



MassWorks Infrastructure Program

Contract Amendment Request

Submission of this form is required for consideration of a contract amendment to your MassWorks Infrastructure Grant. Grantees may be asked to meet with and/or present information to EOHEd for further review and may be required to provide a letter from their CEO or other authorized signatory confirming the reasons and authorization for this request.

Submission of this form does not constitute approval of any request for amendment, nor is EOHEd under any obligation to approve any such a request.

General Information

Date Prepared	05/15/2023
Public Entity	Town of West Newbury
Project Name	Plummer Spring Road Bridge Replacement Project
Contract ID	19MWIPWestWewburyWes
Current Contract Expiry Date	06/30/2023
Current Contract Max Obligation	\$1,000,000.
Preparer's Name	Angus Jennings, Town Manager
Preparer's Email	townmanager@wnewbury.org
Preparer's Phone	978-363-1100 x115

Amendment Type

Please select the type of amendment requested. (Click all that apply)

- Spending Acceleration:** Reallocate funds *from future* fiscal year(s) to the *current* fiscal year to accommodate an acceleration in the project's schedule
- Drawdown Delay:** Reallocate funds *from the current* fiscal year to the *next* fiscal year to accommodate delays in completing the project's milestones
- Contract Extension:** Extend the contract expiration date and reallocate funds *from the current* fiscal year to *future* fiscal years to accommodate delays in completing the project's milestones
- Scope Revision:** Revise the project's scope and/or limits of work

Completion Status

Please provide the current completion level (%) of the project's design and construction. **For pre-development projects, enter N/A for Construction Completion.**

Current Completion Status (0-100%)	%
% Design Completion	100
% Construction Completion	1

Project Update

Please briefly describe any design, permitting, planning, scheduling, bidding, and/or construction activities **completed in the last quarter**. "None" or similar answers will not be accepted. **If no activities were performed, you must explain why.**

Since our most recent reimbursement request, covering work through the month of March, the following work was complete:

- The 21-day appeals period for the MassDEP Chapter 91 License passed without appeal.
- Chapter 91 License was granted on May 5, 2023.

The Chapter 91 license was the final authorization needed for this project, so the bridge is now fully permitted and "shovel ready." This is a major milestone for this project, as it had been in various permitting processes dating back to January 2020.

Site work began in March 2023, with the removal of some high hazard trees that had been identified for removal within the approved plans. This work was completed in-house by the City of Newburyport.

On May 5th, the Town received an updated opinion-of-probable-cost from the project engineer, BSC Group. More detail regarding the updated cost estimate is included in the next section.

Reason(s) for Request

Please indicate **all** factors contributing to this request. Check all that apply.

- Project milestones are ahead of schedule
- Permit requirements substantially differ from original plans
- Design and/or permitting are (or were) behind schedule
- Bidding is (or was) behind schedule
- Bids were unsuccessful
- Additional bidding due change(s) in design, construction, and/or material procurement is (or was) required
- Construction is (or was) behind schedule
- Construction change order is (or was) required
- Site conditions substantially differ from original plans
- Additional match funds were (or will be) required
- Additional public infrastructure improvements are desired and feasible
- Additional reason(s) as explained below

Please elaborate on and explain all selections above.

As discussed in prior MassWorks quarterly reports, project permitting was more extensive than initially expected. Specifically, MassDEP asserted Ch. 91 jurisdiction, despite the Town's petition that a minor review was all that was required. MassDEP's requirement that the project proceed through the full Ch. 91 licensing process ended up extending the overall permitting schedule by approximately 6 months. With the expiration of the Ch. 91 license appeal period (with no appeal filed) on April 28th, and the final granting of the License on May 5, 2023, the Middle Street Bridge was (and is) fully permitted.

On May 5th, the Town received an updated opinion-of-probable-cost from the project engineer, BSC Group. BSC reviewed the construction estimate of quantities and item costs. The estimate was updated to include MassDOT and municipal comments and revisions to date. The unit prices were updated in accordance with MassDOT standards and based on MassDOT current weighted bid averages. The summary sheet for the construction bid items, calculated quantities and unit prices is attached.

Unfortunately – but not unexpectedly – the updated project cost estimate showed a significant increase from the prior cost estimate. This exacerbated what was already known to be a funding shortfall. This project will require additional local and/or non-local (i.e. grant) funding in order for the Town and City to award a construction contract.

Newburyport Mayor Sean Reardon included a proposed \$700,000 in additional local funding as part of his FY24 Capital Budget proposal to the City Council. The availability of this funding will depend on whether it is approved by the Council as part of its overall budget review process (which is ongoing). Even if this funding is approved, and including all remaining MassWorks funds available under this current grant, there would still be an overall funding shortfall of approximately \$1.6M.

The Town of West Newbury and the City of Newburyport have been working together for many months to identify additional State and Federal grant programs that could help fill this funding gap. At present, this research is ongoing, but we have not identified any grant programs for which we see this project as being eligible and competitive. If this current MassWorks grant is extended past the current deadline of June 30, 2023, we would continue our efforts to secure additional non-local funding in order to secure the full amount of appropriations that will be needed in order to put the project out to bid and to award a construction contract.

Due to the uncertainty regarding project funding, it cannot be assured that the bridge would be constructed within FY24. Upon City Council approval of the proposed FY24 City of Newburyport Capital Budget, we will have more certainty regarding the amount of local funding that will be available for this project. Some additional local appropriations may be able to be secured (in addition to the proposed Newburyport \$700,000, and the \$600,000 that West Newbury voters approved for this project in 2020). However, it is highly likely that, in any case, additional non-local (grant) funding will also be necessary to close this gap.

A summary of project costs, available funds, and estimated funding shortfall, is attached.

Middle Street Bridge, Funding Summary, 5/15/23

Project Costs

Notes

Construction costs	\$ 3,315,000
Design/Permitting	\$ 550,000
Construction contingency (10%)	\$ 331,500
Resident Engineer	\$ 110,000
Construction Engineering Services	\$ 60,000
TOTAL project costs (est.)	<u>\$ 4,366,500</u>

Available Funds

MassDOT Small Bridge grant (expended)	\$ 250,000	
MassDOT Small Bridge grant (remaining)	\$ 250,000	
MassWorks (expended)	\$ 255,000	
MassWorks (remaining)	\$ 745,000	
Town Meeting appropriation	\$ 600,000	
Newburyport (pending City Council approval of proposed FY24 Budget)	\$ 700,000	<i>Amount proposed in Mayor Reardon's FY24 Capital Budget</i>
TOTAL funding sources (est.)	<u>\$ 2,800,000</u>	

Est. Shortfall \$ (1,566,500)

Source: Angus Jennings, Town Manager

Milestones

Please provide the proposed **Amended Actual and/or Anticipated completion dates** for each milestone listed.

Milestone	Existing Contract MM-YYYY	Amended Actual or Anticipated MM-YYYY
Design, Survey, and Engineering Complete	02-2023	04-2023
Bids Opened	04-2023	N/A
Construction Started	08-2023	N/A
Construction 50% Complete	12-2023	N/A
Construction 100% Complete	05-2024	N/A

Drawdown Schedule

For each quarter, please provide the proposed **Amended Actual and/or Anticipated drawdown amount** of grant funds.

Quarter	Existing Contract Amount	Amended Actual or Anticipated
FY20 Total	\$0.00	\$0.00
FY21 Total	\$150,000.00	\$172,965.21
FY22 Total	\$72,000.00	\$18,798.71

FY23 Total	\$778,000.00	\$62,695.87 (actual through March) \$33,944.21 (est. for April through June)
Q1 (Jul-Sep)	-	\$
Q2 (Oct-Dec)	-	\$
Q3 (Jan-Mar)	-	\$
Q4 (Apr-Jun)	-	\$
FY24 Total	-	\$711,596.00
Grand Total	\$1,000,000.00	\$1,000,000.00

Project Budget

Please complete the budget table below.

Spending Category Line Item	A Existing Contract Budget	B Proposed Amended Budget	C Change = A - B
Design / Engineering / Bidding	\$244,100.00	\$270,000.00	-\$44,304.00
Construction			
Land Takings	\$0.00		
Demolition/Remediation	\$0.00		
Mobilization/Demobilization	\$0.00		
Water/Sewer/Drainage	\$0.00		
Utility Relocation	\$0.00		
Roadways	\$0.00		
Sidewalks/Curbing/Streetscapes	\$0.00		
Electrical/Lighting	\$0.00		
Bridges/Culverts	\$720,900.00	\$676,596.00	\$44,304.00
Security/Traffic Details	\$0.00		
Other:	\$0.00		
Construction Administration	\$35,000.00	\$35,000.00	\$0
Total	\$1,000,000.00	\$1,000,000.00	\$0

Certification:

By signing below, I, **Angus Jennings**, hereby certify that I am authorized to represent and request the contract changes outlined above on behalf of the Grantee, and that all of the information provided on this form and any attached documentation is true and accurate. I further certify that I understand that submission of this form does not constitute an approval or agreement by EOHEd as to the proposed changes, and that the Grantee is expected to continue with the project, as outlined in the current contract, until such time as EOHEd confirms approval of any changes.

Signature: 
 Angus Jennings, Town Manager

Date: May 15, 2023

Submit this form along with any requested attachments via email to your EOHEE contract manager.

After reviews, EOHEE may require a written signature from the Public Entity's CEO or other authorized signatory.