

# Massachusetts School Building Authority

Deborah B. Goldberg  
*Chairman, State Treasurer*

James A. MacDonald  
*Chief Executive Officer*

John K. McCarthy  
*Executive Director / Deputy CEO*

July 12, 2017

Mr. Adam Chapdelaine, Town Manager  
Town of Arlington  
730 Massachusetts Avenue Annex  
Arlington, MA 02476

Re: Town of Arlington, Arlington High School, Owner's Project Manager Approval Letter

Dear Mr. Chapdelaine:

Pursuant to the provisions of G.L. c. 149, s. 44A ½ and 963 CMR 2.11, the Town of Arlington (the "Town") is required to procure the services of an Owner's Project Manager (an "OPM") for the Arlington High School project using a qualifications based selection process. As required by 963 CMR 2.11 (3), the Town has certified in writing to the Massachusetts School Building Authority (the "MSBA") that it has used a qualifications based selection process that complies with Massachusetts law. Pursuant to 963 CMR 2.11 (2) and G.L. c. 70B, s. 2, the Town has requested in writing that the MSBA approve its selection of Skanska USA Building, Inc. as the OPM for the Arlington High School project.

The MSBA has reviewed the information submitted by the Town in support of its selection of Skanska USA Building, Inc. Based upon the information provided by the Town, the MSBA hereby approves its selection of Skanska USA Building, Inc. for the Arlington High School project and to the key personnel and consultants identified by Skanska USA Building, Inc. in the proposal that was submitted to the Town and reviewed by the MSBA, and as presented to the MSBA's Owner's Project Manager Review Panel on July 10, 2017. The MSBA's approval is specific to Skanska USA Building, Inc. and to the key personnel identified by Skanska USA Building, Inc. in the proposal that was submitted and reviewed by the MSBA. Pursuant to the provisions of 963 CMR 2.11 (4) and the applicable requirements of any agreements between the MSBA and the Town, any change in the OPM or its key personnel, as described in the attached organizational chart, must be approved in writing by the Town and the MSBA. The MSBA's approval is also based upon the Town's representation that the Eligible Applicant for the Town has designated Adam W. Chapdelaine, Town Manager, as the individual who shall have the authority to act on behalf of the Owner, under its contract with the OPM, and who shall be responsible for day-to-day communication between the Owner and the OPM. Any change in this designation must be approved in writing by the MSBA.

Please note the MSBA's approval of the Town's selection is subject to the provisions of 963 CMR 2.11 which, among other things, allows the MSBA to rescind its approval and/or to direct the removal of the OPM under certain circumstances. The MSBA retains the right to rescind its approval of the Town's selection of Skanska USA Building, Inc. and to deny and/or recoup reimbursement for expenditures or costs related to the Owner's Project Manager services if Skanska USA Building, Inc. does not perform its services to the satisfaction of the MSBA. The MSBA's approval is further subject to the execution of a contract between the Town and Skanska USA Building, Inc. in a format that is satisfactory to the MSBA, utilizing any standard contracts, forms, and provisions that the MSBA may require, including the completed MSBA System Access Request form which is described below. Please forward a hard copy and an electronic copy of the fully executed contract between the Town and Skanska USA Building, Inc. to Katie DeCristofaro, Capital Program Manager, at the MSBA by July 26, 2017.

It will be the Town's responsibility to monitor the performance of Skanska USA Building, Inc. to ensure that they perform their obligations in a satisfactory manner, and to enforce the provisions of its contract with Skanska USA Building, Inc. Among obligations of the OPM that are detailed within the MSBA's standard contract is the requirement for the OPM to submit monthly reports to the MSBA. The Town shall verify that the OPM submits its monthly reports on time and in the form and manner determined by the MSBA. OPM Reports shall be submitted to the MSBA by the OPM using the MSBA's online OPM Report System. In order to activate and use this system, the Town must complete and submit the attached MSBA System Access Request form. The completed form must be delivered to Katie DeCristofaro, Capital Program Manager, at the MSBA by July 26, 2017.

The Town must comply with all provisions of law and all conditions imposed by any agreements executed between the MSBA and the Town, including, but not limited to, a Feasibility Study Agreement, a Project Scope and Budget Agreement, and a Project Funding Agreement, related to the provision of services by an OPM. The MSBA maintains its right to withhold reimbursement of costs and expenditures associated with OPM services if the Town fails to comply with the applicable terms and conditions of its agreements with the MSBA or any administrative directives issued by the MSBA, now in effect or hereafter promulgated. The MSBA's decision to approve the Town's selection of an OPM, to approve changes in the OPM, or its key personnel, or decline to exercise any of its rights in relation to the selection or performance of the OPM, shall not be construed as a waiver of the MSBA's right to review, audit, and disallow costs incurred by the Town in relation to OPM services, to withhold reimbursement, or to take any other actions available to the MSBA under the law or under its agreements with the Town.

The MSBA shall bear no liability of any kind whatsoever for any claims directly or indirectly occurring out of the MSBA's approval of the Town's selection of the OPM, the MSBA's approval or non-approval of changes in the OPM or its key personnel, the MSBA's decision to rescind its approval or to direct the removal of an OPM, or any other alleged acts or omissions on the part of the MSBA related to the selection, performance, acts or omissions of the Owner's Project Manager.

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Arlington Owner's Project Manager Approval Letter

If you have any questions, please do not hesitate to contact me or Brian Lynch  
(Brian.Lynch@MassSchoolBuildings.org) at 617-720-4466.

Sincerely,



Mary Pichetti  
Director of Capital Planning

Attachments:

Skanska USA Building, Inc. Project Team Organizational Chart  
OPM System Access Request Form – OPM Report System User

Cc: Legislative Delegation  
Joseph A. Curro, Jr., Chair, Arlington Board of Selectmen  
Ruthy Bennett, Facilities Director, Town of Arlington  
Jeff Thielman, Chair, Arlington School Committee  
Dr. Kathleen Bodie, Superintendent, Arlington Public Schools  
Jim Burrows, Owner's Project Manager, Skanska USA Building, Inc.  
File: 4.1 OPM Selection (Region 4)

5. List ONLY Those Prime and Sub-Consultant Personnel identified as Key personnel in the Response to Request for Services. This Information Should Be Presented Below in The Form Of An Organizational Chart modified to fit the firm's proposed management approach. Include Name of Firm And Name Of The Person:

