



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

TO: Selectboard/ School Committee

FROM: Ray Masak, PE Project Manager

SUBJECT: High School Expansion Project – MBTA Capital Delivery Force Account
Additional Funding: Amendment 3- MBTA Support

DATE: January 16, 2020

On the Calendar this week, the Building Department has submitted a request to provide additional funding for the Capital Delivery force account related to MBTA construction diversions associated with the MBTA station and the new 111 Cypress building. As part of the force account agreement, the Town is required to fund the account for construction related MBTA support (diversion; flagmen; etc). The funding request is for \$3,278,077.50 through the end of 2020.

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

HILL
Hill International

Hill International, Inc.
75 Second Avenue, Suite 300
Needham, MA 02494
Tel: 617-778-0900
Fax: 617-778-0999
www.hillintl.com

January 13, 2020

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

Dear Mr. Masak:

Under separate cover, the MBTA Capital & Delivery Department has submitted an email copy of Construction Force Account Amendment #3 received 1/10/20. This Amendment includes an MBTA technician required for the AFC shelter relocation which occurred on 1/11/20 and another (20) weeks of flagging support, but the majority of it includes estimated costs for (14) weekend diversions and (20) week night early access dates anticipated January-December 2020.

In 2019, Skanska has been able to capitalize on seven (7) existing MBTA weekend diversions at no cost to the Town. It is anticipated that Skanska can also piggyback on (3) planned MBTA weekend diversions in 2020. In addition, Skanska has planned (155) week night early access dates in 2020, in which the majority will be piggybacked. It is estimated that (20) week night early access dates will be cancelled by the MBTA in 2020, in which cost would be transferred to the Town as accounted for in the Amendment.

Below is brief summary of costs related to the MBTA Force Account to date:

Initial Funding for Design Review	\$160,282.95
Amendment 1 - MBTA Support Services thru Construction	\$706,356.37
Amendment 2 - 2019 Diversions + Flagging Support	\$1,119,463.40
Amendment 3 - 2020 Diversions + Cancelled Week Nights + Flagging Support	\$3,278,077.50
	\$5,264,180.22

We anticipate a future Amendment request for additional funding for MBTA support in 2021.

Hill has analyzed the MBTA's latest request and we recommend approval of Amendment 03 in the amount of **\$3,278,077.50**.

Sincerely,



Ian M. Parks
Senior Project Manager

*Need Pink shrt/
yellow shrt
Amendment / Payment
MBTA Capital*

TOWN OF BROOKLINE
333 Washington Street, Brookline, Massachusetts 02445

PURCHASE ORDER CHANGE FORM

INVOICE DATE: 14-Jan-20

TO: Capital Delivery Department
Massachusetts Bay Transportation Authority
Ten Park Plaza, Suite 5170
Boston MA 02116
Attn: Beth Larkin, Assistant General Manager

Purchase Order Number

21917414

1794

PAYMENT AMOUNT

\$3,278,077.50

BUDGET 866,639.32
BALANCE 687,767.02

FUND	ORGANIZATION	ACTIVITY	OBJECT
	2594C204		6B0136

FOR: High School Expansion Project

Change Order	Date	
3	10/7/2019	2020 Diversions + Cancelled Week Night + Flagging Support

AMOUNT
\$3,278,077.50

BUILDING COMMISSION

APPROVAL OF:

Janet Fierman, Chairman

George Cole

Kenneth Kaplan

Karen Breslawski

Nathan E. Peck

SELECT BOARD

APPROVAL OF:

Bernard W. Greene, Chairman

Benjamin J. Franco

Nancy S. Heller

Heather Hamilton

Raul Fernandez

SCHOOL COMMITTEE

APPROVAL OF:

Mary Ellen Norman, Assistant Superintendent For Administration and Finance

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**THIRD AMENDMENT TO
FORCE ACCOUNT AGREEMENT**
by and between
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
and
TOWN OF BROOKLINE, MA

This Third Amendment to the Force Account Agreement ("Third Agreement") is entered into as the ____ day of _____, 2020 by and between Massachusetts Bay Transportation Authority, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts ("MBTA"), and Town of Brookline, acting by and through Brookline Select Board and Brookline School Committee, with an address of Town Hall, 333 Washington Street, Brookline, MA 02445 ("Proponent"). Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Force Account.

RECITALS

WHEREAS, the MBTA and Town of Brookline entered into that certain Force Account Agreement effective March 12, 2019, First Amendment to Force Account Agreement dated July 25, 2019, a copy of which is attached as Attachment 2, Second Amendment to Force Account Agreement dated January ____, 2020, a copy of which is attached as Attachment 3 (the "Force Account"); and

WHEREAS, the Authority and Proponent wish to amend the Force Account as the Proponent requires additional services of the MBTA in connection with the Brookline High School Expansion Project (the "Project").

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties hereby amend the Contract as follows:

- (1) "Article 1 – Scope of Services" of the Force Account is hereby amended to include the additional services set forth under "**Article 1 – Scope of Services Amendment 3**" in Attachment 1 attached hereto and incorporated herein by reference ("Attachment 1").
- (2) "Article 2 – Budget" of the Force Account is hereby amended to add additional costs for the additional Services to be provided by the MBTA in connection with the Project,

which additional costs are estimated to be \$3,278,077.50, as set forth under "**Article 2 – Budget Amendment 3**" in Attachment 1.

- (3) Attachment 3 attached hereto and incorporated herein by reference ("Attachment 3") entitled "Force Account Agreement & Amendment 2" is hereby added to the Force Account. As set forth in Attachment 2, the MBTA's estimated cost of providing the Services as set for in Attachment 2 is \$3,278,077.50. Accordingly, the aggregate estimated cost of the Services to be provided by the MBTA in connection with the Project is currently \$1,986,102.72, which may be increased, in accordance with the terms of the Force Account, as amended to \$5,264,180.22.
- (4) All other terms and conditions remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives:

**MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY**

TOWN OF BROOKLINE

Print Name:

Title:

Date: _____

Print Name:

Title:

Date: _____

Attachments:

Attachment 1: Articles 1 & 2 – Amendment 3

Attachment 2: Exhibit A – Scope and Budget Amendment 3

Attachment 3: Force Account Agreement
Force Account Agreement Amendment 1
Force Account Agreement Amendment 2