

## STATE PROPERTIES REVIEW BOARD

### Minutes of Meeting Held On May 12, 2016 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regular meeting on May 12, 2016 in the State Office Building.

**Members Present:** Bruce Josephy, Vice Chairman  
John P. Valengavich, Secretary  
Pasquale A. Pepe

**Members Absent:** Edwin S. Greenberg, Chairman  
Bennet Millstein

**Staff Present:** Brian A. Dillon, Director

Vice Chairman Josephy called the meeting to order.

Mr. Valengavich moved and Mr. Pepe seconded a motion to enter into Open Session. The motion passed unanimously.

#### OPEN SESSION

**ACCEPTANCE OF MINUTES OF May 5, 2016.** Mr. Valengavich moved and Mr. Pepe seconded a motion to accept the minutes of May 5, 2016. The motion passed unanimously, except for Mr. Pepe who abstained from voting.

#### REAL ESTATE- UNFINISHED BUSINESS

#### REAL ESTATE – NEW BUSINESS

<b>PRB #</b>	<b>16-100</b>	<b>Transaction/Contract Type:</b>	RE / Voucher
<b>Origin/Client:</b>	DOT / DOT		
<b>Project Number:</b>	084-109-028		
<b>Grantor:</b>	Xiang Zheng, et al		
<b>Property:</b>	6 Grant Road, Monroe		
<b>Project Purpose:</b>	Pepper Street Reconstruction		
<b>Item Purpose:</b>	Acquisition for transportation purposes of a defined easement comprising 3,052± SF, slope easements totaling 183± SF and additional compensation for site improvements.		

This project involves a full-depth reconstruction and widening of Pepper Street, from Route 25 to Grant Road. An exclusive left turn lane will be constructed onto Route 25, together with a traffic signal equipment upgrade at the Route 25/Pepper Street signalized intersection; drainage and sight lines will be improved. The project also includes a realignment of the Garder Road intersection; and the construction of an 11 foot wide multi-use trail along the west side of Pepper Street between Grant Road and Northbrook Drive.

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting, May 12, 2016

Page 2

The subject property taking is 1.0 acre of residential land located on the westerly side of Pepper Street and the northerly side of Grant Road and is the site of a single family residence.

The appraisal by Walter Kloss, prepared as of 3/14/2016, determined a site value of \$150,000 for this residential lot based on 3 lot sales in Monroe that occurred in 2015. The DOT takings will not have any negative impacts on the residential improvements; however the appraiser estimated that mature trees and landscaping along the frontage to be removed would cost \$6,000 to replace. The easements to be acquired are along the property's frontage on the corner of Pepper Street and Grant Road.

Staff recommended Board approval of damages in the amount of \$16,000. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes. The acquisition value is supported by the Kloss appraisal report and is consistent with the range of site values determined in prior files for this project.

<b>PRB #</b>	<b>16-110</b>	<b>Transaction/Contract Type:</b>	RE / Amendment
<b>Origin/Client:</b>	DOT / DOT		
<b>Project Number:</b>	AERO-5700-836		
<b>Second Party:</b>	Logistec USA Inc.		
<b>Property:</b>	Connecticut State Pier, New London		
<b>Project Purpose:</b>	Lease Agreement for management of the intermodal commerce facility		
<b>Item Purpose:</b>	Fourth Amendment to Agreement No. 2.16-01(16). Operation and Management Agreement for the Connecticut State Pier.		

DOT has requested SPRB approval of the 4<sup>th</sup> Amendment to the Operation and Management Agreement, at the Connecticut State Pier in New London. The existing Agreement, as amended commenced August 1, 1997 and expired January 31, 2016. The Second Party is Logistec USA, Inc.

The Fourth Amendment does the following:

1. Extends the term of the agreement from January 31, 2016 to April 30, 2016.
2. Directs that payments be made payable to the Treasurer, State of Connecticut; and addressed to DOT in Newington;
3. Assigns the Bureau Chief of the Bureau of Public Transportation as the State's representative for implementing the agreement;
4. Establishes the Judicial District of Hartford as the venue for the purposes of any complaint.
5. Debars Second Party from using the defense of Sovereign Immunity in defense of any suit.
6. Requires disclosure of records consistent with CGS §1-218, the Freedom of Information Act.
7. Stipulates audit and record keeping requirements consistent with state statutes.
8. Requires compliance with SEEC statutes regarding limitations on gifts and campaign contributions.
9. Requires compliance with state and federal anti-discrimination laws, state executive orders; certification that the vendor has not been debarred from entering into the Agreement under applicable federal or Canadian laws.

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting, May 12, 2016

Page 3

The SPRB did not review the 1997 Agreement, nor any of the subsequent amendments, all of which have now been provided by DOT. DOT has authority to enter into the Agreement under CGS §13b-53 which says that the Commissioner may lease or grant any interest at the State Pier in New London, including concessions for supplying goods, commodities, services, and facilities. OPM and SPRB approval are required.

Under the Agreement as amended, Logistec operates and manages the State Pier and makes two types of payments to the State: facilities rent for use of approximately 41.26 acres with administrative and warehouse buildings; and 6.5% of its “total Assessable Revenues” as defined in the Agreement. These include all revenues derived from business conducted at the facility, with some exclusions. For FY 2013-14, Logistec remitted \$144,978.84 based on ground rent, and \$268,772.85 based on assessable revenues (6.5% of \$4,134,967), for a total to the State of \$413,751.69.

Staff recommends approval of the Fourth Amendment to the Operating and Management Agreement at the State Pier. Because the Connecticut Port Authority is not yet fully functional, the Amendment clarifies DOT’s administrative role as the State’s representative. DOT has the authority to enter into the Agreement under CGS §13b-53 which says that the Commissioner may lease or grant any interest at the State Pier in New London, including concessions for supplying goods, commodities, services, and facilities. OPM approved the Amendment 4/21/2016.

**ARCHITECT-ENGINEER - UNFINISHED BUSINESS**

**ARCHITECT-ENGINEER – NEW BUSINESS**

<b>PRB#</b>	<b>16-099</b>	<b>Transaction/Contract Type:</b>	AE / Contract Amendment
<b>Project Number:</b>	BI-JA-217	<b>Origin/Client:</b>	DCS/DOC
<b>Contract:</b>	BI-JA-217		
<b>Consultant:</b>	Navigant Consulting, Inc.		
<b>Property:</b>	York Correctional Institution, Niantic		
<b>Project Purpose:</b>	Claim Analysis for Building Defects Project		
<b>Item Purpose:</b>	Contract Amendment #5 to compensate the consultant for additional services related to the ongoing mediation and settlement process for the project.		

Staff reported that between 1991- 1997, 22 new buildings were constructed at the York Correctional Institution at a cost of approximately \$50,000,000. Soon after completion, the buildings evidenced problems with water intrusion, cracks in the masonry façade and efflorescence and organic growth on the exterior facades. Most of these problems were attributed to flawed designs and wall construction, particularly flashing and weep-hole installation. In early 2000, DCS began the process of pursuing litigation and meditation regarding the defective construction. DCS’s most recent memorandum estimates the potential lawsuit will be valued between \$17 million and \$22 million. In conjunction with the above, the State is suing 13 companies for the cost of repairs including but not limited to, the Maguire Group (CA), Tishman Construction Company of New York (CM), Naek Construction of Vernon, Bacon Construction Company of Providence, Stratton Masonry Company of Waterford, Plainville Testing Labs, and performance bond insurers, the Aetna & Employees Insurance Companies.

Previously, four tasks have been assigned to Navigant Consulting, Inc. (“NCF”) under this contract. Contract Amendment #5 will modify the contract as follows:

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting, May 12, 2016

Page 4

1. NCI's total fee increases under Contract BI-JA-217 by \$307,000 from \$1,988,980 to \$2,295,980.
2. This additional scope and compensation is being requested complete a review of the remedial design work proposed by Hoffman from a constructability, code and cost perspective. This review will be coordinated into the findings for the final damages assessment.
3. Completion of a project wide presentation, review and discussion of the defendant's responses as well as an analysis of the defendant's specific packages for the final mediation.
4. Attendance at the scheduled 3-day mediation for the project.

Staff recommended that the Board approve Contract Amendment #5 for Navigant Consulting, Inc. to provide continued support regarding the State's ongoing claim and mediation process with various contractors and consultant's regarding the York Correctional Center Construction Project.

<b>PRB#</b>	<b>16-112</b>	<b>Transaction/Contract Type:</b>	AE / Contract Amendment
<b>Project Number:</b>	BI-CTC-500	<b>Origin/Client:</b>	DCS/BOR
<b>Contract:</b>	BI-CTC-500-ENG		
<b>Consultant:</b>	BVH Integrated Services, P. C.		
<b>Property:</b>	Naugatuck Valley Community College, Waterbury		
<b>Project Purpose:</b>	Physical Plant Renovations Project		
<b>Item Purpose:</b>	Contract Amendment #1 to compensate the consultant for completion of a pre-design study and other analyses to upgrade the campus central heating and cooling plant.		

Staff reported that this project involves the design and construction for the replacement of the central heating and cooling plant at Naugatuck Valley Community College. This scope will include the replacement of two (2) MBH HTW Boilers with three (3) low-NOX boilers as well as the associated distribution pumps, VFD drives, expansion tanks and air separators. The project will also include the replacement of the existing absorption chiller with a new 500-Ton electric chiller. The overall scope will include the required structural engineering, fire protection, MEP and HVAC design considerations for completion of the project. The consultant will also provide BIMM modeling and commissioning services as part of the project program. The initial overall construction and total project budgets have been established at \$5,134,618 and \$8,000,000 respectively.

The base contract approved by the Board in December 2015 (PRB File #15-269) was for Engineer Consultant Design Team Services for the completion of the Naugatuck Valley Community College-Physical Plant Renovations Project from the initiation of a schematic design phase through the completion of the construction document phase and the subsequent construction administration. The overall compensation rate approved for basic services was \$333,770 with an additional \$64,900 for special services; the total project fee approved was \$398,600. The special services detailed in the project scope included construction cost estimating, permit development, fire protection reviews and commissioning services.

Contract Amendment #1 in the amount of \$9,200 will compensate the consultant for additional services related to the completion of a pre-design study. As part of this contract amendment the overall construction and total project budget will remain at \$5,134,618 and \$8,000,000 respectively.

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting, May 12, 2016

Page 5

Staff recommended that the Board approve this contract amendment for BVH Integrated Services, P.C. to provide additional design related services at the Naugatuck Valley Community College– Physical Plant Renovations Project.

**OTHER BUSINESS**

The Board took the following votes in Open Session:

**PRB FILE #16-099** – Mr. Pepe moved and Mr. Valengavich seconded a motion to approve PRB File #16-099. The motion passed unanimously.

**PRB FILE #16-100** – Mr. Pepe moved and Mr. Valengavich seconded a motion to approve PRB File #16-100. The motion passed unanimously.

**PRB FILE #16-110** – Mr. Valengavich moved and Mr. Pepe seconded a motion to approve PRB File #16-110. The motion passed unanimously.

**PRB FILE #16-112** – Mr. Valengavich moved and Mr. Pepe seconded a motion to approve PRB File #16-112. The motion passed unanimously.

The meeting adjourned.

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_

John P. Valengavich, Secretary