

CONSTRUCTION CONTRACT FOR CONSTRUCTION MANAGER AT RISK SERVICES

AMENDMENT NO. 3

WHEREAS, the Town of Uxbridge ("Owner") and Shawmut Design and Construction, (the "Construction Manager at Risk") (Collectively, the "Parties") entered into a contract for Construction Management for the Uxbridge High School Project on October 12, 2010 (the "Contract"); and

WHEREAS, the parties agreed to Amendment No. 2 to the Contract in the amount of \$25,180,437 effective as of March 30th, 2011; and

WHEREAS, effective as of May 18th, 2011 the Parties wish to amend the Contract:

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained in this Amendment, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

1. The Owner hereby authorizes this Amendment No 3 with a total value of \$45,243 as further detailed below.

A. This amendment is based upon the acceptance of the Construction Manager's proposal for one month of additional pre-construction services per the contract rate of \$17,296.

B. This amendment is based upon the acceptance of the Construction Manager's Change Order #001 in the amount of \$27,947

| Fee for Basic Services | Original Contract | Previous Amendments | Amount of This Amendment | After This Amendment |
|-------------------------------|--------------------------|----------------------------|---------------------------------|-----------------------------|
| Hard Cost of Work | | \$32,068,385 | \$26,027 | \$32,094,412 |
| General Conditions & Fee | | \$2,796,579 | \$1,920 | \$2,798,499 |
| GMP Contingency | | \$400,855 | | \$400,855 |
| GMP Total | | \$35,265,819 | \$27,947 | \$35,293,766 |
| Pre-Construction Services | \$69,184 | | \$17,296 | \$86,480 |
| Total Fee | \$69,184 | \$35,265,819 | \$45,243 | \$35,380,246 |

2. The Construction Budget shall be as follows:

| | | |
|------------------|--------------|------------------|
| | <u>GMP</u> | <u>TOTAL FEE</u> |
| Original Budget: | \$34,469,807 | \$34,569,807 |
| Amended Budget: | \$35,293,766 | \$35,380,246 |

3. The Project Schedule shall be as follows:

| | |
|--------------------|---------------------------------|
| Original Schedule: | Substantial Completion 07/10/12 |
| Amended Schedule: | Substantial Completion 07/27/12 |

4. This Amendment contains all of the terms and conditions agreed upon by the Parties as amendments to the original Contract. No other understandings or representations, oral or otherwise, regarding amendments to the original Contract shall be deemed to exist or bind the Parties, and all other terms and conditions of the Contract remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed by their respective authorized officers.

OWNER

Beth A. Pinner
(print name)
Chair, Village Board of Trustees
(print title)
By: [Signature]
(signature)
Date: 5/16/11

CONSTRUCTION MANAGER AT RISK

Anthony Miliute
(print name)
Vice President
(print title)
By: [Signature]
(signature)
Date: 5/16/11

Builders and
Construction Managers

Shawmut Design and Construction
3 Davol Square, Suite A275
Providence, RI 02903
Telephone 401.752-6500
Facsimile 401.454.8741

May 12, 2011

Mr. David Krawitz
Joslin Lesser + Associates, Inc.
44 Pleasant Street
Watertown, MA 02472

Re: Uxbridge High School Pre-Construction Services



Dear David,

As discussed, SDC is requesting an additional month of pre-construction services fee in the amount of \$17,296. This monthly rate was established in SDC's original fee proposal. SDC was contracted for a pre-construction duration of four months (Oct. 2010 to Jan. 2011). The pre-construction process for this project began on October 11th 2010 and concluded with our GMP on April 1st 2011. This pre-construction duration exceeded our contractual obligation by seven weeks however in an act of good faith SDC is only seeking an additional month of pre-construction services. SDC is also performing pre-construction services for the additional field work which we have not requested any additional costs for. There will be no further requests for additional pre-construction services unless additional scope beyond the current alternates list is required.

The additional month of pre-construction services will bring SDC's total pre-construction fee to \$86,840.

Please feel free to contact me if you have any questions or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter L'Hommedieu".

Peter L'Hommedieu
Sr. Project Manager

Cc:

Tony Miliote/SDC
Josiah Herbert/SDC
Luke Grady/SDC



Change Order Request # 001

To: Dave Krawitz
Joslin Lesser & Assoc.
44 Pleasant Street
Watertown, MA 02472
Fax: (617) 924-3800

Date: 5/11/2011
Project #: 100764
Project: Uxbridge High School

Description: Waterproofing/Dampproofing Allowance Overrun

| Item | Amount |
|--|-----------------|
| Waterproof./Dampproofing final re-bid overrun., Shawmut Design and Construction | \$11,027 |
| Elevator pit water proofing breakout allowance., Shawmut Design and Construction | \$15,000 |
| .85% Payment & Performance Bond, Shawmut Design and Construction | \$221 |
| 1.2% General Liability Insurance, Shawmut Design and Construction | \$315 |
| .2% Builder's Risk, Shawmut Design and Construction | \$53 |
| 5% Fee, Shawmut Design and Construction | \$1,331 |
| Total | \$27,947 |

Type: Lump sum proposal
Schedule Impact: This change will add 0 days to the contract completion date.
Overtime Impact: This change will not require project overtime

Per the waterproofing/dampproofing re-bid the final trade contractor low bid (Armani Restoration Inc.) was in the amount of \$382,500 which exceeds the allowance by \$11,027.

To avoid schedule delay the elevator pit waterproofing scope was broken out of the re-bid scope and is being performed on a T&M basis. A breakout allowance amount of \$15,000 has been identified for this scope.

Please review, sign and return to the undersigned.

Sincerely,

Peter T. L'Hommedieu
Shawmut Design and Construction

Owner

Beth Pitman - Board of Selectmen - Chair, Town of Uxbridge

Architect

Gene Raymond - Principal, RDA Architecture

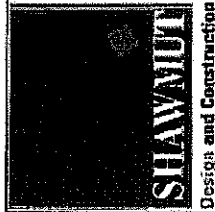
PM

Peter T. L'Hommedieu - Project Manager - Sr Constr, Shawmut Design and Constr

Date: 5/11/11

Date: 5/15/2011

Date: 5/11/11



SHAWMUT DESIGN and CONSTRUCTION ALLOWANCES

Date: 03/29/11

| | |
|------------------|--|
| PROJECT : | Uxbridge High School |
| LOCATION : | 246 - 270 Quaker Highway, Uxbridge, MA |
| CLIENT : | Town of Uxbridge, MA |
| ARCHITECT : | Raymond Design Associates |
| OWNERS REP. : | Jeslin, Lesser + Associates, INC |
| COST CONSULTANT: | FM&C |

ALLOWANCES

| | | |
|----|---|-----------|
| 1 | Plantings/trees/shrubs/etc | \$50,000 |
| 2 | Winter weather | \$320,000 |
| 3 | Temp electric service (National Grid hook up) | \$20,000 |
| 4 | Temp electric consumption | \$120,500 |
| 5 | Temp water consumption | \$20,000 |
| 6 | Structural Steel modification per Addendum #7 | \$25,000 |
| 7 | Clear/Grub/hydroseed Football and Baseball Fields (N and B1) | \$87,000 |
| 8 | Major re-signage | \$150,000 |
| 9 | Waterproofing Scope (to be re-bid) - INCLUDED AT BUDGETED COST | \$371,473 |
| 10 | OWNER HOLD - Rough grading of Football, Field Hockey, and Softball Field and Temporary Subutilization of Field Hockey and Softball Fields | \$175,000 |
| 11 | Pricing is based on a liquid asphalt price of \$460/ton set by Mass Highway Department, pricing will be adjusted by change order should this fluctuate. | \$450,000 |

\$382,500
~~-\$371,473~~
 Δ \$11,027

Contract Documents – plans and specifications

Contract Documents (Plans, Specifications, and Shawmut's Front End Documents Manual) are available to be downloaded from Shawmut's ftp site

<ftp://files.shawmut.com>

login: ftpdown

password: \$DC get file\$

Contract Documents are also available for purchase at Ben Franklin Smith.

The bid documents are listed later in this RFB.

FIRM SUBMITTING BID:

ARMANT RESTORATION Inc
(Company Name)

191 Franklin Avenue
(Address)
Hartford CT 06114

The undersigned

- A. Proposes to furnish all labor, materials, equipment and services as required to satisfactorily complete all **Waterproofing, Dampproofing, Caulking** as required for the construction and completion of the Uxbridge High School Project all in accordance with the Drawings and Specifications as prepared by Raymond Design Associates, Inc., the Front End Documents Manual as prepared by the Construction Manager, Shawmut Design and Construction, and this Bid Form.
- B. All Work required by the foregoing documents will be accomplished for the Lump Sum Bid Price of Three hundred eighty two thousand Five Hundred (Show amount in both words and figures. In case of discrepancy, amount shown in words will govern.) Dollars (\$382,500). The Lump Sum Bid Price above shall include all applicable insurances as required per the terms of the contract documents. The Lump Sum Bid Price above **INCLUDES** costs to provide 100% payment & performance bonds on Shawmut Design and Construction's standard Performance Bond Form and Labor & Material Payment Bond Form for the full amount of the Trade Contract Price. This Project is tax exempt under the Laws of the Commonwealth of Massachusetts.

- ✓ **A Bid Bond in the amount of 5% of the Lump Sum Bid Price, plus any alternates, is enclosed with the bid** (It is a requirement for the bidder to post a 5 per cent bid bond from a surety company licensed to do business in the Commonwealth and whose name appears on U.S. Treasury Department Circular 570; but, the bid bond shall be returned to the bidder if the bidder is not selected as the trade contractor)