

A White Paper on the Scope of Services
Schematic Design/Design Development Proposal

Prepared for the Town of York's
Board of Selectmen

by

The Village Study Committee

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INTRODUCTION

On July 6, by a 3-2 vote the Board of Selectmen (BOS) approved a motion to award a contract to the consultants of TDRC in the amount of \$304,060 for a detailed scope of services proposal to advance the Village Master Plan. The TDRC proposal had been approved unanimously by the Village Study Committee (VSC). The two dissenting BOS votes appear to have been based largely on financial concerns. We understand those concerns; the cost of producing design and engineering documents is no small matter.

In the weeks leading up to the Board meeting, the VSC had several conversations with Regina Leonard about the importance of keeping costs under control. The phrase “sharpen your pencil” used by some members of the Board was the same phrase we had used in instructing TDRC’s consultants about cost containment. Having said this, the cost of the proposal is high because the scope of services is so large. This is discussed in the Scope of Work section below.

The fact that the motion passed was a relief to us but the fact that the vote was close made us wish that we had asked to address the concerns expressed by some Board members prior to the vote. We look at the pending reconsideration as an opportunity to address Board members’ concerns.

THE RFQ PROCESS

In 2014, the BOS authorized the Village Study Committee to identify the best firm we could find to create a master plan in preparation for the village revitalization effort. Six groups submitted their credentials. Two were eliminated at the outset and four were invited to face-to-face interviews. The competition led us to TDRC, a collaborative about which we were very enthusiastic and with which we remain well pleased.

When we asked the Board to authorize the search for a firm to produce the *York Village Masterplan, Design & Construction Documentation* it was understood to be an RFQ and NOT an RFP process. Unlike an RFP process typically used for buying a uniform product (e.g., a lawn mower), where everyone is bidding on identical equipment and where price is the only variable, the RFQ process was meant to identify the best provider of a range of professional services. In our RFQ process, the prices of the various scope of service proposals would be put forward without our being able to know in advance exactly what the final products will look like.

An analogy might prove useful: it is as though we were preparing to buy a custom built home rather than a prefabricated house at a fixed price. In such a case, you might work with an architect, a landscaper, an interior designer, a general contractor and others who could help you articulate what you want; who can produce the necessary plans, drawings and documents. In similar fashion, we chose a team we believed would be the best partner for seeing the complex Village project through to the end.

The Master Plan was the first tangible result of that RFQ process. The design and engineering documents will be the second product. Is it expensive? Yes, but the Committee believes it will be money well spent. Developing the scope of services proposal has been an iterative process that took place over the course of several months. Between May and July 2015, TDRC's lead consultant Regina Leonard met with members of the Committee at least five times to discuss and develop the proposal and the project approach.

In addition, there were countless of behind-the-scenes hours on the part of both the Committee and the consultant team to refine the professional services, deliverables and the associated fees.

DESIGN COSTS

The first expense the Board agreed to undertake was the production of the Master Plan. The quality of that work has been acclaimed by many who have read it. It is a 260 page compendium of vetted ideas designed to make historic York Village into a revitalized and vibrant center for residents, business owners and tourists. The bill for that part of the project was \$143,000. People should understand that the money to pay for the Master Plan came from State funds; not from Town funds.

The proposed design and engineering work will add another \$304,060 to the cost. And there will be more costs in the future. Technical, engineering and professional services do not come cheaply. However, we have come to appreciate that the demands we imposed on TDRC's consultants have added to the cost of the overall design. The reason the scope is as proposed is because that standard will help us meet the MDOT's criteria for Locally Administered Projects (LAP). Meeting the LAP standard added costs but it also increased the likelihood that we will obtain additional funding to support the construction phase which we would like to see begin in 2017; seven years after the revitalization effort began.

CONSTRUCTION COSTS

Let us turn to the cost of the project itself. How much will it take to execute the Master Plan? The truth is that we don't yet know with certainty. The Master Plan provided a preliminary figure for above ground improvements of \$3.568 million. This figure is an estimate based on a conceptual level of design.

As we move through design development, those costs will be refined and we will have greater certainty. At a 75% design, the cost estimate for construction may be lower or higher than the Master Plan suggests depending on decisions and factors specific to this next phase of work (e.g., material selections). In any case, we are working hard to obtain the money for the construction from outside the Town; beyond taxpayers.

The Master Plan also estimates the cost of underground improvements. This is projected to be somewhere between \$3.9 and \$7.9 million — depending on the extent of the removal and relocation of above-ground utilities. *The Master Plan Comprehensive Report* (page 82) speaks of two different segments identified as the Upper and the Lower Villages. According to the Report:

These two sections are two distinct electrical portions within the Village. The "Upper Village" portion is three phase power and extends along Long Sands Road, just west of Woodbridge Road, continuing by the monument (including service to York Hospital), and heading northwest on York Street stopping just past Jefferds Tavern. The "Lower Village" portion is single phase and extends along York Street from Doctor's Lane southeast to just south of Williams Avenue.

The lesser option for underground utilities would reduce the extent and the cost of the project by removing portions of the overhead-to-underground conversion for Lindsay Road, York Hospital, Williams Avenue and the Library drive.

There might be other ways to cut this cost further, but we won't know the actual expense until we have completed the geotechnical survey; until test borings are done and we can see the extent and the quality of the ledge under York Street. Clearly, if the cost of burying the utilities is too great, it will not be proposed.

OPPORTUNITY COSTS

Another issue raised during the July 6 Board meeting was opportunity costs — what must remain undone because the available funds are used for planning rather than some other aspect of Village improvement. While it is true that every expenditure makes alternative expenditures impossible, it is an oversimplification to think that we could, for example, build sidewalks in the village if we don't spend it on planning. Even the most essential construction involving curbs and sidewalks will require substantial engineering work ahead of any construction.

FUNDING SOURCES

It should be clear to all parties that the source of the funds to pay for the construction documents — even at the 75% level proposed — is not York's taxpayers. Thanks to Dean Lessard's prodigious success in obtaining money from MDOT, sufficient funds remain from non-municipal sources to pay for all the work done and proposed to date. The Village revitalization project has not cost the taxpayers of York a dime thus far — including the work being reconsidered by you now.

In addition, as Selectman Frederick suggested last time, the committee has volunteered thousands of hours to make this Board-commissioned project a reality. Our rough calculation is that since July 2011, members of the committee have attended at least 85 regular committee meetings. In addition, there have been innumerable sub-committee meetings, public events,

joint meetings with other Town committees, private meetings and telephone calls with consultants, business owners, citizens and town officials, as well as an unknown number of hours spent preparing for these different events and activities. All of this time has been donated by members of the committee.

As proof of our intent to secure external funding, we are happy to note that another tranche of State/Federal funds in the amount of \$545,000 was approved last week by the Kittery Area Comprehensive Transportation System (KACTS) for purposes of beginning implementation of the Master Plan. That money will make possible the first phase of construction — assuming that the offer is accepted by the Town.

We believe that further funding can be expected from KACTS next year and that other grants will be forthcoming from various sources in response to proposals we intend to submit on behalf of the Town. Ideally, the entire project can be completed with a clear majority of funds coming from grants and not from taxpayers.

SCOPE OF WORK

You've all read the scope of work proposed so you know that it is extensive. The scope of services document describes a cohesive multi-disciplinary project with eight complementary areas of focus and expertise. With the possible exception of the signage program, these are intertwined and necessary project components.

The proposed work of the design and engineering efforts involves half a dozen different consultants each working collaboratively on this effort:

- **Regina S. Leonard** the prime consultant and project manager responsible for schematic design, streetscape, landscape and overall project coordination.
- **Landmark Corporation** survey and civil engineering focused on utilities and stormwater design.
- **Malone and MacBroom** traffic engineering doing roadway alignment, civil engineering focused on roadway infrastructure, and administration/management of the LAP process.
- **Bennett Engineering** underground utility assessment, responsible for lighting and electrical design.
- **Summit Geo-engineering Services** who will do the geotechnical investigation and assessment.
- **Gamble Design**, specialists in environmental graphic design. They will be responsible for the sign program development, including public outreach.

To the various consultant fees are added overhead, direct expenses and a 4% contingency. The total — \$304,060 — is admittedly a lot of money but it is also a tremendous amount of work, the extent of which can only be done by an integrated team of collaborating professionals as represented in the TDRC consultants' proposal.

ALTERNATIVE SCENARIOS FOR COST REDUCTION

We have talked about three different scenarios of possible cost reduction. The first would be to reject the TDRC proposal and ask them to give us a revised cost estimate. One way this might be done, would be to cut back the extent of the work at this time — from 75% to 50%. This would reduce the current costs though it also would mean deferring the expense to a later time.

A logical variation on this would be to ask for lower costs for different parts of the scope of work proposed. Frankly, we have been through this with TDRC's consultants and are persuaded that further requests for "pencil sharpening" would not be very fruitful. Regina Leonard and her team have given us a good faith effort to meet the demands we placed upon them. We recommend against these options.

A second way to reduce the cost would be to accept the proposal but to reduce its scope. This would mean essentially unbraiding one or more of the technical services described in the scope and deleting it. The committee considered and rejected this idea prior to its being raised by the Board.

In particular, we talked about deleting the signage program (something that came up during the Board's previous discussion as well). The Committee talked about saving the \$32,000 fee and asking qualified people from the community to engage that part of the work on a volunteer basis.

While we would like to see this work included with the rest of the project, if dropping the signage program from the scope of services will make the rest of the proposal acceptable to the Board, we would accept deleting it. We believe, however, that it would be unwise to drop any other parts of the proposed program because we think keeping each element linked to each other element is the best way to achieve a comprehensive and coherent revitalization campaign.

The third way would be to look for another team of consultants to take over for TDRC. We definitely do not recommend this approach either. If the Board were to reject the current proposal, the Village Revitalization effort would be stymied. If the Board were to demand that a new competitive bid process be initiated, we would have to go back to the list of firms we interviewed last Summer. If we were to cut TDRC loose and contract with someone else to pick up the work, it is highly unlikely that it could be done at a bargain price by another collaborative firm.

We simply do not believe that a coalition of firms from Cambridge (the runner up in the RFQ process) or elsewhere would be likely to submit a scope of services comparable to that submitted by TDRC's consultants that would be significantly less expensive than the one before you. Further, to begin again with someone else would impose an unreasonable delay on the process depending on how quickly a new team could review the work already completed and get up to speed.

Finally, given that the consultants' proposal and their associated fees are now public knowledge, it would be unfair to ask others to bid on the same work — especially in light of the hundreds of hours TDRC's consultants have invested in developing their unique proposal. The bottom line is that we proposed an RFQ process and the Board accepted it. Where we are at now is a consequence of that decision.

CONCLUSION

This next phase of the project might be done a little more cheaply but doing it cheaper is neither clear cut nor wise. We believe that to make major changes in the process at this point would be wrong. Further, we think that accepting the proposal as submitted by TDRC's consultants stands the greatest chance of success in securing external funds and in producing a great redesign for York Village.

In the four years since the Village Study Committee was formed by the Board (May 2011), we have worked deliberately, responsibly and with unprecedented transparency. In order to keep the Board informed, we have made numerous regular progress reports beginning in January 2012; roughly once every four to six months. By our count, we have appeared before the Board at least ten times to report on the Committee's progress. Each of these presentations is documented in text and by streaming video on the www.yorkvillage.org website.

In addition, we have provided numerous other reports, letters, public presentations and joint workshops. Design workshops held during the Master Planning process attracted more than two hundred attendees. The plan, of which the Schematic Design/Design Development documents are a critical part, has evolved over a lengthy period of time and out in the open.

We suggest that the Committee has done everything it could have to earn the trust of the Board and of the people of York. We believe that due diligence has been done in delivering TDRC's latest scope of services proposal. Rejecting the proposal at this point would throw a monkey wrench into the workings of the revitalization project, effectively derailing something that York has talked about since the 1940's.

We urge each of you voting on this matter to cast your vote in the affirmative and allow us to continue the work you began four years ago.