

Massachusetts School Building Authority

Steven Grossman
Chairman, State Treasurer

John K. McCarthy
Executive Director

August 21, 2012

Mr. Peter Petrillo, Chair
Uxbridge Board of Selectmen
Town Hall
21 South Main Street
Uxbridge, MA 01569

8/27/12 JA
cc: Fin Dir
Acct
TCounsel
TClerk
School

Re: First Amendment to the Project Funding Agreement for the Uxbridge High School Project

Dear Mr. Petrillo:

Enclosed for your records, please find a fully-executed First Amendment to the Project Funding Agreement for the Uxbridge High School Project.

Attached for your convenience, please find instructions for entering project budgets in the MSBA ProPay System, the Project Funding Agreement Budget Revision Request Form and a Total Project Budget form with cost codes included.

Please note the MSBA will not process reimbursement requests until the District has entered the budget and the budget has been accepted by the MSBA.

Please feel free to contact me should you have any questions.

Regards,



Jennifer Connarton
Senior Contract Administrator

cc: Senator Richard T. Moore
Representative Ryan Fattman
Representative Kevin Kuros
Sean Hendricks, Town Manager, Uxbridge
Ernest Eposito, Chair, Uxbridge School Committee

Kevin M. Carney, Superintendent, Uxbridge Public Schools
Donald R. Sawyer, School Business Manager, Uxbridge Public Schools
John Higgins, Chair, Uxbridge School Building Committee
David Krawitz, Owner's Project Manager, Joslin Lesser & Associates
Gene Raymond, Designer, Raymond Design Associates, Inc.
File: Letters 10.2 (Region 2)

**FIRST AMENDMENT
TO THE PROJECT FUNDING AGREEMENT
BETWEEN THE TOWN OF UXBRIDGE
AND THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY**

Effective as of August 6, 2012 ("Effective Date"), this First Amendment to the Project Funding Agreement between the **Town of Uxbridge** ("District") and the Massachusetts School Building Authority ("Authority"), including all Exhibits and other documents attached hereto and incorporated by reference herein ("Amendment"), hereby amends the Project Funding Agreement between the District and the Authority for the Project at the Uxbridge High School which Agreement has an effective date of December 17, 2010 (hereinafter "Agreement"), as more particularly described below. This Amendment contains all of the terms and conditions agreed upon by the District and the Authority (collectively, "Parties") as amendments to the original Agreement. No other understandings or representations, oral or otherwise, regarding amendments to the original Agreement shall be deemed to exist or bind the Parties.

The Agreement is hereby amended as follows:

1. Exhibit A to the original Agreement is deleted in its entirety. Inserted in place thereof is a new Exhibit A which is attached hereto and incorporated by reference herein.
2. In Section 3.5, the following paragraph is inserted immediately after sub-paragraph (c.):

(d.) The District hereby acknowledges and agrees that all costs associated with the design and construction of athletic fields and facilities, including, without limitation, a multi-purpose artificial turf field, perimeter fencing, concrete pads for a future press box and bleacher seating, and conduits for future field lighting and scoreboard, shall not be eligible for reimbursement by the Authority.

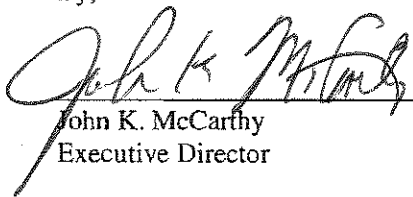
All other terms and conditions of the original Agreement, including Exhibits attached thereto or incorporated by reference therein, that are not hereby deleted or otherwise amended shall remain in full force and effect. The District warrants and represents that it has read and

understands this Amendment. The District further warrants and represents that its undersigned officer or representative has full legal authority to enter into this Amendment on behalf of the District and to bind the District to its terms and conditions.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment in duplicate originals by their duly authorized officers or representatives as of the Effective Date written above.

MASSACHUSETTS SCHOOL BUILDING AUTHORITY

By,



John K. McCarthy
Executive Director

8/17/12

Signature Date

TOWN OF UXBRIDGE

By,



8/14/12

Signature Date

PETER A. PETRILLO

Name (Type/Print)

CHAIR BOS

Title/Office (Type/Print)

Uxbridge
Uxbridge High School

5/24/2012

TOTAL PROJECT BUDGET - ALL COSTS ASSOCIATED WITH THE PROJECT ARE SUBJECT TO 963 CMR 2.16(5)	Total Project Budget-PFA Bid Amount	*Cost/Scope Items Excluded from the Total Facilities Grant	*Ineligible Costs
Feasibility Study Agreement			
OPM Feasibility Study	\$133,500		
A&E Feasibility Study	\$361,160		
Env. & Site	\$0		
Other	\$260		
Feasibility Study Agreement Subtotal	\$494,920	\$0	\$0
Administration			
Legal Fees		\$0	
Owner's Project Manager			
Design Development	\$53,000		
Construction Contract Documents	\$212,000		
Bidding	\$26,420		
Construction Contract Administration	\$837,000	\$125,227	
Closeout	\$69,750		
Extra Services	\$0		
Reimbursable & Other Services	\$0		
Cost Estimates	\$0		
Advertising	\$70,000		
Permitting	\$0		
Owner's Insurance	\$0		
Other Administrative Costs	\$5,000		
Administration Subtotal	\$1,273,170	\$125,227	\$0
Architecture and Engineering			
Basic Services	\$0	\$0	\$0
Design Development	\$640,000	\$0	\$0
Construction Contract Documents	\$1,115,000	\$0	\$0
Bidding	\$80,000	\$0	\$0
Construction Contract Administration	\$918,683	\$0	\$23,683
Closeout	\$94,200	\$0	\$0
Other Basic Services	\$0	\$0	\$0
Reimbursable Services			
Construction testing	\$0	\$0	
Printing (over minimum)	\$35,000	\$0	
Other Reimbursable Costs	\$0	\$0	
Hazardous Materials	\$0	\$0	
Geotech & Geo-Env.	\$106,254	\$0	
Site Survey	\$50,000	\$0	
Wetlands	\$125,114	\$0	
Traffic Studies	\$70,000	\$0	
Architectural/Engineering Subtotal	\$3,234,251	\$0	\$23,683
CM & Risk Preconstruction Services			
Pre-Construction Services	\$86,480	\$0	\$0
Site Acquisition			
Land/Building Purchase	\$0		

Appraisal Fees			
Recording fees			
Site Acquisition Subtotal	\$0	\$0	\$0
Construction Costs			
Construction Budget	\$0	\$0	\$0
GMP Fee	\$425,000	\$238,748	\$0
GMP Insurance	\$0	\$0	\$0
GMP Contingency	\$1,566,701	\$0	\$0
Division 1 - General Requirements	\$2,451,079	\$0	\$0
Division 2 - Existing Conditions	\$0	\$0	\$0
Division 3 - Concrete	\$2,850,155	\$500,000	\$0
Division 4 - Masonry	\$2,034,000	\$0	\$0
Division 5 - Metals	\$3,672,241	\$0	\$0
Division 6 - Woods, Plastics and Composites	\$0	\$0	\$0
Division 7 - Thermal and Moisture Protection	\$2,647,420	\$0	\$0
Division 8 - Openings	\$1,477,813	\$0	\$0
Division 9 - Finishes	\$3,624,942	\$0	\$0
Division 10 - Specialties	\$228,499	\$0	\$0
Division 11 - Equipment	\$657,420	\$0	\$0
Division 12 - Furnishings	\$1,207,635	\$0	\$0
Division 13 - Special Construction	\$0	\$0	\$0
Division 14 - Conveying Systems	\$87,000	\$0	\$0
Division 21 - Fire Suppression	\$458,500	\$0	\$0
Division 22 - Plumbing	\$1,250,000	\$0	\$0
Division 23 - HVAC	\$3,949,000	\$0	\$0
Division 25 - Integrated Automation	\$0	\$0	\$0
Division 26 - Electrical	\$3,418,000	\$0	\$0
Division 27 - Communications	\$0	\$0	\$0
Division 28 - Electronic Safety and Security	\$0	\$0	\$0
Division 31 - Earthwork	\$2,948,228	\$2,003,827	\$0
Division 32 - Exterior Improvements	\$2,340,132	\$0	\$2,000,000
Division 33 - Utilities	\$0	\$0	\$0
Overall Scope Exclusion	\$0	\$823,959	
Construction Contract	\$37,293,765	\$3,566,534	\$2,000,000
Alternates			
Alternates Subtotal	\$0	\$0	\$0
** Const. Contingency	\$899,531	\$0	\$0
Miscellaneous Project Costs		\$0	
Utility company Fees	\$0	\$0	
Testing Services	\$100,000	\$0	
Swing Space/Modulars	\$0	\$0	
Other Project Costs (Mailing & Moving)	\$15,000	\$0	
Misc. Project Costs Subtotal	\$115,000	\$0	\$0
Furnishings and Equipment			
Furnishings	\$720,000	\$0	
Equipment	\$0	\$0	
Computer Equipment	\$720,000	\$0	

Scope Excluded FFE Costs			
FF&E Subtotal	\$1,440,000	\$0	\$0
Owner's Contingency			
** Owner's Contingency	\$162,883	\$0	\$7,778
Soft Costs that exceed 20% of Const'n Cost			\$0
Total Project Budget	\$45,000,000	\$3,691,761	\$2,031,461

Alternates \$0
 Ineligible cost \$2,031,461
 Scope items excluded \$3,691,761
 Estimated Basis of Total Facilities Grant \$39,276,778
 Reimbursement Rate 57.53%

Estimated Maximum Total Facilities Grant	\$22,362,328
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*NOTE: This document was prepared by the MSBA based on a preliminary review of information, estimates and construction Bids / Guaranteed Maximum Price provided by the OPM of Hingham for the Hingham Middle School project. Based on this preliminary review, certain budget, cost and scope items have been determined to be ineligible for reimbursement, however, this document does not contain a final, exhaustive list of all budget, cost and scope items which may be ineligible for reimbursement by the MSBA. Nor is it intended to be a final determination of which budget, cost and scope items may be eligible for reimbursement by the MSBA. All project budget, cost and scope items shall be subject to review and audit by the Authority, and the Authority shall determine, in its sole discretion whether any such budget, cost and scope items are eligible for reimbursement. The MSBA may determine that certain additional budget, cost and scope items are ineligible for reimbursement.

**Note: Pursuant to Section 3.20 of the Project Funding Agreement and the applicable policies and guidelines of the Authority, any project costs associated with the re-allocation or transfer of funds from either the Owner's Contingency or the Construction Contingency to other budget line items shall be subject to review by the Authority to determine whether any such costs are eligible for reimbursement by the Authority.

Instructions for Updating Project Budgets in the MSBA ProPay System

The User Guide for the ProPay System, “**ProPay User Guide V3 7/10**” is available on the MSBA website www.massschoolbuildings.org. To access the user guide place your cursor over “About MSBA”, click on “View All Downloads”, then “User Guides”.

In order to initiate the reimbursement process for eligible incurred costs beyond those associated with the Feasibility Study Agreement, Districts are required to enter project budgets associated with Project Funding Agreement (“PFA”) into the Pro Pay System. The process is similar to that used to enter the Feasibility Study Agreement Budgets, only there are more budget line items to enter. The individual line item budgets are included in the attached Total Project Budget Template for PFA Budget Entry”, which reflects the District’s Total Project Budget contained in “Exhibit A” of the PFA. These values are what must be submitted through ProPay System at this time.

Please note the following:

- MSBA will not be reimbursing for eligible incurred costs that exceed the budget for each line item within Exhibit A of the executed Project Funding Agreement (“PFA”).
- If an individual budget line item needs to be adjusted during the course of the project, the District must complete and submit a “Project Funding Agreement Budget Revision Request Form”, which is also available on the MSBA website www.massschoolbuildings.org. Place cursor over “Building With Us”, click on “Project Advisories”, then “Project Advisories, 5-8, June 2010”, then scroll down to “Advisory 8” to access a word version of the form. The District and its consultants must provide information that explains the need and the reason for the budget transfer.
- Monitoring of project costs and timely requests for budget revisions are critical to ensure that the MSBA review of the budget revision request does not delay the processing of reimbursement requests submitted to the MSBA.
- The MSBA will review the District’s documentation explaining the need for transfers from one budget line item to another. All budget revisions will need to be reviewed and accepted by the MSBA in order to authorize a revision to the District’s ProPay budget. MSBA authorization is required to reimburse for applicable incurred eligible costs that exceed the budget for each line item in ProPay.
- Any previously submitted costs that need to be re-classified to align with revised line item budgets should be re-classified as soon as possible but no later than 60 days after execution of the PFA-Bid Amendment so as not to delay processing of reimbursement requests. Directions for reclassifying costs are available on the MSBA website www.MassSchoolBuildings.org in Project Advisory 9. To view Project Advisory 9, place cursor over “Building With Us,” click on “Project Advisories,” then “Project Advisories 9-12, June 2011,” then scroll to “Project Advisory 9.”

TO: Director of Capital Planning

FROM: Superintendent Name

District Name

School Name

MSBA Project ID Number:

DATE: Month XX, 2010

RE: Project Funding Agreement Budget Revision Request

Pursuant to Section 3.6 of the Project Funding Agreement between the [CITY/TOWN/RSD] of XXXXXXXX (the "District") and the MASSACHUSETTS SCHOOL BUILDING AUTHORITY (the "Authority"), the District hereby requests a revision to the Total Project Budget, Exhibit A, dated _____, for the _____ Project. As required, the District has provided the information outlined in the table below to indicate the Total Project Budget categories (line items) affected, the amounts needed and the reasons for the proposed revision.

The District acknowledges and agrees that it will not seek reimbursement from the Authority for any costs that exceed the already approved line item limits set forth in Exhibit A until after the Authority has accepted this Total Project Budget Revision Request, and the Authority's ProPay system has been adjusted accordingly.

The District further acknowledges and agrees that in accordance with Sections 3.6 and 3.7 of the Project Funding Agreement, any revisions to the Total Project Budget will not result in an increase to the Total Facilities Grant amount set forth in Section 2.1 of the Project Funding Agreement.

The District further acknowledges and agrees that the need for these revisions to the Total Project Budget [have not/have] been identified in the OPM monthly report as required pursuant to the Contract for Owner's Project Management Services between the District and the OPM.

The District further acknowledges and agrees that all of the information contained in this Total Project Budget Revision Request has been reviewed and approved by the [CITY/TOWN/RSD] of XXXX's School Building Committee, and it further certifies and acknowledges that the funds to pay for the costs associated with these proposed revisions are available as indicated by the signatures noted below.

Use Table 1 for identification of expenditures against the Owner's contingency. The Total Owner's Contingency in the Current Total Project Budget, Exhibit A of the PFA dated xxxxx is \$XXXXX.

From Classification Code	From Classification Name	To Classification Code	To Classification Name	Budget Revision Amount	Reason for transfer (Attach all supporting documentation, e.g., executed contracts, amendments and or supporting invoices for reimbursable expenses)	Amount Remaining in Owner's Contingency	Ineligible/Cost/Scope Items excluded from the Total Facilities Grant

Use Table 2 for identification of expenditures against the Construction Contingency. The Total Construction Contingency in the Current Total Project Budget, Exhibit A of the PFA dated xxxxx, is \$XXXXX.

From Classification Code	From Classification Name	To Classification Code	To Classification Name	Budget Revision Amount	Reason for transfer (Attach all supporting documentation, e.g., executed contracts, amendments and or supporting invoices for reimbursable expenses)	Amount Remaining in Construction Contingency	Ineligible/Cost/Scope Items excluded from the Total Facilities Grant

By signing this Total Project Budget Revision Request, I hereby certify that I have read and understand the terms of this Request and further certify that the information supplied by the District in the tables is true, accurate and complete.

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By signing this Total Project Budget Revision Request, I hereby certify that I have read and understand the terms of this Request and further certify that the information supplied by the District in the tables is true, accurate and complete.

By: _____
 Title: Chief Executive Officer
 Date: _____

By: _____
 Title: Director of Capital Planning
 Date: _____

By: _____
 Title: Superintendent of Schools
 Date: _____

By: _____
 Title: Chair of the School Committee
 Date: _____

MASSACHUSETTS SCHOOL BUILDING AUTHORITY

**Uxbridge
Uxbridge High School**

5/24/2012

TOTAL PROJECT BUDGET - ALL COSTS ASSOCIATED WITH THE PROJECT ARE SUBJECT TO 963 CMR 2.16(5)	Total Project Budget-PFA Bid Amount	ProPay Cost Category	*Cost/Scope Items Excluded from the Total Facilities Grant	*Ineligible Costs
Feasibility Study Agreement				
OPM Feasibility Study	\$133,500	0001-0000		
A&E Feasibility Study	\$361,160	0002-0000		
Env. & Site	\$0	0003-0000		
Other	\$260	0004-0000		
Feasibility Study Agreement Subtotal	\$494,920		\$0	\$0
Administration				
Legal Fees		0101-0000	\$0	
Owner's Project Manager				
Design Development	\$53,000	0102-0400		
Construction Contract Documents	\$212,000	0102-0500		
Bidding	\$26,420	0102-0600		
Construction Contract Administration	\$837,000	0102-0700	\$125,227	
Closeout	\$69,750	0102-0800		
Extra Services	\$0	0102-0900		
Reimbursable & Other Services	\$0	0102-1000		
Cost Estimates	\$0	0102-1100		
Advertising	\$70,000	0103-0000		
Permitting	\$0	0104-0000		
Owner's Insurance	\$0	0105-0000		
Other Administrative Costs	\$5,000	0199-0000		
Administration Subtotal	\$1,273,170		\$125,227	\$0
Architecture and Engineering				
Basic Services	\$0		\$0	\$0
Design Development	\$640,000	0201-0400	\$0	\$0
Construction Contract Documents	\$1,115,000	0201-0500	\$0	\$0
Bidding	\$80,000	0201-0600	\$0	\$0
Construction Contract Administration	\$918,683	0201-0700	\$0	\$23,683
Closeout	\$94,200	0201-0800	\$0	\$0
Other Basic Services	\$0	0201-9900	\$0	\$0
Reimbursable Services				
Construction testing	\$0	0203-0100	\$0	
Printing (over minimum)	\$35,000	0203-0200	\$0	
Other Reimbursable Costs	\$0	0203-9900	\$0	
Hazardous Materials	\$0	0204-0200	\$0	
Geotech & Geo-Env.	\$106,254	0204-0300	\$0	
Site Survey	\$50,000	0204-0400	\$0	
Wetlands	\$125,114	0204-0500	\$0	
Traffic Studies	\$70,000	0204-1200	\$0	
Architectural/Engineering Subtotal	\$3,234,251		\$0	\$23,683
CM & Risk Preconstruction Services				
Pre-Construction Services	\$86,480	0501-0000	\$0	\$0
Site Acquisition				
Land/Building Purchase	\$0	0301-0000		
Appraisal Fees		0302-0000		
Recording fees		0303-0000		
Site Acquisition Subtotal	\$0		\$0	\$0

Construction Costs				
Construction Budget	\$0	0502-0001	\$0	\$0
GMP Fee	\$425,000	0502-0010	\$238,748	\$0
GMP Insurance	\$0	0502-0020	\$0	\$0
GMP Contingency	\$1,566,701	0502-0030	\$0	\$0
Division 1 - General Requirements	\$2,451,079	0502-0100	\$0	\$0
Division 2 - Existing Conditions	\$0	0502-0200	\$0	\$0
Division 3 - Concrete	\$2,850,155	0502-0300	\$500,000	\$0
Division 4 - Masonry	\$2,034,000	0502-0400	\$0	\$0
Division 5 - Metals	\$3,672,241	0502-0500	\$0	\$0
Division 6 - Woods, Plastics and Composites	\$0	0502-0600	\$0	\$0
Division 7 - Thermal and Moisture Protection	\$2,647,420	0502-0700	\$0	\$0
Division 8 - Openings	\$1,477,813	0502-0800	\$0	\$0
Division 9 - Finishes	\$3,624,942	0502-0900	\$0	\$0
Division 10 - Specialties	\$228,499	0502-1000	\$0	\$0
Division 11 - Equipment	\$657,420	0502-1100	\$0	\$0
Division 12 - Furnishings	\$1,207,635	0502-1200	\$0	\$0
Division 13 - Special Construction	\$0	0502-1300	\$0	\$0
Division 14 - Conveying Systems	\$87,000	0502-1400	\$0	\$0
Division 21 - Fire Suppression	\$458,500	0502-2100	\$0	\$0
Division 22 - Plumbing	\$1,250,000	0502-2200	\$0	\$0
Division 23 - HVAC	\$3,949,000	0502-2300	\$0	\$0
Division 25 - Integrated Automation	\$0	0502-2500	\$0	\$0
Division 26 - Electrical	\$3,418,000	0502-2600	\$0	\$0
Division 27 - Communications	\$0	0502-2700	\$0	\$0
Division 28 - Electronic Safety and Security	\$0	0502-2800	\$0	\$0
Division 31 - Earthwork	\$2,948,228	0502-3100	\$2,003,827	\$0
Division 32 - Exterior Improvements	\$2,340,132	0502-3200	\$0	\$2,000,000
Division 33 - Utilities	\$0	0502-3300	\$0	\$0
Overall Scope Exclusion	\$0		\$823,959	
Construction Contract	\$37,293,765		\$3,566,534	\$2,000,000
Alternates				
Alternates Subtotal	\$0	0506-0000	\$0	\$0
** Const. Contingency	\$899,531	0507-0000	\$0	\$0
Miscellaneous Project Costs			\$0	
Utility company Fees	\$0	0601-0000	\$0	
Testing Services	\$100,000	0602-0000	\$0	
Swing Space/Modulars	\$0	0603-0000	\$0	
Other Project Costs (Mailing & Moving)	\$15,000	0699-0000	\$0	
Misc. Project Costs Subtotal	\$115,000		\$0	\$0

Furnishings and Equipment				
Furnishings	\$720,000	0701-0000	\$0	
Equipment	\$0	0702-0000	\$0	
Computer Equipment	\$720,000	0703-0000	\$0	
Scope Excluded FFE Costs				
FF&E Subtotal	\$1,440,000		\$0	\$0
Owner's Contingency				
** Owner's Contingency	\$162,883	0801-0000	\$0	\$7,778
Soft Costs that exceed 20% of Const'n Cost				\$0
Total Project Budget	\$45,000,000		\$3,691,761	\$2,031,461

Alternates	\$0
Ineligible cost	\$2,031,461
Scope items excluded	\$3,691,761
Estimated Basis of Total Facilities Grant	\$39,276,778
Reimbursement Rate	57.53%

Estimated Maximum Total Facilities Grant	\$22,362,328
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*NOTE: This document was prepared by the MSBA based on a preliminary review of information, estimates and construction Bids / Guaranteed Maximum Price provided by the OPM of Uxbridge for the Uxbridge High School project. Based on this preliminary review, certain budget, cost and scope items have been determined to be ineligible for reimbursement, however, this document does not contain a final, exhaustive list of all budget, cost and scope items which may be ineligible for reimbursement by the MSBA. Nor is it intended to be a final determination of which budget, cost and scope items may be eligible for reimbursement by the MSBA. All project budget, cost and scope items shall be subject to review and audit by the Authority, and the Authority shall determine, in its sole discretion whether any such budget, cost and scope items are eligible for reimbursement. The MSBA may determine that certain additional budget, cost and scope items are ineligible for reimbursement.

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