Fall Brook Elementary School

Leominster, MA

Fall Brook Building Committee Meeting #49

October 13, 2026

LEOMINSTER
MASSACHUSETTS

LeftField

MDS ARCHITECTS

TODAY'S AGENDA

1. Call to Order & Roll Call
2. Administrative Actions
    a. Previous Meeting Minutes – **Vote**
    b. Monthly Invoice Log and Warrant – **Vote**
    c. Project Budget Update
    d. Designer Additional Service Request 15 – **Vote**
    e. Project Schedule Update
    f. Change Orders
3. Designer Report
4. Construction Report
    a. Early Site Package Update
    b. Soil Stabilization Update
    c. Main Package Update
5. Items Not Anticipated 48 Hours in Advance of Meeting
6. Public Comment
7. Next Steps
8. Adjournment

MDS ARCHITECTS

ROLL CALL

- Eight (8) voting members are required for a quorum

Voting Member	Present	Absent
Mr. Mark Bodanza		
Mr. Greg Chapdelaine		
Ms. Sandra Cucchiara		
Ms. Robin Desmond		
Mr. Arthur Elbthal		
Mr. Jacob Fleming		
Ms. Suzanne Koehler		
Mr. Steven Mammone		
Mayor Dean Mazzarella, Chair		
Ms. Melanie Mikels		
Mr. Elliot Nadeau		
Ms. Jennifer Reddington		
Mr. Brandon Robbins		
Mr. Jeffrey Sullivan		

MDS ARCHITECTS

TODAY'S AGENDA

1. Call to Order & Roll Call
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5. Items Not Anticipated 48 Hours in Advance of Meeting
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MDS ARCHITECTS

MEETING MINUTES FOR APPROVAL

- “Motion to approve the minutes from the Fall Brook Building Committee meeting held on August 11, 2026, September 15, 2026, and October 6, 2026”, made by _____, seconded by _____.
- Discussion
- Vote

Voting Member	Yea	Nay	Abstain	Absent
Mr. Mark Bodanza				
Mr. Greg Chapdelaine				
Ms. Sandra Cucchiara				
Ms. Robin Desmond				
Mr. Arthur Elbthal				
Mr. Jacob Fleming				
Ms. Suzanne Koehler				
Mr. Steven Mammone				
Mayor Dean Mazzarella, Chair				
Ms. Melanie Mikels				
Mr. Elliot Nadeau				
Ms. Jennifer Reddington				
Mr. Brandon Robbins				
Mr. Jeffrey Sullivan				

MDS ARCHITECTS

INVOICE LOG

INVOICES (Payments)					
ProPay Code	**Vendor**	**Invoice #**	**Budget Category**	**Description of Services**	**Invoice $**
0102-0600	LeftField, LLC	202562	Bidding	Bidding OPM Services for September 2026	$ 40,136.00
0102-1000	LeftField, LLC	202562	Construction Administration	Reimbursable OPM Services for September 2026	$ 29,296.20
0201-0600	MDS	70414	Bidding	Bidding Services for September 2026	$ 102,344.55
0204-0500	MDS	70414	Reimbursables Wetland	Reimbursable Wetland Services for September 2026	$ 16,056.17
0201-9900	MDS	70414	Other Basic Services	Other Basic Services for September 2026	$ 5,993.55
0300-0000	MDS	70414	Environment & Site	FS Phase environmental & Site Services for September 2026	$ 4,120.00
0103-0000	*ProjectDog*	*23705*	*Advertising & Printing*	*Bid Advertising Services for August 2026 (Revised to $1,100)*	*$ 1,395.00*
0103-0000	*ProjectDog*	*23719*	*Advertising & Printing*	*Bid Advertising Services for July 2026 (Previously Paid in Error)*	*$ (295.00)*
0602-0000	Yankee Engineering & Testing, Inc.	36071	Testing Services	Testing Services for September 2026	$ 1,480.00
				SUB TOTAL:	**$ 200,526.47**
ProPay Code	**Vendor**	**Invoice #**	**Budget Category**	**Description of Services**	**Invoice $**
0502-0001	Ricciardi Bros Inc.	4	Construction Budget	Construction Services for September 2026	$ 92,312.30
				SUB TOTAL CONSTRUCTION:	**$ 92,312.30**
				TOTAL:	**$ 292,838.77**

WARRANT

WARRANT NUMBER: W13FY27
WEEK ENDING: 9/24/2026

VENDOR NUMBER	Vendor Name	ACCOUNT NUMBER		AMOUNT	School	School Dept. Use Only	
		ORG CODE	OBJECT			SCHL P.O.#	INVOICE #
43819	*LeftField, LLC*	3205300	530500	$ 40,136.00	FALL		199587
40967	*MDS*	3205300	530500	$ 208,021.82	FALL		0070375
40967	*MDS*	3205300		.55	FALL		0070375
40967	*MDS*	3205300		.90	FALL		0070375
40967	*MDS*	3205300	530500	$ 2,605.46	FALL		0070375
33758	*Project Dog*	3205300	530500	$ 295.00	FALL		23719
16181	*Yankee Engineering & Testing, Inc.*	3205300	530500	$ 9,335.00	FALL		35753
43930	*Castello Landscaping*	3205300	530500	$ 440,144.50	FALL		003
			TOTAL	$ 821,832.23			

Update

INVOICE & WARRANT APPROVAL

- “Motion to approve warrant number W__FY27 in the amount of $292,838.77” made by _____, seconded by _____.
- Discussion
- Vote

Voting Member	Yea	Nay	Abstain	Absent
Mr. Mark Bodanza				
Mr. Greg Chapdelaine				
Ms. Sandra Cucchiara				
Ms. Robin Desmond				
Mr. Arthur Elbthal				
Mr. Jacob Fleming				
Ms. Suzanne Koehler				
Mr. Steven Mammone				
Mayor Dean Mazzarella, Chair				
Ms. Melanie Mikels				
Mr. Elliot Nadeau				
Ms. Jennifer Reddington				
Mr. Brandon Robbins				
Mr. Jeffrey Sullivan				

MDS ARCHITECTS

TOTAL PROJECT BUDGET

Total Project Budget:

$114,821,932

ProPay Code	Description	Total Project Budget	Authorized Changes	Revised Total Budget	Total Committed	% Cmtd to Date	Actual Spent to Date	% Spent to Date	Balance To Spend	Uncommitted	Comments
	FEASIBILITY STUDY AGREEMENT										
0001-0000	OPM Feasibility Study/Schematic Design	$ 1,000,000	$ (603,000)	$ 397,000	$ 397,000	100%	$ 397,000	100%	$ -	$ -	BRR#3
0002-0000	A&E Feasibility Study/Schematic Design	$ 1,000,000	$ 66,535	$ 1,066,535	$ 1,066,535	100%	$ 1,066,535	100%	$ -	$ -	BRR#1
0003-0000	Environmental & Site	$ 250,000	$ 196,012	$ 446,012	$ 446,012	100%	$ 424,289	95%	$ 21,723	$ -	BRR#2, BRR#4
0004-0000	Other	$ 250,000	$ 340,453	$ 590,453	$ 3,120	1%	$ 3,120	0%	$ -	$ 587,333	BRR#1, #2, #3, #4
	SUB-TOTAL	**$ 2,500,000**	**$ -**	**$ 2,500,000**	**$ 1,912,667**	**77%**	**$ 1,890,944**	**76%**	**$ 21,723**	**$ 587,333**	
	ADMINISTRATION										
0101-0000	Legal Fees	$ -		$ -	$ -	0%	$ -	0%	$ -	$ -	
	Owner's Project Manager	**$ 3,128,000**	**$ -**	**$ 3,514,326**	**$ 3,309,280**	**94%**	**$ 589,245**	**17%**	**$ 2,839,280**	**$ 205,046**	
0102-0400	Design Development	$ 233,689		$ 233,689	$ 233,688	100%	$ 233,689	100%	$ -	$ -	
0102-0500	Construction Documents	$ 243,349		$ 243,349	$ 243,348	100%	$ 243,348	100%	$ -	$ -	
0102-0600	Bidding	$ 120,407		$ 120,407	$ 120,408	100%	$ 80,272	67%	$ 40,135	$ -	
0102-0700	Construction Administration	$ 2,327,984		$ 2,327,984	$ 2,327,985	100%	$ -	0%	$ 2,327,984	$ -	
0102-0800	Closeout	$ 202,571		$ 202,571	$ 202,571	100%	$ -	0%	$ 202,571	$ -	
0102-0900	Extra Services	$ 186,326		$ 186,326	$ 5,280	3%	$ -	0%	$ 186,326	$ 181,046	
0102-1000	Reimbursables & Other Services	$ 100,000		$ 100,000	$ 90,200	90%	$ 31,936	32%	$ 68,064	$ 9,800	
0102-1100	Cost Estimates	$ 100,000		$ 100,000	$ 85,800	86%	$ 85,800	86%	$ 14,200	$ 14,200	
0103-0000	Advertising & Printing	$ 3,000		$ 3,000	$ -	0%	$ 4,937	165%	$ (1,937)	$ 3,000	
0104-0000	Permitting	$ -		$ -	$ -	0%	$ -	0%	$ -	$ -	
0105-0000	Owner's Insurance	$ -		$ -	$ -	0%	$ -	0%	$ -	$ -	
0199-0000	Other Administrative Costs	$ 30,000		$ 30,000	$ -	0%	$ -	0%	$ 30,000	$ 30,000	
	SUB-TOTAL	**$ 3,547,326**	**$ -**	**$ 3,547,326**	**$ 3,309,280**	**93%**	**$ 679,982**	**19%**	**$ 2,867,344**	**$ 238,046**	
	A&E										
	A/E Basic Services	**$ 8,733,419**	**$ -**	**$ 8,733,419**	**$ 8,628,802**	**99%**	**$ 5,949,377**	**68%**	**$ 2,784,042**	**$ 104,617**	
0201-0400	Design Development	$ 2,076,115		$ 2,076,115	$ 2,078,359	100%	$ 2,078,234	100%	$ (2,119)	$ (2,244)	
0201-0500	Construction Documents	$ 3,792,469		$ 3,792,469	$ 3,739,804	99%	$ 3,660,461	97%	$ 132,008	$ 52,665	
0201-0600	Bidding	$ 310,135		$ 310,135	$ 311,980	101%	$ 204,689	66%	$ 105,446	$ (1,845)	
0201-0700	Construction Administration	$ 2,310,800		$ 2,310,800	$ 2,317,744	100%	$ -	0%	$ 2,310,800	$ (6,944)	
0201-0800	Closeout	$ 143,900		$ 143,900	$ 143,900	100%	$ -	0%	$ 143,900	$ -	
0201-9900	Other Basic Services	$ 100,000		$ 100,000	$ 37,015	37%	$ 5,994	6%	$ 94,006	$ 62,985	
	Extra/Reimbursable Services	**$ 1,193,870**	**$ -**	**$ 1,193,870**	**$ 1,192,801**	**100%**	**$ 310,552**	**26.0%**	**$ 883,318**	**$ 1,069**	
0203-0200	Printing (over minimum)	$ -		$ -	$ -	0%	$ -	0%	$ -	$ -	
0203-9900	Other Reimbursables	$ 535,416		$ 535,416	$ 496,110	93%	$ 282,065	53%	$ 253,351	$ 39,306	
0204-0200	HazMat (incl. monitoring)	$ 106,920		$ 106,920	$ 108,570	102%	$ 3,080	3%	$ 103,840	$ (1,650)	
0204-0300	Geotechnical/Geo-Environmental	$ 428,984		$ 428,984	$ 532,571	124%	$ 9,350	2%	$ 419,634	$ (103,587)	
0204-0400	Site Survey & Site Requirements	$ 22,550		$ 22,550	$ 22,550	100%	$ -	0%	$ 22,550	$ -	
0204-0500	Wetlands	$ 50,000		$ 50,000	$ 22,000	44%	$ 16,056	32%	$ 33,944	$ 28,000	
0204-1200	Traffic Studies	$ 50,000		$ 50,000	$ 11,000	22%	$ -	0%	$ 50,000	$ 39,000	
	SUB-TOTAL	**$ 9,927,289**	**$ -**	**$ 9,927,289**	**$ 9,821,603**	**99%**	**$ 6,259,929**	**63%**	**$ 3,667,360**	**$ 105,686**	

TOTAL PROJECT BUDGET

Total Project Budget:

$114,821,932

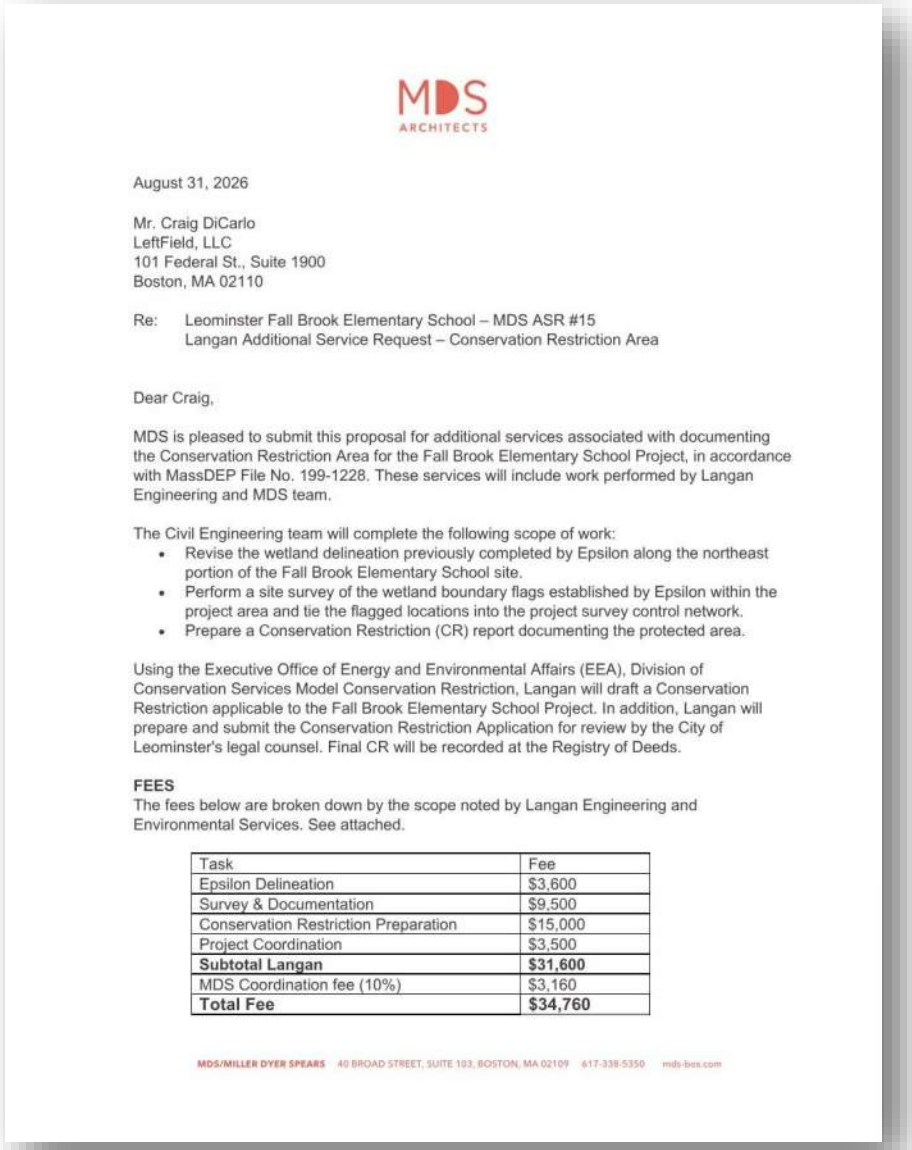
Through September 2026:

- Committed: 15%
  $17,379,480
- Expended: 9%
  $10,817,067

ProPay Code	Description	Total Project Budget	Authorized Changes	Revised Total Budget	Total Committed	% Cmtd to Date	Actual Spent to Date	% Spent to Date	Balance To Spend	Uncommitted	Comments
	SUB-TOTAL	$ -	$ -	$ -	$ -	0%	$ -	0%	$ -	$ -	
	CONSTRUCTION COSTS										
0502-0001	Construction Budget	$ 89,759,943		$ 89,759,943	$ 2,085,930	2%	$ 1,968,872	2%	$ 87,791,071	$ 87,674,013	
0508-0000	Change Orders	$ -		$ -	$ -	0%	$ -	0%	$ -	$ -	
	SUB-TOTAL	$ 89,759,943	$ -	$ 89,759,943	$ 2,085,930	2%	$ 1,968,872	2%	$ 87,791,071	$ 87,674,013	
	ALTERNATES										
0506-0000		$ -	$ -	$ -	$ -	0%	$ -	0%	$ -	$ -	
	SUB-TOTAL	$ -	$ -	$ -	$ -	0%	$ -	0%	$ -	$ -	
	OTHER PROJECT COSTS										
0507-0000	Construction Contingency	$ 4,390,473		$ 4,390,473	$ -	0%	$ -	0%	$ 4,390,473	$ 4,390,473	
	Miscellaneous Project Costs	$ 850,000	$ -	$ 850,000	$ 250,000	29%	$ 17,340	2%	$ 832,660	$ 600,000	
0601-0000	Utility Company Fees	$ 200,000		$ 200,000	$ -	0%	$ -	0%	$ 200,000.00	$ 200,000	
0602-0000	Testing Services	$ 350,000		$ 350,000	$ 250,000	71%	$ 17,340	5%	$ 332,660	$ 100,000	
0699-0000	Other Project Costs	$ 300,000		$ 300,000	$ -	0%	$ -	0%	$ 300,000	$ 300,000	
	Furnishings and Equipment	$ 2,806,000	$ -	$ 2,806,000	$ -	0%	$ -	0%	$ 2,806,000	$ 2,806,000	
0701-0000	Furnishings	$ 1,830,000		$ 1,830,000	$ -	0%	$ -	0%	$ 1,830,000	$ 1,830,000	
0702-0000	Equipment	$ -		$ -		0%		0%		$ -	
0703-0000	Technology Equipment	$ 976,000		$ 976,000	$ -	0%	$ -	0%	$ 976,000	$ 976,000	
0801-0000	Owner's Contingency	$ 1,040,901		$ 1,040,901	$ -	0%	$ -	0%	$ 1,040,901	$ 1,040,901	
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
	TOTAL PROJECT BUDGET	$ 114,821,932	$ -	$ 114,821,932	$ 17,379,480	15%	$ 10,817,067	9%	$ 104,004,865	$ 97,442,452	

FUNDING SOURCES		
Maximum State Share	$ 64,368,241	56.06%
Minimum Local Share	$ 50,453,691	43.94%
SUB-TOTAL	$ 114,821,932	100.00%

DESIGNER ADDITIONAL SERVICE REQUEST 15



MDS
ARCHITECTS

August 31, 2026

Mr. Craig DiCarlo
LeftField, LLC
101 Federal St., Suite 1900
Boston, MA 02110

Re: Leominster Fall Brook Elementary School – MDS ASR #15
Langan Additional Service Request – Conservation Restriction Area

Dear Craig,

MDS is pleased to submit this proposal for additional services associated with documenting the Conservation Restriction Area for the Fall Brook Elementary School Project, in accordance with MassDEP File No. 199-1228. These services will include work performed by Langan Engineering and MDS team.

The Civil Engineering team will complete the following scope of work:

- Revise the wetland delineation previously completed by Epsilon along the northeast portion of the Fall Brook Elementary School site.
- Perform a site survey of the wetland boundary flags established by Epsilon within the project area and tie the flagged locations into the project survey control network.
- Prepare a Conservation Restriction (CR) report documenting the protected area.

Using the Executive Office of Energy and Environmental Affairs (EEA), Division of Conservation Services Model Conservation Restriction, Langan will draft a Conservation Restriction applicable to the Fall Brook Elementary School Project. In addition, Langan will prepare and submit the Conservation Restriction Application for review by the City of Leominster's legal counsel. Final CR will be recorded at the Registry of Deeds.

FEES
The fees below are broken down by the scope noted by Langan Engineering and Environmental Services. See attached.

Task	Fee
Epsilon Delineation	$3,600
Survey & Documentation	$9,500
Conservation Restriction Preparation	$15,000
Project Coordination	$3,500
Subtotal Langan	**$31,600**
MDS Coordination fee (10%)	$3,160
Total Fee	**$34,760**

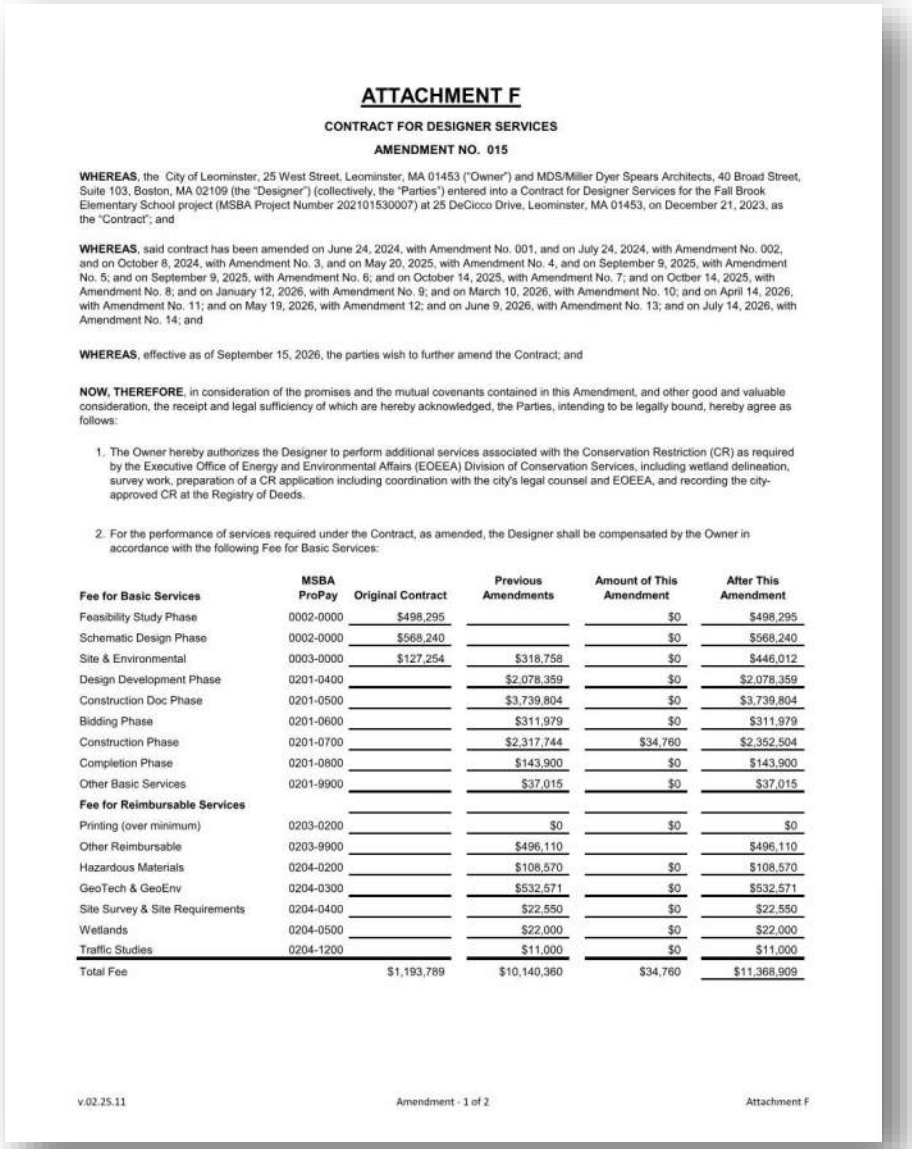
MDS/MILLER DYER SPEARS 40 BROAD STREET, SUITE 103, BOSTON, MA 02109 617-338-5350 mds-bos.com

Purpose:

- Provide professional services associated with creating a Conservation Restriction
- Required due to new construction near the Fall Brook waterway
- Conservation Commission to conform to EOEEA (Exec Office of Energy and Environmental Affairs) Division of Conservation Services
- Delineate portions of the wetlands not previously reviewed, survey work, prepare the application to the EOEEA (Exec Office of Energy and Environmental Affairs).
- Does not included any fee for a formal presentation to the City Council, can be added in the future if needed.

Task	Fee
Epsilon Delineation	$3,600
Survey & Documentation	$9,500
Conservation Restriction Preparation	$15,000
Project Coordination	$3,500
Subtotal Langan	**$31,600**
MDS Coordination fee (10%)	$3,160
Total Fee	**$34,760**

DESIGNER CONTRACT AMENDMENT 15



ATTACHMENT F

CONTRACT FOR DESIGNER SERVICES

AMENDMENT NO. 015

WHEREAS, the City of Leominster, 25 West Street, Leominster, MA 01453 ("Owner") and MDS/Miller Dyer Spears Architects, 40 Broad Street, Suite 103, Boston, MA 02109 (the "Designer") (collectively, the "Parties") entered into a Contract for Designer Services for the Fall Brook Elementary School project (MSBA Project Number 202101530007) at 25 DeCicco Drive, Leominster, MA 01453, on December 21, 2023, as the "Contract"; and

WHEREAS, said contract has been amended on June 24, 2024, with Amendment No. 001, and on July 24, 2024, with Amendment No. 002, and on October 8, 2024, with Amendment No. 3, and on May 20, 2025, with Amendment No. 4, and on September 9, 2025, with Amendment No. 5; and on September 9, 2025, with Amendment No. 6; and on October 14, 2025, with Amendment No. 7; and on Octber 14, 2025, with Amendment No. 8; and on January 12, 2026, with Amendment No. 9; and on March 10, 2026, with Amendment No. 10; and on April 14, 2026, with Amendment No. 11; and on May 19, 2026, with Amendment 12; and on June 9, 2026, with Amendment No. 13; and on July 14, 2026, with Amendment No. 14; and

WHEREAS, effective as of September 15, 2026, the parties wish to further amend the Contract; and

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 the Designer to perform additional services associated with the Conservation Restriction (CR) as required by the Executive Office of Energy and Environmental Affairs (EOEEA) Division of Conservation Services, including wetland delineation, survey work, preparation of a CR application including coordination with the city's legal counsel and EOEEA, and recording the city-approved CR at the Registry of Deeds.

2. For the performance of services required under the Contract, as amended, the Designer shall be compensated by the Owner in accordance with the following Fee for Basic Services:

Fee for Basic Services	MSBA ProPay	Original Contract	Previous Amendments	Amount of This Amendment	After This Amendment
Feasibility Study Phase	0002-0000	$498,295		$0	$498,295
Schematic Design Phase	0002-0000	$568,240		$0	$568,240
Site & Environmental	0003-0000	$127,254	$318,758	$0	$446,012
Design Development Phase	0201-0400		$2,078,359	$0	$2,078,359
Construction Doc Phase	0201-0500		$3,739,804	$0	$3,739,804
Bidding Phase	0201-0600		$311,979	$0	$311,979
Construction Phase	0201-0700		$2,317,744	$34,760	$2,352,504
Completion Phase	0201-0800		$143,900	$0	$143,900
Other Basic Services	0201-9900		$37,015	$0	$37,015
Fee for Reimbursable Services					
Printing (over minimum)	0203-0200		$0	$0	$0
Other Reimbursable	0203-9900		$496,110		$496,110
Hazardous Materials	0204-0200		$108,570	$0	$108,570
GeoTech & GeoEnv	0204-0300		$532,571	$0	$532,571
Site Survey & Site Requirements	0204-0400		$22,550	$0	$22,550
Wetlands	0204-0500		$22,000	$0	$22,000
Traffic Studies	0204-1200		$11,000	$0	$11,000
Total Fee		$1,193,789	$10,140,360	$34,760	$11,368,909

v.02.25.11 Amendment - 1 of 2 Attachment F

Purpose:

- perform additional services associated with the Conservation Restriction (CR) as required by the Executive Office of Energy and Environmental Affairs (EOEEA) Division of Conservation Services, including wetland delineation, survey work, preparation of a CR application including coordination with the city's legal counsel and EOEEA, and recording the city-approved CR at the Registry of Deeds

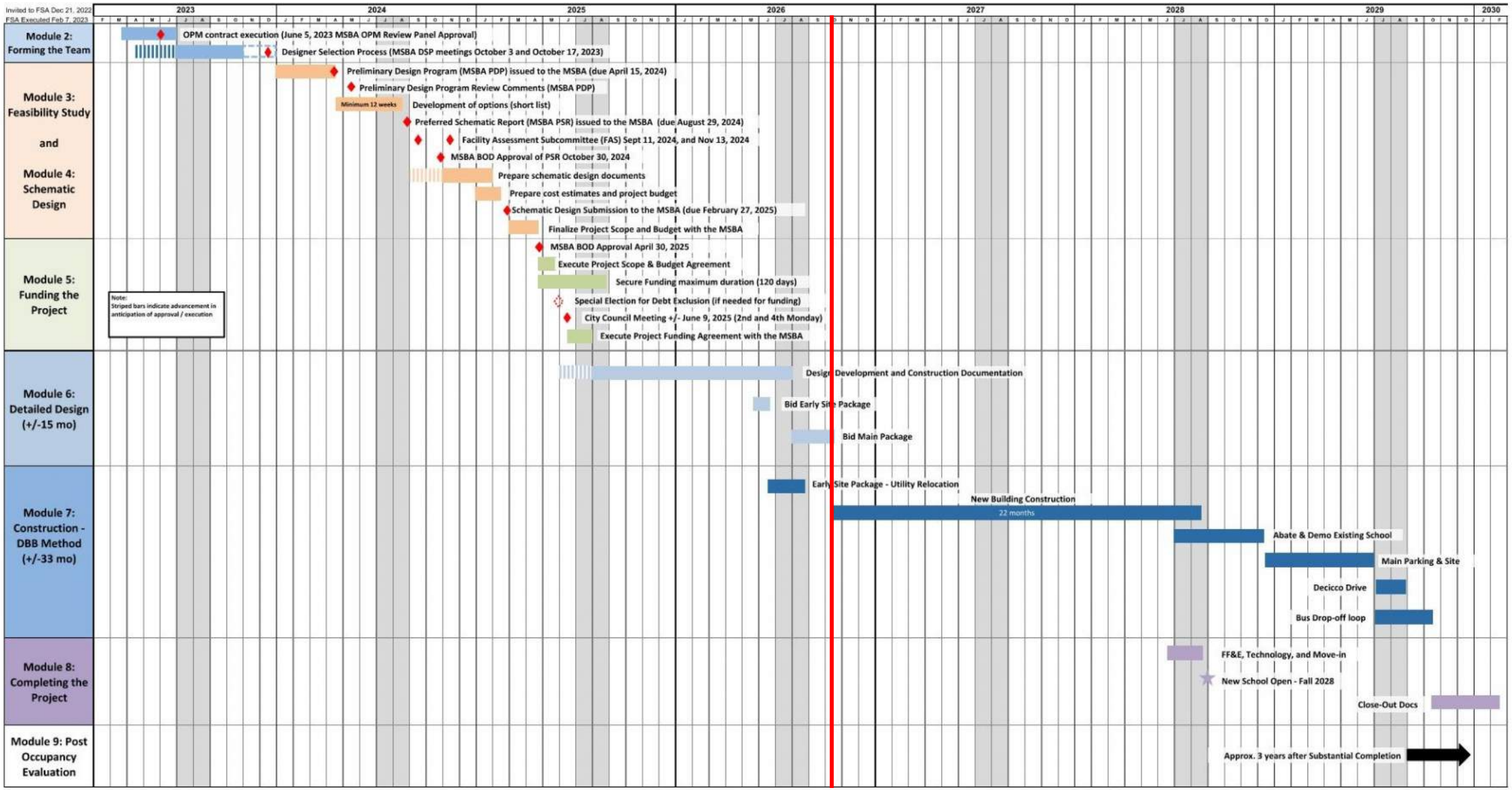
- Change to Contract: added $34,760.00

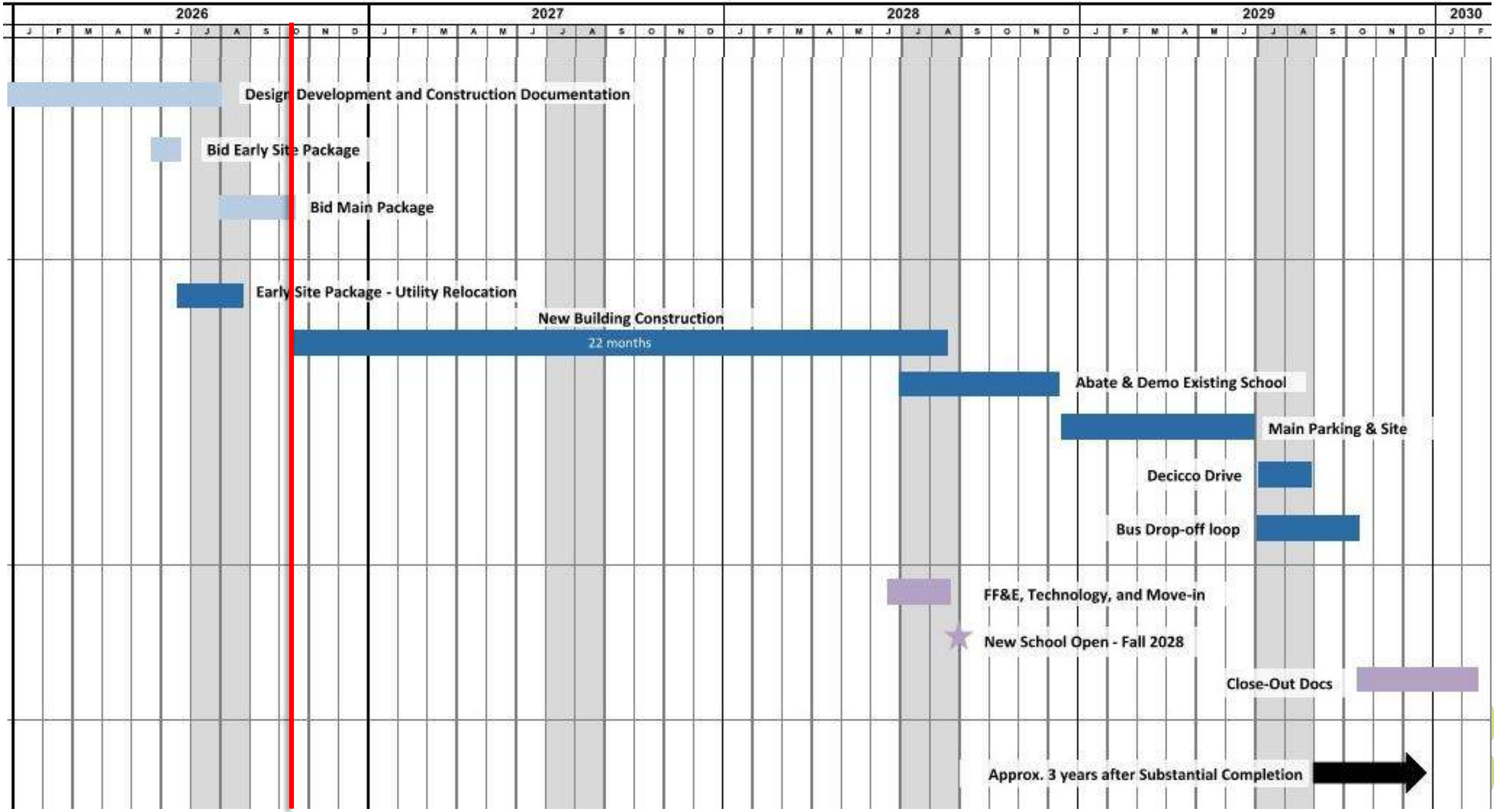
DESIGNER CONTRACT AMENDMENT 15

- "Motion to approve *Designer Contract Amendment 15* for an additional design fee of $34,760" made by _____, seconded by _____.
- Discussion
- Vote

Voting Member	Yea	Nay	Abstain	Absent
Mr. Mark Bodanza				
Mr. Greg Chapdelaine				
Ms. Sandra Cucchiara				
Ms. Robin Desmond				
Mr. Arthur Elbthal				
Mr. Jacob Fleming				
Ms. Suzanne Koehler				
Mr. Steven Mammone				
Mayor Dean Mazzarella, Chair				
Ms. Melanie Mikels				
Mr. Elliot Nadeau				
Ms. Jennifer Reddington				
Mr. Brandon Robbins				
Mr. Jeffrey Sullivan				

PROJECT SCHEDULE




2026
2027
2028
2029
2030
Design Development and Construction Documentation
Bid Early Site Package
Bid Main Package
Early Site Package - Utility Relocation
New Building Construction
22 months
Abate & Demo Existing School
Main Parking & Site
Decicco Drive
Bus Drop-off loop
FF&E, Technology, and Move-in
New School Open - Fall 2028
Close-Out Docs
Approx. 3 years after Substantial Completion

CONTINGENCIES & CHANGE ORDERS

Key Concepts

- Allowances = Funds intended to cover **known** unknowns
  - Example: It is known that a hazardous material is installed behind the existing walls and must be abated, but the exact quantity and cost is not known.
- Contingencies = Funds intended to cover **unknown** unknowns
  - Example: The building's new sanitary sewer line is planned to connect to an existing municipal line understood to be in good condition. Once excavated, it is discovered that the existing municipal line is in poor condition and repairs are necessary.

MDS ARCHITECTS

CONTINGENCIES & CHANGE ORDERS

Fall Brook Contingencies

Construction Contingency (5% ECC):	$ 4,390,473
Owner's Contingency (1% TPC):	$ 1,040,901
A portion of Bid Savings rolling over to Contingency	$ 1.6 million
Total Contingencies	**$7 million**

MDS ARCHITECTS

*anticipated

CONTINGENCIES & CHANGE ORDERS

Contingency Use

- Construction Contingency covers unknown construction-related expenses
  - Fall Brook *Construction Contingency* = 5% Estimated Construction Cost = $4,450,000
    - Example: An underground storage tank that was not included in the construction documents is discovered during construction and must be excavated and disposed by the GC.
- Owner's Contingency covers unknown project-related expenses
  - Fall Brook *Owner Contingency* = 1% Total Project Cost = $1,047,571
    - Example: The budget includes $300K for professional movers. At the time of bidding the market is flush with work, the lowest bid is $400K. The difference is +$100K.

MDS ARCHITECTS

CONTINGENCIES & CHANGE ORDERS

Change Orders

- After the construction contract is awarded, Change Orders are the contractual mechanism to modify the project cost and/or project time.

Four Common Sources of Change Orders

- Errors & Omissions
- Unforeseen Conditions
- Owner changes in scope
- Third Party Requirements (code officials, utility companies, etc.)

MDS ARCHITECTS

ERRORS & OMISSIONS

Key Concepts

- Design is an intangible **professional service**, subject to **human limitations**, like the practice of medicine, law, aviation, and accounting.

- Architectural design is essentially a unique, one-of-a-kind prototype that **can never be 100 percent perfect** in advance of construction

MDS ARCHITECTS

ERRORS & OMISSIONS

Standard of Care

An architect's standard of care for errors and omissions (E&O) are generally considered to be within a range of **2% to 5%** of the total construction value.

School Projects

MSBA projects commonly see designer E&O up to **2%** of the total construction value

MDS ARCHITECTS

ERRORS & OMISSIONS

Owner and Architect's Shared Responsibilities

- When there are design mistakes, both the architect and owner contribute to the correction:
  - The designer provides design revisions to correct errors in the documents without receiving additional design fee
  - The Owner pays the contractor to make the change to the building construction

MDS ARCHITECTS

ERRORS & OMISSIONS

Owner and Architect's Shared Responsibilities

- Example:
  - The designer included a 2'-8" wide door in the plans, but after the door is fabricated and installed, it is determined a 3'-0" door is required (either by code or to meet the program)
  - The designer will revise the layout, coordinate the change, and issue sketches to the contractor for no additional design fee
  - The owner will pay the contractor to replace the door and repair the surrounding construction through a Change Order. The funds will come from Construction Contingency.

MDS ARCHITECTS

ERRORS & OMISSIONS

Designer's Liability

- Designers are liable for negligent errors and omissions.
- Negligent errors and omissions = failure to exercise the level of care a reasonable person would exercise under the same circumstances.
- Designers must carry professional liability insurance covering negligent errors and omissions and negligent acts.

MDS ARCHITECTS

ERRORS & OMISSIONS

Designer's Liability

- Designers are liable if a design decision is proven to be **unreasonable**, when the **cost of errors exceeds a significant percentage** of construction cost, in cases where the architect **violates a law**, **commits fraud**, or **exceeds their authority.**
- Liability is determined through mediation or litigation.

MDS ARCHITECTS

ERRORS & OMISSIONS

Key Concepts - Omissions

- By their nature, *omissions are not in the scope of the project*.
- The General Contractor has not included a cost for items omitted from the contract documents, i.e., the owner has not paid for omitted items.
- The owner receives a benefit when something previously omitted is added to the project – the legal term is called “betterment”

MDS ARCHITECTS

ERRORS & OMISSIONS

Omissions

- Example 1 – Orange Marker Boards:
  - The owner directed the architect to include 2 **orange** marker boards in each classroom, but the contract documents do not include them.
  - The omission is discovered before construction of the interior walls has begun.
  - The General Contractor's (GC's) winning bid of **$96,000,000** does not include marker boards in the classrooms.
  - The GC provides a Proposed Change Order for the added marker boards and associated wood blocking, no additional change to the project duration is needed
    - Furnish and install 60 marker boards = $130,000
    - Furnish and install wood blocking for 60 MBs = $50,000
    - Markups = $20,000
    - Proposed Change Order Total = **$200,000**

MDS ARCHITECTS

Note: Costs and times shown are for example only and do not represent real values or durations.

ERRORS & OMISSIONS

Omissions

- Example 1 – Orange Marker Boards Outcome:
  - A Change Order (CO) for $200,000 is executed and the GC's contract is increased to **$96,200,000**. The Change Order is funded from Construction Contingency.
  - The MSBA may participate in the cost, unless total COs exceed 1% of the Total Construction Cost
  - *If the marker boards were originally included in the construction documents, the General Contractor's bid would have been $96,200,000*
  - The cost to the owner matches the value of the betterment to the project

MDS ARCHITECTS

Note: Costs and times shown are for example only and do not represent real values or durations.

ERRORS & OMISSIONS

Key Concept - Omissions

- If the cost of incorporating the previously omitted item during construction is significantly more than it would have been if known sooner, the designer could be held liable for the incremental increase, depending on the circumstances

MDS ARCHITECTS

ERRORS & OMISSIONS

Omissions

- Example 2 - Striped Marker Boards:
  - The owner directed the architect to include 2 **striped** marker boards in each classroom, but the contract documents do not include them.
  - The omission is discovered before construction of the interior walls has begun, **but** the designer does not take timely action, and the correction is not made until months later when the walls are already installed

MDS ARCHITECTS

ERRORS & OMISSIONS

Omissions

- Example 2 – Striped Marker Boards (continued):
  - The GC provides a Proposed Change Order for the added marker boards, associated wood blocking, selective demo and repair of the drywall, and requests a time extension of 2 weeks.
    - Furnish and install 60 marker boards = $130,000
    - Furnish and install wood blocking for 60 MBs = $50,000
    - Selective demo of drywall = $60,000
    - Repair of drywall = $50,000
    - Markups = $50,000
    - General Conditions for added time = $35,000
    - Proposed Change Order Total = **$375,000**

MDS ARCHITECTS

Note: Costs and times shown are for example only and do not represent real values or durations.

ERRORS & OMISSIONS

Omissions

- Example 2 – Striped Marker Boards Outcome:
  - A Change Order for $375,000 is executed and the GC's contract is increased to **$96,375,000**. The Change Order is funded from Construction Contingency.
  - The MSBA may participate in the cost, unless total COs exceed 1% of the Total Construction Cost
  - The cost to the owner *exceeds* the value of the betterment to the project
  - The architect would **not** be liable for the full $375,000 increase in project cost.
  - The architect could be liable for the incremental increase in the cost for the omission:
    - $375,000 - $200,000 = **$175,000**
- This is a simple example, circumstances in real life are often more nuanced and may include mitigating factors.

MDS ARCHITECTS

Note: Costs and times shown are for example only and do not represent real values or durations.

OWNER-INITIATED CHANGES

Owner Change (not an Omission by the Designer)

- Example 3 – Polka Dotted Marker Boards:
  - The school directed the architect to include 2 **polka dotted** marker boards in each classroom the contract documents include 2 polka dotted marker boards in the classrooms.
  - During a construction walkthrough, the owner decides to replace one of the installed markerboards with a smart board in each classroom, which requires power and data at each location.
    - *The timing of owner direction is an important factor*
    - *The process of design, procurement, submittals, and construction takes time*
  - The design team may request additional design fees for the added scope of design work.
  - The GC provides a Proposed Change Order for $500,000 and adds 4 weeks to the construction schedule.

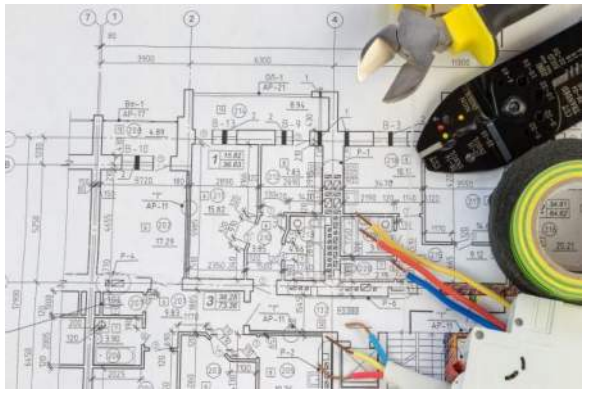
MDS ARCHITECTS

Note: Costs and times shown are for example only and do not represent real values or durations.

ERRORS & OMISSIONS

Owner Change

- Example 3 – Polka Dotted Marker Boards Outcome:
  - This is NOT an omission by the architect, since the change was initiated by the owner during the construction phase.
  - A Change Order for $500,000 and a time extension of 4 week is executed and the GC's contract is increased to **$96,500,000** and the project schedule is extended.
  - The OPM may request additional management fees for the added time.
  - The MSBA will NOT reimburse for the cost of this owner-initiated change in scope.



MDS ARCHITECTS

Note: Costs and times shown are for example only and do not represent real values or durations.

UNFORESEEN CONDITIONS

Key Concepts - Unforeseen & Differing Conditions

- Unanticipated circumstances that affect the project's final cost or completion time, often discovered during the construction phase.
- Construction Contingency and Owner Contingency are used to fund the cost of unforeseen & differing conditions

MDS ARCHITECTS

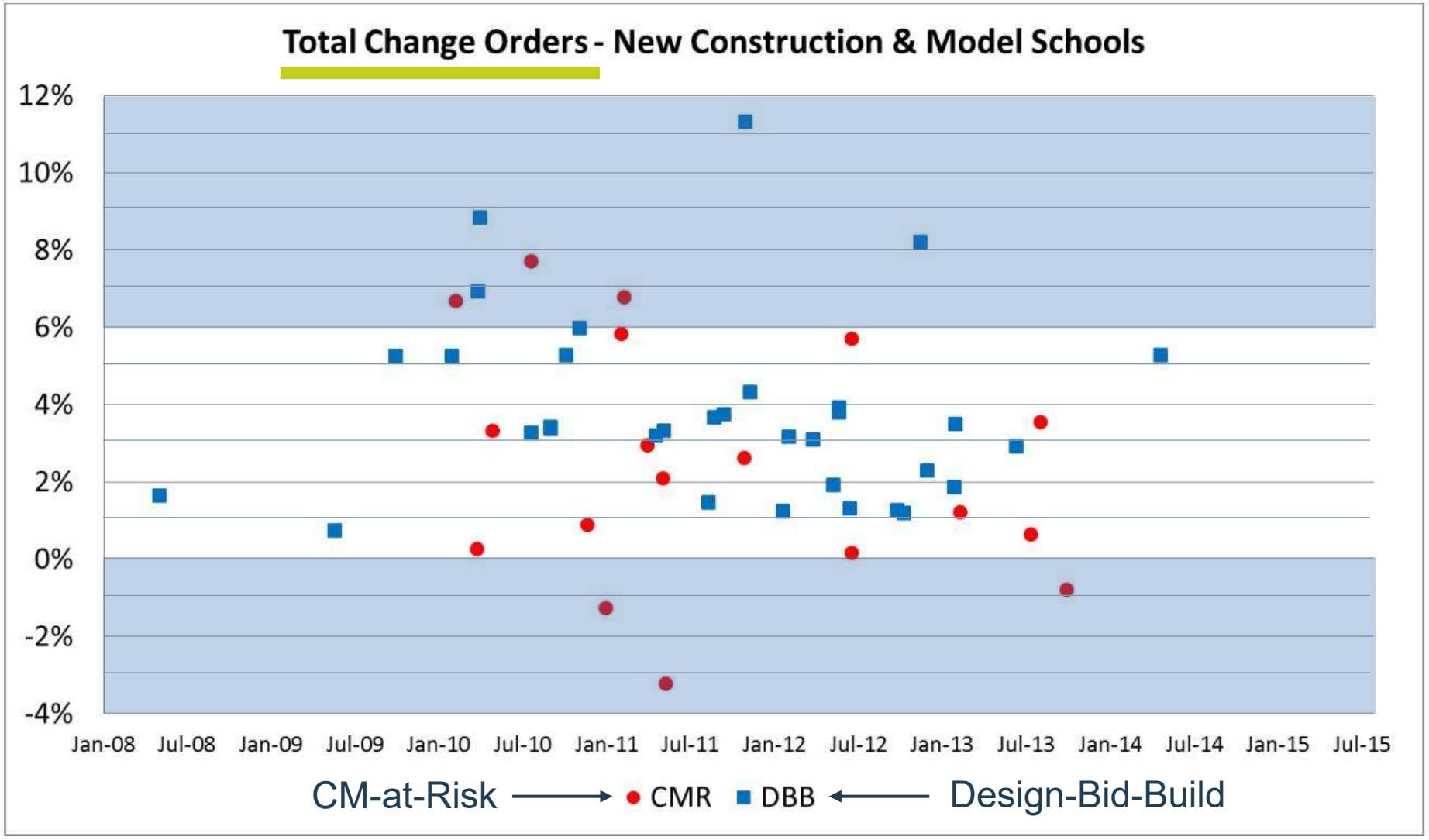
UNFORESEEN CONDITIONS

Examples

- Subsurface problems
  - Previously undetected underground utilities
  - Undetected ledge
  - Soil defects
- Hidden conditions
  - black mold, hazardous building materials
- Differing conditions
  - Physical aspects on site that differ materially from what is shown in the construction documents, such as existing service lines being in a different location
- Force majeure – when performance of the work becomes physically or legally impossible
  - Unexpected changes in legislation
  - War, terrorism, civil unrest
  - Record bad weather
  - Acts of God, such as natural disaster
- Etc.

MDS ARCHITECTS

CHANGE ORDERS



33 DBB Projects
All Change Orders:

>10%.....**1**

8% to 10%.....**2**

6% to 8%.....**1**

4% to 6%.....**6**

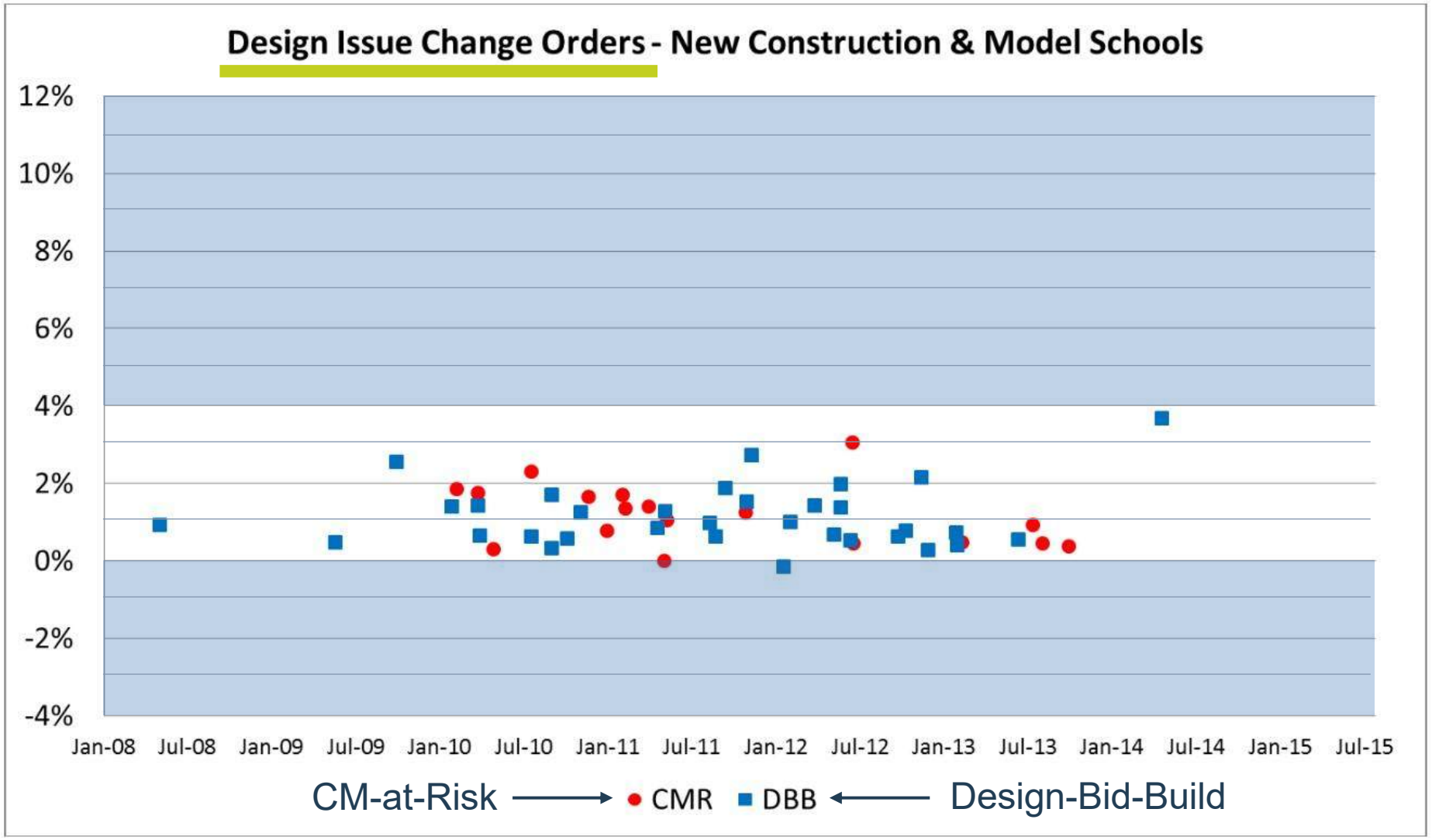
2% to 4%.....**14**

0% to 2%.....**9**

MDS ARCHITECTS

Source: MSBA Capital Planning Project Overview Report, September 7, 2016

CHANGE ORDERS



33 DBB Projects Designer E&O:

3% to 4%.....**1**

2% to 3%.....**3**

1% to 2%.....**10**

0% to 1%.....**18**

<0%.....**1**

MDS ARCHITECTS

Source: MSBA Capital Planning Project Overview Report, September 7, 2016

CONTINGENCIES & CHANGE ORDERS

Summary

- All projects include Change Orders
- Change Orders are accounted for with contingencies
- Change Orders fall into these categories: 1) Errors & Omissions, 2) Unforeseen Conditions, 3) Owner changes in scope, 4) Third-Party Requirements
- Design documents are never flawless
- Existing conditions contain unknown aspects
- Errors are distinct from Omissions
- The owner is responsible for most costs associated with a construction project, unless one or more parties fail to meet their standard of care

MDS ARCHITECTS

TODAY'S AGENDA

1. Call to Order & Roll Call
2. Administrative Actions
    a. Previous Meeting Minutes – **Vote**
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MDS ARCHITECTS

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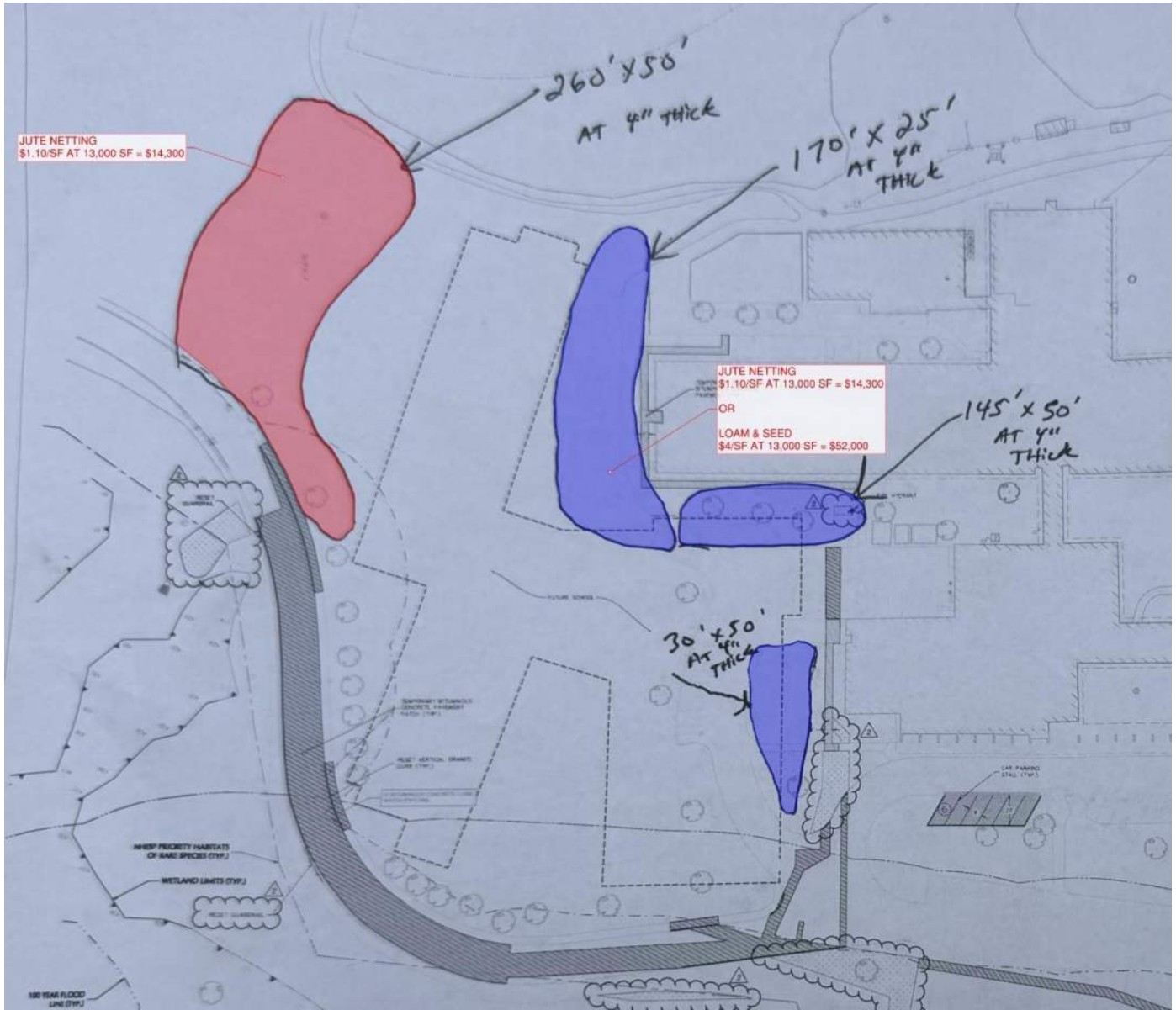
MDS ARCHITECTS

EARLY SITE PACKAGE UPDATE

- Castello demobilized in early September
- Punchlist work remains to be performed
- Proposed Change Orders are under review
- September Application for Payment anticipated for the November FBBC meeting

MDS ARCHITECTS

SOIL STABILIZATION UPDATE



a) Castello install netting in the areas near the school (blue areas) for appox. $14,300

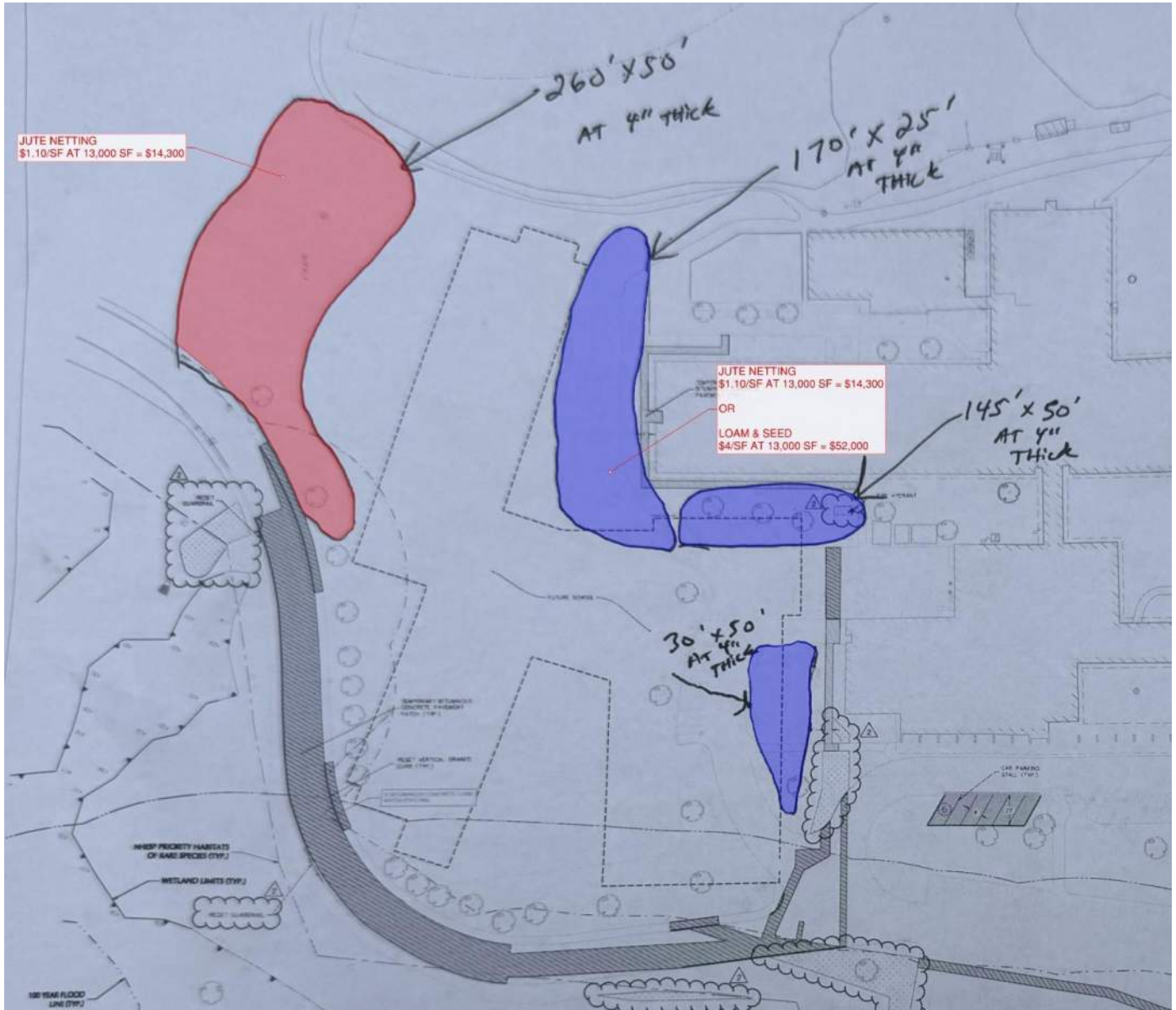
Or…

b) Castello install add loam and seed in the areas near the school (blue areas) for appox. $52,000 – these areas will become lawn that will exist for the next 2 years.

Or…

c) City / DPW provide some form of soil stabilization using their own forces or a separate small contract

SOIL STABILIZATION UPDATE



DPW connected us with a local contractor, **RC Solutions**, who provided a proposal for loam and seed for **$9,876.72**

In between FBBC meetings, Mayor Mazzarella, Mr. Chapdelaine, and Ms. Reddington approved RC Solutions' proposal.

PROPOSAL APPROVAL

978-833-3631

LEOMINSTER DPW
109 GRAHAM STREET
LEOMINSTER, MASSACHUSETTS
01453

Sales: Robert Condon
25 Decicco Drive-300. Lawn Renovation-EST3954285
25 Decicco Drive Leominster, Massachusetts 01453

Est ID: EST3954285
Date: Sep-23-2026

Email: jfleming@dpw.leominster-ma.gov
Phone: 978-870-6251

Clear and clean the designated area as shown in the attached photos. Deliver and distribute 100 yards of loam evenly over 8,849 square feet, achieving a rough grade followed by hand raking to create a smooth finish. Apply hydroseed uniformly across the entire area and cover it completely with erosion control blankets to ensure proper soil stabilization and protection. Watering may be offered to help grass germinate.

Extra Services	Visits	Billing Type	Visit Price	Season Price
300.34 Lawn Repair/Leveling hydroseeding	**1**	**Per Visit**	**$9,876.72**	**$9,876.72**

Lawn Repair / Leveling

Lawn repair and leveling address minor uneven areas, thin spots, and bare lawn sections using approved soil, seed, or other specified materials.

- Work is limited to the approved areas and level of repair.
- Results depend on soil conditions, weather, watering, and ongoing care.
- Drainage correction, excavation, major grading, sod installation, and irrigation repairs are not included unless specified.

Payment Terms & Conditions – Landscape-2026

Billing Cycle
Landscape maintenance services are billed after each service is completed.
Invoices are issued within 48 hours of service and are due within **30 days** unless otherwise agreed upon in writing.

Payment Methods

RC Solutions LLC
293 Abbott Avenue
Leominster, Massachusetts
01453

P.(978) 833-3631

https://www.rcsolutionslandscaping.com/
robert@rcslandscaping.com

page 1 of 3

Purpose:

- Stabilize the soil and install lawn in areas of the site that were disturbed during the early site package and will be used by the existing school for the next two years.

- Contract value $9,876.72

Extra Services	Visits	Billing Type	Visit Price	Season Price
300.34 Lawn Repair/Leveling hydroseeding	**1**	**Per Visit**	**$9,876.72**	**$9,876.72**

Lawn Repair / Leveling

PROPOSAL APPROVAL

- "Motion to approve the proposal from *RC Solutions* dated September 23, 2026, to level the soil and install lawn in select areas for a fee of $9,876.72" made by _____, seconded by _____.
- Discussion
- Vote

Voting Member	Yea	Nay	Abstain	Absent
Mr. Mark Bodanza				
Mr. Greg Chapdelaine				
Ms. Sandra Cucchiara				
Ms. Robin Desmond				
Mr. Arthur Elbthal				
Mr. Jacob Fleming				
Ms. Suzanne Koehler				
Mr. Steven Mammone				
Mayor Dean Mazzarella, Chair				
Ms. Melanie Mikels				
Mr. Elliot Nadeau				
Ms. Jennifer Reddington				
Mr. Brandon Robbins				
Mr. Jeffrey Sullivan				

CONSTRUCTION UPDATE – SOIL STABILIZATION

MDS ARCHITECTS

CONSTRUCTION UPDATE – SOIL STABILIZATION

MDS ARCHITECTS

CONSTRUCTION UPDATE – SOIL STABILIZATION

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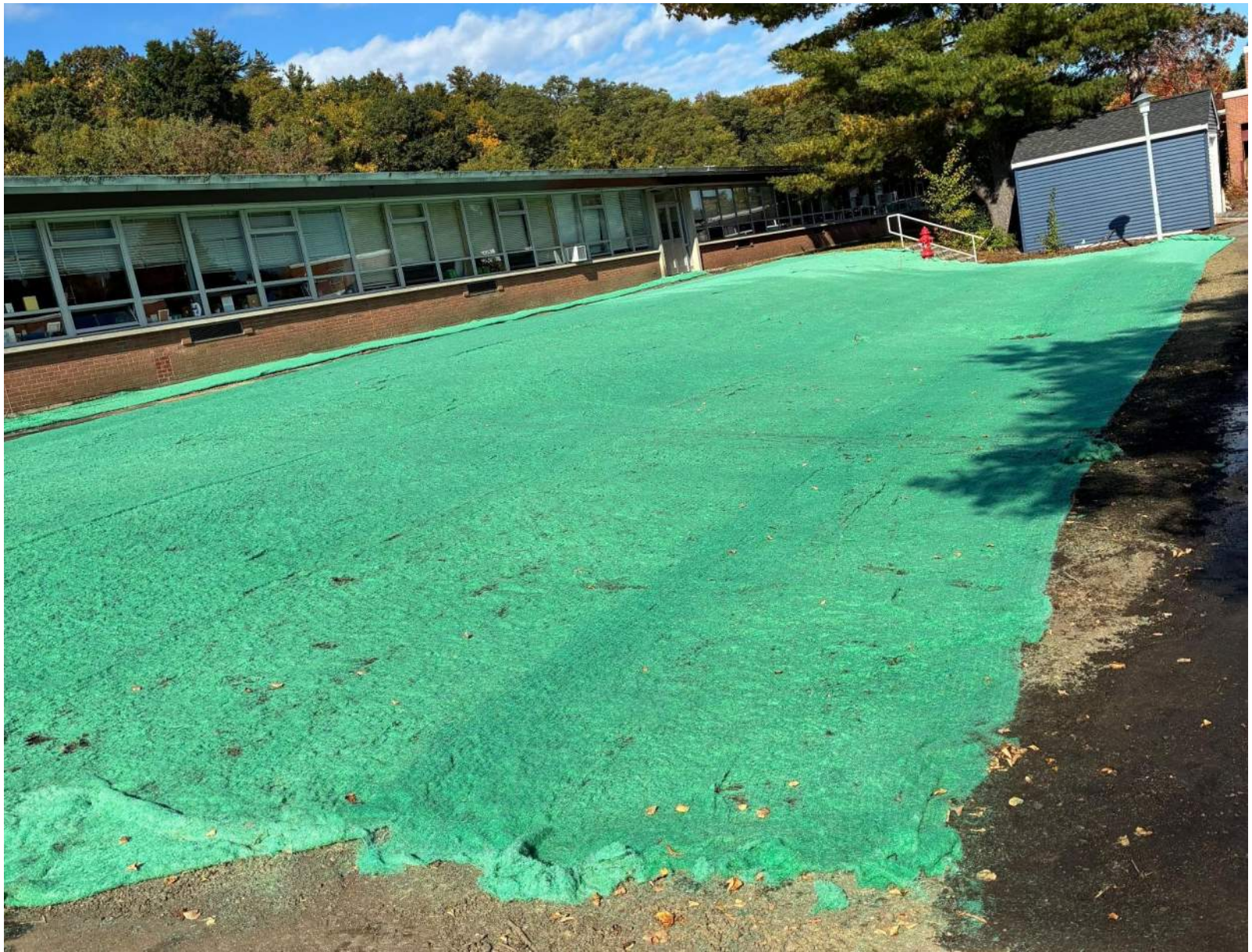
CONSTRUCTION UPDATE – SOIL STABILIZATION



MDS ARCHITECTS

CONSTRUCTION UPDATE – SOIL STABILIZATION

MDS ARCHITECTS

CONSTRUCTION UPDATE – SOIL STABILIZATION

MDS ARCHITECTS

MAIN PACKAGE UPDATE

- Contract for Construction was awarded to W.T. Rich on October 7, 2026
- Contract being prepared for execution
- Pre-construction meeting pending
- Weekly Owner-Architect-Contractor (OAC) meetings
- MSBA will make periodic site visits
- FBBC continues to meet monthly
  - Present progress
  - Approve payments and changes

MDS ARCHITECTS

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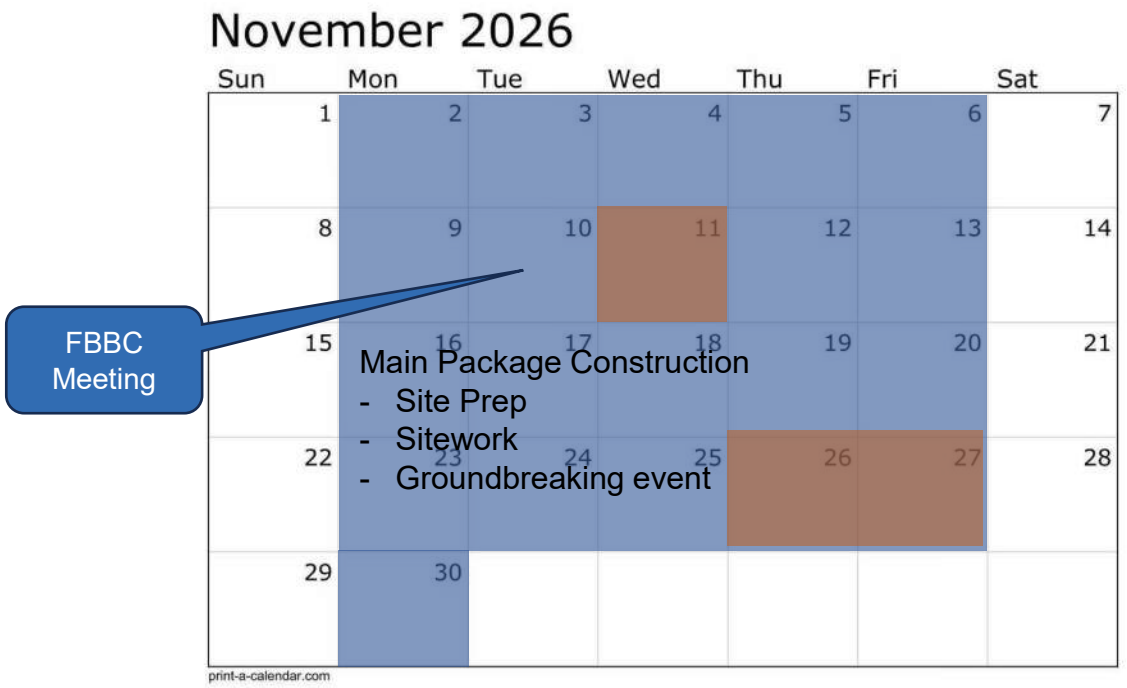
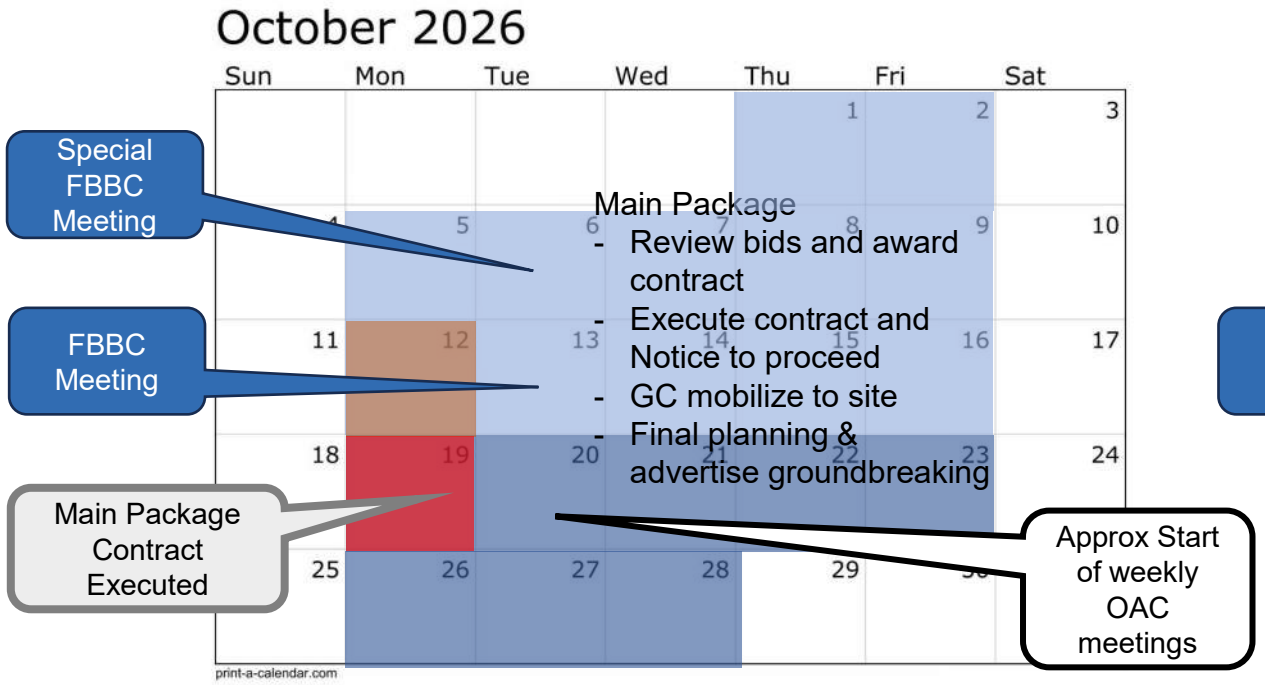
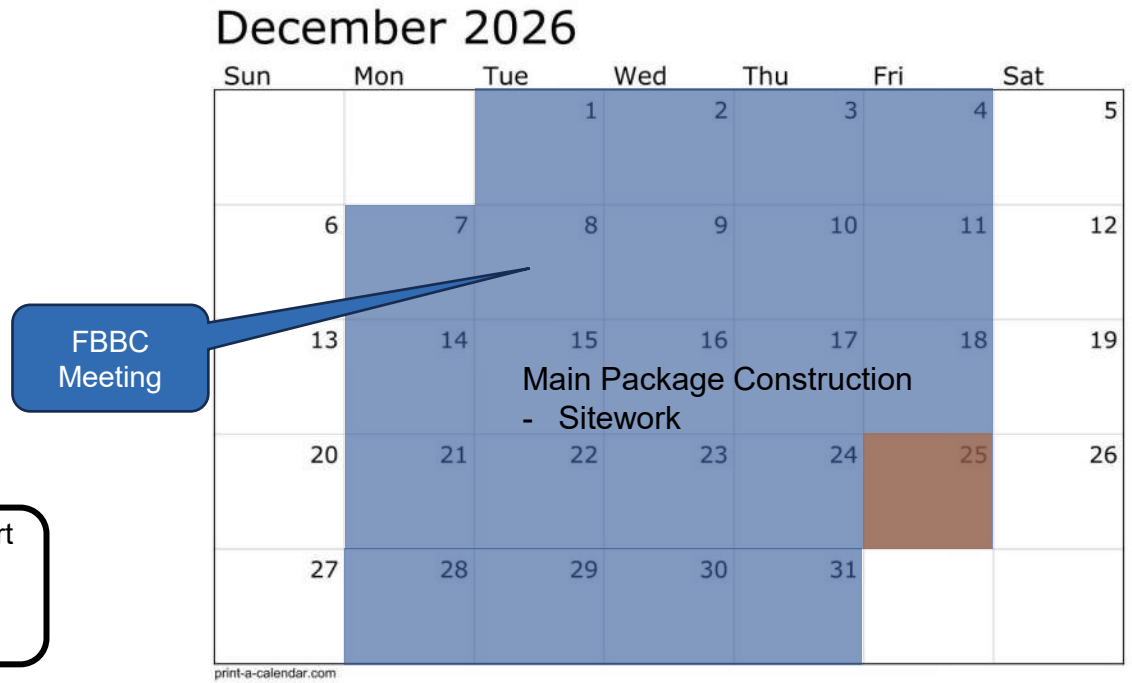
MDS ARCHITECTS

NEXT STEPS

- +/- Monday 10/19/26 — Target for Contract Execution
- Tuesday 11/10/26, 1:00 PM — Regular FBBC Meeting
- Thursday 11/19/26, time TBD — Groundbreaking Event
- Tuesday 12/8/26, 1:00 PM — Regular FBBC Meeting







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MDS ARCHITECTS

ADJOURNMENT

- “Motion to adjourn” made by _____, seconded by _____.
- Discussion
- Vote

Voting Member	Yea	Nay	Abstain	Absent
Mr. Mark Bodanza				
Mr. Greg Chapdelaine				
Ms. Sandra Cucchiara				
Ms. Robin Desmond				
Mr. Arthur Elbthal				
Mr. Jacob Fleming				
Ms. Suzanne Koehler				
Mr. Steven Mammone				
Mayor Dean Mazzarella, Chair				
Ms. Melanie Mikels				
Mr. Elliot Nadeau				
Ms. Jennifer Reddington				
Mr. Brandon Robbins				
Mr. Jeffrey Sullivan				

MDS ARCHITECTS

THANK YOU!

LeftField
THE RIGHT CHOICE IN PROJECT MANAGEMENT

MDS
ARCHITECTS