

**DYIMS
BUILDING COMMITTEE MEETING MINUTES**



PROJECT: Dennis Yarmouth Intermediate MS
LOCATION: Virtual Meeting

MEETING DATE: March 22, 2021

ATTENDEES:

- | | | | | |
|-------------------------|--|---|---|--|
| Bldg. Committee: | <input checked="" type="checkbox"/> Joe Tierney (JT) | <input checked="" type="checkbox"/> Sandra Cashen (SC) | <input checked="" type="checkbox"/> Robert Ciavarra (RC) | <input checked="" type="checkbox"/> <i>George Davis (GD)</i> |
| | <input checked="" type="checkbox"/> James Dykeman (JD) | <input checked="" type="checkbox"/> Carol Woodbury (CW) | <input type="checkbox"/> Chris Flanagan (CF) | <input checked="" type="checkbox"/> Mike Bovino (MB) |
| | <input type="checkbox"/> <i>Daniel Knapik (DK)</i> | <input checked="" type="checkbox"/> <i>Ann Knell (AK)</i> | <input checked="" type="checkbox"/> <i>Eric Tolley (ET)</i> | <input checked="" type="checkbox"/> Tim Blake (TB) |
| | <input checked="" type="checkbox"/> Jenifer Legge (JL) | <input checked="" type="checkbox"/> Phillip Morris (PM) | <input type="checkbox"/> <i>Michael Nardone (MN)</i> | <input type="checkbox"/> Laurie Crosbie (LC) |
| | <input checked="" type="checkbox"/> Greg Rounseville (GR) | <input checked="" type="checkbox"/> Will Rubenstein (WR) | <input checked="" type="checkbox"/> Curt Sears (CS) | <input checked="" type="checkbox"/> <i>Cleon Turner (CT)</i> |
| PMA: | <input checked="" type="checkbox"/> Chad Crittenden (CCr) | <input checked="" type="checkbox"/> Walter Hartley (WH) | <input checked="" type="checkbox"/> Mitch Miller (MM) | <input checked="" type="checkbox"/> Mark Adrean (MA) |
| | <input type="checkbox"/> Jon Pope | | | |
| PE (Designer): | <input type="checkbox"/> Robert Bell (RB) | <input checked="" type="checkbox"/> Daniel Colli (DC) | <input type="checkbox"/> Russell Higgins (RH) | <input checked="" type="checkbox"/> Andrew Hazelton (AH) |
| | <input type="checkbox"/> Pam Perini (PP – Security Consultant) | | | |
| Traverse (Site): | <input type="checkbox"/> Kris Bradner (KB) | <input type="checkbox"/> John Luca (JL) | <input type="checkbox"/> Justin Robertshaw (JL) | |
| Guests: | <input checked="" type="checkbox"/> Jeff Hazelwood | <input type="checkbox"/> Pat Tompkins | <input type="checkbox"/> Lyle Cofflin | |
| | <input type="checkbox"/> Peter McNulty | <input type="checkbox"/> David Fontaine | <input type="checkbox"/> Eileen Whalen | |
| | <input type="checkbox"/> Nasra Nimaga | <input checked="" type="checkbox"/> Gary Barber | <input type="checkbox"/> John Connelly | |
| | <input type="checkbox"/> Leah Schroeder | <input type="checkbox"/> Dan Broyles | | |

GENERAL

Item	Action/Due	Notes
01/16:01	SBC Monthly	Call to Order: – Roll Call: 03/22/21: Meeting was called to order at 4:31 PM by Joe Tierney with 16 voting members present.
01/16:02	SBC Monthly	Approval of Minutes: MOTION: Incorrect file was sent to the committee. Minutes from 11/19/2020 will be voted for approval at next meeting. DISCUSSION: none. VOTE: N/A

DESIGN & CONSTRUCTION

Item	Action/Due	Notes
01/16:03	SBC Monthly	Overview of Meeting Agenda: Update 03/22/2021: PMA reviewed the meeting agenda.
01/06:04	PMA Monthly	Master Project Schedule: Update 03/22/2021: No update: Contract packages are being prepped and ready to go. The timeline supports moving into the new building January of 2023.
2/13.01	PMA Monthly	Focus Group Updates: Update 03/22/2021: No focus groups were held since the last SBC meeting.

PROJECT BUDGET

Item	Action/Due	Notes
2/13.02	PMA Monthly	Procurement Updates: Update 03/22/2021: CCr reviewed the bid results. Estimated construction budget was \$93.74M. 5 bids were received. CTA, Commodore, Agostini, Brait, and Fontaine. Schedule of alternates was reviewed. Alternate 1: Concrete curbs switched to granite curbs. Alternate 2: Sod instead of seed. Alternate 3: Traffic light. Alternate 4: deleted an athletic field. No alternates need to be taken due to bid price savings. PMA is seeking a vote to award the contract to the lowest responsible bidder. PMA cannot give a specific recommendation. CTA was the low bidder at \$83,300,000. JT asked if anyone had any questions. CS and SC were thanked for their efforts during the prequalification. District council Peter McNulty is on the call. Cleon T asked about the litigation numbers and how they compare to the other bidders. Council

		<p>responded that the district can only extrapolate based on the slides presented. CW stated that the number of demands for direct payment caught her attention and asked PMA for an explanation of this. CCR explained why a subcontractor would demand direct payment from a GC. PM confirmed that demands for direct payment from the subcontractors did happen on previous town projects. CT asked if the same information for the other contractors can be examined. CCR explained that information cannot be shared until after the committee has determined whether CTA is responsible. WR is frustrated with reviewing numbers that have no context. WR asked for PMA to explain each line of data from the slide regarding CTA. PMA explained the data regarding CTA as presented on the slide. JT asked if there are any other questions. CW asked if Peter McNulty can explain the New legal proceedings. PMA explained that the legal cases total 44. Pending, concluded, and new cases combined. CT asked the council if someone from the AG office can explain how it is the committee is supposed to determine if a GC is qualified if the committee cannot see the data. PMA explained the vote is whether the lowest qualified bidder is responsible no qualified. All 5 bidders are qualified. JL stated that litigation could cost the taxpayers more money. PMA has worked with CTA on 3 projects. 2/3 went well. Carver ES was the most recent project and was successful. WR asked if PMA has ever seen a district not go with the lowest bidder when the second lowest bidder was within 1%. WR asked about the timeline for bid protest. PMA explained it takes about 1 month. WR stated that if CTA is not chosen the bid protest will not impact the project timeline. CT is sympathetic with not necessarily going with CTA but does not know that the other GCs will be any more responsible. GD asked 2 questions: 1 an e-mail was sent to him stating that something the committee had done was unfair. GD wants this to be addressed. 2 Was this company in litigation for repairs or for new construction. GD would like PMA to address this. PMA explained that CTA is not signatory to the Unions, so they feel as though they are often targeted due to that. PMA explained that new construction is less likely to result in litigation. GD asked if the committee could do their own independent research on the GCs. GD asked about CTAs failing score. The failing score was on a MSBA project. 8 out of 17 projects were schools. JL asked if PMA has worked with the other 2 low bids. CCR explained PMA has not worked with commodore but has worked with Bacon, Brait, and Fontaine. CS asked to make a motion that CTA is not responsible. CW second. CT asked if the committee votes yes on this motion and commodore is worse, can the committee go back to CTA. PMA explained that it is a one-way street. GB asked when PMA evaluated the contractors how CTA compared to the rest of the contractors. PMA is not allowed to provide a comparative analysis. GD asked if the committee could table the vote and allow people to do more research first? Cleon T stated that the vote could be tabled, and GD can share his findings with the committee without discussion and it does not violate law. Peter M reminded the committee that any type of comparative analysis would be problematic down the road. JT stated that there is a motion and a second on the table. Jenn L asked about the alternate pricing. PMA responded alternates 1-3 keep the same order. If alternate 4 is taken, then bacon becomes #2 and Commodore #3. Curt commented that if the vote is tabled people will do their own research. Gary Barber stated that he was on the pre qual committee for cape cod tech. He was advised by his OPM that you stand the chance of protest if you disqualify a GC with a score above 80. JT asked for a vote on curret's motion that CTA is not a responsible bidder. Roll call vote:</p> <p>MOTION: CS asked to make a motion that CTA is not responsible.</p> <p>DISCUSSION: See above.</p> <p>VOTE: AK: Yes, GD: Yes, PM: No, JD: No, CT: Yes, CS: Yes, WR: Yes, GR: No, JL: No, MB: Yes, TB: Yes, SC: no, GB: no, CF: no, ET: No, CW: yes, JT: recuse/abstain. (9 no, 7 yes) CTA is determined responsible.</p> <p>MOTION: GR made the motion to recommendation to the school committee to award the contract to CTA. PM second.</p> <p>DISCUSSION: Curt reminded the committee that they are voting to make a recommendation to the school committee to award the contract to CTA. GD supports the new motion and believes that PMA will do a good job managing the GC.</p> <p>VOTE: AK: Yes, GD: Yes, PM: Yes, JD: Yes, CT: Yes, CS: No, WR: Yes, GR: Yes, JL: Yes, MB: No, TB: No, SC: Yes, GB: Yes, ET: Yes, CF: Yes, CW: Yes, JT: Abstain. 13,3,1</p>
01/06:09	SBC Monthly	<p>Key Dates/Next Steps: Update 10/29/2020: 22Sep20: 60% Design Submission to MSBA 20Nov20: 90% Design Submission to MSBA 13Jan21: 100% Construction Documents Complete</p>

		14Jan21 -> 17Feb21: Bidding (added one week to durations due to holiday) Update 03/22/2021: 16Mar21 -> 01APR21: Contracts executed & construction permitting (SWPPP, NOI, CGP permitting, etc.) Building substantially complete Oct 14, 2022. Ready for occupancy January 2 nd , 2023.
07/09:01	SBC Monthly	Cashflow Update: Update 03/22/2021: Paid to date \$7.025M, Cashflow will increase when construction starts. PFA bid amendment will be next milestone. A Schedule of values will be reviewed with the GC.

MISCELLANEOUS

Item	Action/ Due	Notes
3/5.01	SBC Monthly	New Business: Update 03/22/2021: JT asked for new business from the committee: WR expressed his condolences about the loss of Ken Jenks. Technical Review committee: PMA would like to make a recommendation for a 3-person review committee to expedite the execution of potential change orders. WH explained how and why this committee will be formed. JT asked if we need those three persons to be recommended and voted at the next meeting (yes). CS is interested in being on that TRC as well as Gary Barber.
2/13.03	Record	Public Comment/Questions: Update 03/22/2021: Public comment: none
01/06:10	Record	Adjournment: Update 03/22/2021: MOTION: to adjourn made at 6:06PM by PM, second by CS. DISCUSSION: None. VOTE: 17 in favor, 0 against, 0 abstain. The motion carries. Next Meeting date: TBD

PMA Consultants assumes, to the best of our knowledge, that the above content of these Meeting Minutes depicts all that transpired during this Project meeting. All attendees are required to address by memo or via e-mail, any omissions, errors or inconsistencies in the reporting of these Meeting Minutes, to the writer, within two (2) business days of receipt of these Meeting Minutes.

PREPARED BY: Mark Adrean, PMA Consultants LLC

DATE: March 24, 2021