
CONSTRUCTION PROJECTS COMMITTEE
MONDAY, OCTOBER 15, 2007
NASHUA HIGH SCHOOL NORTH LECTURE HALL
7:00 PM

A meeting of the Construction Projects Committee was held at Nashua High North on **Monday, October 15, 2007**. Alderman McCarthy called the meeting to order at **6:30 p.m.**

Present: Alderman McCarthy, Alderman Tabacsko, Mr. Dowd, Mr. Kelley, Mrs. Shaw

Also Present: Alderman David Deane, Shawn Smith, Jim Mealey, Attorney Bennett, Jerry Hutchinson from Tri-Turf, Rene Pincince, Steve Caulfield from Turner Building Sciences

Discussion – AMSCO Matter

Recording begins in middle of Attorney Bennett's comments

Attorney Bennett

The mediation agreement has the parties contributing funds for the purpose of rehabilitating the fields. The larger contribution would be by AMSCO in the amount of \$450,000. There are two parts of that. The first part is \$237,500 cash. The other part is \$212,500, which is money that actually the school district still holds. It is money still due them on the balance of their contract. So, as part of the settlement, they would sign off on the \$212,500 and contribute an additional \$237,500. Hayner Swanson would contribute \$125,000 and Lavallee Brensinger, \$50,000.

There's also an arrangement with Gilbane, who spearheaded the litigation. They had put approximately \$150,000 into legal services, which are the attorney fees to date on litigation... as well as a certain amount of professional help. I worked with Gilbane throughout this process and they have been forthcoming and helpful. They have put a good amount of time, money and effort into this litigation. Pursuant to their contract, their position is that they're entitled to any legal fees, which they cover in a dispute with a subcontractor as long as it is not their fault or negligence. The school district has had some issue with the oversight of these fields, and in light of this and for the purpose of making a settlement, Gilbane has agreed to waive all but \$68,000 in attorney fees. In addition there is approximately \$43,000 that Gilbane is holding for the track SRI, which will come back to the City. So the total of available cash is about \$625,000 to make the fix on the fields.

Once this agreement is accepted by the JSSBC, litigation will be brought to an end and there will be releases signed by all parties including the school district in regard to these fields.

Gilbane, Hayner Swanson and AMSCO have also looked at the option of rebuilding the fields from scratch. There are several problems with that. To do that, would take those fields out of operation for 2 years. It would also cost approximately \$1.2 million to do that, assuming Gilbane was successful in their litigation. There were issues about design, sub-service, etc. that were all raised. In looking at ways to fix this in a way that serves the school and use of fields the best way possible, we have a proposal to submit tonight by Tri-Turf. That is a drainage system for the upper field that would cost approximately \$208,000. So that would leave another \$400,000 for any other field maintenance, equipment, etc. There are 3 machines that could be bought to maintain these fields to ensure that the drainage system continues to work. Those machines cost about \$58,000. They could also be used throughout the city. In addition the extra money for a heightened maintenance program to bring the lawns around the fields up to snuff as well as the fields.

So the parties believe that the monies that come with this settlement proposal are sufficient to cover the drainage problem in the upper field as well as the issues with the lower fields and the lawns.

I can address any questions you have on the settlement proposal, or I can turn this over the Gilbane and Tri-Turf to make their presentation on the drainage system.

Alderman McCarthy

Can you run through the bottom line of the Gilbane portion? When I add up all the components of their portion, what does it add up to for their bottom line?

Attorney Bennett

To date it's approximately \$69,000 in legal fees. If this settlement proposal is accepted, the attorney fees are all over with. There are no additional attorney fees... yet.

Alderman McCarthy

So, I still don't understand what all of those items add up to as a bottom line transfer of cash and in what direction.

Attorney Bennett

The issue of attorney fees under the contract between the school district and Gilbane, the school district would reimburse Gilbane for any attorney fees that they absorb as a result of an action against a sub-contractor. And that's what AMSCO is here. The caveat of that is whether it's due to their negligence. So we have an issue of their oversight of the project. Gilbane has said that instead of paying cash, they won't require reimbursement of over 1/2 of their attorney fees. The other issue is that there are other parties involved here. AMSCO has raised issues about the design of the field and if that was a factor that would not be Gilbane's responsibility.

Alderman McCarthy

I understand those pieces. I'm trying to understand the mechanics of how 4 bullet items in the agreement work together.

Attorney Bennett

We pay the \$68,000 to Gilbane for attorney fees. The \$125,000 is the total amount. \$82,000 is forgiven, plus \$43,000 from the SRI account that they were holding but will kick back to the city. That's the \$125,000.

Alderman McCarthy

Okay.

Mrs. Shaw

On item #3... I don't understand why this is here if I heard you correctly that their final costs are... what?

Attorney Bennett

Their total attorney fees to date are approximately \$150,000.

Mrs. Shaw

I thought you said an amount less than that earlier.

Alderman McCarthy

According to this agreement, basing a settlement by Gilbane's current expenses of about \$150,000 of which the city is responsible for \$68,000 and Gilbane is responsible for \$82,000 under the terms of the agreement. So, I gather we haven't already paid that. The settlement piece for Gilbane is that \$82,000... \$125,000 that's in this agreement is that \$82,000 of the legal fees that they are forgiving, which under the contract we are responsible for plus the return of the \$43,000 from the track on the withholding on the SRI contract.

Mrs. Shaw

We're only responsible for that though, if we find that there are no errors in Gilbane's oversight of the installation of the field. I guess my question is, it sounds like we may still be open to seeing \$150,000 in legal fees?

Attorney Bennett

We shouldn't incur any additional legal fees if the settlement is agreed to. Then again, if it's not agreed to, the attorney fee issue is back on the table again for resolution.

Mrs. Shaw

If we agree to this, what kind of short of blank check are we agreeing to signing in terms of attorney fees that may be coming in and not yet accounted for. I thought I heard you say that we don't have all the legal fees so far... that there still may be some that have not yet been billed for.

Attorney Bennett

I don't believe so. There are about \$1900 in fees that will be added, so the total will be between \$69,000 and \$70,000. There should not be additional attorney fees other than for the releases to be signed.

Mrs. Shaw

Had this committee decided that all the other parties were absolved of any responsibility in this matter, because I don't believe we did?

Alderman McCarthy

I don't believe we did, and that is the reason for the feature of this particular agreement, which is that no one is admitting guilt and just settling it. The clause in the contract about how Gilbane fees are based on negligence we would probably have to deal with in separate litigation. I suspect it might well cost us more to litigate. The committee will have to decide whether or not to accept the settlement.

Alderman Deane

If this agreement has been reached and this committee votes on it, these numbers won't be changed after the fact, even if there are additional legal fees incurred by anyone. Correct?

Attorney Bennett

Correct. This would bring an end to the accumulation of attorney fees.

Alderman Deane

So the \$68,000 is \$68,000... and if it goes to \$78,000, oh well.

Attorney Bennett

I believe the present bill had attorney fees that were going through the process at the time. So again, the present bill is actually just short of \$70,000.

Alderman Deane

Was the Tri-Turf suggestion of remediation to the issues a factor in the settlement?

Attorney Bennett

It wasn't Tri-Turf; they came in after the settlement was reached. There were experts retained by both AMSCO and Hayner Swanson. And they agreed that rebuilding the fields is not necessary, and that the upper field drainage issue could be addressed by the installation of a drain system. I have included reports by 2 of the experts retained so you can review them. They were prepared for litigation, and contain extensive coverage and recommendations.

Mrs. Shaw

This is listed on our agenda as a discussion item, so we're not under any time constraints this evening to approve this settlement, correct?

Attorney Bennett

No, we planned to bring this to your attention and ask that this be put on the agenda for the full JBSBC meeting on the 25th. There is a court schedule we're trying to meet and Tri-Turf has a proposal to make this evening. We contact 3 firms and only Tri-Turf elected to make a proposal. The work could be done in November and then hopefully could be used this coming spring. That's why we're trying to push it through.

Mrs. Shaw

Well, I'm not comfortable trying to make a decision on all of this stuff tonight. I don't even have numbers that I can follow that make sense to me. If the rest of the committee is comfortable voting tonight, that's their prerogative. I

don't know if we need to schedule another meeting or not, but I also had questions looking quickly through the proposal. One of the obstacles I thought we faced trying to implement one of these types of solutions, which is basically to inject sand in the field is our sprinkler system. Can we avoid slicing those?

Alderman McCarthy

I think my preference is in light of the size of the packet is to finish up questions on the settlement proposal, then hear the proposal on how to fix the fields, and then probably schedule another meeting to discuss what our recommendations will be.

Alderman Tabacsko

We could even schedule this committee just prior to the JSSBC meeting on the 25th if that's the only available time. But I agree with Mrs. Shaw that this is a lot to absorb here tonight.

Alderman McCarthy

To reiterate, at the end of the day in this agreement we are left with approximately \$625,000 in unencumbered funds that can be used to deal with field problem.

Attorney Bennett

And there's also about \$42,000 coming back from the SRI for the track issue. That perhaps is for a rainy day when the track has issues.

Mrs. Shaw

I would like to respectfully request if we could have a document of some kind that breaks down what this agreement says and the items on page 2 and 3 of settlement document in one concise statement or document prior to making a decision on this. I would like to have all the math done so I'm not making any assumptions.

Method for Remediating the Conditions of the Fields

Steve Caulfield

We went through a mediation process and during that process there were several expert witnesses that came forward. It was decided that the total replacement of the field was probably inappropriate. We sought proposals from 3 firms. Two declined and Tri-Turf did accept our proposal. We arranged to have him fly up from Florida and he's had 2 opportunities to spend considerable time in the upper fields. I feel that his proposal not only fits in the confines of the agreement but also provides a remedy for the fields. I'd like for Jerry Hutchinson who owns Tri-Turf to talk to you about what he intends to do with the fields.

Jerry Hutchinson

This is the second time I've flown up here to see your fields and I have read the reports. The field is in very hard condition. There is no penetration of water and if there is a rain, they are almost unplayable. I have seen this before. The rain kind of stays there and our reports indicate that it doesn't perk at all. So, our suggestion is a bypass system that we've been doing for 25 years. It's not just a sub-surface system but a surface drainage system as well. We're concerned with surface water. Immediate downpours, birdbaths all over the place... you can't play. We're proposing a system that has drainpipes every 6 feet. There is a design to determine how much water is taken in from the pipes and deposited through the exit system. It's a matrix system, so that the whole place dries uniformly. The nice thing about this is that you don't have to take the field out of commission. We can put it in, and you play on it.

When I did do the physical exam, I found that there is some sand under the baseball diamond. There are cast iron sprinklers out there, and we work around that. We would be able to handle any breakage that might occur. I think the water is out of the system already. I looked at the equipment that you had available. You've done a good job in terms of purchasing equipment. There are 2 or 3 pieces of equipment that I would suggest you consider. It's one thing to install something and another to take care of it. If we get the root systems in there and we get the water off the field, the drainage is one part of the solution. The other is the compaction of the top 2 or 3 inches. As far as maintenance is concerned, I'd like to suggest that you might want to consider something closer to a zero tolerance

pesticide program. There are a lot of environmental issues that come about today that you might want to think about in the future, especially if it's in the wetland area.

Alderman Deane

You wouldn't recommend having a silk fabric over this?

Jerry Hutchinson

No, the reason that it's used is to let silt and clay through it and then keep the sand out. It's really critical in terms of the back fill material that really doesn't have any silt and clay. We're interested in immediate water being taken off the field. The percolation rate on this is very, very high and there isn't any silt and clay in it. I get a little nudge when you use socks in some of these materials. Some of these things can really plug a fabric and that's why I like to let it go through on its own. Some of these fabrics have caused a lot of problems. I've had systems in for a long, long time and it's never really been a problem.

Alderman Deane

They guarantee it, but the issue you deal with after the fact, is a nightmare. Would there be any sort of clean outs out in the field anywhere where access could be gained if there was an issue?

Jerry Hutchinson

Yes, you could just dig down through the slit if you ever had a problem.

Alderman Deane

So when the committee decides to do this, I guess the costs that you gave us will include an as built of where the system would be installed.

Jerry Hutchinson

It's a surface drainage system and a sub-surface drainage system. So when the water may come up, it starts leaking out the pipes underneath it so that water doesn't get to the surface either. It's a beneficial side effect of the surface drainage.

Alderman Deane

You've gone out and dug a couple of areas and test pits. I would think that we probably would need some soil amendments up there.

Jerry Hutchinson

You can, yes. The machine you have presently can be used. It's a vibrator and digs a hole in the top of the soil. We can sand top dress afterwards without ripping the field up to add soil. As far as your machine is concerned if you ever had to really do that... I don't think you do, because you just have to be sure that if you use that 3 times a year and fracture the soil spring, summer and fall I think that's all you're going to really need.

Alderman Deane

So you're saying you don't see a need for any soil amendments.

Jerry Hutchinson

No, I don't.

Alderman Deane

It's amazing the conflicting reports you get from people. We had looked at perhaps a drill and fill program.

Jerry Hutchinson

But where does it go after the drill and fill?

Alderman Deane

The depth of the root system of the existing turf grasses were how high?

Jerry Hutchinson

Maybe 3 or 4 inches. In some cases 5 or 6. If you've got 3 or 4 inches of really good turf grasses, you've got a really good field.

Alderman Deane

Is that based on NE elements?

Jerry Hutchinson

These bluegrasses up here will go down 2, 3, 4 inches maximum. Underneath it compactness is not an issue... drainage is the issue and you're taking care of that here. You need a turf maintenance program and I'm willing to help out with that. I'm recommending an over seeder. The purchases that you have made are real good.

Alderman Deane

I don't know what the committee's going to do as far as putting a settlement in place. I had brought this up in the past that I have no interest in purchasing any more equipment for the City of Nashua. Especially this type of equipment. I think whatever money they decide on, that should be put aside and this function should be outsourced. I think we'll get a better bang for our dollar. I don't think we have the staff to do this. With the 2 high schools, we have a tremendous amount of acreage to handle. They do a great job, but when you start getting into acreage of management it takes up a tremendous amount of time. I think this would be a large capital outlay for all that equipment. I'd rather see an outside company come in with their equipment, get it done and get it out.

Jerry Hutchinson

Well, that's what the equipment costs and it does the job and I would suggest using that equipment to grow quality turf.

Mrs. Shaw

In a packet you provided to Gilbane, it talks about the system having to be installed by a licensed installer. Does that mean that this is basically that the installation would be outsourced or does your company do it?

Jerry Hutchinson

We do it.

Mrs. Shaw

Could you talk a little about the gradient as far as moving the soil?

Jerry Hutchinson

There's about a 4-foot drop from the softball field to the 90-foot field that slopes that way. Every 6 feet where the pipes will go the water moves 6 feet to get to the pipes. That's what I mean about a gradient.

Mrs. Shaw

So are you saying that since we have that natural grade out there you don't have to dig deeper? You can pretty much install it at the same height and it will naturally flow that way?

Jerry Hutchinson

This case is pretty coarse. (Provided material to see) Every material such as the one you're holding has a critical tension to it and holds on to water. The greater the depth of the material, the quicker the water comes off. In this case it's not going to be a problem because it comes off very fast.

Rene Pincince

In conversations that we've had with Tri-Turf, from the time he is given authorization to proceed, he is estimating approximately a 6-week time frame. He has also indicated that his machinery is capable of getting through 2-3 inches of frost so we are confident that we can install the system before the dead of winter, assuming there is a favorable decision to proceed with this approach. Gilbane has offered to provide oversight during installation and do the necessary oversight and coordination while this work in ongoing.

Alderman Deane

I understand this whole process. Would there be discoloration in the turf grass?

Jerry Hutchinson

With the organic matter, maybe a darker green. There is air in there. If anything it would be greener, depending on the maintenance procedures afterwards.

Alderman Deane

As you said, you see no need of any soil amendments.

Jerry Hutchinson

If you dig down there, it's very dense root systems. It was very dense when I tried to dig into it. But you can't just plant it and forget it. You do need some oxygen in the topsoil. I don't know what you mean by amendments. A soil amendment addresses the compaction problem, not the drainage problem. As far as the drainage problem, I'm very confident that you'll be fine. As far as quality of turf density and turf root systems, etc., that's something that has to be addressed as a maintenance procedure. I think it would grow fine.

Alderman Deane

But the current condition of the field right now in your mind, other than the drainage issue, you don't see any need for soil amendments.

Jerry Hutchinson

Good, normal maintenance will really bring it around. You're going to get compaction problems on natural turf and you have to alleviate that. You've got the machine for it. I think mechanical efforts 3 times a year would be more than enough.

Alderman Tabacsko

The 6-week time frame we mentioned earlier, is that a lead-time until you could start the work?

Jerry Hutchinson

We would get the machines there the first part of November. Whether is the only unknown factor.

Alderman Tabacsko

What does the surface look like over the winter, come spring?

Jerry Hutchinson

There will be a sand slit in that area 3 inches wide. It may get some germination over the winter, but there is no other disturbance. Melting snow and ice is not a problem and may even help.

Mrs. Shaw

Where we talked about the grading, I notice going through the Hummel report that that gentleman believes there are deficiencies in grade that may cause problems. Your system will help with that?

Jerry Hutchinson

We said we will fill those depressions, there are few of those that cause birdbaths and I think that's what he's referring to not the general grade of the whole site. We would take care of that and seed it as well.

Rene Pincince

The intention was that at the start of his work they would actually do a topographic study on a grid acceptable to Tri-State and provide them with that information prior to actually starting the work. He would know exactly what he was dealing with.

Jerry Hutchinson

And Gary Collins knows where his major problems are.

Mrs. Shaw

Mr. Chairman, if committee members or others have questions as we go forward, would it be possible for Mr. Hutchinson to answer these questions through you or come back at another time?

Jerry Hutchinson

Microphone not on... response inaudible.

Alderman McCarthy

That's fine. I'll ask the committee to send questions to Attorney Bennett. I ask that you send them back to me so members of the committee know what questions are asked and answered.

Attorney Bennett

My understanding is that the full committee meets on the 25th. If possible we could present any additional information. I'll prepare the breakdown on the settlement and send that out hopefully in the next couple of days. We'll get Mr. Hutchinson answers to any questions you have brought back to you as soon as possible. I would be available for another meeting at the committee's convenience. Is there anyone else the committee would like at that follow-up meeting?

Alderman McCarthy

I think we understand the proposal. I guess I would ask if it's likely that there will be technical questions about the mitigation proposal that we get those out of the way so Mr. Hutchinson can address them. And if there are other questions that we can handle tonight, let's do that. I'd like to see us exhaust that and at the next meeting look at whether we think the settlement is equitable and whether we feel the field mitigation proposal is adequate. I don't want to see us get to that meeting and ask more questions about how this is going to work.

Alderman Deane

I think this drainage proposal that has been put forward is something the committee should definitely be looking forward to doing. I talked briefly with Mr. Smith and with the amount of the acreage that the city now has with all the athletic fields for the 2 high schools, we have to look at a serious maintenance program. That's what needs to be done. When I look at your recommendations, how many of them were high schools? Colleges have money when it comes to athletic fields that are bottomless pits. Nashua has to come to the realization that these fields that we built need to be maintained. I just think that your recommendation is probably what we should be following. We don't have the Oak Tree Guarantee, though do we? We have issues, you come back. That would be my only concern. I don't know what the elevation is in relationship to the river. Isn't it lower?

Alderman McCarthy

No. I think the lowest field may be a little lower.

Alderman Deane

We still need a point of discharge for this system. There are 2 structure out there that can handle this?

Jerry Hutchinson

Yes.

Mrs. Shaw

What is the approximate life expectancy of this kind of implementation 10 years? 10 years?

Jerry Hutchinson

Some systems have been in, depending on the situation, 30, 40 years. Anywhere from 10 to 20 years, to answer your question.

Mrs. Shaw

Alderman Deane mentioned the Oak Tree Guarantee. What is the warranty or guarantee?

Jerry Hutchinson

I have a credibility thing to take care of. I've been in business a long and time and all I have to do is screw up on one and it's all over.

Mrs. Shaw

But is there a written guarantee or warranty that comes with the work?

Jerry Hutchinson

I'll supply you with something in writing.

Mrs. Shaw

I realize we have to do our part as well as far as maintenance goes. Your literature stresses that a lot.

Alderman Tabacsko

Where this drains to, I think I heard somebody say eventually works its way down to a sump that is already in existence?

Jerry Hutchinson

Yes.

Alderman Tabacsko

Is that the same as the solution to the brook issue where we were looking at buying a pump?

Mr. Smith

I believe it's all inter-connected, but there's a structure at the East end of the complex of the upper field at the Lincoln Brook side. There's another structure at between the lower softball and baseball fields.

Alderman Tabacsko

Does this design contemplate us needing to buy a pump for that?

Alderman McCarthy

Those structures feed into the infiltration system under the combined practice field, do they not?

Mr. Smith

Two of the three do.

Alderman McCarthy

We'll be able to get water down to Lake Corbin from the upper field. The question is whether we need a pump to get it out of there in heavy rain conditions.

Mr. Smith

And you've already asked me to look into installing a pump.

Alderman Tabacsko

But that's not necessarily connected to this.

Alderman McCarthy

The effect of this is that we'll put somewhat more water down there in time, but it will get it off of the upper field in any case.

We're going to take a 5-minute recess before we start the presentations.

Presentations by Construction Management Firms – 15-Minute Presentation / 15 Minute Q & A

Baybutt Construction Corporation out of Keene, NH.

Fred Baybutt, President Baybutt Construction

With me tonight is Jeff Salmonson, our Chief Estimator. We've been in business since 1964 and to date have built 130 schools, 59 of them under the Construction Management Method. The timing of our project is just ideal for us. We were just the low bidder on a \$16.3 million, 2 elementary school projects in Springfield, Vermont. They involve a complete mechanical electrical retrofit as well as the electrical trades. We've built schools all over New England.

Jeff Solmonson

Have been in the construction industry for 35 years. 23 years as a Construction Estimator. We're using all the latest technology for estimating. We have over 3,000 sub-contractors in our database. Baybutt has the experience to do your job, we have the personnel to do your job, we have an excellent track record with schools and would love to be your contractor.

Mrs. Shaw

Hypothetically, if a situation arises where something was missing from the design. For example, you have a 3-story structure and in the design the plumbing on the 2nd floor was missed. Whose responsibility is that in your opinion? Do you go back to the design, or do you come back to the school department and say you need a change order?

Baybutt Corporation

We would make sure we had a full scope of all trades. Our subcontractor would alert us to the problem and we would work closely with the design team to address any problems.

Mrs. Shaw

But at the end of the day, whose responsibility is it?

Baybutt Corporation

It's a team responsibility. It's our due diligence to make sure there isn't a missing scope, and the designers responsibility to make sure they have it all properly designed.

Alderman McCarthy

Does your firm have any experience building geo thermal heat systems?

Baybutt Corporation

Yes, we did the Department of Public Works in Keene. It's typically better suited for a smaller square footage area. There's a lot to it and it's tougher in New England where there are such fluctuations in temperatures.

Mr. Smith

If we decide to go this way, what about working with solar systems?

Baybutt Corporation

We actually did a courthouse with solar. It seemed to really come into vogue in the 1970's. We haven't seen it as much, but are starting to see it now. We are accredited.

Mrs. Shaw

When you worked with schools and needed to trim the budget to align with the funds, what are some of the things you did?

Baybutt Corporation

We were the low bidder of \$16.3 million and they informed us that in order to go forward we would have to work within \$15 million, which was what the town approved. The architect felt they had done all the value engineering they could. We looked at it and said they would either have to reduce scope or systems. The first system we looked

at was the HVAC system and went with unit ventilators. We looked at everything actually and had an 8-page list of items.

Alderman McCarthy

What's your approach to avoiding change orders?

Baybutt Corporation

I developed a detailed scope of work for each trade. Every component was anticipated to make sure the subcontractor knew what the scope was. I think that would work in this project management very well. We're not anticipating any change orders for our trades. I would also ask that you call our references. We want to be construction managers for the long haul.

Alderman McCarthy

Our experience has been that with complex projects there are inevitably places missed between trades. Things that may not be obvious from drawings... how do you make sure you catch all those?

Baybutt Corporation

Another key component to that is who you have in the field to coordinate the subs. Mike Fraser is very, very experienced and works well with the subs.

Mr. Smith

Your main office is in Keene. Do you have any branch offices?

Baybutt Corporation

Not speaking into microphone – answer inaudible.

Mr. Smith

A large part of this project is mechanical. What kind of mechanical subs would you envision on this?

Baybutt Corporation

We're doing a lot of TD Bank North work and did Globe Plaza here in Nashua. I believe on that one we had Accurate Air, Precision Mechanical, Economy. We also draw from the coast.

Mrs. Shaw

What's the largest project that you had?

Baybutt Corporation

We did the Keene High School with Lavalley Brensinger for \$24 million.

Alderman McCarthy

Your estimate of general provisions is low. Can you give us some background on why it might be substantially lower than others?

Baybutt Corporation

We don't have a branch office. We own our building, and we consider ourselves economical. For the size project that you have, the general conditions suit the size of the project. We were in the same range for Keene High.

Mr. Smith

Any pending litigation?

Baybutt Corporation

No.

Eckman Construction Company, Inc.

Tony Spagnuolo, Vice President Eckman Construction

Introduced John Riehl, Estimator and John Deloia, Project Manager. We have been in business since 1974 and for the past 5-10 years have become school specialists. We have completed 48 school projects, and are currently working on 3 school projects right now. This past summer we had 8 school projects going simultaneously, including the Bedford School project. We had 5 projects complete on the same day. We had the Hanover High School renovation project, which was very similar to this project. We do get invited back to school districts when there are additional projects.

We have done all our projects as Construction Managers. We have a 4-person full-time estimating department. John is one of four, who has been involved in all of the school projects we've done. So we're very experienced in coming up with school project estimates. Most of our projects have been renovations and additional.

We factor in the continuing education of kids, and safety factors in these projects. We do an excellent job of coming up with a plan that minimally interrupts the educational process. One superintendent told us that we just love kids, which we do. We have a student enhancement program that we bring to our projects. We do a lot of work in this area, and I think we can get you the best bang for the buck. We don't self-perform, and therefore know who all the competent subcontractors are who are able to work in the academic arena.

Most of our employees are with us between 10 and 20 years. We know exactly what we can expect from the people we put on your jobs. We love to do what we do best, which is to come to Nashua and work on 3 school projects.

John Riehl, Senior Estimator

Have been with Eckman for 20 years. We have a very good relationship with subcontractors. Because we don't self-perform we count the screws and bricks, etc. We're able to evaluate a subcontractor price and tell you whether it covers the complete scope of work. That's due to our extensive experience and to our exceptional software.

Tony Spagnuolo

Most of the projects that we bid on, we get 5, 10, 20 subcontractors. So you will get maximum participation with very competitive pricing.

Mrs. Shaw

If a situation comes up where you have a 3-story structure being designed and when it's well under way it comes to your attention that there's plumbing on the 1st and 3rd floor, but not the 2nd in the design. How would you approach fixing that problem? Is that a construction change order that the owner has to eat, or do you guys handle that?

Tony Spagnuolo

Well, if you get to that point with the Construction Manager, then I think you've picked the wrong one. As a Construction Manager, we're working hand in hand with the architect and the owner as the drawings are being developed. I am a registered engineer as are others in our team. I don't think that would ever get by us. As a Construction Manager we have a certain responsibility to find that stuff out in the design stage, and obviously there are plumbing requirements. So there is a certain responsibility we'd have to accept.

John Riehl

One of our jobs is to provide a list of clarifications. Obviously something that big is not going to happen, but all the little oversights are picked up with the clarification list.

Mrs. Shaw

Believe me, things like that have happened.

Tony Spagnuolo

We've done a lot of Construction Management projects. Many towns have to go in with a maximum number for a town vote in March. When they go to the voters with that number, they haven't previously gotten any architectural services, so the amount they've done in the way of documents is very little. John and his 4 people take that conceptual drawing and maybe we're lucky to get an outline scope. We put a number to it, but that number is based

on a very detailed estimate. The number means nothing without knowing what is in the number. So someone has to memorialize or document what that number represents. That's what these guys are very, very good at. Our estimates include things that are not even on the drawings through conversations with the architects that we completely document. We understand that you can't go back and ask for more money.

Alderman McCarthy

How do you avoid problems between the trades?

Tony Spagnuolo

I hate to say we're perfect, because no one is. But we always look for coordination between the mechanical drawings, the electrical drawings, the structural drawings. And we're sending the documents to the contractors to get more information. Again, a Construction Manager's responsibility is to assist with that coordination, and we have the experience.

Mr. Dowd

How often do you report back to us on the status of the project and the relevance to the CPM?

Tony Spagnuolo

We'll report to you as often as you like. You develop a schedule and then you need to make sure that it's communicated to everyone who's involved to make sure that everyone understands what their piece of the project is and what the time frame is. You're going to see that we're on schedule. We find a way with most of our projects to finish early. We have never finished late. While we will endeavor to subcontract everything, we do have about 20 or so guys that we consider jack-of-all-trades to make sure that everyone else performs. If they do by chance get behind, we have our people that we can assign to them to get them back on schedule. It doesn't cost the owner any more money.

Alderman Tabacsko

What do you see as the total time line for all the phases?

Tony Spagnuolo

We were told to figure about 1 year at each school. The total time line is really based on what we're able to take at any given time. What we're able to take is dictated by what you're able to give us. Certainly we have the manpower to be able to tackle all 3 schools at once. But that won't work with your phasing, because I understand that when you vacate one school, those kids might be relocated to another. And maybe break the school up into 5 phases with each phase taking 2 ½ months or so. We could be more aggressive, but it would be foolish without talking to faculty, administration, Shawn and his people and finding out what you can really do without. So we figured out general conditions, our fee, etc. based on a 3-year project. Of course, we don't completely know what the scope is at this point, so it would be foolish to be more specific.

Alderman Tabacsko

What is your experience with geo-thermal?

Tony Spagnuolo

I think we have as much as anybody else here tonight. Probably not a lot. We have seen it introduced in the design phase of a number of our projects, but haven't done it yet with the 50 completed schools that we've done. All of this stuff is really just taking off right now. We'd love the opportunity. I'm a registered engineer and would love to sink my teeth into that.

Mrs. Shaw

Can you give me an idea of some of the value engineering you might suggest in a project like this?

Tony Spagnuolo

We would look at alternatives for virtually everything. There's alternative ceiling tiles, light fixtures, floor coverings, paint coverings, HVAC systems, etc. We can look at the initial cost and then offer a whole choice of menus to consider.

Mrs. Shaw

Are there any types of value engineering suggestions that you just wouldn't make? Like putting drywall in a school, etc.?

Tony Spagnuolo

It doesn't make good sense to put drywall in a school. Often, the choice of materials is dictated by the budget. We've worked with some districts that can barely afford additional space. Some would rather take the space in lieu of materials that would be better. You have to be mindful of the budget at all times, and make sure that the client always understands the up and down sides.

Gilbane Building Company

Paul Choquette, Area Manager – Gilbane, Northern New England

Our office in New England has been here since 1992. Our bread and butter is New Hampshire, which about 50 employees in this full-service office. It's a complete construction division. People are our greatest asset. We've aligned the best people with the skill sets of this job. I'd like to ask Kathy, our Project Manager to take the lead.

Kathy Miskoe, Project Manager

I have a mechanical rather than a civil background. I have a degree in mechanical engineering and am more interested in energy systems and those types of things. My background lines me up for this project quite nicely. You will see me from beginning to end on this project in every facet.

I know we're talking about doing these schools one at a time. Wouldn't it make sense for us to go through and do an analysis of doing the job in 2 years rather than 3 years? We would meet with the principals and see what kind of space we can get, because it sounded like there was some space that could be used. So it seems to me that it makes sense to do that kind of analysis to determine what kind of schedule we should do.

Obviously, we'd have to hit the schedules in the summer. Do your boiler replacement and as much as you can in the summer. We would obviously focus our schedule that way. We are very skilled at working with occupied schools, and making sure we're not disrupting the day-to-day operation of the schools.

We also want to look at long-lead items, I know there are issues with boilers. Perhaps get a temporary boiler, and that's something that needs to be looked at right away. We have to finalize the scope. I've learned we have to look above the ceilings and do our due diligence to make sure we've got plans that will work.

Bob, here is our Sr. General Superintendent and you recognize him from doing Nashua North here. He would be involved in some of the day-to-day operations.

Bob Cavallari

After working at Nashua North, I went up to Central High in Manchester for renovations and alterations. We provided this with an occupied structure in a safe and efficient manner. We were able to contain our work and when the student body left at 2:30, our second shift came in and worked until 11:00. So we had construction going on right through. After Central High, I went down to Salem High renovations in Massachusetts. Again the renovations of a fully occupied building.

Everything we do falls under four categories: safety, scheduling, quality and cost. The way they're implemented is by communicating and coordinating and cooperating.

T.J. Vadney, Estimator

I work in a team approach. I'm a cost estimator and will provide you a cost to do some sort of heating upgrades in 2 or 3 schools. But I don't do this in a vacuum. In order to be an asset and bring value to the team, I will be at the schools, probably more than Kathy will initially. I want to know exactly how to build this before it gets built. And I have to be able to deliver to you, the information so you can make a timely, informed decision. It's not a blind cost of 4 or 5 different heating options. You're the client. You'll be working with Turner, as the engineer and Gilbane.

It's a 3-member team. Getting back to the focus, we're talking about heating upgrades at 3 different schools. One of the items in the RFP mentioned geo-thermal and I'd like to talk a little about that. We've had some experience with geo-thermal. We've actually implemented it in several areas across the country. We have the background and the background. (Passed out handout "Geo-thermal lessons learned"). I can see this coming down to what's right for each, specific site. Overall, it's going to come down to site-specific criteria. And I want to make sure that when we put out 3 or 4 schematic designs out there, that we price those correctly. We have the background knowledge to give you to make the informed decision to know which will work best for Nashua.

Kathy Miskoe

I think you can see that we've got the right experience and resources behind us. I also want to say that I think it's a great, commendable thing that you are making this selection process early on. You get the best bang for your buck that way. This is something we're very interested in partaking in, and we want to be a part of it.

Alderman McCarthy

What was the most lesson learned from working on the Nashua projects?

Bob Cavallari

There are challenges that differ greatly from a complex renovation of an existing building. The lessons learned from North was having a flow in this building was basically built in east to west. We got the boiler room done first... created the temporary heat that we needed for the upcoming heating season. Again, the 3-season construction and I want to go back to the communication and cooperation among the team, the owner, the architect, construction manager including the trade contractors was always open. Considering the size of the building, it went fairly smooth.

Kathy Miskoe

His experience was at North, mine was at South. And communication is key. It's the day-to-day of having the principals and staff know exactly where we'll be, etc. The other point is the existing conditions. It pays for us to get in there now and take a look ahead of time.

Mrs. Shaw

If a situation comes up where you have a 3-story structure being designed and when it's well under way it comes to your attention that there's plumbing on the 1st and 3rd floor, but not the 2nd in the design. How would you approach fixing that problem? Is that a construction change order that the owner has to eat, or do you guys handle that?

Kathy Miskoe

It sounds like you have a personal experience with that. Obviously, it 's going to depend on the kind of contract that we sign. Typically, in our GMP structures, and in the previous GMPs that I've seen they are very thorough and agreed upon by all parties. So the first place I'd go is there to see what I've included. Secondly would be to determine what contingencies and allowances are there for that type of purpose. It's hard to answer without having a GMP to look it up in.

Paul Choquette

Coordination of drawings is a part of our scope. So I would have a hard time seeing us as construction manager bringing a change order in front of you for something like that. But I think that would certainly fall into a category of we should have caught it. Sometimes it's a design issue.

Mr. Dowd

Do you still use a CPM method for establishing where you're at with the project and how often are you going to report back to us on where you're at in the original schedule?

Kathy Miskoe

Yes, we absolutely still do use the CPM method. We typically do monthly updates of our schedules, but we can certainly do more frequent updates. We also have different types of schedules that we review at different meetings, so we can certainly tailor it to whatever you guys are looking for.

Mr. Dowd

So since there are 3 separate schools, would you have 3 separate schedules and a consolidated overall project schedule?

Kathy Miskoe

Yes, that's how I'd envision it. Especially if we were going to discuss anytime having overlap. This is something I would put on one schedule, and address each school.

Mrs. Shaw

Can you tell me what your approach is to value engineering?

T.J. Vadney

In a situation like this, where we might have 3 different options, what we'd like to do is really use that expertise as early as possible to leverage your decision as to what's the best option to go with? We'll start to do the design, moving towards construction. As that design progresses, the ideal situation is not to be in a reactive mode, but more work with the design team and the owner in concert to identify these things as they come up. We do have value engineering and value management sessions and keep a log for a la carte items that you may or not want to include in the project. It's really working as a team. It's very critical.

Paul Choquette

We don't like to get to a schematic design and have Gilbane do an estimate and have everybody be surprised about how shocking the budget is. We feel that the CM delivery system has come to the point now where we should be able to provide system analysis for the architect as they're finalizing certain decisions so that it's a team approach. We're not just reactive to a set of plans.

Mrs. Shaw

Is there anything that you just cannot recommend as a value engineering type of thing... like perhaps drywall in a student occupied area of a school? Are there areas you just won't cross, or is it up to the owner?

Paul Choquette

I think without a doubt we get connected to the mission of the project. So if somebody suggests something that is completely unaligned to where we were headed. But if the owner wants something, we are obligated to put a price to it and present it. But we would need to know what the goal here is. Is it to add 25 or 50 years to the building, or just to buy time? Is it to really look at the operation costs vs. the capital costs?

Harvey Construction Corporation

Robert Prunier, Vice President, Harvey Construction

We have along history and great track record of projects in the city, and we feel we have the right team to pull this off for you and really make you think about what your plans are with all the facts in front of you.

Kevin Drew, Senior Estimator

I have 23 years of experience. Most of my background is in mechanical estimating, so this project really excited me when Carl and Robert brought it to me. I have worked on a lot of schools including this one and the South school. I'm lead accredited as well. I like that this is a CM project. I think it's important for the community to be part of the project and the CM lends itself towards that.

Steve Sareault, Project Manager

I have 17 years experience with design and construction, the last 5 with Harvey. I'm a registered professional engineer, which brings a nice mix of understanding to the project. I've been a Selectman, so I know some of the pressures you're under with the City and taxpayers when doing a project this size. I've done several renovations for Harvey, including Southern NH Medical Center, St. Joseph Hospital, a university, a high school, etc. Currently

working on the Currier Museum Arts product. That requires a high level of coordination and extreme attention to detail. I believe the people who have worked with me would say that my ability to communicate is one of my greatest strengths with my team and working out problems issues, and being highly organized.

Ken Grasset, Project Superintendent

Have over 20 years of construction experience, with the last 12 years at Harvey. I have a Civil Engineering degree from Northeastern. My role is sub contract coordination, safety on the jobsite, site logistics, quality control and assurance. My experience includes renovations for Dr. Crisp, Bicentennial, Keen State College, St. Joseph Hospital, Nashua Marriott, Lake Street Fire Station. Most of these projects were working with existing facilities that were inhabited during the day, and dealing with public access and safety. In dealing with the education environment, with kids and logistics of busses in and out, etc. there is a lot of work and planning that has to go one before you even begin construction. I worked closely with the principals when working on Dr. Crisp and Bicentennial. We sat down and mapped out what we needed to get done and worked it around the school schedule. We worked out a phase between vacations to basically do the renovations and construction in certain areas. We also scheduled for busses and kids and worked with the Fire Department on safety. In the last 5 years, security and safety issues have become even more critical with projects. We worked with the teachers and school's schedules closely throughout the process.

Carl DuBois, Director of Project Planning

I have worked successfully with a number of you in this room tonight. I'm a Nashua resident of 25 years. Have been in the industry 27 years with 5 years at Harvey. I am the point person during construction, estimating and working closely with Ken, Kevin and Steve. Ken is the Captain of the team, as the intermediary between the JSSBC, Jim, Shawn and the Turner group.

We try to coordinate and schedule everything out so that the day we know we can start, we're ready to go. We'll make sure that everything that needs to be done for these 3 schemes that are being looked at is, and you have all the information and numbers that you need to make an educated decision on which way you want to go. We have been working closely with Shawn, Jim and Steve on this project.

We were asked to look at geo-thermal, and we do have some experience in that avenue. We presented a budget to you that was defined, clear and so that everyone who read it can understand it and it's just a starting point. With this project, we're really looking at three potential options on what we'll do. The final decision rests with you folks. It's our job to bring information to the table in a concise and understandable manner.

The value to us is to bring that to closure on a time element that we need. We talked about possibly starting in June. We've spent a fair amount of time already on how we would schedule this. We operate on an open-book policy. We show every number and answer every question at any point in the project. As a Nashua taxpayer, I want to make sure we can stretch our dollar as much as we can here. I'm very excited to be here, we have ample hours into this and I'm hoping you select us as your construction manager.

Harvey Construction

We are unique in having enough experience working with geo-thermal to provide you with real information up front so you can make wise decisions. Kevin's experience is unique, being a mechanical estimator who really understands what the systems are and can translate them into cost. We believe the experience we bring is very high on the value scale to Nashua and the school district. We not only bring solid people and solid experience, but a culture of people who care about and service their clients. We're local and care about what happens in Nashua. O a, very confident, that this group of people will be able to lead you in the right direction in terms of making cost decisions that will benefit Nashua.

Mrs. Shaw

If a situation comes up where you have a 3-story structure being designed and when it's well under way it comes to your attention that there's plumbing on the 1st and 3rd floor, but not the 2nd in the design. How would you approach fixing that problem? Is that a construction change order that the owner has to eat, or do you guys handle that?

Harvey Construction

First of all, that won't happen with Harvey. And the reason is that our strength has always been and will continue to be the field supervision and the coordination in the field. Kenny and his peers that really manage our onsite work do a phenomenal job coordinating our sub contractors. But to prevent that from happening, starts with Carl and Kevin, really looking at the constructability of the drawings and making certain that nothing is missed. Much of our work is focused on mechanical work and Kevin is able to really get himself early on in the drawings. Now, to answer your question, we would be responsible for that, and we would make it work.

Alderman McCarthy

In that particular case, it's easy to pick up on a horizontal component the takeoffs. But the vertical components are more easily overlooked. What do you do to avoid that and the normal sorts of coordination induced change orders that we see in large projects.

Carl DuBois

With this project in particular, you're talking about 3 schools. There is an ample amount of time that has to be spent in each school. Because it's an existing school, number one. To really understand everything, you'd have to know the coordination of what's there... speaking with the engineer, trying to get everything implemented, you have to do your homework up front. The more than you can look at initially, the better everyone is going to truly understand what the scope is. So, to answer your question... we do constructability reviews as we're estimating, so we're constantly looking at things. I would not expect you to pay for something like that... it's an embarrassment. That is part of why you're hiring a C.M. You have to do that homework up front to eliminate something like that. Particularly on a phasing job.

Harvey Construction

We have a tremendous relationship with our sub-contractors, which is a critical factor. I think you can have great confidence that you will not have any of those experiences when you're working with Harvey.

Alderman Tabacsko

You mentioned a couple of current geo-thermal projects you're working on. Are either of those operational yet?

Carl DuBois

They're coming up on line as we speak. We're just getting them operational as we speak.

Alderman Tabacsko

And how about solar? Any experience there?

Carl DuBois

Solar, no. Merrimack County Nursing Home is 250,000 square feet on geo thermal. It's a sizeable project, and in a nursing home there are much higher demands for maintaining temperatures than you would have in a school building.

Harvey Construction

There's a lot of talk about solar, but we don't have that experience.

Mr. Dowd

Do you still use a CPM method for establishing where you're at with the project and how often are you going to report back to us on where you're at in the original schedule?

Carl DuBois

I'm the point person from the time we're awarded the project up to the issuance of the maximum price and pretty much stay hands until the project is purchased just to carry that coordination and make sure nothing falls through the cracks. Once the project is underway, then it becomes Steve and Ken who do the actual construction project.

Harvey Construction

We've looked at this project already as one school per year. I recommend we start the first one and see how it goes. I hate to say it... but maybe learn a few things. We may be able to do the other 2, if things work out from a logistics

standpoint the 2nd year. We may be able to save a year. That's something we'd have to look at. We have a pretty good idea of how to lay out the phasing plan for Fairgrounds. We showed Shawn how we would walk through the school over 12 months with the various aspects working through vacations, holidays, etc. One of the things that is critical if you're seriously considering starting in June of this year, it's a very tight timeframe. In order to start in June, you back off when you need to order long-lead items... you back off when you need to procure those. You're getting down to... we should be in design, really to get this going.

Mr. Dowd

What kind of a margin do you put in your schedule?

Harvey Construction

I've done a lot of through summers and vacations, and I've based milestones on vacations. In terms of time, you have to make sure you're being realistic. At Bicentennial, at every vacation we moved to another area. It does get easier and you do learn your lessons. You have to be realistic. Don't say 8 weeks if you mean 10.

Mr. Smith

It would nice to be a schedule where you're actually done 2 weeks before school starts. You mentioned that in your experience at the Merrimack Nursing Home, the geo-thermal actually had too much water. What lesson learned did you get out of that? How would you bring that to the engineers to maybe help how many wells have to be dug, etc.?

Harvey Construction

The system here is different that the ones that were used. You have a closed system vs. an open system. It's a little bit different. We've already started to develop a list of things learned. Nothing really major so far. The water will go back in the ground, but through an open reservoir.

Mrs. Shaw

As far as value engineering goes, are there any lines that professionally you feel you wouldn't cross? Things like recommending drywall as a way to save money in an area that's occupied by students? Things like that.

Harvey Construction

What I would hope for this project is what we just saw in the last 2 projects we did. One was Rivier... we didn't need value engineering. The other was Windham High School... we're not going to need any value engineering. That's not always the case, and there are lines. I, and probably everyone at this table, take great pride in being able to walk back in any project I've been involved with 2, 3 5, 10 years from now and you want it to look just as good as the day you left. Once again, we've got to give you the right information and the right pricing so you can make the best decisions for Nashua.

We're going to look out for the things that really bring equal value to the schools without affecting program. There really has to be some logic to every decision this team makes.

Mrs. Shaw

What is the biggest project you guys have done to date?

Harvey Construction

Right now the Merrimack Nursing Home is a \$40 million project. Exeter High School is a \$40 million project, as is Windham High School. The timing of this project works extremely well for us in every perspective.

MacMillin

Bill Walker, President MacMillin Company

I brought the team we're proposing for this job with me tonight and I'm very excited about them. They come fresh off a \$45 million 4-year school project that was heavily phased... the expansion of the Brattleboro Middle and High School Campus. That was a project similar in many ways to your project. These are the guys who got it done. Jim Gardner, an estimator who leads the pre-construction effort; Mike Farhm, Project Manager who orchestrated the

whole project in Brattleboro; Richard Jewett, Superintendent. That was a huge undertaking and these guys did a tremendous job and are ready to jump in and handle your project.

Mike Farhm

For the past 9 years, I have managed almost exclusively public school construction projects, most of which involved renovations. I'm very familiar with phase construction and having to build around the occupants. I strategize closely with the owner and the engineer to accomplish that. Obviously once we've strategize the phasing aspect of your project, we'd try to get as much work done as we can during the school year, using vacations... but ultimately there are summer period where you have to get a great deal of work done. The commitments we've made in the past for summertime schedules were filled, and the kids were in their occupied in September. We're proud of that track record.

Jim Gardner and I are the key personnel for MacMillin involved in pre-construction. I take charge of the phasing and scheduling portion, while Jim takes charge of the cost estimating as well as investigating the existing building and what is in there. That's a key component, because the more we can figure out, the more information gets on the drawing and the more we're all protected from change orders and unforeseen conditions. And Jim is very good at this.

I'd like to turn to a phasing diagram. This is representation of the phasing for Fairgrounds. We need to meet with the owner and understand how the building operates. When the kids get dropped off, etc. In addition we need to see how the mechanical, electrical, etc. systems work. The last component is to understand what it is that Turner wants to accomplish with their design. Then we can arrive at a phasing plan so we can all be on the same page from the beginning. I think you're bringing the Construction Manager on at a key time. If we can get on board determining the phasing, it gets into the documents at a level where we're all protected from unforeseen conditions.

Jim Gardner, Project Estimator

We have an extensive history with other school districts including Timberlane, Hillsboro, etc. My background includes being a structural engineer as well as an engineer on staff with a building technology company out of the Boston area. Of late, I've been a Project Manager for MacMillin and then converted to the pre-construction phase as an estimator. We did visit each project site last Friday. We did an analysis and walk around at that time. The biggest challenge is working on the phasing and pre-construction elements. There is a lot in renovations that go untested if you don't look in the right places. We've had a lot of experience in these areas. There is also the budget check, and I'm there to work with Turner and provide you with the opportunity to critique the value of the estimate to move to the next step. That allows us to start in May, and identify what areas we might be able to do some pre-purchasing or do some early bid packages.

Richard Jewett, Superintendent

Have been doing this for over 30 years, with extensive experience working on schools. An important aspect of my job is safety for students, parents and faculty. Good containment is another aspect. Mike and I had a lot of work during the Timberlane project to teach classes. The kids loved wearing the hard hats and learning about the project.

MacMillin

Quality control of course is one of our responsibilities. Cost control is something we're very cognizant of as well as maintaining the schedule. Rich and I are a team. He's the point man here everyday, but we're both making it happen. On this job, we've identified the need for a mechanical/electrical plumbing coordinator. With all that's going on, on the site, and working so closely with kids we believe there is a need for an MEP Coordinator making sure that the duct work and the plumbing pipes, heating pipes, etc. are in the proper locations. In a renovation job, it's a very important aspect.

We do incorporate some off hours work and are flexible. It may be agreed upon that we can only lift large units onto the roof on second shift when there are no students around. We do have that flexibility, but we cannot do the whole project on second shift... that's just not feasible. I think we can have some input on mechanical commissioning as you go.

We've given the phasing some thought. We've identified the boiler room as an area we'd love to get into around April and perhaps start the abatement. Because one of the big challenges is juggling new boilers with temporary boilers. If you can be working from there and branching out as a team, that's the best method of attacking it.

Mrs. Shaw

If a situation comes up where you have a 3-story structure being designed and when it's well under way it comes to your attention that there's plumbing on the 1st and 3rd floor, but not the 2nd in the design. How would you approach fixing that problem? Is that a construction change order that the owner has to eat, or do you guys handle that?

MacMillin

I think if it got to that level, that would probably be the most catastrophic error of the CM and team. One thing we try to do in the pre-construction process is to work in concert with Turner hand in hand helping with ceiling tile, pushing on walls, etc. and working the process through each step. Then we price it out as accurately as possible. If there are financial issues that come up in the process, you may have to consult within the entire group of professionals that we may need to reserve a certain amount of money in the form of an allowance. And contingency doesn't come into it until the end, and frankly that should be a bare minimum to cover changes in pricing here and there. Legitimately that condition shouldn't happen in this process.

You're talking about unforeseen conditions and the whole purpose of CM is to try and minimize those things, but the reality is that on every project there will probably be something that is unforeseen. We work together to work through those issues together and determine if it was reasonable that anybody could have foreseen this is kind of the acid test. We carry a contingency and we show it to you and report out on it during the process. It's there to cover a multitude of things.

Mr. Dowd

How do you schedule? Do you use a CPM method to track your schedule?

MacMillin

We use Microsoft Project to set the initial schedule. We will do the critical path method. We monitor it all the time and update it and present it at weekly meetings, or whatever the group decides. If you get off track, that would be identified and we figure out how to get back on track.

Alderman Tabacsko

What are the opportunities and challenges that this project might present?

MacMillin

Am I correct in assuming that you're not going for any certification level at this point?

Alderman Tabacsko

I'm frankly not sure.

MacMillin

This project isn't to a point where you might be able to gain enough points for a lead certification, but you could certainly strive to meet the lead principles, both from the mechanical and electrical standpoint. Again, we only know what we know from the RFP and we do know that there's some work with the envelope systems as well, so there will be some thermal upgrades. The other part is the geo-thermal aspect and what it will mean to you as an operating expense. So at this point, there are measures we can put in place, and you want not to compromise the system you put in place. You want to have containment that physical, but also audible as well.

Alderman Tabacsko

Have you done any geo-thermal projects in the past or currently?

MacMillin

We've done geo-thermal in the past and I was Project Manager with the Central Vermont Public Service Utility, where they had a number of buildings that were test cases and they wanted to prove some of the technologies that were out there or coming about. Unfortunately I was not on a ground exchange system. I had air exchange thermal,

but I know the process pretty well. There are a lot of conditions that are going to tell us which way we need to go on that particular process.

Mrs. Shaw

Are there some things in value engineering that you feel as professionalism this business you just can't recommend? For example, using drywall in student occupied areas of a school, etc. unless of course the owner insists?

MacMillin

Yes, you're always dancing that delicate balance of budget and what you need... and sometimes it's what you want. You have to get back to finding and understanding the scope, and have a realistic target. Then value engineering is hopefully secondary in most cases. It's become more of a coined phrase, because particularly in the past 3 years, pricing often spike erratically. And in a public arena, there could be 2 years from when the budget was passed and when the project is underway. So in a sense, right from the start you're working in a value engineering style.

I think it's safe to say that the things we wouldn't recommend would reflect the same interest as yours. The years of experience have shown things that aren't good for you, aren't good for us because they reflect on us.

Alderman McCarthy

Can you tell us about the current mediation with Oyster River School?

Bill Walker

I've been involved in that one up to my ears. And I have no problems with the Oyster River School District. My problems are with the architect. Unfortunately the way the contract was written, I have no alternative but to go through the school district to resolve my issues. This is the first one we've had in my career. I'm not happy about it, but I refuse to be walked on as a company. And I don't think that they have treated us ethically or honorably and we did a good job for them at their school. I guess we'll see how it comes out. We talked about phasing and how important it is. One of the issues that made it so difficult is that at the beginning we sat down with the owners and the architect and created an elaborate phasing plan. And then the architect went off and hired a mechanical electrical consultant who drew mechanical plans that completely ignored the phasing plan. So all of a sudden we get started on construction and phase I is on phase 6. How do you deal with that? We did deal with that and got it done, but there were additional costs because of it. Frankly, I don't think the school should have to pay for it, I think the architect should. But that's not my call.

MacMillin

One key thing to add is that Mike, Rich and myself had nothing to do with that project. Nobody's perfect in any situation, but there have been some things that have been taken care of as a result of that that are no longer with us. Having been with MacMillin for 14 years, I can say that even though we've been in mediation, we're still there and will go out there and rectify the situation. Because as Bill said, there's no problem with the school district. We'll stand behind it, regardless.

Mr. Smith

You have an office in Bedford as well as Keene. Are all 3 of you from there?

MacMillin

No, Rich works out of the Bedford office and the other individual who is not here tonight is Peter Tremblay who is Project Executive. He had a commitment tonight and couldn't be here, but he too works out of the Bedford office.

Mr. Smith

What percentage of the work do you envision doing in house, or contracting out?

MacMillin

Our goal is to contract everything out. On renovation projects though, it often becomes prudent to do some of the cutting and patching in the mechanical trades ourselves because it's difficult to box it up into a package.

We've also mastered building containment walls, which are so critical. There's a lot to it and we've learned a great deal along the way on the best way to do it. We feel we would want to have a lot of control over that, as well as the maintenance for it.

Mrs. Shaw

What's the biggest project your firm has done to date?

MacMillin

I'd say about \$50 to \$55 million.

Bill Walker

Just a little closing statement. Sometimes these interviews are a little awkward for us and actually this is the first time we've had to use microphones, so we may seem a little uptight. I did want to say in closing that this team that I'm proposing for this project... there is no other group that you've talked to tonight that could provide you with more dedicated people. Mike Farhm has been working on schools for the past 9 years and he's never failed to open one on time. If it means he goes into the field with his sleeves rolled up to work, he does. If he has to work on Sundays he does. So does Rich and Jim. Give us a chance and we'll break our backs for you. As you can see, we've aggressive on our fee. We want this work and the timing is perfect for us. You'd be getting a bargain.

Alderman McCarthy

I'd be willing to have some discussion tonight if the committee would like. I don't think we would need to go into non-public.

Mr. Mealey

I was going to suggest that we do have some discussion tonight, but we can check references and then try to schedule prior to the Joint Specials so we can have both decisions from tonight at that meeting and then make recommendations to the JSSBC.

Alderman McCarthy

We have a substantial range of proposals. If there is a reason why we'd have to discuss one or more of the firms in non-public session I would be happy to entertain the motion.

Mr. Dowd moved, seconded by Mrs. Shaw to go into non-public session under RSA91-A:3 II (c), matters which, if discussed in public likely would affect adversely the reputation of any person, other than a member of the BOE, unless such person requests an open meeting. **So voted by roll call at 10:50 p.m.**

Alderman Tabacsko moved and seconded Mrs. Shaw to return to public session.
So voted by roll call.

Alderman Tabacsko moved, seconded by Mr. Kelley to keep the minutes of the non-public session confidential because divulgence of the information likely would affect adversely the reputation of a person who is not a member of the Board, or render the proposed action ineffective. **So voted by roll call.**

Submitted by Jacki Waters