



LINCOLN PUBLIC SCHOOLS

BUCKNER M. CREEL
ADMINISTRATOR FOR BUSINESS AND FINANCE

December 12, 2018

To: School Committee
Becky McFall, Superintendent
From: Buckner Creel

Subject: Approval to Amend Owner's Project Manager (OPM) and Designer Contracts – Lincoln School Project

Background In March 2017, the Town Meeting authorized the School Committee to use funds appropriated by a prior Town Meeting to acquire the services of a design consultant to study the Lincoln School and assist the School Committee in presenting options to address the facilities issues. The School Committee appointed a subcommittee, the School Building Committee (SBC), to conduct a study of the Lincoln School and authorized it to select a consultant to provide assistance. Massachusetts procurement laws require the selection of an Owner's Project Manager (OPM) to oversee building projects with an estimated construction cost of \$1.5 million or more, to be selected through a qualifications-based process.

In accordance with the procedures outlined in M.G.L. 7C §§44-57, qualifications from firms interested in providing OPM and Designer services for the Lincoln School Feasibility Study were solicited from potential consultants. After compliant processes were conducted, the School Committee authorized the award of two contracts:

- A contract for OPM services to Daedalus Projects on July 13, 2017.
- A contract for designer services to SMMA on August 24, 2017.

Following the approval to award these contracts from the School Committee, contract documents based on the MSBA standard professional services contracts were signed. As these firms were engaged before any project development work had begun, a portion of the contract was left vacant pending the decision on the approach to construction procurement and management to be followed: MGL 149 for design-bid-build (DBB), or MGL 149A for construction manager at risk (CMR).

At its meeting on June 27, 2018, the School Committee approved the School Building Committee's recommendation to follow the CMR approach and approved Consigli Construction as the CMR at its meeting on October 25, 2018. Subsequently, both firms received the MSBA-standard clauses covering the services to be provided during the design development, construction documents and construction administration phases for projects following the CMR approach, for their review, in anticipation of SBC approval of extending their engagement.

Process The SBC approved moving forward with both SMMA and Daedalus Projects at its meeting on November 14, 2018, subject to a successful outcome to negotiations. Both firms prepared and submitted pricing proposals immediately thereafter.

Daedalus Projects Daedalus presented a proposal totaling \$2,412,000, which includes independent cost estimates at the following phases:

- 100% Design Development
- 60% Construction Documents
- 90% Construction Documents

Their proposal is divided into three phases:

- Design Development \$246,000
- Construction Documents & Bidding \$378,000
- Construction & Closeout \$1,788,000

The proposal contained no qualifications or exceptions.

For an anticipated construction amount of \$76,000,000, the total OPM fee expressed as a percentage of construction cost is 3.4%, well below the average of MSBA K-8 projects. The final cost estimate prepared for the December 1 Town Meeting contained the following budget line item: Owners Project Manager (OPM Administration, On-Site Representative) -- \$2,661,000. This proposal is under the budgeted amount by \$249,000.

SMMA SMMA presented a proposal totaling \$7,695,198, broken down as follows:

- Design Development \$1,642,344
- Contract Documents \$3,359,339
- Bidding \$ 373,260
- Construction Administration \$2,050,255
- Closeout \$ 40,000

The proposal contained sixteen assumptions and qualifications. After review by Lincoln and Daedalus staff, and after further discussion and negotiation with SMMA, all assumptions and qualifications were satisfactorily resolved.

For an anticipated construction amount of \$76,000,000, the total design fee expressed as a percentage of construction cost is 10.92%, exactly at the midpoint of MSBA K-8 projects. In absolute terms, this percentage is a reflection of several factors:

- The Lincoln School revitalization is a renovation and addition project, more complex than the new construction projects which form the bulk of the MSBA data.
- The MSBA data only relates to MSBA basic services which do not include any of the following scopes of work, which are included in this project:
 - coordinating with the third party PV system PPA Vendor for design of infrastructure and utility company requirements to design for approximately \$7 million worth of PV system;
 - supporting GEC with design and documentation in applying for energy related incentives and credits; and
 - designing the Auditorium Audio-Visual Equipment and Auditorium Theatrical Lighting System, both of which are funded outside the \$76 million construction cost budget.

The final cost estimate prepared for the December 1 Town Meeting contained the following budget item: Architecture and Design -- \$7,696,000. This proposal is under the budgeted amount by \$802.

Implementing steps Should the School Committee approve this award, the current contracts for both Daedalus and SMMA will be amended to incorporate the additional phases, and a Notice to Proceed issued.

Findings and Recommendation. I find that Daedalus Projects and SMMA are responsive, responsible proposers who have offered a reasonable price. I recommend that the School Committee accept the proposals and authorize the amendment of their contracts to incorporate the additional phases.

Suggested motion MOVE, That the School Committee VOTE to approve amending the contract with Daedalus Projects to incorporate OPM services through construction administration, and the contract with SMMA to incorporate design services through construction administration.