



**Executive Summary  
Fayette County Public Schools Board Meeting  
Agenda Item**

**MEETING:** Regular

**DATE:** July 25, 2016

**TOPIC:** Approval of a Reduction in Retainage on the Construction Contract for the Construction of the New High School on Winchester Road (2000 Winchester Road) BG 14-159

**PREPARED BY:** Myron Thompson, Senior Director, Operations & Support @ 381-4165

**Recommended Action on:** 7/25/2016  
Consent Item

**Superintendent Prior Approval:** No

**Recommendation/Motion:** Approve the reduction of the contract retainage to 5% of the contract with D.W. Wilburn, Inc. for the construction of the New High School on Winchester Road, per the provisions of 702 KAR 4:160.

**Background/Rationale:** KDE's 702 KAR 4:160 requires 10% retainage on construction contracts until the project is 50% complete, when a reduction to 5% retainage is allowed. The contract with D.W. Wilburn, Inc. for the construction of the New High School on Winchester Road in the amount of \$62,044,000.00 (including direct purchase orders) was accepted and approved by the Board at its May 14, 2015 meeting. Since that time the progress of the work has been reviewed by the Office of Facility Design & Construction, the design consultants, Tate Hill Jacobs Architects, and the local building code officials. More than 55% of the construction is currently complete, leaving \$33,204,964.83 for the remainder of the contract work, including the retainage amount. Currently, the contractor has requested with the approval of the surety, the recommendation of the architect and the concurrence of the FCPS Facility Design & Construction staff, a reduction of the retained amount to 5% of the total contract amount. The Kentucky Department of Education requires that this reduction of the retainage to 5% be approved by the Board. A full 10% retainage may be re-instated if satisfactory progress does not continue. Remaining payments to the contractor shall not be made until all work has been completed and accepted by the architect and the Office of Facility Design & Construction. Prior to final payment, a BG-4 Final Approval and Payment Application Form will be presented for signature by the Superintendent and acceptance of the work by the Board. Approval of this reduction of retainage complies with the intent of the requirements of 702 KAR 4:160 and the Kentucky Department of Education, District Facilities Branch.

**Policy:** 702 KAR 4:160

**Fiscal Impact:**

<u>Fund</u>	<u>Org. Code</u>	<u>Project Code</u>	<u>Object Code</u>
Construction 360	0003610	14159	0450

**Attachments(s):** None

**AN EQUAL OPPORTUNITY SCHOOL DISTRICT**

Board of Education: Melissa Bacon, Chair • Amanda Ferguson, Vice Chair • Douglas Barnett • Daryl Love • Raymond Daniels  
Superintendent Emmanuel Caulk

On motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
the Board approved the reduction of the contract retainage to 5% of the contract with D.W. Wilburn, Inc. for  
the construction of the New High School on Winchester Road, per the provisions of 702 KAR 4:160.

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Melissa Bacon, Board Chair

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Emmanuel Caulk, Superintendent