



Massachusetts Commission Against Discrimination Meeting Minutes

Date/Time: March 13, 2023, 2:00PM
Place: Massachusetts Commission Against Discrimination
VIA ZOOM WEBINAR
<https://us02web.zoom.us/j/87015101075?pwd=WUQwTlZteXpNVlPcjlhdm5tdXlwUT09>
Passcode: 318977
VIA CONFERENCE CALL NUMBER: 1-305-224-1968
Webinar ID: 870 1510 1075 | Passcode: 318977

The Commission conducted this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

All documents and presentations related to this agenda will be available for review on the MCAD website.

Commissioners Present:

Chairwoman Sunila Thomas George
Commissioner Monserrate Rodríguez Colón
Commissioner Neldy Jean-Francois

1. Call to Order

Chairwoman Thomas George called to order today's public meeting of the Massachusetts Commission Against Discrimination at 2:05 p.m. Roll call attendance was conducted; Commissioners Rodríguez Colón and Jean-Francois were present.

Roll Call Vote:

<i>Chair Sunila Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

2. Executive Session

Chairwoman Thomas George called for a roll call vote to go into executive session at 2:09 p.m., under M.G.L. c. 30A, § 21(a)(6), to consider the lease of real property, specifically to discuss and approve a successful bidder to the agency's procurement of office space in the City of Worcester based on agency recommendations.

Roll Call Vote:

Chair Sunila Thomas George *Aye.*

Commissioner Rodríguez Colón *Aye.*

Commissioner Jean-Francois *Aye.*

The motion passed unanimously.

The Commissioners reviewed the March 7, 2023 memorandum and Interim Executive Director Michael Memmolo provided the Commissioners with additional information regarding other tenants located at one of the potential office locations. Interim Executive Director Memmolo then went on to describe the current layout and front desk receptionist coverage. The procurement team has recommended three properties to the Commissioners. Interim Executive Director Memmolo addressed the questions and concerns made by the Commissioners regarding the proposed lease, interior office layout, on-site employee parking, and amenities provided by the building owner. Chairwoman Thomas George stated the recommendation from the procurement team and the Division of Capital Asset Management and Maintenance (DCAMM) for MCAD office space in the City of Worcester is located at 18 Chestnut Street. Chairwoman Thomas George called for a roll call vote at 2:54 p.m. to approve a 5-year lease on the 18 Chestnut Street, Worcester office location. Interim Executive Director Memmolo advised the Commissioners of the next steps, which would be notifying DCAMM of the Commissioners vote and he will have a meeting with the property manager, so the lease is reflective of the concerns and clarification on what was mentioned by the Commissioners. The draft lease will have the Commissioner's full review, prior to finalization.

Roll Call Vote:

Chair Sunila Thomas George *Aye.*

Commissioner Rodríguez Colón *Aye.*

Commissioner Jean-Francois *Aye.*

The motion passed unanimously.

3. Adjournment - The meeting concluded at 2:58 p.m.

Motion to adjourn by Commissioner Monserrate Rodríguez Colón. Seconded by Commissioner Neldy Jean-Francois.

Roll Call Vote:

Chairwoman Sunila Thomas George *Aye.*

Commissioner Rodríguez Colón *Aye.*

Commissioner Jean-Francois *Aye.*

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated March 13, 2023
2. Worcester Office Procurement; Analysis and Recommendation

MEMORANDUM

TO: FULL COMMISSION
FROM: MICHAEL MEMMOLO, INTERIM EXECUTIVE DIRECTOR
KENNETH CALLAHAN, CHIEF OF OPERATIONS
MELANIE LOUIE, FISCAL OFFICER
SUBJECT: WORCESTER OFFICE PROCUREMENT; ANALYSIS AND
RECOMMENDATION
DATE: MARCH 7, 2023

Background

During its meeting on July 12, 2022, the Commissioners approved the Interim Executive Director to begin the procurement process for a successor Worcester office, based on the criteria¹ agreed to by a quorum of the Commissioners during that meeting. The procurement process was started on July 15, 2022 and the Request for Proposal (RFP) for a new MCAD Worcester office was published on October 24, 2022. Per the Division of Capital Asset Management and Maintenance (DCAMM) procurement process, the RFP notice was posted in the Worcester Telegram and Gazette, print and electronic versions, as well as on the Massachusetts Public Notice website for the weeks of November 7, 2022, November 14, 2022, November 21, 2022 and November 28, 2022.

The RFP proposal deadline was set for December 8, 2022 at 2:00PM. On December 9, 2022 DCAMM notified the agency that eight (8) proposals were received in response to the RFP, with one bid (120 Front Street) proposing two office options. The eight properties proposed were:

- 52 Southwest Cutoff, Worcester (2700 sq./ft)
- 554 Main Street, Worcester (2720 sq./ft)
- 120 Front Street, Worcester (Suite A/7th Floor 2925 sq./ft, Suite B/8th Floor 2195 sq./ft)
- 2 Foster Street, Worcester (2700 sq./ft)
- 18 Chestnut Street, Worcester (2700 sq./ft)
- 255 Park Ave, Worcester (2205 sq./ft)
- 95 Prescott Street, Worcester (2700 sq./ft)
- 300 Main Street, Worcester (2200 sq./ft)

The agency was provided with proposal information and a cost analysis report on December 22, 2022. Kenneth Callahan, Chief of Investigations, Melanie Louie, Fiscal Officer, and I were assigned to this procurement as the “MCAD Procurement Team.” We met with the

¹ The criteria that the Commissioners agreed to “seek staffing space in Worcester to house up to eight (8) staff members working in a hybrid work environment.” July 12, 2022 meeting minutes.

agency's assigned DCAMM Project manager Jamie Merrill Blood on January 5, 2023. During the January 5th meeting it was decided that two proposals were cost prohibited as the cost/sq. foot was excessive as compared to the other proposals received and are therefore not viable options. These two properties were located at:

52 Southwest Cutoff, Worcester
554 Main Street, Worcester

It was however decided at the January 5th meeting that the following properties, based on their proposals, would receive a site visit²:

120 Front Street, Worcester (Suites A&B)
2 Foster Street, Worcester
18 Chestnut Street, Worcester
255 Park Ave, Worcester

Although 255 Park Ave and 120 Front Street (Suite B) did not meet the minimum square footage requested in the RFP³, it was determined that these properties would still be visited. After viewing these sites it was determined that these four (4) properties were centrally located to public transportation and parking for MCAD constituents, and were competitively priced given the real estate market and as compared to all bids received.

Site visits were scheduled by Project Manager Blood on January 12, 2023. On January 12th, Project Manager Blood visited two additional sites without the MCAD Procurement Team:

95 Prescott Street, Worcester
300 Main Street, Worcester

The MCAD Procurement Team did not visit these two properties. During the January 5th meeting, that 95 Prescott Street was not an accessible or suitable property for a state agency presence, and the bidder for 300 Main Street did not submit a construction proposal to meet the needs of the agency's specifications, as required by the RFP. Subsequently the bidder for 300 Main Street withdrew their proposal and Project Manager Blood has informed us that 95 Prescott Street is not an ADA compliant property and cannot be considered in this procurement.

² On January 12th, Project Manager Blood visited two additional sites without the MCAD Procurement Team: 95 Prescott Street, Worcester and 300 Main Street, Worcester

The MCAD Procurement Team did not visit these two properties. During the January 5th meeting, it was determined that 95 Prescott Street was not an accessible or suitable property for a state agency presence, and the bidder for 300 Main Street did not submit a construction proposal to meet the needs of the agency's specifications, as required by the RFP. Subsequently, Project Manager Blood has informed us that 95 Prescott Street is not an ADA compliant property and cannot be considered in this procurement, and the bidder for 300 Main Street withdrew their proposal.

³ The RFP based on the criteria as approved by the Commissioners on July 12, 2022 resulted in a minimum office square footage of 2700 sq./ft utilizing DCAMM's Leasing Application tool.

Site Visits and Recommendation

As stated above, all site visits were completed on, January 12, 2023. Site visits confirmed that all proposed properties are centrally located to downtown Worcester (except for 255 Park Ave), are in very close proximity to City Hall, public transportation, and in relatively close proximity to public parking. It should be noted that the properties located at 18 Chestnut Street and 255 Park Ave include on-site, no-cost parking for individuals visiting those properties. All sites were deemed to be ADA compliant. All properties require significant construction to meet the specifications that the Commission articulated in the RFP. Construction for all proposals will take approximately 10 -25 weeks after a lease is executed and finalized with DCAMM and the property owner.

Following the four site visits, the MCAD Procurement Team met to debrief. During this debrief, consensus was reached that the property located at 2 Foster Street was in disrepair and had a very inaccessible entrance and lobby. Further, this was the only property that did not have an on-site main lobby check-in desk or on-site security. The MCAD Procurement Team unanimously agreed that 2 Foster Street property should not be considered for selection in this procurement. At the time of this memo, Project Manager Blood has informed us that DCAMM independently agreed that the lobby area at 2 Foster Street was also deemed to be difficult to access.

The MCAD Procurement Team also agreed that the property located at 255 Park Ave was below the requested square footage, but otherwise met the RFP requirements, was located in close proximity to parking (on-site) and public transportation, but was not located in close proximity to Main Street and downtown Worcester. This property includes on-site parking for visitors and staff, and maintains an onsite security company. The total five year lease cost for this property is \$383,404.40, \$59,539.40 more than the total five year lease cost of 18 Chestnut Street. For these reasons the MCAD Procurement Team agreed that the property located at 255 Park Ave should be ranked 3rd out of the three (3) remaining properties.

The remaining two (2) properties 120 Front Street (Suite A) and 18 Chestnut Street garnered much discussion among the MCAD Procurement Team. Both properties meet the RFP requirements, are centrally located to public transportation and parking and are ADA accessible. It should be noted that 18 Chestnut Street has one state agency located at the property, the Massachusetts Rehabilitation Commission (MRC). We had requested to speak with a representative from MRC, through DCAMM, to discuss their experience at this location but we were unable to have that discussion prior to this memo. Our discussion relating to 120 Front Street (Suite A) and 18 Chestnut Street centered on four main points: proximity to downtown (location), public transportation and parking, security and lease costs.

Location

120 Front Street is located directly across from Worcester City Hall and the Worcester Commons and is less than one half mile from the MCAD's former office at the Denholm building. 18 Chestnut Street is located off Main Street and set back off of Elm Street. This property is located approximately one half mile from the Denholm building. 120 Front Street is

more centrally located to downtown; however 18 Chestnut Street's location is not outside of the downtown area and both locations would prove accessible for MCAD constituents.

Public Transportation and Parking

Both 120 Front Street and 18 Chestnut Street are located in close proximity to public transportation. WTA bus stops are approximately 150' to 250' from the entrance of each property. Both properties are centrally located to public parking; however, as stated above, 18 Chestnut Street has free, on-site parking for individuals visiting that property. Street parking around 120 Front street is limited, and in addition to other surrounding public parking, has an associated cost.

It should be noted that the proposal for 18 Chestnut Street, although not required, would include free on-site parking to all MCAD employees assigned to the Worcester office.

Security

As security has been an issue for MCAD offices located in Worcester the property located at 120 Front Street retains the services of an on-site security company which consists of a security guard sitting in the lobby area. For entrance to 120 Front Street, there is no requirement to sign-in or check in with security, nor is there a security screening (metal detectors/x-ray machines) of visitors. The property located at 18 Chestnut Street does not have an on-site security company; however it does have a lobby check-in desk staffed, during business hours, by a dedicated property management staff member. Visitors to 18 Chestnut Street must check-in at the lobby desk with the staff member, that staff member then informs the agency that a visitor is seeking to access their office prior to admitting that individual into the building. Both properties, per the RFP, also plan to have a secure reception area within the MCAD office, similar to the secure reception area in our Springfield office and the secure reception area built in our former Worcester office.

Lease Cost

Both proposals for 120 Front Street (Suite A) and 18 Chestnut Street propose yearly lease costs that include the cost of construction to build out an office which meets the specifications of the RFP. The total lease costs for 120 Front Street (Suite A), for a five (5) year lease, would be **\$500,175**. Property owners at 120 Front Street proposed a 50% lease reduction in year one of the five year lease however the proceeding four (4) years would maintain a yearly lease cost of \$111,150. The proposal for 18 Chestnut Street contains a consistent lease rate of \$64,773 for each year of the five year lease. The total five year lease cost for 18 Chestnut Street would be **\$323,865** (\$176,292 less than 120 Front Street (Suite A)). In comparison, the agency's yearly lease cost at the Denholm building was \$48,600/year (total 3700 sq./ft) at the time of our office closing, both 120 Front Street and 18 Chestnut Street exceed this cost.

We did ask if the year one savings proposed in the 120 Front Street bid could be spread over the length of the lease. It is possible to do this which would lower the yearly lease costs, but not lower the overall five year cost.

We would like to note that the owners of 120 Front Street submitted an additional proposal for another office space (Suite B) within their building. The proposed space (2195 sq./ft) did not meet the 2700 sq./ft requested in the RFP and the total lease cost was more than the total lease cost proposed for 18 Chestnut Street, despite being approximately 500 sq./ft smaller.

Recommendation

Project Manager Blood has recommended that DCAMM award this bid to **18 Chestnut Street**. This is based on the response submitted to the RFP and an additional consideration given to the fact that 18 Chestnut Street is a historic building.

The MCAD Procurement Team also unanimously recommends the selection of **18 Chestnut Street** as the winning bidder. In weighing the above analysis, and the proposed plans for MCAD office space, we believe this office will afford better access to MCAD constituents by way of close access to public transportation and onsite, no-cost parking. This property will also provide staff with brand new space and enhanced security that was not offered in our previous location. Additionally, as the agency is attempting to think outside the box relative to employee retention, offering on-site, no cost parking for employees assigned to the Worcester office would be another tool the agency can use in its retention efforts.