

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On September 9, 2019 450 Columbus Boulevard, Hartford, Connecticut

The State Properties Review Board held a Regular Meeting on September 9, 2019 in Suite 2035, 450 Columbus Boulevard, Hartford, Connecticut.

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

Shane Mallory, Administrator, DAS Leasing & Property Transfer (9:38-10:02)

Chairman Greenberg called the meeting to order.

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 September 5, 2019 meeting. The motion passed unanimously. Mr. Cianci abstained from the vote.

2. COMMUNICATIONS

Director Desai informed the Board of a draft communication prepared for Board review regarding Board oversight. Director Desai informed the Board of communication with DAS Leasing regarding an amendment to the DAS Annual Report to the State Properties Review Board and informed the Board of the DOT Voucher Summary prepared pursuant to CGS 13a-73(h).

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB #	19-188
Transaction/Contract Type:	RE/ Legislative Act
Origin/Client:	DOT/DOT
Project Number:	92-93-68A
Grantee:	City of New Haven
Property:	New Haven, College Street @ Route 34
Project Purpose:	DOT Conveyance of 4.5 acres to City of New Haven for Economic Development Purposes only

Item Purpose:

Legislative Conveyance pursuant to SA 15-1(1)

August 28, 2019 Update:

At its meeting held on June 13, 2019 the State Properties Review Board voted to return PRB #19-116, relative to this Legislative Conveyance, pursuant to a DOT request.

DOT has now resubmitted this Legislative Conveyance for review, responding to the following inquiries:

1. Please clarify if the scrivener's errors in the "Recorded Date" column (incorrect date format) on page 2 of the QC Deed need to be corrected (see attached).
 - Corrected. OK.
2. Please clarify if the incorrect date in the "Recorded Date" column on page 3 (Grantor - Alcibiades G. Heris) of the QC Deed should be corrected to read 12/18/1956 (from 12/18/1958).
 - Corrected. OK.
3. On the DOT 'Compilation Map' project 92-93-97 appears on the map as '97/1' and '97/2' but in the "Schedule of Title" blocks it does not reference the two parcels. Please clarify if these should be corrected prior to be consistent with projects 92-93-98 and 92-93-99, both of which included two parcels?
 - Corrected. OK.
4. On page 4 of the quit claim deed adds four paragraphs not referenced in Special Act 15-1(1). Three of the four paragraphs release the State's Rights and the fourth paragraph reserves the State's Rights. Please clarify if these four paragraphs expand, or go beyond, the legislation as approved by the Legislature and signed into law by the Governor.
 - Removed. OK.
5. On the DOT 'Compilation Map' there appear to be ten (10) incorrect data entry points located within the "Schedule of Title" blocks. Please clarify if these should be corrected prior to recording the map in the local land records (see attached).
 - Corrected. OK.
6. Special Act 15-1(1)(b) requires the City of New Haven utilize the 4.5 acres for economic development purposes. Based on media reports, it appears the City of New Haven plans to construct a bridge to extend Temple Street (above a portion of the 4.5 acres) to Congress Avenue. Please clarify if utilizing a portion of this land to construct a bridge qualifies for 'economic development purposes.'
 - I would say that the entire Downtown Crossing project (all phases) is an Economic Development project. A portion of the land is going to be used for development and a portion will be used for infrastructure to get access to the development site. In my mind that is considered economic development. They mention on their website.

RECOMMENDATION: Board approval for the conveyance of real estate pursuant to Pursuant to Special Act 15-1, Section 1 is recommended for the following reasons:

1. The conveyance is consistent with Section 1 of Special Act 15-1, which stipulates the transfer of the property to the City of New Haven at the administrative cost of \$1,000.00.
2. As required by statute, the deed specifies that property will revert to the State in the event (a) the property is not used for "*economic development purposes*"
3. The deed description is consistent with the DOT Map.

From June 13, 2019 Meeting:

A summary of the conveyance is as follows:

1. The Quit Claim deed is consistent with Section 1(a) of Special Act 15-1, which stipulates the conveyance of approximately 4.5 acres of land to the City of New at a cost equal to the administrative cost of the conveyance.
2. Section 1(b) requires the City use the parcel for economic development purposes.
3. Section 1(b)(1) includes a reverter clause if the City of New Haven does not use the land for economic development purposes.
4. Section 1(b)(2) and Section 1(b)(3) permit the sale or lease of the land with any funds received by the City of New Haven be transferred to the State Treasurer for deposit into the Special Transportation Fund.
5. The deed description is consistent with the DOT release map.

The Public Act Language is as follows:

Section 1. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the city of New Haven a parcel of land located in the city of New Haven, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately 4.5 acres and is identified as the parcel of land located at 101 College Street, bounded by Church Street, Martin Luther King Jr. Boulevard, College Street and South Frontage Road, and further identified as a portion of the parcel on the map entitled "Connecticut Department of Transportation, Bureau of Highways, Right of Way Map, Town of New Haven, Oak Street Connector, From Howe Street Easterly to the Connecticut Turnpike, dated February 20, 1975, Map Number 92-10, Sheet No. 2 of 3. " The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The city of New Haven shall use said parcel of land to be conveyed for economic development purposes. If the city of New Haven:

- (1) Does not use said parcel for said purposes;
- (2) Does not retain ownership of all of said parcel, except for a sale of said land for economic development purposes; or
- (3) Leases all or any portion of said parcel, except for a lease for economic development purposes, the parcel shall revert to the state of Connecticut. Any funds received by the city of New Haven from a sale or lease of said parcel for economic development purposes shall be transferred to the State Treasurer for deposit in the Special Transportation Fund.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

In addition to meeting the statutory components of the conveyance, the deed also stipulates the following:

- Together with any rights, title or interest the State of Connecticut (D.O.T.) has or may have in portions of the former Oak Street, Factory Street, Congress Street, Temple Street and Hill Street, as more particularly shown on said map.
- The State of Connecticut, for itself, its successors and assigns waives and relinquishes all rights of enforcement for the former non-access highway line of Present Reverend Dr. Martin Luther King Jr. Boulevard (Formerly North Frontage Road) and Present South Frontage Road, as more particularly shown on said map.
- All rights of Ingress and Egress which were specifically denied, and the right excepted to the State of Connecticut to designate access approaches, as stated in a Quit Claim deed from the

State of Connecticut to the City of New Haven (City of New Haven land records Volume 2134, Page 345) are hereby released for the parcel of land shown on this map. The release of these rights is strictly limited to the depicted release area.

- Reserving unto the State of Connecticut, its successors and assigns forever, a full and perpetual easement for existing utilities under, over and across portions of the premises herein conveyed, as more particularly shown on said map.

Staff asked DOT to clarify the following issues:

1. Please clarify if the scrivener's errors in the "Recorded Date" column (incorrect date format) on page 2 of the QC Deed need to be corrected (see attached).
2. Please clarify if the incorrect date in the "Recorded Date" column on page 3 (Grantor - Alcibiades G. Heris) of the QC Deed should be corrected to read 12/18/1956 (from 12/18/1958).
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4. On page 4 of the quit claim deed adds four paragraphs not referenced in Special Act 15-1(1). Three of the four paragraphs release the State's Rights and the fourth paragraph reserves the State's Rights. Please clarify if these four paragraphs expand, or go beyond, the legislation as approved by the Legislature and signed into law by the Governor.
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RECOMMENDATION: Pursuant to a June 11, 2019 email from DOT's Supervising Property Agent, Melanie Fadior, Staff recommend **return** of this file to DOT.



5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER - NEW BUSINESS

PRB # 19-179
Origin/Client: DCS/ECSU
Transaction/Contract Type AE / Task Letter #4A
Project Number: BI-RW-338A & 338B
Contract: OC-DCS-ROOF-0030
Consultant: Hoffman Architects, Inc. (HAI)
Property Windham, Windham St (83) – ECSU
Project purpose: Burnap & Crandall Hall Roof Replacement & Masonry Restoration
Item Purpose: Task Letter #4A

PROPOSED AMOUNT: \$2,395

This project was bid as one construction project in February 2019 with a closing date of March 14, 2019. All bids came in above the two-million-dollar threshold needed for the Agency to administer the project. After review of options to keep the project moving forward and meeting a stringent summer construction schedule, it was determined that the best way to keep the project moving forward would be to bid the project as two separate packages. The project was rebid with a Bid Opening date scheduled for April 18, 2019.

TASK LETTER #4A – The Department of Construction Services (“DCS”) has submitted to the Board Task Letter #4A which is intended to compensate the Consultant, for additional rebidding services for work to revise the drawings and the specifications to allow separate bidding.

Task Letter– Hoffman Architects, Inc. (Base Fee Task Letter #4)	Architect Base Fees (\$)	Special Services (\$)	Total Fee	Construction Budget (\$)	% of Budget
Investigation and Schematic Design Phase	9,900				
Design Development Phase	20,200				
Contract Documents	17,500				
Bidding	5,200				
Construction Administration	56,225				
HAI's BASE FEE TL #4	\$109,025			\$1,323,000	8.23%
TL #4A – Additional re-bid services (A1) (PRB File #19-179)	\$2,395				
HAI'S TOTAL BASE FEE (A)+(A1)	\$111,420			\$2,400,000	4.64%
Special Service Fees – Roof Cuts, Investigations & Field Inspec. Services (B)		\$8,230			
TOTAL SPECIAL SERVICES FEE (B)		\$8,230			
TOTAL PROJECT FEE (A) + (A1) + (B)			\$119,650	\$2,400,000	4.99%

Staff have requested clarification of the following issues:

1. Why DCS authorized the Consultant to proceed with the work when Section D of the underlying Consultant Contract OC-DCS-ROOF-0030 states "No work shall be performed until the Consultant receives the approved task letter."
This is an AA project and the original work has been approved under OC-DCS-ROOF-0030 Task 4. The submitted Task 4A is the additional bid service required when the project was separated into two separate projects to keep it under the University contracting threshold of \$2,000,000.00
2. Why should the Board approve this TL when the work is already completed (late March/early April)? The University's decision to proceed additional bidding service was to take advantage of the summer months, when the student were not around and better weather condition, for the start the roofing replacement. DAS was not made aware of the decision until afterwards by the University.
3. Clarify why the A/E Fee is at \$157,256 under the revised budget amount (SPRB Contract memo) while the total fees per both the TLs is \$119,650
This is a typographical error on my behalf, the correct A/E fee amount is \$117,255.00 per Task 4.

RECOMMENDATION: It is recommended that the Board approve this proposal.

At its July 11, 2019 meeting the Board reminded DCS not to approve/authorize consultant services, or permit a consultant to complete work before the Board has reviewed additional scope/compensation and provided approval as required by the Statute.

FROM PRB #17-250

PROJECT BRIEF– The Crandall and Burnap Hall Facilities were constructed in the 1970s and are identical buildings; each is multi-story structure covered with a low-slope gravel based bituminous membrane roof. The exterior walls of both buildings are clad in brick with precast concrete spandrels above aluminum framed windows. Both of these buildings serve as residence halls for first year students.

In general the scope of services for this project will include a first phase encompassing a review of existing construction documents, on-site investigations, exploratory testing and preparation of an existing conditions and investigation report. Once completed the report will provide various options and budgets for the masonry repair work as well as roofing systems. This phase will direct the consultant and ECSU on the scope of services for the roof design and masonry repairs. DCS has established the overall project budget and construction budget at \$1,584,500 and \$1,323,000 respectively.

In December 2016, SPRB approved Hoffman Architects, Inc. ("HAI") (PRB #16-282) as one of six firms under the latest *On-Call Roof Support Services Series* of consultant contracts. These contracts have a common expiration date of February 15, 2019 and have a maximum cumulative fee of \$500,000. HAI has been previously approved for the following tasks under this series:

• Task Letter #1	WCSU JE Smith Library Repairs	\$ 99,750 (Informal)
• Task Letter #2	SCSU Res. Hall Masonry Invest.	\$ 42,150 (Informal)
• Task Letter #3	QVCC Façade Renovation Project	\$ 15,000 (Informal)
TOTAL FEES		\$ 156,900

TASK LETTER #4 is subject to SPRB approval because the value of the task letter for the project will exceed \$100,000.

As detailed in the scope letter from HAI to DCS dated August 10, 2017 the scope is intended to compensate the Consultant for the following project scope:

- Completion of schematic through construction phase documents inclusive of an investigation program and preparation of an existing conditions study.
- Project bid phase services, probable cost estimate and scheduling reviews.
- The scope of work shall also limited contract administration including attendance at bi-weekly job meetings, RFI reviews and contractor payment reviews.
- The consultant shall also develop a PM Web portal for project information

As summarized in the following table, the consultant's *base fee* as a percentage of Construction Budget is as follows:

Task Letter– Hoffman Architects, Inc. (Base Fee Task Letter #4)	Architect Base Fees (\$)	Special Services (\$)	Total Fee	Construction Budget (\$)	% of Budget
Investigation and Schematic Design Phase	9,900				
Design Development Phase	20,200				
Contract Documents	17,500				
Bidding	5,200				
Construction Administration	+56,225				
HAI's BASE FEE TL #4	\$109,025			\$1,323,000	8.23%
Special Service Fees – Roof Cuts, Investigations & Field Inspec. Services (B)		\$8,230			
Total Project Fee			\$117,255	\$1,323,000	8.84%

RECOMMENDATION: It is recommended that SPRB approve Task Letter #4 whereas the basic service fee of \$109,025 is approximately 8.23% of the project construction budget and is generally consistent with the guideline rate of 11% for Group A Renovation Project.

7. OTHER BUSINESS

Shane Mallory, Administrator, DAS Leasing & Property Transfer provided the Board with an update regarding Tenant Improvements at 2 Courthouse Square in Norwich, approved by the Board under PRB File #19-012.

Chairman Greenberg and Board Members welcomed Mr. William Cianci to the Board.

8. VOTES ON PRB FILE:

PRB FILE #19-188 – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #19-188. The motion passed unanimously. Mr. Cianci abstained.

PRB FILE #19-179 – Mr. Berger moved and Mr. Valengavich seconded a motion to approve PRB FILE #19-179. The motion passed unanimously. Mr. Cianci abstained.

9. NEXT MEETING – Thursday, September 12, 2019

The meeting adjourned.

APPROVED: John Valengavich Date: 9/12/19
John Valengavich, Secretary

