

Shutesbury Select Board Meeting Minutes
Special November 1, 2022 Virtual Meeting Format

Select Board members present: Rita Farrell/Chair and Melissa Makepeace-O'Neil
Staff present: Becky Torres/Town Administrator; Geneva Bickford/Administrative Secretary
Volunteers & Other Staff present: Elaine Puleo, Mary Anne Antonellis
Guests:

Farrell calls the meeting to order at 5:30pm.

Agenda Review: Special meeting to review the contract for OPM for Library Construction. Follow up confirming Shutesbury's participation as part of regional grant done by the City of Greenfield.

Public Comment: None offered.

Discussion Topics:

1. Contract with OPM: OPM is the creation of legislature to help assure municipalities are supported in their major construction projects. It allows municipalities to have a professional who is their representative in the building and construction of public facilities. This is a key role to have someone you can work with that has a large knowledge base about construction, someone who is very experienced and who can help bring the project in on budget. The Committee had opened the OPM RFQ's. They reviewed as a committee and made single recommendation for CMS (Construction Monitoring Services) out of Marlborough. CMS is experienced and has done a large number of municipal projects and have worked in Franklin County. The last step handed off to the SB by Elaine and the Library Building Committee was to negotiate a contract with CMS. Comparisons were prepared in the last conversation with the committee. We were aware that the percentages that the industry usually has, OPM often comes in between 3.5 to 5% of the total project cost. Our goal was to try and get 4%. The backdrop to that was the smaller projects were all at 5% that we surveyed from the MBLC. CMS put together a proposal. They outlined the design phase services, that are also in the contract. One thing committee was committed to was having a Clerk of the Works on site 40 hours a week during construction. We've calculated the rough estimate of construction would take 12 months (52 weeks), that was a key element in their proposal. It got dicey when we saw original price of \$339,000 which was 5.3%. We were determined to get it below 5%. We requested to have Clerk of the Works part time at the beginning of the project because it would be in the early stages. The contractors would be focusing on ordering and setting up work site, making preparations for material and labor. We did not feel that would require 40 hours a week. A Pre Construction Services Phase was added giving a 60 day extension to the contract so that construction ends March 2025 instead of December 2024. Given our climate we do not believe we could be in full construction by January or February. With a contract extension the Town would be liable for the cost of \$17,000 per month for the OPM during construction. We do have limited services during the preconstruction services in January through March. The OPM

added a preconstruction services paragraph that gives us the additional 40 hours of project support. They are clear if we go over we will be billed at their hourly rate. The final contract has an additional sentence saying they will report their time weekly to us, so we can manage to stay within the 40 hours. If it goes over the allowance the Town will get an owners change order. Any changes to the contract at all have to be done in writing or we are NOT financially responsible, written in Section 9. The Town of Shutesbury is the owner of the project and changes would come back to the building committee but SB should have access to all documents if they want to see them. SB should meet with building committee occasionally and get updates. SB is in charge of contracts. If there is a change to the contract ultimately the SB would need to give their approval. Meetings with the full building committee and the OPM are expected to be once a month. There will be meetings with Mary Anne and other LBC members weekly. There will be minutes to weekly meetings and they should be shared with the building committee who should share with the SB. The reason for Elective Services was to reduce the cost, also, prequalification of general contractors can be time consuming. The building committee can take on some of that work. The second category of elective services is FF&E. We are hopeful there will be an active subcommittee to take on the FF&E tasks with support from the OPM. Issue about prequalification of general contractors is that all of the contractors have to be Data Capability Assessment Management (DCAM) certified. This is a certification process where most of your issues like financial problems, not completing work, are flushed out thru the DCAM process. They say about 95% are flushed out with DCAM the big concern is that other 5%. We will need to be sure we go thru a prequalification process with less involvement from the OPM during that process. We believe there will be a retainage. Jeff Quackenbush has reviewed the changes. He requested they do an estimate for any change order over \$25k rather than \$50K. CMS' response was that would be an increase in workload and that would require a change in compensation. We did not include the last change. That means any change order under 50K they do NOT go thru a full proposal they just provide you with an estimate. Mary Anne did not feel this was something to make us shut down the process and go back out to bid. This is an instance where there is a reimbursement on the costs for the OPM & Design from the MBLC. Mary Anne has checked with MBLC and Director of the Gloucester Library and they gave high reviews of CMS. Next steps are in motion. We submitted to Central Register last Wednesday, that means designer contract (architect) will be announced tomorrow, November 2, 2022. We will start bidding process on November 2, with closing of November 22, 2022.

MOTION to approve the contract for the proposal from CMS for OPM services for the new Shutesbury Library.

- Makepeace-O'Neil moves and Farrell seconds. Roll call vote: Makepeace-O'Neil: aye, and Farrell: aye; the motion carries.

2. PHE Grant-Statement of Commitment-Shutesbury, BOH regional grant agreement:
This agreement the SB is signing is an agreement to work with Greenfield, Montague, Deerfield and Sunderland. It presents specific population, lists all services the town has about health agents, inspector and public health nurse. The grant Greenfield has received is a regional grant that creates a new funding source to have these services available not only in Greenfield but in Leverett and Shutesbury and the other smaller towns. They have already for a 2 year period received over \$600,000 and we will be sharing in those responsibilities and having those services available to our BOH because of this grant. Shutesbury is signing onto a partnership more than a grant application.

MOTION for Shutesbury to participate in Greenfield's Regional Public Health Program

- Makepeace-O'Neil moves and Farrell seconds. Roll call vote: Makepeace-O'Neil: aye; and Farrell: aye; the motion carries.

At 6:07 pm meeting adjourned.

Documents and Other Items Used at the Meeting:

1. CMS Revised Fee Proposal

Respectfully submitted,
Geneva Bickford
Administrative Secretary

DRAFT