

WELCOME to MSA

Saturday January 23, 2016

To Build or Not to Build: Selectmen's Role in Guiding Municipal Building Projects

.

Panelists

- Pat Goddard – Director of Public Facilities, Lexington
- pgoddard@lexingtonma.gov | (781) 274-8958
- Brian O'Donnell – Director of Labor Relations, AGCMA
- odonnell@agcmass.org | (781) 235-2680 ex. 16
- Daniel Pallotta – Principal of P-3 an OPM firm.
- dpallotta@p-threeinc.com | (781) 871-3136

The Capital Assessment

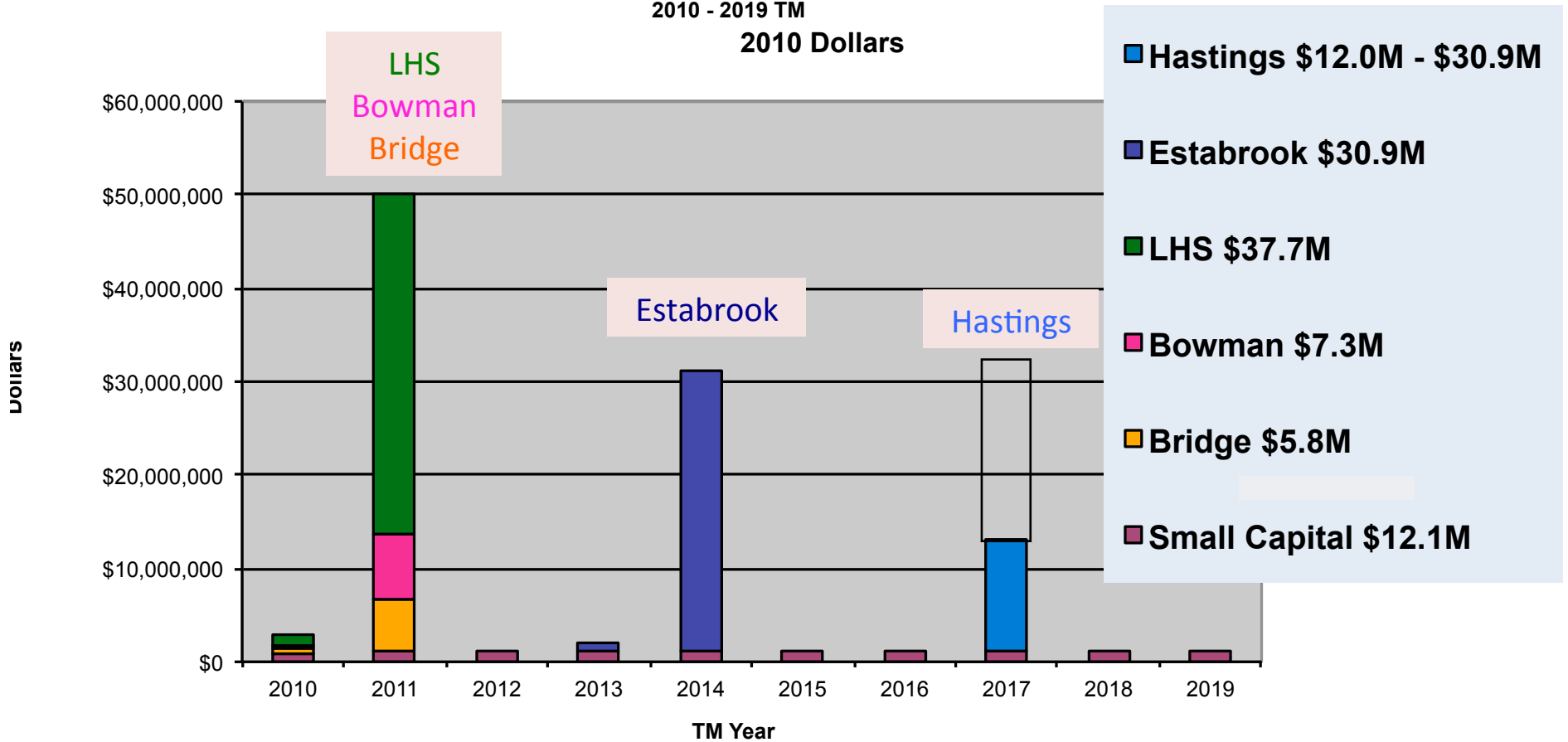
- Most projects start with a Capital Plan
- Capital Plan is 5 years minimum and addresses major projects that require Bonding.
- Once the project is identified, the Town must decide who in town will have authority to manage the project
- Selectmen establish policy on building standards (LEED, energy, IEQ)



2009 10 Year School Facility Capital Spending

With MSBA Approval of LHS Project

Total School Facility Capital Spending \$105.7M - \$124.7M
2010 - 2019 TM
2010 Dollars

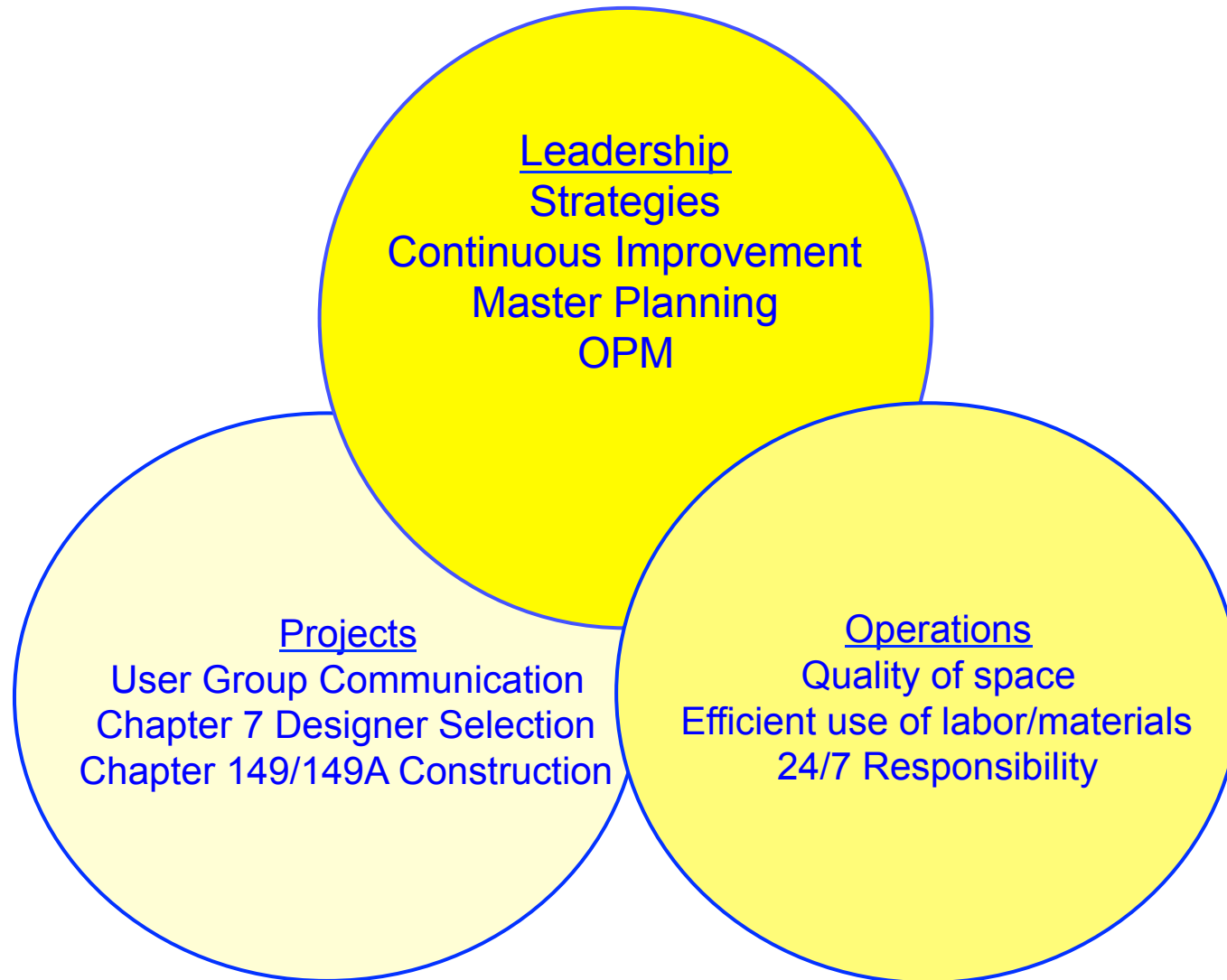


Administering the Project

- Building Committees are used by many municipalities to oversee design and construction.
- An Owners Project Manager (OPM) must be assigned to all building projects over \$1.5M
- Some municipalities have staff that administer building projects and serve as OPM.
- All OPMs must meet qualification standards established under M.G.L. c.149, §44A 1/2



Facility Organization - Three Key Functions



The Building Committee

- Larger Towns and Cities very rarely have building committees unless required by a grant such as the MSBA.
- The building committee is governed by the OML and PRL as an instrumentality of the authority that appoints them and to whom they report.
- Ad hoc Building Committees can be helpful in defining the community requirements.
- Energy, Sustainable, Commission on Disability and other standing committees also have a voice to be heard on building projects.



Permanent Building Committee

Roles and Responsibilities

- **The Department of Public Facilities (DPF) provides full time staff to administer and manage the public construction process from Designer Selection through Chapter 149/149A bidding and construction.**
- **The Permanent Building Committee (PBC) provides expertise in scheduling, costs, planning, design, and construction.**
- **On each project, PBC and DPF agree, with oversight by the Town Manager, on how to best utilize the skills, knowledge, and expertise of the public members to continue to jointly deliver quality projects for the Town of Lexington.**

Political Ramifications

- The Building committee, if appointed by the BoS, Moderator, or Town Manager, should try to balance a project membership to avoid political unrest on a project that is a mere concept.
- The Committee's first task is to understand the project requirements, understand the budget, even if only study or design money.
- Even if the project is only a study, but the total cost of the project is over \$ 1,500,000.00 the next task is appointing the OPM.

Appointing the OPM

- OPM means Owner's Project Manager, the OPM shall be independent from the designer and contractor and basically guides the building committee through the processes and MGLs that lie ahead. The appointing of the OPM is critical to the success of the project and must be able to work with the Town and the Town must have full confidence in the OPM.

OPM – Qualification Based Process

- The OPM is appointed through a qualification based process outlined in MGL Chapter 7, §54. The OPM once on board begins the process of scribing the record and advising the Town of the next steps throughout the public process.

Stages of Public Construction

1. Planning

- Confirms and quantifies the need
- Identifies and evaluates alternative solutions to the need
- Conceptual drawings illustrating scale and relationships among components
- Develops and recommends a solution, considering cost and other relevant criteria

2. Design

- Schematic Design (10% - 30%) Floor plans, elevations, systems, materials
- Design Development (50% - 80%) Increased detail, regulatory requirements, structural, MEP, architectural
- Construction Documents (100%) Drawings and specifications for contracting

3. Construction

- Bidding process administration
- Construction contract administration

Hiring the Designer

- Seven Steps to hiring the Designer for the Study only or the entire project from Study to completion.
- Step 1 – Town must adopt Designer Selection Procedures
- Step 2 – Town with assistance from OPM puts together RFQ for Designers
- Step 3 – Advertise in the Central Register and local newspaper at least two weeks in advance of the RFQs being received.
- Step 4 – Evaluate and list top 3 designers
- Step 5 – Rank the finalists
- Step 6 – Negotiate the contract
- Step 7 – Publish the Awarded Contract.

Construction

The construction document phase of the Design work sets up the Bidding phase. The CDs are the bid documents as well as the legal documents to which a contractor literally builds the project.

The Bidding phase however is far more complicated. Massachusetts bids projects in two phases. The subcontractor and the General Contractor.

Filed Sub Bidding

- The Commonwealth has identified 18 categories of sub trades that are bid before the General Bids. This process is called the Filed Sub-Bid process and all of the results, when determined by the awarding authority to be “responsible” bidders, is then published for the Generals to select one from each category (usually the lowest.) Categories vary from plumbing, HVAC, electric to painting, acoustic ceilings and many others.

General Bids

- Projects over \$10 Million require prequalification of not only the Generals, but each of the Filed Sub Bidders as well.
- Generals (and FSB) must have a valid DCAMM certificate of eligibility and that certificate has maximum project amount the General Contractor may bid on.
- The General Contractor must provide a DCAMM “Update” statement with pertinent project and reference facts.
- The OPM, Designer and Owner will review bidders in each trade then the GC for their being a “Responsible” Bidder.
- The Contract is awarded to the Lowest responsible General Contractor who upon the time of the bid has included the bids of each of the filed sub-bid trades.

The Bond and Insurances

- The General Contractor is to provide a full Payment and Performance Bond to the awarding authority. Other items such as builders risk, general liability and workmen compensation insurances are to be provided upon award. The contractor then assumes control of the building site and the project starts.

The Budget and Contingency

- Projects in Massachusetts are required to have set aside money in the appropriation for unknowns. This is called contingency. The entire Budget of the project is to be tracked by the OPM and reports monthly to the awarding authority of balances to the appropriation.
- This is extremely important when the project has hit a roadblock and the Town must decide if it can afford one solution or another.

Change Orders

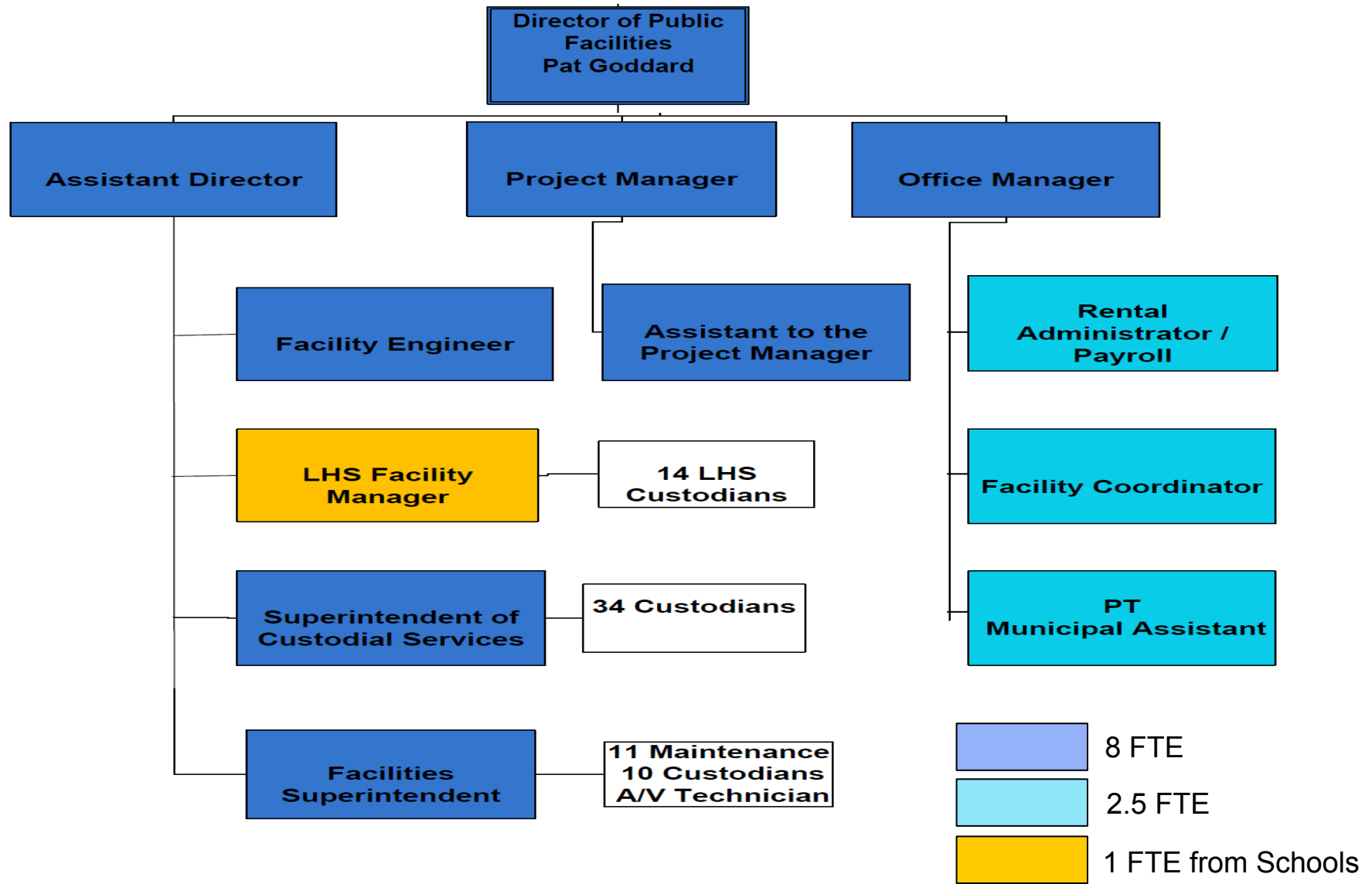
- All projects have changes. The vehicle to change the contract with the contractor is the Change Order. The change orders are checked by the OPM for reasonableness. Overcharging the Town is illegal. Be wary of contractors who try to maximize their Change Order values. Change Orders can be unforeseen, design mistake, or Owner driven.

Commissioning

- A systematic process of ensuring that all building systems perform interactively and according to contract documents, the design intent and the building operational requirements. The commissioning agent should be involved during design for most benefit and least cost.



2016 Organizations : 11.5 FTE





Community Center



Center Grand Opening, October 17, 2015

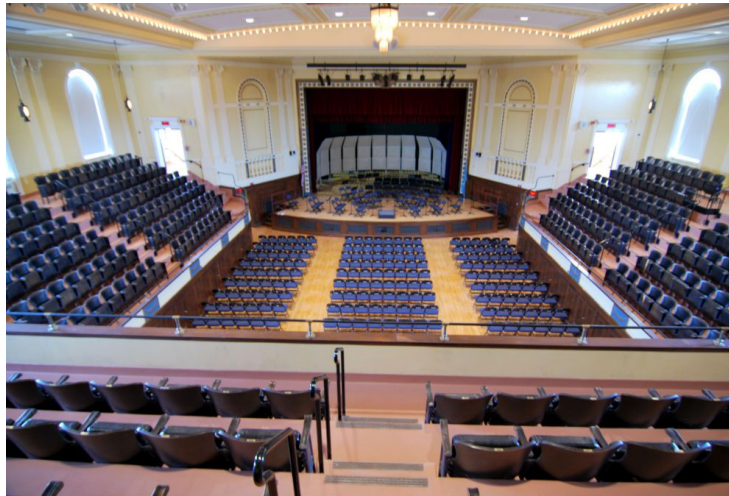
- 2015 - \$6.7M renovation of former Scottish Rite Headquarters into Lexington Community Center





Cary Memorial Building

- 2015 - \$8.8M renovation of Cary Memorial Building for improved functionality, accessibility, life safety, and system replacements. The 1927 building, gifted to the Town by the daughters of Isaac Harris Cary, is home to the Cary Lecture Series, Lexington Town Meeting, Lexington Symphony, and the Cary Hall Performing Arts Series.



SPECTACLE MANAGEMENT
Performing Arts Series
CARY HALL
TICKETS ON SALE MONDAY, JUNE 22ND AT 10AM
www.caryhalllexington.com • 617-531-1257

Livingston Taylor
Oct. 16

Metoparse the Musical
Oct. 23-25

Don McLean
Nov. 15

Vienna Boys Choir
Holiday Celebration
Dec. 6

CARYHALLEXINGTON.COM
1605 Massachusetts Ave. Lexington, MA 02130
www.caryhalllexington.com • 617-531-1257

Summary of Selectmen Considerations

Master Planning

- Verify the need
- Five to ten year implementation goal
- Financing plan

Administration

- Building Committee, OPM, and staff roles
- Selectmen Policy (LEED, Sustainability, etc.)
- Public process

Implementation

- MGL Process
- Commissioning
- Operation

Resources for Planning Public Projects

- Massachusetts OIG's *Design and Construction of Public Facilities* manual at **mass.gov/ig**
- Massachusetts School Building Authority guidelines for OPM contracts at **massschoolbuildings.org**
- Office of the Attorney General's *Bid Protest Lookup* at **mass.gov/ago**
- DCAMM Contractor evaluation files and sample procurement documents