

VILLAGE OF MARVIN
Council Special Meeting Minutes
December 1, 2017
10004 New Town Road, Village Hall

Mayor Pollino called the meeting to order at 10:00 a.m.

Quorum was determined with the following members in attendance: Mayor Joe Pollino, Mayor Pro Tem Brian Beaty, Councilman Robert Epps, and Councilman Ron Salimao.

Councilman Nick Dispenziere was absent.

The following staff was present:
Barbie Blackwell, Village Clerk
Mary Shkut, Interim Planner

ADOPTION OF AGENDA

Motion: Councilman Epps made a motion to approve the Agenda.

Vote: The motion passed unanimously.

DISCUSSION AND CONSIDERATION OF CONSTRUCTION MANAGEMENT OPTION AND FORMAL BID PROCESS FOR THE VILLAGE HALL

Ms. Shkut recounted at the conclusion of their last Council meeting, members hoped Requests for Proposals (RFPs) for items, such as construction design documents and materials chosen with Robin, would be ready for the next meeting. However, the architect's contract did not specify what management style the Council wanted to utilize. She told them the architect could infer which style but she did not want to direct him as she could not find a policy or specification regarding this.

She explained the General Statutes required local governments to follow specific statutory categories whenever a public building cost more than \$300,000. General Statute 143-128(e) stated the local government could specify in its bid documents that one of the contractors may be assigned responsibility for expediting the construction project. However, when a statute said the local government could specify, they needed a policy to lay that out or she needed direction from the Council on how to administrate. She apologized for the rush to get this information but hoped the architect could then have the RFPs ready for the next Council meeting.

Councilman Epps asked if the architect had an opinion on including dirt work and landscaping in the bid for the building or separating them out. He stated if he were building a house, he would use the same contractor, but with the substantial site work, he wanted his opinion if the work should be separated. Ms. Shkut said she would ask.

Ms. Shkut then laid out various management choices:

- Option one was the multi-prime model, where the government accepted separate bids for each category of work. Village employees would draw up scopes of work for each construction category, accept bids, and then oversee each category. Ms. Shkut felt the Village Staff did not have the expertise or manpower to oversee each line item like a larger municipal government might have.
- Option two was the single-prime model, which was most generally used. The government accepted separate bids from general contractors, who would be responsible for managing all aspects of the construction project. Ms. Shkut explained the project might be subject to change orders, so the project manager was not held to the set price for the entire project.
- Option three was the dual bidding model, which would be used if the Council was unsure if they wanted to use the multi- or single-prime model. They would invite bids from both and accept the lowest bid. Ms. Shkut explained the bidding process was a bit more complicated with different caveats for accepting bids. She recommended if the Council was not interested in choosing multi-prime and having Village Staff in charge of line items, they should not choose the dual bidding option.
- Option four was the construction manager at risk, where the government accepted bids from licensed general contractors, who would act as the construction manager of the project. The manager would prepare and coordinate bid packages, construction administration, overall project management, and guarantee the cost of the project. Ms. Shkut explained the big difference between this option and single-prime was they guaranteed the project price. She said the architect and Town Engineer felt it was important to convey this option was more costly as they were paying for a construction or project manager who would not provide any physical contributions to the project. The architect did not recommend this set up, as in his experience it rarely worked to provide a financial benefit.

Ms. Shkut then stated there were two additional options that would normally be in play, but because they were so late in the process, she felt they were no longer applicable. One was where the government would contract for design services, architectural services, and a design builder under one contract but the Village already had a contract with an architect and design construction firm.

The second was where the government contracted separately with a project designer or architect to design the floor plans and elevations then contracted with the design builder to complete the design and perform the construction services.

Ms. Shkut stated after talking with the attorneys, architects, and knowing Staff's limitations in human resources and expertise, she recommended option two. She then asked Council members if they had any questions.

Councilman Epps told the Council that when building a house, a general contractor was commonly hired and responsible for everything other than change orders. He wanted the architect to develop a very specific scope to try to avoid change orders because general contractors often bid low and made their money off of change orders. He reviewed and gave brief opinions on the other options. He explained general contractors received better rates because they were not adding items piecemeal. He then realized he was answering his previous question regarding the dirt because if a general contractor got a wholesale price from a vendor, while he might mark it up, it would still be better than Staff getting a retail price. He said more bidders under single-prime should also drive the cost down.

Councilman Salimao asked if it was a one-shot bid, where they could only bid once, and Ms. Shkut told him unless they did not get any bids. She explained there were rules to the bidding process. If there were only three bidders and the lowest bidder was outside their range, they could negotiate with the lowest bidder but not the other two. If there were no bids, they would have to issue public notices again and probably adjust the scope.

Mayor Pollino asked how the bidders were vetted and Councilman Epps recommended having a commercial license requirement put in the scope. Ms. Shkut told the Council there were rules around this also and they might be required to vet particular qualifications.

Councilman Epps asked how they would get out of a situation where a bidder met all the criteria but they knew he was a crook. Ms. Shkut explained the Statutes interpreted "qualified" and included having a decent reputation and certain amount of experience. She said she highly doubted they would be forced to write a contract with someone they were not comfortable with and stipulated they would have to go through the bidding process again so all bidders were on an equal playing field.

Mayor Pollino stated he was thinking option two and asked whether there was anything they might want more hands-on involvement on, such as the technology. Councilman Epps told him all work stations, whether they were used or not, would be set up with wiring and there would also be wireless.

Mayor Pollino then asked who would be held accountable for change orders and cited the number of items missed at Wesley Chapel. Councilman Epps suggested once they received the preliminary scope, they sit down in groups of two so a special meeting would not have to be held and scrutinize it to make sure nothing was missed.

Mayor Pro Tem Brian Beaty explained the architect would do a preliminary scope, they would review it and add any details they thought were warranted, and that scope would go out for bid, which would then be scored against the scope before the contract was awarded. Ms. Shkut clarified when the bidders put the contract together, they would have to separate all the branches of work and provide a price for each.

Mayor Pollino asked if they saw themselves expanding in the future or would they move upstairs. Councilman Epps told him the pitch of the roof was designed for 1,000 extra square feet, which could hold additional staff offices.

Ms. Shkut told them the full construction sets had most of the details already specified but would not necessarily include their equipment. Councilman Salimao stated this was a good idea as they would probably want another vendor outside the general contractor for electronics. She suggested if they had any capacity or technology questions, now was the time to ask the engineer.

Mayor Pollino stated some community members had approached him and offered free services. He asked if it would make sense to have someone experienced sit down with the Council members, who were not construction employees, if they were not part of the bid process. Councilman Epps said it was a good idea when they did their two-on-two review of the scope but cautioned outsiders might have their own opinions on what was needed. Mayor Pollino said he wanted another set of eyes who were “outside the box” to make sure nothing was missed. He clarified he did not have anyone in mind but knew there was a lot of talent in town.

Ms. Shkut told members the architect was also a councilman and a portion of the buildings he designed were public buildings that went for the latest and greatest, so most of their needs were probably already considered. She said they might want to meet with the architect who could explain exactly what was included since they had already spent money on him.

Mayor Pollino asked members if they wanted to hold the contractor to a deadline and Councilman Epps thought a deadline was reasonable with any good contractor, though some issues might warrant an extension.

Mayor Pollino asked if they should require referrals in the RFP and Councilman Epps thought it was a good idea because the lowest bidder might not be the most reputable and they might need an out. Ms. Shkut then read the General Statute related to this and discussed how the courts viewed it. Councilman Epps clarified if someone had judgments against them, they could not get a bond, which would help.

Ms. Shkut said the Statutes were very specific and bids were submitted based on their specifications, right down to brand names and materials. The contractor was required to deliver those materials down to that brand name. Councilman Epps said this was why he wanted them to review the scope before it went out to bid because he wanted them all to agree it contained the products they had in mind.

Ms. Shkut said when she chose the outside materials and colors, the interior choices were there for her to view and touch and suggested Council members review them.

Councilman Salimao stated he was fine with option two, which had the best chance of getting the project done correctly. Ms. Shkut agreed, stating Ms. Cox had told her in an email option two was the way to go.

Councilman Salimao then asked if the portion of loop behind the building would be a natural trail or similar to the black tops on either side. Ms. Shkut told him the adopted Parks, Recreation, and Greenways (PRG) plan stated asphalt but she did not think the PRG Board was using it as they referred to the trail as natural. She told the Council the trail could be laid out in the scope or they could decide it now.

Mayor Pollino said a natural trail needed upkeep and people riding bikes might have a problem moving from asphalt to natural and then back to asphalt. Members had a brief discussion about the existing loops and agreed on asphalt.

Ms. Shkut then told members Maddie was working on a trail construction standard manual so the PRG Board could revisit specifications.

Mayor Pollino asked Ms. Shkut when the package could go out for bids and she replied she was leery of giving out a date because the preliminary scope had to be reviewed and adjusted with any changes before it could be sent out.

Motion: Mayor Pro Tem Brian Beaty made a motion to instruct the architect to construct a scope of work and RFP, which utilizes the single-prime construction management model.
Vote: The motion passed unanimously.

ADJOURNMENT

Motion: Councilman Salimao made a motion to adjourn.
Vote: The motion passed unanimously.

Adopted: 5.8.18


Joseph E. Pollino Jr., Mayor




Barbara R. Blackwell, Clerk