

WEBSTER PUBLIC SCHOOLS
SCHOOL BUILDING COMMITTEE THURSDAY, 6:00 PM NOVEMBER 16, 2023

Present: Dave Hurton - Chairman - *Voting Member*
Ted Avlas – *Vice Chairman Member - Voting Member*
Tim Bell - Town Accountant - *Voting Member*
Sheila Blythe – *School Committee - Voting Member*
Earl Gabor - *Selectmen Delegate - Voting Member*
Gina Nieves - *Voting Member*
Tony Paranto - *Voting Member*
Al Young - *Voting Member*
Ryan Collins - Principal
Lisa Kontoes - Business Manager
Monique Pierangeli – Superintendent

Absent: Victor Waskiewicz - *Voting Member*

Attendees: Mike Carroll - Colliers
Joe Naughton - Colliers
Jorge Cruz - Flansburgh
Kent Kovac - Flansburgh

I. Call to order:

Mr. Hurton called the meeting to order at 6:07 pm and opened by citing that the meeting was being held via zoom in accordance with Governor Healey’s 3/29/23 extension allowing public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location

II. Bidding Process / Schedule Update (*Potential Votes*)

Mr. Hurton Welcome to Earl Gabor as a new Committee Member.

Mike Carroll informed the Committee that Karen Courtney from Foundation for Fair Contracting of Massachusetts inquired about Workforce Participation goals for Minorities and Women for the project and it was discovered that the target goals were missing from the bidding materials. Mike provided an overview of MGL Chapter 149 Section 44A(2)(G) regarding Workforce Participation and proceeded to provide the following timeline regarding this situation:

- 08/21/23: Received MSBA Questions related to Workforce participation at the the 90% Submission
- 09/01/23: Response was provided back to the MSBA
- 10/02/23: Meeting held with FA/Colliers/ District Prior to release of bid docs
- 11/13/23: Email question form Karen Courtney received
- 11/13/23: Contacted Debbie Anderson in the Attorney General's office
- 11/14/23: Provided follow-up and received response from Debbie Anderson.

Deb Anderson, Assistant Attorney General, who is an authority on construction bidding provided guidance that we would need to rebid because it is a substantive requirement.

Mr. Hurton asked why the target goals were not included in the documents. Mr. Kovac responded that the information was not provided to Flansburgh by the owners. Mr. Carroll advised that the owner was adopting the State minimum requirements and that information was confirmed in the October 2 meeting. Mr. Kovac disputed the timeline presented and stated there was another email exchange on 9/27 that occurred between Flansburgh and Colliers in which Flansburgh did not receive a response on the goals. Mr. Kovac stated that it is not the Architects responsibility to provide the targets and that he was surprised that this timeline was being presented. Ms. Kontoes stated that the timeline was provided to Flansburgh yesterday and they had an opportunity to provide feedback but none was received. Mr. Carroll said that the recommendation in the 9/27 email was to carry the minimum values and if the owner wanted to change the targets, it could be sent in an addendum. Mr. Carroll further emphasized that this requirement was questioned by the MSBA. Ms. Blythe cited that she was confused because she recalled this topic being discussed in the Pre-qualification committee; specifically the recent one regarding painting subcontractor where it was noted that it was a woman owned business. Mr. Carroll responded that the discussion was about Woman Business Enterprise and Minority Business Enterprise which is similar but different from Workforce Participation. Workforce Participation is about the composition of the contractor's workforce relative to minorities and women.

Mr. Carroll informed the Committee that there was also a consultation with the MSBA and they advised to follow the Attorney General's advice to rebid. Ms. Kontoes informed the Committee that the District also sought legal counsel on the matter and received the same advice to follow the Attorney General's guidance.

Mr. Carroll presented the following two options for the Committee to consider with respect to moving forward with re-bidding as recommended:

Ms. Blythe made a motion to cancel the General Contractor bids for the Bartlett High School Renovation project due tomorrow, November 17 and to not open if submitted. The motion was seconded by Mr. Young. The vote is as follows:

Vote: Yes – 7 ; No – 0 ; Abstain - 1

Mr. Hurton stated that the schedule discussion would be continued to Monday for final decisioning. Mr. Carroll stated that Collier would notify BidDoc to tell them we are canceling the bid and do not want access to view any bid submissions in the event that any GC bids were submitted.

IX. Adjournment:

Motion to Adjourn pm 7:01 p.m.

Motion: Sheila

Second: Gina

Vote: Yes – 7 ; No – 0 ; Abstain - 1

Respectfully submitted,

Lisa Kontoes