



Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Executive Director

October 25, 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:

By letter dated June 26, 2012, the Massachusetts School Building Authority (the "MSBA") informed the Concord-Carlisle Regional School District (the "District") that the Project Scope, Project Schedule, and Total Project Budget for the Concord-Carlisle Regional High School Project (the "Project"), as presented by the District and its professional consultants in the meeting with the MSBA on June 14, 2012, were not in compliance with the terms of the Project Funding Agreement ("PFA") authorized by the MSBA Board of Directors on September 28, 2011 and as executed by and between the District and the MSBA on February 3, 2012. Accordingly, the MSBA immediately suspended all grant payments to the District until such time that the MSBA determined, in its sole discretion, that the District had brought the Project back into compliance with the terms of the PFA.

This letter is a response to the District's request that the MSBA reinstate funding for the Project based on the District's assertion that the Design Development documents submitted by the District on August 23, 2012 show a project that is in compliance with the Project Scope, Total Project Budget, and Project Schedule that were agreed upon by the District, approved by the MSBA's Board of Directors, and memorialized in the PFA.

In support of the District's request to reinstate funding, the Boards of Selectmen from the Towns of Concord and Carlisle submitted letters dated August 20, 2012 and August 22, 2012, respectively, to the MSBA, copies of which are attached hereto. Both letters cite the Selectmen's continued support for the Project as well as an affirmation that the current design, as shown in the Design Development submittal, "illustrate[s] a building with substantially the same elements as those of the Schematic Design," "maintain[s] the original educational objectives," "parallels the schedule outlined in the PFA," and is "aligned with the specific financial amounts voted at the Special Town Meetings of

Concord and Carlisle in November 2011.” In addition, the School Building Committee has forwarded the Design Development submittal for the MSBA’s review as the submittal that represents the project in compliance with the terms of the PFA.

The MSBA has completed its review of the submittals requested in its June 26, 2012 letter to the District and additional information that the MSBA has received based on District and community communications since June 26, 2012. Based on this review and as noted below, the MSBA finds that the Project represented in the Design Development documents is in compliance with the Project Scope, Total Project Budget, and Project Schedule, subject to the District’s completion of the **action items noted below in bold**. The MSBA continues to have concerns that the District has not fully implemented the communication plan that it submitted to the MSBA on September 14, 2012. **Upon completion of the action items and execution of the First Amendment to the PFA, the MSBA will re-instate its funding for the Project.**

Design Development Review

- Analysis of July 25, 2012 District Submittal:

On July 25, 2012, the District submitted materials that included the items requested by the MSBA in its June 26, 2012 letter, including a comparison of the District’s schematic design submittal, March submittal, and June submittal. However, as discussed in our conference call on August 10, 2012, review of the July 25, 2012 materials presented several challenges because of the volume of changes to the schematic design approved by the MSBA. During the conference call on August 10, 2012, the MSBA learned that the space summary submitted on July 9 for preliminary review was slightly different from the one submitted on July 25 and slightly different again from the August 10 space summary associated with the Design Development submittal. In addition, the MSBA advised the District that it was unable to comment on the summary level budgets that were provided as part of the July 25, 2012 submittal. Based on the August 10, 2012 discussion, the MSBA and the District agreed that the July 25 submittal could not be used to determine if the Project was in compliance with the PFA and agreed to use the Design Development documents, the associated space summary, and cost estimates submitted to the MSBA on August 23, 2012 as a comparison to the Project that was approved for the PFA.

- Analysis of the August 10, 2012 space summary:

The MSBA has completed its review of the updated space summary submitted by the District’s Designer, The Office of Michael Rosenfeld Architects, Inc. (the “Designer” or “OMR”), on August 10, 2012 that reflects the Design Development documents submitted on August 23, 2012. The MSBA’s review involved evaluating the extent to which the Project’s proposed space summary conforms to the MSBA guidelines and regulations as well as a comparison to the previously-

approved space summary, included in Exhibit B of the PFA. The MSBA has included its space summary review comments in Attachment A to this letter and notes the following:

- Each space category (e.g., Core Academic, Special Education, Art & Music/Voc. Tech., etc.) has changed, some minimally, both for the category total as well as the individual spaces within the category from the previously-approved space summary.
- The District's submittal stated that these changes do not result in a change to the educational program submitted in support of the PFA.
- The Department of Elementary and Secondary Education ("DESE") has reviewed the District's revised plan for special education spaces, and **DESE has requested a clarification on the description of the programs offered in the Pathways and Lighthouse programs. The District will need to compare the written program descriptions submitted in July 2011 to those submitted on August 10, 2012 and clarify whether the students in these programs attend general education classes part of the day or full day. In addition to this clarification, please discuss whether as a stand-alone program, the Lighthouse program would benefit from use of the 1,400 square-foot space while the Pathways program would be more appropriate for the 530 square foot space.**
- The Total Net Building Floor Area has decreased slightly from the PFA. The MSBA takes no exception to this variance.
- The Total Building Gross Floor Area, not including the Alternate Gym, remains at 225,826, in compliance with the PFA.
- The MSBA notes that these variations to the space summary have slightly increased the net square footage of eligible spaces. The MSBA does not take exception to these revisions and notes that these changes in eligible spaces will not result in an increase to the total estimated maximum facilities grant approved by the Board on September 28, 2011.

The MSBA notes that this space summary contains the same programmatic spaces as approved at schematic design and, based on the District's assertion that the spaces still meet its educational needs, the MSBA does not take exception to the above-noted square foot variances from the original space summary. **The District will need to submit a signed space summary for review and acceptance as part of an amendment to the PFA.**

- Facilities Assessment Subcommittee ("FAS") Meeting on August 29, 2012:

The District, the Owner's Project Manager (the "OPM"), and the Designer presented the changes that have occurred to the Project since the Board of Directors approved the schematic design for a Project Scope and Budget Agreement on September 28, 2011. In response to a request from the MSBA, the District and its consultants presented information relative to: 1) the new floor layout and how that layout continues to support the educational program that

formed the basis of the schematic design; 2) a detailed plan for presenting the new design to the District's member communities, ensuring that the residents still support the project despite the changes; and 3) cost information that ties to the new design. At the meeting, MSBA staff advised the FAS and the District that the Design Development submittal received on Thursday, August 23, 2012 was still under review, but a preliminary review of the revised design indicated that it appeared to support the District's educational program.

The FAS requested the following:

- The District should review whether the physics and biology room locations should be interchanged to allow maximum daylight for the biology curriculum. **The District and its consultants should provide a response to this item along with its response to the Design Development comments within 21 days of receipt of this letter.**
- The FAS noted that it is unusual for the MSBA to suspend payments for a project, especially due to changes in the project scope this late in the development of the design. The FAS requested that MSBA staff review what happened between approval of the Project and the suspension of grant payments on June 26, 2012. In particular, the FAS asked the staff to evaluate the roles, responsibilities, and performance of the District's consultants. **The MSBA will contact the District and its consultants to schedule this review.**

The District and the MSBA will need to complete the actions noted in bold above. Based upon the FAS meeting, no further action to reinstate grant reimbursement will be required by the MSBA's Board of Directors.

- Comments on the Design Development submittal received August 23, 2012

The MSBA has completed its standard review of the Design Development submittal, and its review comments have been included in Attachment B. As stated in the MSBA's August 10, 2012 e-mail, acceptance and review of the Design Development submittal does not constitute approval of the design. The MSBA notes the following specific items:

- The cost estimate provided has been reconciled to the cost estimate provided by the District's Construction Manager at Risk firm. The MSBA expects that the design-to-budget provisions in the District's contract with its Designer and the reconciliation requirement in the District's contract with its OPM are still in force and effect, and the District will be responsible for overseeing and monitoring the performance of its consultants to comply with their respective contract obligations.
- The District and its consultants must continue to be vigilant to complete the design and construction of the project within the Total Project Budget. **The MSBA will require, until the GMP is executed, that the District**

submit a letter to the MSBA by the 12th calendar day of each month outlining the status of the Project Schedule with specific design and construction milestones, any changes to the design from the Design Development submittal, and any budget variances or budget revision requests filed. This letter must be signed by the Chair of the School Building Committee and must be distributed to the School Committee, the Board of Selectmen for each Town, and any other applicable committees, and must be posted to the School Building Committee's website within 24 hours of the date of the letter. This letter is in addition to the existing requirements for two cost estimates to be submitted with the 60% and 90% Construction Documents submittals and reported schedule and budget variances contained in the OPM's monthly report.

The MSBA understands that the District's revised Total Project Budget includes changes to various line items. For example, the construction budget has increased by approximately \$550,000 while the estimated cost of the alternate gym, identified as ineligible in the PFA, has decreased by approximately \$550,000. For the MSBA to review and process an amendment to the PFA required prior to reinstating funding, **the District must submit a revised Total Project Budget to reflect the reconciled estimate based upon the Design Development submittal, for MSBA review and acceptance and incorporation into an amendment to the PFA.** Upon receipt and review, the MSBA will determine if an adjustment to the estimated Maximum Total Facilities Grant is required. Given the increase to the construction budget, this review may result in a decrease to the estimated Maximum Total Facilities Grant below the grant approved by the MSBA's Board of Directors on September 28, 2011. The revised amount of the estimated Total Maximum Facilities Grant noted above is subject to further review by the MSBA and will be reviewed again when the GMP is accepted by the District, which will likely result in a second amendment to the PFA. As reviewed at the Project Scope and Budget conference held on September 1, 2011, the District is reminded of the following provisions of the PFA:

- Pursuant to Section 2.1, the estimated Maximum Total Facilities Grant approved by the Board of Directors represents a not-to-exceed amount, and the final amount of the Total Facilities Grant may equal an amount less than the estimated Maximum Total Facilities Grant and is subject to review and audit.
- Pursuant to Section 2.3, in the event the GMP accepted by the District for construction of the Project is lower than the corresponding amount set forth in the Total Project Budget, the MSBA will reduce the Total Facilities Grant accordingly. If, on the other hand, the District accepts a GMP that exceeds the corresponding amount set forth in the Total Project Budget, the District may use a reasonable amount of the owner's and/or construction contingency to fund the cost of the budget overrun, but the expenditures of the owner's and/or construction contingencies for the

purpose of funding the construction budget overrun will be categorically ineligible for reimbursement by the MSBA and will be the sole responsibility of the District.

- Communications plan

The MSBA acknowledges receipt of the Concord-Carlisle Regional High School Building Committee's communications plan titled "Forward Looking Communications," submitted on September 14, 2012, and notes the following:

- The Concord-Carlisle Regional High School Building Committee has acknowledged that it has made mistakes and accepts ownership for those mistakes.
- The plan states that access to project information will be improved, and openness, timeliness, and precision will be critical elements of a successful communications plan.

The MSBA concurs that these are important elements in a communications plan and is encouraged by the School Building Committee's acceptance of past mistakes. It appears, however, that the District's implementation of the plan still requires significant improvement. The MSBA continues to receive numerous communications from residents expressing their concern and frustration about the District's and the School Building Committee's perceived lack of transparency. The MSBA has responded to a number of project-related questions and requests for information, and we recently posted information on those most frequently asked questions on our website. However, the MSBA will continue to refer back to the District those questions related to local actions and approvals. The District must be the primary source of Project information for its residents. **To that end, the District is responsible for knowing and understanding its obligations under the Open Meeting Law and Public Records Law, and ensuring that its communications plan complies with both the letter and spirit of those laws. Further, beyond what is legally required, the District must act in accordance with its communication plan to ensure access, openness, and timeliness of information regarding the Project to all District residents.** The MSBA encourages the District to re-evaluate its communications plan and take whatever steps are necessary to alleviate local concerns about the openness and timeliness of project information.

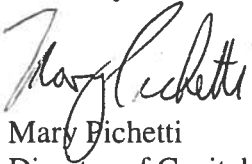
The MSBA fully expects that moving forward, the District will remain in compliance with the PFA and the conditions of this letter. Failure to do so may result in an additional suspension of grant payments and if not corrected, termination of the PFA agreement. Finally, the District should be aware that the acceptance of the Design Development submittal and reinstatement of the funding in accordance with the PFA will not include any increase to the Maximum Total Facilities Grant. In fact, as noted above, the MSBA anticipates that the amendment to the PFA will result in a decrease to its estimated Maximum Total Facilities Grant. In addition, any costs that result from the following

items will be categorically ineligible for reimbursement by the MSBA and will be the sole responsibility of the District:

- All costs associated with the extended Design Development phase and/or any extended time associated with the Proposed Project;
- All costs associated with consultant fees for bringing the Project back into compliance with the PFA. As noted in the District's July 25, 2012 submittal, the Designer has not requested and will not be requesting any additional fees as a result of the Design Development phase schedule extension and Value Engineering efforts.
- Costs associated with the study of siting of the building and its impact on the transportation facilities.

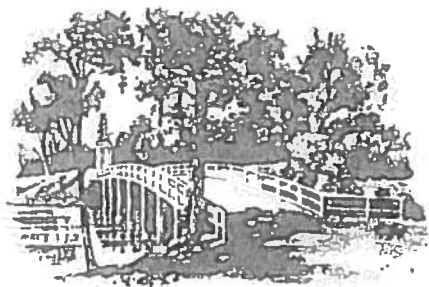
We look forward to resolving the action items noted above in bold in a timely manner so that we can reinstate the funding and continue to work with the District to provide a cost-effective, educationally sound school facility for the students of Concord-Carlisle Regional High School. If you have any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

Sincerely,



Mary Fichetti
Director of Capital Planning

cc: Senator Susan Fargo
Representative Cory Atkins
Carmin C. Reiss, 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
Stan Durlacher, Chair, Concord-Carlisle Regional High School Building Committee
David Saindon, Owner's Project Manager, KVA Associates, Inc
Brian Dakin, Owner's Project Manager, KVA Associates, Inc.
Jeanne Roberts, Designer, OMR Architects, Inc.
Michael Rosenfeld, Designer, OMR Architects, Inc.



OLD NORTH BRIDGE

TOWN OF CONCORD

BOARD OF SELECTMEN'S OFFICE
22 MONUMENT SQUARE - P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

TELEPHONE (978) 318-3001
FAX (978) 318-3002

20 August 2012

AUG 23 2012

Ms. Mary Pichetti
Director of Capital Planning
Massachusetts School Building Authority
40 Broad Street, Suite 500
Boston, MA 02109

RE: Concord Carlisle Regional High School

Dear Ms. Pichetti:

The Concord Board of Selectmen supports the new high school building project and looks forward to its successful completion. An overwhelming majority of Concord citizens approved the project, both at a special town meeting and at the polls. We believe that the project continues to enjoy this support despite the high scrutiny the project receives at each Building Committee meeting.

Given Concord's history of informed citizen involvement, we also support the Building Committee's efforts to maintain an open dialogue with citizens to address interests and concerns. The public forum scheduled for August 22 will provide another opportunity for citizens to speak their minds and be heard. Many community concerns center on the transportation building and plans for busing students. These issues are being addressed by two different committees, whose reports will be available in October. An interim transportation plan is in place for the 2012-13 school year to allow construction to commence on the existing high school site.

The Design Team has compared the Design Development documents with those from Schematic Design (on which the PFA is based) in two separate presentations to the Building Committee. We believe that:

- The Design Development documents illustrate a building with substantially the same elements as those of the Schematic Design.
- The program matches the original educational program.
- The proposed construction schedule parallels the schedule outlined in the PFA. An early site construction package is anticipated to advance the construction timeline and a separate site package is anticipated to address the EPA requirements (outside the scope of the PFA) for maintaining the environmental

cap for the former landfill located adjacent to but not under the existing high school building.

- The construction and project budgets are aligned with the specific financial amounts voted at the Special Town Meetings of Concord and Carlisle in November 2011.

The Concord Board of Selectmen appreciates the MSBA's comprehensive review of the documents and attention to the community's expressed concerns. This is an important project for Concord and we are confident that it will be delivered within the parameters defined by the PFA. We look forward to its successful completion, and to continued collaboration with the MSBA and the District.

Sincerely,



Carmin Reiss, Chair
Concord Board of Selectman

cc: Concord-Carlisle Regional High School School Committee
Concord-Carlisle Regional High School Building Committee
Cory Atkins, State Representative



Town Administrator
Tel. (978) 371-6688

Town of Carlisle

Office of

BOARD OF SELECTMEN

66 WESTFORD STREET
CARLISLE, MASSACHUSETTS 01741
TEL. (978) 369-6136



Fax. (978) 318-0098

Ms. Mary Pichetti, Director of Capital Planning
Massachusetts School Building Authority
40 Broad Street, Suite 500
Boston, MA 02109

August 22, 2012

Dear Ms. Pichetti:

We are writing on behalf of the community of Carlisle regarding the recent status of the CCHS building project. As you are aware this project was supported by an unprecedented eighty plus percentage of voters in our community, both at a Special Town Meeting and at a Special Election held last November. Our partner town of Concord also supported the project by similar significant majorities. We were and are very cognizant of the importance of the endorsement of the MSBA and the significant funding grant made available to our communities.

Our community acknowledges that the recent actions of the MSBA were necessary to make certain that the project is carried out in accordance with your guidelines. We also are aware of the extraordinary efforts undertaken by the CCHS School Administration and the CCHS building committee over the summer months, with significant volunteer staffing, to gain strict compliance with your requirements. It is our hope that these ongoing efforts will convince your team that we are serious about keeping this project on track. Any early delays can be costly and can cause public confidence to erode. As partners, both the MSBA and the communities of Concord and Carlisle have a mutual interest in the success of this project.

It is our sincere hope that as fall approaches the project regains compliance and the process rebuilds momentum. Our community continues to anticipate a new high school in just a few years and expects that the process be efficient and cost effective. In our estimation the recent design changes are not substantive in nature and do maintain the original educational objectives of the MSBA and the CCHS community.

Lastly, we hope that a small yet very vocal minority of citizens, who appear to be expressing a lack of confidence in the project and process, will not be interpreted as speaking for the entire community. The Town of Carlisle endorsed this project overwhelmingly and continues to do so. We, as the Board of Selectmen are reiterating that support and are offering any assistance necessary to keep the process on track. Thank you for your assistance in this matter.

Sincerely,

Peter Scavongelli, Chairman
Carlisle Board of Selectmen

AUG 30 2012

**Design Development Space Summary Review
ATTACHMENT A**

District: Concord Carlisle Regional School District
School: Concord Carlisle Regional High School
Submittal Received: August 10, 2012

The Massachusetts School Building Authority (the “MSBA”) has completed its review of the updated space summary associated with the updated facility design that was submitted to the MSBA by OMR Architects, Inc. on behalf of the District. This review involved evaluating the extent to which the Concord Carlisle Regional High School’s proposed space summary conforms to the MSBA guidelines and regulations as well as a comparison to the previously approved space summary, included in Exhibit B of the Project Funding Agreement.

The MSBA review comments are as follows:

- **Core Academic Space** – The District is proposing to provide a total of 65,400 net square feet (nsf) which exceeds the MSBA guidelines by 6,710 nsf. The proposed space in this category is 917 nsf larger than that submitted in the schematic design, and is the result of minor changes in rooms throughout the category. The majority of the increase in floor area is the result of the addition of a Learning Center, which was added at the direction of the DESE, and is shared by Core Academic and Special Education programs. The submitted descriptions of the reasons for the adjustments to the spaces in this category focus mainly on architectural constraints and cost saving measures. The District has stated that the adjustments have not resulted in a change to the educational program submitted in support of the PFA.

- **Special Education** – The District is proposing to provide a total of 5,665 net square feet (nsf) which is 7,425 nsf below the MSBA guidelines. The proposed Special Education space is 35 nsf larger than that submitted in the schematic design, and is the result of minor changes in several rooms. The Special Education program is subject to approval by the Department of Elementary and Secondary Education (“DESE”). Because the proposed locations and sizes have changed, a re-submittal to DESE based on the revised space summary and layout is required. The Department of Elementary and Secondary Education (“DESE”) has reviewed the District’s revised plan for special education spaces, and **DESE has requested a clarification on the description of the programs offered in the Pathways and Lighthouse programs. The District will need to compare the written program descriptions submitted in July 2011 to those submitted on August 10, 2012 and clarify whether the students in these programs attend general education classes part of the day or full day. In addition to this clarification, please discuss whether as a stand-alone program, the Lighthouse program would benefit from use of the 1,400 square-foot space while the Pathways program would be more appropriate for the 530 square foot space.** Please note that approval of the District’s proposed Special Education

Concord Carlisle – Design Development Space Summary Review

program by the DESE is required for the MSBA to consider a reinstatement of the Project Funding Agreement.

- **Art & Music/ Voc-Tech** – The District is proposing to provide a combined total of 20,979 nsf which is 13 nsf below the MSBA guidelines. The proposed space in this category is 192 nsf smaller than that submitted in the schematic design, and is the result of minor changes in rooms throughout the category. The submitted descriptions of the reasons for the adjustments to the spaces in this category focus mainly on architectural constraints and cost saving measures. The District’s submittal stated that these changes do not result in a change to the educational program submitted in support of the PFA.
- **Health and Physical Education** – The District is proposing to provide a total of 21,056 nsf which is 2,004 nsf below the MSBA guidelines. The proposed space in this category is 640 nsf smaller than that submitted in the schematic design, and is the result of minor changes in rooms throughout the category. As stated by the District, the deletion of space from the locker rooms as a result of teacher input accounts for the majority of the reduction in space since the schematic design submittal. This is acceptable to the MSBA with no further comments.
- **Media Center** – The District is proposing to provide a total of 8,936 nsf which exceeds the MSBA guidelines by 1,380 nsf. The proposed space in this category is 7 nsf larger than that submitted in the schematic design, and is the result of substantial changes in the various spaces throughout the category. The submitted description of the reasons for the adjustments to the spaces in this category notes the proposed layout resulted from input and planning on the part of the librarian. Confirm the proposed layout has been fully developed, reflects input from all appropriate educators and staff, and provides the required features for delivery of the District’s educational program.
- **Auditorium/ Drama** - The District is proposing to provide a total of 9,951 nsf which is 449 nsf below the MSBA guidelines. The proposed space in this category is 191 nsf smaller than that submitted in the schematic design, and is the result of minor changes in the spaces throughout the category. This is acceptable to the MSBA with no further comments.
- **Dining & Food Service** – The District is proposing to provide a total of 10,174 nsf which is 88 nsf below the MSBA guidelines. The proposed space in this category is 111 nsf larger than that submitted in the schematic design, and is the result of minor changes in the spaces throughout the category. This is acceptable to the MSBA with no further comments.
- **Medical** – The District is proposing to provide a total of 1,189 nsf which exceeds the MSBA guidelines by 79 nsf. The proposed space in this category is 36 nsf larger than that submitted in the schematic design, and is the result of minor changes in the spaces throughout the category. This is acceptable to the MSBA with no further comments.

Concord Carlisle – Design Development Space Summary Review

- **Administration & Guidance** – The District is proposing to provide a total of 5,823 nsf which exceeds the MSBA guidelines by 844 nsf. The proposed space in this category is 185 nsf smaller than that submitted in the schematic design, and is the result of minor changes in the spaces throughout the category. This is acceptable to the MSBA with no further comments.
- **Custodial & Maintenance** – The District is proposing to provide a total of 2,746 nsf which exceeds the MSBA guidelines by 202 nsf. The proposed space in this category is 39 nsf smaller than that submitted in the schematic design, and is the result of minor changes in the spaces throughout the category. This is acceptable to the MSBA with no further comments.
- **Other** - The District is proposing to provide a total of 3,529 nsf of ineligible space consisting of the Radio Station, Cable TV space, and Adult Education space. The proposed area for these spaces is 104 nsf smaller than that submitted in the schematic design. Also included in this category is the Alternate PE Building, proposed at 8,070 nsf. The proposed area for this building is 2,180 nsf smaller than that submitted in the schematic design. All space in this category remains ineligible for reimbursement.
- **Total Net Building Floor Area** – The District is proposing to provide a total of 155,448 nsf which exceeds the MSBA guidelines by 2,756 nsf. The net area has been reduced since the PFA.
- **Total Building Gross Floor Area** – The District is proposing to provide a total of 225,826 nsf which exceeds the MSBA guidelines by 4,101 nsf. The gross area has not changed since the schematic design. The grossing factor has changed minimally as a result of the reduction in net square footage.

The MSBA notes that the variations to the space summary have slightly reduced the net square footage of ineligible spaces resulting in a slightly higher net square footage of eligible spaces. Although the MSBA does not take exception to these revisions and based on the District's assertion that the spaces still meet its educational needs, it will not result in an increase to the total estimated maximum facilities grant approved by the MSBA Board of Directors on September 28, 2011.

ATTACHMENT B

District: Concord-Carlisle Regional School District
School: Concord-Carlisle Regional High School
Submittal: Design Development
Submittal Date: August 23, 2012

MSBA REVIEW COMMENTS:

The following comments¹ on the Design Development submittal are issued pursuant to a review of the project submittal document dated August 22, 2012, for replacement of Concord-Carlisle Regional High School, and presented as a Design Development submission, as produced by OMR Architects, Inc. and its consultants. Certain supplemental components from the Owner's Project Manager (OPM) – KVA Building Industry Consultants, are included. Documents received at MSBA on August 23, 2012. The original forecasted date for this Design Development Submittal to be delivered to the MSBA was July 25, 2012.

1) Summary Comments:

- a. List of proprietary items (if any), associated District affidavit, and certified copy of vote
 - In Tab 2, Item L in the accompanying binder the Designer has indicated that at this time, there are no proprietary items specified for the project.

2) OPM deliverables:

- a. Coordinate the commissioning consultant's review
 - Incorporate Cx recommendations – *The consultant has received the DD Submittal and their review is in process.*

3) Designer deliverables:

- a. Quality Control documents demonstrating:
 - Ceiling clearances – *Work appears to be ongoing.*
 - Coordinate specifications and drawings – *Work is ongoing.*

¹ The written comments provided by the MSBA are solely for purposes of determining whether the proposed plans and specifications, and any other design documents submitted for MSBA review, appear consistent with the MSBA's guidelines and requirements and are not for the purpose of determining whether the proposed plans and specifications meet any other legal requirements imposed by federal, state or local law, including, but not limited to, zoning ordinances and by-laws, environmental regulations, building codes, sanitary codes, safety codes and public procurement laws or for the purpose of determining whether the proposed plans and specifications and any other design documents submitted for MSBA review meet any applicable professional standard of care or any other standard of care. Project designers are obligated to implement detailed technical review procedures to effect coordination of design criteria, buildability, and technical adequacy of construction documents. Each city, town and regional school district shall be solely responsible for ensuring that its plans and specifications comply with all applicable provisions of federal, state, and local law, including, but not limited to, all procurement laws. The MSBA recommends that each city, town and regional school district have its legal counsel review its plans and specifications to ensure that it is in compliance with all provisions of federal, state and local law prior to bidding. The MSBA shall not be responsible for any legal fees or costs of any kind that may be incurred by a city, town or regional school district in relation to MSBA requirements or the preparation and review of the project's plans and specifications.

- Building perimeter with exterior wall thicknesses and overall dimensions – *Provide overall dimensions on the Orientation Plan drawings for the next submittal.*
 - Building core; elevators, stairs, shafts, public toilets, with dimensions – *Verify that the clear space in front of the alternate accessible toilet stalls shown on Drawing A10.3 comply with MAAB requirements. Access to Elevator Machine Room B114D is through Fabrication Lab-Arts B111. Access to an elevator machine room through an adjoining room/space is not considered good architectural practice. The Code states that; “An approved means of access shall be provided to elevator machine rooms and overhead machinery spaces”. Suggest that the Designer review with the OPM, AHJ, and the State Elevator Inspector as applicable to determine if this current layout is allowed and acceptable. Section 142100, Electric Traction Elevators specifies machine-room-less gearless traction type elevators and the elevator machine layouts currently shown may reduce to a smaller room or a closet per the manufacturers’ requirements. Coordinate and update as applicable for the next submittal.*
 - Internal partitions; appropriate thicknesses and dimensions to fix basic organizations; indicate fire rated lines – *Work appears to be ongoing. Complete dimensioned layout of all partitions for the next submittal.*
 - Door swings – *A structural column is shown in the two door openings from Auditorium A205 on F Line on Drawing A2.28. Review and coordinate.*
 - Furniture layout concept drawings – *Furniture layouts shown on the individual Orientation Plan drawings and in specific large scale classrooms. Clarify if stand alone furniture layout concept drawings will be provided as required.*
- c. Large scale plans showing key areas e.g. lobby, special spaces. Indicate surface materials. (minimum scale 1/4" = 1'-0") – *Review to clarify if the Chemistry and Biology Classrooms, now shown at 1,514 NSF; an increase of 55 NSF from what was approved in the SD Submittal, require two means of egress. MSBA Best Practices for science labs recommends a second means of egress from these spaces. Occupant load for these classrooms is listed as 30 on the Code Floor Plan Drawings. At 60 NSF per student per classroom, to follow the MSBA requirements, these classrooms should contain 1,800 NSF. Clarify. Please note that if the District proceeds with what appears to be a design based on 50 NSF for egress purposes and later determines that 20 NSF should have applied, the MSBA will not participate in any additional costs associated with construction revisions required for this issue. Suggest review of the Earth Science and Physics Classrooms as well, concerning these same issues.*
- d. Roof plans showing;
- Proposed systems type – *Membrane material type only shown. Update information for the next submittal.*
 - Roof drain, gutters and scuppers – *Inferred but not shown graphically or noted. Update for the next submittal. Show and note all applicable scuppers and overflow drains for the roofs along J Line and at the South Entry.*

- Skylights, stair halls through roof, penthouses, major equipment, chimneys – *Show and note the elevator penthouses/hoistway vents as applicable.*
- e. Building sections: One transverse and one longitudinal section. Indicate floor to ceiling heights and floor-to-floor heights. Label all spaces – *Floor-to-floor heights not shown. Update for the next submittal.*
- f. Building elevations showing;
 - Floor elevations, floor-to-floor height, and overall height related to benchmarks on site plans – *Floor-to-floor heights not shown. Update for the next submittal.*
 - Materials indicating major control and expansion joints, and divisions of materials where required – *Show and note the locations of all proposed control joints.*
 - Louver locations – *Show and note as applicable.*
- g. Full height wall sections for main elevations and at special conditions. Show foundation and perimeter treatment, wall construction including insulation and supporting structure, fenestration and mechanical penetrations, and floor construction – *Coordinate with Civil and Structural to show and note foundation drainage at all applicable sections. Clarify if any additional wall sections will be shown on Drawing A5.13.*
- h. Interior elevations: Show at all spaces, e.g. library, lobby, and all typical spaces, e.g. classroom – *Show and note all proposed control joint locations in long expanses of GWB walls. Clarify if any additional elevations will be shown on Drawing A11.6 as it is currently an uneconomical use of sheet space. Complete all ceiling height elevation designations.*
- i. Reflected ceiling plans: Show prototypical structural, fire protection, mechanical and electrical information for classrooms and major spaces, including lighting layouts with ceiling height and material changes – *Include detail keys to correspond to those details shown on Drawing A2.15. Verify if sprinkler heads are allowed in Electric Rooms, Emergency Electric Rooms, and Elevator Machine Rooms as currently shown. (Clarify if sprinkler heads are required under the lowest landings of stairs which are open). Suggest including the graphic for the ceiling mounted radiant panels in the Reflected Ceiling Plan Legend.*
- j. Schedules;
 - Equipment schedules, e.g., food service, instructional media – *Indicate if the Food Service Engineer will have their name and business information included on their sheets.*
- k. Structural Concepts;
 - Locations and dates of test boring holes and results of soil investigation, including water levels, allowable solid bearing pressure and bottom grades of footing and slabs – *Underslab drainage detail is shown on Drawing S1.1. The Geotechnical Report and the Design Development Structural Narrative both note that slab underdrains are not required. Coordinate. Geotechnical Report notes areas of preload and surcharge. Verify if the S series drawings will include diagrams of these areas to correspond to that which is shown in the Geotechnical Report. Indicate if any requirements regarding this work*

will be shown in Foundation (Section 310000) notes on Drawing S1.0. Clarify that this work has been captured and noted in the construction estimates.

- l. Fire protection: floor plans indicating wet or dry type systems, hose racks or cabinets and fire department tie-ins. Indicate whether a fire pump will be required and, if so, show location within the building. Show typical sprinkler head layout – *The Fire Protection Narrative notes that from the Flow Test results, there is adequate water to serve the project without a fire pump. Clarify if sprinkler heads are required under the lowest landing of stairs which are open.*
- m. Plumbing and sanitary systems: floor plans indicating locations of all plumbing fixtures and special features, and approximate location and size of all piping systems and principal items of equipment – *Clarify if all plumbing vents through roof will be shown and noted for reference, and coordinate with the code required distance away from RTU air intakes.*
- n. Heating, Ventilating and Air Conditioning Systems;
 - Indicate space requirements of major equipments and their location in mechanical rooms and fan rooms. Indicate shaft requirements – *Coordinate shaft requirements with Architectural and Structural to provide adequate clearances for ductwork and any associated insulation.*

5) Project Manual Requirements:

- a. Outline Specifications in CSI MasterSpec Divisions Including:
 - Site work; clearing, drives, walks, parking areas, fences, excavation, backfill, planting – *Clarify if additional potential Temporary Fencing Contractors will be listed in Par. 2.1 A.2 in Section 015000. Coordinate as applicable with the Geotechnical Report and Structural concerning site preload and surcharge recommendations.*
 - Roofs; type, vapor barrier, insulation, flashings, all materials – *Exposed face color of the roof membrane is noted to be white and dark grey as indicated. Update roof plan drawing(s) as applicable for the next submittal to show specific areas.*
 - Food Service Equipment; types and materials – *Section not included. Section 114000 is listed in the Table of Contents but text is light gray in color with no explanation. Can conclude that this section will be included in the next submittal. Confirm.*

6) Additional Findings / Comments:

The Project Manual portion of this submittal is found, for this design phase, to exceed the level (outline level required) of completeness required of the Designer Contract for most specification sections. The following comments, however, arise in the review of the more comprehensive material presented which review has revealed a need for more careful attention to material presented and indicates a need for corrective action in subsequent submittals.

1. Project Manual appears to be based upon construction documents level publications used for other projects. It contains references to "Mass State Project Number", Town of Longmeadow, terminology unique to Design Bid Build (Chapter 149) projects, and is not coordinated as to formats for Trade Bid sections. It also contains references to section numbers and section titles which are not found in the document.
2. Suggest determine and more clearly define whether contracting parties are to pay for permits and inspection fees to local agencies. The Building Permit fee appears to be waived yet language in the Fire Protection and Electrical sections indicates that bidders are to include same in their bids. Section 22 00 00 is ambiguous on the topic. *(Please note that any such local services payments and fees are ineligible for MSBA reimbursement, as well as for specified Fire Watch and Municipal Police services, and should be tallied accordingly in the Total Project Budget and in MSBA reimbursement requests.)*
3. Section 011100, Summary of Work, Par 1.15, indicates that the Owner's approved proprietary items are TBD. This is in conflict with the information provided in Tab 2, Item L. The MSBA requests that each item which is proposed for proprietary acceptance be clearly identified and presented to MSBA with all supporting documentation, as part of the 60% Construction Documents submittal.
4. Section 013200, Construction Progress Documentation, Par 2.8, requires the contractor to take preconstruction and progress photographs and select subjects for progress photographs. The requirement is duplicative, since the Owner's Project Manager's Contract (Article 8.7.5.12) requires those services to be performed by the OPM. *(If the requirement were to remain, the Designer and /or OPM should establish photography view locations, not the contractor.)* Requirements for final color project photographs are not an MSBA requirement and therefore, if included, the costs would be found ineligible.
5. Section 015000, Temporary Facilities and Controls, Par 1.12.A requires unusual construction period fire protection measures in the form of water barrels and bucket provisions. Suggest confirm the requirements with local fire department. MSBA also recommends establishing requirements for compliance with NFPA Standard 241.
6. MSBA's review of Section 033000, Cast-in Place Concrete, indicates that additional measures should be incorporated to prepare concrete slabs to receive applied flooring systems in order to avoid flooring adhesion failure conditions. The Specifications (through Unit Price bidding provisions for testing and topical applications for moisture mitigation) appear to partially or completely operate to deal with deficiencies in design, scheduling, curing, and protection of concrete slabs which are to receive applied flooring systems. However, the method of implementation is viewed as being unfavorable in terms of cost to the Owner since it requires acceptance of unit prices established by bidders (for each of five separate applied flooring system sections). Caution is advised to assure that specified concrete admixtures are compatible with specified methods and end objectives. *MSBA has received reports of applied flooring system adhesion failures that indicate a need for special attention to the selection of concrete materials, vapor barriers, curing procedures, flooring system materials, and*

flooring preparation acceptance testing procedures, in combination with one another and with project schedules for many projects. MSBA recommends that the Construction Manager, OPM, and Designer direct concerted attention to the issue, include research of American Concrete Institute Publication 302.2R-06 "Guide for Concrete Slabs that receive Moisture-Sensitive Flooring Materials", and respond with coordinated provisions in Project Manual Division 1, technical specifications, and field inspection practices.

7. (Reference prior item) – Section 096710, Poured Epoxy Flooring, in its Par. 3.3 is found to obligate the contractor to include floor slab moisture testing and remediation work for that system application, in contrast to the Unit Price approach described in prior item for other applied flooring systems. Coordinate.
8. Duplication of assignment of responsibilities (that may result in increased bid pricing) is found in the matter of metal support systems for mechanical equipment. The Metal Fabrications subcontractor and Fire Protection, Plumbing subcontractors each appear to be obligated to provide the same work.
9. Section 019113, Commissioning General Requirements, should be corrected to indicate that the services of the Commissioning Consultant (Cx) are contracted by the MSBA. Section 019113 and all related provisions in the Project Manual require careful review and editing by the Cx.
10. Section 024100, Demolition, appears to be extensively written for a renovation project, which circumstances are not understood to be applicable to this Project.
11. Language is found in several sections (eg: Section 033000, Par. 1.7) wherein a paragraph titled "Alternates" is not at all applicable to bid alternate practices, rather is operative for "substitutions". Please review and revise as necessary.
12. Subordinate sections are found to contain provisions (eg: Section 230000, Par 1.17 Substitutions) which are redundant, contradictory to provisions of Division 00 and 01 documents, and contrary to statutory requirements. Please review and revise as necessary.
13. In Section 074200, Metal Wall Panels, Par. 1.9.B.2, the proposed metal panel sidewall system is noted to have limited lifespan for durability of finish (10 years) thus may require extensive replacement during expected building life. In such cases it is important that the methods of attachment for the systems be designed to anticipate future replacement.
14. Exterior sidewall systems appear to involve both clay masonry and concrete masonry elements which have differing expansion and contraction characteristics and require careful design to control movement. Recent reports of failure to do so in other projects have resulted in complex and costly remedies.
15. Section 096110, Vapor Mitigation At Slab, Par 3.1, makes reference to a Project Manual section and process for testing procedures which is not found in the Project Manual. Coordinate and update as applicable.
16. Section 113100, Appliances, contains a schedule of appliances which appears to be a template listing and not adapted to this Project.
17. Section 115313, Laboratory Fume Hoods, contains a detailed Fume Hood Schedule which indicates room numbers not found on Drawings and appears to be from another project and thus unreliable for pricing and project applicability.

Section also indicates that a fume hood is to be relocated from the existing school.

18. Multiple findings of sole source products appear, and require correction to indicate the names of two or more additional products, and the words “or equal”.