

**COTUIT FIRE DISTRICT
PRUDENTIAL COMMITTEE MEETING
COTUIT, MA 02635
December 30, 2024**

The meeting was called to order by Mark Lynch on December 30, 2024 @6:02pm via Zoom.

Mark did a roll call:

Present: Mark Lynch, Fran Parks

Also present is Jannelvy Martinez – Procurement Consultant

Mark led the Committee in the Pledge of Allegiance via Zoom

Public Comment:

- No public comment

Minutes from previous meeting

- Not discussed

Purpose of the 12.30.2024 meeting

- At the last meeting, response was reviewed and it was unanimously agreed upon that the response to the RFP was not accepted and now moving onto next steps to get the study completed in a timely basis
- Mark distributed a chart summarizing the complex MA Procurement Laws to everyone and wanted to make sure that everyone was on the same page. Committee is now trying a different process and he wants to make sure that the law is being followed.
- Mark asked Jannelvy if she looked at the chart and what law applies to the committee's current attempt to secure the services of a firm to take on the study.
 - Jannelvy stated that she sent an email to the one proposer who did not meet the minimum qualifications explaining same.
 - Committee moved forward to see if any of the other potentially interested parties that had reached out during the RFP process was still available and to get feedback on the proposal that the Committee put out and what other firms would look at if they wanted to participate in any other process that the Committee takes.
 - On the chart that Fran provided, Page 5, M.G.L c 7C §44-58 is the “Designer Selection” law which is the designer services for public bidding projects
 - Specific law for design services when looking for Architects and Engineers – when one already knows what they want to do with construction
 - Prudential Committee is still in the Feasibility Study phase which is going to determine what the estimated construction cost will be.
 - IF the Construction fee were over \$300,000.00 or the design fee was over \$30,000.00 then the Committee would do the Qualification based selection process – which is very similar to what the Committee did as a proposal process

- On page 6 of the chart, which is Chapter 30b – Procurement of Supplies and Services (for over \$50,000.00)
 - This is generally the procedure that the Committee followed – which was a sealed bid for a sealed proposal process
- Mark stated that he believed that the Committee was going to proceed under M.G.L c 7C §44-58?
 - Jannelvy stated that the Committee is proceeding with 7C and 30b – either procedure is the law
- Mark asked what statute the Committee is going to proceed under and what limitations does that statute provide?
 - Jannelvy stated that the Committee still follows 30b and the procedure to hire an architect is exempt.
- Mark asked if, when contacting different firms/companies, does the Committee tell them the budget or does the Committee wait and see what the firm/company comes back with regarding what they think the budget should be in terms of the applicability of the law?
 - Jannelvy stated that, in communication with different firms/companies, the Committee could state, “Please let us know how much your estimated cost would be to help us with this Feasibility Study.”
 - If the response comes back with a quote that is over the budget, then the Committee does not have to take the proposal OR negotiate the price.
 - To answer Mark’s question regarding which statute the Committee falls in, she stated that architecture and engineering services are exempt from the law in total as a whole. The Committee is following a procurement procedure as best practice/sound business practice but the Committee does not have to. If the Committee wanted to call an architect right now and they responded with a price that the Committee liked, they could procure their services just by getting a quote and moving forward.
- Mark asked if, presumably, the Committee would have to compare multiple quotes, or can they?
 - Jannelvy stated that they could do that based off of whatever criteria would like to because of the exemption but the Committee chose to get quotes to show the community that the Prudential Committee is following best practice in trying to find the best price – this is the Committees option for best transparency.
- Mark stated that he had a conversation with Catalyst (organization that is undertaking on the Fire Department design) and Habib and Assoc. (organization that undertook the original assessment of the Cotuit Elementary school by Town of Barnstable).
 - Both had very similar comments about why they did not bid on this in the first instance, completely relating to the RFP.
 - Committee had multiple different scenarios regarding how much of the building would be maintained, multiple scenarios regarding use of parts that would remain, detailed requests for information that would have required the hiring of subcontractors.
 - Originally wanted to get this resolved ahead of ADM (May 2025) so, end of April 2025.
 - Warrants need to be submitted 30-days ahead of ADM – end of April 2025.

- Mark stated that he thinks that it should be pared down and making it simpler while complying with the language of the SDM warrant.
 - Mark and Fran discussed different language options to be made
- Mark stated that the revisions/simplified plan should be sent out to the following:
 - Habib and Assoc.
 - Catalyst
 - Coastal Engineering (acquired by Tighe and Bond)
- Mark asked Jannelvy how to contact these firms?
 - Jannelvy stated that the tasks and scope of the services could be edited and send a follow up email to Catalyst and Habib
 - Regarding Tighe and Bond, Jannelvy suggested calling them first
 - Email is following the Procurement procedure as well
- Mark asked for the language to be used in asking the firms?
 - Jannelvy stated that the language of, “What’s your estimated cost to complete this study?”
- Mark asked if they forward the revised scope of services?
 - Jannelvy stated that it could be revised and cut down to the introduction and the scope of services.
- Mark stated that he would call Tighe and Bond on December 31, 2024, and give them the same introduction that he gave to Catalyst and Habib and ask them if the Committee could send them the scope of services and see what kind of response is received.
- Mark stated that the scope of services still follows the language in the SDM and it needed to be simplified due to the poor response to RFP and based on the feedback from Habib and Catalyst regarding the scope of services.
- Fran made a Motion to contact Habib, Catalyst and Tighe and Bond with amended scope of services and see if they are interested in the project. Mark seconded. All in favor.

Public Comment:

- No public comment

Jen stated that the Water Department has used Tighe and Bond and that they may be familiar with the district.

Mark asked Jen for a contact name at Tighe and Bond as he prefers not to call them unexpectedly. Jen answered Emma Larkin and Sean(?) and Jen would send Mark the contact information.

Jen also stated that Tighe and Bond is pronounced “Ty and Bond” (“G” is silent).

Mark entertained a Motion to Adjourn. Fran Seconded. So moved. All in favor.