



# DENNIS-YARMOUTH SCHOOL PROJECT

THE DYIMS SCHOOL BUILDING  
COMMITTEE

June 10, 2021

# AGENDA

## Estimated Time Frame

- |             |   |           |
|-------------|---|-----------|
| <b>I.</b>   | <b>Chair Joseph Tierney</b><br>Call to Order  | 4:30 P.M. |
| <b>II.</b>  | <b>Approval of Prior Meeting Minutes</b><br>Discussion<br>Motion and Second Needed<br><b>Vote</b> to Approve  | 4:30 P.M. |
| <b>III.</b> | <b>Overview of Meeting Agenda</b><br>Joe Tierney – SBC Chair  | 4:35 P.M. |
| <b>IV.</b>  | <b>Construction Update</b><br>a. Progress Photos<br>b. Schedule / Cashflow  | 4:40 P.M. |
| <b>V.</b>   | <b>New Business</b><br>a. Procurement Update<br>i. Update on Glass & Glazing Bid Protest<br>b. Technical Review Committee<br>i. Review Process<br>ii. VOTE to Approve Process and SBC Representatives<br>c. Perkins Design Proposal for Turf Field<br>i. Discussion and VOTE to Authorize Design<br>d. Verizon Right of Way for New Utility Pole<br>i. Discussion and VOTE<br>e. Bid Savings Discussion (required for MSBA PFA Bid Amendment)<br>i. Discussion and VOTE to Shift Bid Savings to from Construction Budget to Contingency | 4:40 P.M. |
| <b>VI.</b>  | <b>Meeting Adjournment</b>  | 5:30 P.M. |



# CONSTRUCTION PROGRESS PHOTOS





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# PROGRESS UPDATE

The seal of the Dennis-Yarmouth Regional School District is a circular emblem. It features a central illustration of a Native American figure holding a bow and arrow, with a fish below. The text "DENNIS - YARMOUTH REGIONAL SCHOOL DISTRICT" is written around the perimeter of the seal.

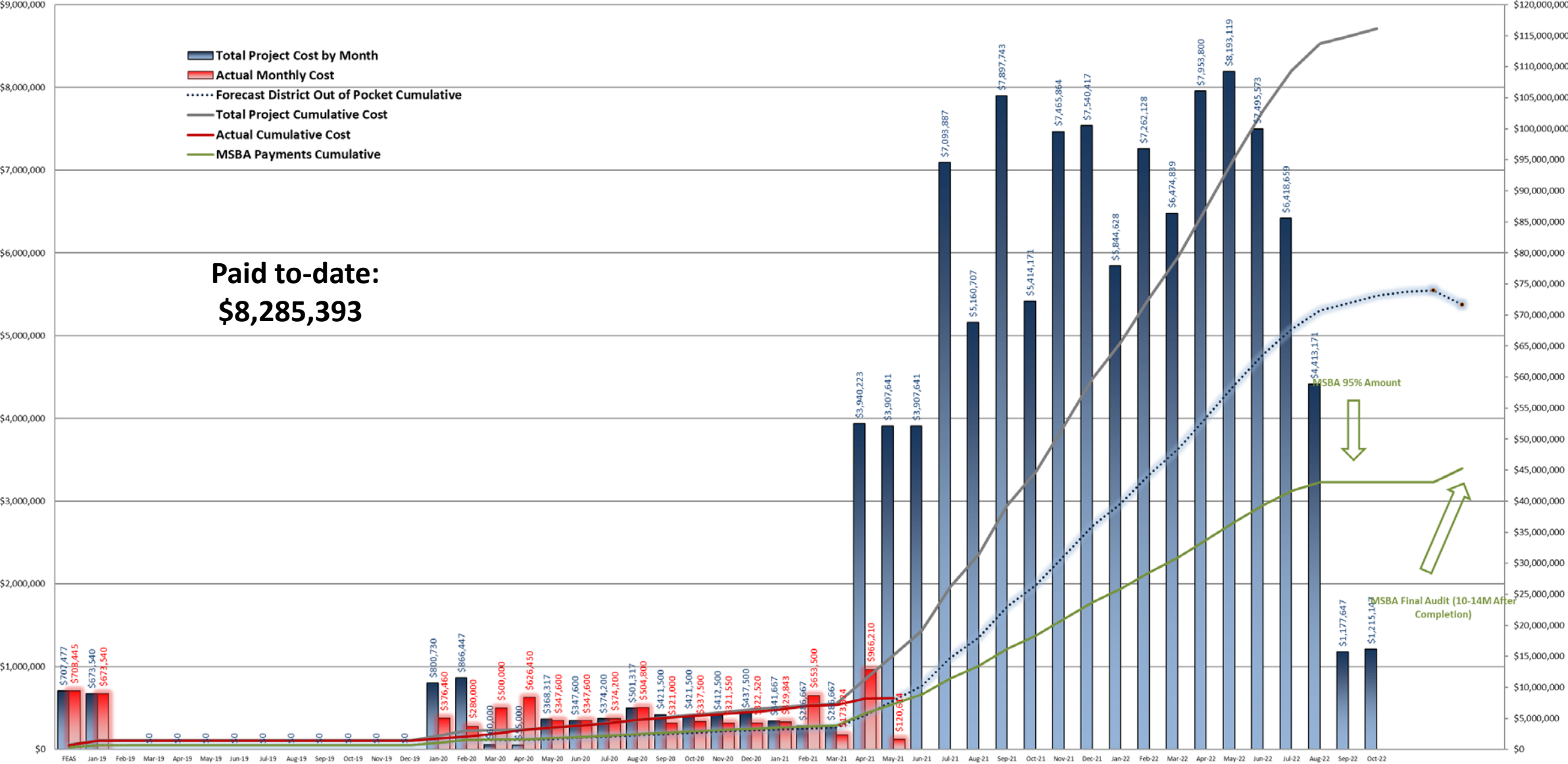
## COMPLETED ACTIVITIES

- Contracts
- Permitting
- Mobilization
- Temporary construction fence
- Tree removal
- Clearing and grubbing
- Long lead material submittals
- Create working pad for ground improvements at Building D

## LOOKAHEAD SCHEDULE

- Sitework
  - Continue with working pad prep for ground improvements
- Ground Improvements (RAPs)
- Site Utilities
- Foundations
- Install East Access Road


# PROJECT CASHFLOW







# CTA BID PROTEST



Pursuant to G.L. c. 149, § 44H, the Office of the Attorney General, through the undersigned, conducted an investigation to determine whether the Dennis-Yarmouth Regional School District (District) properly rejected the low General Contractor bid submitted by the Protestor, CTA Construction Managers, LLC (CTA), for its Intermediate School Project (project). CTA argues that the District abused its discretion when it rescinded its acceptance of CTA as a responsible bidder. The District reversed its decision based on newly-learned details of problematic projects recently completed by CTA. Two trade unions had presented this evidence to the District after it had initially accepted CTA's bid. CTA argues that the District succumbed to pressure from the unions, since, it alleges, the negative project information had already been available to the District prior to its acceptance of CTA's bid.

For the foregoing reasons, the protest is Denied. As noted, this matter is Remanded to the District which must evaluate whether Commodore has the relevant project experience and whether it complied with mandatory disclosure requirements in submitting its bid.

Respectfully submitted,

/s/ Deborah A. Anderson

Deborah A. Anderson  
Assistant Attorney General



# ELECTRICAL PROTEST

## Div 26

Annese Electrical Services Inc, 280 libbey industrial parkway,weymouth, MA 02189  
Wayne J. Griffin Electric Inc., 116 Hopping Brook Road,Holliston, MA 01746

## Electrical

|                    |    |              |
|--------------------|----|--------------|
| 26 0001 ELECTRICAL | \$ | 7,668,000.00 |
| 26 0001 ELECTRICAL | \$ | 7,770,000.00 |

### SUMMARY

Pursuant to G.L. c. 149, § 44H, the Office of the Attorney General, through the undersigned, conducted an investigation to determine whether the Dennis - Yarmouth Regional School District (District) properly accepted the low electrical filed sub-bid of Annese Electrical Services, Inc. (Annese) for its Intermediate Middle School Project (project). The Protestor, Wayne J. Griffin Electric, Inc. (Griffin), argues that Annese's bid was non-responsive because it listed a Paragraph E<sup>1</sup> sub-subcontractor, Johnson Controls (JCI), who will not, Griffin alleges, perform any construction labor on the project. Annese argues that JCI will in fact be providing construction labor including the installation of technical equipment and was therefore properly listed at Paragraph E.

attorney. More importantly, however, while a post-bid investigation by an interested party may shed some light on the validity of a Paragraph E listing, in the final analysis, it is the reasonableness of the *protested bidder's* pre-bid understanding that must be evaluated. In the two prior Bid Protests in which Annese challenged the validity of Griffin's Paragraph listings, *Annese v. Danvers, supra* and *Annese v. Natick, supra*, we held that Annese's post-bid investigations did not rise to the level of undercutting Griffin's *bona fide* listing of Paragraph E providers with whom Griffin had had previous working relationships. I reach the same result in the instant case and hold that Annese listing of JCI was *bona fide* and need not be rejected by the District.

For the foregoing reasons, the Protest is Denied.

Respectfully submitted,

/s/ Deborah A. Anderson

Deborah A. Anderson  
Assistant Attorney General

# GLASS & GLAZING PROTEST

## Div 08

Kapiloff's Glass, 5 Hoosac Streret,Adams, MA 01220  
A & A Window Products Inc, 15 Joseph street,Malden, MA 02148  
Aluminum & Glass Concepts Inc., 210 Andover Street,Wilmington, MA 01887  
Greenfield Glass, 52 River ST,Greenfield, MA 01301

## Glass and Glazing

|                           |    |            |
|---------------------------|----|------------|
| 08 0002 GLASS AND GLAZING | \$ | 123,200.00 |
| 08 0002 GLASS AND GLAZING | \$ | 205,300.00 |
| 08 0002 GLASS AND GLAZING | \$ | 222,168.00 |
| 08 0002 GLASS AND GLAZING | \$ | 349,218.00 |

## Project Specification:

### 1.8 Quality Assurance

B. Installer Qualifications: A qualified Glass and Glazing Contractor for this Project who is certified under the North American Contractor Certification Program (NACC) for Architectural Glass & Metal(AG&M)contractors and who employs glazing technicians certified under the Architectural Glass and Metal Technician (AGMT)certification programs.

could only be met by one contractor). I find that there was sufficient competition among the three NACC- and DCAMM-certified Glass contractors for this project.

Finally, Kapiloff's argues that it has the right to "substitute" its extensive experience in Glass work for the specifications' certification requirement. Kapiloff's cites G.L. c. 30, § 39M(b) as authority for this proposition. However, that statute is explicitly limited to the substitution of equivalent products or systems for proprietary products named in the specifications. It has no relevance to questions regarding the identity of the contractor.

**For the foregoing reasons, the bid submitted by Kapiloff's must be rejected.** The Protest is therefore Allowed.

Respectfully submitted,

/s/ Deborah A. Anderson

Deborah A. Anderson  
Assistant Attorney General





## PMA Consultants

35 Braintree Hill Office Park, Suite 300  
Braintree, MA 02184  
Tel: 781.794.1404  
Fax: 781.794.1405

### MEMORANDUM

**To:** Joe Tierney DYIMS School Building Committee Chair

**From:** Chad Crittenden, Owner's Project Manager, PMA Consultants

**Re:** DYIMS Mattacheese Project – Change Authorization Protocol

**Date:** 3/18/2021

**CC:** Perkins Eastman

SBC Chair Joe Tierney,

As you are well aware, the fast-paced nature of construction requires the Owner to provide timely Contract interpretations and decisions on a daily basis in order to mitigate additional unnecessary cost or time impacts which might otherwise jeopardize the overall success of a project. With this in mind, PMA is recommending the following protocol for consideration and vote of approval by the Dennis-Yarmouth Regional School District School Committee and the DYIMS School Building Committee (SBC).

1. The School Building Committee shall establish a three person Technical Review Committee (TRC) to oversee the process and make critical project related decisions during construction on a weekly basis. Based upon past experience with other similar projects, PMA recommends that the TRC be comprised of (1) a representative from the School District, (2) a representative from the School Building Committee and (3) a representative of the School District's Facilities department. Decisions by the sub-committee would be in accordance with the following process, and a simple majority approval by the TRC would be required in each instance.
2. The General Contractor (GC) shall provide advance notification of potential changes in the work as required by Contract. Immediately upon receipt of Change Order pricing from subcontractors, the GC will submit a Pending Change Order (PCO) for review by Perkins Eastman (Designer) and PMA (Owner's PM).
3. PMA will maintain a "real-time" log of all PCOs on the project. PCOs which propose to increase the Contract sum will be classified by PMA as either "discretionary" or "necessary." Perkins and PMA will independently review each PCO received and provide a recommendation to the project's TRC as to whether or not the change is warranted and priced appropriately.
4. PCOs which have been classified as "necessary" will be reviewed and signed by the GC, Perkins and PMA before they are forwarded to the TRC for final review and acceptance. Final acceptance of any PCO by the TRC shall constitute full and final authorization to proceed with the work in question.

# TECHNICAL REVIEW COMMITTEE



5. PCOs which have been classified as "discretionary," and are \$10,000 or less in cost, will undergo an identical review and signature process to the "necessary" PCO's as outlined immediately above.
6. PCOs which have been classified as "discretionary" and are for an amount exceeding \$10,000 will also be reviewed and signed by the GC, Perkins and PMA. However, an e-mail to the School Building Committee will be issued by PMA along with a copy of the proposed PCO, an explanation of the change, and a request for SBC members to notify the SBC Chair within 24 hours if they wish to place a "hold" on the authorization pending discussion and vote by the full School Building Committee at the next meeting. If no "hold" is requested by a member of the SBC within 24 hours, the TRC shall have full authority to either approve or reject the PCO.
7. A Change Order (CO) comprised of all authorized PCOs during the preceding period will be executed on a monthly basis and attached to the GC's monthly payment application. The Change Order will be reviewed and approved by PMA and Perkins prior to certification of the monthly payment application.

- Identify TRC Members
- Discussion & VOTE

# DISCRETIONARY CHANGES

## UPGRADE ROOF WARRANTY TO 30 YEAR

### Designer Recommendation

- Upgrade membrane to 80 mil feltback and 80 mil bareback at flashings and add fee to double warranty to 30 years - **Add \$66,477**

- Change roof system rating from FM-150 to FM1-90 - **Deduct \$20,000**

- Change 5/8" Dens-Deck Prime coverboard and thermal barrier to 1/2" coverboard and thermal barrier - **Deduct \$4,600**

- Upgrade membrane to 80 mil bareback for 100% field and flashings, add fee for 30 year warranty upgrade – **Add \$36,000**

**ACCEPT**

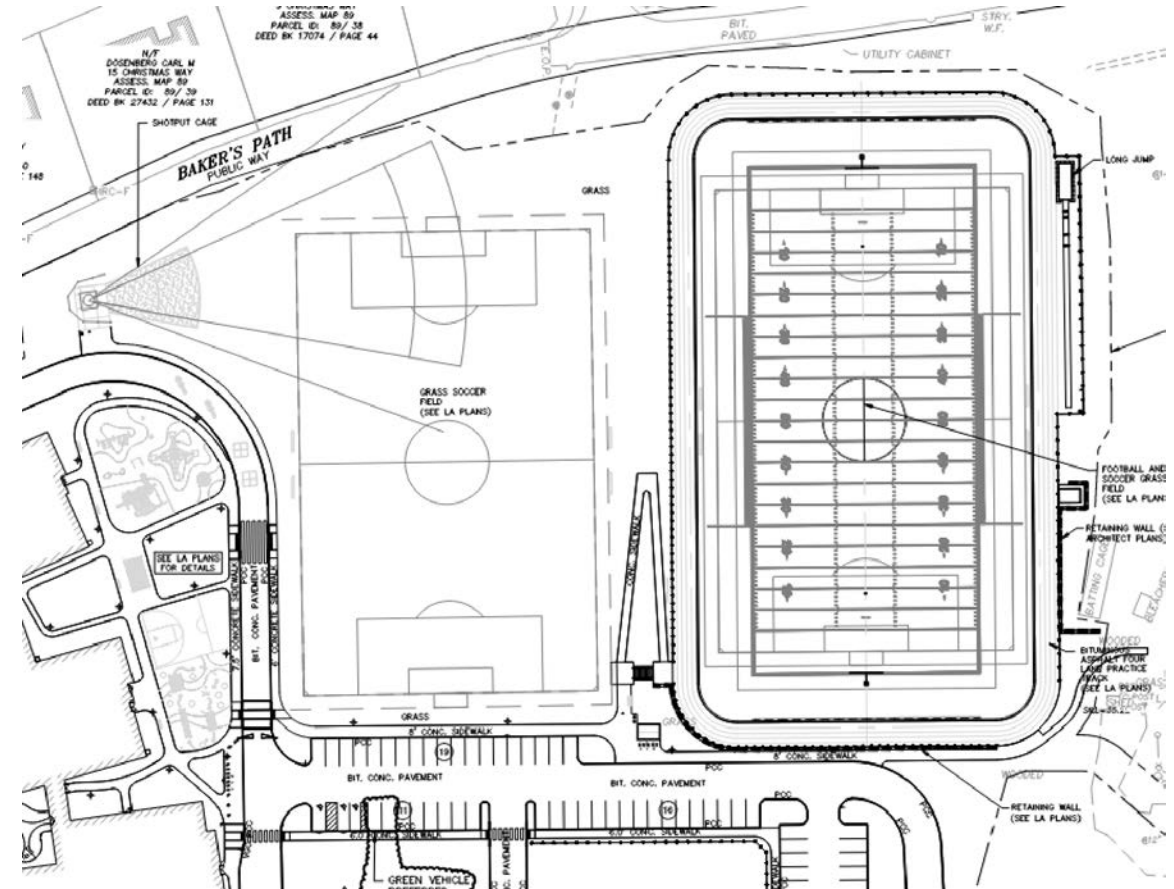
**ACCEPT**

Net Cost \$16,000 + GC Markups (~7%)



- **Landscape: Traverse**
- **Civil: CDW**
- **Irrigation: Aqueous**
- **Estimating: PM&C**
- **\$95,200 Design Cost**
- **Includes Both Fields**
- **Bid Documents, Specification & Estimates**
- **Revisions to Irrigation & Drainage as Necessary**
- **Bidding and CA Support**
- **Construction Cost TBD**

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# VERIZON RIGHT OF WAY



- **R.O.W. TABLED (may not be needed)**
- **Verizon engineering in process**



- PMA Overview of Process
- Reallocation of Bid Savings
- Discussion & VOTE

- New Business
- Public Comment Period
- Motion to Adjourn



**THANK YOU**



**PERKINS —  
EASTMAN**

Photo courtesy of TripAdvisor



# **DENNIS-YARMOUTH SCHOOL PROJECT**

**THE DYIMS SCHOOL BUILDING  
COMMITTEE**



**PMA Consultants**