



March 9, 2020

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

Re: Michael Driscoll School Project
Designer Services Contract Amendment No. 11

Dear Mr. Guigli,

LeftField has reviewed Designer Contract Amendment No. 11 presented by Jonathan Levi Architects for supplemental Geotechnical Engineering Services provided by their Geotechnical/Geo-environmental Engineering Consultant, McPhail Associates. The request is based on McPhail's Proposal, dated February 15, 2021, which indicates that additional subsurface exploration is required to determine the extent of bedrock along the support of excavation line. The additional subsurface exploration will include 15-20 rock probes. McPhail's cost to perform the services outlined is \$12,000.00 and JLA's administrative costs is \$1,200.00 per the Designer Contract.

As explained and agreed at the February 9, 2021 Building Commission Meeting, the scope of services and associated cost provided by McPhail are necessary to avoid risk of potential costly change orders during construction due to undetermined conditions. The cost aligns with the scope of services required and as presented to the Building Commission. Therefore, LeftField recommends that the Town of Brookline accept Designer Contract Amendment No. 11 for the total of \$13,200.00.

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
Adam Keane, LeftField, LLC
Philip Gray, Jonathan Levi Architects

CONTRACT FOR DESIGNER SERVICES
AMENDMENT NO. 11

WHEREAS, the TOWN OF BROOKLINE (“Owner”) and JONATHAN LEVI ARCHITECTS LLC. (the “Designer”) (collectively, the “Parties”) entered into a Contract on August 31, 2018, (“Contract”) for Designer Services for the New Construction of the Michael Driscoll Elementary School, Abatement and Demolition of the Existing School, Site Improvements and All Associated Work at the 64 Westbourne Terrace, Brookline, MA 02446; and

WHEREAS, the scope of this work is summarized in the attached Proposal for Supplemental Geotechnical Engineering Services for Subsurface Explorations - Rock Probes from McPhail Associates, Inc., dated February 15, 2021; and

WHEREAS, Contract Amendment No. 2 was approved by the Town of Brookline on January 17, 2020; and

WHEREAS, Contract Amendment No. 3 was approved by the Town of Brookline on March 18, 2020; and

WHEREAS, Contract Amendment No. 4 was approved by the Town of Brookline on March 26, 2020; and

WHEREAS, Contract Amendment No. 5 was approved by the Town of Brookline on March 26, 2020; and

WHEREAS, Contract Amendment No. 6 was approved by the Town of Brookline on May 12, 2020; and

WHEREAS, Contract Amendment No. 7 was approved by the Town of Brookline on June 9, 2020; and

WHEREAS, Contract Amendment No. 8 was approved by the Town of Brookline on August 11, 2020; and

WHEREAS, Contract Amendment No. 9 was approved by the Town of Brookline on August 11, 2020; and

WHEREAS, Contract Amendment No. 10 was approved by the Town of Brookline on October 13, 2020; and

WHEREAS, effective as of March 9, 2021, the parties wish to amend the contract, as amended:

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 Contract Amendment No. 11 for the total value of \$13,200.00. This Amendment is based on JLA’s Consultant McPhail Associates’ Proposal, dated February 15, 2021 for \$12,000.00 and JLA’s administrative mark-up of 10% for \$1,200.00. This Amendment is for performing subsurface explorations, specifically 15-20 rock probes, along the support of excavation line to determine the extent of rock. The Designer is herein authorized to commence the services outlined in this Amendment, 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		Previous Amendments	Amount of This Amendment	Total of All Amendments
Feasibility Study/Schematic Design Phase	\$1,179,260	\$ 500	\$ 0	\$ 1,179,760
CA #2 - Design Development Phase	\$ 0	\$ 1,814,766	\$ 0	\$ 1,814,766
CA #2 - Construction Documents Phase	\$ 0	\$ 2,540,672	\$ 0	\$ 2,540,672
CA #2 - Bidding Phase	\$ 0	\$ 290,363	\$ 0	\$ 290,363
CA #2 - Construction Phase	\$ 0	\$ 2,540,672	\$ 0	\$ 2,540,672
CA #2 - Completion Phase	\$ 0	\$ 72,590	\$ 0	\$ 72,590
CA #3 - Geotechnical Engineering – Geothermal Test Well	\$ 0	\$ 117,673	\$ 0	\$ 117,673
CA #3 -Acoustical Engineering – Noise Sound Measurements	\$ 0	\$ 5,500	\$ 0	\$ 5,500
CA #4 – HAZMAT Consulting	\$ 0	\$ 138,512	\$ 0	\$ 138,512
CA #5 – Geo-Environmental & Geotechnical, Subsurface	\$ 0	\$ 340,725	\$ 0	\$ 340,725
CA #6 – Utilities – Hydrant Flow Test	\$ 0	\$ 1,375	\$ 0	\$ 1,375
CA #7 – Supplemental Geo-Engineering & Geotechnical	\$ 0	\$ 50,050	\$ 0	\$ 50,050
CA #8 – Site Surveying	\$ 0	\$ 2,750	\$ 0	\$ 2,750
CA #9 – Supplemental Geo-environmental Engineering	\$ 0	\$ 42,900	\$ 0	\$ 42,900
CA #10–Supplemental Geo-environmental Engineering	\$ 0	\$ 19,800	\$ 0	\$ 19,800
CA #11–Supplemental Geo-environmental Engineering	\$ 0	\$ 0	\$ 13,200	\$ 13,200
Total Fee	\$1,179,260	\$ 7,978,848	\$ 13,200	\$ 9,171,308

This Amendment is for performing 15-20 rock probes along the support of excavation (SOE) line to determine to extent of rock that will likely be encountered during installation of the SOE.

3. The Construction Budget shall be as follows:

Original Budget:	\$ 93,335,813
Amended Budget	\$ 92,683,548

4. The Project Schedule shall be as follows:

Original Schedule:	<u>Phase 1 Substantial Completion – 11/4/2022</u>
	<u>Phase 2 Substantial Completion – 8/31/2024</u>
Amended Schedule	<u>Phase 1 Substantial Completion – 5/31/2023</u>
	<u>Phase 2 Substantial Completion – 8/31/2024</u>

Phase 1 – New Building, Roadways and Sidewalk Work

Phase 2 – Abatement & Demolition of Existing Building, Geothermal Wells & Site Improvements

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

Jonathan Levi

(print name)

Principal

(print title)

By: _____
(signature)

Date: 2/16/21

16 February 2021

Mr. Jim Rogers
Principal
LEFTFIELD Project Management
225 Franklin Street, 26th Floor
Boston, MA 02110

Re: *Fee Proposal, Geotechnical Services
Driscoll School, Brookline MA*

Dear Jim,
Attached please find a proposal from McPhail for Geotechnical services to be performed as a subconsultant to JLA.

Fee

As described in Article 4.11 of the Contract for Designer Services, the services associated with this proposal are to be invoiced on a lump sum basis as Extra Services, plus the 10% standard markup specified in Articles 9.1 and 9.1.1.

Task 7: Subsurface exploration (rock probes) \$12,000

10% markup \$1,200

Total \$13,200

Please do not hesitate to contact me if you would like us to clarify or modify our assumptions, or if there is anything represented here which does not conform to your expectations.

Sincerely,



Philip Gray
Associate Principal
Jonathan Levi Architects



February 15, 2021

Jonathan Levi Architects
266 Beacon Street
Boston, MA 02116

Attention: Mr. Philip Gray

Reference: Driscoll School; Brookline, Massachusetts
Proposal for Supplemental Geotechnical Engineering Services

Ladies and Gentlemen:

We are pleased to present our proposal for providing supplemental geotechnical engineering services for the above-referenced project. The proposed scope of work is being provided as a supplement to our March 4, 2020 proposal for geotechnical engineering services. Task numbers referenced herein are numerically sequenced to the March 4, 2020 proposal.

Background

A total of five (5) subsurface exploration programs have been previously completed at the site by McPhail Associates, LLC (McPhail). Specifically, in November 2018 a program for preliminary geotechnical purposes was conducted, as well as programs performed in February, April, July, and September 2020 for geotechnical and/or geoenvironmental purposes. Bedrock was encountered in portions of the proposed building footprint to the south and southwest of the proposed basement. Based upon our involvement in recent descoping meetings with Jonathan Levi Architects (JLA), Leftfield (the Owner's project manager) and Gilbane Building Company, it is understood that a cost-effective support of excavation (SOE) system consisting of soldier piles and lagging has been proposed by the bidding subcontractors. It is further understood that the soldier piles will likely extend to a depth of up to about 40 feet below the ground surface and may require rock sockets if the bedrock surface is encountered at shallower depths. Based on our recent conversation with Leftfield, there are significant cost impacts to the SOE installation if rock sockets are required. Accordingly, Leftfield has requested that McPhail provide JLA with a proposal to perform rock probes along the proposed SOE alignment to further assess the depth to bedrock for use in the subcontractor's SOE design and pricing.

Geotechnical Task 7: Supplemental Geotechnical Subsurface Exploration

In consideration of the above, we propose to perform a subsurface exploration program consisting of 15 to 20 rock probes. The rock probes would be located along the perimeter of the proposed temporary earth support system to the west, east and north of the proposed basement level and would be advanced to a minimum depth of 40 feet below ground surface or to refusal, whichever is encountered first. The rock probes would be completed utilizing track-mounted drilling equipment. The rock probes are anticipated to take two (2) days to complete and the cost for the subcontractor is approximately \$7,500.



We propose to provide the following geotechnical engineering services associated with the subsurface exploration program:

1. Subcontract with a qualified subcontractor to perform the rock probes as described above and clear utilities with Dig-Safe;
2. Provide a field engineer to observe the explorations, to prepare an excel spreadsheet indicating depth to refusal on possible top of bedrock at each of the rock probe locations, to make modifications to the subsurface exploration program depending upon actual conditions encountered, and to determine the existing ground surface elevation at each exploration utilizing vertical control indicated on the site survey; and
3. Provide a memorandum summarizing the results of the rock probes including the preparation of a top of bedrock contour map.

The lump sum fee to complete Geotechnical **Task 7** is \$12,000, which includes an estimated cost of \$7,500 for the drilling contractor.

Terms and Conditions

The activities proposed herein will be provided in accordance with the terms and conditions presented in our proposal dated March 4, 2020 which is incorporated herein by reference.

We appreciate being invited to submit this proposal and look forward to being of continued service to JLA and the design team on this challenging project. To authorize us to proceed with the services proposed above, please sign and return a copy of this letter.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

McPHAIL ASSOCIATES, LLC

JONATHAN LEVI ARCHITECTS

A handwritten signature in blue ink that reads "Nicholas D. Hodge".

Nicholas D. Hodge

BY

A handwritten signature in blue ink, likely representing Jonathan Levi Architects, written over a horizontal line.

A handwritten signature in blue ink that reads "Joseph G. Lombardo, Jr.".

Joseph G. Lombardo, Jr., L.S.P.

DATE
2/16/21