

Wenatchee School District Board of Directors



WSD Special Board Meeting

July 10, 2018

District Office

Agenda

12:00 PM

		TIME
I. PLEDGE OF ALLEGIANCE		02 Min
II. OLD BUSINESS		
OSPI Afterschool Grant Award	Information/Action	05 min
Jon DeJong, Deputy Superintendent		
III. WENATCHEE LEARNS STRATEGIES:		10 Min
Strategy 3: Use the Best Tools & Resources to Advance Learning		
Objective 3.4 Facilities that Optimize Learning		
1. Rec Park Change Order Proposal #1	Action	05 min
2. Lewis & Clark Bus Drop Off Agreement with City of Wen.	Action	05 min
Gregg Herkenrath, Director of Facilities		
IV. ADJOURNMENT		



DAVIS ARNEIL
LAW FIRM LLP

Legal Memorandum

To: Jon DeJong, Deputy Superintendent
From: Danielle Marchant
Date: July 2, 2018
Re: Hitting Facility – Change Order
(Confidential: Communication Protected by Attorney/Client Privilege)

The issue the District has requested my opinion regarding is whether the work completed in the Change Proposal was done in violation of the public bidding statutes. As background to this issue, I have been informed that the District has entered into a contract with the Goodfellows Bros. Inc. (“Goodfellows”) for the construction of a hitting facility. While the hitting facility was being constructed, issues arose that there were unanticipated and additional work needed to be completed, which is memorialized in the Change Proposal form submitted by Goodfellows.

Whether a violation of the public bidding statutes occurred is fact specific. From my review of the Change Proposal, the additional work can be placed into three categories: (1) Electrical; (2) Grading/Excavation; and (3) Paving. As we discussed in the conference with Gregg Herkenrath, all three categories were unanticipated at the time of entering into the contract with Goodfellows for various reasons and the additional work needed to be done for the project to be completed, which generally allows the additional work to be done via a change order. I will not repeat the basis as to why the work was unanticipated in this memorandum since you were present during the conference with Mr. Herkenrath. The project also appears to have been lacking in the planning stages, which may be why the additional work was unanticipated. Nevertheless, based upon the information that was presented to me, it does not appear as if the Change Proposal violated the public bidding statutes.

As we discussed, the process that was done for approval of the additional work was not done according to best practice. For instance, it would have been preferable and advisable that the Change Proposal go before the Board for approval prior to the authorization for the additional work being given to Goodfellows. However, the work was authorized by a District representative and has been completed by Goodfellows. It is also my understanding that the District has found the work to be acceptable and free of defects. Therefore, Goodfellows should be paid for the work. If the District elects not to pay Goodfellows then the District will be at risk

for being sued for the nonpayment with few defenses, if any, to the lawsuit. Consequently, the District should issue payment to Goodfellows for the amount stated in the Change Proposal.


If you would like to discuss this matter further, please let me know.

Contract Coversheet (Non-Federal) Request Board Approval

Please submit this form with your **unsigned** contract to Denise Watson **at least 3 weeks** before the scheduled School Board meeting. Upon attorney review and approval (if necessary), the contract will be submitted to the Superintendent's office, where it will be included on the agenda for School Board approval.

All contracts require school board approval.

The **only** authorized signatures on a contract are Brian Flones, Jon DeJong, Les Vandervort, or the School Board.

Date	New / Renew / Revision	Agency	Purpose	Amount or \$0	Contract Start & End Date	Staff Person Responsible for Contract	Reviewed by? (District Office)	Attorney Review Required?
06/26/18	Revision 1	Goodfellow Bros., Inc.	Rec Park - Change Proposal #1 to the Civil Construction contract for New Hitting Facility	\$37,345.05 plus WSST	Upon approval thru August 2018	<u>Gregg Herkenrath</u>		
				Budget Code or N/A	Does it renew automatically?	I have read this contract and recommend it for board approval.	Is a PO Required?	
				1501 21 7000 000	No	Initials  6-20-18 Today's Date	Need to increase PO 8421600167	Decided at DO

Agency Contact Information (who & where contract needs to be mailed)

Agency Name: Goodfellow Bros., Inc.
 Attention: Brandon Pipkin
 Street address or PO Box: PO Box 598
 City, State, Zip Code: Wenatchee, WA 98807-0598
 Email Address: brandonpi@goodfellowbros.com
 Phone Number: 509-662-7111

Contract Details (Give a brief description of the contract):

If this is a revision, what changed?

Change Order Proposal #1 to existing contract and PO for additional storm piping, additional survey costs, electrical/fiber conduit materials and installation, purchase and delivery of 3" topsoil materials, placement and grading. Installation and coring for the power vault, ballast rock and fabric for soft spots against footings, subgrade site for topsoil, 2" PVC irrigation pipe, 2.5" paving around the facility and prepared and painted rock for paving.

Be sure to follow state bid requirements as outlined in RCW 28A.335.190

Reviewed by Attorney

Signature _____

Requires Edits? _____

REC PARK - BATTING CAGES
GOODFELLOW CONSTRUCTION CIVIL CONTRACT
CHANGE ORDER #1

June 26, 2018

SITUATION

Change Order No. 1 is attached for your review. This change order includes work to the existing civil construction contract for additional storm piping, additional survey costs, electrical/fiber conduit materials and installation, purchase and delivery of 3" topsoil materials, placement and grading. Installation and coring for the power vault, ballast rock and fabric for soft spots against footings, subgrade site for topsoil, 2" PVC irrigation pipe, 2.5" paving around the facility and prepared and painted rock for paving.

<u>Original Construction Contract Amount</u>	\$73,657.80
<u>Current Change Order</u>	
Change Order No 1	\$40,482.03
<u>Total Previous Change Orders</u>	
Change Order	\$0.00
<u>Contract Amount including this Change Order</u>	\$114,139.83

RECOMMENDATION

The Board of Directors approves Change Order No. 1 to Goodfellow Bros., Inc. for the Rec Park Batting Cage Civil Construction Project in the amount of \$37,345.05 (plus WSST) increasing the contract amount to \$114,139.83.

GOODFELLOW BROS. INC.

 ESTABLISHED 1921

CHANGE PROPOSAL

DATE: 5/24/2018 PROJECT#: 202698 CHANGE PROPOSAL#: 1
 Recreation Park Hitting Facility PO: 8421600167

TO: Gregg Herkenrath
 Wenatchee Public Schools
 1001 Circle Street
 Wenatchee, WA 98801
 PHONE: 509-888-5475 ext. 10227
 EMAIL: Herkenrath.gregg@wenatecheschools.org

FROM: Brandon Pipkin
 Goodfellow Bros., Inc.
 PO Box 598
 Wenatchee, WA 98807
 PHONE: 509-413-7544
 EMAIL: brandonpi@goodfellowbros.com

DESCRIPTION: Change Order #1
 SCOPE: Additional Work Items

PCO Item	Change (Days)	Quantity	UM	Unit Price	Amount
1 : Additional Storm Piping	0	100.00	LF	\$31.00	\$3,100.00
Item Notes:					
2 : Additional Project Surevey Cost	0	1.00	PCT	\$1,800.29	\$1,800.29
Item Notes:					
3 : Electrical/Fiber Conduit Materials	0	900.00	LF	\$1.75	\$1,575.00
Item Notes:					
4 : Electrical/Fiber Conduit Installation	0	900.00	LF	\$7.28	\$6,552.00
Item Notes:					
5 : 3" Topsoil Placement and Grading	0	6,400.00	SF	\$1.50	\$9,600.00
Item Notes: This price includes the purchase and delivery of topsoil materials.					
6 : Installation and coring for the power vault	0	1.00	PCT	\$350.00	\$350.00
Item Notes:					
7 : Ballast Rock and Fabric for Soft Spots Against Footings	0	24.00	TN	\$45.00	\$1,080.00
Item Notes:					
8 : Subgrade Site for Topsoil	0	6,400.00	SF	\$.90	\$5,460.16
Item Notes:					
9 : D/L/B SCH 2" SCH 40 PVC Irrigation Pipe	0	45.00	LF	\$16.75	\$753.75
Item Notes:					
10 : 2.5" Paving around the Facility	0	2,605.00	SF	\$2.37	\$6,173.85
Item Notes:					
11 : Prepare and Paint Rock for Paving	0	2,605.00	SF	\$.40	\$900.00
Item Notes:					

Change Proposal Total: \$37,345.05

Submitted By:

Approved By:

Brandon Pipkin
 Project Engineer

5/24/2018
 Date

Print Name:

Date



Contract Number 1715	Contract Title Lewis and Clark Elementary Sidewalk Improvements	Federal Aid Number SRTS-5807(001)
Change Order Number 1	Change Description Repave parking area north of Lewis and Clark	Date 07/05/2018
Prime Contractor / Design-Builder J&K Earthworks, LLC		

Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications

Change proposed by Contractor / Design-Builder

Change Description

This change involves removing and replacing existing asphalt at the parking lot north of Lewis and Clark on the west side of Princeton Avenue. (see attached email with cost estimate from contractor) The estimate left out some traffic items (wheel stops, etc) and contingency which add up to \$5,728.

Contractor's estimate = \$30,900
 Additional traffic items = \$ 950
 SUBTOTAL = \$31,850
 15% contingency = \$ 4,778
 TOTAL = \$36,628

This work will be completed at the end of August 2018.

Verbal Approval Given By G. Herkenrath	Verbal Approval Date 07/10/2018	Working Days +/- 0
---	------------------------------------	-----------------------

Original Contract Amount \$135,095.70	Current Contract Amount \$135,095.70	Est. Net Change This C.O. \$36,628	Est. Contract Amount \$171,723.70
--	---	---------------------------------------	--------------------------------------

<input checked="" type="checkbox"/> Approval Recommended	Approved	Approved
Project Engineer		Approving Authority per C.A. Agreement
Date		Date
Approval Recommended		Other Approval As Required
By Prime Contractor		Signature
Date		Date
		Representing

Contract Number 1715	Contract Title Lewis and Clark Elementary Sidewalk Improvements	Change Order Number 1
-------------------------	--	--------------------------

Change Description Cont.

Charlotte Mitchell

From: kurt@jkearthworks.com
Sent: Tuesday, July 3, 2018 2:40 PM
To: herkenrath.gregg@wenatcheeschools.org
Cc: Charlotte Mitchell
Subject: Parking Lot

Greg,

The parking area at Lewis and Clark measures approx 10,000 sf. Here is the pricing using the unit prices from our contract.

Paving (2" depth)	126 ton	@ \$90=	\$11,340
Rock (6" depth)	380 ton	@ \$32 =	\$12,160
Roadway Ex (6" depth)	185 CY	@ \$30=	\$5,550
Adjust Clean outs	2 ea	@ \$430=	\$860
Stripping (plastic)	600lf	@ \$1.65=	\$990

Total Cost= \$30,900

J&K would take care of the asphalt removal in exchange for using the lot as a staging area. This assumes the grades stay about the same as is. Maybe we can use less rock? You can do the math on the price per inch of rock and roadway ex if you want to deduct some quantity.

Feel free to call with any questions.

Thanks,

Kurt Davis

J&K Earthworks LLC

Cell: 509-860-4420

Office: 509-886-5906

Fax: 509-886-4817