

SPECIAL COMMITTEE ON JOINT SCHOOL BUILDINGS

November 9, 2004

5:00 PM

Chairman Herbert called the meeting to order.

The Clerk called the roll.

Present: School Committee Members Herbert, Beaudry, Cote, Kelley
Aldermen Roy, Porter, DeVries, Garrity, Thibault

Absent: School Committee Member Perry

Messrs: J. Thompson, T. Clark, K. Clougherty, T. Clougherty

Chairman Herbert stated item for discussion tonight is just a single item that is in regards to the recommended project by the School Board on installing lockers at West High School. I've asked the principal of West High School to be here, Ms. Thompson, and the City Solicitor is here as well if there are any questions in that regard, and Mr. Tim T. Clougherty is here from the Highway Department. I think rather than consider a motion at this time, unless somebody wants to make one, we just could have some questions. I would like to hear from the West High principal first in regards to the project itself.

TABLED ITEM

On motion of Alderman Thibault, duly seconded by School Committee Member Cote, Item 3 was removed from the table.

Change of Scope – West High School Lockers

Jan Thompson, West High School Principal, stated presently we have about 2,100 plus students, 2,124 was the count yesterday. For those students we have 1,375 lockers that work. That means almost every locker has two students assigned to it. Many of the lockers are meant only for one student. They are approximately maybe three feet tall, about ten inches wide on the inside. So after a student puts their coat in there, their books in there, there really isn't room for two students in there. During the warmer months, as you know, many students don't wear their coats, but now that it is getting colder, you do find more students wearing their

coats to school. So it really is a tight situation for them. What is forcing many of the students to do is to carry their books with them all day long. We have arranged so that they do time to go to their lockers before and after homeroom, which is partway through the day in the hopes that they will not be carrying all of their books with them because they do get quite hefty in their backpacks. We did go through and inventoried our lockers because a number of them are in disrepair, close to 400 are in disrepair, where they are unusable by themselves. And we figured if the lockers were put together, the ones that are in disrepair to make one good locker out of two or three broken lockers, plus add 800 new lockers, the individual ones, because that used to follow temptation by other people to do things that they shouldn't do, we would then have enough lockers for each one of the students.

Committee Member Beaudry stated what I saw on the report that was given to us, if I understand Mrs. Thompson, that 800 new lockers would accommodate your school for everybody to have their own locker?

Ms. Thompson answered correct.

Committee Member Beaudry stated what was on the sheet though there was going to be 2,000 new lockers. I don't have the sheet with me; there's 1,000 then 2,000 new lockers. So it's actually buying brand new ones for every locker. What was that sheet that was given out to us?

Tim T. Clougherty, Deputy Public Works Director, stated at the time the request was made it was unclear as to exactly how many lockers were necessary to satisfy the student needs at West High School. So we got a lump sum account for replacement of 2,000 lockers, which when coupled with the new lockers that were provided in the addition that would have provided new lockers throughout the school, and in conversations with Gilbane, we're taking that number and basically made the assumption that if we bought 2,000 at X dollars that 800 would be 40 percent of that number. It's subsequently been found that 800 is the number that's being looked for for new lockers. That's why it's 800 now and 2,000 on the proposal.

Committee Member Beaudry asked so what are we buying? 800 or 2,000?

Mr. T. T. Clougherty answered 800. That's my understanding the direction we've given by Frank Bass, school administration.

Committee Member Beaudry stated I know we're talking about West, but I just want to bring up again the subject of the Central lockers. What is the status of the Central lockers? Where are they and when will they be installed at Central?

Mr. T. Clougherty answered I don't have the exact numbers with me but as I recall last week about 75 or 80 percent were installed and the balance were in the process of being installed. The struggle with the last part from what I recall has to do with reconfiguration of the James Building, of the administration area, the guidance and nurses area on the ground floor as well as the media center, on the second floor. All of those areas are getting turned into classrooms, we're upgrading the ventilation so we're going to building some shafts that will go through the corridors, on the perimeters of the corridors, where the lockers are right now, or lockers are proposed to be, and rather than putting new lockers in and not having the exact location of those ducts and having to remove them, they've kind of slowed up on those. My understanding is that the locker situation is accommodating the students currently, but we're not fully complete with the replacement.

Committee Member Beaudry stated what about the Classical? My understanding is that people are tripled up in the Classical because there's not lockers on the second, third, fourth floors.

Mr. T. Clougherty replied I'll check on that tomorrow morning and get back to you. There's no reason whatsoever that anybody should be tripled up on a locker in that school.

Alderman Thibault asked Tim, I'd just like to if you could bring us up to date right now as to where we are with money. If we go out in fact and buy these lockers, where do we end up on the money end? And Kevin you're here if there's anything that we should know. It would be nice to know.

Mr. T. Clougherty replied as I reported a couple of weeks ago, our contingency balance currently is roughly \$4.19 million. We started the beginning of the project with \$5.65 million. We've executed change orders in the amount of or we've been authorized to execute change orders in the amount of \$1,083,000 and change and then two other change orders at roughly \$190,000 a piece for, the first one being dealing with hazardous materials subsequent to four stairwells to meet egress requirements with safety code at Southside and Hillside.

Alderman Thibault asked and what about these lockers? What kind of a price comes with these 800 lockers?

Mr. T. Clougherty answered the 800 lockers equates to roughly \$100,000, roughly \$96,000.

Alderman Thibault moved to approve the use of contingency funds to replace 800 lockers at West High School. Committee Member Kelley duly seconded the motion.

Alderman DeVries stated since we do have the City Solicitor here I'm just wishing to get clarification on the jurisdiction, if this committee has the jurisdiction over the spending. Just for clarification for all future discussions.

Thomas Clark, City Solicitor, stated this committee is a statutory committee and has the powers that are set out by law. The law requires that when the Aldermen appropriate money to the School District for construction and renovation, remodeling, refurbishing, it has to be approved first by the School Board. They set the scope of the project. Once the scope of the project has been set, it comes to his committee to administer it within that scope. Now the statute is an older statute, it's been around for quite a while. It certainly was around long before design/build ever came about and is generally geared and best works when you think of it in terms of constructing one building. That's the way it was originally written. It never envisioned school districts to be doing more than one building project at a time. In this particular case the project before you today is an overall citywide school project. It involves multiple buildings both from new construction, renovation and remodeling. The School Board approved the original scope within the \$105 million anticipating that is where the money would take them. Now in the event there is money left over that would have been used in the overall project of school renovations, they can change the scope of the original project by adding new items to it. That's their prerogative and then it comes to this committee for administration. That doesn't mean that you...so we're talking two different items. One is change of scope and the other is change orders. Change orders are strictly the purview, within the scope are strictly the purview of this committee and not the School Board. A lot of it is going to depend on the individual facts of each case. In the case of the lockers at West for an example that's the one before you, that's a very gray area and I haven't researched it with Mr. T. Clougherty or anybody else but the West High renovations were part of the original scope of the project, so it is very well likely to be considered to adding lockers to the change order and not a change of scope, which would be under this jurisdiction. When you're adding stuff that wasn't contemplated under the original scope, then the School Board's jurisdiction kicks in and you administer it after they've approved it.

Alderman DeVries asked would you define for us administer?

Mr. Clark answered the contracts are physically administered by Mr. T. Clougherty through his division, he reports to you reporting on the work progress, you okay the billings, as I understand it, and any change orders within that scope come to you for approval before they are paid.

Alderman DeVries stated correct. So we do approve the funding?

Mr. Clark answered on change orders there's no doubt.

Alderman DeVries asked clarification scope just to be sure that my interpretation is correct, if we were looking at something say one of the athletic fields throughout the City that was never part of the original project, that is a change of scope.

Mr. Clark replied it most likely would be, yes.

Alderman DeVries continued and when we're dealing with anything, since this is a very broad project throughout all of our City schools that is dealing with the infrastructure of the schools it is likely going to be interpreted to be a change order.

Mr. Clark replied perhaps. It all depends what it is. Not every school was within the original scope for work. Certain work was never envisioned. So there could be a change in scope on some of the infrastructure, but if you adding something that was never in the project, yes that's definitely a change of scope.

Alderman DeVries asked when we did, because we had a committee meeting approximately a week ago and the recommendations from the School Committee and I totally agree with the process that it goes through the Building and Sites and to the full School Board before it ever comes to this committee as a recommendation. But where we did peel off if you would one of the items, we voted on, we passed two under change order and held off on one, was that overstepping in any way the administering of...?

Mr. Clark answered no it's not overstepping. If they are change orders, then you have a right to do them separately if you wish. If they are change orders within the original scope. If they are new scope, it's a different issue and I haven't gone back...

Alderman DeVries stated if it's a new scope then it needs to follow that process.

Mr. Clark stated if it's a new scope and then the School Board approves it, and then you administer it as approved by the School Board.

Alderman DeVries stated just a general statement that I would make. I think my hesitation on any of the funding is that as many of the committee members, we just are not so far into this project that we haven't seen any of the possible monetary hazards that could be before us. Hazardous materials haven't been entirely dealt with throughout all of the City schools. I think that is a good part of the hesitation on several of the board members in approving the additional funding and has nothing to do as to whether it's necessary, whether it would be done later, it just is trying to say if we have the opportunity without delaying the current work that is being done, or if it's not cost effective. If we have the opportunity to delay on things, to me that seemed to be a prudent decision. Certainly \$96,000 we've been told from the City side, from Tim Clougherty, that he feels the \$96,000 is not going to be of such an impact that's its going to be difficult for him to absorb. He thinks he still has a great contingency, that's a general statement, being that I think we have to be extremely careful about any additional funding that we do through contingency until we are further on in this project.

Mr. Clark stated Alderman I would add one caveat to what I've been talking about. The overall budget, the \$105 million so to say, is within your hands. You have to administer the contract within its project. Now if the School Board expands the scope because they believe there are additional dollars available that would fit, this committee still has the prerogative of waiting on that until they show that there is the money. Because you can't okay something to change if there's no money.

Alderman Roy stated one question for our City Solicitor and then questions for City Finance. When you look at the definition of administer, what we've really boiled this down to is use of contingency funds. While we all agree that doing the best for the students is our priority as Alderman DeVries has stated, we're concerned about this project coming to a conclusion and being on time and on budget, is administering part of the contingency in your opinion? Are we well within the bounds of using that contingency as this committee sees fit?

Mr. Clark asked you authorize the use of contingency through changes orders and stuff?

Alderman Roy replied yes.

Mr. Clark answered yes.

Alderman Roy asked and that's this committee not a School Board decision or a...?

Mr. Clark replied within the scope of the project you have a right to do change orders that uses contingency.

Alderman Roy asked Kevin, we've had a number of discussions regarding the project, the finances and the contingency. You've been at this since the very beginning and I just wanted to get from the City financial side what your opinion is and what the contingency should be used for.

Kevin Clougherty, Finance Officer, stated we have a couple of concerns regarding the project overall. One, we want to make sure the money is spent. As you all know, if you don't spend the money within a time period we run into arbitrage problems and you have to rebate money back to the IRS and nobody wants to do that. So we want to make sure that the dollars are spent. We want to make sure the dollars are spent for the scope of the project and in that regard we've been talking to the Mayor because our concern is that it's great that we have this balance in contingency. We don't always find ourselves in this situation with projects, especially as the Aldermen know. But we want to make certain that the dollars are spent for the best use. Remember the bonds were issued for a large capital purpose. They have a 25-year life, so you don't want to have your contingency being used for small or short-lived types of items. You want to use that capacity for something that's going to have some duration. Our recommendation to the Mayor and he's going to be setting a meeting with some of the School Board leadership and the administration is not dissimilar to what we doing on the City side. We'd like to see the City and the schools embark on a planning exercise. We went out, we had Parsons-Brinckerhoff come in, gave us a great plan that for years we hadn't had because we were always squabbling over these little projects. They came in and they laid out some priorities and we were able to fund that and now we're moving forward. It's time to really engage a second phase of that study and say all right now that this is completed, what is the next round that has to happen for all of these elementary schools. And a lot of that has to be from an engineering perspective. I understand that the School District's probably done some planning with respect to the academic side of it and the accreditation piece, be we really need I think to get somebody to come back in and reinventory and say okay we've already done all this, what's the balance left. And that could be used as a blueprint as we get later on into the project with some of the balances of these items. If the group consensus that you want to do the lockers for West High, that doesn't particularly give me a lot of heartburn, but what does give me some heartburn is that maybe that's opening the door to a whole bunch of other smaller projects that are going to be done on a ad hoc basis without a really good thoughtful planning and budgeting process where items have to rise to the top then have some engineering support. So I guess that being said, we're happy that we find ourselves in the situation that we are spending the money, that it is going forward, we'd like to have some reserves on there so you don't use all of it

certainly moving forward. But I think we've got a window of time here where maybe we should be looking forward to what happens when this project ends. What are we going to pick up? We're not just going to stop. There's still going to be needs. We don't want to get back into the deferred maintenance situation that we've suffered through for years, so my understanding is the Mayor will be calling a meeting shortly with administration to try and work that out and get it done expeditiously and I'm sure he'd want your input as a School Board.

Chairman Herbert stated just to provide some background information that from the School Board's perspective, we have been involved in the planning process and one of the issues that came before us last week and the issue going forward, say for example of the open concept items that come from a list of about 30 or more items, and we are starting to prioritize and we're planning as to what we think the most important priorities are and when we can take a hack at them. And we're mindful of the amount of money that is in the bond, where the money is being spent at the time, rates, what the most difficult projects have been, where we are in those projects, and even though it's not an exact science, we are involved in a planning process and obviously we welcome the Mayor, the Chairman of the Board, any planning that he wants to institute obviously we'll support wholeheartedly. Just so the Board knows that it's not really an ad hoc situation on the School Board side, we have been very clear that this is not just a catch all and you're supposed to take a nick out of it, anybody that can get the votes goes after it. We've done a lot of screening on our side of the fence by the administration and a lot of things that maybe might have surfaced have not, because we realize that's now what the money's for. In that regard for example, in the open concept we were very mindful of that need and we already had instructed the Highway Department and the professional staff to come forward with some funding and some figures as to what that cost might be. However, even knowing that, we felt comfortable that the three projects that we recommended were well within our ability to fund at this time and still have significant funds left over for other even major projects that we may have. As for change orders and changes of scope, I agree with the City Solicitor. They are gray areas and I think reasonable people within the committee can come to an agreement on that area, but for example, when we did the original scope of...for example in the middle schools, even after the bonding had been funded and everything was a go, the professional staff came back to the School Board with more definitive designs and that kind of thing, which we had to approve in order for the projects to go forward. So the fact that I happened to take the position that even though this is a very existing, comprehensive, RFP and we're breaking some new ground on how to do things right, that it is the School Board's prerogative to prioritize and define the project going forward, because the RFP obviously there are things that need to be changed and those three items we came in, were considered and are changed. So the change over issue from my experience on this committee over the last eight years,

the change over is fairly easy to spot. And that is there's a project going on and there is an unanticipated need for additional work regarding that particular part of the project, whether it was change over to encapsulate a floor, that kind of thing is this committee's purview. However, if there is an entirely new aspect to the project, ie. lockers and intercom, things that were not addressed in the RFP, I consider those to be changes of scope. Now there in lies the gray area. A week ago we had a discussion in regards to the open concept and I understand the financial aspects, but it was very clear from the Aldermen's sampling, in fact one of the Aldermen actually said this, I don't think that lockers are more important than open schools, which is a perfectly legitimate stance, however, it's not an issue of substance in this committee. So that's my position, we will agree to disagree and there will be many gray areas, we will have to knock our heads together and I'm sure we'll get the work done. But I wanted to make it clear on my position on what a change of scope is versus a change order.

Alderman Garrity asked Tim, when can we expect an estimate for the open concept situation?

Mr. T. Clougherty answered just this past week we walked through Highland Goffs Falls and Parker Varney with Deputy Chief Dave Aubin and Jeff Manuelson in order to ascertain what it's going to take to get this open classroom concept eliminated. It's not a small thing where we can just say yes give us a cost and go build some walls. You've got potential issues with egress, stairwells, setting corridors, emergency lighting, visual alarming, electrical needs, HVAC needs; all those items have to be looked at. So the bottom line is it's not going to be a short period of time. I'm hoping to have it within a couple of months. Highland Goffs Falls and Parker Varney are actually a couple of easier schools to look at. When we starting talking about Beech Street School, it's a much, much bigger task. So I don't want to give the committee any false impressions that we're going to see numbers in the next couple of weeks because we're not. It's going to take some time to study to come up with the best alternatives in order to get away from those open classrooms, so I'm thinking that a couple of months is really best case scenario, especially getting into this holiday season.

Alderman Garrity stated I would hope that when we're talking about the open concept classrooms I hope we have three principals from those schools here to advocate for those, and I still believe open concept is more needed than lockers at West High School. I'm not against West High School or anything but the open concept needs to be solved, that's what we should be talking about first.

Alderman Roy asked Tim when you look at some of the design/build contingency utilization that's been discussed in the past, a lot of it has to do with abating additional asbestos, abating lead paint, removing rotten wood, concrete floors, how do you fee we stand on that?

Mr. T. Clougherty stated I don't know what you're referring to.

Alderman Roy stated it's from the Building and Sites School Board meetings.

Mr. T. Clougherty asked are you talking about how we stand relative to the contingency with respect to progress of the project?

Alderman Roy answered yes and the same question for Kevin Clougherty when you're done.

Mr. T. Clougherty replied I think we're doing great. I know one likes to see a million dollar change order on any project for hazardous materials but quite frankly that's why we budgeted \$6 million in this project for unforeseen conditions. That was the reason for it and I consider ourselves lucky to be looking in that million-dollar range. Like Alderman DeVries has mentioned earlier we haven't uncovered every piece of wood or every floor tile that may be suspect at this point in time, but we think we're doing pretty darn good. We're about probably 65 to 75 percent done with construction executed and we're 20 percent dipped into our contingency, give or take, so those ratios are looking really good. And the schools that we're getting into we've already done testing on. We've done testing on everything that we think we're going to be disturbing so even when we get into construction I anticipate it to be minor. I think the outlook at the end of the day is going to be very good relative to the contingency, but I think it's prudent to keep tight fiscal constraint on it until we're sure that we're going to see big savings and those unforeseen conditions will be minimized.

Alderman Roy stated and Kevin hearing those percentages, what are your feelings.

Mr. K. Clougherty replied I agree with Tim, but again I emphasis the reason we find ourselves in our position of having contingency is because with this project we did a lot of planning. When be bid this project out we had volumes of detail that was supported by engineering studies and I can't overemphasis how important I think that is. Whether you're doing the Airport projects or the Water projects, that's why we've had success over the years with this financially because we've had those and I think those project was so successful because it listed out all of the projects and the dollars and I think that what we need to do going forward. Have a list of all of the items that's prepared by an independent engineering group that says these are the priorities and as long as we keep to that track, I think we'll do

well going forward. We always, as you know, are on the side of feasibility studies and engineering studies as the basis for making decisions going forward. We'll stick with that, it's been a good formula.

Chairman Herbert stated I just wanted to point out to the committee we have a motion on the floor specifically in regards to the West High School lockers. I'm bringing it up again so we don't forget and if there are any more questions specific to that issue, otherwise I'd like to move the question.

On motion of Alderman Porter, duly seconded by Alderman Thibault, it was voted to move the question.

Chairman Herbert called for a vote on the motion to approve 800 lockers for West High School. There being none opposed, the motion carried.

Chairman Herbert stated I want to thank everybody because a lot of the things we discussed even though they weren't directly related to the issue of the lockers, I think we needed to air some things out.

Committee Member Beaudry asked Mr. Chairman, before we adjourn can I just ask a question as far as obtaining the lockers. Just to make it clear it is going to be 800 lockers at West.

Mr. T. Clougherty stated I'd like to clarify what exactly the motion is. Is the motion to authorize expenditure for an additional 800 lockers at West High School?

Chairman Beaudry replied whatever it was that the School Board passed.

Committee Member Beaudry stated my impression was 800 [lockers]. That's what I thought we voted on right now. The \$96,000 represents 800 lockers?

Mr. T. Clougherty replied yes it does.

Committee Member Beaudry stated you looked concerned.

Mr. T. Clougherty replied I just want to know if it's a stipulation. Is it 800 lockers at \$96,000 or is 800 lockers if it comes out at \$101,000?

Chairman Herbert replied 800 lockers. The estimate was \$96,000, but...

Mr. T. Clougherty stated the estimate was \$96,000 and that's why I'm a bit hesitant because we don't have a hard line number at \$96,000. That's the estimate.

Chairman Herbert stated 800 was the definitive.

Mr. T. Clougherty asked so we have authorization to proceed with 800 new lockers?

Chairman Herbert answered yes sir.

Committee Member Beaudry stated and one other question. Tim, if I may, I wasn't at the last meeting I had prior engagement to go to, but I was listening to the meeting and it's mentioned that all of the other schools have sufficient lockers for single lockers for every student. My understanding talking to the principals is that is not factual that Memorial still need 160 some odd lockers and these were all in the scope of the project initially. Are they going to be coming in for Memorial and that will finish off that project from talking to Arthur Adamakos, I believe that 100 and some odd lockers would finish off Memorial High School.

Mr. T. Clougherty stated I don't know the numbers off the top of my head. Arthur was one of the authors of the scope of the program for Memorial High School. So if they need 160 I would assume that's what's written into... At Memorial we've got walls going up right now. It's not populated; it's not open. So those lockers will be coming if that's part of the program.

Committee Member Beaudry asked so that hasn't changed?

Mr. T. Clougherty answered no, nothing has changed.

There being no further business to come before the committee, on motion of Alderman Thibault, duly seconded by Alderman DeVries, the meeting was adjourned.

A True Record. Attest.

Clerk of Committee