
**JOINT SPECIAL SCHOOL BUILDING COMMITTEE
THURSDAY, OCTOBER 30, 2008
NASHUA HIGH SCHOOL NORTH LECTURE HALL
7:00 PM**

A meeting of the Joint Special School Building Committee was held at Nashua High North on **Thursday, October 30, 2008**. Alderman Bolton called the meeting to order at **7:03 p.m.** Alderman Tabacsko read the prayer, and Alderman Cookson led the Pledge of Allegiance.

Present: Alderman Bolton, Alderman Clemons (7:19), Alderman Cookson, Alderman Cox, Alderman Flynn, Alderman McCarthy, Alderman Tabacsko, Alderman Tamposi, Mr. Haas, Mr. Hallowell, Mr. Mosher, Mr. Vaughan

Also Present: Mr. Mealey, Mr. Smith, Alderman Teeboom, Members of the Public, *The Telegraph*, *Videographer*

Previous Meeting Minutes Approval

Alderman McCarthy moved to waive the reading of the minutes of the JSSBC Committee meetings held on **9/25/08** accept them, place them and file. **So voted.**

Remarks by Administration

Mr. Mealey

Everyone was sent copies of both the peer review by Dr. Phetteplace and the response by Turner, but if anyone wants a hard copy we have them here tonight.

Committee Report – Construction Projects Committee

Alderman McCarthy moved to waive the reading of the minutes of the Construction Committee meeting held on **9/25/08** place them on file **So voted.**

Alderman McCarthy moved that the rules be suspended to allow for an oral report of a meeting on **10/23/08**. **So voted.**

Alderman McCarthy

The committee met on October 23rd and discussed at some length with Turner and Dr. Phetteplace the current proposals. We sent the architects off to look at a couple more things and look at some other equipment. The only action taken by the committee was to recommend approval of the contract with Turner Building Science and Design, which will be taken up shortly, so there's no need for the committee to accept any actions of the Construction Committee.

ALDERMAN McCARTHY MOVED TO APPROVE THE CONTRACT WITH TURNER BUILDING SCIENCE AND DESIGN, LLC FOR THE DESIGN AND CONTRACT ADMINISTRATION SERVICES FOR THE REPLACEMENT OF HVAC SYSTEMS AT FAIRGROUNDS ELEMENTARY AND LEDGE STREET ELEMENTARY SCHOOLS. THIS IS AN AIA STANDARD DOCUMENT B141 WITH OUR NORMAL CHANGES MADE TO IT, SUCH AS THE REMOVAL OF ARBITRATION.

Alderman Flynn moved to suspend the rules to allow for public comment before voting on motion.
So voted.

Dennis Ryder, 17 Charles Street

I read the contract and it's a standard contract. There appears to be no budget at this time and in effect it is an open-end contract with no cap and no limits. The initial discussions were to replace boilers and I think the figure was roughly \$2 million per school. A gentleman came in and offered to do the schools for that amount. Now I understand we have a figure of \$13 million. This committee hired a consultant to review these plans and look at these systems and his conclusion was that the cost was the elephant in the room. He made a very good recommendation to send representatives to Illinois to examine and experience the different kinds of systems. I strongly urge the committee to do something like that before going hell bent down a road on one particular type of design, which has never yet been used for a school system. The geothermal system is somewhat controversial anyway, and this application seems to be very controversial. I see no point in engaging a consultant and then not acting in any way, shape or form on its recommendations. So I urge caution gentlemen in passing this contract.

Alderman McCarthy

I just want to point out that this is the standard contract, and we always put "not to exceed" in the architectural contract when we know the actual scope of the work. I will point out that the reason this is before us is because we currently do not have any mechanism to ask Turner to do any work at all. They were engaged by a purchase order by the School Department and are at the limit of the "not to exceed" limit of that contract. This is not a contract that sets the scope of work to be anything in particular other than what we decide as we go on. It does not elect a geothermal system or any other. But things like a field trip to Illinois will require work from Turner's part, which they can't do without a contract in place.

Mr. Hallowell

I wanted to make a couple of points. It came up in committee that the 7.4%... we've already spend \$115,000 on that original contract that Alderman McCarthy just referred to, so that is part of the 7.4%. That's the agreement that was at the committee level that Turner agreed to. I voted for this contract at the committee meeting. Since then, I've tried to carefully review all the material that we've gotten over the months from everyone involved. I've tried to keep an open mind during the entire process. I encourage all of you to read the peer review of Turner's design by Dr. Phetteplace. He has been involved in geothermal systems for decades and helps contracts and other learn the how's and why's of geothermal energy.

During our many meetings on this topic, we've talked about how to choose the type of air handling system, and secondly to choose the heating and cooling for the system. It's been further stated that the choices are essentially independent of one another. Displacement air with gas fired boilers or displacement air with geothermal... either can be made to meet our requirements. At our last meeting, Dr. Phetteplace pointed out that that is not entirely true. Geothermal efficiencies are gained primarily through the direct transport of heated water. Geothermal water doesn't exist at the temperatures that a gas fired boiler would be. So if you want to take the heated water and send it around the school through ducts and vents, you lose some and possibly all of those efficiencies you might have gained. What I heard from Turner is that they have a paper study for a system combination that has never been built that will not lose the efficiency that Dr. Phetteplace's years of experience expects that it will. In fact there are many suggestions from Dr. Phetteplace from HDPE instead of PVP piping to the fact that concentric wells have been tried in the past and failed. But Turner's response has been that while no one else has done these things successfully, they can. I find all that rather troubling.

So tonight, after some reflection I am forced to vote against the contract with Turner. I think their lack of expertise in this area adds too much risk to this project. I think geothermal systems are the best way forward for a number of reasons. But I feel that Turner does not have the experience that we need to move forward.

Mr. Mosher

I have also reviewed the material from Dr. Phetteplace and from Turner and I concur completely with Mr. Hallowell.

Alderman Teeboom

I know I'm not a member of this Board, but I've been following geothermal and am excited about it. But we have to do it smart. We're dealing with a contract with people who have never installed a commercial system anywhere, yet alone ever installed a geothermal system with this air displacement component. We've been advised by a very reputable dealer in Hollis, Gary Maedl not to do it. And everything in the peer review backed up what he told us. What did we get from this contract for the \$115,000? Zippo. So why are we doing this no bid contract? If we're serious about geothermal, why don't we go out and bid the job? This contract doesn't even mention the word geothermal. It's a bad contract and if we're serious about geothermal, Turner is the wrong outfit.

We asked for a peer review and when a peer review comes in, you pay close attention to what it says. You should not discard that. If you read nothing else in the review, read just this one sentence: "In my opinion a significantly different approach should be taken." I can't even imagine how this Board can consider this contract.

Alderman McCarthy

While I realize that some of the people in the room may have much more experience with architectural contracts than the combined wisdom of the American Institute of Architects, this is the standard form contract that's used to engage them. And if we're going to engage one, we're going to engage them with this form. That is the way it is done. And that is the way it was done on this building. The form of the contract has worked out just fine for us. It doesn't mention any of the specifics of what the design will be because that is not the purpose of the contract to engage the architect.

We just heard something that is extremely telling to me. I don't care if we use geothermal or not. I have no interest in what the technology is. I have an interest in the quality of the classrooms that we produce based on air quality and noise. The only NH licensed mechanical engineer in the room at the other night's Construction Projects meeting said he could not take that design and meet NH standards for classrooms. This room is not displacement air, Alderman Teeboom. We discarded displacement air in this building to save money because of the arguments of people against the expense. Otherwise this would be 20-30 decibels lower than the noise level in this room.

Mr. Harrison says that if we do that, we must put the unit ventilators outside the room and put in duct work, which will bring the price very quickly up to essentially the same price as the system that is proposed. If we find the cost of doing that unacceptable, then my recommendation is to scrap the geothermal concept entirely, and to look at what we can do to maintain the current systems that are in there by replacing the boilers, piping and whatever else we can do to get this functional. So let's move on with it or not. But this is not the time to say let's toss this contractor out so we can go get somebody that I like who has proposed to us to do something... the gentleman who was mentioned cannot by state law sign the applications to build the project. He is not licensed in this state. This is ridiculous. We need to take an architect we know can do this job, can produce quality schools, has produced many, many quality schools in NH and let them decide what a good technical approach is. Even if we decide now to scrap geothermal, that's fine with me. But the concept of let's throw this out so we can build a geothermal system even if it isn't the best thing for the kids is the absolutely wrong thing to do.

Alderman Bolton

I think there's some general lack of understanding of the role that we're hiring Turner to do if we approve this contract. They are not the contractor. They are not the firm that installs the system that is ultimately chosen to heat the schools. They are the design professionals who will design whatever this committee elects to do. The reason why there is no number in this document for the total cost of construction, is just that. They will not reap that total cost of construction. They will be paid as architects generally are in this sort of an approach, a percentage of whatever that turns out to be... which at this stage of the game is unknown. No one has submitted a bid because we don't have a final design and have not in fact decided what is going to be built. And we have not put out any bids. This idea that we should rebidding something... there is absolutely nothing to rebid. The idea that Turner has never installed this or that... they are not the ones who install anything. They will design it.

It doesn't have to be Turner, but there has to be some design professional involved. Unless someone wants to say, and you might... that Turner is the wrong design professional, I guess you can say that. But these other arguments are beside the point. We're not selecting a contractor to install any system tonight. We're not even picking any system that we will ultimately use tonight. What is before us tonight is only the approval of the contract for architectural services.

Mr. Haas

I think I understand that. When we normally commit city funds for what could be 7% of \$3 million, that's going to commit us to around \$200,000 for Turner... I guess my question is, to get a contract for that amount of money, does the city require an RFP and 3 quotes or something of that nature so that have some comparison of pricing and skill sets?

Alderman Bolton

Not for architectural services. But we could do that if we chose. But it's not required.

Mr. Haas

We asked Turner to go off and design an air displacement system for our schools, which basically told them what the design should be. As opposed to what I thought we might have wanted to do and say, design a heating system for the schools which provides good air quality and an acceptable noise level and let them come up with a design that they think is best to accomplish that goal. We effectively told them what design to do and they did that. Now we find out there are other systems that might be complementary to geothermal.

The other thing I thought I heard was that the raw equipment of the unitary systems and the displacement systems was about the same cost. What makes the design from Turner that's now on the table more expensive is all the demolition you have to do to put the system in place. So I'm thinking if I'm going to do my due diligence and spend \$4-6 million of the taxpayer's money, should I have the opportunity to look at a couple of alternatives and be able to see the pros and cons of them all. I may end up feeling that I want to spend \$4 million because of the better air quality and noise level. But I don't feel as though I've had the opportunity to see that comparison to make an intelligent choice to know which way to go. Turner did say they'll design a unitary system or anything else that we want.

My struggle here tonight is, I understand that we're hiring a design firm to design something and to administer that whole process. But if they're going to design something that a fair majority of us are uncomfortable with, I may want to talk with somebody else. I understand that to go out and ask someone else to design a system for the school, we're going to have a bunch of different designs and we'll be at square one. But we also went out and spent money on a peer review and would like to not throw that money away. Maybe we want to tweak our design a little bit and rethink it. Dr. Phetteplace did a real good job in my opinion. So are hiring someone tonight to administer a process or to come up with a design? I believe I heard that we're hiring an administrative person to come up with a design.

Alderman Bolton

It's both. They will be the firm that designs what will be built, and will also be the firm to administer the process of building it to ensure that what is built matches the design.

Mr. Haas

And do we take their design that they provide to us without any reservation and assume that it is absolutely the best way to go? When we've had a peer review that says it's not the best way to go.

Alderman Bolton

We can do whatever we choose. We can reject their design... tell them to redesign the parts we don't like, tweak it this way or that way... we can get 18 more peer reviews. Everything is up to us as to what we want them to do, even after we enter into this agreement if in fact we do.

Mr. Haas

Thank you. That's what I was hoping to hear. Approving this contract tonight does not necessarily approve the design.

Alderman Tamposi

I have a compensation question. They're getting 7.4% of the entire project cost?

Alderman Bolton

Correct. It gets further defined in the fine print, but yes.

Alderman Tamposi

And with Harvey being the GC on the project, how are they being paid? Is there a percentage there also?

Alderman McCarthy

I think so far we have engaged them only for pre-construction services. I don't think we've committed ourselves to whether we're doing construction management or GC bid. That will be something we decide as the design goes along. I suspect given the size of the project it will actually be a GC bid.

Alderman Tamposi

How did we come up with the 7.4%?

Alderman McCarthy

That's from Turner. That's in the normal ballpark. I don't think for a project this size, 7.4% is out of the normal realm of experience... particularly when it's mechanical design.

Alderman Clemons

I have a few questions. If we don't do this this evening and we decide instead to pick an option as to what we want to get done first, would the contractor that is going to build it then have to get a design firm independently of the city? Or would the city have to hire the design firm?

Alderman Bolton

There are different construction approaches that can be taken. With something like this, the more typical situation would be that the design professional would work for the owner and then a construction company would operate either under a general contractor format where a fit price is set (plus possible change orders)... or they will work in the construction management process and manage all of the work, hire the trade firms and the construction manager would be paid a fee probably also based on the total expenditure of the project. In smaller projects you can sometimes do a design build format, where the same company both designs and constructs the project. I don't think we've ever contemplated something like that for this.

As to your question about what happens if this isn't approved tonight, I guess it could be approved another night. I guess we could ask other architectural mechanical engineering firms to submit their proposals as to why they should be selected as opposed to Turner. Absent hiring somebody to serve in that capacity, my impression is that we're pretty much dead in the water. If it's not going to be Turner, it's going to be someone else or nothing is going to get accomplished any time soon. Other people may have different ideas on that.

Mr. Hallowell

So to be clear, my comments were not due to a lack of understanding of the contract that is before us. Nor is it that I'm simply enamored to the notion of using geothermal. I think it is a good option... I don't want to spend \$10 million to put it in. My basic concern and frustration with Turner all along is, I think it's pretty clear that they don't have the experience in geothermal. And since we're hiring them to give us options ranging from their typical system that they might put in to geothermal, I think it's a concern that a) they don't really have that experience other than the last couple of years and b) they really haven't shown much interest in people like Dr. Phetteplace who's offering them advice. I mean I was amazed the other night that Turner's basic stance about the fact that people have used these concentric wells and they've failed, was "oh well." They didn't say they would think about redesigning it or that was a good idea. And they had already spoken to Dr. Phetteplace, so they had time to think about what they want to do. And in their response, they don't basically say they're going to do anything different.

If I hired someone to put in a system with nuclear energy, I wouldn't hire a guy who had only installed gas fired boilers all their life. I'd hire someone who knew something about nuclear engineering, or I'd take it off the table. So if we're going to move forward, I'd like to either see Turner engage someone who has a great deal of experience in geothermal, or we find someone who does. Or we say we're not going to do geothermal and we'll just evaluate based on just what Turner can do. But that doesn't seem to be where we're heading and that is why I'm going to vote no on this contract. I am frustrated. This has gone on way too long. And there have been some fundamental questions about the way Turner is doing things and they haven't addressed them. They say, just tell us what you want us to do. Immediately when the notion came up that you put in these unitary systems, they were immediately

taking the units outside, piping in... they were basically building a system that was going to require about the same amount of money. So whatever we want to build, it's going to come out at the same dollar amount. So I'm just frustrated with the whole process.

Alderman McCarthy

Actually, I heard something different. I heard Mr. Harrison say that he had done substantial research on the unit equipment, looked at numerous ones and concluded that the one that Dr. Phetteplace gave as an example was probably the best of them, but did not meet the noise standards. His consideration after looking at that was that they would have to move them outside of the classroom to meet the noise standard. I believe he is probably well versed in what is available in unit ventilating equipment.

As to what we asked them to do, we may have asked them up front to look at displacement. I've worked on 2 other projects where Turner was the HVAC design professional and spent a lot of time talking with them the first time. I asked them at the last meeting if we had asked them to simply to tell us what would give us the best air quality, would they have said displacement and Mr. Caulfield answered in all likelihood, yes. So I think we just cut to the chase when we asked Turner for a proposal. Because we know that is what they believe to be the best air quality. And what they've shown us in past projects show that is probably the case.

Can we provide adequate air quality with other systems? Yes. Is it as good as air quality systems? No. But the displacement system is more expensive. So the question is, what do we want to do to get the maximum air quality throughout our classrooms? One of my concerns and I have it with this building, is that in these conventional systems with roof inlets, they tend to blow air from the inlet to the return without it ever going by you or I who are sitting down at this level, generating a fair amount of carbon dioxide as we sit. That's why I'm convinced that the displacement air systems are best for the students sitting in the classroom. We need to understand that the system we're looking at, even if we go with that Cadillac system, the cost of ownership of that system from day 1, costs us less than the day before did with the existing system because we save that money in energy costs.

Mr. Smith

Some of the comments I think are perhaps misperceptions because people haven't been part of the process the entire time. Three years ago, Mark Conrad and I were looking at how to best get the mechanical systems changed in these schools and we did put out an RFP to hire a design professional. We got numerous responses and interviewed 5 good firms in the area. We chose Turner because they were competitive at 7.4% (most were higher or the same); we had past experience with them; and we also felt that displacement air was the way to go. We had had ample opportunity to review the various systems. So as far as being competitive with the process, I think we've done that.

When we started out, we had no thoughts about geothermal. Their first task was to look at and evaluate the schools. They had the prior engineer, Rist-Frost Shumway took at them and see what they proposed. They then came to us with a well documented study that said these are your alternatives. You can go with a unitary system, a more traditional system (as we have in the high schools) and then they had a displacement air system combined with chillers. They then asked if we would consider geothermal. I said tell me about it, and from that point on, I think this committee has been involved.

They've said time and again they would design any system that we want. We provided some direction towards geothermal and previously displacement air. So they've gone down the road that we've steered. There are some comments on the peer review process. I think we heard for the first time at the last meeting his suggestions. We're taking them to heart and have not dismissed them as some people feel. We've already gone to back to the manufacturers of the particular units that he suggested that don't meet the state standards of 35 db's. The closest ones to visit for a "field trip" are in Illinois and Tennessee. I'll be calling them by next week to see how those units have performed for them in terms of air quality and noise, etc. I told Alderman Teeboom that I don't care what system we install, although I do think displacement air is the way to go. We can argue about geothermal but I think it's the way of the future.

Alderman Clemons

Thank you Mr. Smith. I'm going to trust your judgment and I will vote yes on the contract.

Alderman Teeboom

The problem I have is the architect. This architect is a designer. He's not a manager. He started off with a design of \$7.5 million for the 3 schools. All of a sudden it became about \$18 or \$19 million. Turner did not know or understand the renovation aspects of the job. When I asked them how it got to \$18 million he said we only dealt with the mechanical or engine part of geothermal. Turner is an excellent contractor. I fought the previous school business manager to hire Turner before. This Board has spent over a year and \$115,000 on this now and gotten nowhere. I think this Board is better off taking some extra time and look at some RFP's. Look at other architects. Then come up with more specific instruction of what you want.

Alderman Tabacsko

The previous speaker would have us go backwards and I can't support that. I think the review that Mr. Smith provided was excellent. And we've come a long way to get where we are and what's before us is simply the document to continue to engage Turner. And if we're going to abandon that at this point, we probably are better off to pack it all in and buy a couple of boilers and be done with this for now... until such time that we can be a little more visionary than we are at the moment. I think the cost of this increases everyday. And further delay and going backwards and trying to reinvent what's already been done is going to be counterproductive. We heard two differences of opinion, but they both understood the other's point of view and there can be two professional opinions that are both right. If we can't afford geothermal, then let's not do it. But if we can I think there are a lot of reasons to keep looking at that as a way to finalize this. I will be supporting this tonight and I urge us to keep this process moving forward.

Mr. Vaughan

I think the difficulty we're having is that we don't have a real consensus about the key requirements for what we're doing. Different people have different priorities of what's important in some sense. I do have some concern about Turner's specific expertise in geothermal. But it seems to me that it's easier to supplement a specific expertise on geothermal if we go that way and have a firm that we're comfortable with, have worked with and has an established known track record for the other parts of the job. I think we need to try and move forward and I think that Turner has a general level of expertise that we need and can supplement the geothermal expertise if necessary.

Mr. Haas

I'm in a bind. Turner did give us what we asked for and we can't fault them for that. But I don't have a real good warm and fuzzy feeling that they have all the geothermal expertise, but I think I agree with Mr. Vaughan. If they have a good track record... and I appreciate Shawn's remarks. My only concern is that we need some level of dialogue about what we really want them to design and is displacement the best way to go. I need to have something substantial to tell taxpayers when they ask me why did you spend \$4 million instead of \$2.

Alderman McCarthy

First, I don't think we've committed to any portion of the design. The other night's discussion was the first real in-depth opportunity we had to discuss the alternatives, the design and Dr. Phetteplace's comments. I'm sure that dialogue will continue at our next set of meetings until we reach that. Mr. Smith, what was it you were not able to find closer than Tennessee or Illinois?

Mr. Smith

It was that particular type of Bard unit, which Dr. Phetteplace suggested.

Alderman McCarthy

If the closest one of the systems that we want to install is over 750 miles away, the likelihood of finding local expertise in design seems to be rather low. I suspect Turner is probably farther along in understanding any of this than any other design firm we're likely to engage.

Alderman Tamposi

Going back to the compensation... have we tried back to a lower fee? Because I heard Mr. Smith say that 7.4 was 4 years ago and I know these have gone down a bit. We usually see a step schedule, so if the project is between \$2-4 million there's a percentage and if it ranges up to \$13million it usually goes down a bit.

Alderman Bolton

I'm not aware of any negotiating in that regard. Nothing prohibits us from approving it subject to negotiating that down. This is what we have before us now, but if we want to spend some time negotiating we can do that too.

Alderman Cox

Just a point of clarify on something Mr. Hallowell stated earlier. He said that in the meeting it was said that the \$115,000 spent to date will be a part of the 7.4%... but that's for this contract only, right? If we went to another contractor we'd be at ground zero and paying whatever fee... and from what Mr. Smith said, this is one of the more competitive fees. So that's a moot point if there was to be another contractor.

Alderman Bolton

That would certainly be true. I can't envision that any other design firm is going to give us a credit for money we've given to someone else.

Mr. Mosher

Has there been any part of the design where we specified the air quality standards or the noise levels or any of the other details involved in this to give parameters for them to work from in designing the system?

Alderman Bolton

I believe it's part of their requirements that they're design meets all applicable requirements.

Mr. Mosher

It's probably understood that they would do that. But when you lay out an RFP you put in there what you expect and not assume they're going to include that

Alderman Bolton

They are required to meet the applicable regulations. Essentially we're engaging their expertise to tell us what we should require of the contractor. They are required to design something that meets all legal requirements. They know that. In fact their licensing depends on that in addition to what's in the contract.

Alderman Clemons

I'm not entirely sold on geothermal. I know there are other conventional systems out there. There are other options out there. With that said, I don't have a problem going into this document for the very reason that we don't have a set agreement of what we want to do. I think Mr. Vaughan put it great in the sense that the general experience of this architect firm is reputable. So when you start getting into specifics, you would find any firm to have strong and weak points. Mr. Smith said the rates were competitive and I'm going to take his word for that. In the end, however we go the architect is going to do what we want them to do. So I don't have a problem with this. I think we need to move forward. I think it's the right thing to do.

Mr. Hallowell

Mr. Smith, did we talk to anybody in Illinois? Did they install those systems prior to the noise standards being established?

Mr. Smith

I don't know if it was prior... those are NH standards to be 35 db.

Mr. Hallowell

When I asked Turner the other night about those standards he corrected me that they were National standards, I thought.

Alderman McCarthy

No, they were NH standards.

Mr. Hallowell

So we don't know if the installation they put in met those standards? We didn't ask anyone?

Mr. Smith

We did ask the manufacturer of the units and he said those units were going to be above the 35 db standard.

Mr. Hallowell

I heard a previous speaker say that we could supplement our expertise with geothermal experts. But the problem is, when are we going to do that? I'm stuck in a situation where if I believe Dr. Phetteplace and he doesn't believe they can achieve the efficiencies they say they can achieve by doing the geothermal system and putting in duct work, etc. then maybe the cost benefit that shows that geothermal is the most effective system for us to go with, isn't correct. And we won't know that for 3-4 years when we start evaluating the system. So that's my problem. When is it that we're going to get this geothermal expertise? We've brought people in, and I appreciate what Mr. Smith is saying that they're starting to look at some of these things. But I certainly didn't get that impression last week or from the somewhat defensive response by Turner to Dr. Phetteplace's comments. So I'm still stuck.

Alderman Tamposi

Is the 33 decibels... is that in the classroom or from the unit?

Alderman Bolton

My understanding is that it's in the classroom.

Alderman Flynn

I'm kind of struggling as well and am in the same position as Mr. Haas. His word was 'uncomfortable' and I'm uncomfortable as well. I didn't come to the meeting, but I saw it twice on TV. It didn't appear that Turner was well prepared and at times didn't seem like they had information with them or were prepared to answer some of the questions. I've been a little uncomfortable with Turner and am a little uncomfortable with this contract as well. Have our attorney's looked at this, and particularly with the amendment that we're trying to put through for including this \$115,000 worth of prior expenditure? If this were a \$7 million contract and they were getting 7.4% of the total amount, that would be \$540,000. And Turner at this point is saying that they're willing to take off \$115,000 from that amount? What is that \$115,000 being applied to?

Alderman Bolton

We have already paid them that and they have said they will credit that against the ultimate 7.4% of the total.

Alderman McCarthy

They have already done the first \$115,000 of what will be the total cost.

Mr. Smith

This document has been reviewed by legal counsel.

Alderman Flynn

Have they seen the adjusted language?

Alderman Bolton

We have not put in any language. What we're saying is that language will be put in that is acceptable to our legal department reflecting that first \$115,000. So if the legal department doesn't approve it, we have not approved it.

Voting on Motion:

ALDERMAN McCARTHY MOVED TO APPROVE THE CONTRACT WITH TURNER BUILDING SCIENCE AND DESIGN, LLC FOR THE DESIGN AND CONTRACT ADMINISTRATION SERVICES FOR THE REPLACEMENT OF HVAC SYSTEMS AT FAIRGROUNDS ELEMENTARY AND LEDGE STREET ELEMENTARY SCHOOLS. THIS IS AN AIA STANDARD DOCUMENT B141 WITH OUR NORMAL CHANGES MADE TO IT, SUCH AS THE REMOVAL OF ARBITRATION.

SO VOTED. (*Nay: Alderman Cookson, Alderman Flynn, Alderman Tamposi, Mr. Hallowell, Mr. Mosher*)

Alderman Clemons moved to adjourn. **So voted at 8:31 p.m.**

Submitted by Jacki Waters