



Wellfleet Police Station Building Committee
Minutes of November 22, 2016
Wellfleet Council on Aging Living Room

Present: Dan Hoort, Hugh Guilderson, Chief Ronald Fisette, Harry Terkanian and Jay Horowitz.

Regrets: Sean Donoghue, Davis Walters, Lt. Michael Hurley (alternate), Mark Vincent (alternate) and Todd Costa (Kaestle Boos Associates).

Also present: Rick Pomroy (Pomroy Associates) (by telephone)

Harry Terkanian called the meeting to order at 5:36 PM.

1. Minutes. The minutes of November 15, 2016 were presented for approval. On motion of Chief Fisette, seconded by Mr. Hoort, the minutes were approved as presented by a vote of 5 – 0.
2. Review of additional information on JM's Painting. A printed copy of Todd Costa's November 17, 2016 email was presented to the Committee. Mr. Pomroy reported on his telephone conversation with Mr. Cardosi. Cardosi believes his company has done business with JM's Painting previously. He informed Cardosi of the information from Mr. Costa's email, specifically issues with delays and quality on the part of JM's Painting on the Carver project Kaestle Boos is the designer on. He noted that the difference between JM's Painting and the next lowest painting filed sub bid is \$2,200. He also reported that a substitution of the filed sub bidder for painting is acceptable to Cardosi. Mr. Terkanian reviewed the applicable sections from the Inspector General's *Designing and Construction Public Facilities*, October, 2011 edition, concluding that a substitution of a filed sub bidder is permissible so long as the general contractor has no objection and the general construction contract amount is adjusted by the difference in the two bids. Mr. Pomroy noted that the substitution may be made by a change order. Mr. Terkanian reviewed the concerns expressed in Mr. Costa's email. Mr. Guilderson expressed concern for the potential to delay completion of the project beyond the scheduled April, 2018 completion date. Any significant delay would require moving the Police Department out of temporary quarters during the Department's busy Summer season. Mr. Pomroy advised the Committee that he had been in communication with Assistant Attorney General Anderson on this issue and that he has received email confirmation of the awarding authority's ability to require a different filed sub bidder. Mr. Pomroy informed the Committee that the second lowest painting sub bidder, Drizos, had been reviewed and qualified for the Brewster Fire Station project and that he had done one reference check and that two additional ones are pending. Mr. Guilderson requested that a copy of Assistant Attorney General Anderson's and Mr. Costa's emails, or, if obtainable, letters be included in the Committee's files. It was moved by Mr. Hoort, seconded by Chief Fisette and voted (5 – 0) that, subject to adequate reference checks, Drizos or Dandis Contracting, the third lowest painting sub bidder could be substituted for JM's Painting. Mr. Pomroy will revise the proposed notice of award to include language about the possible substitution of the painting subcontractor.
3. Future Concerns. The need to schedule a kickoff meeting with the general contractor was discussed. Mr. Hoort was asked to insure that the vote to be taken by the Board of Selectmen later that evening included language awarding the general contract to JJ Cardosi, Inc. in addition to authorizing Mr. Hoort to send notice of the award to Cardosi.
4. Adjournment. On motion by Chief Fisette, seconded by Mr. Horowitz, the meeting was adjourned at 5:50 PM. (5 – 0)

Respectfully submitted,

Harry Sarkis Terkanian, Chair

¹ **Public Record Documents**

1. Email from Mr. Costa dated November 17, 2016