

*Town of Newington, CT
Wednesday, April 17, 2013*

Chapter 8. BOARDS, COMMITTEES, COMMISSIONS AND BUREAUS

Article X. Project Building Committees

[Adopted 10-26-1993 by Ord. No. 9193-10 (§§ 2-16 to 2-23 of the 1974 Code)]

§ 8-38. Definitions.

As used in this article, the following words and terms shall have the meanings hereinafter set out:

BUILDING PROJECT

Any construction or alteration of a Town facility estimated to cost in excess of \$250,000 in the aggregate.

CONTRACT

A signed agreement between the Town of Newington and the general contractor and/or architect/engineer/consultant, including any modifications issued after execution of the agreement.

COST ESTIMATES

Include, but are not limited to construction, contingency, architect and/or engineering fees, clerk of the works, consultant services, furnishings, landscaping, paving, insurance, legal notices, inflation, and any other related costs.

PROJECT BUDGET

The project building committee's proposed budget as presented to the Council for review at the time the Council authorizes the Town Manager to sign contracts and commence the project.

STATEMENT OF NEEDS

A written narrative presenting the public-interest reasons for undertaking a building project, an explanation of the function and purpose(s) of the proposed Town facility and recommendations, if any, on its size, scope, location and special features.

TOWN FACILITY

Any building, park or land leased, owned or to be acquired by the Town, except roads, bridges, drainage, flood control measures and public parking commonly referred to as "public works."

§ 8-39. Committee required for each project.

Pursuant to Article VI, § C-612, of the Charter of the Town, the Council shall establish a project building committee for each building project. For building projects in excess of \$100,000 but less than \$250,000, the Council, at its option, may elect to establish a project building committee which shall follow the rules of this Code.

§ 8-40. Members; appointment; representation.

The number of members of each project building committee shall be determined by the Council at the time of committee establishment. Members of the project building committee shall be appointed by the Council and shall attempt to include at least one member who has had architectural/construction/engineering background in the area of the project. When the requesting agency is a board or commission, the Council may appoint members of that board or commission to the project building committee but no more than 1/3 of the project building committee membership shall be members of the requesting agency.

§ 8-41. Ex officio members.

The Chairman of the Board of Education and the Superintendent of Schools shall serve as ex officio members without vote on any project building committee which has responsibilities pertaining to the construction or alteration of a school building. The Fire Chief and the Chairman of the Board of Fire Commissioners shall serve as ex officio members without vote on any project building committee having responsibility for the construction or alteration of Fire Department buildings. The Mayor and the Town Manager shall serve as ex officio members without vote on all project building committees. Other ex officio members may be appointed by the Council to a project building committee to serve without vote.

§ 8-42. Terms of members; vacancies.

The terms of members of a project building committee shall terminate with the final acceptance by the Council of the project for which such committee has been responsible or the abandonment of such project by the Council, whichever is earlier, provided that the term of each member who is a representative of the requesting agency shall have a project building committee term which expires coterminous with his/her term on the requesting agency, and any elected official representing his/her board or the Council shall have a project building committee term which expires coterminous with his/her term as an elected official. Vacancies may be filled by the Council at its discretion, having regard to the status of the project and the members remaining on the committee.

§ 8-43. Officers; records.

Each project building committee shall elect a chairman and secretary from its membership and shall keep a public record of its activities. When physically feasible, public meetings shall be tape recorded.

§ 8-44. Power and duties.

A project building committee shall have the powers and duties set forth herein and shall be vested with such general powers as inure in a building committee and shall have and exercise responsibility for the construction or alteration of the Town facility for which it has been charged.

§ 8-45. Building project procedure.

A building project shall be undertaken in accordance with the following procedure, provided the Council may, by six affirmative votes, vary such procedure in a specific case wherein it determines that the interest of the Town would be better served:

- A. Project initiation. Any board, commission or other agency of the Town which considers that the needs of the Town require the construction or alteration of a Town facility shall initiate consideration of such need only by presenting a statement of needs to the Council. If the Council determines that a valid need for such construction or alteration exists, it shall, by majority vote, establish a project building committee in accordance with the provisions hereof.
- B. Preliminary steps. The project building committee so established shall, in consultation with the requesting agency, review the statement of needs and the proposed project location. It shall thereafter submit an estimate of the cost of project planning to the Council along with a preliminary estimate of the cost of the entire project.
- C. Selection of architectural or engineering firm. If the Council determines that the proposed building project is financially feasible, it shall authorize the project building committee to recommend the selection of a firm of architects and/or engineers, as may be appropriate, to prepare plans for the building project. Such recommendation shall be made from among firms which respond to a request for proposals. Notice of such request for proposals shall be published at least once in each of two newspapers having circulation within the Town. The project building committee shall review the proposals and shall interview prospective candidates. It shall refer to the Council for approval the name of the architectural and/or engineering firm for selection. The Council shall select such firm or shall ask for further recommendations from said committee. It shall authorize the Town Manager to employ the firm so named and shall appropriate sufficient funds for the preparation of preliminary plans. If the Council disapproves of the recommendation, the project building committee shall make another recommendation and refer it to the Council for its action. If the project building committee is unable to report to the Council the name of another architectural and/or engineering firm within 15 days following the Council's disapproval or the Council disapproves of said committee's recommendation for a second time, the Council shall select the architectural and/or engineering firm and authorize the Town Manager to employ it.
- D. Proposed location. The location for the proposed building project shall be referred by the Council to the Town Plan and Zoning Commission for its review consistent with C.G.S. § 8-24.

- E. Preparation of preliminary plans. The project building committee shall work with the architects and/or engineers on the preparation of preliminary plans. In so doing, it shall consult with the requesting agency. There shall be such joint meetings of the Council, the project building committee, and the requesting agency as may be deemed necessary. Upon completion, the project building committee shall submit the preliminary plans and cost estimates for the project to the requesting agency for its recommendation. After action by the requesting agency, the preliminary plans and cost estimates shall be submitted by the project building committee to the Council for its action.
- F. Revision of preliminary plans. If, in the judgment of the Council, the resources of the Town are inadequate to finance the estimated cost of the building project, the Council shall so notify the project building committee and the requesting agency and shall advise them of how much the cost is to be adjusted. The project building committee shall thereupon work with the architectural or engineering firm to determine how the cost of the building project may be revised to a level acceptable to the Council. If the function or size of the facility as specified in the statement of needs must be modified, the project building committee shall confer with the requesting agency to determine where adjustments may best be made.
- G. Appropriation. Should the Council approve the preliminary plans, it may appropriate the funds necessary for undertaking the project consistent with Article VIII of the Town Charter, provided that the Council shall have the option of proceeding to have final plans developed consistent with Subsection H hereto prior to taking action on such appropriation.
- H. Preparation and approval of final plans. When the Council so directs, the project building committee shall, with the help of the retained architect or engineer, prepare final plans, cost estimates, a project budget and specifications for presentation to the Council. In so doing, it shall confer with the requesting agency and, upon completion, shall submit same to the requesting agency for comment and recommendation. Thereafter, the project building committee shall submit such final plans, cost estimates, project budget and specifications to the Council for its approval and for authorization to proceed with the construction of the building project.
- I. Competitive bids. Following the Council's authorization to proceed with construction of the project, the project building committee shall secure competitive bids for construction or alteration through the purchasing agent in conformance with § C-815 of the Town Charter. The project building committee shall present to the Council for review a final project budget once bids are received. Upon acceptance of a bid, the Council shall authorize the Town Manager to execute appropriate contracts to accomplish such construction.
- J. Construction procedure. The Town Manager shall serve as the project building committee's agent in supervising the construction or alteration of the building project, meeting with the architect or engineer, contractor and project building committee when necessary. The Town Manager shall be authorized to approve change orders and disbursements within the project budget or as approved by the Council. The Town Manager shall be authorized

to approve contract payments upon certification by the architect and/or engineer that, based on on-site observation, the work and charges are in accordance with contract documents.

K. Project management coordination or supervision. If the project building committee determines that consultant services for project management or coordination are needed, and the approved budget allows for such service, it shall, after soliciting competitive proposals and interviewing qualified candidates, recommend a candidate to the Council for its action. If the Council fails to approve of the recommendation, the project building committee shall make another recommendation and refer it to the Council for its action. If the project building committee is unable to report to the Council the name of another candidate within 15 days following the Council's disapproval, or if the Council disapproves of said Committee's recommendation for a second time, the Council may make its own selection or determine the selection is unnecessary. Employment of the person, firm or corporation so selected shall be by contract approved by the Council and executed by the Town Manager. If consultant services for project management or coordination are deemed unnecessary, the Council may authorize the Manager to appoint a clerk of the works in conformance with the Town Charter to furnish project supervision and oversee the day-to-day operation of the construction, provided that the approved project budget allows for such a position. The clerk of the works shall attend all meetings of the project building committee, including job meetings, meetings of the full committee and joint meetings between the committee and the Council or requesting agency. Committee members who wish to may attend job meetings. The clerk of the works shall maintain a daily log of all events at the job site. Any minutes of job meetings shall be distributed, and copies of the bid specifications and construction contract shall be made available to building committee members.

L. Modifications or changes during construction.

(1) The project building committee shall be authorized and responsible to administer the project within the financial constraints of the project budget. If an emergency or extraordinary situation arises which precludes the committee from obtaining Council approval and requires a modification or change in the contract which does not affect the financial constraints of the project budget, the Town Manager may certify that an emergency or extraordinary situation exists. Emergencies are situations in which the project would be seriously hampered or in which public peace, health and safety are seriously threatened. "Extraordinary conditions" are defined as conditions that are not known until after an operation has begun and that require unanticipated parts, equipment or materials to complete the operation. Prompt written notification of such situations should be brought to the requesting agency and the Town Council's attention.

(2) If the committee determines that additional funding is needed above that requested in the project budget, it must refer the request to the requesting agency for comment and to the Town Council for review and approval. Major changes which will affect the function or size of a Town facility or building project that arise during construction shall be referred for comment to the requesting agency and to the Council for review

and approval. When a request for additional funding is made to the Council, an accounting of the financial receipts, commitments and expenditures to date must accompany the request. Any change order requiring an increase in cost above the original construction contract shall be subject to the approval of the Director of Finance as to the availability of funds.

- M. Final acceptance. After construction and/or alteration of the building project has been completed to the satisfaction of the project building committee, as-built plans for the project have been received from the architect and/or engineer, and the requesting agency has been asked for its comments, the project building committee shall refer the facility to the Council for acceptance with a report on the status of the facility and the comments of the requesting agency together with any applicable warranties, guarantees, service manuals, surety bonds, original drawings, as-built drawings, clerk of the works' work log, etc., and operator training. When a project has been fully and satisfactorily completed and a final report has been received from the project building committee's Chairperson and the project has been accepted by the project building committee, the requesting agency and the Council, and the building committee has been dismissed, after all outstanding bills have been paid and the Town's independent annual audit has been completed, all unexpended balances in the building project's funds shall revert to the Town's general fund.