

**CONSTRUCTION CONTRACT FOR CONSTRUCTION MANAGER AT RISK SERVICES  
AMENDMENT No. 2**

**WHEREAS**, the Town of Brookline (“Owner”) represented by Owner’s Project Manager, LeftField, LLC, entered into a contract (“Contract”) with Consigli Construction Company, Inc. (the “CM at Risk”) (collectively the “Parties”) for construction manager services in association with the design and construction of the John R. Pierce School Project (the “Project”) on May 17, 2022; and

**WHEREAS** CM Contract Amendment No. 1 was approved on August 9, 2022; and

**WHEREAS** effective as of July 11, 2023, 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:

- The Owner hereby authorizes this Amendment No. 2 with a total value of \$300,000.00. This Amendment is based upon approval of the Construction Manager’s Extended Preconstruction Services cost indicated in the Total Project Budget Form 3011, dated December 21, 2022, for the Project. The Contract Price in accordance with Articles 6 and 7 of the Owner-Construction Manager Agreement shall be amended as follows:

<u>Fee for Basic Services</u>	<u>Original Contract</u>	<u>Previous Amendments</u>	<u>Amount of This Amendment</u>	<u>After This Amendment</u>
SD Preconstruction Services	\$ 57,400.00	\$ 4,288.00	\$ 0.00	\$ 61,688.00
Preconstruction Services		\$ 0.00	\$ 300,000.00	\$ 300,000.00
<b>Total Fee</b>	<b>\$ 57,400.00</b>	<b>\$ 4,288.00</b>	<b>\$ 300,000.00</b>	<b>\$ 361,688.00</b>

- The Project Schedule shall be as follows:

Original Schedule for Substantial Completion: August 16, 2027

Amended Schedule for Substantial Completion: No Change

- The Construction Budget shall be as follows:

Original Budget: \$168,022,660

Amended Budget: \$ No Change

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 Parties have caused this amendment to be executed by their respective authorized officers.

**OWNER:  
TOWN OF BROOKLINE**

By executing this Agreement, the undersigned authorized signatory of Owner, who incurs no personal liability by reason of the execution hereof or anything herein contained, hereby certifies under penalties of perjury that this Contract is executed in accordance with a prior approval of the Town of Brookline.

**By:** See Attached Signature Page for Town      **Date:** June 13, 2023

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CM at RISK:  
CONSIGLI CONSTRUCTION COMPANY, INC.**

**By:**       **Date:** 6/9/23

Name: Jody Staruk

Title: Project Executive

**APPROVED AS TO FORM:**

**By:** \_\_\_\_\_      **Date:** July 11, 2023

Name: \_\_\_\_\_

Title: \_\_\_\_\_