

Avon Designer Selection Committee

Thursday, August 4, 2016

6:30 p.m.

TOWN OF AVON

2016 SEP -6 AM 8:45

TOWN CLERK

**In Attendance:**

Tracy Self, Chairman  
Elaine Dombrosky  
Chuck Comeau  
Jason Suzor

**Guests:**

Joseph S. Lalli, Esquire  
Debbie Pike, Administrative Assistant

**Absent:**

Tim Flanigan

The Avon Designer Selection Committee met at Town Hall on Thursday evening, August 4, 2016, at 6:30 p.m.

Tracy Self commenced the meeting by introducing Joseph Lalli, who is Counsel for the Town of Avon. Attorney Lalli began by telling the Committee that the RFP they did was very well done, and he was there tonight to walk everyone through the process, going step by step.

Attorney Lalli passed out folders to everyone, which contained the following:

- Owner's Project Manager Guidelines
- Town of Avon RFP
- Town of Bolton RFP
- City/Town Greenfield RFP
- Recommended Practices for Hiring OPM's

He asked everyone to look at page 2 in the first folder and went over the "OPM Selection and Qualifications." He suggested the Committee go for a Registered Architect or a Professional Engineer. He then discussed the following:

- The System of Rating and How it Works
- Qualification Based and Not Lowest Bidder
- Evaluating Applicants
- At Risk Hiring
- Role of Owner's Project Manager
- What's Required and Mandatory

The next folder discussed was the Town of Avon RFP. Attorney Lalli had everyone look at the Construction Phase and he then went over Special Services and Reports and Meetings.

At this time he asked the Committee to take a look at the Town of Bolton's RFP.

He next discussed the following:

- How an RFP May Be Set Up Differently
- Requests for Proposals
- Town and Project Information
- Qualifications for the Owner's Project Manager
- Project Experience Requirements
- Scope of Services
- Pre-Design Phase
- Pre-Construction Phase
- Submission Package - Using the "School Approach"
- Evaluation Criteria - Discussing the Quality of the Response
- Finalist Interviews (Attorney Lalli likes the tab approach)
- Selections Process & Timeline
  - ✓ The Town Administrator gets the bids and hands over to the Committee
- Insurance and How the OPM Has to Have It (this is really important)
- Certificate of Non-Collusion
- Tax Certification
- Statement on MGL and Building Code
- Standard General Contract For Professional Services (use this or the town's)

The last folder Attorney Lalli discussed was Recommended Practices for Hiring OPM's. Under "Owner's Project Manager for Public Buildings," he said you could use in-house employees as your OPM or you could outsource. The OPM is a member of the Project Team under a separate contract, which he said was important. He read that the "OPM is liable for his/her own negligence based upon the prescribed scope of work agreed upon."

Attorney Lalli said the OPM usually does not mean one person, but it could mean "a corporation, partnership, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of providing project management."

The OPM must be "registered by the Commonwealth as an architect or professional engineer and have at least 5 years experience in the construction and supervision of construction of buildings." Attorney Lalli then discussed the duties of all the project stakeholders. He then asked the Committee to look at pages 18-20 as they are very important. The pages dealt with the OPM Scope of Service for Chapter 149 Projects. After skimming the pages Attorney Lalli asked everyone to look at page 24 regarding the OPMs and how "they are held to a professional standard of care consistent with the standard of care exercised by similar professionals."

Attorney Lalli continued and asked the Committee to go to page 26 under Indemnification and he went over a couple of things with everyone. From there he went over Considerations and Evaluation Criteria, finishing off with Compensating OPM. He mentioned the costs of OPM's. He read, "As a rule of thumb, OPM service costs can range anywhere from 1% to about 4% of the project construction cost."

When Attorney Lalli finished going through the folders he said that he liked Boltons and he thought it was better to bullet point theirs. He said to match something to theirs that has already been done. He mentioned Greenfields was a shorter version. A discussion then ensued regarding the "Clerk of the Works."

Attorney Lalli said the Committee needs to work on the RFP first, and once they get a final, to send it to him in draft form. The next phase would be to bring to the Board's attention the fact that the Committee is going out to get RFPs. Finally, Attorney Lalli will get an Owner's Project Manager's contract to the Committee for their review.

When there were no more items on the agenda, Tracy then scheduled the next meeting for Thursday night, August 25<sup>th</sup> at 6:30 p.m.

The meeting adjourned at 8:15 p.m.