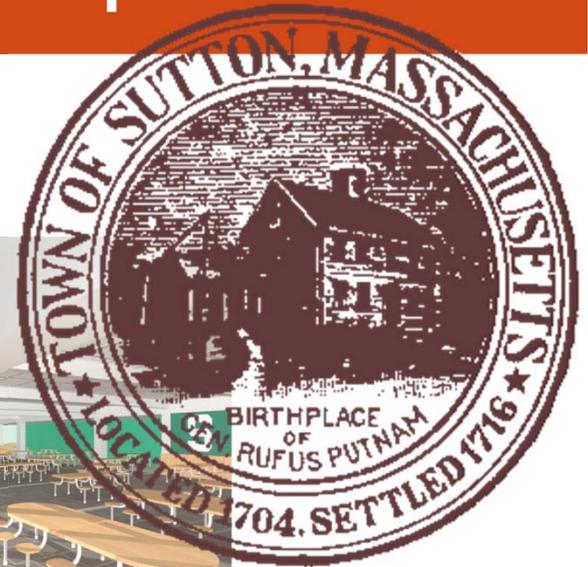


# Middle/High School Project

## Public Information Session



Presented September 25, 2013



# Agenda

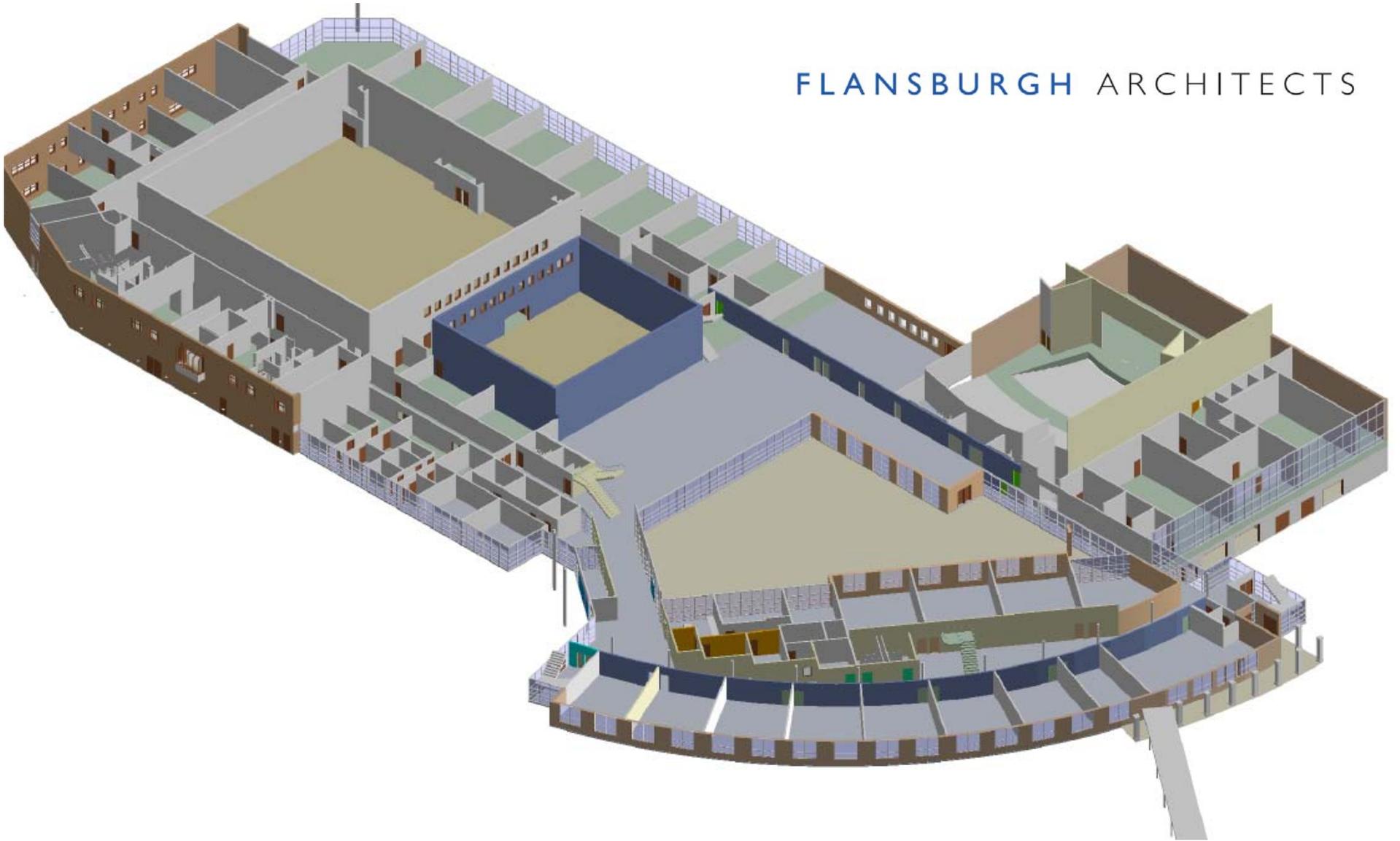
- Overview
- Original Phasing Plan
- Status
- Options Moving Forward

# Overview



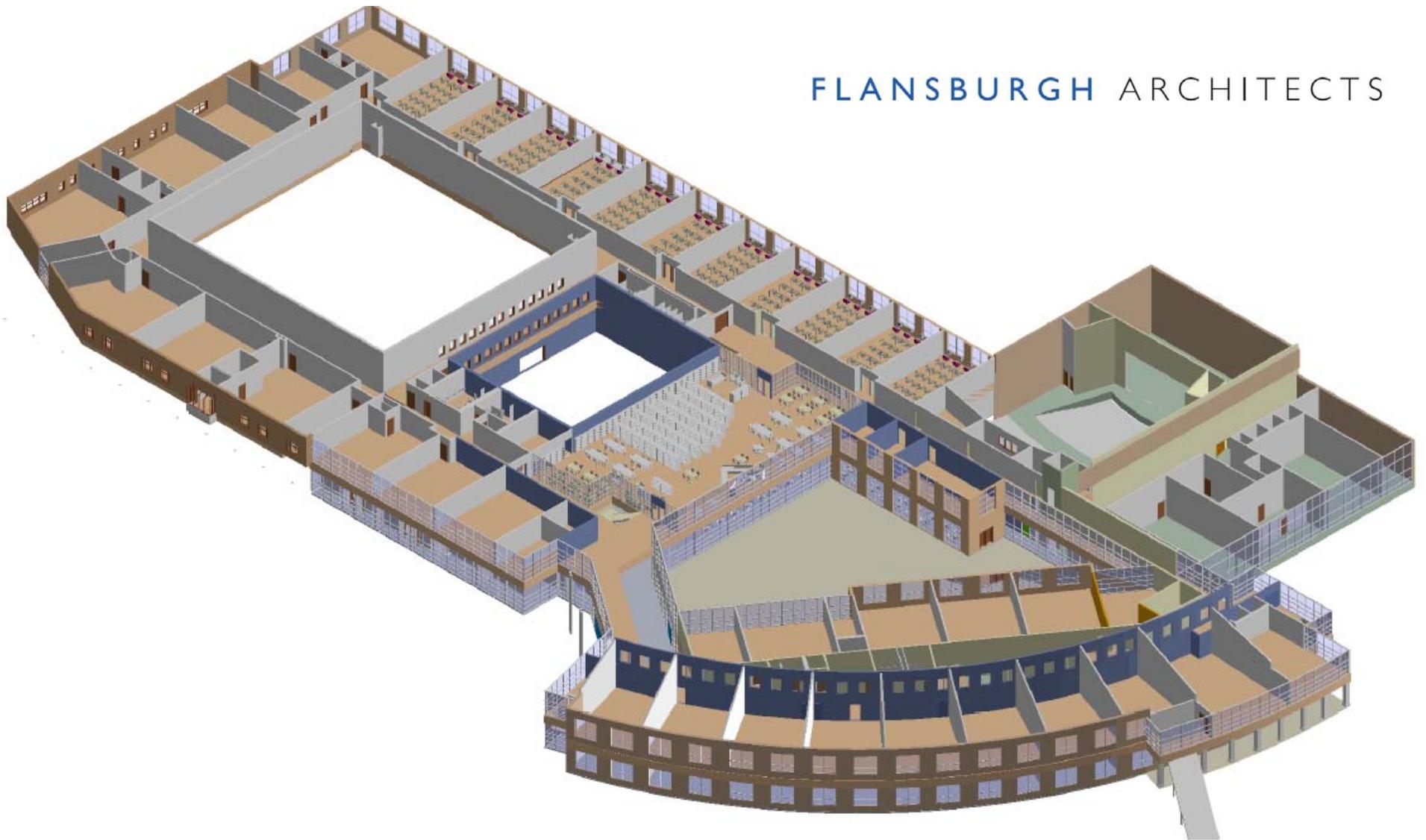
# 1<sup>st</sup> Floor Plan

FLANSBURGH ARCHITECTS



# 2<sup>nd</sup> Floor Plan

FLANSBURGH ARCHITECTS



# Front Elevation



FLANSBURGH ARCHITECTS

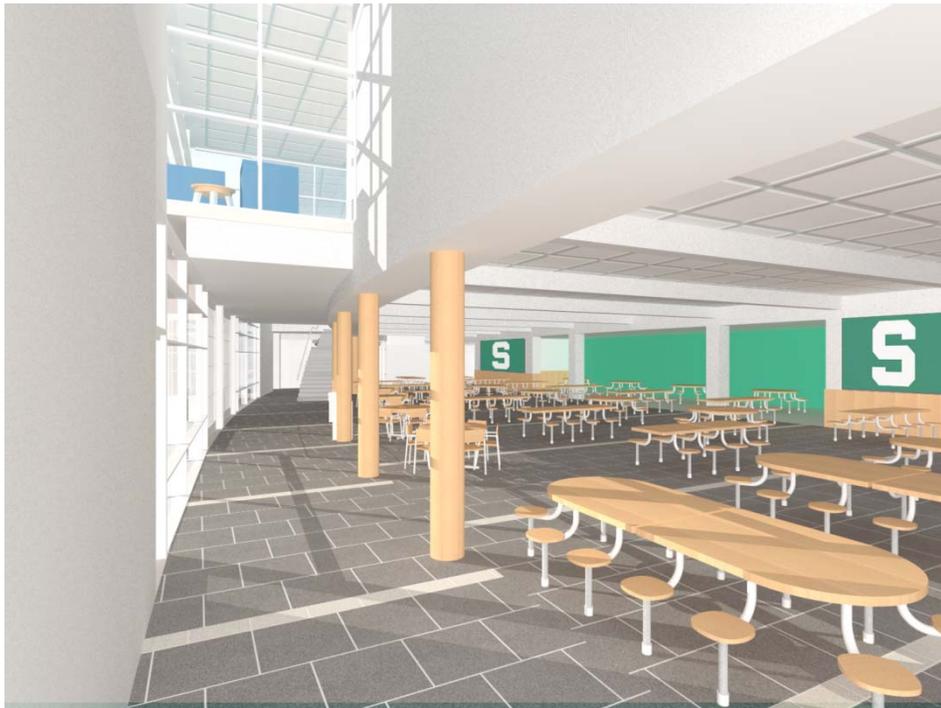
# Main Entry



# Courtyard View to Auditorium from Main Entry



# Cafeteria



# Library/Media Ctr

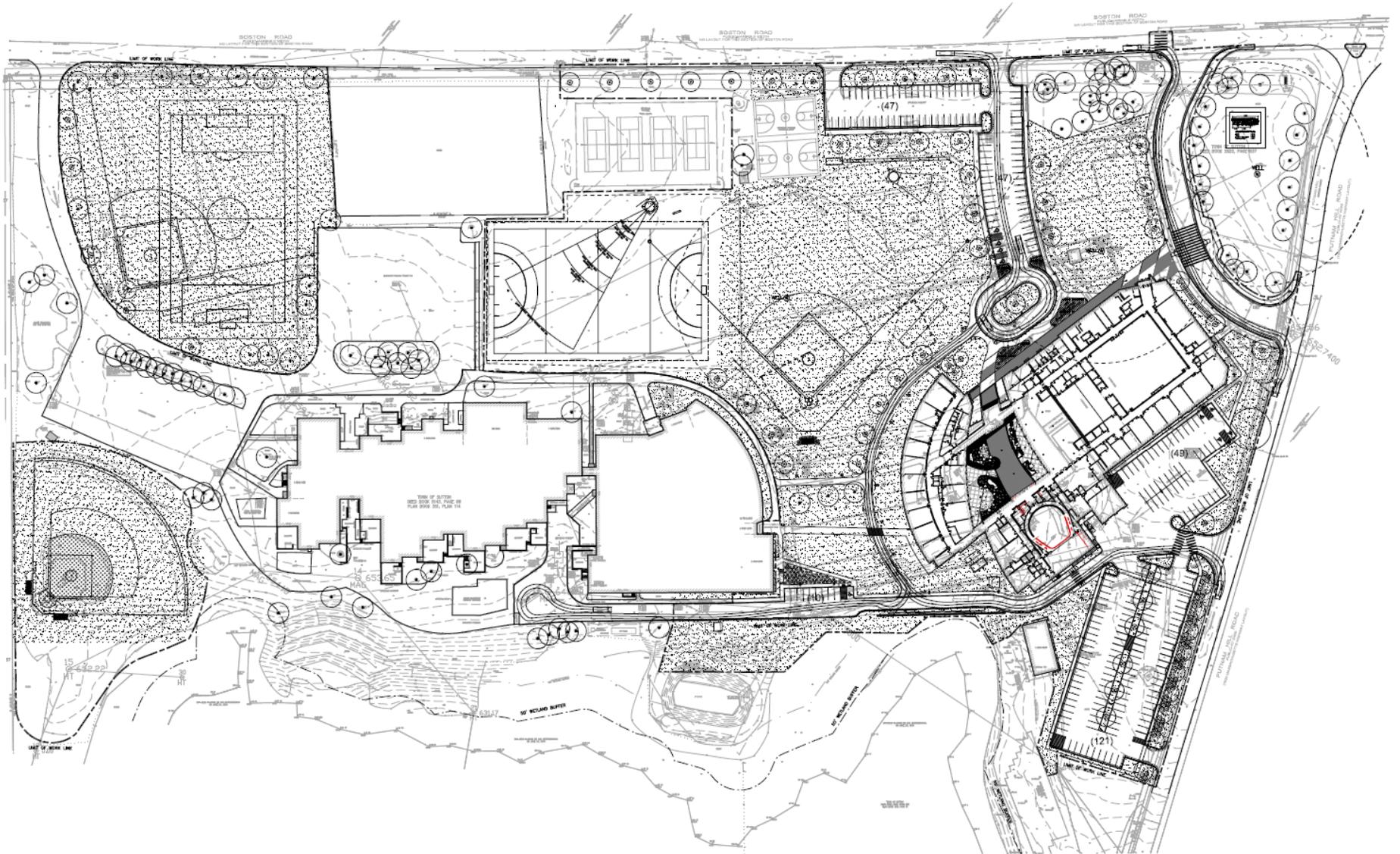


FLANSBURGH ARCHITECTS

# Auditorium

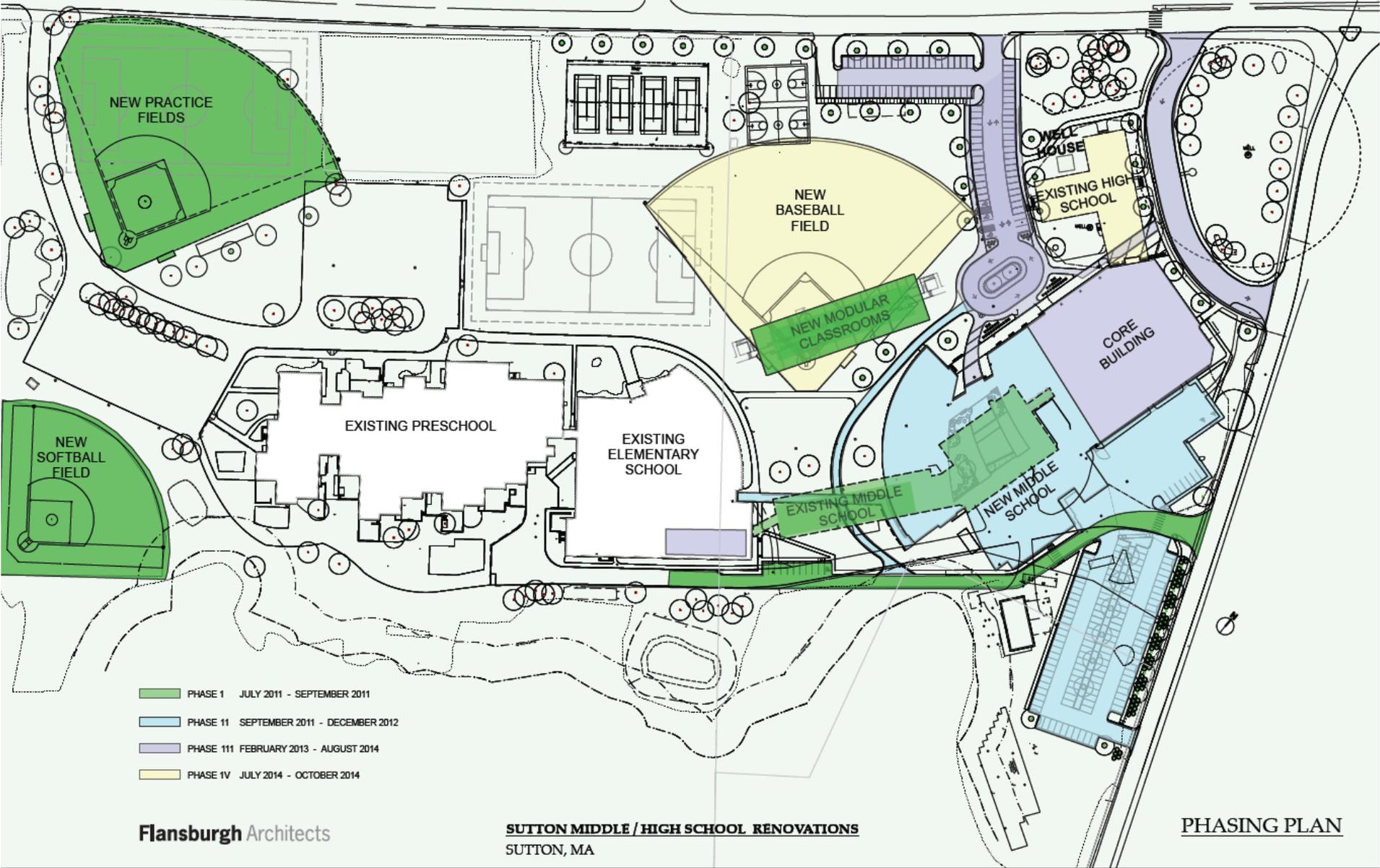


# Final Site Plan



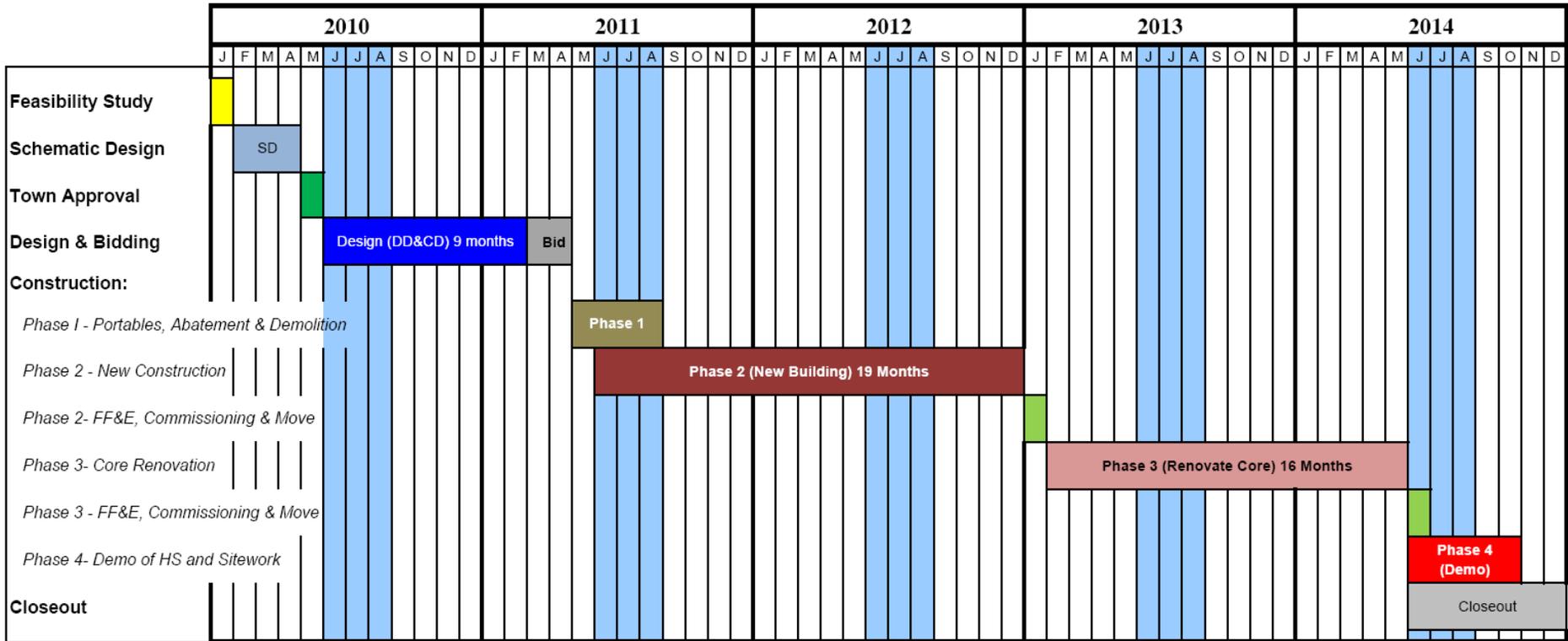
# Original Phasing Plan

# Phasing Plan





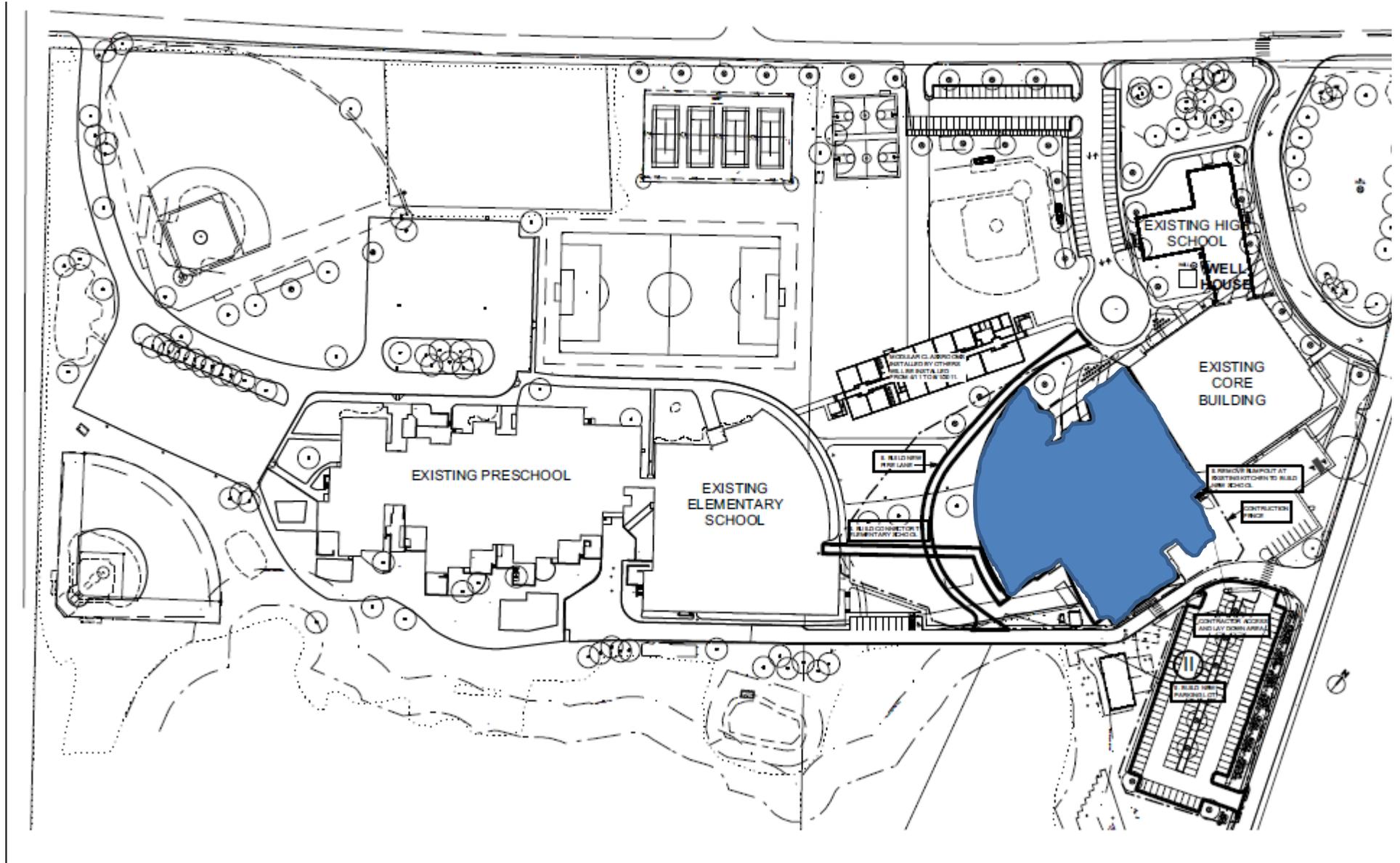
# Project Timeline





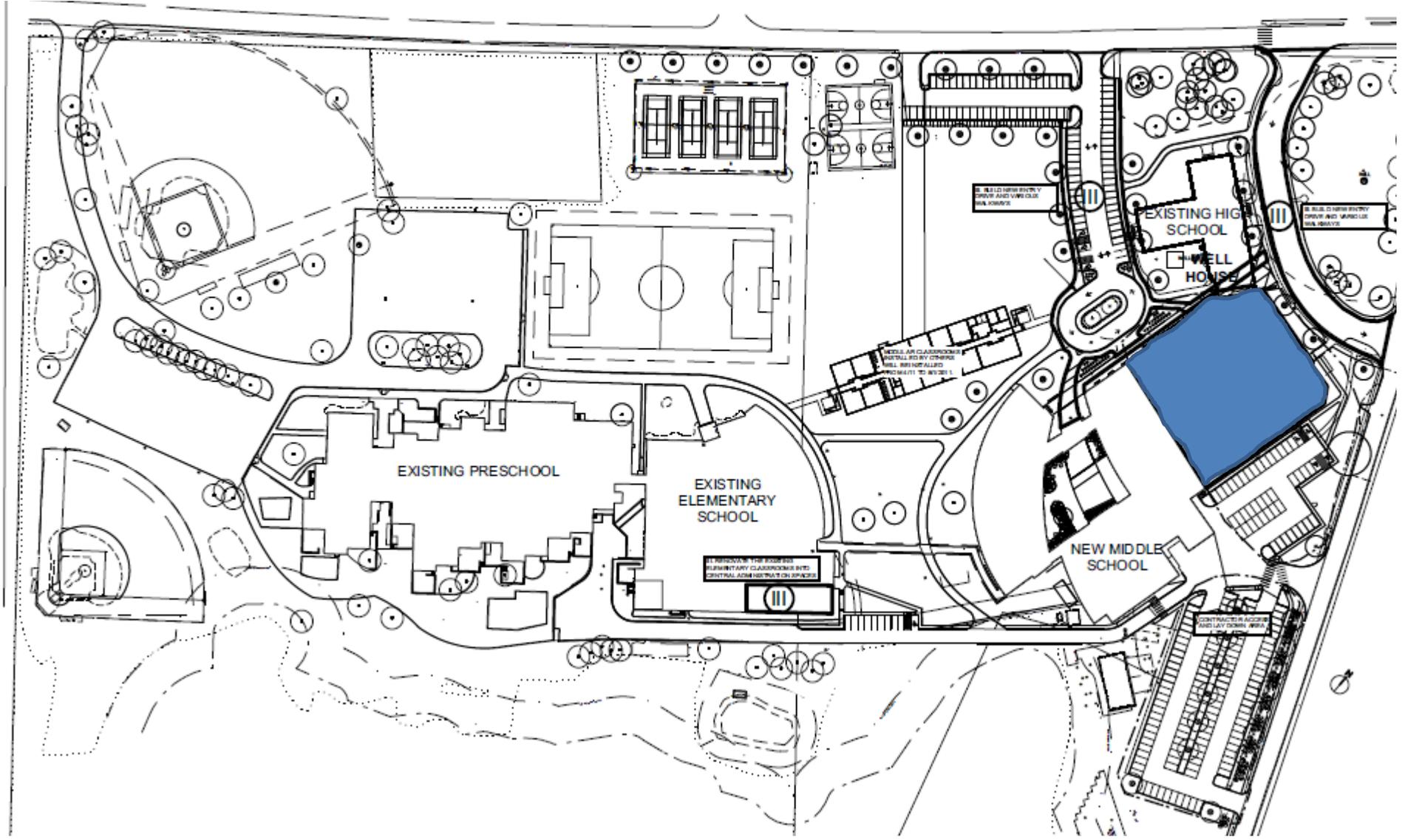
# Phase 2: New Middle School

*Completion Target Early 2013*

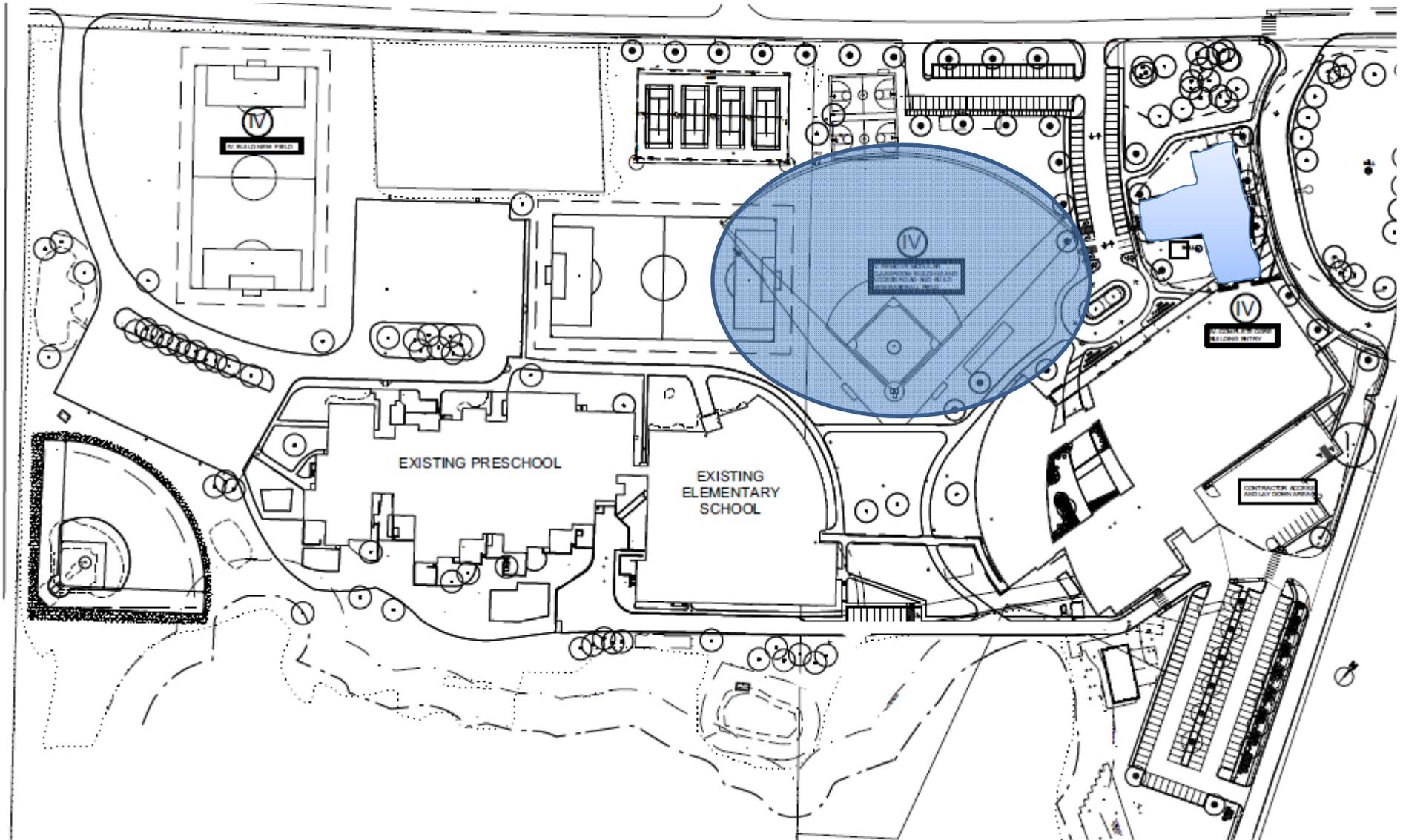


# Phase 3: Core Building Renovation

*Completion Target Summer of 2013*



# Phase 4: High School Demolition & Site *Completion Target Fall of 2014*



Status



# Project Review & General Contractor Selection Process

- Approved Project Budget - \$59.95 million
- General Contractor Selection Process
  - Mass General Law c. 149 stipulates process
  - Filed sub contractor bidding
  - Contractors must be certified by DCAM's Contractor Certification Office
  - DCAM evaluates eligibility including past performance within prior 5 year period
  - All contractors who wish to submit them must be pre-qualified by Town of Sutton committee established for this project
  - Bids awarded to the lowest responsible and eligible bidder on the basis of competitive bids



# Project Review & General Contractor Selection Process

- GC Bids Received May of 2011 Main Construction Project
  - Total Bid Results – TLT Constr. \$3.7 million under budget
  - Bid protest received by 2<sup>nd</sup> place GC, ultimately withdrawn
  - Discussions with Inspector General's office to disqualify TLT after bids received
  - Decision by Sutton to accept TLT
  - Additional Scope Added Back to Project - \$482,000
    - PV Array
    - Elevator extension
- Approximately half of bid savings returned to MSBA per contract
- Remaining balance held in project contingency



# Project Review

- ❑ Groundbreaking July of 2011
- ❑ Temporary Classrooms Completed for Fall of 2011
- ❑ Currently in Phase 2 of Construction
- ❑ Schedule Impacts
  - Bid Protest/Contact Award
  - Asbestos Under Slab in Middle School
  - National Grid Power Pole Relocation
  - Unsuitable Soils
  - Abandoned Underground Vaults
  - Unexpected Underground Utilities
  - Coordination Issues
  - Communications Systems
    - Telephone System
    - Emergency Response





# November 2012

- TLT estimated to be 4 months behind schedule
- Approximately 2 months due to issues out of TLT's control (bid protest, asbestos, soils, utility lines, etc.)
- School Building Committee (SBC) Evaluated Options
  - Formally Revise Project Schedule & Re-sequence Construction with Schools – April Occupancy Phase 2
  - Allow TLT to be Late
  - Maintain Schedule & Pursue Legal Options
  - Dismiss TLT Immediately
- SBC Direction to Re-sequence and Occupy New MS in April

Exhibit

## Sutton Middle/High School Project Schedule Options Review Summary - November 20, 2012

Currently TLT is roughly 4 months behind schedule for the current phase of work. TLT is obligated to reach substantial completion of the current phase on December 15, 2012, for a January opening. To date no additional time has been granted to TLT for issues that had a negative impact on the schedule although they have left the option open to pursue at a later date. There have been some issues, outside the control of TLT that clearly had a negative impact on the schedule, for which TLT would be entitled to request additional time. However, in our opinion none of these issues come close to the 4 months which they are currently behind.

Proposal Request 40 was issued which would allow TLT to complete the current phase for occupancy for the April break of 2013, revise the remaining phases, and complete the overall project on the original schedule, for occupancy in August of 2014.

TLT has offered to revise the schedule for no change in cost consistent with PR 40 with some potential caveats. The following are what we see as the available options for resolving the schedule issue:

1. **Agree to move forward with Revised schedule per TLT November 12, 2012 letter**
  - a. Requires a formal agreement with TLT
  - b. Should eliminate claims for time on all previous issues with exception of Griffin
  - c. Resolves major issues currently known
  - d. Achievable plan for TLT
  - e. Reduces difficulties in future phases of work for TLT by consolidating phases
  - f. Works with the Sutton Schools calendar
2. **Informally allow TLT to move along with revised schedule**
  - a. No formal agreement reached with TLT
  - b. Future claims for time remain open issues from TLT
  - c. Sutton retains right to pursue Liquidated Damages against TLT
  - d. Does not lock TLT into a new contractual date for completion
  - e. TLT may still not reach the critical milestones and move-in date without contractor penalty, liquidated damages
3. **Keep original schedule – reject TLT offer from November 12**
  - a. Pursue liquidated damages against TLT from original completion date until completion
  - b. TLT may not complete current phase in April
  - c. Impacts future phases and pushes out end date
  - d. All issues remain unresolved and will likely end in court
4. **Dismiss TLT**
  - a. Would need to document case to dismiss contractor
  - b. Completion date of project is uncertain
  - c. All issues remain unresolved and will likely end in court



# Winter of 2012/2013

- ❑ Pressure remained on TLT on schedule, staffing & overall manpower
- ❑ TLT continually committed to April date
- ❑ SBC attempted to eliminate any areas for potential future delay
- ❑ Regular updates and tours with town & state – School Building Committee, School Committee, Selectmen, MSBA
- ❑ Clear communication to TLT of expectations and impacts if schedule is missed
  - ❑ Liquidated damages of \$2,500 per day
  - ❑ DCAM assessment
  - ❑ Pursuit of legal remedies





# Spring of 2013

- ❑ Remained skeptical of TLT's ability to complete by April
- ❑ Informed TLT that Sutton would not accept New Middle School until the summer if they missed April commitment
- ❑ Reaffirmed liquidated damages will be pursued against TLT
- ❑ Developed contingency plan to remain in current locations through remainder of school year
- ❑ TLT continued to promise April date





# Spring of 2013

- TLT missed April Substantial Completion
- Building Committee authorized assessment of liquidated damages beginning April 1<sup>st</sup>
  - ▣ Rate of approximately \$75,000 per month
- School continued in prior locations with anticipation of summer relocations



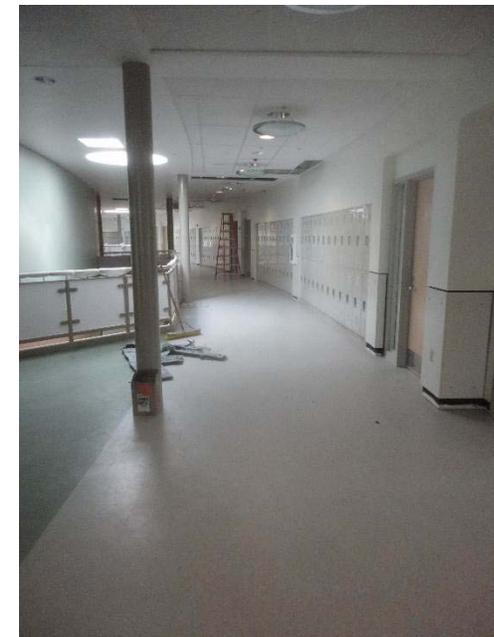
# Summer of 2013

- TLT promises completion in June, July & then August
- Sub-contractors and suppliers lack of payments becomes increasing issue
  - Manpower decreases
  - Suppliers not providing materials
- Payments to TLT withheld until they can produce proof of payments to their sub-contractors
  - TLT unable to provide proof of payments
  - Payments withheld beginning in June



# Summer of 2013

- Contingency plan approved by School Building Committee to reopen school in prior locations
  - ▣ Relocations to occur at convenient time for schools (break)
  
- New Middle School extremely close to obtaining Certificate of Occupancy
- Schools discover air quality issues with Core Building and Old High School
  - ▣ New plan developed for temporary church usage



Options Moving Forward



# What's Next

- August 11 Selectmen directed team to alert Western Surety of TLT performance issues
- September 5 Selectmen directed legal counsel to call TLT's bond with Western Surety
- Surety has three options available
  - Arrange for TLT to complete the work
  - Arrange for alternative GC to complete the work
  - Pay Sutton directly to complete the work
- Meetings held with Western, TLT and Sutton on September 13<sup>th</sup> and 23<sup>rd</sup>
- Follow up meeting scheduled for October 3
- Continued regular MSBA briefings



# What's Next

- TLT no longer an approved GC by DCAM



*Office of the Inspector General*

September 2013

Volume 19, Issue 3

## **DCAMM CITES CONTRACTOR'S POOR SCORES AND FALSE SUBMISSIONS IN DECLINING RECERTIFICATION**

On July 11, 2013, the Division of Capital Asset Management and Maintenance (DCAMM) issued a Final Determination to Deny a Certificate of Eligibility to TLT Construction Corp. ("TLT") of Wakefield. TLT, the general contractor for many previous and current major public building construction projects, was denied recertification by DCAMM pursuant to its regulatory powers under M.G.L. c. 149, § 44D. In its letter announcing that it was declining to recertify TLT, DCAMM noted its conclusion that TLT had willfully failed to provide accurate information regarding the volume of direct payment claims made by sub-contractors and thereby had provided DCAMM with materially false information, had faced excessive direct payment demands, had multiple past projects with failing scores, and has multiple failing preliminary scores on recently completed or current projects (including projects in Foxboro, Lexington, Sutton, and Westwood). Pending any legal appeal it may file challenging DCAMM's decision, TLT must wait a minimum of one year before reapplying for certification. Earlier this year TLT was terminated by the State of New Hampshire in connection with a contract for the construction of a National Guard facility. The state's manager for that project cited, among other problems, concerns with the procedures used for pouring concrete in cold weather, reportedly resulting in foundations not meeting pressure-testing standards.

