

District: City of Waltham  
 School Name: Waltham High School  
 Recommended Category: Project Scope and Budget  
 Date: February 6, 2020

**Recommendation**

That the Executive Director be authorized to enter into a Project Scope and Budget Agreement and a Project Funding Agreement with the City of Waltham (the “District”) to replace the existing Waltham High School, contingent upon the District gaining full ownership, control, and exclusive use of the proposed new site.

<b>District Information</b>	
District Name	City of Waltham
Elementary Schools	Northeast Elementary School (PK-5) William F. Stanley Elementary School (PK-5) Waltham Public Schools Dual Language Program (K-1) Douglas MacArthur Elementary School (K-5) Henry Whittemore Elementary School (K-5) James Fitzgerald Elementary School (K-5) Thomas R. Plympton Elementary School (K-5)
Middle Schools	John F. Kennedy Middle School (6-8) John W. McDevitt Middle School (6-8)
High School	Waltham High School (9-12)
Priority School Name	Waltham High School
Type of School	High School
Grades Served	9-12
Year Opened	1968
Existing Square Footage	384,800
Additions	1999 – Automotive Building 2001 – Fine Arts addition
Acreage of Site	30.69 acres
Building Issues	The District identified deficiencies in the following areas: <ul style="list-style-type: none"> <li>– Mechanical systems</li> <li>– Electrical systems</li> <li>– Windows</li> <li>– Accessibility</li> </ul> In addition to the physical plant issues, the District reported that the existing facility does not support the delivery of its educational program and wishes to expand its Chapter 74 programs.
Original Design Capacity	Unknown
2018-2019 Enrollment	1,609
Agreed Upon Enrollment	1,830
Enrollment Specifics	The District and MSBA have mutually agreed upon a design enrollment of 1,830 students serving grades 9-12.
Total Project Budget – Debt Exclusion Anticipated	No

<b>MSBA Board Votes</b>	
Invitation to Eligibility Period	January 14, 2015
Invitation to Feasibility Study	September 30, 2015
Preferred Schematic Authorization	February 13, 2019
Project Scope & Budget Authorization	On February 13, 2020 Board agenda
Reimbursement Rate Before Incentives	61.13%
Incentive Points	1.58 – Maintenance 1.00 – CM @ Risk <sup>1</sup> 2.00 – Energy Efficiency – “Green Schools” <sup>1</sup>
Total Reimbursement Rate <sup>1</sup>	65.71%

<sup>1</sup>Subject to the approval of the Office of the Inspector General for the District’s use of the Construction Manager at Risk construction delivery method for the Proposed Project and that the District actually uses that construction delivery method for the Proposed Project, the MSBA has provisionally included one (1) incentive point. In addition, subject to the District’s intention to meet certain energy efficiency sustainability requirements for the Proposed Project, the MSBA has also provisionally included two (2) incentive points. If the District does not ultimately qualify for some or all of these incentive points the MSBA will adjust the District’s reimbursement rate, accordingly.

<b>Consultants</b>	
Owner’s Project Manager (the “OPM”)	LeftField, LLC
Designer	Symmes Maini & McKee Associates, Inc.

## Discussion

MSBA staff reviewed the documents provided by the District and met with the District and its consultants to discuss scope and budget. The District has provided a Total Project Budget of \$374,567,387, which includes an estimated construction cost of \$298,923,790 (\$721/sq. ft.). The Estimated Basis of Total Facilities Grant would be \$180,159,866, which excludes: OPM and Designer fees associated with ineligible building area and sitework; local permitting fees; existing building demolition and hazardous materials abatement; ineligible sitework and site costs in excess of 8% of total building cost; construction costs in excess of \$333/sq. ft.; costs associated with mailing and moving; costs in excess of the \$1,200 per student allowance for fixtures, furniture, and equipment; costs in excess of the \$1,200 per student allowance for technology; construction contingency costs; commissioning consultant fees associated with ineligible building area; and other ineligible costs.

<b>Project Scope and Budget Agreement</b>	
Enrollment: 1,830	District’s Proposed Project Budget
Proposed Total Square Feet: 414,854	
Project Budget <sup>1</sup>	\$356,631,959
Scope Exclusions/Ineligible Costs	-\$176,472,093
Estimated Basis of Total Facilities Grant	\$180,159,866
Reimbursement Rate	65.71%
Estimated Maximum Total Facilities Grant before Cost Recovery <sup>2</sup>	\$118,383,048
Cost Recovery	-\$9,234
Estimated Maximum Total Facilities Grant <sup>2</sup>	\$118,373,814
Potentially Eligible Owner’s and Construction Contingencies	\$5,978,476

Potential Additional Grant Funds for Eligible Owner's and Construction Contingency Expenditures	\$3,928,457
Total Project Budget	\$374,567,387
Maximum Total Facilities Grant <sup>3,4</sup>	\$122,302,271

<sup>1</sup>Does not include Owner's or Construction Contingencies.

<sup>2</sup>Does not include any grant funds for potentially eligible Owner's or Construction Contingency Expenditures; subject to MSBA review and audit.

<sup>3</sup>Includes maximum possible Owner's and Construction Contingency grant funds, the final amount of which, if any, shall be determined by the MSBA in its sole discretion. The MSBA does not anticipate that the District will expend all its contingency funds on expenses that are eligible for MSBA reimbursement.

<sup>4</sup>Maximum Total Facilities Grant will be allocated in part to the current Grant Cap, and in part to future available Grant Cap space.

The District presented an updated project design, scope and budget to the MSBA Facilities Assessment Subcommittee ("FAS") on August 7, 2019. At that meeting, members of the FAS raised a number of issues regarding ineligible site preparation costs and site amenities, high construction/site costs, outdoor functions at the cafeteria commons area, professional development for staff, and ongoing review of Special Education spaces and locations by the Department of Elementary and Secondary Education.

Please note, the land for the site of the new facility was taken by the City of Waltham by eminent domain from the Stigmatine Fathers, who subsequently legally challenged the validity of the taking. The City and the Stigmatine Fathers have reached a settlement regarding this matter. There are some remaining procedural steps that need to be taken before the matter is technically resolved. As noted in this memorandum, the MSBA's recommendation is contingent upon the City gaining full ownership, control and exclusive use of the project site.

MSBA staff recommends an Estimated Maximum Total Facilities Grant of \$118,373,814; however, the District may be eligible for up to an additional \$3,928,457 in grant funds, subject to the MSBA's review and audit of the District's owner's and construction contingency expenditures. Accordingly, staff recommends a Maximum Total Facilities Grant of \$122,302,271 for the Project Scope and Budget Agreement and Project Funding Agreement to replace the existing Waltham High School, contingent upon the District gaining full ownership, control, and exclusive use of the proposed new site.