf noted that 4 firms were interviewed and Robinson and Cole was the selected firm. Attorney Faulkner provided a brief employment history as well as his credentials and explained his role in the project.

Mr. Greenleaf noted that by utilizing a construction attorney, there is the potential to save money down the line.
5. State Legislation Update

Bill HB5506 – has "notwithstanding" language in it regarding submission of the grant application. The application is considered already submitted as of 6/30/2021. Once the application is submitted (by 10/1/2022) which ensures the Town gets the funding commitment for the project, thereby accelerating the timeline of the project.

Town of Ellington can use reimbursement rate of 70% for this project. This is a 14.64% increase in terms of the reimbursement rate.

Question was asked as to when this process began. Mr. Greenleaf noted that he and Representative Foster have been having these conversations for a few months but have been awaiting for the bill to be passed. Representative Foster notes that she initially brought the proposal to leadership several months ago when also discussing other schools with crumbling foundations. That is when Mr. Greenleaf proposed the notwithstanding language and provided the necessary drafts to submit the proposal.

Mr. Magnuson asked the question re: town spending money. Is it too late to look at a whole new school? Mr. Greenleaf answers that the funding is specific for renovation of the current project. Funding was granted because of the crumbling foundation and notes that Windermere is more salvageable as compared to Tolland. Discussed structure for discussion where PBC has control over the scope of the project as well as with First Selectman, Owner's Project Manager (proposed structure slide). Having a dedicated building project manager allows someone with the expertise to manage the project while maintaining the organizational structure.

Mr. Greenleaf noted that they are proposing to go the Construction Manager (CM) route.

6. Construction Manager vs General Contractor

Brian Greenleaf noted that when deciding CM vs GC, State statutes around procurement effect the decision making process. In addition to the project being completed in phases also needs to be considered. Work can be released according to phases under a CM. This helps to accelerate the project schedule. CM also has the potential to reduce costs as well as reduce risks.

Mr. Greenleaf discussed State process requirements and how those must go to the lowest bidder with a few exceptions. Process different if OPM/Architect/CM is utilized. In this situation, you can review qualifications, include the "due consideration" of costs, and narrow down to the 4 most qualified before the selection is made. Do not have to follow the lowest bidder requirement for OPM/Architect/CM. Only the trade contractors would be subject to the lowest bidder requirements.

Mr. Greenleaf noted the advantages of CM as follows: Upfront services can yield savings, better schedule by planning up front; More granular control over trade packages, timing, bidding; Reduced incentives for change orders; Town has more ownership over the records.

Mr. Greenleaf continued and discussed Services of a CM on Budget: CM Prepares Detailed Estimates and Monitors Budget; Assumptions, Qualifications, Allowances and Contingencies; Value Engineering Earlier in Process; Construction costs sets by Guaranteed Maximum Price (GMP); Constant Tracking of Costs.

With regards to Recordkeeping and Audit: CM’s Records are Open Book; Timing of Audits; Owner’s Property; Cooperation with Audit; Important to Lay Out Electronic and Hard Copy Document Retention and Production.
Attorney Faulkner noted that the key is transparency and further reiterated the information that Mr. Greenleaf has already outlined. Attorney Faulkner further discussed the costs of GC vs CM

Mr. Greenleaf – have architect on board by September and bring CM on board by December

Attorney Faulkner noted that bonding is different with CM vs GC. When dealing with default — with a GC — the whole project is defaulted vs CM the individual contract can be dealt with if that individual contractor needs to be defaulted.

Mr. Welti – question – re: different contracts within the scope of the project. How would this work within the overall budget? Mr. Greenleaf answers: there is going to be enough detail that the CM can give estimates as to cost and as to what to anticipate for costs. Moving project along quicker may help the budget especially give supply chain issues and inflation costs. Attorney noted GMP is when CM locks in maximum price so there will be some control through the project to know where the project stands budget wise.

Mr. Welti – question – projects this size and scope are not bid by GC any longer – as a board we have used GCs (Crystal lake project, high school project). Would you be able to give top 5 reasons as to why we should not go CM vs GC. Mr. Greenleaf responds that what it comes down to is what is best for the owner and when looking at both options, not paying up front costs as you would with a GC. Also notes spending money up front may save money in the long run. Attorney Faulkner notes that the GC approach would be a “disaster” if there are not good design documents. If using a GC, there is a lot of time spent with the design team before going to bid whereas a CM can complete the project in phases. Attorney Faulkner further noted that a concern with GC – taking a big risk up front. Want a CM input on schedule, material costs, better ability to seek into the market re: costs, would need an independent cost estimator with a GC

Mr. Welti – question – as far as decision between CM vs GC – when does the decision have to be made. Attorney Faulkner answered that with CM the decision would be made sooner where a GC decision would have to wait for project drawing to be complete. Mr. Greenleaf noted that a decision would need to be made before going out to bid for an architect. Attorney Faulkner noted there would be a couple months for this decision.

Attorney Faulkner noted that With OPM – the OPM scope would change with interaction and expectations would change when using CM vs GC

Mr. Adams – question – with the CM we are going out to bid for phase 1 – and that can be multiple bids or a package bid. A GC would do that while still working for the CM. Mr. Greenleaf answers – architect and CM will work together to determine what packages they want to put out there in order to get a specified contractor for each scope. Mr. Adams –question – who puts the bids together? Mr. Greenleaf – CM puts the bids together but there will each individual trades contractor putting out the bid. Attorney Faulkner noted that it is a public bid process but with a package and the CM will ultimately enter into a contract with the subcontractor. Mr. Greenleaf and Mr. Faulkner both provided scenario examples for greater understanding of how CM would work with subcontractors.

Mr. Adams noted one interesting thing is that by going in phases- types of materials can be changed by each phase as needed

Mr. Gerber – question – insurance for GC vs CM. Attorney Faulkner noted that each will carry general liability policies, auto policies, workers comp policies. Will make sure this is a contractual requirement.
Mr. Adams – question – by having this OPM – do they help get the stuff to the finance office in better shape in order to save time, etc. Mr. Greenleaf answered – yes and will be discussed further – post construction phase where CM assists n preparing the documents

7. Owner’s Project Manager Draft RFQ/P

Mr. Welti – when timeline got accelerated – step 1 is to get someone on board to assist. PMs have used in the past - Dennis Malonovich, Peter Williams – used on previous projects Proposal in front of us because the timeline is able to be accelerated

Mr. Greenleaf – OPM – looked at comprehensive services. why an OPM? Manages project milestone schedule; School Construction expertise; Time requirements of PBC & staff (attend (bi)weekly design meetings); Provides someone advocating for resolution between Architect/CM; Assists scope review process with CM; On-site inspections (clerk) to ensure building matches specs

OPMs guide us through the process up front and assist with closeout on the back end. Having a dedicated resource overseeing the project and working with the architect – also provides a neutral party if any disputes arise; Full time representation has been discussed and can be less than full time/on an as needed basis

Attorney Faulkner noted that OPMs are valuable re: schedules and change orders

Brian discussed timetable – looking to appoint OPM by July 12 meeting Need approval to finalize RFQP tonight and determine if interviews will be conducted via a subcommittee of the whole group. Up to 4 finalists will be selected to be interviewed and then interviews will occur and determination is made

Mr. Welti – question – during construction – OPM does not need full time but sufficient time – who determines this? Mr. Greenleaf answer – pre construction, construction, post construction – respondents would give an estimate as to what percentage of time will be needed. This will also determine ultimate price. Expensive to have a dedicated resource to include all construction shifts, weekends, etc. when someone can be utilized when needed/as needed

Mr. Welti – will it get turned into hours? Mr. Greenleaf – answer – will end up with a project team vs individual person. They (project team) will determine how that is determined.

Mr. Welti – we can learn more as we go. Mr. Welti notes that it is important to have someone in the trailer at least during school hours. Mr. Greenleaf notes that there will likely be a superintendent for CM on site as well.

Mr. Feldman – when you go a project manager system – the different areas will pull from their team for who will supervises. Mr. Adams noted that if the material is not there, work cannot be done – states that if work cannot be done it makes sense to go with sufficient vs hourly in terms of wording. Mr. Welti noted that it could be sufficient until the PBC wants more time vs what the CM feels is sufficient.

Mr. Welti – looking for a Motion for the team to continue forward with RFP

Mr. Magnuson – wants proposal to be amended to include both options until the board makes a decision as to what option to go with. Should we incorporate GC or run as it sits.
Mr. Magnuson – Motion to accept two documents to be reviewed, clarified, cleaned up, etc and set out for bid at the proposed bid. Mr. Feldman seconded. All supported

Mr. Greenleaf: Proposed schedule:
Mandatory Pre-Bid Conference: Wednesday, June 1, 2022 10:00am Questions Due from Bidders: Wednesday, June 8, 2022 Response to Questions: Monday, June 13, 2022 Proposals Due: Thursday, June 23, 2022 1:00pm Bid-Opening: Thursday, June 23, 2022 1:15pm Finalist Presentations: July 7, 2022 (Time TBD) Appointment by PBC July 12, 2022.

Next Steps:
Release OPM RFQ/RFP
Set date to review proposals

Mr. Welti noted that in the past this has been done both ways. For scheduling purposes it is easier to get together with a small group vs whole group. Mr. Greenleaf notes that finalist presentations can be up to an hour a piece (July 7 proposed date)

Mr. Adams in favor of small group; Mr. Magnuson volunteers to be part of the group
Mr. Greenleaf stated he and Ms. Pignataro will also participate as well. Mr. Welti feels there should be 3 or 4 on the small group and an open invite for the presentations

8. Election of Officers at June Meeting
Mr. Welti noted that there is supposed to be a yearly vote on chair and vice chair – this will occur in June. Anyone can be nominated. If anyone wants to be nominated they are welcome to do so.

9. Old Business
No old business discussed

10. Adjournment
MOVED (Kelly), SECONDED (Gerber) AND PASSED UNANIMOUSLY TO ADJOURN THE PERMANENT BUILDING COMMITTEE MEETING AT 7:19 P.M.

Submitted by: [Signature]
Christina Shackleford
Recording Secretary