

## DYIMS BUILDING COMMITTEE MEETING MINUTES



PMA Consultants

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

**MEETING DATE:** May 3, 2021

### ATTENDEES:

**Bldg. Committee:** ☒ Joe Tierney (JT) ☒ Sandra Cashen (SC) ☐ Robert Ciavarra (RC) ☐ George Davis (GD)  
☒ James Dykeman (JD) ☒ Carol Woodbury (CW) ☒ Chris Flanagan (CF) ☒ Mike Bovino (MB)  
☐ Daniel Knapik (DK) ☒ Ann Knell (AK) ☐ Eric Tolley (ET) ☒ Tim Blake (TB)  
☒ Jenifer Legge (JL) ☒ Phillip Morris (PM) ☐ Michael Nardone (MN) ☒ Gary Barber  
☒ Greg Rounseville (GR) ☒ Will Rubenstein (WR) ☒ Curt Sears (CS) ☒ Cleon Turner (CT)  
**PMA:** ☒ Chad Crittenden (CCr) ☒ Walter Hartley (WH) ☒ Mitch Miller (MM) ☐ Mark Adrean (MA)  
☒ Jon Pope  
**PE (Designer):** ☐ Robert Bell (RB) ☒ Daniel Colli (DC) ☐ Russell Higgins (RH) ☒ Andrew Hazelton (AH)  
☐ Pam Perini (PP – Security Consultant)  
**Traversal (Site):** ☐ Kris Bradner (KB) ☐ John Luca (JL) ☐ Justin Robertshaw (JL)  
**Guests:** ☒ Peter McNulty ☒ Rich Lucht ☒ Michael Roche ☒ Eileen Whalen

### GENERAL

Item	Action/Due	Notes
01/16:01	SBC Monthly	<b>Call to Order: – Roll Call: 05/03/21:</b> Meeting was called to order at 4:31 PM by Joe Tierney with 11 voting members present.
01/16:02	SBC Monthly	<p><b>Approval of Minutes:</b>  <b>MOTION:</b> Motion for the approval of the 11/19 minutes was made by CS. Second by JL.  <b>DISCUSSION:</b> None.  <b>VOTE:</b> MB yes, TB yes, CT yes, GR yes, CS yes, CW yes, JL yes, GB – abstain, SC yes, GB yes, JD yes (10 yes, 0 no, 1 abstain).</p> <p><b>MOTION:</b> Motion for the approval of the 3/2 minutes was made by JD. Second by CS.  <b>DISCUSSION:</b> None.  <b>VOTE:</b> MB yes, TB yes, CT yes, GR yes, CS yes, CW yes, JL yes, GB yes, SC yes, GB yes, JD yes (11 yes, 0 no)</p> <p><b>MOTION:</b> Motion for the approval of the 3/25 minutes was made by CS. Second by JD.  <b>DISCUSSION:</b> None.  <b>VOTE:</b> MB yes, TB yes, CT yes, GR yes, CS yes, CW yes, JL yes, GB – abstain, SC yes, GB yes, JD yes (11 yes, 0 no)</p>

### DESIGN & CONSTRUCTION

Item	Action/Due	Notes
01/16:03	SBC Monthly	<p><b>Overview of Meeting Agenda:</b>  <b>Update 03/25/2021:</b> The agenda item is to review the construction procurement update.</p>
01/06:04	PMA Monthly	<p><b>Master Project Schedule:</b>  <b>Update 03/25/2021:</b> No update was provided.</p>

### PROJECT BUDGET

Item	Action/Due	Notes
2/13.02	PMA Monthly	<p><b>Procurement Updates:</b>  <b>Update 05/03/2021:</b>  District Counsel and PMA provided an overview of the AGO Bid protest process and decision. The AGO denied CTA's protest but remanded the matter to the District to evaluate whether Commodore has the relevant project experience and whether it complied with mandatory disclosure requirements in submitting its bid. Documents previously provided to Committee members included the AGO Bid Protest decision dated 4/27/21 and Commodore's Letter to the Committee dated 4/30 which was reviewed by Commodore Vice President Rich Lucht. Counsel recommended that the Committee start with a motion and open discussion from there.</p>

		<p><b>MOTION:</b> CS reminded he was part of the prequalification subcommittee and had previously reviewed Commodore's submission and found them to have sufficient similar project experience. CS made a motion to vote to reaffirm its prior determination through its recommendation to award the project in finding that Commodore has similar project experience. JL seconded the motion.</p> <p><b>DISCUSSION:</b> RL (Commodore) shared Commodore's similar projects experience. CCR noted that the prequal committee was made up of PMA, PE, CS and SC. All 4 are independent and then average score is plugged in. CCR reviewed prequal scores and the project's RFQ similar project experience criteria, Commodore did not receive the highest score for similar projects but had sufficient points to be prequalified. Commodore identified individual projects from its SOQ which satisfied each component of the RFQ similar project criteria. Committee members expressed agreement that Commodore's resume of similar projects while not all K-12 schools did meet the minimum requirements of the RFQ criteria. Committee did not have any questions.</p> <p><b>VOTE:</b> JD yes, MD yes, TB yes, CT yes, GR yes, SC yes, GB yes, CW yes, JL yes, WR yes, PM yes, AK yes, CF yes (13 yes, 0 no)</p> <p><b>MOTION:</b> CS made a motion to vote to reaffirm the exercise of its discretion to recommend awarding the Project to Commodore, despite any omissions of legal proceedings in Commodore's submissions to the District. CT seconded the motion.</p> <p><b>DISCUSSION:</b> CT is looking for confirmation that the implication is that the successful bidder omitted information? What are those allegations? CT suggests that we can't vote until we know that information. MR (Commodore attorney) – ran through CTA's allegations case by case offering an explanation for each, in most (if not all) instances, cases either did not meet the threshold for reporting or had been resolved. MR also stated they have never had a case that was decided by judge or jury. Cases that were resolved immediately or resolved by insurance company. It was noted that previous cases were not relate to procurement or performance of a construction project. One was also a defamation lawsuit that does not relate to construction projects. Currently only have 1 personal injury case that is out there. The cases identify by competitive bidder – 1 personal injury 2016, 1, PI 2017, 1 PI closed in 2015. 1 PI closed in 2018. 2 lien case from projects shut down due to COVID- 19 (brewery and restaurant). The owners shut projects down and did not pay. Commodore explained they met with owners and dismissed by agreement. JT – asked Counsel if it has to be pending litigation? Counsel noted they are supposed to provide pending litigation or items relating to procurement or performance of construction contract.</p> <p><b>VOTE:</b> JD yes, MD yes, TB yes, CT yes, GR yes, SC yes, GB yes, CW yes, JL yes, WR yes, PM yes, AK yes, CF yes (13 yes, 0 no)</p>
01/06:09	SBC Monthly	<p><b>Key Dates/Next Steps:</b></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 05/03/2021:</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 05/03/2021:</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> <p><b>Update 05/03/2021:</b> Tree Clearing: DY facilities request to clear trees (located between the construction site and JV baseball field) that are beyond the limit of work for the construction project. The cost to remove the trees would be roughly \$8000. It was noted it would be significantly lower cost to have them removed through the construction project then hiring and outside tree contractor to perform this work at</p>

		<p>a later time. It was noted that there will be a process (Technical Review Committee) for change orders but that it is in the process of being setup.</p> <p><b>MOTION:</b> CT made a motion to remove the trees outside of the limit of work for the new school project. GB seconded the motion.</p> <p><b>DISCUSSION:</b> None.</p> <p><b>VOTE:</b> JD yes, MD yes, TB yes, CT yes, GR yes, SC yes, CS yes, GB yes, CW yes, JL yes, WR yes, PM yes, AK yes, CF yes (14 yes, 0 no)</p>
2/13.03	Record	<p><b>Public Comment/Questions:</b></p> <p><b>Update 05/03/2021:</b> No new comments at this time.</p>
01/06:10	Record	<p><b>Adjournment:</b></p> <p><b>Update 05/03/2021:</b></p> <p><b>MOTION:</b> JD motioned to adjourn made at 7:05PM by PM, second by CT.</p> <p><b>DISCUSSION:</b> None.</p> <p><b>VOTE:</b> 14 yes, 0 no, 0 abstain.</p> <p><b>Next Meeting date: TBD</b></p>

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:** Mitch Miller, PMA Consultants LLC

**DATE:** May 03, 2021