TOWN OF BROOKLINE

333 Washington Street, Brookline, Massachusetts 02445

PURCHASE ORDER CHANGE FORM

INVOICE DATE: 08-Jun-20

TO: Jonathan Levi Architects
266 Beacon Street
Boston MA 02116

Purchase Order Number: 21913796

Vendor Number: 7860

BUDGET $8,757,681.00
BALANCE $7,368,968.20

FUND	ORGANIZATION	ACTIVITY	OBJECT
	2518K154		6B0129
	2519K154		6B0130

PAYMENT AMOUNT: **$50,050.00**

FOR: Driscoll School Schematic Design

Amendment	Date		AMOUNT
7	6/9/2020	Added Geotechnical Services	$50,050.00

BUILDING COMMISSION

APPROVAL OF:

Janet Fierman, Chairman

George Cole

Kenneth Kaplan

Karen Breslawski

Nathan E. Peck

BOARD OF SELECTMEN

APPROVAL OF:

Bernard W. Greene, Chairman

Benjamin Franco

Nancy S. Heller

Heather Hamilton

Raul Fernandez

SCHOOL COMMITTEE

APPROVAL OF:

Mary Ellen Normen, Assistant Superintendent For Administration and Finance

LEFTFIELD
THE RIGHT CHOICE IN PROJECT MANAGEMENT

June 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. 7

Dear Mr. Guigli,

LeftField has reviewed the Designer Contract Amendment No. 7 presented by Jonathan Levi Architects for reimbursable services provided by their Geotechnical and Geo-Environmental Consultant, McPhail Associates, Inc. The request is based on McPhail's Proposal, dated June 3, 2020, and is for Supplemental Subsurface Exploratory Services for Geotechnical and Geo-Environmental borings and soils sampling/ characterizations in the proposed area for relocation of the storm drainage line. The additional borings and soils sampling/characterizations is to ensure the scope of work required to relocate the drain line is sufficiently covered in the contract documents to avoid unforeseen subsurface conditions that could prompt costly change orders during construction. It is important to note that McPhail's Proposal is not lump sum but a not-to-exceed proposal and will be utilized as required of the proposed design. McPhail's base cost is $45,500.00 and JLA's administrative costs of $4,550.00 is per the Designer Contract.

In reviewing McPhail's cost to provide the tasks outlined, LeftField found the cost to be fair and reasonable. However, LeftField will monitor the need for this additional work as the design progresses to ensure that the project does not overspend to provide these services unnecessarily if previous borings and soils characterizations would suffice.

LeftField therefore recommends that the Town of Brookline accept Designer Contract Amendment No. 7 for the total of $50,050.00 to be expended if proven necessary.

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

Sincerely,

Lynn Stapleton

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. 7

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 potential Supplemental Subsurface Exploratory Services for Geotechnical and Geo-Environmental Services from McPhail Associates, Inc., dated June 3, 2020; 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, effective as of June 9, 2020, 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. 7 for the total value of $50,050.00. This Amendment is based on JLA's Consultant McPhail's Proposal, dated June 3, 2020 for $45,500.00 and JLA's administrative mark-up of 10%. This Amendment is a not to exceed fee and will utilized on an as required basis. 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	Original Contract	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	$ 0	$ 50,050	$ 50,050
Total Fee	**$1,179,260**	**$ 7,863,348**	**$ 50,050**	**$ 9,092,658**

This Amendment is a required to ensure that funds are committed to allow required geotechnical borings in the path of the relocated drain line in order to capture the work in the construction documents and to conduct soil sampling and soils characterization as required for like purposes.

3. The Construction Budget shall be as follows:

Original Budget: $ 93,335,813

Amended Budget $ 93,197,301

4. The Project Schedule shall be as follows:

Original Schedule: Phase 1 Substantial Completion – 11/4/2022

Phase 2 Substantial Completion – 8/31/2024

Amended Schedule _____

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)

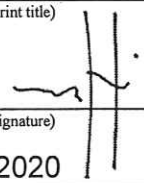
By: _____
(signature)

Date: _____

DESIGNER:

Jonathan Levi, FAIA
(print name)

Principal
(print title)

By: 
(signature)

Date: 6/4/2020

Jonathan Levi Architects
266 beacon street boston ma 02116 tel 617.437.9458 fax 617.437.1965 www.leviarc.com

4 June 2020

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

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

Dear Jim,
Attached please find a proposal from McPhail for services to be performed as a subconsultant to JLA. The request for these services arises from the discovery of subsurface bedrock and value management discussions with the CMR on the most efficient approach to support of excavation and existing utility relocation. It should be noted that the services associated with Task 7 "optional explorations for utility line" are considered likely to be needed, however the determination of the most cost-effective relocation for this existing line is still in process. If it turns out this work is not required, needless to say, the Town will not be invoiced for the work.

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 5: Supplemental GeoEnvironmental	$29,500
Task 6: Geotechnical investigation	$8,500
Task 7: Utility line geotechnical investigation	$7,500
Subtotal	***$45,500***
10% Markup	$4,550
Total	**$50,050**

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

JLA

McPHAIL ASSOCIATES, LLC

June 3, 2020

Jonathan Levi Architects
266 Beacon Street
Boston, MA 02116

Attention: Mr. Philip Gray

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

Ladies and Gentlemen:

We are pleased to present our proposal for providing supplemental geoenvironmental engineering services for the above-referenced project. The proposed scope of work is being provided as a supplement to our March 4 and April 2, 2020 proposals for geoenvironmental and geotechnical engineering services. Task numbers referenced herein are numerically sequenced to the March 4 and April 2, 2020 proposals.

Background

Three (3) subsurface exploration programs have previously been completed by McPhail Associates, LLC at the project site: in November 2018 for preliminary geotechnical purposes, during February 2020 for geotechnical and geoenvironmental purposes and on April 16 and 17, 2020 for supplemental geotechnical and geoenvironmental purposes. In general, the results of the testing identified the presence of the constituents analyzed at concentrations typical to fill material and/or consistent with background for the natural soil samples. However, a cost-effective support of excavation system and a possible reconfiguration of the below grade space has been discussed. In addition, the extent of the temporary excavation support system has been adjusted to better accommodate the proposed below grade space, including retaining wall footings.

Geoenvironmental Task 5: Supplemental Geoenvironmental Services

Due to the extent of the support of excavation and the possible reconfiguration of the below grade space, additional soil may be required to be exported off the site. McPhail proposes a supplemental phase of geoenvironmental subsurface explorations at the site to obtain soil samples from within the vicinity of the location of the possible reconfigured of the basement and the adjustment to the temporary excavation support system. Additional chemical testing will allow for soil within these areas of possible reconfiguration to be precharacterized prior to construction. The samples would be collected from ground surface to the proposed bottom of excavation to characterize the soil for off-site reuse, recycling or disposal. We propose to advance three (3) borings along the western and northern portions of the proposed basement level to a depth of about 20 feet below ground surface. Soil samples will be obtained continuously with depth and composited at 5-foot intervals for chemical testing parameters that are required by in-state landfills. The borings are

anticipated to take two (2) days to complete and the cost of the drilling subcontractor is estimated to be $5,400.

Our proposed scope of supplemental geoenvironmental engineering services will include the following:

1. Subcontract with a qualified drilling subcontractor to perform the borings and clear utilities with Dig-Safe;

2. Provide a qualified field engineer or geologist to mark the exploration locations in the field by taping from existing site features, to monitor the explorations, to obtain representative soil samples, to monitor the groundwater levels in the completed explorations, to prepare detailed field logs, to make modifications to the subsurface exploration program depending upon actual conditions encountered and to determine the existing ground surface elevation at each exploration location

3. Screen soil samples obtained from the borings, for the presence of total volatile organics (TVOC) utilizing a photoionization detector (PID);

4. Prepare and submit eleven (11) soil samples obtained from the explorations for laboratory analyses for the presence of total petroleum hydrocarbons, volatile organics, RCRA-8 metals or MCP-14 metals, semivolatile organic compounds (SVOCs), PCB's, pH, reactivity, conductivity and flashpoint. Additional analysis for the presence of TCLP (leachable) metals may be required based upon the levels of total metals identified. Additionally, chemical testing for the presence of TCLP metals will be performed, as required, based upon our review of the initial chemical testing as referenced above. It is anticipated that approximately 10% of the samples will require TCLP Lead testing and 60% of the samples will require MCP-14 metals;

5. Review the chemical test results with respect to the applicable reporting thresholds contained in the MCP;

6. Prepare an Updated Soil Management Plan which will contain an update color-coded soil reuse plan and recommendations for management and off-site reuse of the on-site soil.

The cost of chemical testing charged by the laboratory is predicated upon a turnaround time (TAT) of five (5) business days. The fee for engineering services would be based on a multiple of 2.5 times salary cost for technical personnel directly attributable to the project plus any direct expenses (e.g. chemical testing) at cost plus 15 percent.

The lump sum fee to complete **Task 5** is **$29,500**, which includes the estimated fee of $5,400 for the drilling contractor and an allowance of $15,500 for the soil chemical testing.

Geotechnical Task 6: Supplemental Geotechnical Subsurface Exploration

In addition to the proposed supplemental geoenvironmental scope of work, previous borings B-109, B-110, and B-201 encountered possible bedrock at levels above the proposed lowest level floor slab. Although these borings were outside of the reconfigured basement area, additional explorations are recommended to better characterize the bedrock surface within this basement area.

In consideration of the above, we propose to perform a subsurface exploration program consisting of three (3) to five (5) borings. The borings would be located along the perimeter of the proposed temporary earth support system on the southwestern portion of the basement level and would be advanced to an approximate depth of 30 feet below ground surface or to refusal, whichever is encountered first. The borings would be completed utilizing track-mounted drilling equipment. The borings are anticipated to take one (1) day to complete and the cost of the drilling subcontractor is estimated to be $2,700.

Due to the existing Driscoll School structure abutting the proposed structure and the depth and type of the existing Driscoll School foundation is unknown, it is also recommended that a subsurface exploration program consisting of approximately two (2) to three (3) exploratory test pits located adjacent to the existing Driscoll School building. The test pits will allow us to observe the foundation conditions and determine if additional support is needed during the proposed construction. The test pits would need to be machine-excavated to a depth of about 10 feet below the existing ground surface, to the bottom of the existing footings, or to practical refusal, whichever is encountered first. It is anticipated that the test pits will require one (1) day to complete and the cost of the excavation subcontractor is estimated to be $3,300, which includes the cost of the backfill and cold patch upon completion of the test pits.

We propose to provide the following geotechnical engineering services associated with the subsurface exploration program and final foundation design study:

1. Subcontract with a qualified drilling and excavation subcontractors to perform the borings and test pits, respectively, described above and clear utilities with Dig-Safe;

2. Provide a field engineer to observe the explorations, to obtain representative soil samples, to monitor the groundwater levels within the completed explorations, to prepare detailed field logs, 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.

The lump sum fee to complete Geotechnical **Task 6** is $8,500, which includes an estimated cost of $2,700 for the drilling contractor and $3,300 for the excavation subcontractor. This

results from the additional borings, will be incorporated with the Final Foundation Engineering Report to be completed as part of **Task 1** of the March 4, 2020 geotechnical engineering services proposal.

Geotechnical Task 7: Optional Explorations for Utility Line

A brick drain line culvert exists below the proposed building footprint and will need to be relocated as part of the construction. One of the proposed relocation alignments for the drain line is around the north side of the proposed building, where there is limited subsurface information.

In consideration of the above, we propose to perform a subsurface exploration program consisting of four (4) to six (6) borings to the north of the proposed building, that would be advanced to an approximate depth of 30 feet below ground surface or to refusal, whichever is encountered first. The borings would be completed utilizing track-mounted drilling equipment. The borings are anticipated to take two (2) days to complete and the cost of the drilling subcontractor is estimated to be $5,400.

We propose to provide the following geotechnical engineering services associated with the subsurface exploration program and final foundation design study:

1. Subcontract with a qualified drilling subcontractor to perform the borings described above and clear utilities with Dig-Safe;

2. Provide a field engineer to observe the explorations, to obtain representative soil samples, to monitor the groundwater levels within the completed explorations, to prepare detailed field logs, 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.

The lump sum fee to complete Geotechnical **Task 7** is **$7,500**, which includes an estimated cost of $5,400 for the drilling contractor. This results from the additional borings, will be incorporated with the Final Foundation Engineering Report to be completed as part of **Task 1** of the March 4, 2020 geotechnical engineering services proposal.

Estimated Fee Summary

The lump sum fees for the above Tasks are summarized as follows:

Task	*Description*	
5	Supplemental Geoenvironmental Engineering Services	$29,500
6	Supplemental Geotechnical Engineering Subsurface Investigation	$8,500
7	Optional Explorations for Utility Line	$7,500
	Total	***$45,500***

Terms and Conditions

The activities proposed herein will be provided in accordance with the terms and conditions presented in our proposals dated March 4 and April 2, 2020 proposals which is incorporated herein by reference.

We appreciate being invited to submit this proposal and look forward to being of continued service to you 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

Nicholas D. Hodge

Nicholas D. Hodge

Chris M. Erikson, P.E.

JONATHAN LEVI ARCHITECTS

BY _____

DATE _____

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NDH/cme/wjb