



SCHOOL BOARD ACTION REPORT

DATE: October 25, 2019
FROM: Denise Juneau, Superintendent
LEAD STAFF: Fred Podesta, Chief Operations Officer
206-252-0636, fhpodesta@seattleschools.org

For Introduction: November 20, 2019
For Action: December 11, 2019

1. TITLE

BEX IV: Resolution 2019/20-9, Final Acceptance of Contract P5067 with Bayley Construction for the Arbor Heights Elementary School Phase II project

2. PURPOSE

The purpose of this action is to approve final acceptance of Contract P5067 with Bayley Construction and to approve Resolution 2019/20-9 to receive State Construction Assistance Program funding (SCAP) for the Arbor Heights Elementary School Phase II 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 2019/20-9 as attached to this Board Action Report, and accept the work performed under Contract P5067 with Bayley Construction for the Arbor Heights Elementary School Phase II project as final.

4. BACKGROUND INFORMATION

a. Background

- Arbor Heights Elementary School is located at 3701 SW 104th Street, Seattle, WA. This New Construction project replaced the aging Arbor Heights Elementary School and increased the school capacity to 660 students and opened in September 2016. Under the February 2013, voter approved BEX IV Levy, Arbor Heights Elementary School was originally scheduled to open in September 2018. Also, the original scope and funding was to increase the school capacity to 490 students, with an original project budget of \$42,639,000. Due to community input, the opening schedule was accelerated to September 2016. Thus, the revised schedule allowed savings in escalation funds, reducing the project budget to \$40,968,133. At that time, the \$1,670,857 escalation savings was put back into the overall BEX IV Program Reserve. In addition, because Phase I and Phase II construction bids came in under estimate, an additional 170 seats (for a total of 660 seats) were added to the scope at no additional cost to the district. The scope of the project originated from the Meng Building Conditions Report issued April 2009 and overcrowding conditions/capacity concerns.

- The A/E design team, headed by Bassetti Architects, was selected by the Board in August 2008. Bassetti Architects 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 spring of 2015 and Bayley Construction Company was awarded the project for a contract amount of \$25,439,100 plus Washington State Sales Tax (WSST). The scope of work included construction of the new 79,019 square foot multistory K-5 elementary school building;
- Bayley Construction satisfactorily completed the contract work. The total budget for the project was \$40,968,133 and the amount spent as of June 29, 2018 totals \$40,368,133. Capital staff anticipates a \$640,000 underspend for this project and following standard practice, that same amount will be transferred to the BEX IV Program Contingency. The apprenticeship utilization for this project is 15.4%.
- Delay of Final Acceptance. Due to installation issues with the grass playfield the request for Final Acceptance was delayed. Bayley Construction attempted to mitigate this warranty item with additional maintenance including added topsoil, seeding and fertilizer but the field did not recover. After further investigation, it was determined the playfield was not installed per design and the recommendation was to remove the entire top layer of the field and then rebuild the field including sections of the underdrainage, topsoil, seed and standard maintenance requirements. The field now meets the Contract Documents and is approved.

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

- Seattle Public Schools Technical Building Standards dated December 2012
- Seattle Public Schools Educational Specification dated December 2012
- Site Specific Educational Specifications for Arbor Heights dated October 2013
- Value Engineering Study, Roen Associates, Inc. November 2013
- Design/Constructability Review, LRC Consultants, Inc. September 2014

5. FISCAL IMPACT/REVENUE SOURCE

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

During the course of the project, 17 Change Orders were issued, comprised of 169 Change Order Proposals or Construction Change Directives. Change Orders totaled \$2,061,641 plus Washington State Sales Tax. Change order expenditures totaled 8.1% of the 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 was the second wettest winter 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:	Bayley Construction	
Contract Amount		\$ 25,439,100
Change Orders		\$ 2,061,641
WSST		\$ <u>2,645,413</u>
Total Contract including WSST		\$ 30,146,154
Project Retention		\$ Bond

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 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: _____

In accordance with [WAC 392-344-160](#) Board approval of final acceptance is required to complete the Office of Superintendent of Public Instruction Form 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 November 7, 2019. The Committee reviewed the item and moved the item forward with a recommendation for approval by the full Board.

12. TIMELINE FOR IMPLEMENTATION

Acceptance of Completed Project by School Board	December 11, 2019
Release of Retainage Bond	February 2020
Contractor's One-Year Warranty period ends	September 7, 2017

13. ATTACHMENTS

- Architect's Letter of Recommendation, in accordance with [WAC 392-344-155](#) (available upon request in the Capital Projects & Planning office)
- Resolution 2019/20-9 (for Approval)

**Seattle School District #1
Board Resolution**



Resolution No. 2019/20-9

A RESOLUTION of the Board of Directors of Seattle School District No. 1, King County, Seattle, Washington certifying the Arbor Heights Elementary School Phase II project as complete.

WHEREAS, the Seattle School District No. 1 Board of Directors has received notification from Bassetti Architects that the Arbor Heights Elementary School Phase II 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, Bayley Construction is now complete; and therefore, be it further

RESOLVED, that duly certified copies of this resolution shall be presented to OSPI.

ADOPTED this _____ day of _____, 2019

Leslie Harris, President

Rick Burke, Vice President

Zachary DeWolf, Member

Jill Geary, Member

Brandon K. Hersey, Member

Eden Mack, Member

Scott Pinkham, Member

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