

## MEMORANDUM

**To:** CRA Board

**From:** Matthew Heller-Trulli

**Date:** February 9, 2023

**Re:** 99 Bishop Allen Drive - Designer Contract Amendment #3

## BACKGROUND

After the completion of the conceptual designs for the renovation of 99 Bishop Allen Drive, the CRA entered into a full design services contract with Silverman Trokoski Associates (STA) to cover the development of construction documents and continued design services throughout the renovation. On November 17, 2021 the CRA amended the value of STA's contract by \$66,470 in Amendment #1 to cover all of the project's change orders and anticipated construction close out needs, bringing the contract total to \$762,820.

As previously noted to the Board in September 2022, the close out of the project has taken significantly longer than expected. Much of the delays were related to contractor performance and equipment availability, yet this still required consultation with the STA design team on multiple issues including review of lighting, alarm wiring, and other electrical services, monitoring and modification of stair railing installation, adjustments to heating systems and thermostat locations, finalizing signage and emergency equipment locations, additional interior masonry restorations, as well as ongoing project close-out. Initially the CRA staff processed Amendment #2 to provide contract time extension through March 31, 2023, but had not finalized the value of the added construction and close-out services.

Fortunately nearly all the work mentioned above has now been completed. The final interior masonry work, mostly on the lower level and in one area of the third floor, will commence soon along with moving the thermostat in the SBN office suite so that it will more accurately reflect the temperature in the space. The final two railings within the building were completed in January 2023 along with added bracing to better secure all railings. The window repair for the first and third floor windows that were damaged in November 2022, will be under a separate contract due to the long lead time of the glass.

The STA amendment includes costs for increased scope by STA (\$23,200) for additional CA services and Close Out services and increased scope for the engineering sub-contractor (\$3,140) for extended CA services. This work pertains to lighting delays, fire alarm work, and railing installation that STA was overseeing.

## MOTION

*Draft Motion: Authorizing the Executive Director and Chair to amend the contract with STA for an additional twenty-six thousand and three hundred forty dollars (\$26,340) for a total amount not to exceed seven hundred eighty-nine thousand and one hundred and sixty dollars (\$789,160) to cover additional design work and technical studies undertaken during construction administration and project close out.*

## EXHIBITS

Exhibit A: Consultant Services Agreement – Amendment Three

**CONSULTANT SERVICES AGREEMENT**

**AMENDMENT THREE**

This **Consultant Services Amendment Agreement** (this "Amendment Three") is made as of this 9th day of February 2023, by and between the **Cambridge Redevelopment Authority**, a public body politic and corporate, established pursuant to Chapter 121B of the Massachusetts General Laws (hereinafter the "CRA"), and **Silverman Trykowski Associates.**, a corporation organized under the laws of the Commonwealth of Massachusetts (hereinafter the "Consultant"). The CRA and the Consultant may hereinafter be collectively referred to the "Parties."

WHEREAS the Parties entered into a Consultant Services Contract Agreement on September 18, 2020 to cover the Construction through Closeout Phases (the "Original Agreement") for a total value of \$337,125 and a term that ended on December 31, 2021.

WHEREAS Amendment One was executed on April 28, 2022 to extend the contract through June 1, 2022 and increase the contract value to \$403,595, which when combined with the first, now closed contract, which ran through the Design Development phase, brought the total fee the CRA will pay to the Designer under both contracts to \$762,820.

WHEREAS Amendment Two was executed on October 26, 2022 to extend the contract through March 31, 2023 with no increase to the contact value of \$762,820 that the CRA will pay to the Designer under both contracts.

WHEREAS there are additional services needed due to construction delay within the project including lighting, fire alarm work, and railing conditions, increasing the contract value by \$26,340 (Exhibit A), which when combined with the first, now closed contract, which ran through the Design Development phase, and the second contract ("Amendment One"), increase the contract value to \$789,160.

The CRA and the Consultant have respectfully caused Amendment Three of this Agreement to be duly executed as a sealed instrument as of the day and year first above written.

CAMBRIDGE REDEVELOPMENT  
AUTHORITY

CONSULTANT: SILVERMAN  
TRYKOWSKI ASSOCIATES

By: \_\_\_\_\_  
Thomas Evans, CRA Executive Director

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Exhibit A: Contract Amendment Request Memo from Silverman Trykowski Associates



April 15, 2022

Tom Evans, Executive Director  
Cambridge Redevelopment Authority  
255 Main Street, 8<sup>th</sup> Floor  
Cambridge, MA 02142

**Re: CRA Bishop Allen Drive Contract Amendment Request**

Dear Tom:

Please accept this request for a contract amendment to extend our contract through the end of the project. STA's current contract anticipated the completion of construction administration on November 30, 2021. The actual completion for construction administration services concluded just prior to the Christmas holiday when a temporary occupancy permit was granted. STA billed additional time on an hourly basis for the completion of construction administration services in December 2021.

The current contract also anticipated the project close out period to occur from December 1, 2021 through March 1, 2022. The project close out process is currently ongoing and we estimate that the majority of punchlist items and close out documents will be completed by the end of April 2022. Although this work will be completed, the following work will not be complete at that time.

1. Lighting delays are ongoing and final lighting installation cannot be completed until all of the lights are delivered. Completion time of this work is TBD.
2. Fire alarm work; final inspections necessitated the installation of additional fire alarm devices and this work will begin once the change order for this work is resolved. Completion time of this work is TBD.
3. There are some incomplete railing conditions, including the main lobby and three locations on the first floor. Completion time of this work is TBD.

Following is the break out of requested fees for each of the above items and time for AEI/ IMEG related to lighting and fire alarm close out.

STA: Extended CA Services (December 2021 invoice):	\$12,700
STA: Additional Close Out Services:	\$10,500
AEI Extended CA Services	\$ 3,140

Attached to this letter are current open invoices. Please let us know if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Silverman', with a long horizontal stroke extending to the right.

David J. Silverman, AIA, Principal