



SCHOOL BOARD ACTION REPORT

DATE: August 6, 2018
FROM: Denise Juneau, Superintendent
LEAD STAFF: Dr. Lester Herndon, Associate Superintendent, Facilities and Operations
206-252-0644, lherndon@seattleschools.org

For Introduction: August 29, 2018
For Action: September 5, 2018

1. TITLE

BEX IV: Final Acceptance of Public Works Contract P5046 with Forma Construction Company for the New Thornton Creek Building project

2. PURPOSE

This action approves the final acceptance of Public Works Contract P5046 with Forma Construction Company for the New Thornton Creek Building project. Board approval allows the district to submit required documents to the State of Washington's Department of Labor & Industries, Department of Revenue, and the Employment Security Department, in order to proceed with project closeout.

3. RECOMMENDED MOTION

I move that the School Board accept the work performed under Contract P5046 with Forma Construction Company for the New Thornton Creek Building project, as final.

4. BACKGROUND INFORMATION

a. Background

This new construction project relocates the existing Thornton Creek Elementary School Program to a new 660-student capacity school constructed at the Decatur site. The scope of the project originated from the Meng Building Conditions Report issued April 2009 and overcrowding conditions/capacity concerns.

Mahlum Architects, Inc. designed the new school with extensive engagement from the School Design Advisory Team (SDAT). The district sought bids to build the new school in the winter of 2015 and Forma Construction Company was awarded the project for a contract amount of \$27,074,8000 plus Washington State Sales Tax (WSST). The scope of work included construction of the new 92,490 square foot multistory K-5 elementary school building.

Forma Construction Inc. has satisfactorily completed the contract work and the consulting architect, Mahlum Architects, Inc., agree and recommend final acceptance of the project.

The project budget was \$42,809,841. As of July 31, 2018, the Capital Department Staff anticipates \$2,251,739 underspend for this project and following standard practice, the underspend will be transferred to the BEX IV Program Contingency.

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 dated April 2009
- Seattle Public Schools Technical Building Standards dated December 2012
- Seattle Public Schools Educational Specification dated December 2012
- Site Specific Educational Specifications for Thornton Creek dated October 2013

5. FISCAL IMPACT/REVENUE SOURCE

All payments have been made to the contract from the Building Excellence (BEX) IV Capital levy funds. No outstanding invoices remain.

During the course of the project, 20 Change Orders were issued totaling \$1,877,441 plus WSST. Change order expenditures amounted to 7.7% of the original construction contract amount with the most significant expenditures associated with weather delays which negatively impacted the project schedule (the fall and winter of 2015-2016 were the second wettest on record) requiring owner approved overtime to mitigate the delay sufficiently enough to open the school on time. Change orders were reasonable for a project of this magnitude.

Contractor:	Forma Construction Company
Contract Amount	\$ 27,074,800
Change Orders	\$ 1,877,441
WSST	\$ 2,781,520
Total Contract including WSST	\$ 31,733,761
Project Retention	\$ 1,447,612

Amy Fleming: _____ Date: _____
Director of Accounting

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

7. EQUITY ANALYSIS

This motion was not put through the process of an equity analysis. The selection of projects in the BEX IV program was designed to provide equitable access to safe school facilities across the city.

8. STUDENT BENEFIT

This project helps ensure a safe, secure learning environment for every student.

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: _____

In accordance with WAC 392-344-160, Board approval of final acceptance is required to complete the Office of Superintendent of Public Instruction D-11 application to release project retainage.

10. POLICY IMPLICATION

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

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Operations Committee meeting on August 22, 2018. The Committee reviewed the motion and moved this item forward to the full board with a recommendation for approval.

12. TIMELINE FOR IMPLEMENTATION

Acceptance of Completed Project by School Board
Release of Retainage Bond

September 5, 2018
October 2018

13. ATTACHMENTS

- Architect's Letter of Recommendation



27 February 2018

Mike Skutack
Seattle Public School District

**RE: New Thornton Creek Building Project
Recommendation of Final Acceptance**

Dear Mike,

Pursuant to WAC 392-344-155 (Requirements for Final Acceptance of School Projects by Architect/Engineer) this letter is to recommend Final Acceptance of the New Thornton Creek Building Project to the Seattle School District Board of Directors. Pursuant to WAC 392-349-019, work completed includes 92,490 square feet of new construction.

Based on our best knowledge, information, and belief, and on the basis of in-field observations, the contract work by Forma Construction is complete and in accordance with the terms and conditions of the contract documents.

We recommend Final Acceptance of this project as complete on January 01, 2018. Substantial Completion was established on September 15, 2016.

Best regards,

A handwritten signature in black ink, appearing to read "DM", written over a light grey rectangular background.

David Mount, AIA, LEED AP
Principal

encl: NA

cc: Corrie Rosen, Mahlum
Jesse Walton, Mahlum

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