

School Building Committee (2020)
Regular Meeting
City Hall, Room 335
100 Broadway, Norwich, CT
And via ZOOM
Tuesday, January 23, 2024
6:30 PM

Committee Members Present: Chairman Mark Bettencourt, President Pro Tem Joe DeLucia, Stacy Gould, William Hull (ZOOM), Gregory Ballasi, Shiela Hayes, Cindy Beauregard (ZOOM), Christine DiStasio (ZOOM), Gregory Carabine, Peter Gauthier (ZOOM) and Mark Kulos (ZOOM).

Committee Members Absent: None.

Ex-Officio Members Present: Mayor Peter Nystrom and City Purchasing Agent Bob Castronova.

Consultants Present: James Barrett and Greg Smolley from DRA; Jeff Anderson (ZOOM) from Downes Construction; and Mike Faenza and Jim Guliano (ZOOM) from CSG.

Citizens Present: Christopher Fryxell from Associated Builders and Contractors of CT.

I.Call to Order and Quorum:

Chairman Mark Bettencourt called the meeting to order at 6:31 PM.

II.Approval of Previous Meeting Minutes: Stacy Gould made a motion to approve the December 19, 2023 meeting minutes as written, with some amendments. Gregory Carabine seconded. The chairman called the roll of members present and all were in favor. Gregory Carabine abstained. The motion passed.

III.Public Comment: None.

IV.Presentation from Christopher Fryxell (Assoc. Builders and Contractors of CT) against Project Labor Agreements: Christopher Fryxell from the Associated Builders and Contractors of Connecticut (ABC) explained that his group was a national volunteer trade association composed of commercial industrial contractors, with roughly 245 member companies in the state that represent merit shop construction. Christopher Fryxell continued that members of ABC believed that contracts should be awarded to the lowest responsible bidder regardless of their labor affiliation. Christopher Fryxell stated that the Project Labor Agreement (PLA) is a unique pre-bid hiring contract that sets forth specific requirements which are not found within most construction projects. Christopher Fryxell stated that PLA's were prohibited in 25 states due to their 'discriminatory' nature. Christopher Fryxell stated a PLA must be signed by all contractors who are then required to adhere to union work rules as well as recognize the union as their representative on the job, pay into the union benefit fund and hire from the union hall. Christopher Fryxell stated that these terms harm open shop contractors and their employees, which lends them to not bidding on those jobs. Christopher Fryxell read aloud from a presentation put on screen for all to view stating, "a record 89.3% of the US Construction industry is not part of a union and that in Connecticut 86.2% of the construction workforce industry is open shop." Christopher Fryxell stated that PLA's were supported by unions, which directly benefit from the pre-bid contracts as they guarantee millions of dollars of contract value without the fear of competition. Christopher Fryxell noted that his presentation was not a debate of union versus

non-union, but everyone versus a select group. Christopher Fryxell stated that without a PLA in place all qualified members of construction would have an opportunity to bid on a job, union or not.

Christopher Fryxell stated that there was not any existing OSHA data that proved a PLA would deliver an accident free construction project. Christopher Fryxell noted that with or without a PLA the same OSHA certifications would be required and in place. Christopher Fryxell noted that PLA's often prohibited the building trades from strikes and lockout that would lead to work stoppage or delays, but according to the Labor Action Tracker by Cornell University's School of Industrial and Labor Relations there had been no construction strikes in the state since they began collecting data.

Christopher Fryxell noted that this project would be a prevailing wage job and explained that Connecticut state law mandated that employees be paid the prevailing wage and appropriate fringe benefit on public projects in excess of one million dollars, whether or not a PLA was in place. Christopher Fryxell stated that state law governed wages, benefits, work classification and insurance regardless of the use of a PLA.

Christopher Fryxell stated that open shop contractors had a need to take advantage of apprenticeship programs to ensure their workforce. Christopher Fryxell noted that 17 years prior ABC founded the Construction Education Center (CEC) which offered training including OSHA, Continuing Education, professional development and apprenticeship. Christopher Fryxell noted that the CEC was approved by the CT Commissioner of Higher Education to operate as a private occupational school. Christopher Fryxell stated there were many other avenues in the state for non-union training as well. Christopher Fryxell stated that ABC members as a whole had invested \$1.5 billion dollars in workforce development. Christopher Fryxell stated that a project without a PLA had access to all qualified apprenticeship programs and apprentices, both through open shops and unions. Christopher Fryxell added that ABC actively worked to push for work access to apprenticeships through changes in state legislature, as current state law required the hiring of three journeymen to one apprentice after the initial apprenticeship ratio is met.

Christopher Fryxell continued that despite promises otherwise, a PLA would at best include "good faith effort" language to hire local labor on the project and there were no consequences if the goals were to fall short. Christopher Fryxell stated that the hiring of local workers was a reasonable goal for any municipality to have and did not require a PLA in place to work towards that goal. Christopher Fryxell noted that the construction industry was facing a critical shortage of skilled labor and that estimates show an additional 650,000 construction workers were needed nationwide to meet the current demand and backlog. Christopher Fryxell continued that given this, the current climate was the worst time to remove 80% of the construction agency from working on the project by utilizing a PLA.

Christopher Fryxell reported that there were 531 Minority Business Enterprises (MBE) and Small Business Enterprises (SBE) certified, DAS prequalified contractors in the state of Connecticut, and of those only 106 (20%) were union contractors. Christopher Fryxell continued that in terms of limited to only MBE, there were 232 certified, DAS qualified contractors in the state and only 47 of those were union. Christopher Fryxell stated in New London County there were only 31 SBE / MBE DAS prequalified contractors and only two of them were union.

Christopher Fryxell reported that it was often stated utilizing a PLA would bring a job in on time and on budget, but no guarantees existed for either. Christopher Fryxell continued that a PLA would place no guarantee that a project would be completed within a set budget.

Christopher Fryxell stated there were multiple instances of a PLA garnering disinterest from bidders which required trade packages to be rebid and subsequently leading to construction delays, prior to a project starting.

Christopher Fryxell reported that the Beacon Hill Institute completed a study in 2020, in which they reviewed 95 Connecticut school construction projects between 2001 and 2019, and concluded that the use of PLA's were responsible for a 20% increase in cost in comparison to projects that did not require a PLA. Christopher Fryxell continued that another study

completed by the Rand Corporation examined the effect PLA's had on the construction of affordable housing projects within Los Angeles. Christopher Fryxell stated that this study found that the use of PLA's reduced the total housing produced and increased the budget by 14.5 percent. Christopher Fryxell discussed the results of other studies that were addressed at the previous meeting; The Effect of Project Labor Agreements on the Cost of School Construction in New England (2005); Project Labor Agreements in New York State: In the Public Interest (2009); San Diego Unified School District Study; and noted how the data did not favor the use of PLA or PSA's.

Christopher Fryxell discussed the ways a PLA can increase costs such as in regards to labor, as open shop contractors are not able to utilize most or all of their existing workforce. Christopher Fryxell added that union work rules were inefficient in regards to multi-skilled working. Christopher Fryxell stated that in addition, open shop contractors who pursue jobs with a PLA in place face double health and pension costs, as well as compliance and competitive costs.

Christopher Fryxell stated that a PLA depresses competition as most of the construction industry in the state is open shop and that fewer bidders result in less competition in the bidding process, and ultimately higher costs. Christopher Fryxell read aloud a quote, shown on screen for all to view, from Mark Jepko, the Project Coordinator at O&G, which was made during a January 2019 meeting of the Middletown's Woodrow Wilson Middle School Building Committee, which stated "At bid time, when you expect 7 or 8 bids, you get 3 or 4; the more bids, the more competitive the bidder for the project." Christopher Fryxell added that while Connecticut law states that all contractors union and non-union are allowed to bid on a project with a PLA it does not necessarily occur in practice. Christopher Fryxell explained that open shop contractors tend not to bid on PLA jobs due to reasons such as union hiring requirements; union representation and work rules; union contribution requirements; and the double benefit payment. Christopher Fryxell stated that a PLA requires that open shop contractors hire from the union hall, even though they already have career-based employees. Christopher Fryxell continued that union representation requires contractors to recognize the union as the representative on the job and that all employees abide by the archaic efficient work rules of the union. Christopher Fryxell explained that open shop workers typically excel at multi-skilling, which was an area where open shop workers could produce work more efficiently. Christopher Fryxell stated that PLA requires non-signatory contractors to pay health and welfare fringe benefits to the union benefit funds, even if they have existing high quality plans. Christopher Fryxell explained that while working on a PLA project a contractor is required to pay into their employees 401(k) and healthcare plans, as well as contribute to the union plan. Chairman Mark Bettencourt questioned if those benefits could not be waived within a PLA. Christopher Fryxell responded that not all of the benefits could. President Pro Tem Joe DeLucia noted that he did not believe this was fact, to which Chairman Mark Bettencourt agreed. Discussion ensued. Christopher Fryxell added that if a contractor does contribute to a defined benefit program and it is not fully funded they face a withdrawal liability due to their responsibility for their share of the unfunded vested benefits. Christopher Fryxell continued that if an open shop contractor brings an employee onto a PLA job they are required to pay into the union representation fund. Christopher Fryxell stated this was another point that prevented open shop contractors from bidding on PLA projects. Christopher Fryxell reported that a recent study found that open shop workers on PLA projects are subject to paying those funds which could amount to as much as 34% of their compensation package. Christopher Fryxell continued that these workers are required to pay into pension allocation, union dues withholding, the healthcare premium and they are not getting a return on those funds. President Pro Tem DeLucia noted again that this was not factual. Chairman Bettencourt stated that while that statistic could be true in some cases it was not something being considered for the school project PLA. President Pro Tem DeLucia noted that concern was very important and was something questioned by committee members.

Christopher Fryxell reported that multi-employer pension programs (MEPP) were in trouble and that President Biden had included a 94 billion dollar bailout for MEPP's. Christopher

Fryxell stated that under federal law if a MEPP was considered to be critical and declining status, critical status or endangered status, notice must be provided to its participants. Christopher Fryxell continued that based on notices issued in 2021, that are shown on the DOL website, 35 of 61 MEPPs in critical and declining status; 40 of 83 MEPPs in critical status; and 35 of 43 MEPPs in endangered status were in the construction industry. Christopher Fryxell stated that additionally the pension plans are not owned by the employee, so that after retirement if a former employee seeks new employment that is not union approved, their pension can be taken away.

Christopher Fryxell discussed other non union groups with similar stances in regards to PLA's and what the data collected overtime has shown. Christopher Fryxell discussed survey statistics taken by the Associated General Contractors of their members such as 88% of members responded that a PLA would raise costs compared to 0% responding it would lower costs; and 78% responding it would be harder to find workers and subs on a PLA project compared to 3% who responded it would be easier.

Christopher Fryxell discussed a statement from the former Chief of Staff for Administration and Finance at the University of Connecticut (UCONN) who mentioned that PLA's raised the cost of a project somewhere around 10% or more, and that UCONN actively tried to limit the use of PLA's within political viability. Christopher Fryxell reported the UCONN South Campus Residence Hall project, which had no PLA in place, is on schedule and in its 215 million dollar budget for July 2024 completion. Christopher Fryxell compared this to the Mansfield Apartments project that was put out to bid in December 2022 with a 265 million dollar budget and had a PLA attached late in the project which brought the budget to 295 million dollars. Christopher Fryxell continued that low bids came in at over 315 million dollars and the project was ultimately pulled. Chairman Mark Bettencourt noted that he did feel there was a big difference in the timelines of the projects in regards to construction commencing and a bid being issued.

Christopher Fryxell stated the cost a PLA could have on the Norwich school projects is potential overrun costs; the value of engineering and scope reduction; and delays on the project timelines. Christopher Fryxell listed off various case studies on local projects that utilized the use of a PLA and what the varying results were. Christopher Fryxell noted the point of his example was to show that the use of a PLA did not guarantee a project would be done on time or within budget, and that in certain cases projects had to be rebid.

Gregory Carabine asked if only union workers could be hired under a PLA. Christopher Fryxell responded that union contractors will not hire open shop subcontractors, and the open shop subcontractors do not want to work on PLA projects. Christopher Fryxell continued that the open shop contractors are legally allowed to work on PLA projects but they did not desire to. Gregory Carabine questioned how many projects without a PLA would have the same negative results as the PLA projects referenced. Christopher Fryxell stated the examples chosen were to show that when a PLA is signed there is an increase in cost and his question to the committee is what is gained by that cost. Discussion ensued. President Pro Tem DeLucia stated it sounded as though non-union shops could bid on the projects but chose not to. President Pro Tem DeLucia noted that the charge of the committee was to support the budget approved for getting schools built. Shiela Hayes asked if there was information available on the amount of minorities and women employees by the members of the ABC, to which Christopher Fryxell responded that data was not collected.

Christopher Fryxell noted three local projects that did not utilize a PLA and were successful in a sense of quality and value; South Windsor Orchard Hill School, Rocky Hill Moser School and Stamford Strawberry Hill School. Christopher Fryxell stated that the ABC believes that facts show that not using a PLA allows everyone to work on a project with qualified contractors and workers having the opportunity to do so.

Chairman Mark Bettencourt stated he would like to try to duplicate the hiring of Norwich residents and the job training offered within a PLA. Chairman Bettencourt asked how that could be achieved without a PLA. Christopher Fryxell responded that local hire goals could be included in a contract without a PLA, which would be monitored by city administration.

Christopher Fryxell added that the state has strict licensing in regards to state residents working on projects, but there is a true worker shortage which makes it difficult to prevent any out of state workers regardless of a PLA. Christopher Fryxell stated that in terms of job training, ABC members were seeking workers and were very invested in workforce development. Christopher Fryxell reiterated that ABC offers the CEC training school, which is registered with the Office of Higher Education and works closely with the Department of Labor.

Peter Gauthier asked if there was a more inclusive list of projects to better support the conclusion that PLA's do not present a benefit. Christopher Fryxell responded that he did not have that readily available.

President Pro Tem DeLucia noted projects in Greenwich, Darien, Cromwell, and Farmington which did not utilize PLA's and were either over budget, delayed or both. Christopher Fryxell stated that he would attribute those delays to construction not being a perfect industry and noted that a PLA does not offer any further guarantees than projects without them.

Christopher Fryxell stated that examples of projects could be found both in support and against the use of PLA's, but felt a PLA restricted the pool of bidders. President Pro Tem DeLucia asked how many contractors that would be eligible to bid and perform on public school projects were affiliated with ABC. Christopher Fryxell said he was not able to answer as he could not say who would bid on a project. Discussion ensued.

Peter Gauthier asked if Chairman Bettencourt could follow up and get a definitive answer regarding the 34% of a contractors payment package statistic in regards to open shops paying into union funds. Chairman Bettencourt responded he would follow up with the union representative.

Christopher Fryxell concluded that the committee should want the most competitive bidding process possible, where 100% of qualified contractors have the opportunity to compete, as competition will get the city the best project for its spend.

V.Report from CSG: Mike Faenza reported that a lot of progress was made in terms of design.

Mike Faenza stated that preliminary testing was underway for each site and that boring for the Greeneville site was completed that day. Mike Faenza stated that test holes were dug on the Greeneville site just around the time of the recent flooding.

Mark Kulos arrived via ZOOM at 7:43 PM.

Mike Faenza stated that the boring rig was on site on Stanton School and the test holes would be dug soon. Mike Faenza reported the Phase 1 Environmental Site Assessment was performed at Stanton. Mike Faenza stated he was meeting with the working group from the Board of Education administration and they had last met about two weeks prior. Mike Faenza stated the architecture team was working on getting drawings completed for schematic design to be done. Mike Faenza reported that additional feedback was received from the state in regards to the grant applicants in which they requested additional information such as a breakdown of the cost of the projects included in the 385 million dollar referendum, and other items. Chairman Bettencourt noted that the state's expectation was for all applications, payments and otherwise to be funneled through the Superintendent's office.

VI.Report from DRA: James Barrett touched upon recent surveys collected for both sites including traffic studies and boring. James Barrett reported that the recent focus for DRA had been on the schematic design package they were assembling for the end of the month.

James Barrett showed the adjusted Greeneville floor plan on screen for all to view. James Barrett noted that prior schemes showed the gym on the opposite side of the building but due to safety and children moving from gym related activities out to playgrounds, hard surface play and grass areas, the current configuration allows for movement without cross traffic. James Barrett stated it was a simple adjustment that lended better to the site plan in general.

James Barrett stated the first floor plan had not changed much with pre-k, kindergarten and grade one at the first floor level along with the main entrance for visitors and drop-off space. James Barrett stated the second level held grades two and three with the third floor hosting grades four and five, along with a connection to the gym.

James Barrett noted an issue at the Greeneville site was the tremendous amount of grading and showed on screen for all to view a series of tiered grading steps to cover the 30 foot differential. James Barrett showed an aerial overview of three story option massing for the Greeneville site on screen for all to view and discussed grading.

James Barrett showed a diagram of the buildable zones of the Stanton Site on screen for all to view, and noted the immense amount of wetlands flagged by the soil scientist. James Barrett showed the proposed configuration of the site plan on screen for all to view and discussed the layout. James Barrett noted the first floor plan for Stanton held pre-k, kindergarten, first grade, second grade and extra curricular spaces. James Barrett continued that the second floor plan for Stanton held grades three through five along with the media center.

James Barrett stated that the focus for DRA over the last few weeks was on elevational studies for both sites and showed conceptual diagrams on screen for all to view. James Barrett stated the Greeneville site presented topography constraints so the focus there was to answer how the building could be modulated. James Barrett presented rough sketches on screen for all to view. James Barrett noted the concepts for Greeneville addressed the idea of utilizing design to lessen the appearance of the size of the building. Jim Barrett suggested utilizing two different materials to help break up the composition of the building and showed various rendering configurations on screen for all to view. James Barrett discussed potential materials such as terra cost plank rainscreen systems, masonry and glass.

James Barrett presented conceptual designs for Stanton on screen for all to view, in which they utilized a similar window grouping and approach as Greeneville, to allow accessible views for all heights of students. James Barrett discussed the proposed design.

Mark Kulos asked, although it was early in the design process, if DRA considered the use of solar tube lighting to bring natural light into interior spaces. Jim Barrett responded there were some interior spaces that would benefit from that and they could definitely take the idea into consideration.

Gregory Ballassi asked how the academic wing in Stanton was separated from the extracurricular areas, as was done in the Greeneville design. James Barrett responded that separation was still being developed, but fire doors would be utilized to separate the wing. Discussion ensued.

Gregory Carabine asked the consultants, within their experiences, if they felt a PLA worked on their past projects or not. Greg Smolley responded he was involved with some of the projects referenced in the presentation, on both sides, and that he had done work under both scenarios. Mike Faenza agreed. Greg Smolley noted that he did agree with Chairman Bettencourt's assessment that recent data could be skewed by the impact of COVID. James Barrett stated that over his 40 year career most projects he worked on did not involve a PLA, but some of his projects were cited in the presentation.

James Barrett reported that DRA would be delivering their schematic design packaged the following Wednesday.

Gregory Ballassi asked if the one way to access the rear play area and parent drop off at Greeneville was through the building, or if an egress or otherwise was planned. James Barrett responded one was not currently envisioned, but it was something to consider. Greg Smolley added that newer codes require access is available to all, so it was not a matter of only achieving stairs but also a ramp which required a lot more grading and space.

VII. Report from Downes: Jeff Anderson reported that his team was anxiously awaiting the schematic design set of documents so that they could develop a detailed estimate for the city.

Jeff Anderson stated that Downes had developed a schedule that they will hopefully be able to track as they conclude that estimate, to ensure that they are staying in line with the remaining cycles of drawing development as things progress towards the point of bidding and a construction start date.

VIII.Invoices:

- **CSG - Greeneville #10- \$10,680.02
Stanton #10- \$10,555.46**

Shiela Hayes made a motion to approve CSG Invoice #10 for \$10,680.02 for Professional Services rendered December 1, 2023 - December 31, 2023 in regards to the Greeneville Elementary School project. Stacy Gould seconded. The chairman called the roll of members present and all were in favor. The motion passed unanimously.

Gregory Carabine made a motion to approve CSG Invoice #10 for \$10,555.46 for Professional Services rendered December 1, 2023 - December 31, 2023 in regards to the Stanton Elementary School project. Shiela Hayes seconded. The chairman called the roll of members present and all were in favor. The motion passed unanimously.

- **DRA - Greeneville #3 (12/2023) - \$118,367.50 (includes CLA invoice)
Stanton #3 (12/2023)- \$96,525.31**

Stacy Gould made a motion to approve DRA Invoice #3 for \$118,367.50 for Professional Services rendered December 1, 2023 - December 31, 2023 in regards to the Greeneville Elementary School project. Shiela Hayes seconded. The chairman called the roll of members present and all were in favor. The motion passed unanimously.

Stacy Gould made a motion to approve DRA Invoice #3 for \$96,525.31 for Professional Services rendered December 1, 2023 - December 31, 2023 in regards to the Stanton Elementary School project. Shiela Hayes seconded. The chairman called the roll of members present and all were in favor. The motion passed unanimously.

IX.Anything else to be brought before the committee: None.

X.Adjournment: Stacy Gould made a motion to adjourn at 8:23 PM. Shiela Hayes seconded. The chairman called the roll of members present and all were in favor. The motion passed unanimously.

Respectfully Submitted, Katherine Rose