

TOWN OF BROOKLINE
333 Washington Street, Brookline, Massachusetts 02146

PURCHASE ORDER CHANGE FORM

INVOICE DATE: 09-Sep-24

TO:	Miller Dyer Spears, Inc 99 Chauncy Street Boston MA 02111
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Purchase Order Number
21201408

Vendor Number
2060

BUDGET \$1,294,466.00
BALANCE \$18,925,904.61

FUND	ORGANIZATION	ACTIVITY	OBJECT
	4997C224		6C0045

PAYMENT AMOUNT
\$22,687.50

FOR: John R. Pierce School

Amendment	Date	
14	9/4/2024	Added Geotechnical Services

AMOUNT
\$22,687.50

BUILDING COMMISSION

APPROVAL OF:

Janet Fierman, Chairman

George Cole

Karen Bralowski

Nathan E. Peck

Brooke Duskin

SELECT BOARD

APPROVAL OF:

Charles Carey, Town Administrator

Bernard Greene, Chairman

Michael Sandman

John VanScoyoc

Miriam Aschkenasy

Paul Warren

SCHOOL COMMITTEE

APPROVAL OF:

Deputy Superintendents For Administration and Finance

Susan J. Driscoll
John A. Gault



September 4, 2024

Mr. Lap Yan
Project Manager
Building Department
333 Washington Street
Brookline, MA 02445

Re: John R. Pierce School Project
Designer Services Contract Amendment No. 11

Dear Mr. Yan,

LeftField has reviewed Designer Contract Amendment No. 11 presented by Miller Dyer Spears (MDS) for their Additional Services Request #14 for Added Geotechnical Services for the total amount of \$22,687.50. MDS made this request to support the additional Geotechnical Services of the Geotechnical Engineer, Lahlaf Geotechnical Consulting, Inc. These services include additional Mast Arm Borings and related boring needs, Geotechnical Observations of Additional Test Pits under the existing garage and related additional Analysis and Reporting. The costs presented in Amendment No. 11 are necessary.

The scope of services is a requirement, and the costs are fair and reasonable. LeftField recommends that the Town of Brookline accept Designer Contract Amendment No. 11 in the amount of \$22,687.50.

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

Sincerely,
LeftField Project Management

Lynn Stapleton

Lynn Stapleton, AIA, LEED AP B D + C

Attachment: MDS Designer Contract Amendment 10

Cc: Jim Rogers, LeftField, LLC
Jennifer Carlson, LeftField, LLC
Adam Keane, LeftField, LLC
Will Spears, Miller Dyer Spears, Inc.
Margret Clark, Miller Dyer Spears, Inc.

CONTRACT FOR DESIGNER SERVICES

AMENDMENT NO. 11

WHEREAS, the TOWN OF BROOKLINE ("Owner") and MILLER DYER SPEARS, INC. (the "Designer") (collectively, the "Parties") entered into a Contract for Designer Services for the Feasibility Study and Schematic Design Phases for the John R. Pierce Elementary School Project (Project Number 201800460040) on January 26, 2021, ("Contract"). The John R. Pierce Elementary School is located at 50 School Street, Brookline, MA 02445; and

WHEREAS, the scope of this work is summarized in the attached Miller Dyer Spears (MDS) Additional Service Request #14, dated September 4, 2024, for Added Geotechnical Services.

WHEREAS, Contract Amendment No. 1 was approved by the Town of Brookline on August 10, 2021; and

WHEREAS, Contract Amendment No. 2 was approved by the Town of Brookline on September 14, 2021; and

WHEREAS, Contract Amendment No. 3 was approved by the Town of Brookline on January 11, 2022; and

WHEREAS, Contract Amendment No. 4 was approved by the Town of Brookline on June 29, 2022; and

WHEREAS, Contract Amendment No. 5 was approved for approval by the Town of Brookline on July 11, 2023; and

WHEREAS, Contract Amendment No. 6 was approved for approval by the Town of Brookline on July 11, 2023; and

WHEREAS, Contract Amendment No. 7 was approved by the Town of Brookline on May 14, 2024 and on June 11, 2024; and

WHEREAS, Contract Amendment No. 8 was approved by the Town of Brookline on June 11, 2024; and

WHEREAS, Contract Amendment No. 9 was approved by the Town of Brookline on June 11, 2024; and

WHEREAS, Contract Amendment No. 10 was approved by the Town of Brookline on June 11, 2024; and

WHEREAS, effective as of September 4, 2024, 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 \$22,687.50. The Miller Dyer Spears' (MDS) Amendment is for the attached MDS Additional Service Request #14, dated September 4, 2024, for Additional Services for Added Geotechnical Services for Mast Arm Borings, Observations of Test Pits, Analysis and Reporting. 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:

John R. Pierce Elementary School

Designer Contract Amendment No. 11

Fee for Basic Services	Original Contract	Previous Amendments	Amount of This Amendment	Total of All Amendments
Feasibility Study/Schematic Design Phase	\$1,294,466	\$ 170,652.11	\$ 0	\$ 1,465,118.11
Design Development Phase	\$ 0	\$ 3,705,919	\$ 0	\$ 3,705,919
Construction Documents Phase	\$ 0	\$ 6,229,098	\$ 0	\$ 6,229,098
Bidding Phase	\$ 0	\$ 394,247	\$ 0	\$ 394,247
Construction Phase	\$ 0	\$ 5,046,358	\$ 0	\$ 5,046,358
Completion Phase	\$ 0	\$ 394,247	\$ 0	\$ 394,247
Printing (Over Min.)	\$ 0	\$ 0	\$ 0	\$ 0
A/E Reimbursable Services	\$ 0	\$ 1,190,625	\$ 0	\$ 1,190,625
HAZMAT Services	\$ 0	\$ 173,157	\$ 0	\$ 173,157
Geotechnical/Geo-Environmental	\$ 0	\$ 509,883	\$ 22,687.50	\$ 532,570.50
Site Survey	\$ 0	\$ 54,780	\$ 0	\$ 54,780
Traffic Studies	\$ 0	\$ 78,473	\$ 0	\$ 78,473
Total Fee	\$1,294,466	\$17,947,439.11	\$ 22,687.50	\$19,264,592.61

This Amendment is for Added Geotechnical Services for Mast Arm Borings, Observations of Test Pits, Analysis and Reporting for the Pierce School.

3. The Construction Budget shall be as follows:

Original Budget: \$168,022,660
 Amended Budget: _____

4. The Project Schedule shall be as follows:

Original Schedule: (based on 6/1/23 DD start) Substantial Completion – 7/21/27
 Amended Schedule: _____



September 2, 2024

Ms. Lynn Stapleton
101 Federal Street,
Boston, MA 02110

Re: Pierce School - Additional Service Request #14 - Added Geotechnical Services

Dear Lynn,

As discussed with Adam Keane, MDS is submitting this proposal for expenses to be incurred by MDS in the form of the following additional services:

1. Mast Arm Borings:
 - 2nd mast arm boring ✓ *Do we need?*
 - Additional vacuum truck for the mast arm borings in the street
 - Related additional police detail and geotechnical time
2. Geotechnical observation of the additional test pits under the existing garage.
3. Related additional analysis and reporting.

See attached proposal from Lahlaf Geotechnical Consulting, Inc. for more information.

Exclusions:

- The driller is relying on the record plans and any information found within the vacuum excavation to avoid existing utilities. Any repair needed to any buried utilities is not included in this proposal.

For the additional scope defined above, MDS proposes the fees below:

Fee Proposal:	
Lahlaf	\$20,625
MDS markup 10%	\$2,062.50
Total Additional Service	\$22,687.50

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret O'Connell", written over a horizontal line.

MILLER DYER SPEARS INC.
Margaret O. Clark, RA, LEED AP BD+C
Senior Associate

Cc: W. Spears

John R. Pierce Elementary School

Designer Contract Amendment No. 11

5. This Amendment contains all of 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:

TOWN OF BROOKLINE

(print name)

(print title)

By: _____
(signature)

Date: _____

DESIGNER:

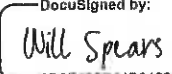
MILLER DYER SPEARS, INC.

will spears

(print name)

Principal

(print title)

By:  _____
(signature)

Date: 9/5/2024

	Added Boring, Vac Truck, and Test Pits Observation and Report	
1a	Project Setup	\$240
1b	Mark Borings in the Field	\$750
1c	Utility Clearance	\$460
2a	Drilling Subcontractor (1 day of drilling and 1 day of Vacuum Explorations)	\$9,385
2b	Police Detail (2 days) <i>1 DAY ?</i>	\$2,120
2c	Traffic Management for roadway Boring	\$460
3	Geotech. Rep. to Observe Borings and Test Pits (3 days) <i>DAYS ?</i>	\$4,060
4	Boring and Test Pit Logs and Geo. Report for Mast Arms	\$1,850
	Lahlaf Total	\$19,325
	Previous Lahlaf Budget in fee	(\$8,900)
	Adjusted Total Lahlaf	\$10,425
	Potential Additional Requirements:	
	Drilling extends into a third day (drilling subcontractor, police detail, and Lahlaf time)	\$6,300
	Potential requirement for night work	\$3,900
	Total not to exceed Lahlaf	\$20,625
	MDS markup 10%	\$2,062.50
	Total not to exceed with MDS markup	\$22,687.50

