

BUILDING COMMITTEE

December 7, 2020 7:00 pm

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

Also present were Mr. Schimble of KBA, Mr. Tavares, Compass Group and Mr. Rubeck of Peregrine and Mr. Whitney, Pierce Atwood.

Mr. Guida called the meeting to order at 7:02 pm.

Mr. Tavares discussed with the Committee that since the October 26th meeting there have been several meetings with the co-chairs, the Administration, KBA, the OPM team and legal counsel to develop strategies in order to finalize this project.

Mr. Chris Whitney, legal counsel, discussed the next steps that will be taken to bring the project to a close. Mr. Whitney informed the Committee that he has reviewed the contracts that were negotiated. He also discussed the issues that have been relayed to him regarding the project to date. Such issues were the wall panels in the auditorium, the AV issues, the belly in the pipe, and the art room clean out, and the landscaping issues.

Mr. Whitney stated that he has been working with KBA, Peregrine and Dan Tavares to draft letters that will be sent out to Brait Builders with a 10 day notice to commence and/or continue completion of work regarding the project.

Mr. Zawatsky did inform the Committee that Brait has been moving a little faster with the punch list items.

Mr. Schimble also informed the Committee that Catalano videoed the exterior lines of the piping and all the sanitary lines and reported back to the team. VHB viewed the report and found 4 items that were not completed correctly. Catalano came back and completed 3 of the 4 items. The biggest item being the belly in the pipe. Catalano sent another report back to VHB reporting on everything that was fixed. VHB reported back to KBA that everything was corrected appropriately.

The fourth item that was not addressed was a roof drain line that comes down the front of the building which has a slight depression in the pipe. Catalano was going to provide an additional 10 year warranty on this pipe.

Mr. Schimble also explained the work that has begun on some of the other issues that the District has identified with the project.

Mr. Schimble also discussed the landscaping concerns. Brait hired an additional landscape contractor to come out and address the last six items that had not been completed. The

contractor completed the items and the owners met and walked Phase 1 and Phase 2 and agreed to accept most of the landscape. There were some areas that will additional attention in the spring.

Mr. Zawatsky reiterated that he has concerns of providing a final acceptance with provisions for Phase 1 and Phase 2 of the landscaping.

Mr. Schmigle informed the Committee that there are two or three additional sub-contractors coming out to look at the athletic fields and give recommendations on what it would take to bring the field up to the satisfaction of everyone.,

Mr. Zawatsky feels this type of language does not need to appear in the provisional final acceptance. Having additional contractors come out is in the owner's right to do. Mr. Zawtasky would also like Mr. Whitney to review the final acceptance of an item that did not follow the specific perimeters of the contract documents.

Mr. Schmigle stated that the language is just to reaffirm that the owner has this capability to get additional contractors to look at the work.

Mr. Tavares also reiterated that final acceptance would be conditional and that Brait would need to come back and reseed some landscape. Mr. Tavares also stated that the OPM will work with KBA and Mr. Whitney to draft the letter to Brait.

Mr. Feeney asked from some clarification on what is being held as a retainer on the project and if there is enough to cover what is left to be done.

Mr. Schmigle explained that there is approximately \$186,000 left for the entire contract. The total of the open items is approximately \$209,000, however this includes the work for the belly in the pipe and for the AV in the auditorium which is almost complete. The open items that the owner could potential takeover and have someone else complete are approximately \$125,000 in cost which is in budget.

Mr. Feeney also asked if the damage to the art room would fall into the builder's risk insurance. Mr. Whitney explained that it would not fall into the builder's risk insurance unless it caused damage to other property as part of the project. It would be a latent defect and in the one year warranty. The Committee agreed that a notice sent to Brait for this should be top priority.

Mr. Zawatsky explained the installation of the wall panels and asked Mr. Whitney if the contractor is relieved of the obligations to comply with the specified requirements for the wall panels for the shop drawing to be done in the manufacture specifications or because it was approved by the architect does this waiver their obligation.

Mr. Whitney will research this question, however usually it doesn't relieve the contractor from doing it right even though the architect approved it.

Mr. Schmigle explained to the Committee how the wall panels were installed. The Committee along with the OPM and KBA discussed the issue regarding the installation and that it still lies in the hands of Brait.

Mr. Tavares informed the Committee that he did meet with Brait discussed that the only way to correct the wall panels would be to remove the panels and install them per the manufacturer's requirements. Mr. Tavares will follow up with Brait to see if they have met with the contractor.

Budget

Mr. Tavares reviewed the budget for the project. To date there are still approximately \$5 million in uncommitted funds.

Mr. Feeney asked if with these open items if there is also an additional cost for the OPM. Mr. Fiore stated that the District is working with Peregrine to extend their contract.

Mr. Zawatsky also commented that a waiver of consequential damages was written into the contract for our consultants. Mr. Whitney explained to Mr. Zawatsky the waiver prevents the District from recouping any additional expenses for the consultants.

Change Orders

Mr. Tavares reviewed each outstanding change order with recommendations for each change order. The Committee discussed each of the recommendations and whether the owner should take any action.

Mr. Guida asked Mr. Messore if he had spoken to Dr. Anderson to see if there is a need for the solar roof top PV array.

Mr. Messore stated that he had discussed this with Dr. Anderson and Dr. Dillon and they are still looking it whether this would be beneficial to the science curriculum.

Mr. Guida also informed the Committee that he is still awaited a reply from legal counsel about the street sidewalk.

Mr. Guida asked for a motion to approve the minutes of the October 26, 2020 meeting. Ms. Clancy moved and Mr. Finn seconded. The motion passed unanimously.

Mr. Feeney made a motion to adjourn at 9:06 pm. Mr. Brenner seconded. The motion passed unanimously.