

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On December 20, 2021 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted its Regular Meeting at 9:30AM on December 20, 2021 remotely via telephone conference at (866)-692-4541, passcode 85607781.

#### **Members Present:**

Edwin S. Greenberg, Chairman  
Bruce Josephy, Vice Chairman  
John P. Valengavich, Secretary  
Jack Halpert  
Jeffrey Berger  
William Cianci

#### **Members Absent:**

#### **Staff Present:**

Dimple Desai  
Thomas Jerram

#### **Guests Present**

Brian Dillon, JUD

Mr. Valengavich moved and Mr. Halpert seconded a motion to enter into Open Session. The motion passed unanimously.

### **OPEN SESSION**

#### **1. ACCEPTANCE OF MINUTES**

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the December 16, 2021 Meeting. The motion passed unanimously.

#### **2. COMMUNICATIONS**

#### **3. REAL ESTATE- UNFINISHED BUSINESS**

#### **4. REAL ESTATE – NEW BUSINESS**

<b>PRB #</b>	21-178
<b>Transaction/Contract Type:</b>	RE – Voucher
<b>Origin/Client:</b>	DOT/DOT
<b>Project Number:</b>	128-153-001
<b>Grantor:</b>	Simsbury Hopmeadow Street, LLC
<b>Property:</b>	Simsbury, Hopmeadow Street (632)
<b>Project Purpose:</b>	Replacement of Bridge No. 00653 Hopmeadow Street over Hop Brook
<b>Item Purpose:</b>	Voucher

**DAMAGES: \$202,100**

#### **DOT PROJECT:**

The purpose of the project is to replace the bridge superstructure and rehabilitate the substructure,

which will include concrete repairs and the installation of scour countermeasures for scour mitigation at the abutments. The existing superstructure will be replaced with precast pre-stressed concrete deck units.

Bridge No. 00653 is a 44 foot long, single span structure that carries Hopmeadow Street (Route 10). The structure was originally constructed in 1957 consisting of 16 prestressed deck units. The substructure is constructed of reinforced concrete abutments and wingwalls with spread footings. The bridge received a widened sidewalk and new parapets in 2009, as part of State Project No. 128-143. The rehabilitated bridge has an out-to-out width of 49'-3". The curb-to-curb width is 35'-2" and the sidewalk width is 10'-1½" which carries a portion of the multiuse Farmington Canal Heritage Trail. A 6 inch gas main is supported on the fascia of the sidewalk parapet and eight 4 inch telecommunication conduits are supported on the other parapet fascia.

Maintenance and Protection of Traffic during the project construction will use staged construction to maintain two lanes of traffic during the construction duration. A temporary pedestrian bridge will be constructed to the east of the bridge to enable the Farmington Canal Heritage Trail to remain in use throughout construction at the project location.

There are right-of-way impacts associated with the proposed improvements including temporary construction easements.

Construction is anticipated to begin in spring 2022 based on the availability of funding. The project duration is estimated at one construction season. The estimated construction cost for this project is approximately \$3,000,000. This project is anticipated to be undertaken with 80 percent Federal Funds and 20 percent State funds.

**SITE DESCRIPTION:** The subject parcel contains 153.61± acres with frontage on both sides of Hopmeadow Street in Simsbury. The property is irregular in shape and contains significant wetland areas. Hop Brook traverses the property in an east-west direction and the Farmington River forms the easterly boundary. The property is industrially zoned within the I-2 zone and conforms to zoning regarding use, but pre-existing non-conforming regarding parking requirements.

Site improvements include paved parking areas, fencing, exterior lighting, a walking bridge, vehicular bridge, curbing, sidewalks and minimal landscaping.

The subject site is encumbered by utility easements and a multi-use trail easement in favor of the Town of Simsbury.

The site is improved with a total of 55 buildings containing a total of 358,951 square feet of gross building area, constructed between 1896 and 1992.

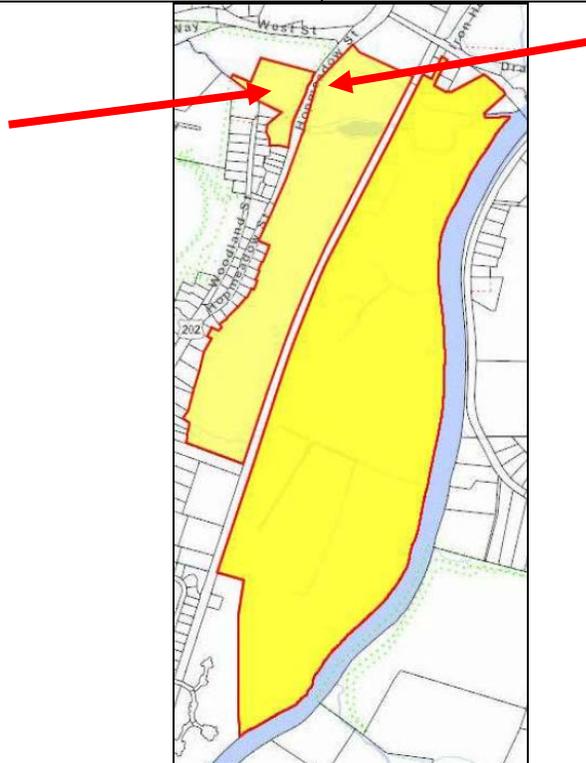
The Appraiser opines the highest and best use of the site, "As-Vacant" is for industrial development. "As-Improved" is for the continuation of the industrial/office use.



View of taking area on east side of Hopmeadow Street looking south



View of parking lot within construction easement area on west side of Hopmeadow Street looking southwest



**BEFORE VALUATION:** The DOT appraisal was completed June 21, 2021 by independent Appraisers Vincent O'Brien and Michael Fazio, MAI.

Land Valuation: Based on the sales comparison approach, the Appraiser considered the following four sales in the greater area:

	Subject	Sale # 1	Sale # 2	Sale # 3	Sale # 4
Address	623 Hopmeadow Street, etal.	55 & 60 Hoskins Road	64 Cambridge Drive & 4 Independence Drive	36 Timothy Hill Road	137 Lathrop Road, etal.
City	Simsbury	Simsbury	Monroe	Monroe	Plainfield
Date of Sale	N/A	5/6/2019	5/13/2019	8/12/2019	11/2/2017
Sale Price	N/A	\$7,700,000	\$1,401,000	\$2,030,000	\$3,375,000
Land Acres	153.61	288.46	72.08	47.21	136.83
Land SF	6,691,252	12,565,318	3,139,805	2,056,468	5,960,315
Zone	I-2	I-1/R-40	I2	I2	IND-1
<b>Price/SF Land</b>	<b>N/A</b>	<b>\$0.61</b>	<b>\$0.45</b>	<b>\$0.99</b>	<b>\$0.57</b>

After adjusting for differences, the Appraiser concluded that the fair market value of the subject land was  $\$0.65/\text{sf} \times 6,691,252 = \$4,349,314$ , rounded to  $\$4,349,300$ .

The Appraiser then estimated the depreciated value of the site improvements utilizing data from Marshall Valuation Services and concluded  $\$2,000,000$ .

Building Valuation

Sales Comparison Approach: The appraiser analyzed four sales of similar properties in the central and western part of the state (2020-2021) and concluded that the fair market value of the subject property was  $\$24/\text{sf} \times 358,951 \text{ sf} = \$8,614,824$ , rounded to  $\$8,610,000$ .

	Subject	Sale # 1	Sale # 2	Sale # 3	Sale # 4
CompID	10693	10695	2909	10697	10696
Name					
Address	632 Hopmeadow Street, etal.	14 Prospect Drive	32 Henry Street	161 Woodford Avenue	3580 Main Street
City	Simsbury	Newtown	Bethel	Plainville	Hartford
Recording Date	N/A	3/31/2021	8/4/2020	7/14/2020	10/21/2020
Sale Price	N/A	\$4,400,000	\$9,350,000	\$4,350,000	\$4,315,000
GBA	358,951	141,282	357,108	270,247	282,778
Year Constructed	1896-1992	1960	1900-1979	1936	1922-1930
Site Size	153.61	41.59	33.81	12.54	12.40
Land to Building Ratio	18.64	12.82	4.12	2.02	1.91
Percent Office	15%	9%	3%	12%	49%
Ceiling Height	16.0	14.0	30.0	16.0	14.0
<b>Price/SF GBA</b>	<b>N/A</b>	<b>\$31.14</b>	<b>\$26.18</b>	<b>\$16.10</b>	<b>\$15.26</b>

Income Capitalization Approach: The Appraiser analyzed four rentals of units in the greater market area as follows:

Property Type	Light Industrial	Industrial	Light Industrial
GBA	444,445	178,640	166,278
Year Built	1957-1970	1950	1960
Land Acres	24.05	8.40	11.40
Land to Building Ratio	2.36	2.05	2.99
Leased Area (SF)	141,000	149,239	163,000
Lease Date	6/15/2021	6/1/2020	10/1/2018
Reimbursement Type	NNN	NNN	NNN
Lease Remarks	Manufacturing and warehouse space	Starting rent for industrial space.	Light industrial space
<b>Lease Rate per SF</b>	<b>\$3.00</b>	<b>\$2.65</b>	<b>\$2.75</b>

The appraiser concluded the fair market rental value of the space within the subject property was as follows:

#	Space Type	Market Rent/SF	Type
1	Industrial	\$2.75	NNN

After fully supporting market-based vacancy, operating expenses and capitalization rate, the Appraiser estimated Net Operating Income and market value as follows:

Rental Income	Annual	Per SF	% of PGI
Industrial (358,951 SF at \$2.75/SF)	\$987,115	\$2.75	100.0%
<b>Total Rental Income</b>	\$987,115	\$2.75	100.0%
<b>Potential Gross Income</b>	\$987,115	\$2.75	100.0%
Less Vacancy & Collection Loss (5.0%)	(\$49,356)	(\$0.14)	-5.0%
<b>Effective Gross Income</b>	\$937,759	\$2.61	95.0%
Operating Expenses	Annual	Per SF	% of EGI
Management Fees	\$28,133	\$0.08	3.0%
Replacement Reserve	\$18,755	\$0.05	2.0%
<b>Total Expenses</b>	\$46,888	\$0.13	5.0%
<b>Net Operating Income</b>	\$890,872	\$2.48	95.0%

Direct Capitalization Summary	
Net Operating Income	\$890,872
Divided By Overall Rate	10.00%
<b>Capitalized Value Indication</b>	\$8,908,715
<b>Rounded (\$24.82 per SF)</b>	\$8,910,000

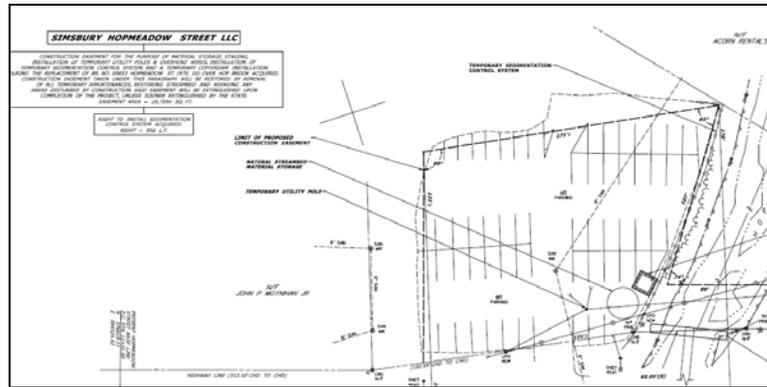
Reconciliation and Value Conclusion - Before

Approach	Opinion of Market Value
Sales Comparison Approach - Land	\$4,349,300
Income Capitalization Approach – Building	\$8,910,000
Sales Comparison Approach Building	\$8,610,000
<b>Conclusion of Market Value</b>	\$8,760,000

**TAKING DESCRIPTION:**

DOT requires acquiring the following:

- A partial take in fee simple of 474± square feet of land;
- A construction easement for the purpose of material storage, staging, installation of temporary utility poles and overhead wires, installation of temporary sedimentation control system, and a temporary cofferdam, installation acquired over an area of 20,759± square feet; and
- A right to install sedimentation control system acquired over an area of 85± linear feet.



**IMPACT OF TAKING:**

The Connecticut DOT proposes to take 474 square feet of land located along the subject’s frontage on Hopmeadow Street. A portion of the Taking area lies within Hop Brook. The balance of the Taking area is currently landscaped. As part of the Taking, the Connecticut DOT will acquire a 531 square foot temporary construction easement (duration of 1 year) on the east side of Hopmeadow Street. The easement is for the installation of a temporary water handling structure during the replacement of Bridge No. 00653. Any areas disturbed by the easement will be regraded and the streambed will be restored.

Additionally, the Connecticut DOT will acquire a second construction easement on the west side of Hopmeadow Street (duration of 1 year) for the purpose of material storage, staging, installation of temporary utility poles and overhead wires, installation of temporary sedimentation control system, and a temporary cofferdam installation. The second construction easement will total 20,759 square feet and will be situated on a parking lot utilized by the subject property. In total, 61 parking spaces will be lost for the duration of the construction easement. Any areas of the parking which were disturbed by the construction easement will be repaved and the streambed will be restored. However, trees and shrubs within the easement will be lost.

Due to the proposed work on Bridge No. 00653 a multi-use pathway will be redirected and a temporary pathway and bridge will be constructed on the subject property. However, the temporary pathway and bridge is located within a previously acquired multi-use trail easement by the Town of Simsbury. Therefore, no compensation associated with the temporary pathway and bridge is concluded.

As part of the Taking, the Connecticut DOT will install a sedimentation control system (236 linear feet on the east side of Hopmeadow Street and 85 linear feet on the west side of Hopmeadow Street).

**AFTER VALUATION:**

The “After” valuation of the subject property is subject to the following Extraordinary Assumptions and Hypothetical Conditions:

**Extraordinary Assumptions:**

None

**Hypothetical Conditions:**

The methodology used in this report is in the form of a 29 Point “Before” and “After” Appraisal Report format used for eminent domain purposes. The appraisal considers that there is a willing seller in an acquisition by eminent domain and has disregarded any effect on the market value brought on by the

State's project. The appraisal report was based on the hypothetical condition that the proposed road project will be completed as currently proposed, in the Department of Transportation construction plans, on the day after the "as of" date. No other conditions were necessary to arrive at a credible value.

After Land Valuation: Based on the sales comparison approach, the Appraiser considered the same sales and concluded that the fair market value of the subject land was unchanged at \$0.65/sf, calculated as follows:

After Scenario Land Valuation	
Total SF Land Before Taking	6,691,252
Less SF in Taking Area	474
Total SF Land Unencumbered After Taking	6,690,778
Concluded Value/SF Unencumbered Land x	\$0.65
Fee Value of Unencumbered Land After Taking	\$4,349,006
<b>Rounded After Value of Land</b>	<b>\$4,349,000</b>

The Appraiser then estimated the depreciated value of the site improvements utilizing data from Marshall Valuation Services and concluded \$1,999,000.

After Building Valuation

After Sales Comparison Approach: The appraiser analyzed the same four sales and concluded that the fair market value of the subject property was \$24/sf and adjusted for the DOT's acquisitions as follows:

Indicated Subject Value	
Concluded Value Per SF GBA	\$ 24.00
GBA	358,951
Indicated Value	\$ 8,614,824
<b>Rounded - Before</b>	<b>\$ 8,610,000</b>
Less Taking Area Value	\$ (300)
Less Site Improvements	\$ (1,000)
<b>Rounded - After</b>	<b>\$ 8,608,700</b>

After Income Capitalization Approach: The appraiser analyzed the same four rentals and concluded that the fair market rental value of the subject property was \$2.75/sf and adjusted for the DOT's acquisitions as follows:

Direct Capitalization Summary	
Net Operating Income	\$890,872
Divided By Overall Rate	10.00%
Capitalized Value Indication	\$8,908,715
<b>Rounded - Before</b>	<b>\$8,910,000</b>
<b>Less Adjustments</b>	
Less Taking Area Value	(\$300)
Less Site Improvements	(\$1,000)
Adjusted Value Indication	\$8,908,700
<b>Rounded - After (\$24.82 per SF)</b>	<b>\$8,908,700</b>

Reconciliation and Value Conclusion – After

Approach	Opinion of Market Value
Sales Comparison Approach - Land	\$4,349,000
Income Capitalization Approach – Building	\$8,908,700
Sales Comparison Approach Building	\$8,608,700
Conclusion of Market Value	\$8,758,700

Calculation of Permanent Damages

Item	Value
Before Valuation	\$8,760,000
After Valuation	\$8,758,700
<i>Permanent Damages</i>	\$1,300

Calculation of Temporary Damages

Construction Easement Area #1	20,759 sf x \$0.65/sf x 11.9% x 1 year	\$1,606
	Rounded	\$1,600

Calculation of Temporary Severance Damages

As a result of the second construction easement on the west side of Hopmeadow Street, the subject property will temporarily lose the use of 61 parking spaces (for the 1-year construction period per the DOT). The reduced parking will temporarily have a negative impact on the property (the market rent for the subject property will need to be reduced to compensate a tenant for the temporary loss of parking).

To determine the temporary severance associated with the 61 temporarily impacted parking spaces, the appraiser concludes a rental rate reduction to compensate a tenant for the temporary loss of parking.

The 61 temporarily impacted parking spaces are 10.8% of the subject's total parking. Additionally, the subject property has limited parking prior to the temporary loss of 61 parking spaces. The loss of 61 parking spaces is estimated to reduce the market rent at the subject property by 20%. Therefore, total severance damages due to the temporarily lost use of the 61 parking spaces are concluded as follows:

Temporary Severance Calculation	
Market Rent (Annual)	\$987,115
% Reduction in Market Rent	20.00%
Annual Reduction of Market Rent	\$197,423
<b>Rounded</b>	<b>\$200,000</b>

Total damages are then Permanent Damages plus Temporary Damages plus Temporary Severance Damages, \$1,300 + \$1,600 + \$200,000 = \$202,900 (rounded).

Deducted from the Damages is the allocation of Permanent Damages for DOT Project #128-153-002 (\$800) that impacts another portion of the subject property. Since that is a separate DOT Project and the Damages are less than \$5,000, that Taking is not subject to SPRB review.

Total Damages for DOT Project #128-153-001, reviewed under PRB #21-178 are then \$202,900 - \$800 = \$202,100.

Staff inquired with DOT regarding the following:

1. Please quantify the loss of 61 parking spaces to the availability of parking on the entire campus.
2. Please clarify if any alternatives were considered to replace the impacted parking spaces.
3. Please provide support for the Appraiser's conclusion that the loss of parking diminished the rental rate by 20%.

**RECOMMENDATION:** Board suspension of damages in the amount of \$202,100 is recommended pending DOT response to the aforementioned issue.

**5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS**

**6. ARCHITECT-ENGINEER - NEW BUSINESS**

<b>PRB #</b>	21-130
<b>Origin/Client:</b>	DCS/JUD
<b>Transaction/Contract Type</b>	AE / Task Letter
<b>Project Number:</b>	BI-JA-343A
<b>Contract:</b>	OC-DCS-MDE-0036
<b>Consultant:</b>	BVH Integrated Services, P.C.
<b>Property</b>	Enfield, Phoenix Ave (111) – Enfield Superior Court
<b>Project purpose:</b>	Roof & HVAC Replacement Project
<b>Item Purpose:</b>	Task Letter #4D

At 9:32 Mr. Dillon joined the Meeting to participate in the Board’s review and discussion of this Proposal. Mr. Dillon left the meeting at 9:40.

**PROPOSED AMOUNT: \$25,300**

DECEMBER 15, 2021 UPDATE.

At its meeting held on September 3, 2021 the State Properties Review Board voted to suspend this item pending response from DCS to the following issues:

1. Please differentiate between DCS use of Project Numbers BI-JD-343 and BI-JD-373 for this project. Why two project numbers?  
**DCS Response:** BI-JD-343 is the project number for the original Roof and HVAC project at the Enfield Court House, while BI-JD-373 was based on Judicial’s request for a HVAC retro-commissioning after the BI-JD-343 was substantially complete. As the retro-commissioning progressed other work scopes were added that related to work performed on the original project. In retrospect, a new project and number was unnecessary, as all work should have been performed under BI-JD-343. This is the preference of project accounting and financial analysis, and ensures that all additional expenditures related to the project are being captured for the claims analysts review and consideration. Going forward, DAS, CS would like to utilize BI-JD-343 for any further work.  
**Staff Response:** OK
2. Supplemental Task Justification Memo identifies the project number as BI-JD-343A while Form 1135 identifies as BI-JD-373A. Pl clarify why different project IDs?  
**DCS Response:** The Supplemental Task Justification Memo reflects the intent to keep all work under BI-JD-343, while the Form 1135 sought consistency with the Task Letters 4, 4A and 4B. Regardless, on a go forward basis, the appropriate project number for use is BI-JD-343. I think the “A” added to the project number is a remnant of a prior attempt to distinguish between the original project versus the retro-commissioning project, but is also unnecessary going forward.  
**Staff Response:** OK
3. Will the fees for this TL#4D be covered under any claim against the contractor?  
**DCS Response:** DAS has not yet determined culpability or a responsible party. When the claim consultant has completed their work and recommendation, DAS will be in a position to render such a decision. With any claim, this and other costs will be included with the claim.  
**Staff Response:** OK

4. Please provide the status of the Claims Consultant – Arcadis – with respect to this project.  
**DCS Response:** Claims consultant has been selected, but engagement was put on hold pending completion of the design of the repairs. Additional scope items were encountered during the course of DAS’s design efforts for the corrective work. An updated and revised proposal will be needed from the consultant to include and review these new issues into their scope of work. DAS has reached the point in time where the consultant task letter can be drafted and commissioned for this work.  
**Staff Response:** OK
5. What is the amount of the claim being assessed, if known at this time.  
**DCS Response:** Please read the answers to questions 3 and 4. This is to be determined.  
**Staff Response:** OK

**RECOMMENDATION:** Board recommendation is to approve Task Letter #4D for the Consultant to provide expanded MDE services totaling \$25,300 to provide structural engineering design services, bid support and CA Services for this project.

- DCS confirmed \$25,300 is available for the Task Letter.
- The Board approved the current On-Call Contract for a maximum fee of \$1,000,000 and a term that expired on 7/31/2019 (PRB #17-139). Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$335,425.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 7/14/2021.
- At its meeting held on June 10, 2019, the Board rejected a DCS proposal under PRB #19-101 for expanded CA Services for this roof & HVAC replacement project in the amount of \$80,080 due to lack of satisfactory documentation to support the compensation.

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**PROPOSED AMOUNT: \$25,300**

On December 24, 2020 SPRB Meeting the Board approved, under PRB #20-235, Task Letter #4C under the On-Call Contract OC-DCS-MDE-0036 to provide the following professional engineering services:

1. Assess and remediate the remaining Priority 1 issues (life safety items), including fire alarm shutdowns for the rooftop equipment, steel fireproofing, and duct fire dampers.
2. Address Priority 2 items pertaining to the building space pressurization that has compromised the building security. Also included in this second breakout will be any priority 3, 4, and 5 items (BVH Portal Items) that possibly could be captured and corrected while performing remediation to the Priority 2 open items. The items noted on the attachment (BVH Portal list) are highlighted in yellow as “potential” candidates and does not mean these items will be inclusive in this second package. That will be determined after BVH begins its assessment, any site demolition and any design considerations.

No Structural Engineering services were included in Task Letter #4C. The Consultant’s Fee approved under Task Letter #4C was \$128,375.

Under PRB #20-109, Task Letter #4B provided for Structural Engineering services (\$10,800) to “Review existing documents and analyze the existing roof structure under the RTUs to confirm adequacy of the existing frame members and/or identify potential deficiency” but the Task Letter did not provide for the Consultant to provide design services for corrective measures.

Under this Proposal (PRB #21-130), DCS and JUD are seeking SPRB approval to approve Task Letter #4D in the amount of \$25,300 for the Consultant to provide the pre-construction design, bidding and CA services including the following scope of work:

1. Review and perform additional analysis of each roof joist identified in the initial evaluation report, and determine the appropriate method of strengthening, modifying, or supplementing the existing roof joists, as required to conform to the current Connecticut State Building Code requirements.
2. Coordinate with mechanical and provide recommendations and details for leveling and resetting of existing RTUs where required.
3. Review initial recommendations with DAS and CT Judicial prior to completion and finalization of Contract Documents.
4. Prepare Contract Documents, drawings, and technical specifications, as required. See below for additional requirements for the contract documents.
5. Prepare Statement of Special Inspection for the structural scope.

The Consultant's fee is allocated as follows:

1. Initial Phase Survey: \$2,800
2. Contract Documents Phase: \$19,500
3. Construction Administration Phase \$3,000

The current estimated construction cost is \$1,000,000-\$1,200,000 which will be validated by cost estimate during the pre-construction phase.

DAS is also starting the claims process against the parties from the previous project (BI-JD-343) to recover monies for errors/incomplete work.

In June 2017, SPRB approved (PRB 17-139) BVH Integrated Services, PC ("BVH") as one of five firms under the latest *On-Call Multi-Disciplined Engineering Series* of consultant contracts. These contracts expired on July 31, 2019 and have a maximum cumulative fee of \$1,000,000.

BVH has been selected and approved for the following task(s) under this series:

• Task Letter #1	Norwalk Comm. College	\$35,000	(canceled, not executed)
• Task Letter #2	Osborn/Northern CI	\$275,000	(18-167)
• Task Letter #3	Osborn/Northern CI	\$120,000	(18-170)
• Task Letter #4	Enfield Court Roof & HVAC	\$49,000	(Informal)
• Task Letter #4A	Enfield Court Roof & HVAC	\$20,000	(Informal)
• Task Letter #4B	Enfield Court Roof & HVAC	\$37,200	(#20-109)
• Task Letter #4B	Enfield Court Roof & HVAC	\$128,375	(#20-235)
		Total	\$664,575

Staff asked following questions for clarification:

6. Please differentiate between DCS use of Project Numbers BI-JD-343 and BI-JD-373 for this project. Why two project numbers?
7. Supplemental Task Justification Memo identifies the project number as BI-JD-343A while Form 1135 identifies as BI-JD-373A. Pl clarify why different project IDs?
8. Will the fees for this TL#4D be covered under any claim against the contractor?
9. Please provide the status of the Claims Consultant – Arcadis – with respect to this project.
10. What is the amount of the claim being assessed, if known at this time.

**RECOMMENDATION:** Board recommendation is to suspend Task Letter #4D for the Consultant to provide expanded MDE services totaling \$25,300 to provide structural engineering design services, bid support and CA Services for this project, pending DCS response to aforementioned issues.

- DCS confirmed \$25,300 is available for the Task Letter.
- The Board approved the current On-Call Contract for a maximum fee of \$1,000,000 and a term that expired on 7/31/2019 (PRB #17-139). Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$335,425.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 7/14/2021.
- At its meeting held on June 10, 2019, the Board rejected a DCS proposal under PRB #19-101 for expanded CA Services for this roof & HVAC replacement project in the amount of \$80,080 due to lack of satisfactory documentation to support the compensation.

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During the Board's discussion of this proposal, Msrs. Patrick O'Brien and Brian Dillon, both from the Judicial Branch Facilities Unit, joined the meeting, as did Peter Simmons from DAS/DCS to participate in the discussion and provide background information regarding the project in Enfield. Msrs. O'Brien and Simmons left the meeting at 10:16. Mr. Dillon left the meeting at 10:25.

**PROPOSED AMOUNT: \$128,375**

The project is the result of issues with the installation and design of the HVAC systems from project BI-JD-343. Proper temperature or humidity control was not possible in the building causing comfort and security issues. BVH was hired as an on-call MDE consultant to provide services to investigate the issues with the systems. Previous task letters used the repair project number BI-JD-373. BVH's tasks included the review of existing conditions and to provide recommendations to correct the issues. This was partially achieved through TL4 (\$49,000). During the investigation phase, the building encountered issues where the gas meter diaphragm was malfunctioning and improper balancing of the space resulted in unintentional opening of doors, etc., causing a security concern. TL4A (\$20,000) was developed to address this issue and completed. TL4B (PRB #20-109 - \$37,200) provided for a retro-commissioning of the building and to verify the testing and balancing (TAB).

Based on these tasks, BVH developed an issues log and prioritized items with input from Judicial.

Based on the issues log, additional design work is required to put the project out to bid to correct the issues. Due to budget constraints, BVH will prepare two bid packages to address priority 1 items in Bid Package #1 and remaining priority 2 and selected priority 3, 4, & 5 items under Bid Package #2.

In June 2017, SPRB approved (PRB 17-139) BVH Integrated Services, PC (“BVH”) as one of five firms under the latest *On-Call Multi-Disciplined Engineering Series* of consultant contracts. These contracts expired on July 31, 2019 and have a maximum cumulative fee of \$1,000,000.

BVH has been selected and approved for the following task(s) under this series:

• Task Letter #1	Norwalk Comm. College	\$35,000	(canceled, not executed)
• Task Letter #2	Osborn/Northern CI	\$275,000	(18-167)
• Task Letter #3	Osborn/Northern CI	\$120,000	(18-170)
• Task Letter #4	Enfield Court Roof & HVAC	\$49,000	(Informal)
• Task Letter #4A	Enfield Court Roof & HVAC	\$20,000	(Informal)
• Task Letter #4C	Enfield Court Roof & HVAC	\$37,200	(#20-109)
		Total	\$501,200

Under this Proposal (PRB #20-235), DCS is seeking Board approval to expend \$128,375 to retain the Consultant under this Task Letter #4C for the following scope of work:

- Assess and remediate the remaining Priority 1 issues (life safety items), including fire alarm shutdowns for the rooftop equipment, steel fireproofing, and duct fire dampers.
- Address Priority 2 items pertaining to the building space pressurization that has compromised the building security. Also included in this second breakout will be any priority 3, 4, and 5 items (BVH Portal Items) that possibly could be captured and corrected while performing remediation to the Priority 2 open items. The items noted on the attachment (BVH Portal list) are highlighted in yellow as “potential” candidates and does not mean these items will be inclusive in this second package. That will be determined after BVH begins its assessment, any site demolition and any design considerations.

More specifically, BVH shall:

- Redesign smoke detectors for all twelve (12) rooftop units (RTU) to address code issues and for proper location, quantity, and material. This measure will address BVH Commissioning Notice Items Nos. 71, 219, 220, 237, 238, 239, 240, 241, and 242.
- Review fire dampers for conformance to code and installation. Provide recommendations for new and/or modifications. This measure will address BVH Commissioning Notice Item No. 213.
- Investigate code-required fire alarm shutdown of RTUs and modify Sequence of Operation (SOP) as required. This measure will address BVH Commissioning Notice Item No. 243.
- Investigate and design a new temperature sensor for Room 147N. This measure will address BVH Commissioning Notice Item No. 58.
- There are many static pressure, exhaust fan, and building pressurization priorities identified in the Commissioning Notice. Design will review the twelve (12) RTUs in terms of exhaust, outside air, and building pressurization, and make design recommendations to the building systems and SOP. This measure will address BVH Commissioning Notice Items Nos. 14, 92, 93, 96, 100, 176, 184, 185, 194, 195, 203, 204, 205, and 260.
- Include any priority 3, 4 or 5 items identified on BVH portal list that can be captured under any of the two phases as requested by DAS and Judicial Branch.
- Perform two (2) professional cost estimates--one at the 50% Contract Document (CD) phase and a final estimate at the conclusion of CDs.

- The project will be designed and constructed in two phases. Prepare two separate bid packages for the two phases.
- Perform field review and documentation of existing conditions for all items including the ones where as-built drawings are not available. Judicial to perform any selective demolition and access requested by BVH to document as-built conditions. (This service is identified as optional additional services in BVH's proposal dated March 17, 2020.)

The current estimated construction cost is \$800,000 to \$1,000,000, which will be validated by cost estimate during the design phase.

BVH to perform design services, MEP field investigation and documentation of existing conditions not available in as-built documents, and bidding and construction administration services for the project.

DAS is also starting the claims process against the parties from the previous project (BI-JD-343) to recover monies for errors/incomplete work.

A summary of the Consultant's fee is as follows:

- 2A. Field Review and Documentation of Existing Conditions: \$12,000
- 2B. Bid Package 1 (Early Package):
  - a. Contract Documents Phase: \$5,518
  - b. Bidding Phase: \$915
  - c. Construction Administration Phase: \$4,387
  - d. Closeout Phase: \$2,011
- 2C. Bid Package 2:
  - a. Contract Documents Phase: \$43,878;
  - b. Bidding Phase: \$2,860;
  - c. Construction Administration Phase: \$16,370;
  - d. Closeout Phase: \$4,236;
- 2D. Record Drawings: \$3,600;
- 2E. Professional Cost Estimate: \$12,600
- 2F. Incorporation of select Priority Items# 3, 4, and 5 to contract documents: NOT-TO-EXCEED \$10,000
- 2G. Continuing Retro-Commissioning: NOT-TO-EXCEED \$10,000

Staff asked following to clarify based on our review:

1. Under PRB #20-109, the Board approved TL #4B, at which time DCS stated the Project is 95% complete. Please clarify what is the status of the project in light of the original \$2,992,700 construction budget, and the projected \$800,000 to \$1,000,000 estimate to effect repairs under this Task Letter #4C.  
DCS Response: The 95% completion comment comes from the 1105 prepared by the Branch. This is not a DAS comment. The original project reached substantial completion in January 2018, but the branch has been experiencing problems since then. BVH provided an order of magnitude estimate for the value of the corrective actions. Cost estimating to confirm the amount is part of the scope.  
Staff Response: OK
2. How can it be that the repairs will cost almost 1/3<sup>rd</sup> more of the original project in spite of various entities hired to oversee the project – A/E; CA; including DCS oversight?  
DCS Response: Our question as well. This project is an anomaly. We are making inquiries to the GC, CA and AE. Our critical action is to provide our client with a functioning building. This task letter supports this effort.  
Staff Response: OK

3. Clarify why DCS is seeking to compensate the Consultant \$12,000 for Field Review and Documentation of Existing Conditions in light of their familiarity of the Project through their work performed under Task Letters #4, #4A and #4B (specifically TL# 4B.2C), and in light of the Consultant's correspondence where it was considered an optional additional service. If this service is required, should it be on a Not-To-Exceed (NTE) basis?

DCS Response: The prior field reviews conducted by BVH were inspections to confirm as-built conditions to the contract documents. This scope is to conduct design level surveys to support the bid documents for the corrections.

Staff Response: OK

4. Why DCS is seeking a NTE \$10,000 fee for Retro-Commissioning when the Consultant provided that service under TL#4B (2A).

DCS Response: This is the scope item that we discussed last week. There will be additional time needed for BVH to support the retro-commissioning as we continue our corrective actions. Unfortunately, we can't provide a list of tasks at this point. To keep our flexibility and timelines, we are proposing a not to exceed scope item to address this need.

Staff Response: OK

5. Please clarify if a Claims Consultant has been retained to initiate a claim against the responsible parties.

DCS Response: Yes, DAS has retained Arcadis via our on-call contract. A task letter is being drafted, and should be ready very soon. Our intent is for Arcadis to begin work at the beginning of 2021

6. Provide BVH's report prepared based on the past task letters and which identifies issues log.

DCS Response: Attached, please find a copy of the BVH Report for your use.

Staff Response: OK

RECOMMENDATION: Board recommendation is to approve Task Letter #4C for the Consultant to provide expanded MDE services totaling \$128,375 to conduct design level surveys to support the bid documents for the corrections to the HVAC system.

- DCS confirmed \$128,375 is available for the Task Letter.
- The Board approved the current On-Call Contract for a maximum fee of \$1,000,000 and a term that expired on 7/31/2019 (PRB #17-139). Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$370,425.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 3/11/2020.
- At its meeting held on June 10, 2019, the Board rejected a DCS proposal under PRB #19-101 for expanded CA Services for this roof & HVAC replacement project in the amount of \$80,080 due to lack of satisfactory documentation to support the compensation.

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## FROM PRB #20-109

During the Board's discussion of this proposal, Mr. Brian Dillon, from the Judicial Branch Facilities Unit, joined the meeting to participate in the discussion and provide background information regarding the project in Enfield. He indicated that Judicial is taking over the project and will be hiring a contractor to complete the corrective action. This will probably happen in next 6 to 9 months.

PROPOSED AMOUNT: \$37,200

## PROJECT BACKGROUND

In July 2015, the Branch through DAS implemented Project BI-JD-343 – Roof and HVAC

Replacement Project – Enfield Superior Courthouse. The scope of work for this project generally included the complete re-roofing of approximately 46,000 gross square feet as well as the removal/replacement of existing packaged HVAC rooftop units and other associated work. The associated work included system commissioning, a new fire alarm panel, bacnet controls and miscellaneous upgrades to the overall system infrastructure.

The project designer was Aztech Engineers, Inc. along with HAKS, Inc. acting as the contract administrator for DCS. The project was bid and the contract awarded in June 2016. Over the past two years the contract work has proceeded with numerous issues and delays related to design deficiencies, contract work disputes, and requests for additional services which were perceived to be outside of the contract scope.

The project is currently 95% complete but has been experiencing numerous operational problems on a daily basis. The problems have been related to units not working, control sequencing and mechanical shutdowns. These issues are all related to various design and construction disputes between the design team and the contractor. Due to this impasse, the current building occupants have been experiencing building wide fluctuations in both temperature and humidity which are beyond the anticipated normal operating conditions of the system. This issue has still not been resolved and most recently required the property manager to utilize temporary cooling units within the building to maintain temperatures.

The Branch Facilities Unit has determined that a successful completion of the project is highly unlikely based upon the current situation with the design team, construction administrator and contractor. As such, the Branch has requested that DCS close-out the current project and proceed to evaluate next steps under both a claims process with the contractor and E/O Liability with the design team.

Once the close-out is completed, it is the Branch's intention to hire an On-Call Consultant for the purposes of reviewing the as-built condition, identify design to construction deviations, evaluate the operating controls system and then implement a commissioning program for the facility. The initial project scope will also include coordinating with Trane, Inc. for a review of the unit installation, PMs and warranty issues. The Branch is requesting DCS approval to proceed with this project as Agency Administered Design and Construction Project.

In July 2019, DAS/DCS retained BVH Integrated Services (BVH) to provide MDE design consultant services in conjunction with the retro-commissioning of the existing rooftop units, heating hot water system, terminal equipment, and all the temperature controls associated with these systems at the Enfield Courthouse. The initial fee for services was \$49,000 (Informal TL4) and included the following phases of work:

- Investigation Phase - \$30,000
- Implementation Phase - \$15,000
- Recommendation Phase - \$4,000

Commissioning efforts to date under TL4 identified two issues of concern: 1) defects in the gas regulators, and 2) over pressurization of the roof in various sections. The issue with the gas regulators has required four (4) of the RTUs to be subsequently locked out of service by TRANE due to safety issues. This matter must be resolved prior to the start of the heating season so as not to impact the Judicial Branch's ability to operate the facility. In December 2019 DCS retained BVH for additional MDE design consultant services under Task Letter 4A.

From DCS Form 1135: Supplemental request to increase the scope of work for the continuation of retro commissioning for the above referenced project, including but not limited to: review as-built condition, identify design to construction deviations, evaluate the operating controls system & implement

a commissioning program on existing project to re-roof and replace HVAC units. Consultant shall coordinate with Trane, Inc., RM Bradley, Eversource & the GC for a review of the unit installation, PMs & warranty issues.

The fee for additional MDE services was \$20,000 (Informal TL4A) and included the following phases of work:

**1.A. Engineering Design Services - \$4,000**

- Review data from Commissioning testing and equipment gas pressure requirements.
- Develop performance specifications and piping details to replace existing gas regulators. This includes review of gas requirements.
- Provide an estimate of the potential costs for installation of gas regulator assembly.

**1.B. Bid and Contract Administration Services - \$9,500**

- Attendance at the contractor pre-bid site walkthrough.
- Review and answer bid Requests for Information (RFIs) and publish responses through Bid Addendum.
- Review the Bids received against the estimate and provide recommendation to JUD.
- Perform two (2) site visits to verify installation and the start-up of gas regulator assemblies, and issue field reports for each site visit.
- After the installation is complete, review and record actual gas pressures, before and after the new RTU gas regulators, and issue a field report of findings. Approval of installation shall be by the authorities having jurisdiction (AHJ).

**1.C. Roof Membrane Investigation Services - \$6,500**

- Review design, as-built and warranty documents for the roof system.
- Perform one (1) site visit to investigate the roof membrane uplift concerns that were found onsite on August 21, 2019.
- Develop and issue a field report indicating the findings and provided recommendations.

In June 2017, SPRB approved (PRB 17-139) BVH Integrated Services, PC (“BVH”) as one of five firms under the latest On-Call Multi-Disciplined Engineering Series of consultant contracts. These contracts expired on July 31, 2019 and have a maximum cumulative fee of \$1,000,000.

BVH has been selected and approved for the following task(s) under this series:

• Task Letter #1	Norwalk Comm. College	\$35,000	(canceled, not executed)
• Task Letter #2	Osborn/Northern CI	\$275,000	(18-167)
• Task Letter #3	Osborn/Northern CI	\$120,000	(18-170)
		<b>Total</b>	<b>\$395,000</b>

Under this new DCS proposal (PRB #20-109), DCS is now seeking approval of an additional \$37,200 in fees for the following services not included in the original project scope:

- Complete the Investigation Phase, which includes Retro Commissioning and TAB (Testing, Adjusting and Balancing) verification services;
- Conduct air and water balancing verification activities during Investigative Phase;
- Review existing documents and analyze the existing roof structure under the RTUs to confirm adequacy of the existing frame members and/or identify potential deficiency;
- If as-built drawings are not available, verify in the field and document the existing conditions as applicable to complete the task;
- Review existing documentation and generate list of items not provided, but required to perform analysis of existing frame;

- Review existing roof framing for equipment weight and snow drifts around the units;
- Prepare and submit a written summary of the analysis assessment and findings, including appropriate Deliverables, conclusions, and recommendations.

The Consultant's fee is based on their 2019 Hourly Rate Schedule and will be billed on an hourly basis not to exceed the following totals:

- Retro-Commissioning and TAB Verification: \$20,000
- Structural Engineering Services: \$10,800
- Field Review and Documentation of Existing Conditions: \$6,400

Staff asked DCS to clarify the following:

1. Please clarify if the retro-commissioning is on the four RTUs that had defective gas regulators, or all eight RTUs.

DCS Response: What I understand occurred (as I wasn't involved at the time) is that the commissioning scope was removed from the DAS CA contract scope during the construction phase. Commissioning wasn't performed. This Task Letter includes scope for BVH to perform commissioning services "after the fact". In that vein, it is "retro" commissioning.

OK

2. Please provide the status of the claims against the design professionals and GC.

DCS Response: Regarding any future claims from the State on this project; DAS hasn't retained a consultant to pursue a claim against the designer, or anyone else. DAS intends to retain such services, but we need the information from BVH's work to inform on this strategy.

Staff Response: Is there a timeframe? I believe the substantial completion was around October 2018 and this issue has been going on for almost 18 months. State must recoup money and professionals involved should be held responsible.

DCS Response: No there isn't. This is a legal matter, so timeframes are different, and not related to Substantial Completion.

Staff Response: The claims process should have started by now to recoup the funds due to errors of other design professionals and General Contractor. Need assurance from DCS that the claims will be filed including the timeframe and report back to the Board on the amounts to be recouped from responsible entities.

RECOMMENDATION: Upon completion of review and discussion it was recommended that the Board approve this proposal.

- DCS confirmed \$37,200 is available for the Task Letter.
- The Board approved the current On-Call Contract for a maximum fee of \$1,000,000 and a term that expired on 7/31/2019 (PRB #17-139). Following the subject Task Letter, the On-Call Contract will have an uncommitted value of \$605,000.
- The submittal is accompanied by a Gift & Campaign Contribution Certification notarized on 5/11/2020.
- At its meeting held on June 10, 2019, the Board rejected a DCS proposal under PRB #19-101 for expanded CA Services for this roof & HVAC replacement project in the amount of \$80,080 due to lack of satisfactory documentation to support the compensation.

## 7. OTHER BUSINESS

## 8. VOTES ON PRB FILE:

**PRB FILE #21-178** – Mr. Berger moved and Mr. Valengavich seconded a motion to suspend PRB 21-178. The motion passed unanimously.

**PRB FILE #21-130** – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB 21-130. The motion passed unanimously.

**9. NEXT MEETING** – Thursday, December 23, 2021.

The meeting adjourned.

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
John Valengavich, Secretary