



February 9, 2021

Mr. Tony Guigli
Project Manager
Building Department
333 Washington Street
Brookline, MA 02445

Re: Michael Driscoll School Project
Construction Management Contract Amendment No. 3

Dear Mr. Guigli,

LeftField has reviewed the Construction Management (CM) Contract Amendment No. 3 presented by Gilbane Building Company for extended preconstruction services. As indicated in the CM Contract, Exhibit GC – Price Proposal, Gilbane’s actual preconstruction monthly costs are \$46,684.00. In the CM Contract, Gilbane discounted the monthly costs to \$22,500 for a specified timeframe of 8 months. In the previous extension of the Preconstruction Phase, Gilbane honored the discounted preconstruction monthly rate. However, with bidding in progress and staff transitioning to full-time in preparation of the previous March construction start, Gilbane is requesting their actual preconstruction costs for the extended time to construction start in May. The total fee for extended Preconstruction Services is \$140,000.00 for the three-month timeframe. To cover these costs, the remaining uncommitted Preconstruction Services Budget of \$31,658 can be committed and a transfer of \$108,342.00 from the Construction Budget can cover the additional Preconstruction Services fee.

Given the request by the Building Commission to delay the start of construction until bidding is complete, Gilbane is entitled by Contract for their actual costs for extended Preconstruction Services. Therefore, Leftfield recommends approval of Construction Management Contract Amendment No. 3.

Should you have any questions regarding this recommendation of approval, please contact me.

Sincerely,

Lynn Stapleton, AIA, LEED AP B D + C

Cc: Jim Rogers, LeftField, LLC
Jennifer Carlson, LeftField, LLC
Philip Gray, Jonathan Levi Architects
Walter Kincaid, Gilbane Building Company

**CONSTRUCTION CONTRACT FOR CONSTRUCTION MANAGER AT RISK SERVICES
AMENDMENT No. 3**

WHEREAS, the Town of Brookline (“Owner”) represented by Owner’s Project Manager, LeftField, LLC, entered into a contract (“Contract”) with Gilbane Company, Inc. (the “CM at Risk”) (collectively the “Parties”) for construction manager services in association with the design and construction of the Michael Driscoll School Project (the “Project”) on May 8, 2020; and

WHEREAS, the scope of this work is summarized in the attached Gilbane letter proposal, dated February 2, 2021 for extended preconstruction services due to delay in start of construction; and

WHEREAS, Contract amendment No. 1 was approved by the Town of Brookline on November 10, 2020; and

WHEREAS, Contract amendment No. 2 was approved by the Town of Brookline on January 12, 2021; and

WHEREAS effective as of February 9, 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 this Amendment No. 3 with a total value of \$140,000.00. This Amendment is based upon approval of the Construction Manager’s additional Preconstruction Services proposal. 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>
Pre-Construction Services	<u>\$ 180,000.00</u>	<u>\$ 108,030.00</u>	<u>\$ 140,000.00</u>	<u>\$ 428,030.00</u>
Total Fee	<u>\$ 180,000.00</u>	<u>\$ 108,030.00</u>	<u>\$ 140,000.00</u>	<u>\$ 428,030.00</u>

2. The Project Schedule shall be as follows:

Original Schedule for Substantial Completion:	(Building)	<u>May 26, 2023</u>
	(Site)	<u>May 17, 2024</u>

Amended Schedule for Substantial Completion:	(Building)	<u>No Change</u>
	(Site)	<u>No Change</u>

3. The Construction Budget shall be as follows:

Original Budget:	<u>\$ 92,791,890.00</u>
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Amended Budget:	<u>\$ 92,683,548.00</u>
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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:** February 9, 2021

Name: _____

Title: _____

**CM at RISK:
GILBANE BUILDING COMPANY, INC.**

By: Walter J.G. Kincaid **Date:** February 9, 2021
Digitally signed by Walter J.G. Kincaid
DN: C=US, E=Wkincaid@gilbaneco.com,
CN=Walter J.G. Kincaid
Date: 2021.02.04 11:50:20-0500'

Name: Walter Kincaid

Title: Senior Project Executive

APPROVED AS TO FORM:

By: _____ **Date:** February 9, 2021

Name: _____

Title: _____

FORM C
SCHEDULE OF CONSTRUCTION MANAGEMENT COSTS
PRE-CONSTRUCTION PHASE

	Hourly Rate	Hours per Month	Number of Months	Total Cost
List of Staff with Titles				
Sr. Project Executive - Walt Kincaid	\$ 185.97	20	7	\$ 25,400
Pre Construction Manager - Kevin Cooke	\$ 267.61	35	8	\$ 74,930
Advanced Planning & Scheduling - Katie Strumolo	\$ 172.00	5	8	\$ 6,880
Chief Estimator	\$ 246.76	17	8	\$ 33,560
Arch / Civil / Structural Estimator	\$ 162.08	39	8	\$ 50,570
Electrical Estimator	\$ 171.43	14	8	\$ 19,200
Mechanical Estimator	\$ 201.25	14	8	\$ 22,540
Plumbing Estimator	\$ 180.45	14	8	\$ 20,210
Purchasing Agent	\$ 185.50	10	8	\$ 14,840
Cost Control	\$ 151.67	3	8	\$ 3,640
Project Manager - Lynda Callahan	\$ 115.83	9	7	\$ 6,950
General Superintendent - Bob Braga	\$ 126.54	15	7	\$ 13,160
IDC Engineer	\$ 122.04	63	8	\$ 61,020
Environmental Specialist - Mark Winslow	\$ 173.13	2	8	\$ 2,770
VDC Director - John Myers	\$ 111.25	20	8	\$ 17,800
			Total Cost	\$ 373,470
			Total Staff Cost/Month	\$ 46,684

List of Pre-Construction Consultant Costs				
			Total Cost	\$ -
			Total Costs/Month	

List of "other" Pre-Construction Costs				
Travel Expense				\$ 3,200
Blueprints, Copies, Postage, Telephone				\$ 3,840
Preconstruction DISCOUNT				\$ (200,510)
			Total Cost	\$ (193,470)
			Total Costs/Month	\$ (24,184)

TOTAL PRE-CONSTRUCTION COSTS PER MONTH				\$ 22,500
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Confidential and proprietary information.



February 4, 2021

Lynn Stapleton
Project Executive
LeftField
225 Franklin Street, 26th Floor, Boston, MA 02110

Re: Michael Driscoll School- Construction Management No. 3

Gilbane Building Co. request fee for the extension of Preconstruction Services the amount of:
\$ 140,000.00

The details to the costs are included in the attached supporting documentation.

GBC Preconstruction Services February 2021 through April 2021

3 Months X \$46,667/month = \$140,000.00

Preconstruction Services per the CM Contract were extended in amendment No.2 through January. The construction start target is now May 1, 2021.

The fee is to partially cover construction services associated with procurement and to continue to support the project until construction starts.

It is understood the source of these funds is from the construction services general conditions outlined by the original RFP proposal and CM agreement.

Should you have any questions regarding this proposal, please feel free to contact me at 617-478-3371

Sincerely,

Walter J.G. Kincaid
 Digitally signed by Walter J.G. Kincaid
DN: C=US,
E=Wkincaid@gilbaneco.com,
CN=Walter J.G. Kincaid
Date: 2021.02.04 12:33:42-05'00'

Walter J.G. Kincaid
GILBANE BUILDING COMPANY
Senior Project Executive