

**DYIMS  
BUILDING COMMITTEE MEETING MINUTES**

**PROJECT:** Dennis Yarmouth Intermediate MS  
**LOCATION:** Virtual Meeting

**MEETING DATE:** March 25, 2021

**ATTENDEES:**

<b>Bldg. Committee:</b>	<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"/> George Davis (GD)
	<input checked="" type="checkbox"/> James Dykeman (JD)	<input checked="" type="checkbox"/> Carol Woodbury (CW)	<input checked="" type="checkbox"/> Chris Flanagan (CF)	<input checked="" type="checkbox"/> Mike Bovino (MB)
	<input type="checkbox"/> Daniel Knapik (DK)	<input checked="" type="checkbox"/> Ann Knell (AK)	<input type="checkbox"/> Eric Tolley (ET)	<input checked="" type="checkbox"/> Tim Blake (TB)
	<input checked="" type="checkbox"/> Jenifer Legge (JL)	<input checked="" type="checkbox"/> Phillip Morris (PM)	<input type="checkbox"/> Michael Nardone (MN)	<input checked="" type="checkbox"/> Gary Barber
	<input checked="" type="checkbox"/> Greg Rounseville (GR)	<input checked="" type="checkbox"/> Will Rubenstein (WR)	<input checked="" type="checkbox"/> Curt Sears (CS)	<input type="checkbox"/> Cleon Turner (CT)
<b>PMA:</b>	<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			
<b>PE (Designer):</b>	<input checked="" type="checkbox"/> Robert Bell (RB)	<input checked="" type="checkbox"/> Daniel Colli (DC)	<input checked="" type="checkbox"/> Russell Higgins (RH)	<input checked="" type="checkbox"/> Andrew Hazelton (AH)
	<input type="checkbox"/> Pam Perini (PP – Security Consultant)			
<b>Traverse (Site):</b>	<input type="checkbox"/> Kris Bradner (KB)	<input type="checkbox"/> John Luca (JL)	<input type="checkbox"/> Justin Robertshaw (JL)	
<b>Guests:</b>	<input checked="" type="checkbox"/> Jeff Hazelwood	<input checked="" type="checkbox"/> Pat Tompkins	<input type="checkbox"/> Lyle Cofflin	
	<input checked="" type="checkbox"/> Peter McNulty	<input checked="" type="checkbox"/> David Fontaine	<input type="checkbox"/> Eileen Whalen	
	<input checked="" type="checkbox"/> Nasra Nimaga	<input type="checkbox"/>	<input checked="" type="checkbox"/> John Connelly	
	<input checked="" type="checkbox"/> Leah Schroeder	<input type="checkbox"/> Dan Broyles	<input checked="" type="checkbox"/> Kait Johnson	
	<input checked="" type="checkbox"/> Joe Glynn	<input type="checkbox"/> Michael Roach	<input checked="" type="checkbox"/> Rachel Mills	
	<input checked="" type="checkbox"/> Tracy Post	<input checked="" type="checkbox"/> Jtranghese	<input checked="" type="checkbox"/> Tima Maclaurin	
	<input checked="" type="checkbox"/> Tim Crow	<input checked="" type="checkbox"/> Rich Lucht	<input checked="" type="checkbox"/> Joe Saracino	
	<input checked="" type="checkbox"/> Joe Albanese	<input checked="" type="checkbox"/> David Jolin	<input checked="" type="checkbox"/> CTA	

**GENERAL**

Item	Action/ Due	Notes
01/16:01	SBC Monthly	<b>Call to Order: – Roll Call: 03/25/21:</b> Meeting was called to order at 4:02 PM by Joe Tierney with 16 voting members present.
01/16:02	SBC Monthly	<b>Approval of Minutes:</b> <b>MOTION:</b> Incorrect file was sent to the committee. Minutes from 11/19/2020 will be voted for approval at next meeting. <b>DISCUSSION:</b> none. <b>VOTE:</b> N/A

**DESIGN & CONSTRUCTION**

Item	Action/ Due	Notes
01/16:03	SBC Monthly	<b>Overview of Meeting Agenda:</b> <b>Update 03/25/2021:</b> The agenda item is to determine if CTA is a responsible bidder.
01/06:04	PMA Monthly	<b>Master Project Schedule:</b> <b>Update 03/25/2021:</b> No update was provided.
2/13.01	PMA Monthly	<b>Focus Group Updates:</b> <b>Update 03/25/2021:</b> No focus groups were held since the last SBC meeting.

**PROJECT BUDGET**

Item	Action/ Due	Notes
2/13.02	PMA Monthly	<b>Procurement Updates:</b> <b>Update 03/25/2021:</b> Joe T opened the meeting with a review of recent events. Information was brought to the attention of the committee regarding CTA. The committee had a chance to review this new information. JT opened the meeting up for discussion. The agenda item is to determine if CTA is a responsible bidder. Discussion pertaining to the responsibility of CTA: WR wants to understand the definition of the word responsible. PMA explained that the AGO's opinion is that responsibility is at the discretion of the awarding authority. Definition from the statute of responsibility was given by Peter M. WR asked: to stay focused, "competent, workmanship, and financial soundness are the criteria for determining responsibility". GD is looking for clarity of the newly provided information. GD thinks CTA's rebuttal was

		<p>well worded. TB stated what he was read concerning. CS stated that the documents were lengthy. CS is more concerned about the recent (past 3 years) documents than he is the older documents. GR was impressed with CTA's response to the documents. GR mentioned only 1 DCAMM failing grade in the update statement. Another failing grade is currently being reviewed. CF asked what is the time frame in terms of deciding responsibility today? More time to digest all the information. JT would prefer to move this along. PMA stated this project is 190,000 sq ft, everyday does counts in terms of schedule. Another consideration: filed sub bids have to hold their bids for 30 days which ends today. TB asked if 1 failing grade could possibly be 2 failing grades? JT said that is his conclusion. CW repeated her comments from the last meeting. The amount of litigation is concerning. CW is very concerned about the number of direct payment claims. JT reached out to the Millbury School District. Has not received anything back yet. JT said that an 8-month project with CTA took 2 years to complete in Dedham. PM has 55 new pages of negative information and 91 pages of rebuttal from CTA. Peter M responded to Phil M regarding liability. The AGO states that DY is on reasonable ground to consider the decision of responsibility. Phil M would ask PMA about their working relationship with CTA. WR followed up on Phill M question. A lot of the committee members have spent 4 years to get to this point in the project. WR would like to get the opinions of PMA and Perkins Eastman. TB noted that problematic issues were listed. WR would like PMA and PE to say anything that they legally can say. Bob Bell mentioned that PE has CTA experience but not he nor Dan Colli have CTA experience. JD followed up on WR comments. At the high school project, the Turner Construction clerk of the works warned them of the issues that they would find with Alexandra. Phil M echoed some of JD's observations. Phil M is confident in the consultants to deliver a good project. Robert C has done OPM and Clerk work on much smaller projects. He is not surprised that \$100m jobs have arguments. SC voted for CTA but when she received the information, she felt that it was another high school type project all over again. CW asked if looking at the next lowest bidder (\$540,000) difference in bid price, would it be possible that you could run up bills just from constant turmoil? CW asked if this would be "penny wise and pound foolish?" CF asked if this committee finds CTA not responsible, is the provided information sufficient to back up the decision. CF is concerned about a dispute process. JT stated that it is up to the awarding authority to interpret the information as they see fit. GD asked about timeframe, he made the point that choosing the GC is the single most important decision of the project. If a few days could be bought to make a better-informed decision GD would prefer going this route. JL wanted to clarify that today is the last day for the filed sub bids. 30-day period for filed sub bids to hold their bid prices. CS stated that the second lowest bidders do not have to hold their bids either. CW asked PMA if CTA is determined not responsible, would the next lowest bidder information be reviewed? Yes. School committee has a meeting scheduled for tomorrow at 5 to rescind CTA approval and award the next lowest bidder if need be. JT would like to let CTA chime in and then more discussion can be had. Pat Tompkins of CTA spoke. An occupied phased renovation with Perkins Eastman was discussed. This was a successful project and CTA has a letter of reference from PE. Background on CTA was given. Pat T and Lyle C are two of the original founders. CTA decided not to re-sign with the labor unions. When CTA did this the unions started spreading packages of false information. Pat T believes CTA can provided the highest quality of workmanship. Of the items in the package the "cherry-picked" issues are sometime erroneous or false. Tahanto project had to go to arbitration. Pat T mentioned 32 successful MSBA projects. Open lawsuits mostly stem from the renovation of a 127-year-old building. DOT project got off to a challenging start. DOT did finish on a successful note. Staffing changes were made. CTA wants to reinsure the committee that this will be the best project DY and the cape have ever seen. CTA will utilize open shop subcontractors. JT asked for any questions regarding CTA. Phil M asked if the prevailing wage legislature applies to this job. Yes, prevailing wage rates apply. Any other discussion? WR made a motion to rescind the recommendation to the school committee to award to CTA. SC second. WR withdrew his motion after Peter M suggested clarity of the motion.</p> <p><b><u>MOTION:</u></b> WR motion to find CTA not responsible. CW second.</p> <p><b><u>DISCUSSION:</u></b> None.</p> <p><b><u>VOTE:</u></b> TB yes, SC yes, BC no, GB yes, GD no, JD yes, CF yes, MB yes, AK yes, JL no, PM no, GR no, WR yes, CS Yes, CW yes, JT abstain. (10,5,1)</p> <p><b><u>MOTION:</u></b> WR motioned to rescind the recommendation to the school committee to award the contract to CTA. CS second.</p> <p><b><u>DISCUSSION:</u></b> None.</p> <p><b><u>VOTE:</u></b> TB yes, SC yes, RC no, GB yes, GD no, JD yes, CF Yes, MB yes, AK Yes, Jen L No, PM yes, GR no, WR yes, CS yes, CW yes, JT abstain. (11,4,1)</p>
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01/06:09	SBC Monthly	<p><b>Key Dates/Next Steps:</b></p> <p><b>Update 10/29/2020:</b></p> <p>22Sep20: 60% Design Submission to MSBA</p> <p>20Nov20: 90% Design Submission to MSBA</p> <p>13Jan21: 100% Construction Documents Complete</p> <p>14Jan21 -&gt; 17Feb21: Bidding (added one week to durations due to holiday)</p> <p><b>Update 03/22/2021:</b> 16Mar21 -&gt; 01APR21: Contracts executed &amp; construction permitting (SWPPP, NOI, CGP permitting, etc.) Building substantially complete Oct 14, 2022. Ready for occupancy January 2<sup>nd</sup>, 2023.</p> <p><b>Update 03/25/2021:</b> No new update at this time.</p>
07/09:01	SBC Monthly	<p><b>Cashflow Update:</b></p> <p><b>Update 03/22/2021:</b> 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.</p> <p><b>Update 03/25/2021:</b> No new update at this time.</p>

#### MISCELLANEOUS

Item	Action/ Due	Notes
3/5.01	SBC Monthly	<p><b>New Business:</b></p> <p><b>Update 03/22/2021:</b></p> <p>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.</p> <p><b>Update 03/25/2021:</b> No new update at this time.</p>
2/13.03	Record	<p><b>Public Comment/Questions:</b></p> <p><b>Update 03/22/2021:</b> Public comment: none.</p> <p><b>Update 03/25/2021:</b> No new comments at this time.</p>
01/06:10	Record	<p><b>Adjournment:</b></p> <p><b>Update 03/22/2021:</b></p>

		<p><b><u>MOTION:</u></b> CS motioned to adjourn made at 5:48PM by PM, second by CF.</p> <p><b><u>DISCUSSION:</u></b> None.</p> <p><b><u>VOTE:</u></b> 15 in favor, 0 against, 0 abstain. The motion carries.</p> <p><b>Next Meeting date:</b> TBD</p>
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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:** April 06, 2021