

BUILDING COMMITTEE

October 26 2020

7:00 pm

Present were Mr. Guida, Ms. Clancy, Mr. Zawatsky, Dr. Anderson, Mr. Learned, Mr. Terrell, Mr. Messoro, Mr. Brenner, Mr. Fahey, Mr. Feeney, Mr. Finn, Mr. Fiore, Mr. Hervey, and Ms. Jacobs.

Also present were Mr. Schimgle of KBA, Mr. Tavares, Compass Group and Mr. Rubeck of Peregrine.

Mr. Guida called the meeting to order at 7:08 pm.

Mr. Guida asked for a motion to approve the minutes of the February 10, 2020 meeting. Mr. Brenner moved and Mr. Fiore seconded. The motion passed 9/0 with Mr. Zawatsky, Ms. Clancy, Dr. Anderson, Mr. Learned and Mr. Terrell abstaining.

OPM/KBA Report

Mr. Schimgle reviewed the general updates for the Committee. There was a one year warranty walkthrough which occurred in the spring. The damaged gym floors were repaired and re-coated during the summer, the tennis courts/basketball courts were completed and the installation of Proscenium corner guards were completed. Additional security cameras have been installed in the stairwells and the front canopy.

Mr. Rubeck discussed the items that will be taking place for the weeks ahead. There will be a scheduled meeting with Brait and Council to set deadlines for completion.

Mr. Zawatsky asked Mr. Rubeck to designate the items on the list to either be incomplete, punch list, or warranty items. Mr. Rubeck stated the Auditorium AV items are both incomplete and punch list items which Brait will be working on this week. The programming for the security cameras will be completed this week along with the Phase 1 grounds. The bike racks needs some paint touch ups along with some tightening.

Mr. Rubeck also discussed that the OPM and District will be coordinating a time for a third party vendor to review the Phase 2 fields.

OPM will be scheduling a provisional athletic field accepts with the team next week and will then follow up with the third party review.

Mr. Rubeck also discussed that a broken elbow was discovered in the sanitary in the art room and also a “belly” in the sanitary line outside the building.

Mr. Schimgle explained that a provisional acceptance for the fields is tied to the previous two growing seasons and to not that the correct establishment is occurring on 100% of the fields. Also, that the irrigation system is working, the maintenance has been take care of, and the edging has been done and so on. Brait has to also provide a work plan for the remainder of the fall and also provide a work plan for the spring.

Mr. Schimgle stated that without provisional acceptance this fall it will push out the final acceptance another growing season. Mr. Schimgle stated that the team is not ready to accept the provisional yet. There has been a lot of working that has been done this week. Traverse, the landscape architect will go out as soon as Brait feels as though they are ready for provisional acceptance. Brait has also discussed about supplementing the work with local landscapers that will pick up the unsatisfactory work from Phase 1 and the unsatisfactory work regarding the planting beds in the parking lots. Mr. Schimgle anticipates that Traverse will be out this weekend to inspect the work that has been done and then a meeting will be scheduled with the OPM, the District and KBA.

Mr. Zawatsky discussed that the contractor has failed to achieve the contractual goals and responsibilities when it comes to fulfilling their obligations to the fields. Mr. Zawatsky does not understand how a provisional acceptance can be given when the contract has failed to do what they contractual own.

Mr. Tavares clarified that with the provisional acceptance there is contractual requirements that the contractor has to meet in order for the landscape architect to recommend provisional acceptance. There is a long list of items that if they do not perform or complete then it would not get provisional accepted this fall. Mr. Tavares explained that Chris Bradner of Traverse stated that give where they are now it is unlikely that they are going to meet the terms of the contract for provisional acceptance which means it will most likely be reassessed in the spring and at that point they will have the springtime to get the fields to a level of provisional acceptance with have them final accepted by the end of June.

Mr. Zawatsky reiterated that if the contractors has not completed all items on the list the team should not provisional accept it.

Ms. Jacob asked if the DPW will be included in the list of third party groups. Mr. Schimgle stated the third party groups are the athletic field vendors to come in and review and give possible recommendations for a remedial work plan for the spring as a second line of defense and create a monetary value on what it may take if the current landscape contractor does not meet their obligations. DPW has walked and continues to walk the fields as well as the District. The three local vendors that will be contracted to review and walk the fields and give their recommendations in addition to our own.

Mr. Guida stated that it is important that we do not jeopardize the ability to make a claim on our performance bond and as he understands giving a provisional acceptance will not.

Mr. Tavares review the budget with the Committee. To date, the project is currently at \$63,063,509.93. There are some clarifications regarding the FF & E that still needs to be done.

Change Orders

Mr. Tavares reviewed the change order summary. To date the Committee has approved \$2,825,865.20 in change orders. There is approximately 23% of the construction contingency remaining. There is approximately \$259,326.18 in change orders that is either pending or being disputed.

Change order #240 – Delta Mechanical – 1 year extended warranty for \$52,050.60 is up for approval from the Building Committee.

Mr. Zawatsky made a motion to make a recommendation to the School Committee to approve change order #240 to Delta Mechanical in the amount of \$52,050.60. Mr. Brenner seconded. The motion passed with a unanimous vote.

Ms. Zawatsky review the 5 items that were pending per owner. Mr. Zawatsky concern is that Brait seems unable and unwilling to do what they own by contract. Mr. Zawatsky suggests that the District would buy the materials and labor through their regular procurement process outside of the contractual responsibility with Brait. Mr. Zawatsky explained that the Committee would need to find out if the Committee would like to make a recommendation to expend the funds, who would be the responsible entity to procure them and how would the procurement process go and also discuss among the Committee on whether or not this is the best or reasonable use of the town's money regarding the baseball dugouts.

Mr. Finn inform the Committee that he has been researching the prices to have the baseball dugouts installed and the cost for a pre-fabricated item was approximately \$20,000. He would suggest that a third party does not go in and install the dugouts until the fields are completed.

Mr. Guida asked Mr. Tavares if he felt there would be a problem with the District going out to a third party to install the dugouts. Mr. Tavares said that he did not see a problem using a third party and agreed with Mr. Finn to wait until the fields are complete.

Mr. Zawatsky explained that the District does not have to wait. The owner under the AIA contract can bring in an owner's contractor to take care of any work that the owner chooses to add to it outside of the realm of work. Mr. Tavares agrees that the owner does not have to wait, however he did suggest to wait until spring.

Mr. Guida asked the Committee if there were any objections to not have Brait install the baseball dugouts and have a third party vendor. No objections made.

Ms. Jacob also if the Committee could include the outdoor classrooms with overhead structure with the baseball dugouts. Mr. Guida stated that it could be discussed however he feels the Committee would want to be cautious of something that was cut because it was deemed not in the interest of the project compared to something that cut because the Committee didn't feel that we could afford it. However, if it is something that is affordable and fits into the distinction of what are charge is from the community then it would be fine to include it.

Mr. Trim gave the Committee a clarification what solar ready meant, RIDE reimbursement, and advised if the solar panels could go on the roof. A discussion ensued among the Committee on whether the District should move forward with solar. After the discussion, Mr. Guida polled the Committee on whether the Committee should drop the whole solar project or move forward with solar in regards to an educational component. Most of the Committee members felt that if the District feels that the educational component is something that they would like then the Committee should move forward with that. Some members felt that making a decision on solar panels is out of the scope of the Committee's responsibility.

The discussion was ended with the District stating they will look at the feasibility of using solar for educational purposes.

Mr. Schimble reviewed the open items that are left. In February, there were quite a lot of items on the punch list. We are currently down to 40 items. Mr. Schimble also discussed some other open items that have recently come up. The widening of the access road nearest the main entrance, Mr. Schimble feels that this could be another items that goes out to a third party vendor.

Mr. Schimble also discussed the "belly" in the sanitary line. This was brought to the team's attention last year but was confirmed recently. This item was brought back to the contractor and the contractor came out and did all their own testing. KBA was scheduled to get the report last week and they still have not received the report. Mr. Schimble also discussed the broken clean out in the art room. Mr. Schimble stated that this would be a combination of punch list and warranty.

Mr. Zawatsky asked Mr. Schimble if the plumbing contractor who was responsible for videotaping all the underground piping within the footprint of the building, did they do that and was it reviewed by the civil engineer and was it accepted. Also, did the civil contractor fulfill all their contractual responsibilities in time for videotaping all those underground pipes? Did the belly in the sanitary line happen after substantial completion or was it a pre-established condition.

Mr. Schimble stated that all contractual videotaping happened within the footprint of the building and anything that was 10 feet beyond the footprint was not in the contract so as the owner paid for an additional exterior camera footage from a 5 foot perimeter of the building to the street and that is when it was identified. The change order work was given to Delta and they

hired a third party camera crew. Mr. Schimble confirmed that nothing was noted within the building during the contractual videotaping. It wasn't until there was a backup and the system failed to do what it was designed to do and then it was videotaped and the issue was found.

Mr. Zawatsky explained that this is a big issue and in order to fix the issue it will be a big undertaking that will result in a patchwork of finishes on the outside of the building.

The Committee discussed the situation and the financial obligations, as well as, the legal work that may need to be done.

Mr. Schimble discussed the Musco Lighting. The lighting has been installed however there has been discussion who should be installing the lighting switch at the courts. Musco has provided the equipment for the switch and the vendor will be scheduling a time to install the switches. Mr. Schimble does not have a time as of yet on when the switches will be installed.

The Committee discussed the street and sidewalk improvements. Mr. Zawatsky asked if the crosswalks were painted that the police department has asked for. Mr. Schimble stated that Brait did only what was in the contract. Mr. Zawatsky explained that he doesn't believe that Brait will do the additional painting and that the Committee should look into a third party to get the work done. It was decided to add the sidewalks on the agenda for the next Building Committee meeting.

Mr. Fahey asked about the roof leaks that was discussed at the last Building Committee meeting were fixed. Mr. Rubeck stated that they were however Mr. Learned said that there was a recent leak in the fitness room but they were able to identify the source.

The next scheduled meeting is December 7, 2020 at 7:00 pm. The topics to discuss at this meeting will be sidewalks, solar and the meeting that was held with Brait.

Mr. Fiore made a motion to adjourn at 9:39 am. Mr. Brenner seconded. The motion passed unanimously.