

## **SPECIAL COMMITTEE ON THE CIVIC CENTER**

**October 2, 2001**

**6:00 PM**

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Pariseau, Cashin, Hirschmann, O'Neil

Absent:

Chairman Wihby addressed Item 3 of the agenda:

Review of Change Orders 43, 44, 45 and 52.

Alderman O'Neil moved to approve the change orders. Alderman Pariseau duly seconded the motion.

Mr. Levy stated Change Order 43 is a total of \$23,885 and it comes out of contingency. It modifies the water service connection and is required by the City Water Department. We deleted manual dampers that form mechanical shafts and deleted a fire alarm tie in to each ring duct ALD, added four variable drives to the main return fans, changed picket rail to pipe rail at catwalk stair and provided power to freeze protection pump and modified cooling tower rail. The architect, engineer and construction manager have reviewed these changes and concur with the validity and cost. Change Order 44 is for \$6,480. The cost comes out of contingency. It increases the size of the exhaust louver on the west elevation and modifies the walk-in cooler/freezer for height restrictions under precast risers. The architect, engineer and construction manager have reviewed these changes and concur with the validity and cost. Change Order 45 is a credit amount of \$5,027. The credit goes into the owner's reserve. It adds drywall to enclose exposed precast in four of the suites on the upper suite level and deletes work not completed by the precast contractor. The architect and construction manager have reviewed these changes and concur with the validity and cost. Change Order 52 is an add of \$941. This comes out of the owner's reserve. It removes the cooling tower cross bracing that is not required and conflicts with the sump drains, deletes CMU bracing at areas where the CMU was deleted, provides three condenser water pump starters and relocates the media cabinet in the home team locker room.

The architect, engineer and construction manager have reviewed these changes and concur with the validity and cost.

Alderman Pariseau asked why didn't the engineer approve Change Order 45.

Mr. Levy answered mainly because it had nothing to do with him. This was strictly an issue with the architect and the construction manager.

Alderman Hirschmann asked on Change Order 53...

Chairman Wihby interjected we are not there yet.

Chairman Wihby called for a vote on the motion. There being none opposed, the motion carried.

Chairman Wihby addressed Item 4 of the agenda:

Review of Change Orders 46, 47, 48, 49, 50, 51, and 53.

Mr. Levy stated Change Order 46 is an add of \$49,792 and the cost comes out of the Owners Reserve. It revises the cooling tower foundations to match the actual cooling tower, modifies the gas service configuration to the boilers, adds power to the dock levelers and adds an emergency circuit for the BMS system which was relocated by SMG. Change Order 47, the total for this change is \$26,846 and the cost comes out of the Owners Reserve. It modifies concessions C and D pass-thru units, adds wall time for four showers not shown on finish schedule, provides four feeder buckets to EMCC and provides carpet and vinyl transition on bowl side of the suites. Change Order 48 is for \$40,921 with the cost coming out of the Owners Reserve. It includes the charge from the Water Department for the water meter and the development charge, enclosing a raker beam in drywall in commissary, provides for additional security through the month of September, and relocates wall to add seating locations. Change Order 49 is an add of \$240,550 with the cost coming out of the Owners Reserve. It includes miscellaneous drywall changes, change railing to wire mesh at top of retaining wall, and adds rubber flooring to circulation areas on the main concourse and upper concourse levels. We have tucked the money away for the concourse flooring as a safety valve due to the tight budget. Change Order 50 is an add of \$28,183. The cost comes out of the Owners Reserve and includes the exterior stairs from the upper parking lot to the lower area and relocates a wall to allow for the installation of a transformer. Change Order 51 is for \$33,637 with the cost coming out of the kitchen equipment budget. It modifies the concession serving areas and deletes some of the kitchen equipment. SMG and Aramark requested these changes.

Change Order 53 is for \$200,000 with the cost coming out of the GMP and into the Owners Reserve.

Alderman Hirschmann asked why isn't there an explanation for Change Order 53.

Mr. Levy answered this is moving money from the GMP into that Owners Reserve account so that it doesn't impact the budget as such. Remember we had the design contingency in the GMP and since we passed the 90% mark we have moved money back into the overall budget so we moved it into the Owners Reserve from the GMP.

Alderman Hirschmann asked where is the outdoor marquee.

Mr. Levy answered that is in the FF&E package.

Alderman Hirschmann asked is that being built.

Mr. Levy answered yes.

Alderman Hirschmann stated as long as that is going up, I don't have a problem.

Mr. Levy replied it is going up.

Alderman Cashin asked could you explain Change Order #53 again.

Mr. Levy stated the Owners Reserve we separated from the contingency so it didn't get confusing with the contingency. Remember we carried a contingency...the owner carried a contingency of \$2.7 million. In the GMP the construction manager carried a contingency of \$1.7 million, which was what they called a design contingency. That was to cover when they put together the GMP they only had drawings that were 30% complete so that protected the construction manager against unknowns or things that were not designed yet. Basically, we have been moving money out of that, which reduces the GMP and then we set-up that Owners Reserve. I think we did that originally back some time ago and that is where that went. We have drawn against that for change orders.

On motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to approve the change orders.

Chairman Wihby addressed Item 5 of the agenda:

Status of project budget, contingency and schedule.

Mr. Levy stated as I indicated the changes in the work have fallen off dramatically. This gives the team a fairly certain level of confidence that there will be an adequate budget to complete the project. However, with every construction project there is always risk through the completion of the project. We are scheduled to have the Certificate of Occupancy issued on or about October 15. We are working closely with Building Inspectors and the Fire Marshall to achieve this goal. The grand opening as I am sure you are all aware is November 15.

Chairman Wihby asked does this mean we are on time and on budget.

Mr. Levy answered yes.

Alderman Vaillancourt asked regarding the GMP, I noticed that you took out \$400,000 earlier and put it in the Owners Reserve and now \$200,000 here. What is the current GMP? Have we increased by \$600,000 by having to do this? If we never had to do this we would have had to pay \$600,000 less or am I wrong?

Mr. Levy answered with Change Order 53, the current GMP is \$47,026,100.

Alderman Vaillancourt asked what did it start at.

Mr. Levy answered \$43,987,792.

Chairman addressed Item 6 of the agenda:

Discussion regarding continuing groundwater monitoring and activity/use restrictions.

As a result of the contaminated soil, the NH Department of Environmental Services has required that we install five monitoring wells to be monitored for a period of one year. The question has been whose responsibility is it to procure and pay for this service.

Chairman Wihby asked, Tom, what is the answer. This is something that they wouldn't have known that they had to do until now. I am sure they didn't plan for it. How much is it? Do we know?

Solicitor Clark stated I am not sure what the cost of this is, but as with other unknowns that come up during a project they usually are covered under the project budget.

Mr. Clougherty stated I would guess that this isn't a project budget cost but is an ongoing cost that to me would be an operational cost to the facility and would

have to be an operational expense and treated along with the flow of funds through the budget of the facility. I know that it wasn't anticipated and Tim may want to sit down with them and talk about that and I would be happy to do that.

Mr. Levy stated I have an estimate of around \$15,000 to drill the wells and to monitor them with the water testing for a period of one year. That is with three tests for the year.

Alderman O'Neil stated I am going to make the suggestion that I made at a CIP meeting. I would like to see these DES people come in and tell us and I am serious about this because they tried to pass something on with the rail project on the West Side and add to the cost of that and we are not moving on that project until they come in and tell us face to face that there is a problem with this. With all due respect, Peter, they play this game all over the City. With former gas stations they come in when they feel like it. Money is no object. I want them to come in here and tell this selected body that we have to spend \$15,000.

Chairman Wihby asked do we have to decide this today.

Mr. Levy answered no.

Chairman Wihby asked can you schedule a time for them to come in.

Mr. Levy answered yes.

Chairman Wihby stated and Kevin you can sit down with Tim and Tom and try to work it out.

Alderman Vaillancourt stated frankly I think that is a small amount from DES. It could end up being much more than that. Maybe we should take our lumps and not say hit me with another one.

Alderman Pariseau asked \$15,000 per well.

Mr. Levy answered no that is a total of \$15,000, which includes the drilling and the monitoring for a period of one year.

On motion of Alderman O'Neil, duly seconded by Alderman Cashin, it was voted to table this item.

Mr. Levy stated I have two additional items that weren't on the agenda and they deal with agreements between the building and PSNH. It is an electrical

agreement and who signs it and also with the Manchester Water Works. I have an agreement for the civic center building and again who will sign that?

Chairman Wihby asked wouldn't that be the City or the Housing Authority.

Mr. Levy asked who in the City.

Solicitor Clark stated once the construction is done it will be City property. We may have Kevin authorized to sign them but we haven't seen them. We just heard about them tonight. We will review them and if we need Board action we will bring them back to the Board.

Alderman Vaillancourt asked can I mention the Staples lawsuit. How are we standing there?

Mr. Levy answered I have not gotten an update recently on that and I can't answer that.

Solicitor Clark stated it is my understanding that the Housing Authority has requested the Board of Tax & Land Appeals to set-up a structuring conference and to get all of the parties in front of them because some of them have just gone away and not done anything further. We are going to go up and meet with the Board and try to get all of the parties there to see where we stand. That should be done in the near future.

Chairman Wihby stated Alderman Pariseau and Alderman Hirschmann don't know this yet but we are going to have breakfast tomorrow at the Merrimack Restaurant and then we are going to walk over and look at the civic center before we go over to the court session.

Alderman O'Neil asked did we get any word on that piling controversy.

Mr. Levy answered yes. I returned that in one of my reports about a month ago. What I will do is reissue it again specifically directed to the Committee.

There being no further business, on motion of Alderman Cashin, duly seconded by Alderman O'Neil, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee