



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

September 20, 2021

Ms. Karen Maguire, Superintendent-Director
Tri-County Regional Vocational Technical School District
147 Pond Street
Franklin, MA 02038

Re: Tri-County Regional Vocational Technical High School, Tri-County Regional Vocational Technical School District, Owner's Project Manager Approval Letter

Dear Superintendent Maguire,

Pursuant to the provisions of G.L. c. 149, s. 44A ½ and 963 CMR 2.11, the Tri-County Regional Vocational Technical School District (the "District") is required to procure the services of an Owner's Project Manager (the "OPM") for the Tri-County Regional Vocational Technical High School project using a qualifications based selection process. As required by 963 CMR 2.11 (3), the District 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 District has requested in writing that the MSBA approve its selection of Dore & Whittier Management Partners, LLC as the OPM for the Tri-County Regional Vocational Technical High School project.

The MSBA has reviewed the information submitted by the District in support of its selection of Dore & Whittier Management Partners, LLC. Based upon the information provided by the District, the MSBA hereby approves its selection of Dore & Whittier Management Partners, LLC for the Tri-County Regional Vocational Technical High School project and to the key personnel and consultants identified by Dore & Whittier Management Partners, LLC in the proposal that was submitted to the District, reviewed by the MSBA and presented to the MSBA's Owner's Project Manager Review Panel on September 13, 2021. The MSBA's approval is specific to Dore & Whittier Management Partners, LLC and to the key personnel identified by Dore & Whittier Management Partners, LLC 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 District, any change in the OPM or its key personnel, as described in the attached organizational chart, must be approved in writing by the District and the MSBA. The MSBA's approval is also based upon the District's representation that the Eligible Applicant for the District has designated Karen Maguire, Superintendent-Director, Tri-County Regional Vocational Technical School District 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 District'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 District's selection of Dore & Whittier Management Partners, LLC and to deny and/or recoup reimbursement for expenditures or costs related to the OPM services if Dore & Whittier Management Partners, LLC 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 District and Dore & Whittier Management Partners, LLC 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 District and Dore & Whittier Management Partners, LLC to Katie DeCristofaro, Capital Program Manager, at the MSBA by October 1, 2021.

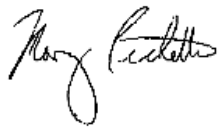
It will be the District's responsibility to monitor the performance of Dore & Whittier Management Partners, LLC to ensure that they perform their obligations in a satisfactory manner, and to enforce the provisions of its contract with Dore & Whittier Management Partners, LLC. Among obligations of the OPM that are detailed within the MSBA's standard contract is the requirement for the OPM to submit monthly reports to the MSBA. The OPM shall submit to the District no later than the twelfth day of each calendar month. The OPM shall begin submitting monthly progress reports on the first reporting date following the month in which the OPM receives an approval letter from the District. The District 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 District 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 October 1, 2021.

The District must comply with all provisions of law and all conditions imposed by any agreements executed between the MSBA and the District, 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 District 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 District'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 District 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 District.

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 District'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.

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

Sincerely,



Mary Pichetti
Director of Capital Planning

Attachments:

Dore & Whittier Management Partners, LLC Project Team Organizational Chart
OPM System Access Request Form – OPM Report System User

Cc: Legislative Delegation
Brian Mushnick, Chair, Tri-County Regional Vocational Technical High School
Committee
Greg St. Lawrence, Vice-Chair, Tri-County Regional Vocational Technical High School
Committee
Daniel Haynes, Business Manager, Tri-County Regional Vocational Technical School
Mike Burton, Owner's Project Manager, Dore & Whittier Management Partners, LLC
File: 10.2 Letters (Region 5)

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:

