

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James MacDonald
Interim Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

March 7, 2017

Ms. Carol Woodbury, Superintendent
Dennis-Yarmouth Regional School District
296 Station Avenue
South Yarmouth, MA 02664

Re: Dennis-Yarmouth Regional School District, Mattacheese Middle School, Owner's Project Manager Approval Letter

Dear Superintendent Woodbury:

Pursuant to the provisions of G.L. c. 149, s. 44A ½ and 963 CMR 2.11, the Dennis-Yarmouth Regional School District ("the District") is required to procure the services of an Owner's Project Manager (an "OPM") for the Mattacheese Middle School project using a qualifications based selection process. As required by 963 CMR 2.11 (3), the District has certified in writing to the Massachusetts School Building Authority (the "MSBA") that it has used a qualifications based selection process that complies with Massachusetts law. Pursuant to 963 CMR 2.11 (2) and G.L. c. 70B, s. 2, the District has requested in writing that the MSBA approve its selection of PMA Consultants, LLC as the OPM for the Mattacheese Middle School project.

The MSBA has reviewed the information submitted by the District in support of its selection of PMA Consultants, LLC. Based upon the information provided by the District, the MSBA hereby approves its selection of PMA Consultants, LLC for the Mattacheese Middle School project and to the key personnel and consultants identified by PMA Consultants, LLC in the proposal that was submitted to the District and reviewed by the MSBA, and as presented to the MSBA's Owner's Project Manager Review Panel on March 6, 2017. The MSBA's approval is specific to PMA Consultants, LLC and to the key personnel identified by PMA Consultants, LLC in the proposal that was submitted and reviewed by the MSBA. Pursuant to the provisions of 963 CMR 2.11 (4) and the applicable requirements of any agreements between the MSBA and the District, any change in the OPM or its key personnel, as described in the attached organizational chart, must be approved in writing by the District and the MSBA. The MSBA's approval is also based upon the District's representation that the Eligible Applicant for the District has designated Larry Azer, Director of Finance & Operations for the Dennis-Yarmouth Regional School District, as the individual who shall have the authority to act on behalf of the Owner, under its contract with the OPM, and who shall be responsible for day-to-day communication between the Owner and the OPM. Any change in this designation must be approved in writing by the MSBA.



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Please note the MSBA's approval of the District's selection is subject to the provisions of 963 CMR 2.11 which, among other things, allows the MSBA to rescind its approval and/or to direct the removal of the OPM under certain circumstances. The MSBA retains the right to rescind its approval of the District's selection of PMA Consultants, LLC and to deny and/or recoup reimbursement for expenditures or costs related to the Owner's Project Manager services if PMA Consultants, LLC does not perform its services to the satisfaction of the MSBA. The MSBA's approval is further subject to the execution of a contract between the District and PMA Consultants, LLC in a format that is satisfactory to the MSBA, utilizing any standard contracts, forms, and provisions that the MSBA may require, including the completed MSBA System Access Request form which is described below. Please forward a hard copy and an electronic copy of the fully executed contract between the District and PMA Consultants, LLC to Katie DeCristofaro, Capital Program Manager, at the MSBA by March 21, 2017.

It will be the District's responsibility to monitor the performance of PMA Consultants, LLC to ensure that they perform their obligations in a satisfactory manner, and to enforce the provisions of its contract with PMA Consultants, LLC. Among obligations of the OPM that are detailed within the MSBA's standard contract is the requirement for the OPM to submit monthly reports to the MSBA. The District shall verify that the OPM submits its monthly reports on time and in the form and manner determined by the MSBA. OPM Reports shall be submitted to the MSBA by the OPM using the MSBA's online OPM Report System. In order to activate and use this system, the District must complete and submit the attached MSBA System Access Request form. The completed form must be delivered to Katie DeCristofaro, Capital Program Manager, at the MSBA by March 21, 2017.

The District must comply with all provisions of law and all conditions imposed by any agreements executed between the MSBA and the District, including, but not limited to, a Feasibility Study Agreement, a Project Scope and Budget Agreement, and a Project Funding Agreement, related to the provision of services by an OPM. The MSBA maintains its right to withhold reimbursement of costs and expenditures associated with OPM services if the District fails to comply with the applicable terms and conditions of its agreements with the MSBA or any administrative directives issued by the MSBA, now in effect or hereafter promulgated. The MSBA's decision to approve the District's selection of an OPM, to approve changes in the OPM, or its key personnel, or decline to exercise any of its rights in relation to the selection or performance of the OPM, shall not be construed as a waiver of the MSBA's right to review, audit, and disallow costs incurred by the District in relation to OPM services, to withhold reimbursement, or to take any other actions available to the MSBA under the law or under its agreements with the District.

The MSBA shall bear no liability of any kind whatsoever for any claims directly or indirectly occurring out of the MSBA's approval of the District's selection of the OPM, the MSBA's approval or non-approval of changes in the OPM or its key personnel, the MSBA's decision to rescind its approval or to direct the removal of an OPM, or any other alleged acts or omissions on the part of the MSBA related to the selection, performance, acts or omissions of the Owner's Project Manager.

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If you have any questions, please do not hesitate to contact me or Mercy Muya
(Mercy.Muya@MassSchoolBuildings.org) at 617-720-4466.

Sincerely,



Mary Pichetti
Director of Capital Planning

Attachments:

PMA Consultants, LLC Project Team Organizational Chart

OPM System Access Request Form – OPM Report System User

Cc: Legislative Delegation

Paul McCormick, Chair, Dennis Board of Selectmen

Elizabeth Sullivan, Dennis Interim Town Administrator

James H. Quirk, Jr., Chair, Yarmouth Board of Selectmen

Daniel Knapik, Yarmouth Town Administrator

Brian Carey, Chair, Dennis-Yarmouth Regional School Committee

Chad Crittenden, Owner's Project Manager, PMA Consultants, LLC

File: 4.1 OPM Selection (Region 6)