

Please note all consultant fees are
Not To Exceed Values (NTE)

Andy Jonic
11/8/2022

ATTACHMENT F

CONTRACT FOR DESIGNER SERVICES

AMENDMENT NO. 30 _____

WHEREAS, the Town of Brookline _____ (“Owner”) and William Rawn Associates, Architects Inc., (the “Designer”) (collectively, the “Parties”) entered into a Contract for Designer Services for the Brookline High School Expansion _____ Project (Purchase Order # 21803108) at the Brookline High _____ School on July 6, 2018 _____.
“Contract”; and

WHEREAS, effective as of November 1, 2022 the Parties wish to amend the Contract:

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained in this Amendment, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

1. The Owner hereby authorizes the Designer to perform services for the Design Development Phase, the Construction Phases, and the Final Completion Phase of the Project, pursuant to the terms and conditions set forth in the Contract, as amended.
2. For the performance of services required under the Contract, as amended, the Designer shall be compensated by the Owner in accordance with the following Fee for Basic Services:

Fee for Basic Services:	Original Contract*	After this Amendment: Amendment fee: \$89,658
Feasibility Study Phase	\$ _____	\$ _____
Schematic Design Phase	\$ _____	\$ _____
Design Development Phase	\$ _____	\$ _____
Construction Document Phase	\$ _____	\$ _____
Bidding Phase	\$ _____	\$ _____
Construction Phase	\$ _____	\$ _____
Completion Phase	\$ _____	\$ _____
*Includes previous Amendments		
Total Fee	<u>\$15,710,790.00</u>	<u>\$15,800,448.00</u>

This Amendment is a result of:

1. Tappan Streetscape construction change from Summer 2022 to Summer 2023

3. The Construction Budget shall be as follows:

Original Budget: \$n/a _____

Amended Budget \$n/a _____

4. The Project Schedule shall be as follows:

Original Schedule: \$n/a _____

Amended Schedule \$n/a _____

5. This Amendment contains all of the terms and conditions agreed upon by the Parties as amendments to the original Contract. No other understandings or representations, oral or otherwise, regarding amendments to the original Contract shall be deemed to exist or bind the Parties, and all other terms and conditions of the Contract remain in full force and effect.

IN WITNESS WHEREOF, the Owner, with the prior approval of the Authority, and the Designer have caused this Amendment to be executed by their respective authorized officers.

OWNER

(print name)

(print title)

By _____
(signature)

Date _____

DESIGNER

Andrew Jonic _____
(print name)

Associate Principal _____
(print title)

By



(signature) _____

Date 11/1/22 _____

Tony Guigli
Project Administrator
Town of Brookline Building Department
Brookline Town Hall
333 Washington Street
Brookline, MA 02445

November 1, 2022

Project Name: Brookline High School Expansion Project

Re: Contract Amendment #30 – Tappan Streetscape Construction Postponement to Summer of 2023

Dear Tony,

During the spring of 2022, the Department of Public Works (DPW) issued bid documents for the Tappan Streetscape Project. This bid package represents the final portion of the Brookline High School Expansion Project and includes renovations to the Tappan Street landscape extending from the intersection Tappan/Sumner to the eastern end of the Unified Arts Building. The scope includes but is not limited to: A new 10' wide sidewalk, street trees, street furniture, and landscaping in front of the UAB building. The project is important to the High School to accommodate the hundreds of students that now travel back and forth from the buildings on 115 Greenough to the new building at 22 Tappan Street. Last spring, due to a lack of bids, the Town decided to re-bid the project and proceed with construction during the spring and summer of 2023. Additionally, the Town felt it was best to mill and pave the surrounding streets and complete landscaping work when other Expansion projects were complete.

As a result of the schedule change the design team will re-package the bid documents and issue them on December 1, 2022. Due to the construction schedule change, site visit efficiencies were lost when the Streetscape Project no longer overlapped with the BHS Quad Repairs project. We are submitting the attached extra compensation request in accordance with the terms of our contract with the Town.

- *"8.2.5 Services in connection with rebidding if the need to rebid is not attributable to the Designer"*
- *"8.2.12 Performing professional services which are not otherwise required under this Contract as Basic Services"* (additional, out of sequence Construction Administration Services)

For reference, the history of the Tappan Streetscape Project as it relates to documentation, bidding, and construction is as follows:

1. **Base Contract:** Skanska planned the Tappan Streetscape to be constructed along with the Tappan Gym landscape and bid along with the STEM Wing, Tappan Gym, and the 3rd Floor Renovation.
 - a. Lemon Brooke: Lemon Brooke's CA fees were included with Tappan Gym and expended during Tappan Gym Construction
 - b. Nitsch: Nitsch's CA fees were proposed for all projects (STEM, 111 Cypress, Tappan Gym / Streetscape)
2. **Project A (22 Tappan) Field Bulletin:** The Town asked the Design Team to change the construction documents and add the Tappan Streetscape to the Project A (22 Tappan/111 Cypress) via Field Bulletin. The change order cost to Project A exceeded the Town and the design teams anticipated cost of the work and the Town decided the Streetscape should be a standalone project, managed by the DPW. The design team did not request additional services for this effort.
3. **Contract Amendment #21:** The design team received additional services for re-packaging the bid documents and for CA services for summer of 2022 for a project that coincided with the Quad Repairs project.

4. Construction Postponement to Summer 2023 – Contract Amendment #30: After no contractors bid on the project, the Town decided to re-bid the documents and construct the Streetscape during the spring and summer of 2023.

The schedule change of 1 year has resulted in an additional effort for the design team to manage the construction project and work with the DPW to bring the project to completion. The project no longer coincides with the Quad Repairs project and will require 10 additional weekly site visits. We anticipate the Town will require WRA to continue to attend Building Commission Meetings and Co-Chairs meetings. We understand the OPM, Hill International, will no longer be involved. The DPW will function as the OPM/Project Manager for the Town.

The design team did not account for offsite soil removal in the 2021 bid package. McPhail, the original geotechnical engineer has fulfilled their contractual obligations and is no longer on the project. Their original 2018 proposal does not include geo-environmental or geotechnical engineering services for the Streetscape work. We recommend the UEC/Lord Environmental team for this project. They will be involved with soil pre-characterization taking place on November 8th, specification review, and Construction Administration services as the design teams LSP. UEC’s proposal does not include the soil pre-characterization scope agreed to with DPW last week. We propose a \$4,500 not to exceed allowance.

The following is a summary of remaining fees, and proposed fees to continue to work with the Town to bring the Expansion project to completion in September of 2023.

- i. Remaining Fees from CA #21 (Not included in this proposal – for reference only)
 - a. WRA: \$0
 - b. Nitsch: \$2,500
 - c. Lemon Brooke: \$2,500
 - d. UEC / Lord Environmental: \$0
 - e. HSH: \$8,800

ii. Proposed CA #30 Fees

1. **Non-BAS Consultants**

a. Nitsch:	\$7,500
b. Lemon Brooke:	\$26,825
c. UEC / Lord Environmental:	\$9,500
d. Soil Pre-Characterization allowance	\$4,500
e. HSH:	\$2,000
f. Subtotal	\$45,825
g. 10% Non-BAS Markup	\$4,583

2. WRA CA Fee & Re-bid: \$19,250
3. WRA Additional Brookline Meetings: \$15,500
4. **CA #30 Total: \$89,658**

Please note all consultant fees are Not To Exceed Values (NTE)

Andy Jonic
11/8/2022

Regards,



Andy Jonic, AIA
Associate Principal
William Rawn Associates, Architects Inc.
Attachments: Proposals

Please note all consultant fees are
Not To Exceed Values (NTE)

Andy Jonic
11/8/2022

BHS EXPANSION
Contract Amendment #30
Summer 2023 Tappan Streetscape

1-Nov-22

HOURLY FEE ANALYSIS

1. Attend Weekly OAC Meetings (10 meetings / 4 hours per person, per week)				
Name	Total Hrs		Rate	Total
Design Princ.	0	\$	275	\$ -
Project Mgr	30	\$	275	\$ 8,250
Architect I	40	\$	150	\$ 6,000
Site visits (inc. reimbursables)	10	\$	40	\$ 400
				\$ 14,650

WRA Tasks:

1 hr total travel to and from site

Attend 1 hour OAC meeting

2 hours of project management per week

10 hours of project management for Architect I

2. Re-package bid documents				
Name	Total Hrs		Rate	Total
Design Princ.	0	\$	275	\$ -
Project Mgr	8	\$	275	\$ 2,200
Architect I	16	\$	150	\$ 2,400
				\$ 4,600

WRA Tasks:

Project Management

Bid document drawing set assembly

Total Architect Design Fee			\$	19,250
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1. Attend Co-chairs Meetings (4 total)				
Name	Total Hrs		Rate	Total
Design Princ.	4	\$	275	\$ 1,100
Project Mgr	12	\$	275	\$ 3,300
Architect I	8	\$	150	\$ 1,200
				\$ 5,600

WRA Tasks:

1 hour meeting

2 hours of prep

2. Attend Building Commission Meetings (Jan, Feb, Mar, April, May, June, July, August)				
Name	Total Hrs		Rate	Total
Design Princ.	4	\$	275	\$ 1,100
Project Mgr	32	\$	275	\$ 8,800
Architect I	0	\$	150	\$ -
				\$ 9,900

WRA Tasks:

2 hours per meeting x 8 meetings

2 hours prep (change order log, coordination with OPM)

Total Architect Design Fee			\$	15,500
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LEMON BROOKE

31 Oxbow Road Concord MA 01742
T 978.222.3700

10/25/2022
Rev 11/01/2022

Mr. Andy Jonic
Senior Associate
William Rawn Associates, Architects Inc.
27 School Street
Boston, MA 02108

RE: Brookline High School –Landscape Architectural Services Related to Streetscape Project E

Dear Mr. Jonic:

Lemon Brooke LLC (LEMON BROOKE) appreciates the opportunity to submit this fee request for landscape architectural design and construction administration services for the **Streetscape Project E in Brookline, MA**. This proposal sets forth the proposed limits of work, scope of services, deliverables and fees. This proposal is based on our long history of work on the Brookline High School Project, the 2021 Bid Streetscape package, changes to that package as described below and our new understanding of how the Owner will oversee construction. In addition, in October 2022, the Town of Brookline directed us to include a full irrigation design by a subconsultant to avoid issues the design-build approach has brought on during recent phases of this project.

Scope of Service

LEMON BROOKE will provide Landscape Architectural services for updating CD drawings and specifications for coordinating with other subconsultants, bidding and construction observation services for the Streetscape Project as illustrated in the **Attachment A “Limit of Work”**. Any work would be extremely limited as listed below to create documents sufficient for bidding in 2022 and limited coordination required with the Owner and other subconsultants. The work is described as follows:

A) Project E – Tappan Street Streetscape Review and Design:

- i. Evaluate existing irrigation system, including the newly installed irrigation at Tappan Gym/Kirrane Aquatic Center as this will be the source for irrigation at Unified Arts Building and the connection to Town of Brookline control center.
- ii. Revise drawings for bidding in 2022, including redrawing LOW lines and adjusting drawings to compensate for current construction practices and any recent Owner installations.
 - a. Incorporate soil removal savings as directed by TOB
 - b. Incorporate full irrigation design
- iii. Coordination with other subconsultants.
 - a. Civil Engineer
 - b. Environmental Engineer
 - c. Transportation
 - d. Architecture
 - e. Irrigation
- iv. Revise specifications and verify that scope items are still relevant, available and current.
 - a. Incorporate soils removal comments from Environmental Engineer.
- v. Design Irrigation System (subconsultant work)

B) Project E – Tappan Street Streetscape Construction Administration

- i. Construction Administration site visits – This work is informed by a conversation Spring '22 with Rob Kefalas, Town Engineer, who informed LemonBrooke that our CA services would be needed on a weekly basis due to the intensity of planned construction schedule.
 - 10 site visits / OAC meetings. Including 2 punch list visits within the 10 site visits.
 - Irrigation site visits 2 site visits
 - Any additional site visits by irrigation or landscape architect shall be additional services
- ii. Submittal and RFI reviews.

Assumptions

The scope of services and fees outlined within this proposal are based upon the following assumptions:

1. William Rawn Associates will administer the project, direct LEMON BROOKE’s services, define the project schedule, and administer plan-check and bid procedures.
2. All surveys, base information, and engineering consulting (structural, civil, electrical, environmental, geotechnical, mechanical, etc.), site demolition/preparation, site wiring and photometrics, graphic design, security systems, waterproofing and penetrations through waterproofing will be done by others.
3. Repair or replacement of existing walls, curbs, landscape, site lighting and signage not included in this contract unless otherwise noted.
4. Irrigation design in the existing documents was guidance for the contractor to design-build. This proposal includes a full irrigation design fee.
5. LEED is not a part of this work.
6. Pricing by others.
7. This proposal is based upon a continuous sequence of landscape document development for the above scope of work.

Fees Terms & Schedule

To undertake the above scope of services, we recommend the following fee budget to be established:

<i>Items</i>	<i>Schedule</i>	<i>Professional Services</i>	<i>Estimated Reimbursables</i>
A) Tappan Gym Irrigation Review	ASAP	\$1,600	Subconsultant
B) Tappan Street Streetscape Design updates	Nov. 28- Dec. 9 2022	\$5,700	
C) UAB Irrigation Design	Nov. 28- Dec. 9 2022	\$6,400	Subconsultant
D) Tappan Street Streetscape Construction Administration	June 26 – Sept 1 2023	\$11,925 (\$2,500) 2022 credit \$9,425	\$500 (\$50/visit)
E) UAB Irrigation Construction Administration	June 26 – Sept 1 2023	\$3,200	Subconsultant
F) Totals		\$26,325	\$500

Fees will be invoiced monthly on an hourly or percentage-complete-by-phase basis. Reimbursable

expenses will be per the above schedule. Services will be provided and invoiced per the terms of Appendix A (attached).

Billing Rates for additional services shall be provided on an hourly basis as follows:

- Christian Lemon: \$ 195
Principal
- Jennifer Brooke: \$ 195
Principal
- Joshua Burgel: \$150
Principal
- Project Manager: \$ 125
- Designer: \$ 90
- Staff: \$ 75
- Irrigation: See attached fee proposal from Aqueous Consultants for their rate schedule.

IV. Authorization

We trust this proposal has provided you with sufficient information. If this proposal is agreeable then with your signature below, this will be our legal working contract. If another form of proposal or contract is necessary, please let us know. We look forward to discussing the project further with you and, if you need additional information or detail, please don't hesitate to contact me.

Sincerely,



Christian Lemon, Principal

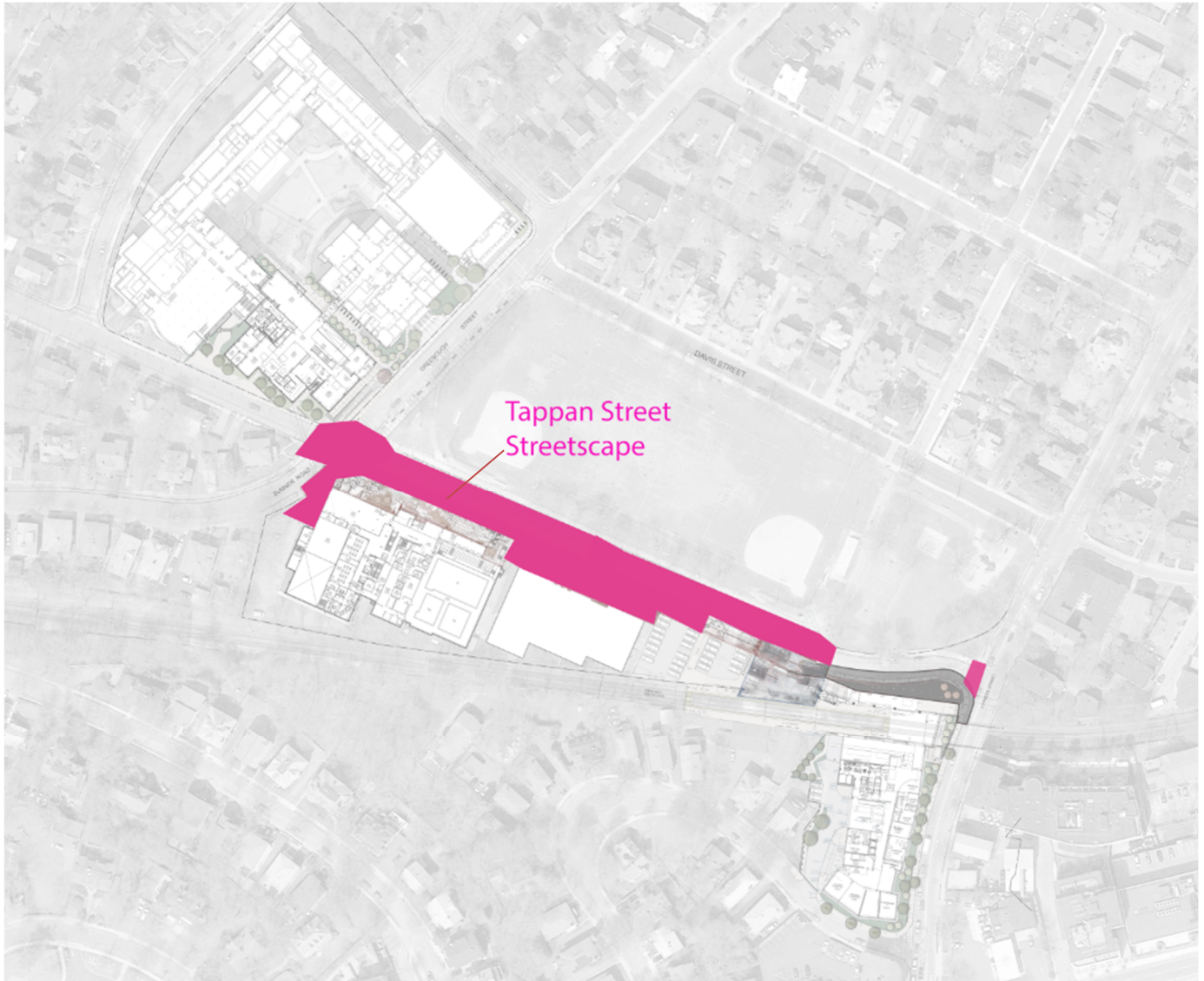
Accepted:

Andy Jonic
William Rawn Associates, Architects Inc.

Date

Attachment: Appendix A (Limit of work)

Attachment A “Limit of Work



September 15, 2022

Mr. Erik Tellander
Senior Associate
William Rawn Associates
10 Post Office Square, Suite 1010
Boston, MA 02109

RE: Nitsch Proposal #12331.P
Brookline High School
Tappan Streetscape
Civil Engineering Services
Additional Services
Brookline, MA

Dear Erik,

Nitsch Engineering is pleased to submit this Additional Services proposal to you (the Client) for professional civil engineering services associated with the Tappan Streetscape construction administration, which is part of the Brookline High School Project, located in Brookline, Massachusetts. The Tappan Streetscape construction was originally planned to occur with the overall Brookline Highschool construction project, but the project is now scheduled to occur in 2023. Due out of sequence construction of the Tappan Streetscape, additional construction administration scope is required. This letter summarizes our scope and fee for the Additional Services. Work Not Included and Assumptions shall be as described in the Executed Agreement dated July 31, 2018.

SCOPE OF ADDITIONAL SERVICES

Nitsch Engineering will provide professional civil engineering services to accomplish the following tasks:

1. Task IV: Additional Construction Administration for out of sequence Tappan Streetscape construction; and
2. Perform up to four (4) additional site visits to observe the general progress of construction and prepare a field report of each visit.

COMPENSATION

Compensation for the Additional Services provided will be in accordance with the Standard Contract Terms of Nitsch Engineering's executed agreement with the Client, dated August 16, 2017. Nitsch has identified \$2,500 unused fee from the Additional Service dated February 4, 2021, for the Tappan Streetscape construction administration task. The lump-sum for these services is \$7,500 in addition to the \$2,500 unused fee.

Costs will not be incurred by Nitsch Engineering beyond this amount without verbal approval from the Client. Expenses are included in the above-listed fees.

Should the conditions of this Additional Services proposal meet with your approval, please sign and return this Additional Services proposal to us for our files. If Nitsch Engineering is authorized to commence and/or continue providing its services on the project, either verbally or in writing, prior to the full execution of a written contract, such authorization will be deemed an acceptance of this Additional Services proposal, and all such services will be provided and compensated for in accordance with the terms and conditions contained herein as though this Additional Services proposal were fully executed by the Client.

Mr. Erik Tellander: Nitsch Proposal #12331.P (Additional Services)
September 15, 2022
Page 2 of 2

If you have any questions, please call.

Very truly yours,

Nitsch Engineering, Inc.



Jonathan Hedlund, PE
Project Manager

Approved by:



Deborah Danik, PE, CPESC, LEED AP BD+C
Vice President, Director of Civil Engineering

JRH/

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CLIENT AUTHORIZATION

This Additional Services proposal is hereby accepted by the Client as evidenced by the execution hereof, and such a person so executing the same on behalf of the Client does hereby warrant full authority to act for, in the name of, and on behalf of the Client.

Such acceptance provides full authorization for Nitsch Engineering to proceed with providing the Scope of Additional Services under the terms and conditions stated herein.

Signature

Date

Printed Name and Title

October 24, 2022

Mr. Andrew Jonic, AIA LEED BD+C
Senior Associate
William Rawn Associates, Architects Inc.
10 Post Office Square, Suite 1010
Boston, MA 02109

Reference: **Soil Consulting Services**
Brookline High School – Tappan Streetscape

Dear Mr. Jonic:

Thank you for the opportunity for Universal Environmental Consultants (UEC) to provide professional services.

We are pleased to submit our proposal for the above referenced project.

Should this proposal meet with your approval, kindly execute, and return the enclosed proposal.

Please do not hesitate to call me at (508) 628-5486 if you have questions about this proposal or our services.

Very truly yours,

Universal Environmental Consultants



Ammar M. Dieb
President

UEC:\Proposals\IDM\WRA-Brookline High Tappan-Soil.DOC

Enclosure

**PROPOSAL
FOR
SOIL CONSULTING SERVICES
AT
BROOKLINE HIGH SCHOOL
TAPPAN STREETSCAPE**

SCOPE OF SERVICES:

- A. Soil Samples Collection** – Collect two (2) soil samples and forward to a licensed laboratory of analysis.
- B. Final Report** – Prepare a Summary Report describing the findings of the investigation and conclusions regarding the concentration and distribution of various metals in soil at the Site.
- C. Soil Removal Section** – Prepare a Soil Removal Section to include soil sample results.
- D. Earthworks Section** – Review Earthworks Section prepared by others.
- E. CA Services** – Perform as need CA services during soil removal.

FEES FOR SERVICES:

Fees for services will be charged on time charge with an estimated not to exceed basis as follows.

Inspector (per hour)	\$ 75.00
LSP (per hour)	\$ 175.00
Project Manager (per hour)	\$ 115.00
Soil Testing (per sample)	\$ 1,800.00
 The estimated Fee	 \$ 6,000.00 - \$ 9,500.00

Proposal Authorized By:



Ammar M. Dieb
President

Proposal Accepted by:

Signature: _____