



TOWN of BROOKLINE
Massachusetts

BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

TO: Selectboard/ School Committee

FROM: Ray Masak, PE Project Manager

SUBJECT: Brookline High School- Amendment 20
Design Services (FY 19)

DATE: February 17, 2021

On the Calendar this week, the Building Department is requesting the approval of an amendment for designer services for the subject project in the total amount of \$588,751.

The appropriation for this contract was approved by Town Meeting as part of the overall CIP for FY19. This amendment is for additional construction administration services involving delays with the project. Refer to the Hill memo dated February 4, 2021 and the Rawn memo dated January 25, 2021 for further explanation of services. Per the attached table, these additional services were part of the warrant article discussion.

The Building Department will be available on Tuesday evening to answer any questions. Thank you for your consideration.

HILL
Hill International

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Needham, MA 02494
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www.hillintl.com

February 4, 2021

Mr. Ray Masak, P.E.
Project Manager
Town of Brookline Building Department
333 Washington Street
Brookline, MA 02445

Re: William Rawn Associates Amendment 20 – Schedule Extension CA Services

Dear Mr. Masak:

We have received and reviewed WRA's Amendment which requests formal extension to their CA services on STEM and 22 Tappan which are beyond the timelines previously approved in their Amendment #1/Exhibit F. Signed back in July 2018, their Amendment #1 original schedule for CA services had anticipated STEM substantial completion in December 2020 and 22 Tappan substantial completion in July 2021. This Amendment #20 requests to formally extend their CA services, at a reduced rate, to match up with Skanska's final GMP schedules of July 2021 (STEM) and November 2021 (22 Tappan) Substantial Completion.

Back in May 2020, WRA had submitted a DRAFT letter of the proposed Schedule Extension to ToB and Hill for review after Skanska's GMP schedule was established, but their Amendment request was not recommended at that time. Hill did include the potential costs as a placeholder within the Fall 2020 Warrant Article budget increase. WRA subsequently revised and resubmitted their request formally in December 2020, but it was returned with comments. The final revised/discounted amount of the Amendment is actually lower than what was forecasted in the approved budget increase.

What is *not* covered in this Amendment are:

- any CA services revisions required, if any, related to the MBTA platform construction schedule. It will depend on MBTA's final decision relating to either a bypassed station vs phased project (negotiations on-going, to be determined).
- Potential additional A/E fees (still to be negotiated) associated with managing multiple contractors for Tappan Gym, 3rd Floor renovations, Deferred Maintenance, Streetscapes, etc. since other companies, besides Skanska, will be constructing those other areas.

Hill recommends approval of the \$588,751 Amendment #20.

Very truly yours,



Andy Felix
Project Director

pursuant to MA DOR borrowing authorization,
ToB proceeding with releasing Contracts/POs:

<u>Item</u>	<u>Company</u>	<u>Contract/PO Amount</u>
Deferred Maintenance	N.B. Kenney Co. Inc.	\$3,075,000
3 rd Floor & Tappan Gym Reno	CTA Construction Managers, LLC	\$7,821,340 (includes Bid Alt #1)
Cypress Playground	Heimlich Landscape/Const	\$5,263,523
Cypress Playground - CA	Weston & Sampson – Construction Admin. Services	\$96,000
Furniture, Fixtures and Equipment	various vendors (W.B. Mason, direct science equipment purchases by Science Dept., etc.)	\$3,100,000 (not-to- exceed budget)
Security	Lan-Tel	\$181,167.97
Technology	various ToB procured vendors	\$1,500,000 (not-to- exceed budget)
A/E	WRA Amendment #20 – Schedule extension beyond original schedule in Amendment #1	\$588,751
OPM	Hill Amendment #6 – extend Site Representative Services thru July, 2021	\$161,910
OPM	Hill (future) Amendments: reconcile MBTA-related tasks; managing (2) additional contractors; services extension (if required); some projected costs were already included within Warrant Article.	TBD and negotiated w/ToB
A/E	WRA (future) Amendments: managing (2) additional contractors; some projected costs were already included within Warrant Article.	TBD and negotiated w/ToB

WILLIAM RAWN ASSOCIATES | Architects, Inc.

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Ray Masak
Project Manager
Town of Brookline Building Department
Brookline Town Hall
333 Washington Street
Brookline, MA 02445

January 25, 2021

Project Name: Brookline High School Expansion Project
Re: Contract Amendment #20: Additional Service Proposal for 22 Tappan (Cypress Building) and STEM Wing Construction Schedule Extensions

CC: Andy Felix, Sam Lasky

Dear Ray,

We submitted a letter on May 22, 2020 outlining additional service fees associated with construction schedule extensions beyond the substantial completion dates identified in our contract (Exhibit F). Now that completion dates have been defined in the GMP we are re-submitting the letter for STEM Wing and 22 Tappan schedule extensions. Article 8.3 in our contract with the Town allows for extra compensation for Construction Phase Services beyond the original construction completion date.

The additional fees outlined for each project below have been extrapolated from our monthly Construction Administration fees based on the construction cost of each project. At the Town's request we have also looked at this from an FTE standpoint.

If we reduced the staff on the STEM project to only Rob Wear, or 1 FTE, the monthly additional service fee would be \$48,881 based on the hourly rates listed in Exhibit D of the contract. We are proposing a monthly fee of \$42,064 which equates to .86 FTEs. For 22 Tappan we are proposing a monthly fee of \$64,1010 or 1.3 FTEs. The proposed .86 and 1.3 FTE values are significantly less than "regular" Construction Administration staffing on the project in recognition that the added work during the extended schedule period will not be the same as it was during most of the job. For example, as construction continues during 2021, the effort to review submittals and respond to RFIs will be reduced as Skanska moves toward their target of processing all submittals by the end of this month. We will continue to support the project with the team leaders and staff that are in place and hope the Town finds the following fee proposal to be fair and reasonable.

STEM WING

The STEM Wing substantial completion date has been extended by Skanska for several reasons:

- Substantial demolition of the Roberts Wing was completed 1 month late in October 2019
- Full demolition of the Roberts Wing was scheduled for the December holiday break. Full demolition was delayed until February break 2020. This delay was due to unforeseen conditions between the Roberts Wing and the STEM Wing. The east wall of the remaining Roberts Wing had to be structurally reinforced to complete the demolition of the remaining walls and foundations of the Roberts Wing. Contract Amendment #13 provided extra compensation to the design team for design and engineering services.
- Concurrent with unforeseen conditions the Covid-19 pandemic began to delay construction. The precast planks were held up due to State of Vermont pandemic guidelines.
- Underpinning was required below the remaining east wall of the Roberts Wing prior to the installation of the foundation and steel superstructure

Owner/Architect Contract Exhibit F Substantial Completion Date: December 1, 2020
 Current GMP Substantial Completion Date: July 7, 2021
 Construction Schedule Extension: 7 months, 6 days

Based on our analysis of current monthly fees as outlined in the 5/22/20 letter, we propose the following reduced fees per month:

Project C STEM Wing	\$42,064
<u>Duration</u>	<u>7 months, 6 Days (7.2 months)</u>
STEM Wing Extra Compensation:	\$302,861

22 TAPPAN (CYPRESS BUILDING)

The construction schedule for 22 Tappan was extended due to construction delays associated with the MBTA licensing agreement and the Covid-19 pandemic. The delivery of the license agreement was late due to the MBTA missing their deadline which impacted the planned sequence of construction between the building and the overhead catenary support (OCS) relocation project on the north side of the railroad tracks. The installation of the concrete foundations were slowed when the carpenters union kept the concrete formwork team off the job at the beginning of the pandemic in March and April 2020.

Owner/Architect Contract Exhibit F Substantial Completion Date: July 1, 2021
 Current GMP Substantial Completion Date: November 15, 2021
 Construction Schedule Extension: 4 months, 14 days

Based on our analysis of current monthly fees as outlined in the 5/22/20 letter, we propose the following reduced fees per month:

Project A Cypress Building (22 Tappan)	\$64,101
<u>Duration</u>	<u>4 months, 14 days (4.46 days)</u>
22 Tappan Extra Compensation:	\$285,890 months

Contract Amendment #20 Extra Compensation Fee Proposal Summary

STEM Wing Extra Compensation: \$302,861

22 Tappan Extra Compensation: \$285,890

Grand Total: **\$588,751** OK MM

WILLIAM RAWN ASSOCIATES I Architects, Inc.

Please note the MBTA (Project H) is not included in this proposal since construction schedule negotiations are still in process with the MBTA. Please let us know if you have any questions.

We are looking forward to working with the Town and Skanska to bring the High School Expansion project to completion.

Regards,

A handwritten signature in black ink, appearing to read 'AJ' followed by a stylized flourish.

Andy Jonic, AIA
Senior Associate
William Rawn Associates, Architects Inc.

Attachments: May 22, 2020 construction schedule extension letter, Monthly Invoice Forecast

ATTACHMENT F

CONTRACT FOR DESIGNER SERVICES

AMENDMENT NO. 20 _____

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 _____ January 25, 2021 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: \$588,751
Feasibility Study Phase	\$ _____	\$ _____
Schematic Design Phase	\$ _____	\$ _____
Design Development Phase	\$ _____	\$ _____
Construction Document Phase	\$ _____	\$ _____
Bidding Phase	\$ _____	\$ _____
Construction Phase	\$ _____	\$ _____
Completion Phase	\$ _____	\$ _____
*Includes previous Amendments		
Total Fee	\$14,261,365.00 ✓	\$14,2850,116.00
		\$14,850,116.00

This Amendment is a result of: Extended construction schedules for 22 Tappan (Cypress Building) and the STEM Wing beyond the durations listed in the WRA's contract with the Town (see Exhibit F)

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)

Senior Associate _____
(print title)

By _____


(signature)

Date 1/25/21 _____

WILLIAM RAWN ASSOCIATES | Architects, Inc.

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Ray Masak
Project Manager
Town of Brookline Building Department
Brookline Town Hall
333 Washington Street
Brookline, MA 02445

May 22, 2020

Project Name: Brookline High School Expansion Project
Re: Design Fee Adjustment Scenarios Due to Covid-19 Construction Delays
CC: Andy Felix, Sam Lasky

Additional Service Scenarios for: Schedule extension due to COVID-19 virus

Dear Ray,

The schedule for the Brookline High School Expansion Project has been extended beyond planned substantial completion dates due to the COVID-19 virus. At the request of the Town, this memo outlines additional design and engineering fees associated with the change in construction durations between Exhibit F in the WRA/ToB contract and Skanska's current schedule (5/11/2020). According to the Contract for Design Services, Article 8.4 allows for Extra Services compensation in the case of an emergency.

Per Exhibit A, the fee for all design team consultants for Construction Administration is \$3,745,057. Presently, we are invoicing a "straight line" rate of \$162,910 per month over the course of 23 months per the Exhibit F schedule. Given that Cypress, STEM (including BHS elevator refurbishment), and the MBTA project have varying schedule and delays, we thought it would be fair to the Town to identify additional service fee scenarios for each of these projects. We also understand design team efforts will be reduced later in the project, so fees will be lower.

Based on the scale and scope of each project, the following is a breakdown of the current \$162,910 monthly invoicing rate:

Project A Cypress	50%	\$81,455
Project B STEM, Tappan, 3 rd Floor, Deferred Maint.	39%	\$63,577*
Project H MBTA	11%	\$17,878
Total Monthly Fee:	100%	\$162,910

**Monthly Fee covers STEM currently and will cover CA effort on Tappan, 3rd floor, and deferred maintenance once STEM is complete.*

We determined a reduced cost per month for each project and applied it to the schedule extension timelines:

Project A (Cypress)

Exhibit F Construction Schedule Timeline (Demo to Sub. Completion) Duration	9/1/19 to 7/1 21 22 months (95 wks.)
Skanska Construction Schedule (Demo to Sub. Completion)* Duration	9/16/19 to 12/7/21 26 months (116 wks.)
Current Schedule Extension	4.84 months (21 wks.)
Current Cypress Design Team Fees per Month:	\$81,455
Proposed Cypress Design Team Fees per Month:	\$64,101

Project A (Cypress) Schedule Extension Scenarios

Scenario #1: Additional Fee for 4.84 additional months	\$310,667
Scenario #2: Additional Fee for 5 additional months	\$320,505
Scenario #3: Additional Fee for 6 additional months	\$384,606
Scenario #4: Additional Fee for 7 additional months	\$448,707
Scenario #5: Additional Fee for 8 additional months	\$512,808

**Substantial Completion Date from Skanska's 5/11/20 Schedule Update*

Project C (STEM Wing)

Exhibit F Construction Schedule Timeline + Enabling (Demo to Sub. Completion) Duration	5/1/19 to 12/1/ 21 19 months (82 wks.)
Skanska Construction Schedule (Enabling)	6/12/19 to 8/21/19
Skanska Construction Schedule (Demo to Sub. Completion)* Duration	8/21/19 to 7/7/21 24.7 Months (107 wks.)
Current Schedule Extension	5.77 months (25 wks.)
Current STEM Design Team Fees per Month:	\$63,577
Proposed STEM Design Team Fees per Month:	\$42,064

Project C (STEM) Schedule Extension Scenarios

Scenario #1: Additional Fee for 5.77 additional months	\$242,863
Scenario #2: Additional Fee for 6 additional months	\$252,384
Scenario #3: Additional Fee for 7 additional months	\$294,448
Scenario #4: Additional Fee for 8 additional months	\$336,512
Scenario #5: Additional Fee for 9 additional months	\$378,576

**Substantial Completion Date from Skanska's 5/11/20 Schedule Update*

Project H (Brookline Hills MBTA Platform)

Exhibit F Construction Schedule Timeline + Enabling (Demo to Sub. Completion) No Schedule Avail.

2/16/19 Skanska Construction Schedule (Mobilize to Sub. Completion) Duration	8/14/19 to 8/25/21 24 Months (105 wks.)
4/13/20 Skanska Construction Schedule (Mobilize to Sub. Completion)* Duration	8/14/19 to 11/18/21 27.4 Months (118 wks.)
Current Schedule Extension	3 months (13 wks.)
Current MBTA Design Team Fees per Month:	\$17,878
Proposed MBTA Design Team Fees per Month:	\$15,592

Project H (Brookline Hills MBTA Platform) Schedule Extension Scenarios

Scenario #1: Additional Fee for 3 additional months	\$46,776
Scenario #2: Additional Fee for 4 additional months	\$62,368
Scenario #3: Additional Fee for 5 additional months	\$77,960
Scenario #4: Additional Fee for 6 additional months	\$93,552
Scenario #5: Additional Fee for 7 additional months	\$109,144

**Substantial Completion Date from Skanska's 5/11/20 Schedule Update*

We hope this summary of schedule extension scenarios is helpful to the Town as the Co-Chairs and Hill prepare for the June Town Meeting. We are hopeful the construction working environment improves significantly and the actual durations are reduced. If the durations are less than those shown above, additional service fees will be reduced.

Regards,



Andy Jonic, AIA
Senior Associate
William Rawn Associates, Architects Inc.