



**CITY OF NEW BEDFORD**

**JONATHAN F. MITCHELL, MAYOR**

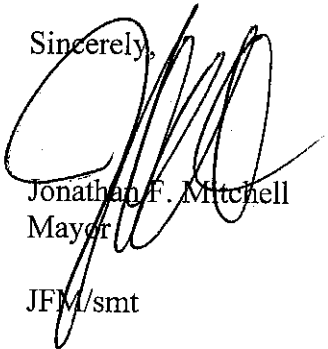
November 15, 2016

City Council President Linda Morad  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

I am submitting for your approval a **LOAN ORDER** appropriating \$8,336,514 for a repair project at the John Avery Parker Elementary School and amending the Orders passed September 1, 2015 and March 22, 2016 to provide that a portion of each such Order be allocated to the John Avery Parker Elementary School Repair Project.

Sincerely,



Jonathan F. Mitchell  
Mayor

JFM/smt



# CITY OF NEW BEDFORD

## CITY COUNCIL

November 22, 2016

AN ORDER APPROPRIATING \$8,336,514 FOR A REPAIR PROJECT AT THE JOHN AVERY PARKER ELEMENTARY SCHOOL AND AMENDING THE ORDERS PASSED SEPTEMBER 1, 2015 AND MARCH 22, 2016 TO PROVIDE THAT A PORTION OF EACH SUCH ORDER BE ALLOCATED TO THE JOHN AVERY PARKER ELEMENTARY SCHOOL REPAIR PROJECT.

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS:

That the City appropriate the amount of Eight Million Three Hundred Thirty-Six Thousand Five Hundred Fourteen Dollars (\$8,336,514) for the purpose of paying the costs of repairs to the John Avery Parker Elementary School consisting of the replacement of windows and doors, the abatement of hazardous materials, handicap accessibility improvements, and a new fire protection system, including the payment of all costs incidental or related thereto (the "Project"): which proposed repair project will materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Committee; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow such amount under M.G.L. Chapter 44, Chapter 70B, or pursuant to any other enabling authority; that the City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant that may be received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City of New Bedford may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and provided that the amount of borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA; and further that a portion of the amount appropriated and authorized to be borrowed under this order shall be provided by (i) a transfer of \$1,500,000 of the appropriation and borrowing authority for the demolition of the John Hannigan School and construction of a new PK-5 school authorized by the order of the City Council passed September 10, 2015, and that such order be amended to reduce the appropriation and borrowing authority accordingly, and (ii) a transfer of \$500,000 of the appropriation and borrowing authority for accelerated repair projects at Carney Academy and the Hayden McFadden, Casimir Pulaski and Alfred J. Gomes Elementary Schools and that such order is hereby amended to reduce the appropriation and borrowing authority accordingly, and that such reduction shall be allocated among the schools as necessary at the discretion of the Treasurer; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all the bonds and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.



OFFICE OF THE CFO

ARI J. SKY  
CHIEF FINANCIAL OFFICER

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

November 15, 2016

TO: Mayor Jonathan F. Mitchell

FROM: Ari J. Sky, Chief Financial Officer

SUBJECT: Parker Elementary School Accelerated Repair Project

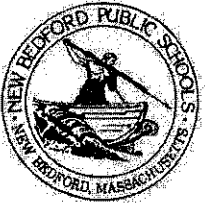
The Massachusetts School Building Authority has approved a proposed project to implement repairs at the John Avery Parker Elementary School. Attached are letters from the MSBAS and the Superintendent of Schools which provide an overview of the project.

The Parker ES project was envisioned in the FY 2016-2020 Capital Improvement Program. However, the project budget increased substantially since the development of the CIP, owing to ADA and fire protection improvements which were made necessary due to statutory requirements.

Unfortunately, the MSBA does not provide for reimbursement of the mandated improvements, meaning that the City's local share will be obligated to fund up to \$4,948,394 of the \$8,336,514 budget. In order to mitigate the impact of this requirement, the School Department has identified \$2 million in savings which can be reassigned from the Hannigan and current ARP projects. It is therefore my recommendation that the City proceed with the Parker project.

Thank you for your consideration. I respectfully request the inclusion of the attached order in the Mayor's Papers for the November 22, 2016, City Council meeting.

*Attachments*



## NEW BEDFORD PUBLIC SCHOOLS

PAUL RODRIGUES ADMINISTRATION BUILDING  
455 COUNTY STREET  
NEW BEDFORD, MASSACHUSETTS 02740  
www.newbedfordschools.org

(508) 997-4511 Fax (508) 991-7483

JASON DeFALCO, Ed.D.  
CHIEF ACADEMIC OFFICER

HEATHER EMSLEY  
EXECUTIVE DIRECTOR OF  
HUMAN CAPITAL SERVICES

KIMBERLI A. BETTENCOURT  
EXECUTIVE DIRECTOR OF  
SPECIAL EDUCATION & STUDENT SERVICES

ANDREW O'LEARY  
BUSINESS MANAGER

SONIA WALMSLEY  
EXECUTIVE DIRECTOR OF  
EDUCATIONAL ACCESS & PATHWAYS

PIA DURKIN, Ph.D.  
SUPERINTENDENT

*"We are committed to developing a community of learners who are academically proficient, demonstrate strong character and exhibit self-confidence."*

To: Mayor Jonathan Mitchell  
New Bedford City Council

From: Dr. Pia Durkin, Superintendent of Schools

Re: Request consideration of a loan order to fund an Accelerated Repair Project at the John Avery Parker Elementary School

Date: 11/15/2016

On November 9, 2016 the Massachusetts School Building Authority voted to approve the proposed Accelerated Repair project for the John Avery Parker Elementary School. The scope of work for this project includes:

- Replacement of Windows and Doors,
- Abatement of Hazardous Material,
- Making all Public Areas Handicapped Accessible,
- Adding a New Fire protection System

The total cost for the Parker school project is estimated at \$8,336,514. While Accelerated Repair projects are normally funded by MSBA at an 80% reimbursement rate, the effective rate in this case will only be 41%, due to the following circumstances:

- The cost of construction will exceed the 33% assessment threshold, which mandates that all public areas must comply with the Americans with Disabilities Act and include a fire protection system.
- MSBA regulations preclude reimbursement for the additional improvements made necessary by the assessment threshold.

In an effort to identify offsetting savings for the additional costs, we have determined that \$2.0 million in borrowing authority may be transferred from other projects to help offset the local match. Specifically, favorable construction bids have made \$1.5 million available from the Hannigan School project and \$0.5 million from the elementary school Accelerated Repair

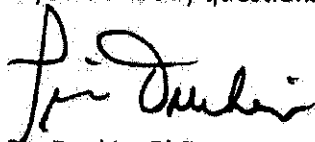
project that is currently underway. Neither transfer will have any impact on the scope or schedule for these projects.

The MSBA's Accelerated Repair program provides a useful opportunity for the City to maintain operational functionality for our inventory of older school buildings. In addition to the five elementary schools that are currently being addressed, the School Department operates seven elementary schools that range in age from 93 to 108 years.

School	When opened	Number of students
Ashley School	1922	325
Congdon	1907	394
DeValles	1912	357
Pacheco	1907	388
Rodman	1907	212
Swift	1909	241
Winslow	1920	316
	Total students in 7 schools	2233

The proposed Accelerated Repair project will continue our recent progress. These renovations, in combination with HVAC improvements funded by the ESCO program, will maintain functionality for the Parker School building for another 20-30 years.

I respectfully request the approval of a loan order to fund the Parker Elementary School project. Thank you for your consideration, and please do not hesitate to contact me or my staff if you have any questions.



Pia Durkin, PhD  
Superintendent

# Massachusetts School Building Authority

Deborah B. Goldberg  
*Chairman, State Treasurer*

Maureen G. Valente  
*Chief Executive Officer*

John K. McCarthy  
*Executive Director / Deputy CEO*

November 9, 2016

The Honorable Jonathan F. Mitchell, Mayor  
City of New Bedford  
133 William Street  
New Bedford, MA 02740

Re: City of New Bedford, John A. Parker Elementary School

Dear Mayor Mitchell:

I am pleased to report that the Board of the Massachusetts School Building Authority (the "MSBA") voted to approve the Proposed Accelerated Repair Project (the "Proposed Project") for the City of New Bedford (the "City") for a window and door replacement project at the John A. Parker Elementary School.

The Board approved an estimated maximum Total Facilities Grant of \$3,095,218, which does not include any funds for potentially eligible owner's or construction contingency expenditures. In the event that the MSBA determines that any owner's and/or construction contingency expenditures are eligible for reimbursement, the maximum Total Facilities Grant for the Proposed Project may increase to \$3,388,120. The final grant amount will be determined by the MSBA based on a review and audit of all project costs incurred by the Town, in accordance with the MSBA's regulations, policies, and guidelines and the Project Funding Agreement. The final grant amount may be an amount less than \$3,095,218.

Pursuant to the terms of the MSBA's Accelerated Repair Program, the City has 90 days to acquire and certify local approval for an appropriation and all other necessary local votes or approvals showing acceptance of the cost, site, type, scope and timeline for the Proposed Project. Upon receipt of the certified votes demonstrating local approval, the MSBA and the City will execute a Project Funding Agreement which will set forth the terms and conditions pursuant to which the City will receive its grant from the MSBA. Once the Project Funding Agreement has been executed by both parties, the City will be eligible to submit requests for reimbursement for Proposed Project costs to the MSBA.

We will be contacting you soon to discuss these next steps in more detail, but in the meantime, I wanted to share with you the Board's approval of the Proposed Project for the City of New Bedford for a window and door replacement project at the John A.



Page 2

November 9, 2016

New Bedford Accelerated Repair Project Funding Agreement Board Action Letter

Parker Elementary School, and the Board's authorization to execute a Project Funding Agreement for this Proposed Project.

Sincerely,

  
John K. McCarthy  
Executive Director

Cc: Legislative Delegation

Linda M. Morad, President, New Bedford City Council

Joshua Amaral, Vice Chair, New Bedford School Committee

Dr. Pia Durkin, Superintendent, New Bedford Public Schools

Andrew B. O'Leary, Business Manager, New Bedford Public Schools

Al Oliveira, Director of Facilities, New Bedford Public Schools

Michael Josefek, Owner's Project Manager, Architectural Consulting Group, LLC

Michael Teller, Designer, CBI Consulting Inc.

File: 10.2 Letters

New Bedford  
John A. Parker Elementary School

Total Project Budget

11/2/2016

Item	Estimated Budget	Scope Item Requirements from the Basis of Estimate Total Facilities Grant	Basis of Estimated Total Facilities Grant	Estimated Maximum Total Facilities Grant
<b>Total Project Budget</b>	<b>\$7,500,000</b>		<b>\$7,500,000</b>	<b>\$7,500,000</b>
<b>OPM - Professional Services</b>	<b>\$1,500,000</b>		<b>\$1,500,000</b>	<b>\$1,500,000</b>
<b>Construction Budget</b>	<b>\$6,000,000</b>		<b>\$6,000,000</b>	<b>\$6,000,000</b>
<b>Architectural/Engineering Subtotal</b>	<b>\$1,200,000</b>		<b>\$1,200,000</b>	<b>\$1,200,000</b>
<b>Professional Services Subtotal</b>	<b>\$300,000</b>		<b>\$300,000</b>	<b>\$300,000</b>
<b>Construction Subtotal</b>	<b>\$5,700,000</b>		<b>\$5,700,000</b>	<b>\$5,700,000</b>

Item	Estimated Budget	Scope Item Requirements from the Basis of Estimate Total Facilities Grant	Basis of Estimated Total Facilities Grant	Estimated Maximum Total Facilities Grant
<b>Construction Budget</b>	<b>\$6,000,000</b>		<b>\$6,000,000</b>	<b>\$6,000,000</b>
<b>Construction Costs associated with Soft Cost Cap Calculation</b>	<b>\$1,500,000</b>		<b>\$1,500,000</b>	<b>\$1,500,000</b>
<b>Construction Subtotal</b>	<b>\$5,700,000</b>		<b>\$5,700,000</b>	<b>\$5,700,000</b>
<b>OPM - Professional Services</b>	<b>\$1,500,000</b>		<b>\$1,500,000</b>	<b>\$1,500,000</b>
<b>Professional Services Subtotal</b>	<b>\$300,000</b>		<b>\$300,000</b>	<b>\$300,000</b>
<b>Construction Subtotal</b>	<b>\$6,000,000</b>		<b>\$6,000,000</b>	<b>\$6,000,000</b>
<b>Architectural/Engineering Subtotal</b>	<b>\$1,200,000</b>		<b>\$1,200,000</b>	<b>\$1,200,000</b>
<b>Professional Services Subtotal</b>	<b>\$300,000</b>		<b>\$300,000</b>	<b>\$300,000</b>
<b>Construction Subtotal</b>	<b>\$5,700,000</b>		<b>\$5,700,000</b>	<b>\$5,700,000</b>

Item	Estimated Budget	Scope Item Requirements from the Basis of Estimate Total Facilities Grant	Basis of Estimated Total Facilities Grant	Estimated Maximum Total Facilities Grant
<b>Construction Budget</b>	<b>\$6,000,000</b>		<b>\$6,000,000</b>	<b>\$6,000,000</b>
<b>Construction Costs associated with Soft Cost Cap Calculation</b>	<b>\$1,500,000</b>		<b>\$1,500,000</b>	<b>\$1,500,000</b>
<b>Construction Subtotal</b>	<b>\$5,700,000</b>		<b>\$5,700,000</b>	<b>\$5,700,000</b>
<b>OPM - Professional Services</b>	<b>\$1,500,000</b>		<b>\$1,500,000</b>	<b>\$1,500,000</b>
<b>Professional Services Subtotal</b>	<b>\$300,000</b>		<b>\$300,000</b>	<b>\$300,000</b>
<b>Construction Subtotal</b>	<b>\$6,000,000</b>		<b>\$6,000,000</b>	<b>\$6,000,000</b>
<b>Architectural/Engineering Subtotal</b>	<b>\$1,200,000</b>		<b>\$1,200,000</b>	<b>\$1,200,000</b>
<b>Professional Services Subtotal</b>	<b>\$300,000</b>		<b>\$300,000</b>	<b>\$300,000</b>
<b>Construction Subtotal</b>	<b>\$5,700,000</b>		<b>\$5,700,000</b>	<b>\$5,700,000</b>



Total Project Budget

New Bedford  
John A. Parker Elementary School

11/21/2016

Project Budget	Estimated Budget	55% of Items Excluded from the Basis of Estimated Total Facilities Grant or Otherwise Not Eligible	Basis of Estimated Total Facilities Grant <sup>1</sup>	Estimated Maximum Total Facilities Grant <sup>1</sup>	Contingency Budget	Construction Budget	Construction Budget Costs	Construction Budget Costs
<b>Total Project Budget: All costs associated with the Project are subject to MSJ CMR 21.05(1)</b>								
<b>Alternates Subtotal</b>								
Alterations								
Site Work								
Site Work Subtotal								
<b>Board Authorization</b>								
Project Budget	\$7,970,359	\$4,101,564	\$3,868,792	\$3,054,218				
Scope Items Excluded or Otherwise Ineligible	\$4,101,564							
Basis of Estimated Total Facilities Grant <sup>1</sup>	\$3,868,792							
Reimbursement Rate	80.00%							
Estimated Maximum Total Facilities Grant <sup>1</sup>	\$3,095,034							
<b>Total Construction Contingency</b>	\$322,844							
<b>Total Owner's Contingency</b>	\$33,294							
<b>Potentially Eligible Construction Contingency</b>	\$289,550							
<b>Potentially Eligible Owner's Contingency</b>	\$43,744							
<b>Total Potentially Eligible Contingency</b>	\$333,294							
<b>Reimbursement Rate</b>	80.00%							
<b>Potential Additional Contingency Grant Funds</b>	\$266,635							
<b>Maximum Total Facilities Grant</b>	\$3,361,669							
<b>Total Project Budget</b>	\$8,303,653							

This document was prepared by the MBDA based on a preliminary review of information and estimates provided by the Owner's Project Manager of City of New Bedford for the John A. Parker Elementary School project. Based on the preliminary review, certain budget, contract, scope items have been determined to be ineligible for reimbursement. However, this document does not contain a final evaluation of all budget, cost and scope items which are subject to review and audit by the Auditor, and the Auditor shall determine if all such budget, cost and scope items are eligible for reimbursement. The MBDA may determine that certain additional budget, cost and scope items are eligible for reimbursement.

1. The estimated maximum total grant established by the Project Funding Agreement does not include any potentially eligible maintenance funds and is subject to review and audit by the MBDA. At the time of FPA Bid Announcement, the estimated maximum total grant and the maximum Total Facilities Grant will be subject to review and approval by the Auditor in the form of maintaining the Agreement.

2. Pursuant to Section 2.01 of the Project Funding Agreement and the applicable statute and regulations, any project costs associated with the execution or transfer of funds from either the Owner's contingency or the Contingency contingency to other budget line items shall be subject to review by the Auditor to determine whether any such costs are eligible for reimbursement by the Auditor. All costs are subject to review and audit by the Auditor.

Contingency Cap Calculations	Construction Budget	Construction Budget	Construction Budget
Construction Budget	\$3,361,669	\$3,361,669	\$3,361,669
Eligible Construction Contingency @ 5%	\$168,083	\$168,083	\$168,083
Eligible Owner's Contingency @ 0.5%	\$16,808	\$16,808	\$16,808
<b>Construction Budget</b>	<b>\$3,546,560</b>	<b>\$3,546,560</b>	<b>\$3,546,560</b>

Correction of cost estimate from University to CSJ results in a decrease of \$75 in the ADA/Misc. Production report attached.