

WEBSTER PUBLIC SCHOOLS
SCHOOL BUILDING COMMITTEE TUESDAY, 6:00 PM JUNE 18, 2024

Present: Ted Avlas – *Vice Chairman Member - Voting Member (arrived at 6:04pm)*
Tim Bell - Town Accountant - *Voting Member*
Sheila Blythe – *School Committee - Voting Member*
Ryan Collins - Principal
Earl Gabor - *Selectmen Delegate - Voting Member*
Dave Hurton - Chairman - *Voting Member*
Gina Nieves - *Voting Member*
Tony Paranto - *Voting Member*
Victor Waskiewicz- *Voting Member*
Al Young - *Voting Member*
Lisa Kontoes - Business Manager
Monique Pierangeli – Superintendent

Absent:

Attendees: Jorge Cruz-Flansburgh
Mike Carroll-Colliers
Mike Reith-Colliers
Richard Armstad-Flansburgh

I. Call to Order

Mr. Hurton called the meeting to order at 6:01 pm.

II. Review of Previous Meeting Minutes for Approval

- a. May 21, 2024-Regular Session
Motion to approve 5/21/2024 meeting minutes.

Motion: Mr. Paranto

Second: Mrs. Nieves

Vote: Yes—6 ; No—0 ; Abstain—2

III. OPM Report

- a. Review the role of the OPM-

Due to past discussion and disagreement centering around the role of the OPM and the OPM's ability to act as an agent for directives for the owner, Mr. Carroll brought forward the opportunity for the committee for further discussion and clarification explaining that essentially, the OPM is the same as the acting agent of the owner. Mr. Carroll assured the committee that whenever a directive is given to Flansburgh, it is given with the addition and knowledge of both Mrs. Pierangeli and Mrs. Kontoes. He believes it would be appropriate for the Committee to formally vote them as the acting agent under the direction of the Owner, and any direction given should be considered given from the Owner themselves.

Mrs. Kontoes added that Colliers regularly consults with her and Mrs. Pierangeli, collaborates with them, and that they feel comfortable with Colliers serving in the role that they have been hired to do.

Mr. Cruz discussed Flansburgh's concern over how this vote would potentially change their contract and how they would recognize the third party and any liabilities that go with that, if any. When Mr. Carroll suggested that Flansburgh's contract allows for the designation of a representative of the Owner, Mr. Cruz suggested checking with a legal attorney.

Mr. Armstad explained that Flansburgh's contract recognizes three parties-The OPM, the Owner, and the Architect. It is unclear to Flansburgh whether Colliers is acting as OPM or Owner. When Mr. Carroll interjected that there is no difference and that Colliers is the conduit for the Owner, Mr. Armstad added that they do not know if that aligns with their contract.

When questioned by the Committee on what Flansburgh has done with other previous projects and organizations, Mr. Cruz explained that the OPM makes recommendations to the Owner and then the three parties get together to discuss. Any official change would come from the Owner, not the OPM. Mr. Colliers mentioned that the Owner doesn't have a full time person dedicated solely to the project, and that any direction, not just changes, have been difficult to work with Flansburgh on.

When questioned by the other Committee members about his past experience working on the Park Avenue Building Project, Mr. Avlas explained that they let the professionals, the OPM, handle the job. The OPM would have weekly meetings regarding change orders and progressions as a check in and keep in communication with the Owner.

Mr. Armstad asked if this formal vote would change Flansburgh's liability or indemnification to now include Colliers. If Colliers were to suggest or require design changes, what would their responsibilities be? The Owner gives direction per their contract.

Mrs. Pierangeli explained that Webster Public Schools hired professionals to work on their behalf-experts in construction, construction law, and design work. The OPM is required by law to protect the owner.

Mrs. Kontoes suggested through the Chair that they consult with the MSBA and an attorney. It was also suggested by Committee members for a representative of the MSBA to come in and discuss the situation further.

b. Financials

- i. Working Group Update-There have been two working group meetings since the last SBC meeting. The first took place on June 7, 2024, and the second on June 12, 2024. During the June 7, 2024 meeting, the working group discussed the EV charging stations, bollards, auditorium lift, and the basement drainage issue.

Mrs. Kontoes reiterated to the Committee present that the working group cannot independently make decisions; any votes that take place are for recommendations only. All official decisions will be made at the SBC meetings. Mr. Gabor added that there had been no significant changes in opinion over what was discussed at the last SBC meeting and the working group concurred with the general votes that had previously taken place. While the bollards and the auditorium lift had been previously voted upon, it allowed for an open discussion over any concerns. However, the EV charging stations still needed to be voted on.

Mr. Carroll did a brief recap. In initial documents, 33 EV stations were in the design all in one location. Colliers at the time had questioned the count of stations as well as the stations all being in one location. Colliers then gave direction to Flansburgh to reduce the count to the minimum required and to spread them out across the campus. Colliers later received an update from Flansburgh reducing the count to 14 EV stations, but they were still all in one location. During this time, the bid process was in full swing and Colliers didn't have ample time to further evaluate. After the bid went out, another discussion took place to spread the stations across campus. Flansburgh has since requested additional service fees of \$8,500 for their redesign efforts. It had been the recommendation by the working group not to approve the additional service cost.

Motion: Mr. Waskiewicz made a motion not to approve.

Second: Mrs. Blythe

Vote: Yes—9 ; No—0 ; Abstain—0

Following the vote, Mr. Cruz informed the Committee that if a proposal is denied or reduced, a written detailed description as to why should be provided so that both parties can go to remediation. He has received emails, but not an official document on school letterhead.

The Committee questioned whether or not this written explanation could come from the OPM or if it had to come directly from the Owner. Mr. Carroll mentioned that he'd have to check the requirements, but in the meantime, Mrs. Kontoes will get the process moving.

At the June 12, 2024 working group meeting, the group focused on PCOs which will be further discussed later in the meeting. The working group continues to meet every other week on Wednesdays.

ii. Commitments

- 1) New Contracts- None reported.
- 2) New Construction Change Orders/Amendments- Owner Change Order #002 is comprised of two PCOs. The first is a credit from Stanley for abatement that didn't need to be done in the amount of \$33,017.40. The second is for the replacement of crushed corrugated metal pipe for \$3,498.96 for a total credit of -\$29,518.44.

Motion: Mrs. Blythe made a motion to approve OCO #002 in the credit amount of -\$29,518.44.

Second: Mr. Young

Vote: Yes—9 ; No—0 ; Abstain—0

PCO #006R1 (Upcharge for Vortech Units, \$26,623.99), PCO #030 (Added Support Angles at OH Door Head and Jams, \$1,965.84) and PCO #033 (Disconnect Switch for Boilers, \$1,644) have all been previously recommended by the working group for approval.

Motion: Mrs. Blythe made a motion to approve all three PCOs and to incorporate them into OCO #003

Second: Mrs. Nieves

Vote: Yes—9 ; No—0 ; Abstain—0

- 3) Construction PCOs- PCO #07 for new straight granite curbing was initially priced at \$158,333, however, it was adjusted up to \$217,132.40 as a potential remediation request by Brait. Mr. Carroll explained that Brait had basically suggested that all of the granite be furnished by the Owner. Ultimately, Colliers and Flansburgh both agreed that it was not a legit claim. After a meeting with Brait on Friday, June 14, 2024 and a walk through, Brait withdrew their remediation request over the weekend. One small section of curbing will need to be removed and replaced. Brait was asked to price materials only and that was submitted on June 17, 2024 for \$2,900. Both Colliers and Flansburgh recommend approval of this PCO and if approved, it will be rolled into OCO #004 which will be brought back for potential approval at the next SBC meeting.

Motion: Mrs. Blythe made a motion to approve PCO #07R2 to be rolled into future OCO #004 in the amount of \$2,900.

Second: Mr. Young

Vote: Yes—9 ; No—0 ; Abstain—0

Mr. Carroll discussed the new switchgear plan and PCO #045. After a meeting with National Grid, it was determined that in order for the project to stick to the original installation plan, we would require two switchgears in one building at the same time, requiring temporary conduits and lines. The Contractor proposed accelerating the install of the new switchgear to have it completed earlier. The savings to not have to complete the temporary work would be approximately \$38,000. However, this change would cause the extension of Phase 1 by two months. Mr. Carroll assured the Committee that this wouldn't affect any other dates, only that there would be less time spent in Phase 2. From their perspective, it will prevent the project from having time extensions later on. Mr. Cruz also shared that he had no concerns, however, there is a risk on National Grid's side to get us energized. The change order does help clean up any potential future delays.

Motion: Mrs. Blythe made a motion for PCO #045 to be incorporated into OCO #04 for the next SBC Meeting.

Second: Mr. Young

Vote: Yes—9 ; No—0 ; Abstain—0

Mr. Carroll presented Field Bulletin #031. At the last SBC Meeting, the Committee approved add service to redesign the basement drainage system. Mr. Carroll explained that there are two options to proceed, a proposal request in which we send a design to the contractor, they price and we approve before they start. Or, a CCD (Construction Change Directive) which directs the contractor to proceed on a time and materials basis and the change order is approved at the end. He added that he doesn't have an exact number at this time, but he does know that the new design is an improvement to the current design.

Mr. Hurton entertained a motion for PCO #053 to be issued as a CCD (Construction Change Directive) to be done on a time and materials basis not to exceed \$50,000.

Motion: Mr. Paranto

Second: Mrs. Blythe

Vote: Yes—9 ; No—0 ; Abstain—0

- iii. Budget to Actuals- Following a brief overview of the budget, Mr. Carroll brought to the attention of the Committee a clerical error in the June 29, 2023 minutes in which a transfer of \$577,163.28 from the Park Ave Funds into the project was voted upon and approved. However, the actual amount of the transfer was for \$557,163.28, a \$20,000 difference.

Mr. Hurton entertained a motion to amend the June 29, 2023 meeting minutes to accurately reflect the correct amount of \$557,163.28.

Motion: Mrs. Blythe

Second: Mr. Young

Vote: Yes—8 ; No—0 ; Abstain—1

- c. Schedule- The project is currently in the construction period and approaching summer opportunities for out of sequence work during the summer break. While Flansburgh believes the project should be speeding up by now, Colliers believes that there are many opportunities to speed up work in the next few weeks.
- d. Change Order Process- With the new addition of the working group, Mr. Carroll brought forward the change order process for potential amendment. Previously, Mr. Waskiewicz was able to approve change orders up to \$50,000. However, that was only intended for emergencies. With the addition of the working group, it was suggested that the working group have the ability to approve all potential change orders. The working group can properly vet the PCOs prior to coming to the SBC meetings.

Motion: Mrs. Blythe made the motion to amend the structure of the working group to approve all potential change orders.

Second: Mr. Paranto

Vote: Yes—9 ; No—0 ; Abstain—0

- e. MSBA Updates- Mr. Carroll informed the Committee that there was one email from the MSBA last week requesting all propays be submitted by August 30,

2024 as they seek to close out their fiscal year. Mr. Carroll also explained that he has a meeting with the MSBA next week regarding the extra project funds, including the newly approved funds through the Esser Grant of which \$425,000 has been allocated for the cost towards the modulars. Mrs. Kontoes explained that she can journal the past ten month's cost for the modulars out of the project fund and into the Esser funds. However, it is their hope to get prior clarification from the MSBA at this meeting on how to appropriately address these funding sources.

f. Official Update of the OPM Team- Will be revisited at the next SBC meeting.

IV. Potential Designers Contract Amendments

a. Basement Drainage-Mr. Carroll explained that this was a carry over from the last SBC meeting and was approved previously.

V. Design/Construction Update

- a. Construction Update- Mr. Armstad provided an update to the Committee. Granite curbing has gone in around the parking lot. The foundation has been completed for the new loading dock as well as foundation and footings in the auditorium. New openings have been cut for the courtyard. Roof abatement continues. When questioned by the Committee about any concerns with the construction schedule, Mr. Armstad replied that he has no serious concerns, but soon expects production to increase with additional manpower and materials. Mr. Cruz felt as though the schedule wasn't getting pushed as much as it should be due to these factors, but also said Brait doesn't seem concerned. In regards to Flansburgh themselves, Mr. Cruz also mentioned that they continue to work, even if additional services are denied. They don't stop their work due to a dollar issue. Mr. Armstad clarified that Flansburgh's work during the CA period is design and to run independently. They do not need conversation back and forth and control their schedule this way themselves.
- b. FFE Update- Several meetings have taken place with another scheduled shortly after the Fourth of July Holiday. The current intent is to use about six classrooms worth of existing furniture. After this, the process of selecting new furniture and getting documents out for procurement will begin. Over the next few months, there will be several meetings to review furniture samples in person.
- c. Technology Update- Several meetings have occurred and the team is now in the process of equipment specifications for bid documents. The team continues to work towards acquiring a multitude of information as Phase 1 will require some IT selections.
- d. Color Selection Update- Mr. Cruz assured the Committee that progress continues to be going well, and that the Committee is down to a half dozen items remaining to be selected. The next meeting will take place after the Fourth of July holiday. They continue to work towards finalizing a spreadsheet that will be issued to the contractor so that they can order materials. Mrs. Pierangeli added that the process has been seamless, they have a great team and everyone is on the same page. They have been working towards ensuring that their selections have a high level of replaceability and ease of maintenance.

VI. Approval of Warrant

Motion to approve the 6/20/2024 warrant in the amount of \$2,457,454.25

Motion: Mrs. Blythe

Second: Mr. Young

Vote: Yes—9 ; No—0 ; Abstain—0

VII. Next Steps

a. Next SBC meeting to be held on:

i. Tuesday, July 16, 2024

ii. Due to the August 20, 2024 conflict with the School Committee Meeting, the August SBC meeting will take place on Monday, August 19, 2024 at 6:00 pm.

VIII. Adjourn

Motion to adjourn at 7:27 pm.

Motion: Mrs. Blythe

Second: Mr. Young

Vote: Yes—9 ; No—0 ; Abstain—0

Respectfully submitted,

Christina Radlo