

Draft

Minutes of the regular meeting of the Standing Building Committee held on August 11, 2020 via teleconference (postponed from August 4 due to storm)

Present: David DeMaio, James DeMaio, Jeff Hedberg, Daniel Lamberton, Will Thompson, Adam Tulin, Michael Tyre

Also present: Cliff Gurnham, Director of Operations; Ted Sands, Board of Education; Jeff Donofrio, Town Counsel; Michael Sahn, ECG

David DeMaio called the meeting to order at 7:00 p.m.

1. Approval of minutes of regular meeting of July 7, 2020. On motion made by Mr. Tulin, and seconded by Mr. Hedberg, the Committee voted unanimously to approve the minutes of the regular meeting of July 7, 2020 as submitted.

2. Public Comment. There was no one present for public comment.

3. Discuss for possible action options to include in project specifications to insure improved adherence of a contractor to the completion deadline for a project. Mr. DeMaio provided background on when discussion started among the Standing Building Committee members about options to include in project specifications to insure improved adherence of a contractor to the completion deadline for a project. An issue has arisen with Johnson Controls with completion of the Performance Contracting work on time. The Committee wanted to have a better understanding of the leverage available to hold a contractor to the timeframe agreed to in a contract. They would like to understand who has the authority to act if there is a problem and what process should be followed if a problem develops.

Mr. Thompson questioned if it was possible to offer incentives as a part of a contract to encourage adherence with a project timeframe.

Mr. Donofrio noted that, generally any time related requests are included up front with the bidders. The contract can also include liquidated damages but those need to represent a reasonable estimate of what the owner would include if a project is not completed on time.

Mr. Donofrio noted that he is not aware of any conversation about providing for incentives but, since this is a municipality, there could be some concerns about offering incentives for a municipal project.

Mr. Donofrio noted that every project is unique and he is not always involved in the front end of all bid documents.

Mr. Gurnham noted that he had forwarded a copy of the Town's standard front end section of a contract to the Committee members. David DeMaio commented that he felt the Town's contract was weak for holding a contractor to adherence of a contract timetable. As the Standing Building Committee

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Chairman he would like to understand if it is the responsibility of the Committee to take action allowed to keep a contractor on schedule.

Mr. Gurnham noted that most of the Board of Education projects have a timetable of 2 -3 months so generally the project focuses on a substantial completion deadline. The only recent project that has been a problem is the JCI Performance Contracting contract, which was a particularly large contract.

In response to a question by Mr. Hedberg, Mr. Donofrio noted that the contract for the new high school included a deadline and the Town put the contractor on the hook for a substantial completion date. He does not recall any time recently when he was called to lean on a contractor to get a job completed on schedule.

Mr. Donofrio noted that the responsibility of the SBC is to be the eyes and ears for the Town on facility building and construction projects. If they have a concern, they should notify the Town and the Town will make a decision on any action that should be taken.

Mr. Sahm commented that he believes the Town's contract language is usual.

Mr. Tyre suggested that the contract include a request for a schedule which includes critical milestones as determined by the Town, to be submitted with the bid, with penalties included for deviation.

Mr. Donofrio noted that Connecticut law provides that any payment withheld can only be to compensate the Town for damages or for negligent work. Five percent is the maximum that can be held as per State law. An owner must follow the definition of default when withholding payment.

In response to a question regarding calling a surety bond, Mr. Donofrio noted that a Performance Bond exists to provide coverage when a principle defaults. To call a performance bond the owner needs to notify the contractor and provide adequate time for them to correct their fault. The surety bond comes into play when a contractor is not capable of finishing a job. Calling a bond should be a last resort option. The last thing a contractor wants is to have their bond called. There have not been many issues with this in Guilford

Mr. Donofrio noted that Guilford has strong language in its contract regarding a project schedule. He suggested that he talk to Pam Millman about possibly including language about the schedule in the front end portion of the contract. The Committee members agreed and Mr. Donofrio agreed to discuss this with Ms. Millman.

David DeMaio suggested that the Committee members might want to have further discussion at a future meeting about the role and responsibility of the Committee on projects. The members rely heavily on the input of Mr. Gurnham and perhaps consideration should be given to having more "boots on the ground input" on specific projects. Mr. Gurnham offered his service to take any Committee member through a project first hand to provide additional information and first-hand knowledge.

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4. Revisions to agenda as appropriate. There were no revisions to the agenda necessary.
5. Discuss for possible action update on Performance Contracting.

5.A **General PC Work.** Mr. Gurnham noted that at a prior meeting the Committee had been advised that the original plan under Performance Contracting was to place solar at the Town Public Works Building but it was discovered that this location would not work so they began looking at alternative locations for this portion of solar to be included as part of the Performance Contracting program. The alternate location is important to be able to provide the energy off set benefits that were lost when the solar project could not be completed at the Public Works Department. The most viable options are additional roof areas at Melissa Jones and Baldwin Middle School and possible layouts for these two sites were reviewed. These portions of the roofs would need to be resealed to provide 15 year warranties. He noted that, at this point, funding is still available but there is no guarantee that a project will be funded.

At the July meeting the Committee voted to indicate the support of the Committee members for moving forward with solar projects at Melissa Jones and Baldwin Schools and were comfortable that the potential savings were worth moving forward with these projects and the Committee also supported the Town re-filing for new grants under the solar program contingent upon written receipt from the State regarding approval of the solar grants for these projects.

Mr. Sahm was present with updated diagrams of locations for additional solar. He noted that the proposed additional locations will work but are not necessarily optimal. He also noted that use of these areas could possibly impact the warranty for the roof. Mr. Sahm also explained that installing solar on the existing roof will reset the date for being eligible for funding for the installation of a new roof. For Melissa Jones this would not be a big re-set since this is a 2019 roof. Options moving forward are to proceed as laid out on the diagram and move onto the next level or say no and get concessions from JCI or look for other locations.

Mr. Sands commented that it appears that it makes sense to move forward with the Melissa Jones diagram proposal since this is a relatively new roof.

Mr. Sahm reviewed diagrams of possible solar panels at Baldwin, installed on the 2006 EPDM roof. Since this roof is older, JCI had offered to seam and re-seal the roof when the panels go up before putting down the new solar system. If this work is done in 2020, the roof will only have a few years left in its life cycle of 20 years. This proposal is more of a gamble. Another option is to pursue a ground mounted system which would involve the loss of some storage area. The general agreement was to avoid moving forward with the Baldwin roof project but to instead look more into a ground mounted system at other locations. The Committee members were in agreement not to move forward with the Baldwin Middle School proposal as an additional location for roof solar panels.

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In response to a question about what would happen if only the Melissa Jones proposal is accepted, Mr. Sahm noted that the contract basis might be adjusted.

After discussion, on motion made by David DeMaio, and seconded by Mr. Thompson, the Committee voted unanimously to recommend that JCI move forward with further investigation into the installation of additional solar units on the Melissa Jones School roof as a substitute for a solar project originally proposed for the Public Works Department, to move this project into the next phase which includes investigation into use of grant funds and to decline the proposal for additional solar units at Baldwin Middle School.

5B Baldwin Boiler PC Work. Mr. Sands commented that the incorrect piping work for the Baldwin boiler should be corrected before the heating season begins. The current arrangement is not acceptable.

The Committee members were in agreement that the contractor should be directed to correct the piping to the pumps to the Baldwin Middle School boiler prior to the full day school start-up date of October 15th.

6. Update for possible action GHS Stadium Turf Field and Track. Mr. Gurnham noted that the engineer is working on a design and they should have a presentation for the September Standing Building Committee meeting along with a cost estimate.

7. Discuss for possible action update on HVAC Upgrades at Melissa Jones School. Mr. Gurnham noted that the contractor is working on installing the air handlers and heat pumps. Some time was lost with the loss of power from the storm last week.

8. Discuss for possible action proposal for architectural and engineering services for Melissa Jones Elementary School Partial Window and Door Replacement Project. Mr. Gurnham noted that the architect is putting together the final specifications and plans with the abatement included and this should be presented to the Standing Building Committee at their September meeting.

9. Discuss for possible action engineering proposal for the Melissa Jones Elevator Modernization and Upgrade Project. Mr. Gurnham shared a letter from Silver/Petrucci submitting a proposal for architecture and engineering services related to the proposed elevator system replacement and upgrade at Melissa Jones School. He explained that they are no longer able to obtain parts for the current elevator. The primary goal of this project is to provide a modernized elevator system including as large a cab as possible with new machinery and controls. They will likely be utilizing the existing lobby frames and thresholds and designing the system to conform to the Connecticut Building Code, the Americans with Disabilities Act and the Uniform Federal Accessibility Standards. Silver/Petrucci is from the on-call list. The proposal is for \$18,000 to cover construction documents through the bid phase and Construction Administration.

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On motion made by David DeMaio, and seconded by Mr. Lamberton, the Committee voted unanimously to recommend that the Architecture/Engineering Services Proposal for the Elevator System

Replacement at Melissa Jones Elementary School from Silver/Petrucci and Associates be accepted for a service fee of \$18,000 as outlined in their proposal of May 5, 2020.

11. Discuss for possible action HVAC Phase II Upgrades at Baldwin Middle School. Mr. Gurnham noted that the main goal is to complete the Phase I work in the general spaces including classrooms, bathrooms and hallways as the priority. Once this is completed the contractor will shift to the secondary areas. Any work will not interfere with areas where students will be located. The system will not be up and running prior to the initial start of school but they are targeting an October 15 date for start-up.

Mr. Gurnham noted that an estimate of \$13,899 for September has been obtained from Herc Rental to supply units needed for heating, cooling and ventilation until the Baldwin system is completed. Given the Covid situation it will be especially important to have good ventilation. The Town will supply diesel fuel needed to run the units which will most likely be needed through September and into October. The August price includes a labor and delivery charge so the cost will be less for the second month of rental.

On motion made by David DeMaio, and seconded by Mr. Lamberton, the Committee voted to approve the rental of units needed to provide heating, cooling and ventilation as needed at Baldwin Middle School from Herc Rental for a cost of \$13,899 for the month of August and for September and October to be billed as needed. David DeMaio, James DeMaio, Mr. Hedberg, Mr. Lamberton, Mr. Thompson and Mr. Tyre voted in favor of the motion and Mr. Tulin abstained.

Mr. Gurnham noted that a change order is expected to be received from the contractor working to make the old VAVs fit since the new ones are deeper and wider. He will have a field report on the project at the next SBC meeting.

Mr. Gurnham noted that, at the request of the Committee, he followed up with Sav-Mor regarding adding the OH&P to Change Order #1 for the Baldwin project. Their response was provided in an e-mail sent to Committee members on August 5th and this explanation was acceptable to the Committee. He noted that this change order was signed off by the Silver/Petrucci Engineer.

On motion made by David DeMaio, and seconded by Mr. Lamberton, the Committee voted unanimously to approve Change Order #1 for a credit of \$142,619 following an evaluation of the Baldwin Middle School HVAC project for duplication or overlap between the control work and the energy performance contract work and the discovery of areas that would generate a savings of \$142,619.

12. Update on design of BOE offices at 595 New England Road. Mr. Gurnham noted he had sent out the revised plans and specifications for the 595 New England Road project for the Committee

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member's review. He noted that there might be a possible upgrade to the EMME system to allow for a thermostat for each individual room.

13. Update on Baldwin Middle School Kitchen Renovation. Mr. Gurnham noted that he and the Director of Dining Services are still working on meeting to work on the conceptual drawings for the Baldwin Kitchen renovation.

14. Update on District Wide Interior Door and Lock Project. Mr. Gurnham noted that he had sent out a change order from Millennium Builders for \$1,585.26 for materials for an additional door at Calvin Leete that was not included in the original proposal. Board of Education staff will do the installation of the additional door on Wednesday or Thursday. He noted that he anticipates that a proposal for the door replacement at Melissa Jones and Guilford Lakes will be available for consideration at the September meeting.

On motion made by David DeMaio, and seconded by Mr. Tulin, the Committee voted unanimously to approve a change order from Millennium Builders for \$1,585.26 for materials for an additional door that was not included in the original proposal for Calvin Leete School.

15. Discuss for possible action update on School Facilities Needs Assessment. Mr. Gurnham noted that Sightlines has done a good presentation on their preliminary report at a special Standing Building Committee meeting on July 21st. The next step will be to arrange for a presentation of a final report to the Board of Selectmen, Board of Finance, Board of Education and Standing Building Committee.

16. Chairman's report/Committee correspondence. There was no Chairman's report or Committee correspondence.

17. Approval of bills. On motion made by Mr. Tyre, and seconded by Mr. Tulin, the Committee voted unanimously to approve payment of an invoice From Sav-Mor for \$84,589.98 for final payment for contractor services for the Baldwin Middle School Phase I HVAC project.

On motion made by Mr. Hedberg, and seconded by Mr. Lamberton, the Committee voted unanimously to approve payment of an invoice dated 7/23/20 from Sav-Mor for \$141,265.00 for contractor services for the Melissa Jones HVAC Upgrades project.

On motion made by Mr. Thompson, and seconded by Mr. Tyre, the Committee voted unanimously to approve payment of an invoice dated 6/25/20 from Sav-Mor for \$244,957.00 for contractor services for the Melissa Jones HVAC Upgrades project.

On motion made by Mr. Tyre, and seconded by Mr. Lamberton, the Committee voted unanimously to approve payment of an invoice from Millennium Builders, Inc for \$53,113.86 for contractor services for the Adams Middle School Window Retrofit project.

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On motion made by Mr. Tyre, and seconded by Mr. Tulin, the Committee voted unanimously to approve payment of an invoice dated 6/30/20 from ARC for \$273.00 7 users of Skysite.

On motion made by Mr. Lamberton, and seconded by Mr. Tulin, the Committee voted unanimously to approve payment of an invoice from Silver/Petrucci for \$8,200.00 for 50% completion of construction documents Engineering Services for the 595 New England Road renovation project.

On motion made by Mr. Lamberton, and seconded by Mr. Hedberg, the Committee voted unanimously to approve payment of an invoice from Silver/Petrucci for \$957.75 for 5% of Construction Administration Baldwin Middle School ME Replacement Design Phase I project.

On motion made by Mr. Tulin, and seconded by Mr. Lamberton, the Committee voted unanimously to approve payment of an invoice from Sav-Mor for \$187,250.00 for contractor services for the Baldwin Middle School HVAC Upgrades Phase II project.

On motion made by Mr. Tulin, and seconded by Mr. Lamberton, the Committee voted unanimously to approve payment of an invoice from Silver/Petrucci for \$1,008.00 for the bid phase for the Baldwin HVAC Phase II project.

On motion made by Mr. Tyre, and seconded by Mr. Hedberg, the Committee voted unanimously to approve payment of an invoice from Sightlines for \$2,978.50 for continued work on the School Facilities Needs Assessment project.

On motion made by Mr. Lamberton, and seconded by Mr. Thompson, the Committee voted unanimously to approve payment of an invoice from Antinozzi and Associates for \$4,537.50 for architect services for the Melissa Jones School HVAC Upgrades project.

18. Old business. There were no items discussed under old business.

19. New business. There were no items discussed under new business.

20. Executive session as needed. There was no executive session.

On motion made by Mr. Tulin, and seconded by Mr. Lamberton, the Committee voted unanimously to adjourn the meeting at 9:35 p.m.

Terry Holland-Buckley
Clerk