FALL BROOK ELEMENTARY SCHOOL PROJECT – Leominster, MA

FALL BROOK BUILDING COMMITTEE (FBBC) MEETING #14

Tuesday, July 9, 2024 In-Person 1:00pm

Office of Emergency Management
37 Carter Street, Leominster, MA

Peter Angelini, Mark Bodanza, Greg Chapdelaine, Bill Charpentier, Paula Deacon, Steven Mammone, Dean Mazzarella, Chair, Melanie Mikels, Elliot "Butch" Nadeau, Raymond Racine, Jennifer Reddington, Brandon Robbins, Jeffrey Sullivan

Meeting Minutes

A publicly posted meeting of the Fall Brook Building Committee (FBBC) was held at the above listed date, time, and location. Committee members and participants were:

Voting Members (Quorum = 7)	Present	Notes
Mr. Peter Angelini	X	City Councilor
Mr. Mark Bodanza		City Councilor
Mr. Greg Chapdelaine	X	City Purchasing Agent
Mr. Bill Charpentier	X	City Building Inspector
Ms. Paula Deacon		Former Superintendent of Schools
Mr. Steven Mammone		Asst. Superintendent of Schools
Mayor Dean Mazzarella, Chair	X	Mayor and School Committee member
Ms. Melanie Mikels	X	School Business Manager
Mr. Elliot Nadeau	X	School Facilities Director
Mr. Raymond Racine	X	Leominster DPW Director
Ms. Jennifer Reddington	X	City Comptroller
Mr. Brandon Robbins		City Councilor
Mr. Jeffrey Sullivan	X	Fall Brook Elementary School Principal
Other Participants		
Ms. Meredith Tarr	X	City of Leominster
Mr. John Roseberry	X	City of Leominster
Mr. Jacob Fleming	X	Leominster DPW
Ms. Robin Desmond	X	Superintendent of Schools

Ms. Christine Silverman	X	Leominster Public Schools
Mr. Richard Bergeron		Leominster Public Schools
Mr. Will Sullivan	X	Leominster Public Schools
Mr. Craig DiCarlo	X	LeftField, Project Director
Ms. Linda Liporto		LeftField, Senior Project Manager
Mr. Jim Rogers		LeftField, President
Ms. Adele Sands	X	LeftField, Education Liaison
Mr. William Spears		Miller Dyer Spears, Principal-in-Charge
Ms. Nereyda Rodriguez	X	Miller Dyer Spears, Project Manager
Mr. Danyul Cho	X	Miller Dyer Spears, Project Architect
Ms. Hilary Holmes		Langan, Civil Engineer

1 – Call to Order

The meeting was called to order by Mayor Mazzarella at 1:05pm.

Roll call was taken, and it was determined that a quorum was present.

2 – Administrative Actions

2a – Previous Meeting Minutes

A motion to approve the June 11, 2024, meeting minutes was made by Mayor Mazzarella, seconded by Mr. Angelini. There was no discussion. A show of hands vote was taken. The motion carried unanimously.

2b – Invoice Log

LeftField presented the current invoice log including invoices received for the month of June from LeftField for OPM services, in the amount of $22,056.00, and MDS for design services, in the amount of $71,185.10.

2c – Warrant Approval

LeftField presented the warrant which included the invoices described above. A motion to approve warrant number W02FY25 in the amount of $93,241.10 was made by Mayor Mazzarella and seconded by Mr. Angelini. There was no discussion. A show of hands vote was taken. The motion carried unanimously.

2d – Budget Update

LeftField presented the Feasibility budget through June 2024. The project has committed 64% and expended 27% of the Feasibility and Schematic Design Phase budget.

2e – Project Schedule Update

LeftField presented the current Feasibility Study and Schematic Design schedule.

The project team continues to prepare the Preliminary Schematic Design (PSR) submission which is scheduled to be made August 29, 2024. There will be a regular FBBC meeting on August 14, 2024, and the project team recommends a special FBBC meeting on August 27, 2024, to vote on the PSR submission, which will be distributed for review in advance of the meeting. After submission, a date will be set for the project to appear before the MSBA Facilities Assessment Subcommittee (FAS). The focus of the FAS is to confirm the preferred schematic option supports the educational program. After the FAS presentation, the MSBA Board of Directors will meet and vote on the PSR submission to authorize the project to proceed to Schematic Design.

2f– Procurement Methods

LeftField advised that the FBBC is tasked with selecting the procurement method for the project. LeftField presented an overview of the two available procurement methods, Design-Build-Build ("General Contractor") in accordance with MGL Chapter 149 and Construction Manager at Risk (CM-R) in accordance with MGL Chapter 149A.

LeftField presented the advantages and challenges to each procurement method. Refer to the attached presentation slides for more information.

In addition to the differences between the two procurement methods, LeftField presented the OPM's role in both methods, general risks that present in all large construction projects regardless of procurement method, and the process and timeline for obtaining approval to use a Construction Manager at Risk from the Office of the Inspector General (OIG) should the FBBC decide that is the preferred direction.

Ms. Mikels asked about the difference between bidding and a qualifications-based selection process. Ms. Reddington asked about the pre-construction fees and eligibility for reimbursement from the MSBA, which they are. Mr. Chapdelaine expressed a preference for Design-Bid-Build based on the city's experience on the high school project and the public safety building and led a discussion about the two options. Mr. Chapdelaine suggested that the project may hire a logistics consultant during design if that would be beneficial. Ms. Reddington prefers Design-Bid-Build for the lower up-front cost. MDS noted that building on an occupied site near the existing school is complicated and would benefit from a CM-

R. LeftField noted that construction near protected habitat is also a complicating factor and the CM-R can assist the project comply with state agencies. Also, early bid packages are helpful for minimizing project duration and mitigating the harmful effects of escalation on the project budget. Mr. Angelini noted the advantage of choosing the project manager and on-site superintendent for the project in the CM-R method as well as saving money with early bid packages in a fluctuating market and times of high escalation. Mayor Mazzarella observes that the private project market has cooled significantly while the public project market is becoming more competitive. A vote to decide the procurement method was tabled for the August meeting.

3 – Designer Report

MDS reported they have led several recent Working Group meetings and will summarize those presentations and recommendations for the FBBC.

3a – Preliminary Landscape Design

MDS presented the preliminary landscape design including the relationship to the existing Fall Brook Elementary School building, the location of site amenities, beneficial adjacencies, fire truck access, expansion for additional parking, and outdoor learning spaces.

Mayor Mazzarella expressed an interest in hydroseed with wildflowers.

MDS relayed the Working Group recommendation that the new athletic field be the size of the current athletic field, which is appropriate for use by younger children, without lines for a particular sport, and the dimensions being less than a high school soccer field.

Mayor Mazzarella and Mr. Racine expressed interest in granite curbs if they can be afforded and irrigation of select areas to maintain the capital investment in landscaping. MDS noted that LEED encourages limiting irrigation to only the most needed portions of the site.

3b – Updates to Building Options

MDS presented layout updates to New Construction options N1 and N2, including proposed locations for the gymnasium, cafeteria, media center, and rooms for specials such as Art, Music, and STEM. MDS presented different combinations of grades on each floor for the most beneficial adjacencies.

Mayor Mazzarella requested the school be zoned for after-hours use by the public, including outside youth programs.

Ms. Reddington inquired about cost estimating a 3-story option, which MDS confirmed will be done. MDS anticipates a cost estimate for each option will be presented at the August FBBC meeting.

3c – Underground Sanitary Lines and Culvert

Leominster DPW advised that the exposed sanitary line and compromised culvert beneath Decicco Drive are the responsibility of LPS to repair because they are on private property not the public right-of-way. The DPW recommends the conditions should not remain until the main project construction phase anticipated to begin summer 2026. LeftField advised that MDS has not been contracted for design, permitting, or construction administration of remedial work. LeftField advised that Feasibility Study money could be used for service lines and structures that are directly related to the school project.

Mr. Roseberry recommends permitting in the summer and fall, then do construction when the protected species of turtle are hibernating in the winter to reduce the amount of required monitoring by a biologist.

Mr. Roseberry noted required permitting may include Army Corps of Engineers and MassDOT.

Mr. Fleming and Mr. Racine noted it would be better to repair the compromised lines now than once the school project is complete. MDS confirmed that all repairs will be coordinated with the proposed building and site layout.

Ms. Holmes provided an overview of an alternate route for a new sanitary line to minimize the impact on the wetlands.

Mr. Racine noted the city has an existing service contract that may be considered to procure construction services.

LeftField summarized the FBBC's option to use Feasibility Study money for design, permitting, and construction administration services and either an existing service contract or a public bid, depending on the estimated value, to procure construction services. MDS/Langan will provide two proposals, one for the sanitary line and another for the culvert, both will be presented at the FBBC meeting on August 13, 2024.

4 – Items not Anticipated 48 Hours in Advance of the Meeting

There were no items not anticipated 48 hours in advance of the meeting.

5 – Public Comment

No public comments were heard.

6 – Next Steps

LeftField presented the meetings and activities anticipated for the next three months. A special meeting is proposed for August 27, 2024, to review and vote on the Preferred Schematic Report submission on

August 29, 2024. The FAS meeting is likely to be scheduled for September 11, 2024, or September 25, 2024.

7 – Adjournment

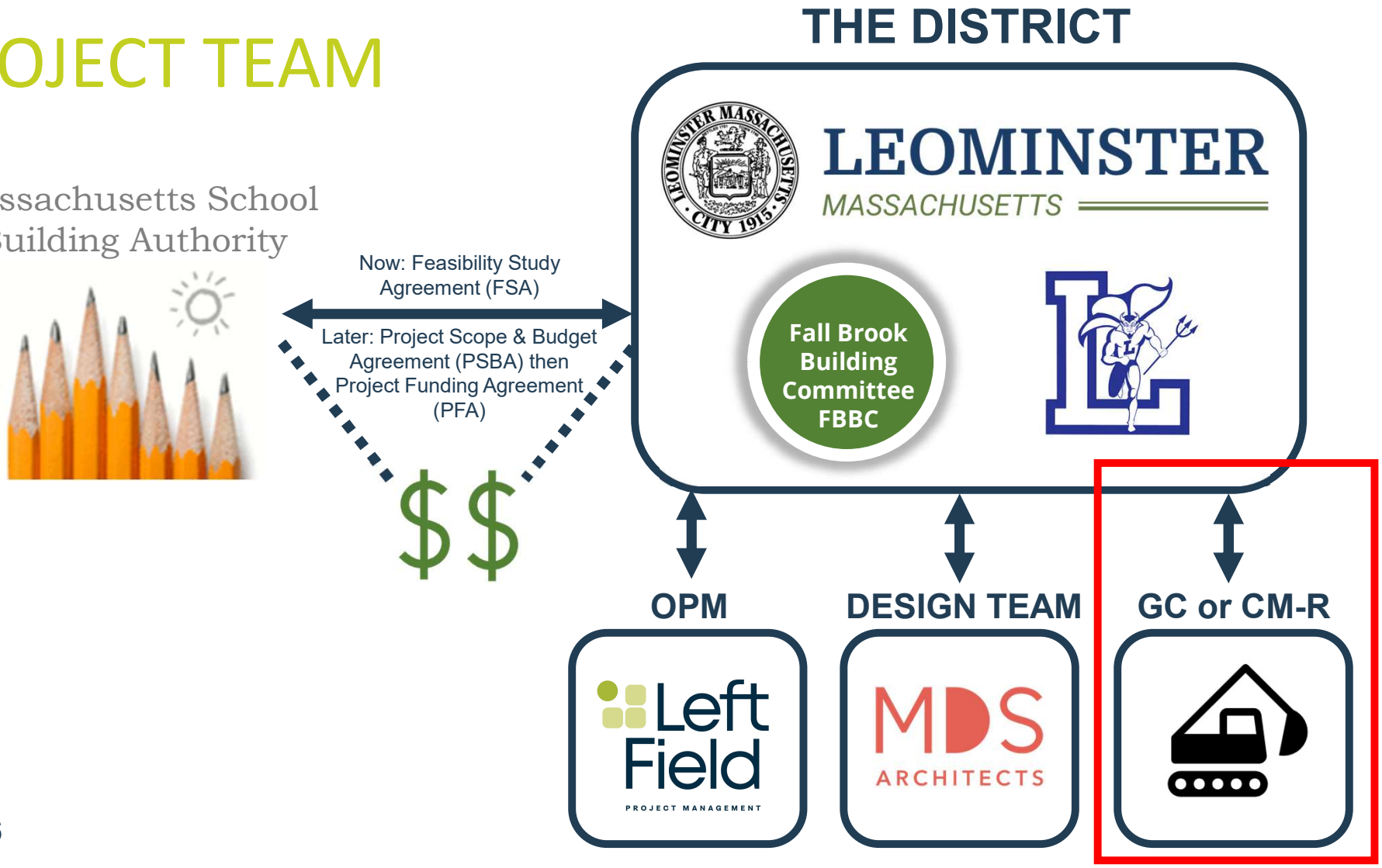
A motion to adjourn the meeting was made by Mayor Mazzarella, seconded by Mr. Charpentier. There was no discussion. A show of hands vote was taken. The motion carried unanimously. The meeting was adjourned at 2:32pm.

Attachments

- *Procurement Methods* slides excerpted from LeftField's presentation

DRAFT

PROJECT TEAM



PROCUREMENT METHOD

DESIGN-BID-BUILD

versus

CONSTRUCTION MANAGER AT RISK (CM-R)

Please note some of the statements within this presentation are factual while other statements are opinions based on Leftfield's industry experience

PROCUREMENT METHOD

KEY DIFFERENCE BETWEEN DESIGN-BID-BUILD AND CM-R

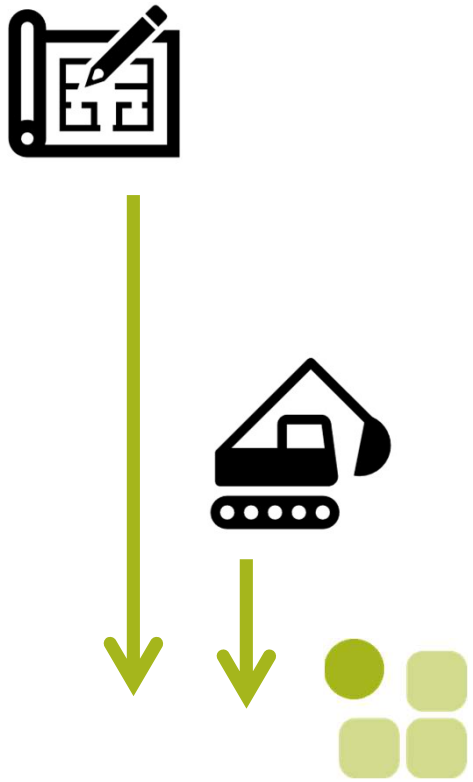
With **CM-R** – you are hiring a CM service firm who manages the construction of buildings.

With **Design-Bid-Build** – you are purchasing a building in accordance with plans and specifications.

PROCUREMENT METHOD

DESIGN-BID-BUILD (“General Contractor”) EXPLAINED

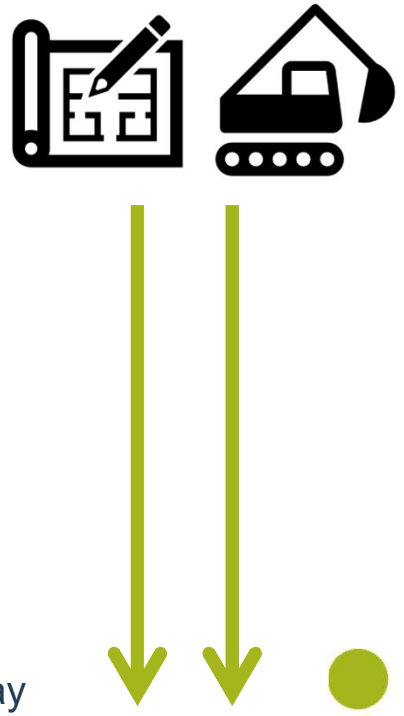
- MGL Chapter 149
- “Traditional approach” for public construction
- Project designed by a team of Architects and Engineers to complete construction documents with no contractor involvement
- Once plans are completed, bids are solicited from filed trade-contractors and general contractors
- Low “responsive” bidder is awarded the project
- Contract value is based on a “lump sum” amount
- Change orders resulting from scope change and unanticipated site conditions will increase the final construction cost



PROCUREMENT METHOD

CONSTRUCTION MANAGER AT RISK (“CM Firm”) EXPLAINED

- MGL Chapter 149A
- CM-R hired during the design process based on qualifications and fee
- CM-R provides design phase, pre-construction and construction services
- CM-R becomes the builder of the project (the “contractor”)
- CM-R participates in trade prequalification process
- Owner participates in sub-contractor selections
- Option for early release bid packages to “fast-track” a schedule
- Contract value is based on “Guaranteed Maximum Price” (GMP) with open book accounting
- Change orders resulting from scope change and unanticipated site conditions may increase the final construction cost



PROCUREMENT METHOD

OPM ROLE FOR BOTH CM-R AND D-B-B

- Assist Awarding Authority to decide whether to use D-B-B or CM-R
- Cultivate GC/CM-R interest in project
- Draft GC/CM-R Request for Qualifications and Request for Proposals and manage/organize the GC GC/CM-R selection process
- Assist in drafting and negotiating the GC/CM-R contract
- Push for real value during pre-construction phase
- Assist in negotiation of GMP
- Manage “open book” accounting

PROCUREMENT METHOD

CM-R ADVANTAGES

- Selection based on qualifications, experience & proposed team rather than lowest price/bid
- Design phase assistance with budgeting, site logistics and constructability results in ability to address challenges early
- Early cost estimates & feedback to help in the design process results in a more accurate cost model
- Trade contractors know the CM-R prior to submitting bids
- Fast track schedule/early release bid packages possible
- Team concept with Owner, OPM, Designer

BEST SUITED FOR: Projects that are time sensitive, challenging to define or subject to potential changes; projects requiring high construction oversight due to site logistics and phases as well as multiple stakeholders.

DESIGN-BID-BUILD ADVANTAGES

- Familiar delivery method
- Simpler process to manage
- Fully defined project scope for construction
- Perceived as getting “best price” by awarding to lowest responsible bidder
- Owner/Designer can completely control design
- Simple accounting

BEST SUITED FOR: Less complicated projects that are budget-sensitive, but are not schedule sensitive and not subject to change

PROCUREMENT METHOD

CM-R DISADVANTAGES

- Requires an OPM or Owner with an understanding of experience in the CM-R process and GMP mechanics
- Perceived higher up-front cost, due to pre-construction services “filling holes” in scope and/or documents (with result of minimizing future change orders and avoiding delays)
- Potential oppositional relationship when design intent is challenged when “design-to-budget” or “price cutting” is pushed

DESIGN-BID-BUILD DISADVANTAGES

- Linear process may equate to a longer schedule duration
- Hard price not known until bids are received; may require re-design and re-bid if bids exceed budget = schedule delays
- Minimal GC project management
- No GC input in design, planning or budgets
- The designer may have limited ability to assess scheduling and cost ramifications as the design is developed which can lead to a more costly final product
- May foster oppositional relationships between all parties and increases probability of disputes
- Prone to changes and claims which may increase final project cost

PROCUREMENT METHOD

FILED TRADE CONTRACTOR AND SUBCONTRACTOR SELECTION

CM-R

- CM actively participates in the prequalification of filed trade contractors. Must take lowest trade contractor bid
- Owner has input on all subcontractor selections. Doesn't have to take lowest bid Based on our experience we've seen a broader pool of subcontractors bid on projects based on the selection of the CM

DESIGN-BID-BUILD

- Trade contractor prequalification is done by Owner, Architect and OPM. Must take lowest responsible trade contractor bid
- Owner has no input on subcontractor selection

PROCUREMENT METHOD

OTHER CONSIDERATIONS AND VIEWS

CM-R

- 2 phase selection process. First phase is qualification based, second phase and final selection is based on technical expertise and price.
- Interviews are performed via the selection process; you essentially select a team.

DESIGN-BID-BUILD

- Pre-qualify GC firms to bid on the project. Must take the lowest responsible bid.
- No input on GC's staff.
- No guarantee who (staff) will manage your project.

PROCUREMENT METHOD

GENERAL PROJECT RISKS REGARDLESS OF DELIVERY USED

- Unforeseen building or site conditions
- Incomplete design documentation
- Unqualified sub-contractors, poor performance
- Subcontractor or Trade contractor failures
- Working on and around occupied facilities
- Restoration or re-use of buildings
- Complex site logistics
- Adversarial team dynamics
- Inadequate GC/CM staffing or general requirements
- Potential bid protests

PROCUREMENT METHOD

HOW THE CM-R CAN HELP MITIGATE PROJECT RISK

- Opportunity to pre-qualify CM-Rs and their teams
- Pre-construction services to address project risks
- Confirm existing conditions and provide exploratory services
- Design-to-budget process with team members
- Open book accounting
- Constructability reviews to fill in gaps in project design and detailing
- More strict sub-contractor pre-qualification process
- Robust and comprehensive bid packages
- Options to “fast track” trades

PROCUREMENT METHOD

HIGHER RISK PROJECTS APPROPRIATE FOR CM-R

- Schedule-driven, non-negotiable turnover dates
- Tight design-to-construction timeframe
- **Requires early procurement to meet turnover date**
- High probability of unforeseen conditions
- **Complex logistical constraints**
- **Large projects with significant bid packages**
- Occupied renovations or **Occupied Site**
- Additions tied to existing buildings
- **Projects targeting LEED or other sustainable goals**

PROCUREMENT METHOD

PRE-CONSTRUCTION

CM-R

- Provides services such as cost estimating, cost saving suggestions and advice on items such as logistics, scope assignment, schedule and constructability based on real life input
- The above services are paid via a pre-construction fee. It is not free. However, the fee is typically nominal compared to the overall cost of the work

DESIGN-BID-BUILD

- No input from the GC during the design phase

PROCUREMENT METHOD

SCHEDULE / EARLY RELEASE – FAST TRACK

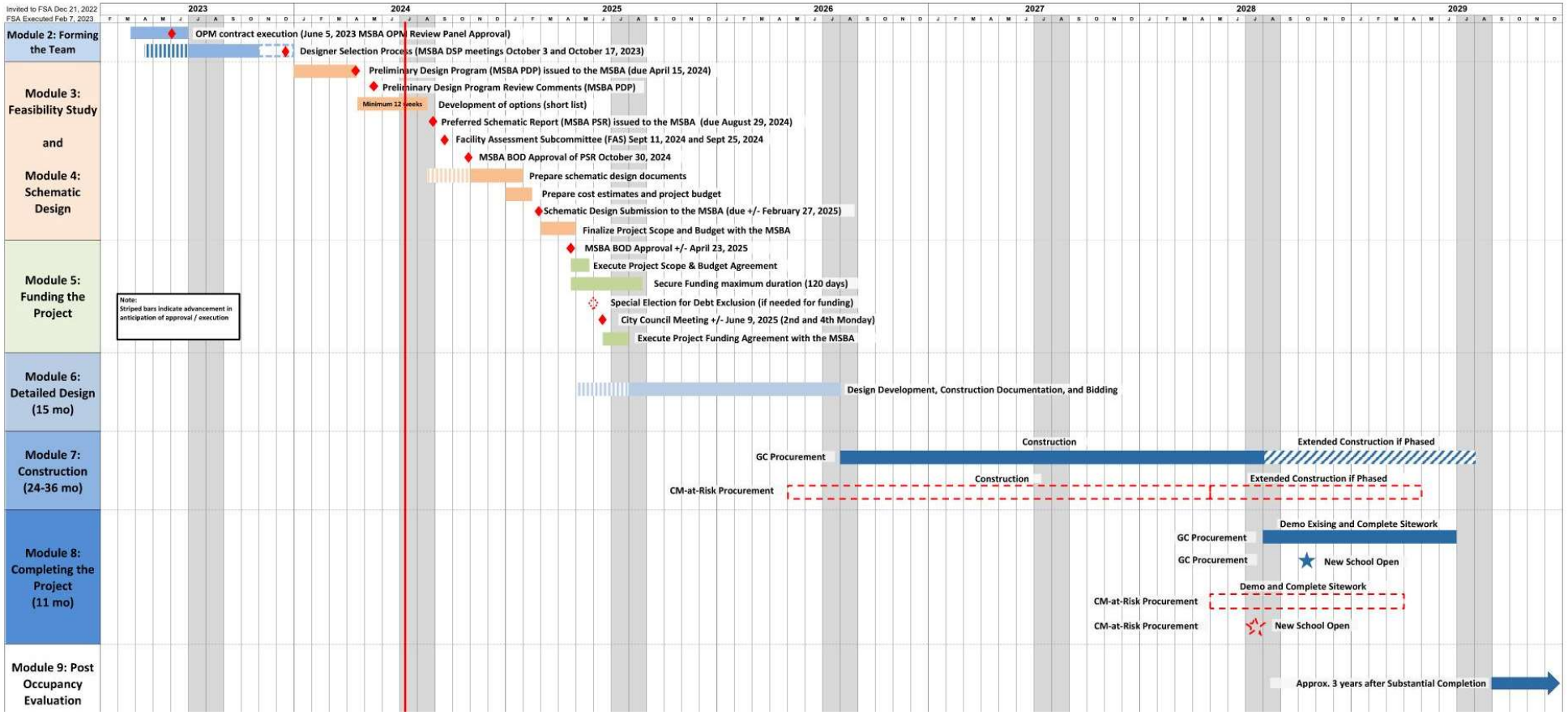
CM-R

- Ability to fast track the design/construction process via early release packages. Depending on the planned start, duration and completion of construction, this ability to fast track should be considered an “option” and not a “given”
- The advantage to fast track is that construction can commence early which can have certain benefits based on time and can hedge against potential cost inflations in the industry. The disadvantage is that the documents are subject to coordination issues and work commences without cost certainty

DESIGN-BID-BUILD

- Construction commences after bidding period and documents are complete
- Drawings are theoretically fully detailed and complete
- Due to the documents being complete, costs are certain at the time of bid opening

PRELIMINARY PROJECT SCHEDULE



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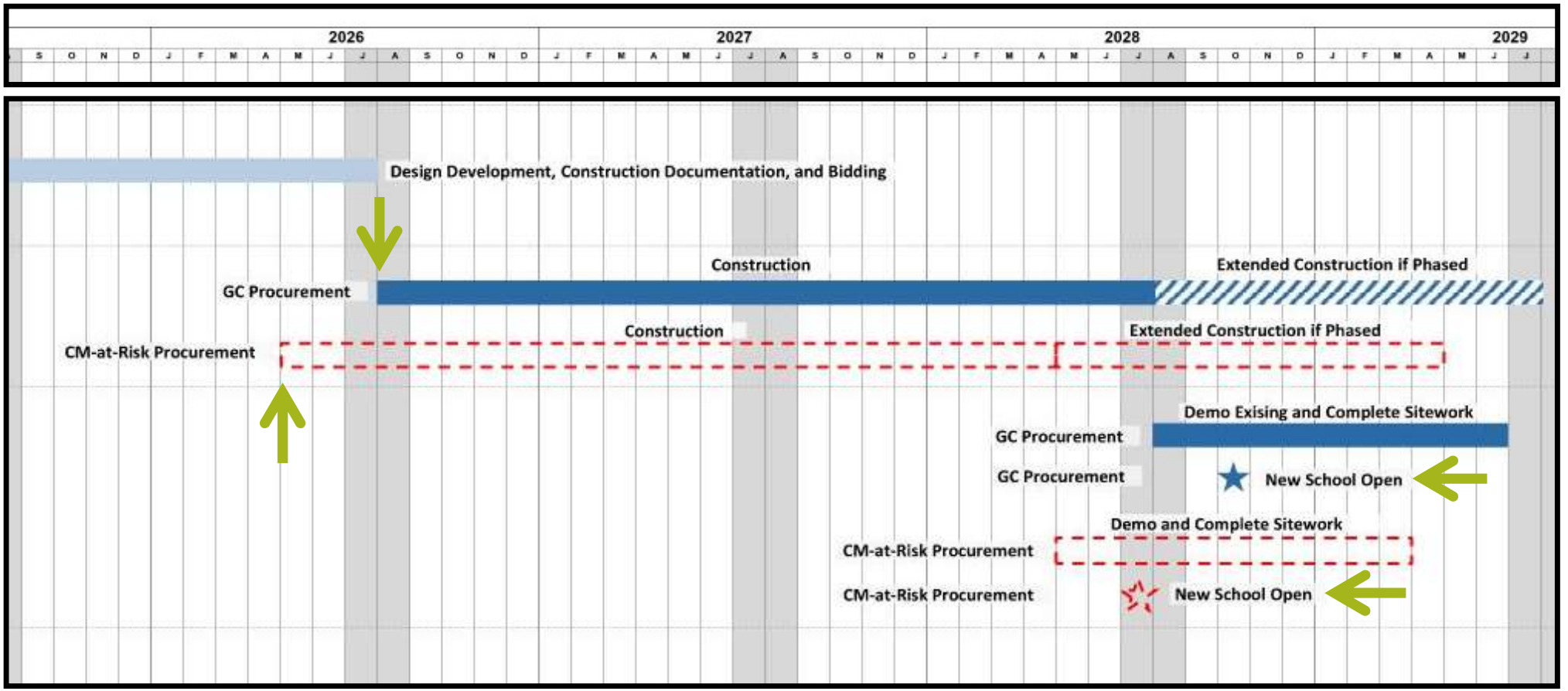


PROCUREMENT METHOD

COST AND ACCOUNTING

CM-R

- Contractor includes contingency within the GMP to cover work reasonably non-inferable from the design documents. The CM contingency is transparent, and use of the contingency is owner controlled
- The Owner and project team interacts with the CM to establish the GMP. However, please note that once the CM is selected at the pre-construction phase, there is a level of confidence between the Owner and CM that a mutually acceptable GMP can be reached
- Profit (or fee) and general conditions are fixed. Open book accounting is performed and any unused funds in project requirements, allowances, scope holds, and CM contingency are returned to the owner
- Monthly requisition process has more detailed paperwork

DESIGN-BID-BUILD

- The GC cost of the work is highly competitive and will likely yield a lower cost up front than CM-R. However, please note that GC's objective is to maximize their profit margin
- There is no "open book" accounting. The GC's contingency is not transparent
- Monthly requisition process is simplified

PROCUREMENT METHOD

CHANGE ORDERS AND RFIs

CM-R

- *There will be change orders*. It has been our experience that the CO process is not done in a “pass through” manner
- *There will be RFIs*.
- GMP covers work not necessarily in the documents but reasonably inferable. Ability for the CM to absorb costs that would otherwise be a change order

DESIGN-BID-BUILD

- *There will be change orders*.
- *There will be RFIs*.
- Due to the highly competitive nature of the lump sum bid process, change order work is pursued as “cost opportunities”. Any mistakes in the bidding assumptions are typically issued as CO’s

PROCUREMENT METHOD

ADDITIONAL FACTORS

CM-R

- Needs to be approved by the Office of the Inspector General (OIG)
- Tends to foster a team approach
- Currently is the preferred method for DCAMM projects over $10 million
- Preferred method for other state agencies such as UMass Amherst, UMBA, and the MSCBA
- Tends to be utilized for complicated, phased, and/or renovation projects

DESIGN-BID-BUILD

- Roles and responsibilities of the team are very clear
- Tends to be utilized on well defined, clear projects that don't have schedule constraints, occupied buildings, and/or complicated phasing

PROCUREMENT METHOD

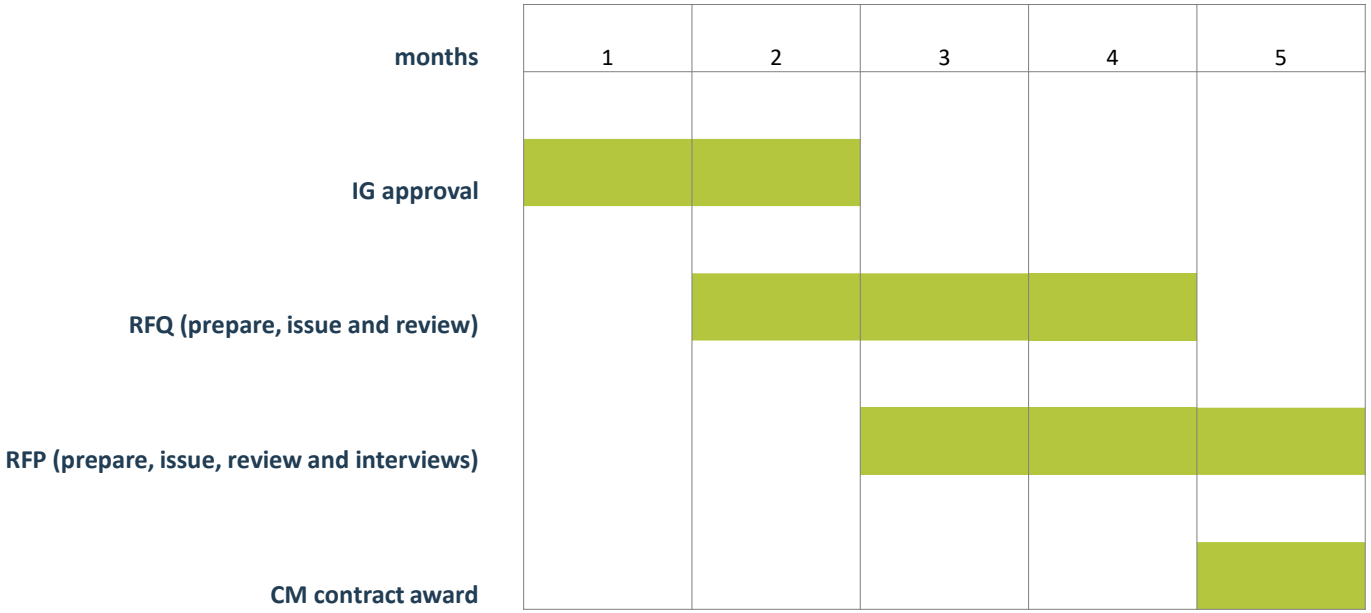
CM-R PROCUREMENT – TIMELINE

Office of the Inspector General (OIG) Application Timeline

	Event	Task
Day 1	Awarding Authority Submits Application to Proceed (by mail) to: Office of the Inspector General One Ashburton Place, Room 1311 Boston, MA 02108	• Date and time stamp application
Day 1 – 15	1. OIG reviews application in a timely manner. 2. OIG contacts applicant acknowledging receipt of the application	• Review application
Day 1-60	1. OIG determines whether additional information is necessary and if so, requests awarding authority to send information 2. OIG reviews application to determine whether awarding authority meets requirements and will be issued a Notice to Proceed 3. OIG sends Notice to Proceed or Denial of Notice to Proceed	• Verify information • Request more information, if necessary • Analyze credentials based on evaluation criteria; • Complete review and issue determination

PROCUREMENT METHOD

CM-R PROCUREMENT – TIMELINE



Estimated / example timeframe.
Actual timeframe can vary based on IG review turnaround, timing of advertisements and schedule challenges of the pre-qualification committee.