

**Keene Middle School Building Committee**  
**34 West Street, Keene, NH**  
**Meeting of Wednesday, September 16, 2009 1:00 P.M.**

Committee Members Present:

Elizabeth Coppola, Co-Chair, Chris Coates, Co-Chair, Thomas Remillard, Neil Donegan, Dorothy Frazier, William Gurney, John Harper, Gary Lafreniere (until 10:55 a.m.), James Duffy and Richard Beard

Guests Present:

Frank Marinace of Marinace Architects, Edward Murdough, NH Department of Education (until 11:00 a.m.), Jay Kahn, Keene State College (until 11:00 a.m.). Also in attendance: Sarah Walker from MacMillin Construction

Ms. Coppola called the meeting to order at 10:00 a.m.

1. Approve Minutes of August 27, 2009

Mr. Donegan moved and Mr. Gurney seconded that the minutes of August 27, 2009 be approved. The vote on the motion was unanimous.

2. Discussion of General Contractor Versus Construction Management Delivery Model

Ms. Coppola stated that the reason for this meeting was to allow the Committee to receive additional information regarding the two contractor delivery models. She then introduced Edward Murdough, from the New Hampshire Department of Education and Jay Kahn, from Keene State College – both of whom have substantial experience regarding construction projects of the size of KMS.

Frank Marinace outlined his two major goals in contractor selection – to identify reputable contractors for consideration and to get the best cost for the project. He stated that the Committee may have other concerns such as a preference for local contractors to be involved in the project.

Mr. Harper stated the Committee needed to bear in mind that, as a sub-committee of the Board of Education, the ultimate decision on which construction firm to hire would need to be made by the Board. Accordingly, the Building Committee would need to follow a process that allowed the Board this final decision as opposed to a process that resulted in some automatic selection method such as required low bidder award that removed the decision-making authority from the Board.

Mr. Marinace clarified that there was no requirement that the general contractor process would result in having to award the contract to the low bidder. That said, assuming that the contractors selected to bid were all pre-qualified to perform the work, the lowest bidder, if not selected, could be due its costs incurred in providing the bid if it chose to litigate.

Mr. Murdough stated that there was no bid requirement in New Hampshire for school districts – only a performance bond requirement. He advised the Committee to “do what you say you are going to do” and treat everyone fairly.

Mr. Kahn felt that the selection process was one of “business ethics” and encouraged the Committee to establish a “fair process”. He stated that, from his experience, the lowest cost would be obtained from a straight bid process. In addition, he felt that the Committee had passed the point in the construction planning timeline where a construction management approach would be beneficial. Due to the current recession, the construction market presently is down 20% by his estimation, allowing for the possibility of a higher-quality project for a lower cost. He further recommended that sub-contractors provide sealed bids that outlined their profit margin in the bid.

Mr. Murdough felt the most important criteria in selection of the contractor is for the Committee to “feel comfortable with who you select”. He encouraged the Committee to look closely at the staffing team that each contractor is proposing for the project to make sure that the individuals had experience with projects of the size and complexity of KMS. Large construction firms typically have several project teams of varying ability – selection of the best team is essential. As KMS is a LEED project, the team chosen should have some background in green construction.

Mr. Kahn, in response to a discussion concerning the desirability of using local sub-contractors, stated that the Committee should be careful as the more-restrictive the local requirement, the higher the price is likely to be. Also, some trades were unlikely to have qualified bidders in the greater Keene or even NH region.

Mr. Murdough agreed with the earlier statement by Mr. Kahn that the current timeline of the project planning negated most of the benefits of construction management. He also stated that recently he has noticed that general contractor bids were coming in 20% lower than construction manager guaranteed maximum prices.

Mr. Kahn stated that Keene State College had recently moved away from the construction management model to general contractor. Mr. Murdough summarized that either method would work – it is really the people selected that will determine the ultimate success of the project.

Discussion ensued among Committee members relative to the two delivery methods with a consensus that there was now a higher sense of comfort with the decision to utilize the general contractor method. The next step will be for Mr. Marinace to request from the nine pre-selected contractors the names and qualifications of the project manager and job site superintendent proposed for the KMS project. Once that information is collected, he will forward the information to the Committee for review and possible narrowing of the number of finalists.

Mr. Marinace reviewed the difference between the project functions of the commissioning agent, clerk of the works and engineer.

3. Other

Mr. Marinace stated that the third-party review required by the City of Keene was in process and would result in a net reduction of building permitting fees. The possibility of a federal grant to provide funds for sidewalk construction was discussed with Mr. Gurney stating that a joint City-School District grant was being written for this work. Mr. Marinace informed the Committee that test borings on the construction site had proven very positive with the water table at fifteen feet and sandy soils throughout. Reference was made to information provide by Paul Marinace regarding the non-polluting nature of the wood chip heating plant smokestack. Mr. Gurney will explore the possibility of making this information available on the District website.

It was agreed that the next meeting of the Committee would be on October 14 at 1:00 p.m. at 34 West Street.

The meeting adjourned at 11:20 a.m.

John R. Harper  
Business Administrator