

# Massachusetts School Building Authority

Steven Grossman  
*Chairman, State Treasurer*

John K. McCarthy  
*Executive Director*

June 26, 2012

Diana F. Rigby, Superintendent  
Concord-Carlisle Regional School District  
120 Meriam Road  
Concord, MA 01742

RE: Concord-Carlisle Regional High School  
MSBA Project #200906400505

Dear Superintendent Rigby:

I write to follow up on the meeting my staff had with you and other representatives of the Concord-Carlisle Regional School District (the "District") on June 14, 2012 to discuss the above-referenced project (the "Project") and to advise you that, based on the information provided by the District, the Massachusetts School Building Authority (the "MSBA") has determined that the Project Scope, Project Schedule, and Total Project Budget, as presented by the District and its professional consultants, are not in compliance with the terms of the Project Funding Agreement (the "PFA") executed by and between the District and the MSBA on February 3, 2012.

Pursuant to Section 3.6 of the PFA, the receipt of a Total Facilities Grant is "subject to the District's adherence to and maintenance of the Project Scope, Project Schedule, Total Project Budget, and, where applicable, the Furnishings and Equipment Schedule, and the District shall not make any changes, additions, or reductions to the Project Scope, Project Schedule, Total Project Budget, or the Furnishings and Equipments Schedule without the prior written approval of the Authority."

Accordingly, pursuant to the terms and conditions of the PFA, **all grant payments to the District are immediately suspended** until such time that the MSBA determines, in its sole discretion, that the District has undertaken a diligent, good faith effort to bring the Project back into compliance with the Project Scope, Total Project Budget, and Project Schedule that were agreed upon by the District, approved by the MSBA, and memorialized in the PFA.

The April 2012 report from the District's Owner's Project Manager (OPM), information presented by the District at the June 14 meeting, and subsequent documentation provided by the OPM on June 20, 2012, and by the Designer on June 21, 2012, all reveal numerous

and significant deviations from the agreed-upon Project Scope, raise serious concerns about the Total Project Budget, and indicate a likely delay of several months in the Project Schedule. In addition, despite the MSBA's repeated, express stipulation that the alternative gym must remain separate from the building as a condition of funding, the detailed design submittal, dated March 26, 2012 and received by the MSBA on June 20, 2012, shows the complete incorporation of the ineligible alternative gym into the building in direct violation of the terms of the PFA.

The MSBA has determined that these deviations from the agreed-upon Project Scope, Total Project Budget, and Project Schedule are material, have led to costly and avoidable redesign and value management efforts, do not represent the best efforts of the District to comply with its obligations under the PFA, and justify the immediate suspension of all grant payments to the District.

In order to restore eligibility for the receipt of any additional Total Facilities Grant payments from the MSBA, the District must, **within 30 calendar days** of the date of this letter, submit the following:

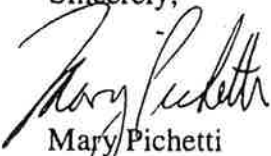
- A description of the steps the District will undertake in conjunction with its OPM and Designer to produce a detailed design that conforms to the Project Scope and Total Project Budget that were approved by the MSBA as part of the PFA;
- An updated schedule for submitting a complete Design Development package that conforms with the agreed-upon Project Scope and Total Project Budget, to the MSBA;
- A detailed breakdown of all architectural and project management fees associated with the development of the detailed design dated March 26, 2012;
- A detailed breakdown of all architectural and project management fees associated with design, redesign, and cost management efforts incurred since March 26, 2012;
- A timeline for seeking approval from the Department of Elementary and Secondary Education for any changes to the special education spaces within the design;
- A statement certifying that the District acknowledges and agrees that the alternative gym must remain detached from the building and that all costs associated with the alternative gym will be clearly identified and separated from the costs associated with the design and construction of the main building;
- Minutes of the meeting of the School Building Committee indicating that the School Building Committee understands the expectations and requirements of the MSBA;
- Three proposed dates on which the District is available to meet with MSBA staff to discuss MSBA expectations and requirements for the remaining phases of the Project; and
- An explanation of what effect, if any, schedule delays, redesign efforts, and/or budget concerns may have on local funding that has been approved or will be sought from Town Meeting and the Regional School Committee.

Please note that the information requested above is in addition to the information and documentation requested by the MSBA in an email dated June 15, 2012. Failure to submit the requested information by the deadline will result in the immediate termination of the PFA.

Finally, if the District elects to move forward with a Project Scope, Project Schedule, or Total Project Budget that does not adhere to the project approved by the MSBA, the MSBA may require the District to present its revised Project at a meeting of the Facilities Assessment Subcommittee, seek another vote from the MSBA's Board, and seek additional approvals from its Regional School Committee and Town Meeting before proceeding any further into design development. Alternatively, the MSBA reserves the right to terminate the Project Funding Agreement, permanently withhold all future payments to the District, and/or seek to recoup payments that have already been made in connection with this Project.

We look forward to resolving these issues in a timely manner so that we can continue to work with the District to provide a cost-effective, educationally sound school facility for the students of Concord-Carlisle Regional High School. If you have any questions, please feel free to call me at (617) 720-4466.

Sincerely,



Mary Pichetti  
Director of Capital Planning

cc: Senator Susan Fargo  
Representative Cory Atkins  
Elise F. Woodward, Chair, Concord Board of Selectmen  
Christopher Whelan, Town Manager, Town of Concord  
Peter Scavongelli, Chair, Carlisle Board of Selectmen  
Timothy D. Goddard, Town Administrator, Town of Carlisle  
John F. Flaherty, Deputy Superintendent, Concord-Carlisle Public Schools  
Fabian Fondriest, Chair, Concord-Carlisle School Committee  
Jerry Wedge, Co-Chair, Concord-Carlisle School Building Committee  
Karla Johnson, Co-Chair, Concord-Carlisle School Building Committee  
David Saindon, Owner's Project Manager, KVA Associates, Inc.  
Jeanne Roberts, Designer, OMR Architects, Inc.