



The Commonwealth of Massachusetts
Office of the Inspector General

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June 21, 2005

Hon. John J. Conte
District Attorney for the Middle District
Worcester County Courthouse
Worcester, MA 01608

Dear District Attorney Conte:

Thank you for your referral (attached) of a complaint relative to the construction of the new courthouse in Worcester. This letter is in response to that referral.

Specifically, the complaint raises the issue of on-site/in-process inspection of the welding of structural steel sections for the new courthouse. The complaint alleged that "no independent testing lab" reviewed the structural steel "in [the] shops" (at the fabrication facility) which, in this case was in Quebec, Canada. The complaint also cites section 1.06A of the courthouse contract specifications as stating that "Inspection and testing of structural steel fabrication and erection shall be performed by an independent Testing Agency, under a separate contract with the Commonwealth of Massachusetts."

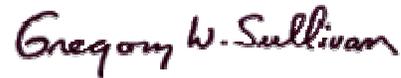
Our review indicates that inspection and testing has been performed. However, it is true that this was not done by an "independent Testing Agency, under a separate contract with the Commonwealth of Massachusetts." Instead, the Division of Capital Asset Management required the courthouse architect to contract with a testing and inspection firm and to oversee and approve this testing and inspection work. The complainant is correct that the commonwealth did not have a separate testing contractor as called for in the specifications. According to Division of Capital Asset Management staff, it has been agency practice to have the project architect retain responsibility for testing and inspection. Staff stated that they will look into changing the standard contract language for future contracts so it conforms to current practice.

According to written responses from the testing firm, the architect, the project's structural engineer, and the construction contractor, the steel in question was tested, inspected, and approved as meeting the contract specifications. Based solely on the information received from the parties involved with the courthouse construction, it appears that steel inspection and testing was performed satisfactorily.

However, it does appear that most testing and inspection was performed at the project site rather than at the point of fabrication in Quebec. Upon request, officials only provided evidence that testing staff visited the fabrication "shop" twice. There is no evidence that testing was performed during those staff visits. Evidence was provided to show that the fabricator staff tested and inspected the steel while it was still in the "shop". The complainant may be correct that testing by an independent firm was not performed at the fabrication facility. An argument may be made that this independent testing and inspection should occur at the fabrication facility. But again, all parties involved appear to be satisfied with the quality of the fabrication and the level of testing and inspection that has been performed.

We hope this satisfies your request. My office is available to assist you now and in the future. Please do not hesitate to contact me with any additional questions or concerns on this or any other matter.

Sincerely,

A handwritten signature in dark ink that reads "Gregory W. Sullivan". The signature is written in a cursive, slightly slanted style.

Gregory W. Sullivan
Inspector General

Attachment

cc: David Perini, Commissioner, Division of Capital Asset Management (w/out attachment)