



Memorandum

Date: May 24, 2023
To: Dawn Guarriello, Pat Nelson, CMSBC Co-Chairs
From: Ian Parks, Hill International
Project: Concord Middle School
Re: Establishment and Operation of a Technical Review Committee
Distribution: CMSBC, Hill, SMMA

In order to stay in stride with the construction of the new Concord Middle School and mitigate unnecessary cost and schedule impacts, the Town of Concord needs to provide expeditious financial decisions and contract interpretations on a weekly, and sometimes daily basis. As the OPM, Hill will assist and lead you through this process. As such, we are recommending that the CMSBC adopt the following procedures with respect to all project related financial and schedule matters, including all contract commitments, amendments, and related payments as well as construction progress payments and changes in work for the General Construction Contract between the Town of Concord and CTA Construction.

Establishment of a Technical Review Committee (TRC)

- The CMSBC shall establish a three-person Technical Review Committee to engage with Hill and SMMA on a weekly basis to make critical project related decisions that may impact project cost and schedule. Hill recommends the following membership for the TRC:
 - (1) Representative from the Town of Concord – Gail Dowd, Chief Financial Officer / Finance Director
 - (1) Representative from the School District – Bob Conry, Assistant Superintendent of Finance / Operations
 - (1) Representative from the CMSBC – a volunteer committee member with reasonable construction background, to be appointed by the Co-Chairs.

Protocol and Operation of the Technical Review Committee

- A. General Protocol and Operation of the TRC
- The TRC will meet weekly, and also on a critical basis as needed, to review and discuss project related matters including but not limited to new contract commitments/purchase orders, payment requests, amendments, contract change requests, and budget changes.
 - Decisions by the TRC will be made by a simple majority vote.
 - The TRC will have control over utilization of the following project contingencies per the protocol outlined in this memo:

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70-000 Construction Contingency
70-500 Owner's Contingency

- Zero-dollar budget changes (movement of funds from line to line within the total project budget) will be reviewed and approved by the TRC.
 - Potential utilization of the 70-400 Construction Bid Savings Contingency of \$2,245,207 will be reviewed and recommended by the TRC for authorization by the entire CMSBC.
 - A budget and schedule report will be presented to the CMSBC on a monthly basis to keep the committee informed on all financial matters and construction progress during the course of the project.
- B. Protocol for new contract commitments/purchase orders, amendments, and payment requests not related to the General Construction Contract i.e., specialty consultants, OPM, Architect, FF&E, technology, moving, utility services, miscellaneous support services for the project.
- Proposals for New Services - the Consultant or Vendor shall provide a proposal to Hill for review. Applicable procurement law will be followed. Hill will review and respond to the consultant or vendor with revisions and/or finalization of the proposal/scope of services. SMMA will be engaged as required for secondary review. Once finalized, Hill will summarize procurement results and our recommendation for award/commitment/purchase order to the TRC for review and concurrence. All contracts are subject to final authorization by the Town Manager.
 - Amendments to Existing Contracts/Purchase Orders – the Consultant or Vendor shall present a proposed amendment to Hill for review. The same protocol outlined above for new services will be followed. All contract amendments are subject to final authorization by the Town Manager.
 - Invoices/Payment Requests – the Consultant or Vendor shall provide an invoice/payment request in accordance with the terms of their contract to Hill for review. Hill will review and respond to the consultant or vendor with revisions and/or finalization of the invoice/payment request. Once finalized, Hill will provide a recommendation cover letter and invoice/payment package to the TRC for review and concurrence. The Town will proceed with payment to the consultant or vendor accordingly.
- C. Protocol for payment and change requests related to the General Construction Contract between the Town of Concord and CTA Construction
- Construction Progress Payments – The General Contractor (GC), in accordance with the terms of their contract, will prepare a monthly pencil requisition for review by Hill and SMMA. A meeting will be held to review and finalize the requisition and SMMA and the GC will certify the payment amount. The final certified requisition will be presented to the TRC for review and concurrence. The Town will proceed with payment to the GC accordingly.
 - Potential Changes in the Work – The General Contractor (GC), in accordance with the terms of their contract, will notify the Owner of potential changes in the work. The GC will then prepare a Pending Change Order (PCO) for review by Hill and SMMA.

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- ❖ Hill will maintain a “real-time” log of all PCOs on the project.
- ❖ PCOs that propose to increase the contract sum will be classified by Hill as either “necessary” or “discretionary”.
- ❖ SMMA and Hill will independently review each PCO, finalize the PCO with the GC as required, and provide a recommendation to the TRC for either rejection or acceptance.
- ❖ PCOs that have been classified as “necessary” will be reviewed and signed by the GC, SMMA, and Hill before they are presented to the TRC for final review and acceptance.
- ❖ PCOs that have been classified as “discretionary” and are \$20,000 or less, are subject to the same review and authorization by the TRC.
- ❖ PCOs that have been classified as “discretionary” and are for an amount greater than \$20,000 will be reviewed and signed by the GC, Hill, and SMMA. The CMSBC will then be notified via email by Hill with a copy of the PCO, summary, and recommendation. Should a committee member want to place a “HOLD” on this “discretionary” PCO, written notification by the committee member must be received within 24 hours of the notice by Hill (do not reply all) so that the PCO can be reviewed and be authorized or rejected at the next scheduled CMSBC meeting. If no “HOLD” is requested by a committee member within 24 hours, the TRC shall have authority to authorize or reject the PCO by vote.
- ❖ PCOs that include schedule changes to the phased Substantial Completion dates are subject to authorization by both the TRC and the entire CMSBC. All contract changes are subject to final authorization by the Town Manager.
- ❖ Final acceptance of any PCO by the TRC and Town Manager shall constitute complete and final authorization for the GC to proceed with the change in work.
- ❖ The GC will prepare a Change Order (CO) containing all authorized PCO’s on a monthly basis, to be attached to the payment requisition certified by the GC and SMMA. All contract changes are subject to final authorization by the Town Manager.

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