

## DeValles School Building Committee (SBC) Meeting Minutes<sup>1</sup>

Meeting Date: September 19, 2023

Location: Paul Rodrigues Administration Building, 455 County Street, Room 224, New Bedford, MA 02740

Also remote via New Bedford Public Schools website

Reported: Laura K. Neves, Executive Assistant for Finance & Operations, New Bedford Public Schools (NBPS)

### Attendees:

Janet Barbosa, Director of Special Projects & Programs,  
Designee of Mayor Jonathan Mitchell, City

Bruce Oliveira, School Committee Member/Chair, NBPS

Douglas Brites, Director of Facilities, NBPS

Mario Pires, John B. DeValles Elementary School Principal, NBPS

Justine Santos, James B. Congdon Elementary School Principal,  
NBPS

Emily Arpke, Auditor, City (remote)

Darcie Aungst, Interim Deputy Superintendent, NBPS

Kevin Mello, President, AFSCME Union

Barry Rabinovitch, Interim Asst. Supt. of Finance & Operations,  
NBPS

Shane Burgo, City Council Member, City

Jonathan Carvalho, Neighborhood Resident

Jillian Zangao, President, New Bedford Federation of  
Paraprofessionals

Daniel Pallotta, Owner's Project Manager, P-Three, Inc. (P3)

Peter Turowski, Principal Architect/Owner, Turowski2  
Architecture, Inc. (T2)

Elizabeth Turowski, Principal Designer/Owner, T2

Timothy Brennan, Associate Architect, T2

Alison Paiva, Architectural Associate, T2

Suresh Bhatia, President, Atlantic Construction & Management,  
Inc. (remote)

Athur Motta, Communications & Public Affairs Manager  
(remote)

Mr. Bruce Oliveira called the meeting to order at 4:30 PM. A roll call of attendance was taken. Mr. Oliveira declared there was a quorum of at least 10 out of 19 Committee members. Minutes from the August 8, 2023 meeting were reviewed. A roll call vote was taken to approve the minutes. Voted unanimously on a motion by Mr. Shane Burgo and seconded by Mr. Kevin Mello to approve.

Mr. Oliveira discussed the confirmation of the School Building Committee (SBC) Building Systems (Working Group) Subcommittee vote. The subcommittee has the authority to select the heating system for the DeValles School building project. The Subcommittee met on September 19, 2023 and voted to recommend to the full SBC the selection of a ground source geothermal heat pump HVAC system. Mr. Burgo asked if the Subcommittee would present materials as to why the geothermal system was chosen. Mr. Brites responded that he, Mr. Kevin Clapper, Dr. Barry Rabinovitch, and Mr. Mello visited the C.T. Douglas Elementary School in Acton, MA and that the system viewed is identical to what the engineers recommended, as it is the most efficient when the rebate from the Inflation Reduction Act is included. He expounded that the C.T. Douglas School's system had gone through all four seasons, and it is similar to a system with natural gas or oil. He explained that the system is simple with minimal moving parts, has three closed loops, is geothermal, uses domestic water, is zero net for fossil fuels, and has controls that are more advanced than what New Bedford Public Schools (NBPS) is currently using at the middle schools. Mr. Brites remarked that the system has never interfered with student learning at the C.T. Douglas School, whereas with the traditional systems in NBPS, schools cannot be occupied if a boiler goes down. Mr. Burgo inquired about the geothermal system's capability. Mr. Mello responded that sixty-two wells would be drilled into the ground and the temperature of the ground would maintain the building. Mr. Brites indicated that all the fields are underground and that the system itself would be located in a mechanical room. Mr. Mello, discussing the Acton school system, explained that they have five heat pump systems that are relatively small size in terms of space of mechanical room. He also indicated that at the time of the visit, it was about seventy-five degrees outside, and out of all five pumps, only one pump was running with 74% capacity of the one pump running. He concluded that it is a very efficient system and recommends it for NBPS. Mr. Mello indicated that the system is complex, but the components are all the same. Mr. Brites remarked that the C.T. Douglas School did experience issues but that is expected with any system. The issues that will come up will be those similar to the ones we already experienced at NBPS and some will be different, but Mr. Brites indicated the new issues would not be ones that the Facilities Department could not handle. Mr. Oliveira indicated that the system ballpark is about \$13 million, and all the other systems that were reviewed are in the \$10-11 million range. This particular system, with the proposed tax credits that the City will receive, will bring the cost down to \$7-8 million as the net number, and going to bond will bring the total down to \$6-7 million. Mr. Brites indicated that this system, with the credits, is the most reasonable. Mr. Burgo asked if NBPS Facilities staff are comfortable and prepared to run such a system. Mr. Brites responded that the system is run by pumps so there is a difference, as wells are used to get the temperature from the earth, but the pumping systems and valves are all the same and only the source is different (oil truck or natural gas); other than that, the systems are similar. A roll call vote was taken to approve the HVAC system selection. Voted

<sup>1</sup> The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. A "timely manner" is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later, unless the public body can show good cause for further delay.

unanimously on a motion by Mr. Oliveira and seconded by Mr. Mello to approve.

Mr. Pallotta presented and discussed the project delivery method options for construction: Design-Bid-Build or Construction Manager at Risk. Mr. Pallotta explained that Design-Bid-Build is the traditional method that awards the bid to the lowest responsible contractor. He explained that the Construction Manager at Risk method advantages include pre-purchase of certain items, advance on long items, multiple packages of construction before documents are complete, and saving time (months). However, the disadvantage comes with a heavy price, costing 6-18% more for the project, as the contract construction manager is brought in as soon as funds are approved to build. For the DeValles project, this would mean \$7-20 million dollars. The OPM team would prefer the Design-Bid-Build method, as it would afford a better cost and the end product would be the same, even though it is more work for OPM. Dr. Rabinovitch indicated that he spoke with City Director of Purchasing, Molly Gilfeather, and she informed him that she did not comment at the last SBC meeting, as she was having difficulties with Zoom, but she indicated that she is in favor of Design-Bid-Build. Mr. Pallotta explained that with brand new construction, Construction Manager at Risk should not be needed, however, with phase construction, it becomes more palpable to do because of the unknowns that arise when renovating. He also indicated that he has no concerns with Design-Bid-Build. Mr. Peter Turowski indicated that Turowski2 Architecture has only ever used the Design-Bid-Build method. He agreed that new construction generally does not necessitate the Construction Manager at Risk method; there may be a slight advantage with site issues and site work that would occur, but the decision is for the SBC. A roll call vote was taken to select the Design-Bid-Build method. Voted unanimously on a motion by Mr. Burgo and seconded by Mr. Brites to approve.

Mr. Timothy Brennan presented and discussed the Working Groups Update. The Building Systems Working Group met on August 16, 2023 and on September 14, 2023, toured the C.T. Douglas Elementary School in Acton, MA to review their geothermal system. The Site Amenities Working Group met on August 24, 2023. The Colors & Finishes Working Group met on August 22, 2023. There were no actions or recommendations from these meetings; only a general direction for the design team to move forward. There was nothing for the SBC to act upon at this time.

Mr. Timothy Brennan presented and discussed the Proprietary Items. He indicated that M.G.L. C. 30 § 39M(b) requires that proprietary specifications for public construction projects, including buildings, shall only be used "for sound reasons in the public interest stated in writing in the public records of the awarding authority...such writing to be prepared after reasonable investigation." As such, a SBC vote will be required before going out to bid on the current list of items, including: HVAC system controls, fire alarm, FOB card access, security cameras, security alarm, boilers, hot water heaters, handicap door openers, external door locks, internal door hardware, external door closers, external panic hardware, internal door closers, and paint. Mr. Brennan indicated that most of the items have been through the process many times before, and that the justification is the standard of the city and easier to maintain. One item that may be problematic is the Sherwin Williams paint, as it could be difficult to make an argument for paint-preference because the major paint players are equal. Mr. Pallotta indicated that depending on the sub, usually they can work with us on the brand of paint that a formal vote would not be required, but it is not 100% guarantee. Mr. Brites pointed out that there was a misprint on T2's PowerPoint Presentation under internal door hardware: It should be "Sargent" instead of "Stanley." Mr. Brites asked if the SBC needed to vote on each item individually. Mr. Brennan responded that the list goes to the School Committee, as the awarding authority, before going to bid, and would be included in the submission to the MSBA. Dr. Rabinovitch asked when the vote would be needed by, to which Mr. Pallotta responded when funding is obtained. Mr. Brennan explained that the list will need to be updated and then the SBC would vote to recommend the list to the School Committee. Dr. Rabinovitch indicated that the Irwin M. Jacobs Elementary School list could be used to reference; the roofing material could be added to the DeValles list. Mr. Mello asked if the boiler vendor on the list (Viessmann) had a geothermal system. Mr. Brennan responded that the boilers would not be required with the geothermal heat pump.

Mr. Timothy Brennan presented and discussed the Goodyear Update. Ms. Janet Barbosa indicated that the Goodyear site is pending appraisal from the Solicitor's Office, but it should be in the next City Council meeting; she is awaiting confirmation. Dr. Rabinovitch asked if the appraisal is completed and goes before City Council, would it then get moved back to the Property Committee? Mr. Burgo indicated to refer to the Property Committee with urgency, as it will not happen until the October meeting. Mr. Pallotta indicated that if the land is not purchased and we do not have physical possession, the MSBA will vote to approve project, but subject to owning the land, will not be able to execute the Project Funding Agreement (PFA) or receive reimbursement the PFA until land is in control. Dr. Rabinovitch indicated we must get to the October 12, 2023 City Council, then refer to the Property Committee, and then come back to full City Council. Dr. Rabinovitch asked when the Solicitor would offer a price to the landowner, after the appraisal is obtained. Mr. Oliveira asked why it would go back to the Property

Committee if City Council already voted on it, to which Mr. Burgo responded, because of due diligence. He indicated that there is two days to make September meeting, and that there is a City Property meeting scheduled on October 12, 2023. Mr. Burgo expressed that it should go before the Finance Committee rather than the City Property Committee because it is for appropriation. He also indicated that the Committee Chairs have the discretion to schedule a special meeting if time was of the essence. Dr. Rabinovitch asked if it was possible to have done by December, 2023. Mr. Pallotta indicated that the MSBA Board would vote on December 13, 2023 and that the PFA comes out in about a week or so. Dr. Rabinovitch indicated that if we own the property by the December Board meeting, it would be fine to have the PFA executed. Approval would be needed before December 13 with possession by a signed Purchase and Sales Agreement. Mr. Oliveria pointed out that the cost per month of not moving forward (every month not going to bid) is about \$300k. Mr. Pallotta indicated that after funding approval occurs, we go into design/development - robust schematic design – and then construction documents. During construction documents, the SBC will not need to meet, but during design/development, the SBC would probably need to meet to check on status. Dr. Rabinovitch added that during construction, there are progress reports, and the SBC would be able to check the budget and money spending with at least a monthly report from Owner’s Project Manager (OPM).

Mr. Pallotta indicated that all documents have been put together and sent to the estimator with the designer and OPM’s estimator. The hope is that the estimates will be returned by the first week of October, when the OPM and the designer can compare items between estimators, about 60 pages for this project. They will obtain input from the LSP on soils and put together a master budget of all the costs of project, not just construction, for what the appropriation will be (the MSBA’s 3011 form). This project scope and budget form will be reviewed in depth at the October 17, 2023 SBC meeting.

Mr. Brennan reviewed the upcoming project schedule as follows:

- October 2, 2023 Estimate Due
- October 17, 2023 SBC Meeting at 4:30PM
  - Final School Department Design Review
  - Cost Estimate Review
  - Vote to Submit to MSBA
- October 26, 2023 School Department Submission to MBSA
- December 13, 2023 MSBA Approval
- January 2024 City Funding Approval
- January 2025 Project Out to Bid
- Spring 2025 Construction Start
- Fall 2026 Construction Complete
- January 2027 School Opens to Students

Dr. Rabinovitch discussed an update that is tangential to the SBC. He indicated that the MSBA came out to do Senior Study at the Charles S. Ashley and Jireh Swift Elementary Schools on September 12, 2023. Two City Council members attended: Maria Giesta and Linda Morad. It went very well. The City Council members saw the need at both of the buildings: Ashley School is 101 years old and Swift School is 117 years old. They saw that schools need a new educational facility. He anticipates that at the December 13, 2023 meeting, we will get approval to move into the eligibility phase. The Ashley/Swift project is at least 3 years behind the DeValles project. A such, funding will not come at the same time; funding will only be for the Feasibility Study for Ashley/Swift. Both school building projects will take four 100+ year-old buildings off the road and give us two new institutions for 21st century learning. Mr. Oliveira indicated that at the last School Committee meeting, the School Committee voted that the former William H. Taylor and Horatio A. Kempton Elementary School buildings no longer had an educational purpose and possession should be returned to the City Council.

Mr. Burgo moved to adjourn the meeting at 5:11 PM, seconded by Dr. Rabinovitch, and approved unanimously by roll call vote.



Dr. Barry Rabinovitch,  
Interim Assistant Superintendent of Finance & Operations

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