



Finance Committee Agenda

City of Newton In City Council

Monday, October 28, 2019

7 PM
Room 211

Items scheduled for discussion:

- #343-19** **Discussion on the new City website**
COUNCILORS NORTON, ALBRIGHT, LAREDO, KALIS and MARKIEWICZ requesting a discussion with IT and Executive departments regarding the City's new website now in development.
Finance Held 5-0 on 10/16/19
- #375-19** **Authorization to accept a Mass Housing Grant of \$4,300**
HER HONOR THE MAYOR requesting authorization to accept a Mass Housing grant of four thousand three hundred dollars (\$4,300) to support the activities of the Newton Hoarding Task Force.
- #376-19** **Authorization to rescind a curb betterment assessment**
HER HONOR THE MAYOR requesting authorization to rescind a curb betterment assessment at 66 Waban Hill Road dated November 5, 2018, Council Order #532-18.
- #377-19** **Appropriate \$11,706 for McKinney-Veto Homeless Student Transportation**
SCHOOL COMMITTEE requesting that the City Council approve authorizing the Mayor to appropriate the state reimbursement of eleven thousand seven hundred and six dollars (\$11,706) for McKinney-Veto Homeless Student Transportation from the general fund to the School Department.
- Referred to Public Facilities and Finance Committees**
- #346-19** **Accepting Green Communities Program grants funds**
HER HONOR THE MAYOR requesting to accept Green Communities Program grant funds of one hundred eleven thousand two hundred and seventeen dollars (\$111,217) from the Massachusetts Department of Energy Resources. The grant will be used for lighting at the Newton South High School tennis court and field house. The Public Buildings

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Department requesting authorization to spend \$24,406 out of the Energy Stabilization Fund to supplement the state grant funds and complete this lighting

Public Facilities Approved 5-0 on 11/23/19

Referred to Public Facilities and Finance Committees

#347-19

Appropriate \$1,160,066 for the Day Middle School Boiler Replacement Project

HER HONOR THE MAYOR requesting authorization to appropriate and expend one million one hundred sixty thousand and sixty six dollars (\$1,160,066) for the Day Middle School Boiler Replacement Project, of which approximately three hundred sixty thousand seven hundred and fifty-three dollars (\$360,753) will be funded by a grant from the Massachusetts School Building Authority's Accelerated Repair Program and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.

Public Facilities Approved 5-0 on 11/23/19

Referred to Programs & Services and Finance Committees

#208-19(D)

Request for ordinance amendment to increase School Committee salary

PRESIDENT LAREDO requesting an amendment to City Ordinance **Chapter 2, Sec 9. Salary and benefits of school committee members** to read: "Each school committee member, with the exception of the mayor, shall receive annual compensation of seven thousand seven hundred fifty dollars (\$7,750), payable monthly; and each such member shall be eligible to participate in the group insurance program available to other city officials and employees." This change to take effect January 1, 2020.

Programs & Services Approved 5-0 on 11/23/19

Respectfully submitted,

Leonard J. Gentile, Chair

From: Joseph Mulvey
To: David A. Olson; Cassidy Flynn
Cc: Gregory Ansaldi; Rufen Liao; Jonathan Yeo
Subject: Website update status
Date: Friday, October 11, 2019 5:05:40 PM

To All members of the Finance Committee,
With apologies, I am unable to attend the October 16 Finance Committee to discuss the status of the City website update.

We are about three months into this project. Our anticipated live date is the summer of 2020.

Currently we are finalizing the wireframe for the homepage, determining primary and secondary colors. These decisions have been reached through a core group of select participants who have a great history of supporting the existing site. They are enthusiastic and most support a large quantity of pages. Wonderful insight and input from Linda Plazonja in the Mayor's office has enabled the color selection to progress well.

We have created site map spreadsheets and distributed to every department the pages they are responsible for maintaining. This review will take several weeks. This is the time for things like renaming the department home folder such as changing BOA to City Council.

As we approach our next milestones I will keep the City Council apprised of our accomplishments.

Respectfully,
Joe

Joseph P. Mulvey
Chief Information Officer
City of Newton Information Technology Dept.
1000 Commonwealth Ave.
Newton Centre, MA 02459
617-796-1188



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

375-19

Telephone
(617) 796-1100

Fax

(617) 796-1113

TDD/TTY

(617) 796-1089

Email

rfuller@newtonma.gov

October 7, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to accept a MassHousing grant of \$4,300 to support the activities of the Newton Hoarding Task Force. Commissioner Youngblood's attached memo details the planned use of these grant funds.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller, Mayor

RECEIVED
NEWTON CITY CLERK
2019 OCT -7 PM 4:19
DANIEL A. CLARK, CLERK
NEWTON, MA 02459

City of Newton



Ruthanne Fuller
Mayor

HEALTH AND HUMAN SERVICES DEPARTMENT
Deborah Youngblood, PhD, Commissioner
1000 Commonwealth Avenue
Newton, MA 02459-1544

375-19

Telephone
(617) 796-1420
Fax
(617) 552-7063

October 7, 2019

To: Mayor Fuller
From: Deborah Youngblood, Commissioner of HHS
Re: Award of \$4,300 grant from Mass Housing for hoarding services

Dear Mayor Fuller,

The City of Newton has been awarded a \$4,300 grant to support the activities of our Newton Hoarding Task Force and better serve residents who are suffering from this challenging disorder. This is a grant we have received for the past several years in varying amounts. This year's grant money will be utilized for the following:

- 1) Continue the Wellesley College intern program, which trains and then utilizes college students to provide sorting and discarding support to residents who need assistance;
- 2) Provide a panel on "Home Safety when you have too much stuff," a harm reduction model to being safe at home;
- 3) Provide one workshop for residents looking for additional education on hoarding,
- 4) Create a small fund to assist residents who are decluttering to pay for assistance with heavy chores and removal of items no longer needed; and
- 5) Collect data to further understand the needs of our community and the efficacy of the work we are doing in this area.

We respectfully request to accept these funds so that we are able to continue and enhance our work in this area.

Sincerely,

Deborah C. Youngblood



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

376-19

Telephone
(617) 796-1100

Fax

(617) 796-1113

TDD/TTY

(617) 796-1089

Email

rfuller@newtonma.gov

October 10, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to rescind a curb betterment assessment at 66 Waban Hill Road dated November 5, 2018, Order 532-18. Please see the attached memo from Commissioner McGonagle on the issue.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller, Mayor

Cc: James McGonagle, DPW Commissioner

RECEIVED
CITY CLERK
2019 OCT 15 AM 9:40
RUTHANNE A. FULLER, MAYOR
NEWTON, MASS 02459




OFFICE OF THE COMMISSIONER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Ruthanne Fuller
Mayor

October 9, 2019

To: Maureen Lemieux, Chief Financial Officer

From: James McGonagle, Commissioner of Public Works 

Subject: Request to Rescind Docket Item 532-18
Assessment of Curb Betterment for 66 Waban Hill Road

On November 5, 2018, the Honorable City Council issued Order 532-18, assessment of curb betterments. Due to an engineering division clerical error (a cut and paste error), the property at 66 Waban Hill Road was erroneously included in this Order. The property at 66 Waban Hill Road was previously assessed a curb betterment under Oder 349-18, dated June 18, 2019.

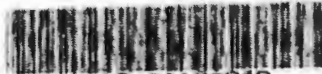
The Department of Public Works (DPW) respectfully request the Honorable Mayor docket for consideration the rescinding of the assessment of curb betterments on the property at 66 Waban Hill Road, dated November 5, 2018, as follows:

“The Commissioner of Public Works is requesting approval of the rescinding of assessment of the curb betterment at 66 Waban Hill Road dated November 5, 2018, Order 532-18.”

Thank you.

Attachment: 1 doc.

cc: Shawna Sullivan, DPW Chief of Staff
Susan Dzikowski, Comptroller
David Olsen, City Clerk
Jack Cowell, DPW Budget and Finance
Louis M. Taverna, P.E., City Engineer



2018 00190348
Ba: 72010 Pg: 3 Doc: CRD
Page 1 of 2 12/14/2018 11:45 AM

#532-18

CITY OF NEWTON

IN CITY COUNCIL

November 5, 2018

ORDERED:

That, in accordance with the recommendation of the Commissioner of Public Works and the Finance Committee, the following mentioned sidewalk/driveway apron and/or curb betterments to be graded and constructed and assessments to be levied under the provisions of MGL Chapter 83, Sec. 26, be and are hereby authorized:

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
51 Avalon Road	Rittenhouse Nancy E & Larson Dale N	Certd 21903 1226/153	53014 0014	\$5,220.00
25 Ballard Street	Feder Minam	65077/563	73030 0001	\$4,992.50
36 Brooks Avenue	Denison Sherman F & Susan Tars (Denison Realty Trust)	66381/362	21032 0008	\$2,185.00
33 Duxbury Road	Jennings Bruce E & Sybicki Joan	17325/397	62027 0001	\$2,347.50
77 Pembroke Street	Vitagliano Kenneth & Mccann-Vitagliano Nancy	32580/290	72021 0005	\$1,632.50
65 Rowena Road	Moran Michael J & Farrell Kathleen C	17830/502	62016 0045	\$2,230.00
66 Waban Hill Road	Kiley Manley J Jr & Leahy Mary M	64001/532	63008 0041	\$2,445.00
86 Waban Hill Road	Grossman David M & Sisk Marja J	Certd 258417 1465/41	63008 0037	\$1,165.00
101 Waban Hill Road	Varma-Wilson Anisha & Wilson Marcus E	62215/317	63008 0009	\$3,505.00
101 Waban Hill Road	Varma-Wilson Anisha & Wilson Marcus E	62215/317	63008 0009	\$1,625.00
1093 Walnut Street	Brail Leslie H Tr (Trust Agrmt Of Les H Brail)	68706/594	52009 0010	\$3,030.00
208 Auburn Street	Ardini Andrew J & Stacey B	64194/525	43014 0001	\$6,812.50

ISSUED FY 19

PRE PAID 7/30/19

City of Newton
Law Dept.
1000 Commonwealth Ave
Newton Center, MA 02459

A True Copy
Attest

Dan P. Olson
City of Newton, Mass.

2nd & OK
dup orig CC
in LC



2018 00122545
Bk: 71459 Pg: 137 Doc: ORD
Page: 1 of 2 08/10/2018 03:16 PM

376-19

#349-18

CITY OF NEWTON

IN CITY COUNCIL

June 18, 2018

FY 19
FY 2019

ORDERED:

That, in accordance with the recommendation of the Commissioner of Public Works and the Finance Committee, the following mentioned sidewalk/driveway apron and/or curb betterments to be graded and constructed and assessments to be levied under the provisions of MGL Chapter 83, Sec. 26, be and are hereby authorized:

66 Waban Hill Road	Kiley Manley J., Jr. & Leahy Mary M.	64001/532	63008 0041	\$2,445.00
94 Waban Hill Road	Crocetti Francis P. & Lucinda A.	985/151 Cert. 171101	63008 0036	\$4850.00
225 Arnold Road	Schwartz Jeffrey G. & Schwartz Laura P.	51178/524	81008 0001	\$4,850.00
59 Hancock Avenue	Foster William & Rachel	63660/469	64016 0020	\$2,550.00
26 Dartmouth Street	Marjorie E. Korff Trust, Korff, Robert S. & Fellman, Ronald M. Trs	59358/389	32033 0011	\$5,500.00
35 Dartmouth Street	Silverman Steven & Elisa	63326/136	32029 0012A	\$10,032.50
20 Beechcroft Road	Cahill Lawrence & Cahill Lisa G. Sowie	56966/281	72035 0004	\$2,132.50
321 Commonwealth Avenue	Deng Shaohua & Shen Lin	67833/494	61009 0005	\$2,672.50

City of Newton Law Department
1000 Commonwealth Avenue
Newton Centre, MA 02459

A True Copy
Attest

City Clerk of Newton, Mass.



RECEIVED
 Newton City Clerk

2019 OCT -9 AM 9:59

David A. Olson, City Clerk
 Newton, MA 02459

Office of Business, Finance and Planning
 100 Walnut Street
 Newtonville, MA 02460
 617-559-9025

TO: City Council
 David Olson, City Clerk
 Maureen Lemeiux, Chief Financial Office

FROM: Liam Hurley, Assistant Superintendent / Chief Financial and Administrative Officer

DATE: October 10, 2019

RE: Vote to Accept McKinney-Vento State Reimbursement for Homeless Students

The School Committee has voted to in favor of requesting from City Council and Finance Committee the appropriation of the state reimbursement for McKinney-Vento Homeless Student Transportation to the School Department, in the amount of \$11,706.

Please see attached Vote from School Department dated October 8, 2019 as well as the request for Vote to School Department dated October 7, 2019.

CC: Susan Dzikowski, Comptroller



NEWTON SCHOOL COMMITTEE

WARD	
I	Bridget Ray-Canada
II	Margaret Albright
III	Anping Shen
IV	Diana Fisher Gomberg
V	Steven Siegel, Vice-Chair
VI	Ruth Goldman, Chair
VII	Kathy Shields
VIII	Matthew Miller

MEMO

To: Liam Hurley
From: Lisa Mazzola, Secretary, Newton School Committee
Re: School Committee
Date: October 8, 2019

On October 7, 2019 the School Committee voted to approve the McKinney-Vento State Reimbursement for Homeless Students as follows:

Motion is made to approve a request of the City Council and the Finance Committee to vote to appropriate the state reimbursement of \$11,706 for McKinney-Vento Homeless Student Transportation to the School Department.

A motion was made by Fisher Gomberg, seconded by Siegel, and approved 9-0-0 to request the City Council and the Finance Committee to appropriate McKinney-Vento reimbursement funds to the School Department in the amount of \$11,706.



Office of Business, Finance and Planning
100 Walnut Street
Newtonville, MA 02460
617-559-9025

TO: School Committee
FROM: Liam Hurley, Assistant Superintendent / Chief Financial and Administrative Officer
DATE: October 7, 2019
RE: Vote to Accept McKinney-Vento State Reimbursement for Homeless Students

This is to ask the School Committee to approve a request of the City Council and the Finance Committee to vote to appropriate the state reimbursement of \$11,706 for McKinney Vento Homeless Student Transportation to the School Department. Current receipts are housed in general revenue account # 0130101-433018. Appropriating these funds to the School Department will allow for the district to directly offset a portion of the cost of bus transportation in FY20.

The McKinney-Vento Homeless Assistance Act, reauthorized in December 2001 as part of the Federal No Child Left Behind Act, ensures educational right and protection for children and youth experiencing homelessness. The Massachusetts Educational Plan provides services aimed at preventing homeless children from experiencing further instability in their lives by minimizing their moves from school to school.

CC: Susan Dzikowski, Comptroller
Maureen Lemeiux, Chief Financial Officer
David Olson, City Clerk



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

346-19

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email

rfuller@newtonma.gov

September 25, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I write to request that this Honorable Council vote to accept Green Communities Program grant funds of \$111,217 from the Massachusetts Department of Energy Resources. This grant will be used for LED lighting at the Newton South High School tennis court and field house. The Office of the Comptroller will set up a separate account for this grant.

In the attached letter, the Public Buildings Department respectfully requests authorization to spend \$24,406 out of the Energy Stabilization Fund, account #7907T104-481200, to supplement the state grant funds and complete this lighting project at Newton South High School.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller, Mayor

Cc: Liam Hurley, Assistant Superintendent of Schools

PROCESSED
Newton City Clerk
2019 SEP 26 PM 4:39
Daniel A. Garcia, Clerk
Newton, MA 02459



CITY OF NEWTON, MASSACHUSETTS
PUBLIC BUILDINGS DEPARTMENT
 52 ELLIOT STREET, NEWTON HIGHLANDS, MA 02461

Ruthanne Fuller, Mayor
 Josh Morse
 Building Commissioner

Telephone (617) 796-1600
 Facsimile (617) 796-1601
 TDD/tty # (617) 796-1608

September 20, 2019

Ruthanne Fuller, Mayor
 Newton City Hall
 1000 Commonwealth Avenue
 Newton Centre, MA 02459

RE: Funding to replace lights at NSHS Tennis Courts and Field House & Authorization to Accept Grant

Dear Mayor Fuller:

The Public Buildings Department respectfully requests the authorization to accept the Green Communities Grant in the amount of \$111,217 from the Massachusetts Department of Energy Resources. This grant will be used for LED lighting at the Newton South High School tennis court and field house.

The Public Buildings Department respectfully requests authorization to spend \$24,406 out of the Energy Stabilization Fund to complete these lighting projects at Newton South High School.

Sincerely,

Josh Morse
 Public Buildings Commissioner

cc: Jonathan Yeo, Chief Operating Officer
 Maureen Lemieux, Chief Financial Officer
 James Mcgonagle, Commissioner of Public Works
 Alex Valcarce, Deputy Buildings Commissioner
 David Stickney, Director of Facilities



I.COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

346-19



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy.

CONTRACTOR LEGAL NAME: City of Newton
COMMONWEALTH DEPARTMENT NAME: Department of Energy Resources
Legal Address: (W-9, W-4,T&C): 1000 Commonwealth Avenue, Newton, MA 02459
Business Mailing Address: 100 Cambridge Street, Suite 1020, Boston, MA 02114
Contract Manager: Ruthanne Fuller
Billing Address (if different):
E-Mail: rf Fuller@newtonma.gov
Contract Manager: Jane Pfister
Phone: 978-465-4413 Fax: 978-465-4452
E-Mail: jane.pfister@mass.gov
Contractor Vendor Code: VC6000192120
Phone: 617-626-1194 Fax: 617-727-0030
Vendor Code Address ID (e.g. "AD001"): AD001
MMARS Doc ID(s):
RFR/Procurement or Other ID Number: PON-ENE-2019-004

X NEW CONTRACT
PROCUREMENT OR EXCEPTION TYPE: (Check one option only)
Statewide Contract (OSD or an OSD-designated Department)
Collective Purchase (Attach OSD approval, scope, budget)
X Department Procurement (Includes State or Federal grants 815 CMR 2.00)
Emergency Contract (Attach justification for emergency, scope, budget)
Contract Employee (Attach Employment Status Form, scope, budget)
Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)
CONTRACT AMENDMENT
Enter Current Contract End Date Prior to Amendment: ____, 20__
Enter Amendment Amount: \$ ____, (or "no change")
AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)
Amendment to Scope or Budget (Attach updated scope and budget)
Interim Contract (Attach justification for Interim Contract and updated scope/budget)
Contract Employee (Attach any updates to scope or budget)
Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)

The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract.
X Commonwealth Terms and Conditions
Commonwealth Terms and Conditions For Human and Social Services

COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.
Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)
X Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$111,217.00

PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: X agree to standard 45 day cycle statutory/legal or Ready Payments (G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) This is a contract to award a grant to the City of Newton for fiscal year 2020-2021, under the Green Communities Competitive Grant Program in the amount of one hundred eleven thousand two hundred seventeen dollars (\$111,217.00) to fund energy conservation measures, LED lighting, in municipal facilities including South High School, to be provided for the benefit of, and subject to the direction and oversight of, the Grantee as detailed in Attachment C.

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:
X 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.
2. may be incurred as of ____, 20__, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.
3. were incurred as of ____, 20__, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.

CONTRACT END DATE: Contract performance shall terminate as of September 30, 2020, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form including the Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:
X: [Signature] Date: 9/9/19
(Print Name and Date Must Be Handwritten At Time of Signature)
Print Name: Ruthanne Fuller
Print Title: Mayor

AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:
X: [Signature] Date: 9/7/19
(Print Name and Date Must Be Handwritten At Time of Signature)
Print Name: Max Tassinari
Print Title: Chief Financial Officer

Jonathan Yeo

From: William Ferguson
Sent: Wednesday, September 25, 2019 8:37 AM
To: Jonathan Yeo
Cc: Stephanie Tocci
Subject: FW: NEWTON—Competitive Grant Contract Documents

This is the official email announcing the grant.

From: Pfister, Jane (ENE) <jane.pfister@state.ma.us>
Sent: Tuesday, September 03, 2019 3:41 PM
To: William Ferguson <wferguson@newtonma.gov>
Cc: Ruthanne Fuller <rfuller@newtonma.gov>; Duffy, Neal (ENE) <neal.duffy@state.ma.us>
Subject: NEWTON—Competitive Grant Contract Documents

Dear Bill-

Congratulations! The Department of Energy Resources (DOER) Green Communities Division has approved a Competitive Grant award of **\$ 111,217.00** to fund:

- \$66,346, South High School—LED lighting, tennis court
- \$44,871, South High School— LED lighting, field house

Please note that, due to the competitive nature of this grant program, **the use of these funds is restricted to the specifically approved projects** listed above.

The contract associated with this grant will expire on September 30, 2020.

Please note also that there is some flexibility to shift funds between the individual approved projects, within the parameters of your overall grant award. If you anticipate the need to shift funds from one approved project to another, please contact me before proceeding. Likewise, please contact Jane if you anticipate not expending your full grant award due to project cancellation or postponement.

Newton may have provided estimated figures for incentives from your gas and/or electricity utility provider. With specific projects identified for funding, DOER asks Newton to set up a meeting with your gas and/or electricity utility representative AND your Regional Coordinator to explore available incentives and the process and timing of applications. You or your Regional Coordinator can confirm to me by email that this meeting has taken place. (Contingency #1)

The contract document is attached with one additional file (MA Standard Contract Attachments.pdf) which includes four attachments (Commonwealth Terms and Conditions, Contractor Authorized Signatory Listing, Request for Taxpayer Identification Number and Certification (W-9), and Electronic Funds Transfer Sign Up Form). Together these five documents comprise the contract between DOER and the City of Newton.

If nothing needs to change on either the W-9 or EFT forms (since a previous designation or competitive contract), please confirm that by email. It is the policy of DOER to sign only one original contract, so please send just one original of each signed document or page to me at the address below.

DOER will return a scanned signed contract to you for City records when it has been entered into the state’s system and has been assigned a Contract ID number.

Please review these documents carefully. Let me know if you have any questions or propose making changes. **Please pay particular note to the contract end date.**

I draw your attention to the following elements in these contract documents to review and consider:

I. THE STANDARD CONTRACT (page 1)

- The Anticipated Start Date or **Effective Date** is the latest signature date (this will be the **date when DOER signs** the returned contract forms). No obligations have been incurred prior to the Effective Date in order to be eligible to be paid by competitive grant funds for approved project work. Contract End Date is **September 30, 2020**.

II. ATTACHMENT C – SCOPE OF GRANT AWARD

- Please review all the contingencies carefully.
- DOER will require confirmation that the town has applied for all gas and electric rebates available for eligible energy conservation or efficiency measures. Grantee is required to have documentation from utilities regarding rebates before selection and installation of products.
- Disbursement of Funds schedule; 25%, 50%, and 25% after completion, site inspection, approval of a final grant report.

III. ATTACHMENT D – BUDGET

- **Grant funds budgeted over 2 Fiscal Years.**

Please return **one copy of all signed documents to me by mail.** That will be a minimum of 5 signed original pages; standard contract form page 1, Commonwealth Terms and Conditions, page 2, Authorized Signatory Listing, Mass version of W9, and EFT form. I would appreciate an email when they are in the mail so I can look for them.

As soon as DOER has signed the returned contract, I will email the City with the Effective Date, so obligation may be incurred, and work may begin on approved projects.

I look forward to working with you in the future. Please contact me if you have any questions or concerns.

Best Regards,
Jane

Jane Pfister, Grant Coordinator
Green Communities Division
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

617-626-1194 (direct)
jane.pfister@mass.gov

Creating a Clean, Affordable, and Resilient Energy Future for the Commonwealth

GREEN COMMUNITIES GRANT PROJECTS- 2019

Project Name	Project cost	Grant Amt.	Expected Utility Rebates Amt.	City Funds (Energy Stabilization)
South HS Tennis Courts-LED lighting and Controls	\$ 99,167.00	\$ 66,346.00	\$ 18,049.00	\$ 14,772.00
South HS -LED interior lighting	\$ 96,348.00	\$ 44,871.00	\$ 41,843.00	\$ 9,634.00
Total	\$ 195,515.00	\$ 111,217.00	\$ 59,892.00	\$ 24,406.00

**2019 DOER Competitive Grant Projects
City of Newton Energy Efficiency Projects
October 1, 2019**

Line Item #	Facility Location	Chapter 25A Section 3 Procurement Law	Energy Conservation Measures	Project Costs		DOER Grant Funds		Utility Costs per Unit			Energy Savings				Return on Investment					
				Project Cost	Eversource Electric Incentive	Customer Net Cost	2019 DOER Grant Approved	Customer Net Cost	\$/kWh	\$/Therm	\$/kWh Saved	\$/Therm Saved	kW Reduction	kWh Reduction	MMBTU Reduction	Annual Savings	Maintenance Savings	Payback in Years		
7	South High School		ECM	Modifications of Lighting Fixtures/Automatic Energy Controls	\$ 96,348	\$ 41,843	\$ 54,505	\$ 44,871	\$ 9,634	\$ 0.1750	\$ 1.01	\$ 0.30	\$ 2.00	26.6	139,478	476	\$ 24,409	\$ 1,679	48%	2.1
9	South High School		ECM	Modifications of Lighting Fixtures	\$ 99,167	\$ 18,049	\$ 81,118	\$ 66,346	\$ 14,772	\$ 0.1750	\$ 1.01	\$ 0.30	\$ 2.00	34.0	95,540	326	\$ 16,720	\$ 600	21%	4.7
South High School Totals					\$ 195,515	\$ 59,892	\$ 135,623	\$ 111,217	\$ 24,406		60.5	235,018	802	\$ 41,128	\$ 2,279	32%	3.1			
PROJECT TOTALS					\$ 195,515	\$ 59,892	\$ 135,623	\$ 111,217	\$ 24,406		60.5	235,018	802	\$ 41,128	\$ 2,279	32%	3.1			

*Eversource & NGRID rebates estimated are subject to review and approval and may change annually based on program offerings. *Payback and ROI are calculated prior to potential DOER Grant Funding.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Office of the Mayor

RECEIVED
2019 SEP 27 AM 10:33

347-19

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

September 26, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend \$1,160,066 for the Day Middle School Boiler Replacement Project, of which approximately \$360,753 will be funded by a grant from the Massachusetts School Building Authority's Accelerated Repair Program.

Further, I request that your Honorable Council authorize any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes be applied to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by a like amount.

The Board Order should read as follows:

That the City of Newton appropriate the amount of one million one hundred sixty thousand sixty six dollars (\$1,160,066) for the purpose of paying costs of replacing the boilers at F.A. Day, 21 Minot Place, Newtonville MA 02460, including the payment of all costs incidental or related thereto (the "Project"), which proposed replacement/repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Newton has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Commissioner of Public Buildings. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The City of Newton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Newton incurs in excess of any grant shall be the sole responsibility of the City of Newton; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) 32.47 percent {32.47%} of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Newton and the MSBA.

Further, any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes be applied to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by a like amount.

The total amount of the project must be authorized for the MSBA grant, according to the April 2019 approved Project Scope and Budget Agreement. In 2018 the Council approved #129-18, authorizing Superintendent to submit a statement of interest to the MSBA.

Thank you for your consideration of this matter.

Sincerely,



Ruthanne Fuller, Mayor



CITY OF NEWTON, MASSACHUSETTS

PUBLIC BUILDINGS DEPARTMENT

 52 ELLIOT STREET, NEWTON HIGHLANDS, MA 02461

Ruthanne Fuller, Mayor
 Josh Morse
 Building Commissioner

Telephone (617) 796-1600
 Facsimile (617) 796-1601
 TDD/tty # (617) 796-1608

August 21, 2019

Ruthanne Fuller, Mayor
 Newton City Hall
 1000 Commonwealth Avenue
 Newton Centre, MA 02459

RE: Funding for Bigelow Boiler Replacement

Dear Mayor Fuller:

The Day Middle School Boiler Replacement Project is being undertaken through a grant from the Massachusetts School Building Authority which is scheduled to vote on the Project Scope and Budget Agreement on April 10, 2019. Per MSBA requirements, the total amount of the project must be authorized.

At this time the Public Buildings Department requests the sum of \$1,160,066 to fund the project. The total project budget is estimated not to exceed that amount with an anticipated MSBA Grant of \$360,753 for an estimated local share of \$799,313.

Sincerely,

Josh Morse
 Public Buildings Commissioner

cc: Maureen Lemieux, Chief Financial Officer
 Alex Valcarce, Deputy Buildings Commissioner
 Stephanie Tocci, Business Manager

Please see attached draft council order required by the MSBA.

(Docket #)

CITY OF NEWTONIN CITY COUNCIL

(Date)

ORDERED:

That the City of Newton appropriate the amount of One Million, One Hundred Sixty Thousand, and Sixty-Six (\$1,160,066) Dollars for the purpose of paying costs of replacing the boilers at F.A. Day Middle School, 21 Minot Place, Newtonville, MA 02460, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the schools and preserve assets that otherwise are capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Commissioner of Public Buildings. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) 32.47 percent (32.47 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

Under Suspension of Rules
Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

Day Middle School Boiler Replacement

4/26/2019

The Day Middle School Boiler Replacement Project is being undertaken through a grant from the Massachusetts School Building Authority which is scheduled to vote on the Project Scope and Budget Agreement on April 10, 2019.

Per MSBA requirements, the total amount of the project must be authorized.

At this time the Public Buildings Department requests the sum of \$1,160,066 to fund the project.

Funds Required

Feasibility Study	33,300.00
OPM	123,500.00
Architect & Engineering	95,000.00
Construction	897,973.00
Contingency	10,293.00
	1,160,066.00



Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

April 10, 2019

The Honorable Ruthanne Fuller, Mayor
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: City of Newton, F. A. Day Middle School

Dear Mayor Fuller:

I am pleased to report that the Board of the Massachusetts School Building Authority (the "MSBA") voted to approve the Proposed Accelerated Repair Project (the "Proposed Project") for the City of Newton (the "City") for a boiler replacement project at the F. A. Day Middle School.

The City also received Project Funding Agreement authorization at the February 13, 2019 Board of Directors meeting for a boiler replacement project at the Bigelow Middle School. The two Schools received invitations to the Accelerated Repair Program at the June 27, 2018 Board of Directors Meeting.

The Board approved an Estimated Maximum Total Facilities Grant of \$346,762, which does not include any funds for potentially eligible Owner's or Construction Contingency Expenditures. In the event that the MSBA determines that any Owner's and/or Construction Contingency Expenditures are eligible for reimbursement, the Maximum Total Facilities Grant for the F. A. Day Middle School Project may increase to \$360,753. The final grant amount will be determined by the MSBA based on a review and audit of all project costs incurred by the City, in accordance with the MSBA's regulations, policies, and guidelines and the Project Funding Agreement. The final grant amount may be an amount less than \$346,762.

Pursuant to the terms of the MSBA's Accelerated Repair Program, the City has 90 days to acquire and certify local approval for an appropriation and all other necessary local votes or approvals showing acceptance of the cost, site, type, scope and timeline for the F. A. Day Middle School Project. Upon receipt of the certified votes demonstrating local approval, the MSBA and the City will execute a Project Funding Agreement, which will set forth the terms and conditions pursuant to which the City will receive its grant from the MSBA. Once the Project Funding Agreement has been executed by both parties, the City will be eligible to submit requests for reimbursement for Proposed Project costs to the MSBA.

Page 2
April 10, 2019
Newton ARP PFA Authorization Board Action Letter

We will be contacting you soon to discuss these next steps in more detail, but in the meantime, I wanted to share with you the Board's approval of the F. A. Day Middle School Project in the City of Newton for a boiler replacement project at the F. A. Day Middle School, and the Board's authorization to execute a Project Funding Agreement for this Proposed Project.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. MacDonald". The signature is written in a cursive style with a large, prominent initial "J".

James A. MacDonald
Chief Executive Officer

Cc: Legislative Delegation
Marc Laredo, President, Newton City Council
Ruth Goldman, Chair, Newton School Committee
Dr. David A. Fleishman, Superintendent, Newton Public Schools
Chris Gentile, Owner's Project Manager, NETCO Construction Project Managers,
Inc.
Francis J. Hoey, III, Designer, Tighe & Bond, Inc.
File: 10.2 Letters

Day Middle School Boiler Replacement

9/23/2019

The Day Middle School Boiler Replacement Project is being undertaken through a grant from the Massachusetts School Building Authority which is scheduled to vote on the Project Scope and Budget Agreement on April 10, 2019.

Per MSBA requirements, the total amount of the project must be authorized.

At this time the Public Buildings Department requests the sum of \$1,160,066 to fund the project.

Funds Required

Feasibility Study	33,300.00
OPM	123,500.00
Architect & Engineering	95,000.00
Construction	897,973.00
Contingency	10,293.00
	1,160,066.00

**EXHIBIT A
PROJECT BUDGET
CITY OF NEWTON**

**BIGELOW MIDDLE SCHOOL
F.A. DAY MIDDLE SCHOOL**

PROJECT FUNDING AGREEMENT

District of Newton
F.A. Day Middle School

4/3/2019

Total Project Budget: All costs associated with the project are subject to 963 CMR 2.16(5)	Estimated Budget	Scope Items Excluded from the Basis of Estimated Total Facilities Grant or Otherwise Ineligible	Basis of Estimated Total Facilities Grant ¹	Estimated Maximum Total Facilities Grant ¹
Feasibility Study Agreement				
<i>OPM Feasibility Study</i>	\$7,500	\$0	\$7,500	
<i>A&E Feasibility Study</i>	\$25,800	\$0	\$25,800	
<i>Env. & Site</i>	\$0	\$0	\$0	
<i>Other</i>	\$0	\$0	\$0	
Feasibility Study Agreement Subtotal	\$33,300	\$0	\$33,300	\$10,813
Administration				
Legal Fees	\$0	\$0	\$0	\$0
Owner's Project Manager				
<i>Design Development</i>	\$0	\$0	\$0	
<i>Construction Contract Documents</i>	\$15,500	\$0	\$15,500	
<i>Bidding</i>	\$5,000	\$0	\$5,000	
<i>Construction Contract Administration</i>	\$97,000	\$0	\$97,000	
<i>Closeout</i>	\$6,000	\$0	\$6,000	
<i>Extra Services</i>	\$0	\$0	\$0	
<i>Reimbursable & Other Services</i>	\$0	\$0	\$0	
<i>Cost Estimates</i>	\$0	\$0	\$0	
Advertising	\$0	\$0	\$0	
Permitting	\$0	\$0	\$0	
Owner's Insurance	\$0	\$0	\$0	
Other Administrative Costs	\$0	\$0	\$0	
Administration Subtotal	\$123,500	\$0	\$123,500	\$40,100
Architecture and Engineering				
Basic Services				
<i>Design Development</i>	\$0	\$0	\$0	
<i>Construction Contract Documents</i>	\$28,000	\$0	\$28,000	
<i>Bidding</i>	\$8,700	\$0	\$8,700	
<i>Construction Contract Administration</i>	\$35,200	\$0	\$35,200	
<i>Closeout</i>	\$5,800	\$0	\$5,800	
<i>Other Basic Services</i>	\$0	\$0	\$0	
Basic Services Subtotal	\$77,700	\$0	\$77,700	
Reimbursable Services				
<i>Construction testing</i>	\$0	\$0	\$0	
<i>Printing (over minimum)</i>	\$0	\$0	\$0	
<i>Other Reimbursable Costs</i>	\$0	\$0	\$0	
<i>Hazardous Materials</i>	\$17,300	\$0	\$17,300	
<i>Geotech & Geo-Env.</i>	\$0	\$0	\$0	
<i>Site Survey</i>	\$0	\$0	\$0	
<i>Wetlands</i>	\$0	\$0	\$0	
<i>Traffic Studies</i>	\$0	\$0	\$0	
Architectural/Engineering Subtotal	\$95,000	\$0	\$95,000	\$30,847
CM & Risk Preconstruction Services				
<i>Pre-Construction Services</i>	\$0	\$0	\$0	\$0
<i>Site Acquisition</i>				
<i>Land/Building Purchase</i>	\$0	\$0	\$0	
<i>Appraisal Fees</i>	\$0	\$0	\$0	
<i>Recording fees</i>	\$0	\$0	\$0	
Site Acquisition Subtotal	\$0	\$0	\$0	\$0
Construction Costs				
<i>Construction Budget</i>	\$0	\$0		
<i>GMP Fee</i>	\$0	\$0		
<i>GMP Insurance</i>	\$0	\$0		
<i>GMP Contingency</i>	\$0	\$0		
<i>Division 1 - General Requirements</i>	\$236,700	\$611		
<i>Division 2 - Existing Conditions</i>	\$83,280	\$0		
<i>Division 3 - Concrete</i>	\$11,530	\$0		
<i>Division 4 - Masonry</i>	\$0	\$0		
<i>Division 5 - Metals</i>	\$0	\$0		
<i>Division 6 - Woods, Plastics and Composites</i>	\$0	\$0		
<i>Division 7 - Thermal and Moisture Protection</i>	\$0	\$0		
<i>Division 8 - Openings</i>	\$0	\$0		
<i>Division 9 - Finishes</i>	\$0	\$0		
<i>Division 10 - Specialties</i>	\$0	\$0		
<i>Division 11 - Equipment</i>	\$0	\$0		
<i>Division 12 - Furnishings</i>	\$0	\$0		
<i>Division 13 - Special Construction</i>	\$0	\$0		
<i>Division 14 - Conveying Systems</i>	\$0	\$0		
<i>Division 21 - Fire Suppression</i>	\$0	\$0		
<i>Division 22 - Plumbing</i>	\$19,250	\$0		
<i>Division 23 - HVAC</i>	\$427,058	\$1,500		
<i>Division 25 - Integrated Automation</i>	\$0	\$0		
<i>Division 26 - Electrical</i>	\$40,440	\$0		
<i>Division 27 - Communications</i>	\$0	\$0		
<i>Division 28 - Electronic Safety and Security</i>	\$0	\$0		
<i>Division 31 - Earthwork</i>	\$0	\$0		
<i>Division 32 - Exterior Improvements</i>	\$0	\$0		
<i>Division 33 - Utilities</i>	\$0	\$0		
Construction Budget	\$818,258	\$2,111	\$816,147	\$265,003
Alternates				
	\$0	\$0	\$0	
	\$0	\$0	\$0	
	\$0	\$0	\$0	
Alternates Subtotal	\$0	\$0	\$0	\$0
Miscellaneous Project Costs				
<i>Utility company Fees</i>	\$0	\$0	\$0	
<i>Testing Services</i>	\$0	\$0	\$0	
<i>Swing Space/Modulars</i>	\$0	\$0	\$0	
<i>Other Project Costs (Mailing & Moving)</i>	\$0	\$0	\$0	

District of Newton
F.A. Day Middle School

4/3/2019

Total Project Budget: All costs associated with the project are subject to 963 CMR 2.16(5)	Estimated Budget	Scope Items Excluded from the Basis of Estimated Total Facilities Grant or Otherwise Ineligible	Basis of Estimated Total Facilities Grant ¹	Estimated Maximum Total Facilities Grant ¹
Misc. Project Costs Subtotal	\$0	\$0	\$0	\$0
<i>Furnishings and Equipment</i>				
<i>Furnishings</i>	\$0	\$0	\$0	
<i>Equipment</i>	\$0	\$0	\$0	
<i>Computer Equipment</i>	\$0	\$0	\$0	
FF&E Subtotal	\$0	\$0	\$0	\$0
Soft Costs that exceed 20% of Const'n Cost		\$0	\$0	
Project Budget	\$1,070,058	\$2,111	\$1,067,947	\$346,762

Board Authorization	
Project Budget	\$1,070,058
Scope Items Excluded or Otherwise Ineligible	-\$2,111
Basis of Estimated Total Facilities Grant ¹	\$1,067,947
Reimbursement Rate	32.47%
Estimated Maximum Total Facilities Grant ¹	\$346,762

Total Construction Contingency ²	\$81,826
Total Owner's Contingency ²	\$8,182
Potentially Eligible Construction Contingency ²	\$40,807
Potentially Eligible Owner's Contingency ²	\$2,281
Total Potentially Eligible Contingency ²	\$43,088
Reimbursement Rate	32.47%
Potential Additional Contingency Grant Funds ²	\$13,991
Maximum Total Facilities Grant	\$360,753
Total Project Budget	\$1,160,066

This document was prepared by the MSBA based on a preliminary review of information and estimates provided by the Owner's Project Manager of District of Newton for the F.A. Day 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.

1. The estimated maximum facilities grant established for the Project Funding Agreement does not include any potentially eligible contingency funds and is subject to review and audit by the MSBA. At the time of PFA Bid Amendment, the Estimated Maximum Facilities Grant and the Maximum Total Facilities Grant will be adjusted to account for any budget revision requests submitted and approved by the MSBA at the time of establishing the Amendment.

2. 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 reallocation 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. All costs are subject to review and audit by the MSBA.

By signing this Total Project Budget, I hereby certify that I have read and understand the form and further certify, to the best of my knowledge and belief, that the information supplied by the District in the table above is true, accurate, and complete.

By: _____
Title: Chair of School Building Committee

Date: _____

By signing this Total Project Budget, I hereby certify that I have read and understand the form and further certify, to the best of my knowledge and belief, that the information supplied by the District in the table above is true, accurate, and complete.

By: _____
Title: Chief Executive Officer

Date: _____

By signing this Total Project Budget, I hereby certify that I have read and understand the form and further certify, to the best of my knowledge and belief, that the information supplied by the District in the table above is true, accurate, and complete.

By: _____
Title: Superintendent of Schools

Date: _____

By signing this Total Project Budget, I hereby certify that I have read and understand the form and further certify, to the best of my knowledge and belief, that the information supplied by the District in the table above is true, accurate, and complete.

By: _____
Title: Chair of School Committee

Date: _____



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

June 25, 2019

Via US mail (with enclosures) and email (with attachments) to:

The Honorable Ruthanne Fuller, Mayor
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Newton Project Funding Agreement
F.A. Day Middle School (MSBA Project No: 201802070315)

Dear Mayor Fuller:

On June 5, 2019, the Massachusetts School Building Authority (the "MSBA") and the City of Newton ("City") entered into a Project Funding Agreement ("PFA") for the Bigelow Middle School Project (the "Project"). After the Board authorized the Executive Director to enter into a PFA for the Bigelow Middle School, the Board, on April 10, 2019, authorized the Executive Director to enter into a PFA for one additional school in the City (F.A. Day Middle School). Therefore, the MSBA amended the PFA to include the F. A. Day Middle School.

Please return three (3) signed originals of the Amendment along with three (3) signed originals of the revised Total Project Budget (Exhibit A), within twenty-one (21) days after the date of this letter. The signed originals should be mailed to my attention at the MSBA. A fully executed original of the Amendment and Exhibit "A" will be returned to the City after it has been signed by the MSBA's Executive Director.

Please note that the Amendment must be executed by a duly authorized City officer. If a Local Governing Body must vote to authorize a City officer to execute the Amendment under local charter, ordinance, by-law, policy or other applicable law, please return a certified copy of such vote.

After all documentation has been properly completed and submitted to the MSBA, and the Amendment has been fully executed, the City must enter the amended budget for the Project into the MSBA's ProPay System. The MSBA will include instructions for entering the project budget with the transmittal of the fully executed PFA Amendment. Once the City has entered the amended PFA budget for the Project and the budget has been accepted by the MSBA, then the City can resume submitting requests for reimbursement to the MSBA. The MSBA may suspend the processing of reimbursement requests until the PFA Amendment has been fully executed, the amended budget has been entered and accepted in the MSBA's ProPay System, and all requirements have been satisfied.

City of Newton
Project Funding Agreement Amendment, F.D. Day Middle School
2 of 2

If you have any questions, please contact either Jess Deleconio or me at the MSBA.

Regards,



Brian P. Kelley
Senior Associate General Counsel

Enclosures/Attachments

cc: Legislative Delegation
Marc Laredo, President, Newton City Council
Ruth Goldman, Chair, Newton School Committee
Dr. David A. Fleishman, Superintendent, Newton Public Schools
Chris Gentile, Owner's Project Manager, NETCO Construction Project Managers, Inc.
Francis J. Hoey, III, Designer, Tighe & Bond, Inc.
File: 10.2 Letters

District Name: City of Newton
 School Names: Bigelow Middle School and F. A. Day Middle School
 Project ID Numbers: 201802810023 and 201802070315

**FIRST AMENDMENT
 TO THE PROJECT FUNDING AGREEMENT
 BETWEEN THE CITY OF NEWTON AND THE MASSACHUSETTS SCHOOL
 BUILDING AUTHORITY**

Effective as of June 5, 2019 (“Effective Date”), this First Amendment to the Project Funding Agreement between the **City of Newton** (“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 Bigelow Middle School, which Agreement has an effective date of June 5, 2019 (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. The second recital of the original Agreement is hereby amended as follows:

WHEREAS, the District has applied for and desires to receive a Total Facilities Grant from the Authority pursuant to the provisions of Chapter 70B, Chapters 208 and 210 of the Acts of 2004, and 963 CMR 2.00 et seq. for a Project (as defined in Section 1 below) consisting of a boiler replacement project at the Bigelow Middle School located at 42 Vernon St, Newton, MA 02458 and a boiler replacement project at the F. A. Day Middle School located at 21 Minot Pl, Newtonville, MA, as it is more particularly described elsewhere in this Agreement; and

2. The following language is inserted after “February 13, 2019” in line one of the tenth recital:

“and on April 10, 2019”

3. The definition of “Project” in Section 1 of the original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

District Name: City of Newton
 School Names: Bigelow Middle School and F. A. Day Middle School
 Project ID Numbers: 201802810023 and 201802070315

“Project” refers to, and is comprised of the two school projects, which are more particularly described in Exhibit “B” and elsewhere in this Agreement, at each of the following two school facilities:

- *A boiler replacement project at the Bigelow Middle School located at 42 Vernon St, Newton, MA 02458, and*
- *A boiler replacement project at the F. A. Day Middle School located at 21 Minot Pl, Newtonville, MA*

which are more particularly described elsewhere in this Agreement, which are (1) Capital Construction Projects, (2) Major Reconstruction Projects, or (3) School Projects, each as defined in Chapter 70B, §2.

4. The definition of “Project Site” in Section 1 of the Original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Project Site” means the specific locations of the Project at each of the two school facilities described herein and as more fully described in Exhibit “E” attached hereto.

5. The definition of “Total Facilities Grant” in Section 1 of the original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Total Facilities Grant” means the Authority’s final, approved, total financial contribution to an Approved Project, which is calculated by the Authority pursuant to the provisions of Chapter 70B, Chapter 208 of the Acts of 2004, and 963 CMR 2.00 et seq., and paid to the District pursuant to a schedule established by the Authority and subject to the terms and conditions of this Project Funding Agreement. The Total Facilities Grant for this Project consists of two sums of money, one for each of the two school projects described herein, that shall not be co-mingled or considered in the aggregate for purposes of disbursing the Total Facilities Grant.

District Name: City of Newton
 School Names: Bigelow Middle School and F. A. Day Middle School
 Project ID Numbers: 201802810023 and 201802070315

6. The definition of “Estimated Maximum Total Facilities Grant” in Section 1 of the original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Estimated Maximum Total Facilities Grant” shall mean the estimated Total Facilities Grant amount for each of the two school projects described herein, as set forth in the Total Project Budget (“Exhibit A”), which amount does not include reimbursement amounts for any potentially eligible costs within the owner’s contingency and construction contingency line items in the Total Project Budget (“Exhibit A”). The actual Total Facilities Grant for each of the two school projects described herein may be an amount less than the Estimated Maximum Total Facilities Grant pursuant to the Authority’s regulations, policies, and guidelines and the provisions of this Agreement.

7. The definition of “Maximum Total Facilities Grant” in Section 1 of the original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Maximum Total Facilities Grant” shall mean the maximum Total Facilities Grant amount, as set forth in the Total Project Budget (“Exhibit A”), which the District may be eligible to receive for each of the two school projects described herein, which amount shall not be exceeded under any circumstances. The Maximum Total Facilities Grant amount includes reimbursement amounts for any potentially eligible costs that may be expended from the owner’s contingency and the construction contingency line items in the Total Project Budget (“Exhibit A”) in accordance with the Authority’s regulations, policies, and guidelines and the provisions of this Agreement. The eligibility of any such costs for reimbursement shall be determined by the Authority within its sole discretion provided that the total amount of Project costs eligible for reimbursement, including any eligible costs expended from the owner’s contingency and construction contingency line items, shall not exceed the Maximum Total Facilities Grant amount for each of the two school projects described herein under any circumstances. The actual Total Facilities Grant for each of the two school projects described herein may be an amount less than the Maximum Total Facilities Grant pursuant to the Authority’s regulations, policies, and guidelines and the provisions of this Agreement.

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8. The definition of “Total Project Budget” in Section 1 of the Original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Total Project Budget” means a complete and full enumeration of all costs, including both hard costs and soft costs, so-called, that the District reasonably estimates, to the best of its knowledge and belief, has been or will be incurred in connection with the planning, design, construction, development, the mobilization of the operation, and the completion of each of the two school projects described in this Agreement that comprise the Project as approved by the Authority, which may be updated from time to time by mutual agreement of the Parties and which is attached hereto as Exhibit “A”. Each of the two school projects described herein shall have its own individual Total Project budget, as more particularly described in Exhibit “A.”

9. Section 2.1 of the original Agreement, is hereby deleted in its entirety. Inserted in place thereof is the following language:

2.1 As of the Effective Date and subject to the satisfaction of or compliance with, as reasonably determined by the Authority: (a) all of the terms and conditions of this Project Funding Agreement, (b) the applicable provisions of Chapter 70B, Chapters 208 and 210 of the Acts of 2004, and 963 CMR 2.00 *et seq.*, and (c) any other rule, regulation, policy, guideline, approval, or directive of the Authority, the Authority hereby approves the following Estimated Maximum Total Facilities Grant for the Project: an amount that, except as specifically provided in this Section 2.1, shall under no circumstances exceed the lesser of (i) 32.47% of the final approved, total eligible Project costs, as determined by the Authority, (“Reimbursement Rate”) or (ii) \$398,234 for the Bigelow Middle School; and \$346,762 for the F.A. Day Middle School (“Estimated Maximum Total Facilities Grants”). Notwithstanding the foregoing, the Authority may determine, in its sole discretion, and subject to the limitations set forth in Section 2.3 of this Agreement, that expenditures from the owner’s contingency and construction contingency line items of the Total Project Budget, so-called, are eligible for reimbursement, and in the event of any such determination, the Authority may adjust the above-stated Estimated Maximum Total Facilities Grant amount to account for the eligible, approved owner’s and construction contingency expenditures up to a Maximum Total Facilities Grant of \$415,795 for the Bigelow Middle School and \$360,753 for the F.A. Day Middle School. In no event shall the final, Maximum Total Facilities Grant, including any eligible owner’s and construction

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contingency amounts, exceed the amount specified for each of the two school projects described above. The Parties hereby acknowledge and agree that the Estimated Maximum Total Facilities Grant and Maximum Total Facilities Grant amounts set forth in this Section 2.1, are maximum amounts of funding that the District may receive from the Authority for the Project, and that the final amount of the Total Facilities Grant for each of the two school projects described above may equal an amount less than the amount specified for each of the two school projects described above, as determined by an audit conducted by the Authority. Any costs and expenditures that are determined by the Authority to be either in excess of the above-stated Total Facilities Grant for each of the two, individual school construction projects or ineligible for payment by the Authority shall be the sole responsibility of the District. The Parties hereby agree that costs incurred by the District in connection with the Project prior to the Effective Date may be eligible for reimbursement if the Authority determines in its sole discretion that such costs meet the Authority's eligibility requirements. For purposes of applying the Total Facilities Grant, each of the two school projects described herein shall be considered severally, and not jointly, so that any unused portion of the grant amount specified for one of the school projects cannot be applied to an overage in otherwise eligible costs that exceed the grant amount specified for any of the other school projects.

10. Inserted into Exhibit "A" of the original Agreement is the attached Total Project Budget for the F.A. Day Middle School dated 4/3/2019.

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.

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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

Signature Date

CITY OF NEWTON

By,

Signature Date

Name (Type/Print)

Title/Office (Type/Print)