

**Town of Concord
Concord Middle School Building Committee
Charge**

A. Purpose

The Concord Middle School Building Committee is charged by the Select Board to serve as the oversight body for the construction of a single new Middle School Building to replace the two existing facilities, based on the scope defined in the Feasibility Study and Schematic Design phase and the funding approved under Article 1 at the January 2022 Special Town Meeting. The Committee has final authority on all design decisions and will make recommendations to the Town Manager on all financial, contractual and schedule matters. The Middle School Building Committee shall be the point of contact for all community groups for all issues regarding the project. The Committee shall ensure community engagement throughout the planning and execution of the final design and construction. It is the expectation that there will be multiple opportunities throughout the process to solicit community feedback. Throughout the process, they will engage with the Select Board, Finance Committee, and Superintendent to identify additional cost savings”

B. Membership and Operations

The Middle School Building Committee shall be appointed by the Select Board to coordinate and facilitate the design and construction of a new Middle School. The committee shall have thirteen voting members and six non-voting members. In accordance with Massachusetts School Building Authority requirements, which are subject to revision, the membership shall be as follows:

- Two members or designees of the School Committee
- One member of the Select Board
- Town Manager (non-voting)
- Town Finance Director or designated representative (non-voting)
- Superintendent of Schools
- School Director of Finance & Operations (non-voting)
- School Facilities Manager (non-voting)
- Middle School Principal (non-voting)
- One resident knowledgeable in field of sustainable building design and operation
- Seven community residents at-large including at least one with a current school-age child
- Concord Sustainability Director (non-voting)
- One resident knowledgeable in building construction, e.g., general contractor

The community members shall bring as many of the following areas of expertise as possible: general or industrial construction; project management; HVAC, architectural, financial, recreation, environmental sustainability and/or education technology expertise; and a familiarity with green building design.

The Committee shall elect a chair, keep minutes of its deliberations, observe the Open Meeting and Public Records law, and comply with other laws and regulations fostering a free and open discussion of ideas.

Building Committee members shall serve through completion of the project. In the event that any Building Committee member is not able to serve through the completion of the project, the Select

Board shall be notified, so an appropriate replacement can be found.

Staff assistance for the committee shall be coordinated through the Town Manager and the Superintendent of Schools.

Committee members will strive to avoid any conflict-of-interest or appearance of a conflict of interest. To this end, members are instructed to advise the Select Board immediately should they be considering employment with or a contract for services with any contractor or subcontractor working on the School project.

C. Powers and Duties

The Middle School Building Committee shall coordinate the design and monitor the construction of the new Middle School building through occupancy, and including the demolition of the old Sanborn building, the construction of playing fields and landscaping, as appropriate. Specific duties will include:

- Supervise architect(s) to prepare construction documents and all architectural services during construction;
- Assist the School and Finance Departments in development of documents for Massachusetts School Building Authority (MSBA) reimbursement, if appropriate;
- Review construction bids and recommend a general contractor or contractors to the Town Manager who will approve and execute all contracts;
- Monitor the construction of the building;
- Evaluate for cost and effectiveness all proposed change orders and recommend to the Town Manager approval of change orders;
- Recommend to the Town Manager the payment of contractor requisitions;
- Manage the work of the architectural firm and its consultants and recommend action by the Town Manager as it relates to the firm's contract with the Town, including payments, negotiations and change-orders or contract modifications;
- Ensure that the project comes in on schedule, within budget, and minimizes the expenditure of contingency funds;
- Serve as the point of contact for all individuals and community groups for all issues regarding the project, including but not limited to safety policies and procedures for building and site users, an occupancy plan, communication, etc.;
- Establish regular communication channels with the Town, Middle School families, and neighbors regarding the project progress through periodic notices and public meetings. Actively solicit the comments of neighbors and interested parties by dedicating one meeting early in the design phase to hearing the concerns of neighbors and other interested individuals;
- Provide these same services as they relate to Phase 2, if any, for the removal of the existing Middle School, as appropriate;
- Make a final report to the Select Board and School Committee upon substantial completion of the project. The report shall include information concerning final costs for the project; the status of MSBA reimbursement applications, if any; a list of unfinished projects not included in the as-built plan with an estimated cost and timeline; and any recommendations the Committee may have concerning on-going operation and maintenance of the building. The report may also include any recommendations from the Committee concerning lessons learned from this project that may be applicable to future Town construction projects.

D. Other Considerations

The Committee will comply with the provisions of the Open Meeting Law, the Public Records Law, the Conflict of Interest Law and all other applicable laws and regulations of the Commonwealth, as well as all relevant Bylaws and Administrative Policies of the Town.

Communications

In order to ensure a successful building project, the Committee will work with the following individuals and groups:

The Town Manager

The Town Manager has final approval regarding all financial matters and is responsible for all contracts related to the project. The Middle School Building Committee shall have primary responsibility for making decisions and recommendations related to the project. Therefore, the Committee will:

- Engage the Town Manager throughout project as needed.
- Recommend approval of all changes to schedule and cost to the Town Manager.
- Recommend the payment of all contractor requisitions to the Town Manager.
- Review construction bids and make recommendation of a general contractor to the Town Manager.
- Solicit bids and recommend appropriate consultants/contractors to the Town Manager, including Project Manager and owner representatives.
- Although the Town Manager is the official spokesperson for the Town, the Middle School Building Committee will speak about the building project on behalf of the Town Manager by agreement and where appropriate.
- Expect the Town Manager through the Town Finance Director to maintain and monitor total project cash flow, balance sheet, and budget projections.
- Expect that the Town Manager will designate appropriate channels of communication between Town and School Departments regarding safety, operational, and other issues.
- Ensure that the Project Manager and architect maintain careful records of project activities in order to maximize the opportunity for the Town to secure State funding for a portion of the project costs if possible.
- Maintain regular contact with the Finance Department to ensure proper accounting of all expenditures and maximum opportunity to secure State reimbursement.

Elected Officials and appointed Committees

The Committee will:

- Report on progress (i.e. budget, schedule, important decisions) to the Select Board and School Committee on a quarterly basis.
- Confirm the School Committee's recommendation on items such as the technology plan where appropriate and within the established budget.
- Update the Finance Committee concerning the financial aspects of the project from time to time. The Committee anticipates that a Finance Committee observer will regularly attend meetings.

Town and School Staff

The Committee will:

- Expect that the School Superintendent will identify an appropriate interface between the school department and the construction project. The representative of the School Department will be present at Middle School Building Committee meetings and will attend construction meetings where appropriate.
- Expect that the Middle School Principal will attend Committee meetings and construction meetings where appropriate. The Principal will relay problems and issues from staff, families and neighbors for Committee consideration and resolution.
- Expect that the School Department will maintain an organized central file of original and substantive documents throughout the project sufficient to satisfy SBA auditing, if appropriate, as well as Town audit requirements.

The Owners Project Management (OPM) Firm

On behalf of the Town Manager, the Committee shall be responsible to supervise the work of the Owners Project Manager. The Committee will have a designee available to receive questions and issues during site meetings and during normal working hours. Responsibilities for this task may rotate. The OPM will:

- Perform on a day-to-day basis the duties of an Owner's Representative including safety inspections, construction mitigation, dispute resolution, and move assistance.
- Represent the best interests of the Town of Concord and Middle School Building Committee on a day-to-day basis throughout the project.
- Keep the committee fully informed regarding all matters affecting the successful outcome of the building project, including change orders, missed dates, poor communications, etc., throughout the life of the project.
- Evaluate and make recommendations on requisitions and potential changes in cost and schedule.
- Organize and maintain construction records, shop drawings and files to supplement the Town files at the conclusion of the project. Upon completion, the OPM will provide a digitized set of as-built plans to the Building & Inspections Division, as well as a printed copy.
- Develop regular communications to the community.

The Architectural Firm

The Middle School Building Committee expects that the designer will:

- Attend all appropriate Middle School Building Committee meetings and communicate all necessary information on a timely basis to the Middle School Building Committee and OPM.
- Evaluate Change Order requests.
- Provide requisition approval, construction clarifications and construction observation, among other services, consistent with its contractual requirements.

Construction Reform

The Middle School Building Committee shall keep abreast of any potential reform to construction laws at the State level. The Committee shall review such reforms that may apply to the project and apply them if the Committee determines that they are appropriate and they would reduce costs without causing delay in the schedule.

Attachments:

1. *Concord Middle School Building Project – Article 1 Motion and Vote from January 2022 Special Town Meeting*