



# **SCHOOL BOARD ACTION REPORT**

**DATE:** April 24, 2019  
**FROM:** Denise Juneau, Superintendent  
**LEAD STAFF:** Fred Podesta, Chief Operations Officer  
206-252-0636, [fhpodesta@seattleschools.org](mailto:fhpodesta@seattleschools.org)

**For Introduction:** May 1, 2019  
**For Action:** May 15, 2019

## **1. TITLE**

BTA III/ BTA IV: Resolution 2018/19-21, Final Acceptance of Contract K1303 with Aries Building Systems, LLC, for the Purchase and Installation of Portable Classroom Modules project

## **2. PURPOSE**

The purpose of this action is to approve final acceptance of Contract K1303 with Aries Building Systems, LLC, for the Purchase and Installation of Portable Classroom Modules project. Board approval allows the district to submit required documents to the State of Washington Department, of Labor & Industries, Department of Revenue, and Employment Security Department, and closeout the project, including authorizing the release of project retainage.

## **3. RECOMMENDED MOTION**

I move that the School Board adopt Resolution 2018/19-21 and accept the work performed under Contract K1303 with Aries Building Systems, LLC, for the Purchase and Installation of Portable Classroom Modules project as final.

## **4. BACKGROUND INFORMATION**

### **a. Background**

- The project was funded by BTA III/ BTA IV capital funds to support installation of portable classrooms that address the annual requirement of providing classroom solutions for the district's enrollment growth and program needs.
- At the January 17, 2018 School Board Meeting, the Board authorized the Superintendent to execute contract No. K1303 with Aries Building Systems, LLC. The Board action approved \$1,282,392 for the installation of portable classrooms and included authorization to execute change orders for additional purchases, move-in, and set up of classroom/portables up to an additional \$500,000 specific to contract No. K1303 annual capacity management classrooms/portables actions.

- The district publicly advertised Bid No. B11716, Purchase and Installation of Portable Classroom Modules project on December 1, 2017, with a total number of three (3) bids received. Aries Building Systems, LLC, was deemed to be the low bid contractor, and the consulting firm Rolluda Architects recommended acceptance of the Total Bid amount, including unit prices. By Summer 2018, the Capital Enrollment and Planning Annual Capacity Management actions identified that it would not be necessary to execute a change order(s) for additional classrooms/portables.
- Aries Building Systems, LLC satisfactorily completed the contract work to manufacture, transport, and install a total of seven (7) classrooms/portables at three (3) school sites (1-classroom at Coe Elementary School, 2-classrooms at Ingraham High School, and 4-classrooms at Robert Eagle Staff Middle School) based on a total of 3-single portables and 2-double portables. There is a significant overall contract savings of 47% based on owner-directed reduction of contract scope (deletion of contract unit price quantities; 3-singles and 2-doubles) and a moderate amount of owner-directed expenditures for other design requirements and/or site-specific construction constraints (amounts listed further below). In accordance with WAC 392-344-160, Board approval of final acceptance is required.

**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**

The capacity management recommendations were based on a collaborative process involving staff from Capital Planning, Enrollment Planning, Special Education and Early Learning, plus subject matter research and analysis regarding projected enrollment growth, program needs, the available space in existing permanent and portable facilities, and site-specific potential to support an additional building footprint.

**5. FISCAL IMPACT/REVENUE SOURCE**

All payments have been made to the contract from the BTA III/ BTA IV Capital Levy funds. No outstanding invoices remain.

During the course of the project three (3) Change Orders were issued comprised of five (5) Change Order Proposal Requests and two (2) Construction Change Directives. Cumulative Change Orders totaled a Net Deduct of (\$611,312) plus WSST. Change order savings totaled an overall 47% of the awarded construction contract amount with significant savings associated with the deletion of awarded contract unit price quantity portables (deleting 3-singles and 2-double portable structures). Change order expenditures were reasonable for this type of capacity management portables project.

Contractor:	Aries Building Systems, LLC
Awarded Contract K1303 Amount	\$1,282,392
Change Orders No. 01 - 03	(\$ 611,312)
<u>WSST</u>	<u>\$ 67,779</u>
Total Revised Contract Amount	\$ 738,858 (including WSST)
Contract Retainage Held	\$ 33,553

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 BTA III/ BTA IV program was designed to provide equitable access to safe school facilities across the city.

**8. STUDENT BENEFIT**

This project ensures 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: \_\_\_\_\_

**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 April 18, 2019. The Committee reviewed the item and moved it 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  
Contractor's One-Year Warranty period ends


May 15, 2019  
Approx. July 2019  
August 31, 2019

**13. ATTACHMENTS**

- District Project Manager's Letter of Recommendation (in accordance with [WAC 392-344-155](#) for reference)
- Resolution 2018/19-21 (for Approval)



## Memorandum

Date: April 3, 2019  
To: Contract K1303 Closeout File  
From: Mike Barrett, Project Manager, Capital Projects   
Re: Certificate of Final Completion  
Contract No. K1303 Purchase and Installation of Portable Classroom Modules  
Contractor: Aries Building Systems, LLC

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### DEFINITION OF FINAL COMPLETION:

On the basis of district Project Manager's on-site visits, inspections, and to the best of my knowledge, information and belief, Work of the Contract has been completed satisfactorily and recommendation is made for Final Acceptance.

DATE OF FINAL COMPLETION: December 18, 2018

### STATEMENT OF WORK COMPLETED AND GROSS SQUARE FOOTAGE:

The Work to Purchase and Install Portable Classroom Modules included a total of seven (7) classrooms/portables at three (s) school sites based on one (1) new single classroom/portable at Coe Elementary School, two (2) new single classroom/portables at Ingraham High School, and two (2) new double classroom/portables at Robert Eagle Staff Middle School. A total of 6,272 sf of classroom space was provided in a total of seven (7) classrooms however, per the definition of "Instructional Space" per WAC 392-343-019 the additional 6,272 sf of classroom space shall not be considered as added "Instructional Space" as defined; reference the Definition of Instructional Space in WAC 392-343-019(8).

Cc: K1303 Aries Building Systems, LLC contract file

**Seattle School District #1  
Board Resolution**

**Resolution No. 2018/19-21**



**A RESOLUTION** of the Board of Directors of Seattle School District No. 1, King County, Seattle, Washington certifying the Purchase and Installation of Portable Classroom Modules project as complete.

**WHEREAS**, the Seattle School District No. 1 Board of Directors has received notification from the District’s project manager that the Purchase and Installation of Portable Classroom Modules project is complete in accordance with contract specifications and documents; and

**WHEREAS**, the Superintendent concurs that the contractor has satisfactorily completed the project;

**NOW THEREFORE, BE IT**

**RESOLVED**, by the Seattle School Board of Directors that the work of the contractor, Aries Building Systems, LLC, is now complete; and therefore, be it further

**RESOLVED**, that duly certified copies of this resolution shall be presented to the Office of Superintendent of Public Instruction (OSPI).

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Leslie Harris, President

\_\_\_\_\_  
Rick Burke, Vice-President

\_\_\_\_\_  
Jill Geary, Member

\_\_\_\_\_  
Zachary DeWolf, Member

\_\_\_\_\_  
Eden Mack, Member

\_\_\_\_\_  
Betty Patu, Member

\_\_\_\_\_  
Scott Pinkham, Member

ATTEST: \_\_\_\_\_  
Ms. Denise Juneau, Superintendent  
Secretary, Board of Directors  
Seattle School District No. 1  
King County, WA