

District: City of New Bedford  
 School Name: John B. DeValles School  
 Recommended Category: Project Scope and Budget  
 Date: December 6, 2023

**Recommendation**

That the Executive Director be authorized to enter into a Project Scope and Budget Agreement and a Project Funding Agreement with the City of New Bedford (the “District”) to consolidate the student population of the existing John B. DeValles Elementary School and the James B. Congdon Elementary School and construct a new facility serving grades K-5 on an alternative site referred to as the Goodyear site.

The District plans to acquire the land on the proposed project site through an eminent domain taking. Therefore, the MSBA Board's authorization to enter a Project Scope and Budget Agreement and a Project Funding Agreement, will be conditioned upon the District meeting the MSBA requirements for ownership, control, and use of the proposed project site. If the land is taken by eminent domain, M.G.L. Chapter 79, Section 3 states that “Upon the recording of an order of taking, title to the fee of the property taken or to such other interest therein as has been designated in such order shall vest in the body politic or corporate on behalf of which the taking was made; and the right to damages for such taking shall thereupon vest in the persons entitled thereto unless otherwise provided by law.” If the District shall acquire the land by eminent domain, the MSBA will consider the contingency for the land acquisition to be satisfied once the requirements of Chapter 79 have been met to permit the District to use the property for the purposes of school construction as set forth in the District’s Preferred Schematic, and the MSBA has received a certification from the District’s legal counsel, in a form required by the MSBA. The MSBA recognizes that the original property owner from which the property interest is being taken has three years to challenge the taking and the amount paid for the property interest.

Additionally, the District's proposed project may be subject to the review of the Massachusetts Environmental Policy Act Office ("MEPA Review"). Therefore, the MSBA Board's authorization to enter a Project Scope and Budget Agreement and a Project Funding Agreement will be conditioned upon the District fulfilling any applicable MEPA requirements associated with a MEPA Review.

<b>District Information</b>	
District Name	City of New Bedford
Elementary School(s)	Abraham Lincoln ES (K-5) Alfred J Gomes ES (K-5) Betsey B Winslow ES (K-5) Carlos Pacheco ES (PK-5) Casmir Pulaski ES (PK-5) Charles S Ashley ES (K-5) Elizabeth Carter Brooks ES (K-5) Ellen R Hathaway ES (PK-5) Elwyn G Campbell ES (PK-5) Hayden/McFadden ES (PK-5) James B Congdon ES (K-5)

<b>District Information</b>	
	Jireh Swift ES (PK-5) John Avery Parker ES (PK-5) John B. DeValles ES (K-5) John Hannigan ES (PK-5) Renaissance Community school for the Arts ES (PK-5) Sgt H Carney Academy ES (PK-5) Thomas R Rodman ES (K-5) William H Taylor ES (PK-5)
Middle School(s)	Keith Middle School (6-8) Normandin Middle School (6-8) Roosevelt Middle School (6-8)
High School(s)	Trinity Day Academy MS/HS (4-12) Whaling City JR/SR HS (6-12) New Bedford High (9-12)
Priority School Name	John B. DeValles Elementary School
Type of School	Elementary School
Grades Served	K-5
Year Opened	1912
Existing Square Footage	57,030
Additions	N/A
Acreage of Site	2.5 acres
Building Issues	The District identified deficiencies in the following areas: <ul style="list-style-type: none"> <li>– Structural integrity</li> <li>– Mechanical systems</li> <li>– Electrical systems</li> <li>– Plumbing systems</li> <li>– Envelope</li> <li>– Windows</li> <li>– Roof</li> <li>– Accessibility</li> </ul> <p>In addition to the physical plant issues, the District reported that the existing facility does not support the delivery of its educational program as well as existing and projected overcrowding.</p>
Original Design Capacity	Unknown
2022-2023 Enrollment	304 Students
Agreed Upon Enrollment	760 Students
Enrollment Specifics	The District and MSBA have mutually agreed upon a design enrollment of 760 students serving grades K-5.
Total Project Budget – Debt Exclusion Anticipated	No

<b>MSBA Board Votes</b>	
Invitation to Eligibility Period	April 15, 2021
Invitation to Feasibility Study	December 15, 2021
Preferred Schematic Authorization	June 21, 2023
Project Scope & Budget Authorization	On December 13, 2023 Board agenda

Reimbursement Rate Before Incentives	80.00%
Incentive Points <sup>1,2</sup>	1.65 – Maintenance 4.00 – Energy Efficiency – “Green Schools” <sup>1</sup>
Total Reimbursement Rate <sup>1,2</sup>	80.00%

<sup>1</sup>The MSBA has provisionally included three (3) incentive points for energy efficiency, and one (1) incentive point for indoor air quality, subject to the District meeting certain sustainability requirements for the project. If the District does not meet the requirements of the Green Schools Program, the District will not qualify for some or all of these incentive points, and the MSBA will adjust the reimbursement rate accordingly.

<sup>2</sup>By statute, 80% is the City's maximum reimbursement rate. Here, the City's base reimbursement rate is 80% before applying any incentive points. After applying the energy efficiency and maintenance incentive points, this results in a maximum reimbursement rate of 80%.

<b>Consultants</b>	
Owner’s Project Manager (the “OPM”)	P-Three Inc. in collaboration with Atlantic Construction & Management, Inc
Designer	Turowski2 Architecture, Inc.

## Discussion

MSBA staff reviewed the documents provided by the District and met with the District and its consultants to discuss the project’s scope and budget. The District has provided a Total Project Budget of \$119,689,799, which includes an estimated construction cost of \$96,578,877 (\$778/sq. ft.). The Estimated Basis of Total Facilities Grant would be \$87,566,893, which excludes costs associated with legal fees, OPM fees in excess of 3.5% of construction costs, Designer fees in excess of 10% of construction costs, construction costs beyond MSBA funding limits plus eligible demolition and abatement, costs associated with additional testing services for hazardous materials, costs associated with mailing and moving, costs in excess of the \$1,200 per student allowance for fixtures, furniture, and equipment, costs in excess of the \$1,200 per student allowance for technology, and owner’s and construction contingency costs.

<b>Project Scope and Budget Agreement</b>	
Enrollment: 760	District’s Proposed
Proposed Total Square Feet: 124,160	Project Budget
Project Budget <sup>1</sup>	\$114,377,961
Scope Exclusions/Ineligible Costs	-\$26,811,068
Estimated Basis of Total Facilities Grant	\$87,566,893
Reimbursement Rate	80.00%
Estimated Maximum Total Facilities Grant before Cost Recovery <sup>2</sup>	\$70,053,514
Cost Recovery	\$0
Estimated Maximum Total Facilities Grant <sup>2</sup>	\$70,053,514
Potentially Eligible Owner’s and Construction Contingencies	\$1,448,683
Potential Additional Grant Funds for Eligible Owner’s and Construction Contingency Expenditures	\$1,158,946
Total Project Budget	\$119,689,799
Maximum Total Facilities Grant <sup>3,4</sup>	\$71,212,460

<sup>1</sup>Does not include Owner’s or Construction Contingencies.

<sup>2</sup>Does not include any grant funds for potentially eligible Owner's or Construction Contingency Expenditures; subject to MSBA review and audit.

<sup>3</sup>Includes maximum possible Owner's and Construction Contingency grant funds, the final amount of which, if any, shall be determined by the MSBA in its sole discretion. The MSBA does not anticipate that the District will expend all of its contingency funds on expenses that are eligible for MSBA reimbursement.

<sup>4</sup>Maximum Total Facilities Grant will be allocated in part to the current Grant Cap, and in part to future available Grant Cap space.

MSBA staff recommends an Estimated Maximum Total Facilities Grant of \$70,053,514; however, the District may be eligible for up to an additional \$1,158,946 in grant funds, subject to the MSBA's review and audit of the District's owner's and construction contingency expenditures. Accordingly, staff recommends a Maximum Total Facilities Grant of \$71,212,460 for the Project Scope and Budget Agreement and Project Funding Agreement to consolidate the student population of the existing John B. DeValles Elementary School and the James B. Congdon Elementary School and construct a new facility serving grades K-5 on an alternative site referred to as the Goodyear site, which said MSBA Board authorization shall be conditioned upon the District fulfilling (1) any applicable MEPA requirements associated with a MEPA Review and (2) meeting the MSBA requirements for ownership, control, and use of the proposed project site.