



School Board Briefing/Proposed Action Report

Informational (no action required by Board) **Action Report** (Board will be required to take action)

DATE: November 23, 2015
FROM: Dr. Larry Nyland, Superintendent
LEAD STAFF: Dr. Lester Herndon, Associate Superintendent of Facilities & Operations
(206) 252-0644, ltherndon@seattleschools.org

I. TITLE

BEX IV: Final Acceptance for Public Works Contract For Introduction: January 6, 2016
KP5037 with 3 Kings Environmental, Inc. for Abatement of For Action: January 20, 2016
Hazardous Materials from the existing Pathfinder K-8
School located on the new Genesee Hill Elementary School
project site

II. WHY BOARD ACTION IS NECESSARY

Board action is needed to approve Final Acceptance of BEX IV Public Works Contract **KP**5037 for the abatement project at the existing Pathfinder K-8 School located on the new Genesee Hill Elementary School project site for purposes of avoiding disputes over the timing of the filing of liens prior to the release of retention.

III. FISCAL IMPACT/REVENUE SOURCE

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

Fund	Contract Amount	Change Orders	Sales Tax	Total Contract	Retention
BEX IV	\$279,600	(\$10,400)	\$25,574	\$294,774	\$13,460
Total	\$279,600	(\$10,400)	\$25,574	\$294,774	\$13,460

Kathie Technow, Accounting Manager, _____ Date: _____

Expenditure: One-time Annual Other Source

IV. POLICY IMPLICATION

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

V. RECOMMENDED MOTION

I move that the School Board accept the work performed under BEX IV Public Works Contract **KP**5037, with 3 Kings Environmental, Inc. for abatement of hazardous materials

from the existing Pathfinder K-8 School located on the new Genesee Hill Elementary School project site as final.

VI. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Operations Committee meeting on December 17, 2015. The Operations Committee reviewed the item and moved it forward to the full Board with a recommendation for approval.

VII. BACKGROUND INFORMATION

The contract to 3 Kings Environmental, Inc. was approved by the Board on March 5, 2014, and was fully executed on March 21, 2014. Notice to Proceed was issued on March 24, 2014, and work commenced immediately. Substantial Completion was achieved per the Contract on April 28, 2014. However, close-out documentation required by the Contract took several months to be produced by 3 Kings Environmental, Inc. and submitted for approval to the Owner’s HazMat consultant, Novo Laboratory. Novo Laboratory has reviewed all closeout documentation and has issued the Final Completion Notice.

VIII. STATEMENT OF ISSUE

Approval of this motion will allow the District to formally accept the work and close out the contract.

IX. ALTERNATIVES

Do not accept this project. This is not recommended as not accepting this project in a timely manner could put the District in a position subject to litigation.

X. RESEARCH AND DATA SOURCES / BENCHMARKS

- Building Condition Survey, Meng Analysis – April, 2009.
- School Operations and Maintenance, Best Practices for Controlling Energy Costs, U.S. Department of Energy, August 2004.

XI. TIMELINE FOR IMPLEMENTATION / COMMUNITY ENGAGEMENT

Acceptance of Completed Project by School Board	January 20, 2016
Release of Retainage	Approx. March 2016
Contractor’s One –Year Warranty Period Ends	Not Applicable

XII. ATTACHMENTS

- Consultant’s Final Completion Notice
- Change Order Memo ([attachment added](#)) ([attachment edited on 1/20](#))
- Project Budget Summary
- Contractor’s Schedule of Values
- [Project Closeout Checklist](#)

Certificate of Substantial Completion

JUL 27 2015

PROJECT:
Genesee Hill Elementary School
5013 SW Dakota Street
Seattle, WA 98116

PROJECT NUMBER: A20
CONTRACT FOR: Hazardous Material Removal
CONTRACT DATE: February 26, 2014
2445 3rd Ave So.
Seattle, WA 98134

OWNER:

HAZMAT CONSULTANT:

CONTRACTOR:

FIELD:

OTHER:

TO OWNER:
Seattle Public Schools
2445 Third Avenue South
Seattle, WA 98134

TO CONTRACTOR:
3 Kings Environmental, Inc.
PO Box 280
Battle Ground, WA 98604

PROJECT OR PORTION OF THE PROJECT DESIGNATED FOR PARTIAL OCCUPANCE OR USE SHALL INCLUDE:

The Work performed under this Contract has been reviewed and found, to the Hazmat Consultant's best knowledge, information and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated above is the date of issuance established by this Certificate, which is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:

Warranty
Per Section 01100-1.5.1

Date of Commencement
Not Applicable

NOVO Laboratory & Consulting Services, Inc.
HAZMAT CONSULTANT


BY

7-24-15
DATE OF ISSUANCE

A list of items to be completed or corrected is attached hereto. The failure to include any items on such list does not alter the responsibility of the contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items on the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment.

Cost estimate of Work that is incomplete or defective: \$0.00

The Contractor will complete or correct the Work on the list of items attached hereto within Zero (0) days from the above date of Substantial Completion.

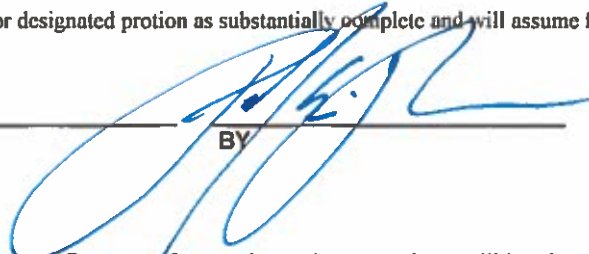
3 Kings Environmental, inc.
CONTRACTOR


BY

8/14/2015
DATE

The Owner accepts the Work or designated portion as substantially complete and will assume full possession at 7:00 am on August 11, 2014.

Seattle Public Schools
OWNER


BY

11/17/2015
DATE

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work and insurance shall be as follows:
(Note: Owner's and Contractor's legal and insurance counsel should determine and review insurance requirements and coverage)



Memorandum

Date: November 10, 2015

To: Eric Becker, Senior Project Manager
Project No. A20
Project Name: Genesee Hill School
From: Steven Nicholas, Construction Manager
Re: Final Acceptance for Contract: P5037

3 Kings Environmental, Inc. has completed the hazardous material removal work at the existing Pathfinder Elementary School. The District has received final completion letters and documents in accordance with the Districts closeout standards. The hazardous material removal was monitored and accepted by the District's hazardous material consultant, Novo Laboratory & Consulting Services, Inc.

I recommend Final Acceptance of the project as of October 5, 2015.

Sincerely,

Steven Nicholas
Construction Manager,
Heery International, Inc.



Memorandum

Date: January 15, 2016
To: Eric Becker, Senior Project Manager
Project No. A20
Project Name: Genesee Hill Elementary School
From: Steven Nicholas, Construction Manager
Re: Change Order Summary for Contract: ~~K~~P5037

The project's original base contract was an amount of \$279,600.00. Change Order #1 (-\$10,400.00) reduced the base construction contract amount to \$269,~~400~~200.00. The majority of the deductive change order amount (-13,400.00) was the result of not utilizing unit pricing that was part of the base bid for hazardous material removal at the old Pathfinder Elementary School that was on the project site and later demolished. Due to unforeseen conditions, the abatement contractor discovered an asbestos lining at existing boiler and flashing containing asbestos felt paper behind the brick veneer. Removal of the discovered asbestos materials was \$3,000. Therefore, the total change order amount was -\$10,400.

Original Construction Contract:	\$279,600.00
Change Order #1 (Deduct):	<u>(\$10,400.00)</u>
Construction Contract:	\$269, 400 200.00
Total Change Orders	(\$10,400.00)

Schmitz Park @ Genesee Hill Capital Project Budget
life to date as of Dec. 2015

Scope of Work	Construction	Change Order	Sales Tax	Other Professional/ Owner Costs	Life to Date Expenditures	Approved Budget
Hard Costs					\$294,774	
3 KINGS ENVIRONMENTAL INC (P5037)	\$279,600	(\$10,400)	\$25,574			\$294,774
Soft Costs						
AE						
Other Professional Services						
Owner Costs						
Project Totals	\$279,600	(\$10,400)	\$25,574		\$294,774	

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702/Cma

(Instructions on reverse side)

CONSTRUCTION MANAGER-ADVISOR EDITION

PAGE ONE OF 3 PAGES

CONTRACTOR: 3 Kings Environmental, Inc.
PO Box 280
Battle Ground, WA 98604

PROJECT: Genesee Hill ES
Abatement, Contract #P5037

APPLICATION NUMBER: 1
PERIOD TO: 04/30/14
PROJECT NOS.: P5037
214031

Distribution to
 OWNER
 CONSTRUCTION
MANAGER
 HAZMAT CONSULTANT
CONTRACTOR

SUBCONTRACTOR:

CONTRACT DATE:

CONTRACT FOR: Seattle School District

VIA CONSTRUCTION MANAGER.
VIA HAZMAT CONSULTANT.

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in accordance with the Contract.

Continuation Sheet, AIA Document G703, is attached.

1	ORIGINAL CONTRACT SUM		\$279,600.00
2	Net Change By Change Orders.....		(\$10,400.00)
3	CONTRACT SUM TO DATE (Line 1 + 2).....	\$	269,200.00
4	TOTAL COMPLETED & STORED TO DATE..... (Column G on G703)		\$269,200.00
5	RETAINAGE:		
a.	5% of Completed Work (Columns D & E on G703)	\$13,460.00	
b.	10% of Stored Material (Column F on G703)	\$0.00	
	Total Retainage (Line 5a + 5b or Total in Column I of G703)		\$13,460.00
6	TOTAL EARNED LESS RETAINAGE..... (Line 4 less Line 5 Total)		\$255,740.00
7	LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)		\$0.00
8	CURRENT PAYMENT DUE		\$255,740.00
9	BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	13,460.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$3,000.00	(\$13,400.00)
Total Approved this Month		
TOTALS	\$3,000.00	(\$13,400.00)
NET CHANGES by Change Order		(\$10,400.00)

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: 3 Kings

BY: Steve W. Carter DATE: 3/5/15

State of: Washington County of: Clark
Subscribed and sworn to before me this 5th day of March 2015
Notary Public: [Signature]
My Commission Expires: 9-13-2017

CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Construction Manager certifies that to the best of his knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED..... \$ 255,740.00

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that changed to conform to the amount certified.)

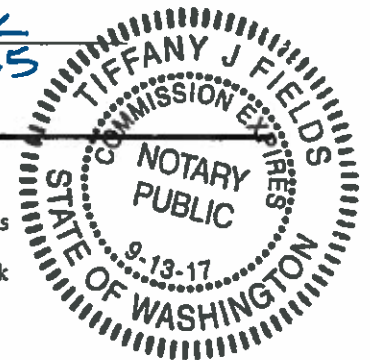
CONSTRUCTION MGR:

By: _____ Date: _____

HAZMAT CONSULTANT:

By: _____ Date: _____

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



CONTINUATION SHEET

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT,

containing Contractor's signed Certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use column 1 on Contracts where variable retainage for line items may apply.

APPLICATION NO: 1
 APPLICATION DATE: 04/30/14
 PERIOD TO: 04/30/14
 HAZMAT PROJECT NO: P5037

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D U R E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H % (G/C)	I BALANCE TO FINISH (C-U)	J RETAINAGE
			FROM PREVIOUS APPLICATION (D+E)	THIS PERIOD					
1	Lump Sum UNIT PRICING	\$266,200.00	\$0.00	\$266,200.00	\$0.00	\$266,200.00	100%	\$0.00	\$13,310.00
2	UP1 - Mob & Demob	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
3	UP2 - Addtl Man Days Abatement	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
4	UP3 - Addtl Piping	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
5	CHANGES C/O #1		\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
6	C/O #1 Exterior Ta Paper & Boiler Bird & Mag	\$3,000.00	\$0.00	\$3,000.00	\$0.00	\$3,000.00	100%	\$0.00	\$150.00
7			\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
8			\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
9			\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
10			\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
TOTALS		\$269,200.00	\$0.00	\$269,200.00	\$0.00	\$269,200.00	100%	\$0.00	\$13,460.00

Closeout Checklist for Public Works Project



3 Kings Abatement of
Materials from existing
Pathfinder K-8 on the
new Genesee Hill
Elementary School site

Project Name: _____ **Substantial Completion Date:** 7/24/2015

Project Manager: Steven Nicholas **Final Completion Date:** 10/5/2015

Item #	Item Description	Complete (Initial)
1	LETTER FROM CONTRACTOR STATING THAT THE WORK IS COMPLETE (SECTION 01770, 1.05.A.1)	STN
2	SIGNED BUILDING PERMIT NOTING FIELD INSPCTIONS (COPY)	N/A
3	CERTIFICATE OF OCCUPANCY (COPY) FOR PROJECT FILE	N/A
4	SUBSTANTIAL COMPLETION CERTIFICATE (SECTION 00700 6.07.A) FROM ARCHITECT	STN
5	CERTIFICATE OF INSURANCE (SECTION 00700, 6.09.D.2 & 6.09.D.3)	STN
6	CERTIFICATE OF CONSENT OF SURETY COMPANY TO FINAL PAYMENT (SECTION 00700, 6.09.D.4)	STN
7	CERTIFICATE OF COMPLIANCE (SECTION 01331)	STN
8	CERTIFICATE OF NO HAZARDOUS MATERIALS (SECTION 01332)	N/A
9	FINAL TESTING AND BALANCE REPORT TO DISTRICT (TRANSMITTAL)	N/A
10	FINAL COMMISSIONING REPORT (TRANSMITTAL)	N/A
11	ACCEPTANCE LETTER FROM COMMISSIONING AGENT	N/A
12	BOARD ACTION REPORT COMMISSIONING FINAL ACCEPTANCE	N/A
13	OPERATION AND MAINTENANCE MANUALS TO DISTRICT (TRANSMITTAL)	N/A
14	COMPLETED PREVENTATIVE MAINTENANCE INVENTORY SHEET	N/A
15	WARRANTY CERTIFICATES TO DISTRICT (TRANSMITTAL)	N/A
16	AS-BUILTS TO DISTRICT (TRANSMITTAL)	N/A
17	SPARE PARTS, MATERIALS DELIVERED TO DISTRICT (TRANSMITTAL)	N/A
18	SUMMARY OF TRAINING COMPLETED – DATES AND TOPICS	N/A
19	STATEMENT OF INTENT TO PAY PREVAILING WAGES (Section 00620-1)	STN
20	CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS (SECTION 01770, 1.06A.1)	STN
21	CONTRACTOR'S AFFIDAVIT OF RELEASE OF LIENS (SECTION 01770, 1.06A.2)	STN
22	CONTRACTOR'S AFFIDAVITS OF WAGES PAID ON STATE DEPT. OF LABOR AND INDUSTRIES FORM FOR CONTRACTOR AND ALL SUBCONTRACTORS (SECTION 01770, 1.06.A.3)	STN
23	STATE OF WASHINGTON NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT	STN
24	FINAL PAY APPLICATION (SECTION 01770 1.04.A.1) FROM CONTRACTOR	STN
25	LETTER FROM THE ARCHITECT STATING SQUARE FOOTAGE NEW AND OLD, STUDENT # AND THAT ALL THE WORK IS COMPLETE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS (00700 6.09.A)	N/A
26	MEMO FROM SSD PM RECOMMENDING FINAL ACCEPTANCE	STN
27	BOARD ACTION REPORT/FINAL PROJECT ACCEPTANCE	STN
28	D-11 CLOSEOUT – PER OSPI GUIDELINES	N/A
29	D-12 FORM RECEIVED FROM OSPI – RELEASE OF RETAINAGE	N/A
30	SSD VENDOR CONTRACTOR PERFORMANCE EVALUATION FORM	STN
31	CUSTOMER SATISFACTION SURVEY	N/A

Sr. Project Manager:

Capital Director: