



# **SCHOOL BOARD ACTION REPORT**

**DATE:** December 19, 2016  
**FROM:** Dr. Larry Nyland, Superintendent  
**LEAD STAFF:** Dr. Lester Herndon, Associate Superintendent of Capital, Facilities, and Enrollment Planning, (206) 252-0644, ltherndon@seattleschools.org

## **1. TITLE**

BEX III, BEX IV and Distressed School Grant: Final Acceptance of Public Works Contract P5042 with Bayley Construction, Inc., for the Cedar Park Elementary School Renovation project

**For Introduction:** January 4, 2017  
**For Action:** January 18, 2017

## **2. PURPOSE**

Board action is needed to approve final acceptance of Public Works Contract P5042 with Bayley Construction Inc., for the Cedar Park Elementary School Renovation project for the purpose of avoiding disputes over the timing of the filing of liens prior to the release of retention.

## **3. RECOMMENDED MOTION**

I move that the School Board accept the work performed under the Building Excellence (BEX) III, IV and Distressed School Grant funded Public Works Contract P5042, with Bayley Construction, Inc., for the Cedar Park Elementary School Renovation project, as final.

## **4. BACKGROUND INFORMATION**

- a) **Background:** This project renovated and re-opened the Cedar Park Elementary School facility and is currently being used as the interim location for Olympic Hills Elementary while its new facility, is being constructed. Once Olympic Hills returns to its new facility, the Cedar Park facility will be available to serve as a new elementary school beginning in the fall of 2017.

The budget for this project is over by 2 1/2% or about \$240,000. This overage will be funded by BTA III under spend. The Construction budget is on budget but other costs exceeded the anticipated budget or no budget was anticipated for certain items. The largest overage was for additional Architectural Services. When the contract was written, the project was over 3 million smaller. The project did not include 8 modular classrooms, sidewalks and other civil requirements. Permitting was more involved and administration for OSPI funding. Other major costs were for increased city permits and water connection fees, technology, and furniture costs. Work orders for landscape and move-in necessities exceeded the anticipated budget as well.

- b) **Alternatives:** Not accepting the project in a timely manner could put the District in a position subject to litigation. Therefore, this alternative is not recommended.
- c) **Research:**
- Building Condition Survey, Meng Analysis – April, 2009

- Building Excellence Phase IV Capital Improvement Program Revised Final Programmatic Environmental Impact Statement (SPS-July 2012)

**5. FISCAL IMPACT/REVENUE SOURCE**

Fiscal impact to this action will be release of retainage. The revenue source for this motion is BEX III, IV and Distressed School Grant. No outstanding invoices remain.

Contractor	Fund	Contract Amount	Change Orders	Sales Tax	Total Contract	Retention
Bayley Const.	BEX III; BEX IV; Distressed School Grant	7,527,940	933,479	808,693	9,270,092	Bond

Amy Fleming: \_\_\_\_\_  
Director of Accounting

Date: \_\_\_\_\_

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 development of the BEX III, BEX IV and Distressed School Grant projects list underwent extensive community engagement.

**7. EQUITY ANALYSIS**

In February 2010, the \$270M, six-year capital levy, Buildings, Technology and Academics (BTA III), was approved by 73.45 percent of Seattle voters. The selection of projects in the BTA program was designed to provide equitable access to schools across the city.

**8. STUDENT BENEFIT**

This action closes out a construction project that provide improved facilities for students.

**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: \_\_\_\_\_

**10. POLICY IMPLICATION**

For purposes of avoiding disputes over the timing of the filing of liens, the School Board should accept the work as complete prior to the release of the retention.

**11. BOARD COMMITTEE RECOMMENDATION**

This motion was discussed at the Operations Committee meeting on December 15<sup>th</sup>. The Committee moved this item forward to the full Board with a recommendation for consideration.

**12. TIMELINE FOR IMPLEMENTATION**

Contractor's One-Year Warranty Period Ends	April 29, 2017
Acceptance of Completed Project by School Board (Estimated)	January 18, 2017
Release of Retainage	Approx. March, 2017

**13. ATTACHMENTS**

- Architect's Final Completion Notice
- Change Order Memo
- Project Budget Summary
- Contractor's Schedule of Values
- Closeout Checklist