



SCHOOL BOARD ACTION REPORT

DATE: December 13 , 2017
FROM: Dr. Larry Nyland, Superintendent
LEAD STAFF: Dr. Lester Herndon, Associate Superintendent, Facilities and Operations
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For Introduction: January 03, 2018
For Action: January 17, 2018

1. TITLE

BEX IV & BTA IV Lincoln High School: Approval of Guaranteed Maximum Price to General Contractor/Construction Manager Contract P5084 to Lydig Construction, Inc

2. PURPOSE

The Office of Superintendent of Public Instruction (OSPI) Form D-9 Application for Authorization to Sign Contracts requires the Board approval of the final negotiated Guaranteed Maximum Price (GMP) or maximum allowable construction cost as defined by RCW 39.10.370.

3. RECOMMENDED MOTION

I move that the School Board authorize the Superintendent to execute the final negotiated Guaranteed Maximum Price (GMP), as defined by the RCW 39.10.370, for Lincoln High School Modernization project contract P5084, in an amount not to exceed \$63,116,691, which includes alternates; 2B (3-ply roofing), 5D (east building steam condensate piping), 5E (east building boiler), 6B (sprinkler pipe gauge), 6E (JCI mechanical controls), and 8A (lighting controls), excluding Washington State sales tax.

4. BACKGROUND INFORMATION

a. Background

The project is funded through the BEX IV and BTA IV levies passed by voters in February 2013 and February 2016 respectively. The project was funded for a modernization of the 174,000 square foot facility historic buildings including; demolition, hazardous abatement, structural improvements, new mechanical and electrical systems, envelope improvements and architectural finishes. The eastern buildings scope will include life safety improvements and the site will have limited improvements. The project is designed for 1,600 high school students.

The Lincoln site has been used as an interim school site since 1997.

The State of Washington allows public agencies to utilize alternative public works contracting methods including the GC/CM delivery model. Utilizing GC/CM allows the district to select a contractor on factors other than low price, including relevant experience and project specific qualifications. This allows the GC/CM to join the project team during early design to provide expertise in scheduling, construction phase planning, means and methods, constructability, site

logistics, and cost estimating. These contributions are welcomed by the district staff and the architect to collectively manage this complex modernization and addition.

The process for approving a GC/CM contract differs from the process to approve a design-bid-build contract. The Board approves the initial contract with the GC/CM, but then is required by OSPI to formally approve a final GMP after the GC/CM has negotiated with all of its subcontractors. This approval is more technical in nature, as the Board has already approved the budget for this amount.

On June 15, 2016, the Board approved Contract P5084 at an amount of \$56,749,750 and approved the GC/CM delivery method. On June 28, 2017, the for the Board approved a budget increase of \$7,989,508 to improve the exterior of the western buildings. This increase was funded from the BTA IV Program Contingency. The approval modified Contract P1436 Bassetti Architects to design these necessary exterior improvements and to increase the Guaranteed Maximum Price (GMP) of Contract P5084 Lydig Construction (GCCM) by \$6,366,941 to \$63,116,691 for estimated construction costs. This amount of \$63,116,690 remains the GMP.

b. Alternatives

Deny Motion. Doing so would jeopardize state funding from OSPI.

c. Research

[Capital Projects Advisory Board \(CPARB\)](#)

[RCW Chapter 39.10.340: Alternative Public Works Contracting Procedures](#)

RCW Chapter 39.10: Under certain circumstances, alternative public works contracting procedures may best serve the public interest if such procedures are implemented in an open and fair process based on objective and equitable criteria.

RCW Chapter 39.10.280: A public body not certified under RCW 39.10.270 must apply for approval from the committee to use the design-build or general contractor/construction manager procedure on a project. A public body seeking approval must submit to the committee an application in a format and manner as prescribed by the committee. The application must include a description of the public body's qualifications, a description of the project, and its intended use of alternative contracting procedures.

RCW 39.10.340: Subject to the process in RCW 39.10.270 or 39.10.280, public bodies may utilize the general contractor/construction manager procedure for public works projects where:

- (1) Implementation of the project involves complex scheduling, phasing, or coordination.
- (2) The project involves construction at an occupied facility which must continue to operate during construction.
- (3) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.
- (4) The project encompasses a complex or technical work environment; or the project requires specialized work on a building that has historic significance.

5. FISCAL IMPACT/REVENUE SOURCE

This action will help the district secure \$8,295,926.00 in state funding.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

The selection of projects in the \$694.9 million Building Excellence IV (BEX IV) Capital Levy went through an extensive community vetting process and was ultimately approved by more than 72 percent of Seattle voters in February 2013. BEX IV projects were chosen based on four criteria as approved by the School Board: safety and security, capacity needs, building condition, and maximizing flexibility for programs and services.

The selection of projects in the BTA IV program went through an extensive community vetting process and ultimately received 72.1% approval on February 9, 2016. Additionally, the Preliminary Environmental Impact Statement (PEIS) for the BTA IV program included a public comment period from May 19, 2016 to June 24, 2016. A total of two comments were received and were addressed in Chapter 7 of the Final PEIS.

The design of the Lincoln High School Modernization project was developed by teachers, building support staff, principals, administrators, and community members. This group met throughout 2016, to gather and provide information about facility use, district and school programs, and educational goals, upon which the design was based. The Lincoln High School Modernization project will support the district’s current educational goals as well as providing the flexibility to accommodate emerging educational programs.

7. EQUITY ANALYSIS

An equity analysis was not conducted for this specific action. The selection of projects in both the BEX IV and BTA IV levies was designed to provide equitable access to schools across the city. As the district planned for the BEX IV program, it looked at needs through an equity lens to determine which projects should be prioritized.

8. STUDENT BENEFIT

The modernization of Lincoln High School will further address the student capacity needs in the Northwest region of the district. This action will also benefit students by providing the necessary funding to design and construct a school facility which meets current educational specifications and operational goals. This funding will also improve the building environment by providing operable windows in the classrooms while also limiting discomfort from leaky and failing windows, improve student safety by anchoring masonry of concern and improve building aesthetics.

9. WHY BOARD ACTION IS NECESSARY

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. _____, [TITLE], provides the Board shall approve this item
- Other: Board approval is required as part of the OSPI D-Form funding approval process

10. POLICY IMPLICATION

Per Board Policy No. 6220, Procurement, any contract over \$250,000 must be brought before the Board for approval.

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Operations Committee meeting on December 7, 2017. The Committee reviewed the motion and moved the item forward to the full board with a recommendation for consideration.

12. TIMELINE FOR IMPLEMENTATION

Construction Documents	January – August 2017
Subcontractor Bidding	August – October 2017
Negotiation of Maximum Allowable Construction Cost	October 2017
School Board Action to approve GC/CM Construction Agreement	December 2017

13. ATTACHMENTS

- None