

MEMORANDUM

To: CRA Board
From: Alexandra Levering and Tom Evans
Date: December 14, 2022
Re: Project Contracting

OVERVIEW

The CRA is completing two projects requiring minor professional services contract amendments to bring these initiatives to completion. Neither amendment requires changes to the projected project budget, but require Board action for technical adjustment to the contract terms. Additionally, the close out and management of the Foundry building also requires a new contract with the project's existing architect firm.

DANNY LEWIN LANDSCAPE DESIGN

On August 8, 2018, the CRA entered into a three-year Consultant Contract Agreement with Mikyoung Kim Design LLC (MYKD) to provide on-call landscape design services. Initially, MYKD worked with CRA staff to develop designs and conduct community and stakeholder engagement to establish Ames Place Open Space concepts. More recently, MYKD worked with CRA staff in collaboration with Boston Properties, Residence Inn, the city, and the community, to establish schematic designs of Danny Lewin Park, which the CRA Board voted to approve on June 8, 2022.

Since June, MYKD has worked with staff to progress the design concepts. This has included meetings with the Cambridge Community Development Department, and close collaboration with Boston Properties' and Residence Inn's staff and consultant teams to ensure the approved schematic design is carried forward into respective construction documents. To date, construction of Danny Lewin Park is scheduled for the spring of 2023.

In order to enable MYKD to help with the designs of Danny Lewin Park, staff extended the Consultant Contract Agreement in 2021 for an additional year to end on December 31, 2022. Due to the fact that the design coordination has taken longer than expected, and construction on the park needs to occur during the warmer months, staff request that the Board approve a further time extension of MYKD's contract for an additional six (6) months, to end on July 31, 2023. Per Massachusetts General Law, professional service contracts extending longer than three years generally require Board approval, unless the longer term was anticipated during the project's original procurement and contract approval.

BISHOP ALLEN CONSTRUCTION MANAGEMENT

After the completion of the conceptual designs for the renovation of 99 Bishop Allen Drive, the CRA entered into a construction project management or OPM contract with STV | DPM (STV) in April of 2020. In addition, the CRA contracted with STV in a separate scope to provide move management services to coordinate the temporary relocation of tenants during the building's reconstruction, and their return back in December of 2021. On May 19, 2021 the CRA amended the value of STV's construction management contract to cover all of the project's needs through anticipated completion. This contract amendment added \$114,012 to the original contract, increasing it from \$241,196 to \$355,208.

Unfortunately, the close out of the project has taken longer than expected due to supply chain issues, sub-contractor performance challenges, and a few late project change orders. At this point, the renovation project is finally coming to a close with a few remaining loose ends to finish up. The metal fabricator needs to secure the final pieces of the stairway railings. The electrician is awaiting a final set of alarm beacons to install on a few smaller rooms. The HVAC system in the basement is being evaluated for effective winter performance; and recently some added masonry work is required to repair areas of internal brick walls.

STV remains closely involved in tracking these final project elements. Additionally, the project close out requires significant paperwork and a finalized bookkeeping review. STV's construction supervision contract has reached the end of its term and contract budget; however, money remains in their move management contract. CRA staff propose amending the STV contract by extending the contract term until March 2023 and shifting \$15,000 from the move management scope to complete the work required for close out. This does not affect the project budget as soft costs are shifted between line items.

FOUNDRY ARCHITECTURE

The Foundry construction contract is nearly complete with a few remaining punch list items to resolve, along with some early warranty issues with the general contractor, WT Rich and their sub-contractors. A few change orders are being processed to improve elements of the building fit-out to meet the Foundry Consortium's needs or to adapt some materials that have not worked out. Through this process, the CRA, the Foundry Consortium, and the tenants have identified a number of further improvements to the fit-out that the team would like to consider. These are considered 'out of scope' items that would need to be paid for out of the Foundry Reserves or by the office tenants.

The City's architect on the Foundry Building has been Cambridge Seven. Their scope on the project has been completed, however they remain involved in a few of the design adjustments that have been raised during construction close out. The CRA would like to retain Cambridge Seven as design consultants to assist with a few additional 'out of scope' items. Depending on the work, the CRA would need to find appropriate contractors or installers, outside the WT Rich contract with the City. Typically contracts for design services are initiated through an RFQ process, however that designer selection

process is not required if the anticipated public construction work is less than one hundred thousand dollars (\$100,000). As Cambridge Seven is most familiar with the building, staff propose entering into an independent contract with Cambridge Seven to work through some of the potential 'out of scope' improvements to be undertaken.

BOARD ACTIONS

Draft Motion: Authorizing the Executive Director to extend the landscape design services contact with MikYoung Kim Design to extend the term through July 31, 2023.

Draft Motion: Authorizing the Executive Director to amend the OPM contract with STV by shifting \$15,000 from the STV move management contract to construction close-out services and extending the term through March 31, 2023.

Draft Motion: Authorizing the Executive Director and Chair to negotiate a limited design services contract with Cambridge Seven for minor building modifications.

ATTACHMENTS

Attachment A – Draft MikYoung Kim Contract Extension Agreement

Attachment B – Draft STV Contract Amendment

Attachment A

DRAFT CONSULTANT CONTRACT EXTENSION AGREEMENT

This **Consultant Services EXTENSION Agreement** (this "Agreement") is made as of this day of August 8 2018, 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 **Mikyoung Kim Design LLC.**, a limited liability company 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 Contract Agreement on August 8, 2018 (the "Original Agreement").

WHEREAS the Parties previously extended the term of the Original Agreement to December 31, 2022 in accordance with the terms of the Original Agreement to establish a new Notice to Proceed for work at Danny Lewin Park in the KSURP.

WHEREAS the Parties hereby agree to further extend the term of the Original Agreement in accordance with the terms of the Original Agreement as well as the terms provided herein to continue design work at Danny Lewin Park in the KSURP.

In consideration of the mutual covenants contained herein, each Cambridge Redevelopment Authority and Mikyoung Kim Design LLC covenant and agree as follows:

- The Original Agreement will be extended as of _____, 2022 and shall continue through July 31, 2023.
- The Parties agree to extend the Original Agreement for an additional period, which will begin immediately upon the execution of this Agreement.
- This Extension binds and benefits both Parties and any successors or assigns.

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

CAMBRIDGE REDEVELOPMENT
AUTHORITY

CONSULTANT

By: _____
Thomas Evans, Executive Director

By: _____
Ian Downing, Associate Principal

Date: _____

Date: _____

Attachment B

DRAFT Amendment 3: Consultant Services Agreement

This **Consultant Services Amendment** (this "Amendment") is made as of this 14th day of December 2022, by and between the **Cambridge Redevelopment Authority**, a public body politic and corporate, established pursuant to Chapter 121 B of the Massachusetts General Laws (hereinafter the "CRA"), and **STV|DPM** (hereinafter the "Owner's Project Manager"). The CRA and the Owner's Project Manager ("OPM") may hereinafter be collectively referred to the "Parties."

WHEREAS the Parties entered into a Consultant Services Agreement for owner's project management services during the early design phase of the renovation project ("Phase 1") on April 7, 2020 (Notice to Proceed) for services through May 15, 2020 for \$9,999,

WHEREAS the Parties entered into an Agreement for Project Management Services ("Phase 2") pertaining to the rehabilitation of 99 Bishop Allen Drive on May 8, 2020 (referred to as the "Original Agreement") for \$241,196.00 for services through December 6, 2021,

Whereas, the Parties agreed to a Move Management Services as a separate part of the Owner's Project Manager's contract on July 29, 2020 for \$53,240 ("Move Agreement"),

WHEREAS the Parties increased the value of the Phase 2 OPM Agreement by \$114, 012 to \$355,208 on June 3, 2021 and extended the Terms of the Agreement to January 17, 2022 (referred to as the "Amended Agreement"),

WHEREAS the Parties agreed to the Parties agreed to extend the OPM contract to July 31, 2022 (referred to as "Amendment #2"),

WHEREAS the scope of the rehabilitation work required at 99 Bishop Allen Drive and its timeline has expanded since the Parties entered into the Amendment #2,

THEREFORE, the Parties agree to moved \$15,000 from the Move Agreement to this OPM Agreement increasing this Agreement value to \$370,208 and extend the Term of the Agreement to March 31, 2023.

This Amendment binds and benefits both Parties. The CRA and the OPM have respectfully caused this Agreement to be duly executed as of the day and year first above written.

CAMBRIDGE REDEVELOPMENT AUTHORITY

CONSULTANT

BY: _____

BY: _____

ITS: _____

ITS: _____