

**Ohio School Facilities Commission
 October 27, 2011
 William McKinley Room
 1:30 PM**

MINUTES

Chair Keen called the meeting to order at 1:30 PM.

Roll Call

Members present: Chairman Keen, Vice Chair Blair, Mr. Eric Bode, Steven Alexander for Representative Johnson and Aleah Page for Senator Manning.

Adoption of the September 22, 2011, Meeting Minutes

Mr. Bode moved to approve the September 22, 2011, Meeting Minutes.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

School Energy Conservation Financing Program Approval

Resolution 11-113

Mark Wantage presented a resolution for participation in the School Energy Conservation Financing Program Aurora City SD (Portage), Cuyahoga Valley Career Center (Cuyahoga), Delaware City SD (Delaware), Ontario Local SD (Richland) and South Euclid-Lyndhurst City SD (Cuyahoga) for Commission approval.

Aurora City SD (Portage)	
Total Project Cost	\$ 209,170
Interest Rate (Included in Total Project Cost)	0
Averaged Annual Savings	\$ 19,663
O&M Savings (Maximum Limit of 30%)	\$ 2,158
O&M Savings as Percentage of Averaged Savings	11 %
Payback Period (Maximum 15 Years)	10.2 years
Number of Buildings	2
Vendor	Brewer-Garrett
Scope of Work	Lighting Retrofit (3)

Cuyahoga Valley Career Center (Cuyahoga)	
Total Project Cost	\$ 288,536
Interest Rate (Included in Total Project Cost)	0
Averaged Annual Savings	\$ 20,456
O&M Savings (Maximum Limit of 30%)	\$ 4,875
O&M Savings as Percentage of Averaged Savings	23.8%

Payback Period (Maximum 15 Years)	14.1 years
Number of Buildings	1
Vendor	CCG Energy Solutions
Scope of Work	<ul style="list-style-type: none"> - New Exterior LED Lighting Retrofit - Heating Hot Water Boiler Replacement - Building Controls Upgrades - Boiler System Renovation - New Variable Frequency Drives for Pumps

Delaware City SD (Delaware)	
Total Project Cost	\$ 3,897,506
Interest Rate (Included in Total Project Cost)	3.5%
Averaged Annual Savings	\$ 226,795
O&M Savings (Maximum Limit of 30%)	\$ 8,000
O&M Savings as Percentage of Averaged Savings	3.5%
Payback Period (Maximum 15 Years)	14.6 years
Number of Buildings	11
Vendor	Trane
Scope of Work	<ul style="list-style-type: none"> - Lighting Retrofit (9) - Heating Hot Water Boiler Replacement (1) - Domestic Hot Water Heater Replacement (1) - Unit Ventilator (AC) Replacement (VAV) (1) - New Variable Frequency Drives for Pumps & Motors (2) - New Enhanced Air Filtration System (5) - Mechanical Repairs (9) - Steam Trap Replacement (1) - Rainwater Reclamation (1)

Ontario Local SD (Richland)	
Total Project Cost	\$ 1,547,941
Interest Rate (Included in Total Project Cost)	3.15%
Averaged Annual Savings	\$ 110,338
O&M Savings (Maximum Limit of 30%)	\$ 10,317
O&M Savings as Percentage of Averaged Savings	9.4%
Payback Period (Maximum 15 Years)	14 years
Number of Buildings	2
Vendor	Energy Optimizers
Scope of Work	<ul style="list-style-type: none"> - Lighting Retrofit & Occupancy Sensors (2) - Building Automation Enhancements (2) - New Condensing Boilers (1) - Solar /Thermal Hot Water Heating and Domestic Systems (2) - New Stadium Lighting (1) - Solar Hot Water System (1) - Mechanical Repairs (2)

South Euclid-Lyndhurst City SD (Cuyahoga)	
Total Project Cost	\$ 933,365
Interest Rate (Included in Total Project Cost)	3.0%
Averaged Annual Savings	\$ 81,675
O&M Savings (Maximum Limit of 30%)	\$ 4,463
O&M Savings as Percentage of Averaged Savings	5.5%
Payback Period (Maximum 15 Years)	11.4 years
Number of Buildings	8
Vendor	Brewer-Garrett
Scope of Work	Lighting Retrofit

Vice Chair Blair asked if we go back and look at the payback periods. Mr. Wantage replied that Commission staff has reviewed projects from 2002 and 2003 and is beginning the review of 2004 and 2005 projects. In addition, a legislative change now requires districts, beginning with the districts on this agenda, to submit annual performance data.

Vice Chair Blair then asked about payback periods that have a fraction of a year. Mr. Wantage responded that process is based on engineering calculations.

Mr. Bode moved to approve Resolution 11-113.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

Master Facility Plan Amendments Approval

Resolution 11-114

Steve Lutz presented Amendments to the Master Facility Plans for four school districts for Commission approval.

School District (County)	Recommended Modifications to the Master Facilities Plan	Modifications to the Project Budget	
Clay Local SD (Scioto)	<ul style="list-style-type: none"> • Third Amendment • The project budget has been reduced to allow the school district to apply their local share of unused contingency to satisfy their hardship loan obligation. 	(\$259,200)	State Share
		(\$60,800)	Local Share
		(\$320,000)	TOTAL
Jonathan Alder Local SD (Madison)	<ul style="list-style-type: none"> • First Amendment • Canaan MS: The project budget is insufficient for the design and construction work required to renovate/add to and partially demolish this facility to adequate design and building code standards. • Includes a \$124,921 ELPP Credit 	\$201,963	State Share
		\$172,042	Local Share
		\$374,005	TOTAL

Lakota Local SD (Sandusky)	<ul style="list-style-type: none"> • First Amendment • The project budget has been modified due to cost savings. 	(\$690,476)	State Share
		(\$500,000)	Local Share
		(\$1,190,476)	TOTAL

North Baltimore Local SD (Wood)	<ul style="list-style-type: none"> • First Amendment • The project budget is insufficient for the design and construction work required to fully renovate the ES and to build one new MS/HS to adequate design and building code standards. 	\$368,413	State Share
		\$256,016	Local Share
		\$624,429	TOTAL

Chairman Keen asked about the Hardship Loan for the Clay Local project. Mr. Lutz responded that the Hardship Loan provided assistance to the district for their local share of a previous amendment. OSFC Chief Financial Officer David Chovan added that the loan is to be paid back within a five year period and this amendment frees up local dollars to allow the district to make this year's payment. Mr. Chovan confirmed that the district is paying back the loan with district funds.

Vice Chair Blair moved to approve Resolution 11-114.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

Architectural/Engineer Agreements and Amendments Approval

Resolution 11-115

Rob Slagle presented Design Services Agreements, Amendments and Locally Funded Initiatives for Commission approval.

Agreement:

School District (County)	Project	Architect	Agreement Amount
Willard City SD (Huron)	Build one new ES/MS/HS to house grades PK-12	MKC Associates, Inc.	\$2,868,670.92

Amendments:

School District (County)	Project	Architect	Fees to Date	Amendment Amount	Total
Columbus City SD - Seg 3 (Franklin)	Traffic study, site services and city permitting costs	Design Group	\$955,617.81	\$50,000.00	\$1,005,617.81
Northwestern Local SD (Clark)	For building re-design and estimating services above and beyond the original contract requirements	SHP Leading Design	\$2,800,662.00	\$213,000.00	\$3,013,662.00

Locally Funded Initiatives:

School District (County)	Project	Architect	LFI Amount
Wadsworth City SD (Medina)	Design and construction administration services for additional square footage above the Master Plan	Risinger + Associates Inc.	\$28,972.00
Northwestern Local SD (Clark)	Additional design associated with geothermal wells and sloped roof	SHP Leading Design	\$87,000.00

Mr. Bode moved to approve Resolution 11-115.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

Construction Manager Agreements and Amendments Approval

Resolution 11-116

Mr. Slagle presented Construction Manager Agreements for Commission approval.

School District	County	CM Firm	Total CM Compensation
Madison Local SD	Richland	Heery International, Inc.	\$274,272.00
Akron City SD - Segment 4	Summit	The Ruhlin Company	\$3,606,515.00

Mr. Bode asked if the agreement for Akron is the original agreement or was there an interim agreement. Mr. Slagle responded that this is the original agreement. Mr. Bode then asked if this is the most recent segment for Akron. Mr. Slagle confirmed that it is the most recent segment.

Vice Chair Blair moved to approve Resolution 11-116.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

Resolution 11-117

Mr. Slagle presented Amendments to the Construction Manager Agreements for Commission approval.

School District	County	Construction Manager	Amount
Cleveland City SD- Segment 4	Cuyahoga	OHG, Joint Venture	\$269,649.00
Cleveland City SD - Segment 5	Cuyahoga	OHG, Joint Venture	(\$638,926.00)
Pioneer Career & Technology JVS	Richland	Lend Lease (US) Construction, Inc.	\$295,000.00
Pike Delta York Local SD	Fulton	URS Corporation	\$0.00
Osnauburg Local SD	Stark	The Ruhlin Company	\$0.00

Mr. Slagle provided additional detail on the amendments for Cleveland Segments 4 and 5. Chairman Keen asked if these segments are going on simultaneously. Mr. Slagle confirmed that they are.

Mr. Bode moved to approve Resolution 11-117.
 Vice Chair Blair seconded the motion.
 Approval: Vote 3-0.

Resolution 11-118

Mr. Slagle also presented Amendments to the Construction Manager Agreements for a Locally Funded Initiative for Commission approval.

School District	County	Construction Manager	Amount
Euclid City SD	Cuyahoga	Project and Construction Services, Inc.	\$198,577.00
Franklin-Monroe Local SD	Darke	Resource International, Inc.	\$70,380.00
Milton-Union Local SD	Miami	Resource International, Inc.	\$114,273.00

Mr. Bode moved to approve Resolution 11-118.
 Vice Chair Blair seconded the motion.
 Approval: Vote 3-0.

Construction Trade Contracts Approval
Resolution 11-119

Jon Walden presented the Construction Trade Contracts for Commission approval.

	School District	Contracting Entity	Building Type	Scope Of Work	\$ Amount
1	Cincinnati PSD	Controlled Air, Inc.	Winton Montessori	Custom AHU	\$319,137.00
2	Cincinnati PSD	Controlled Air, Inc. ¹	Winton Montessori	Chilled Beams	\$129,820.00
3	Cincinnati PSD	Trane US, Inc. ¹	Winton Montessori	Ice Storage	\$59,824.00
4	Cincinnati PSD	HGC Construction Company	Walnut Hills HS	General Trades	\$27,808,000.00
5	Columbus CSD	Tom Sexton & Associates	Segment 3 Bulk Furniture, Fixtures & Equipment	Classroom Desks, Computer Chairs, Art Stools, Stacking Chairs, Carts and Cafeteria Tables	\$838,073.02
6	Columbus CSD	School Specialty Inc.	Segment 3 Bulk Furniture, Fixtures & Equipment	Activity Tables and Cubbies	\$81,043.00
7	Columbus CSD	Continental Office Environments	Segment 3 Bulk Furniture, Fixtures & Equipment	Classroom Chairs and Computer Tables	\$669,184.85
8	Columbus CSD	Continental Office Environments	Segment 3 Bulk Furniture, Fixtures & Equipment	Teacher Desks	\$117,980.00
9	Crestline EVSD	Central Fire Protection Co., Inc. ²	New PK-12	Fire Protection	\$289,875.00

10	Crestline EVSD	Breckenridge Kitchen Equipment & Design, Inc. ²	New PK-12	Food Service Equipment	\$291,846.00
11	Crestline EVSD	Adena Corporation ²	New PK-12	General Trades	\$10,895,000.00
12	Dayton PSD	Dore & Associates Contracting, Inc.	Homewood HS	Demolition	\$579,600.00
13	Dayton PSD	Environmental Assurance Company, Inc.	Homewood HS	Abatement	\$1,190,900.00
14	Eaton Community CSD	Bruns Building & Development Corp.	New MS/Eaton MS	Early Site Work	\$868,000.00
15	Edgerton LSD	Total Environmental Services, LLC	ES/HS	Abatement	\$137,865.00
16	Edgerton LSD	Best Demolition LLC	Elementary School	Demolition	\$93,722.00
17	Edgewood CSD	Netech Corporation	High School	Technology	\$1,042,105.00
18	Fairfield-Union LSD	Badger Construction Company	Rushville ES	Demolition	\$122,300.00
19	Northmor LSD	Ours Excavating, Ltd.	Junior/Senior HS	Demolition	\$79,000.00
20	OSD-OSSB	Stonecreek Interior Systems, LLC ¹	Residential Dorms	Residential Casework	\$471,300.00
21	Shelby CSD	Mark Schaffer Excavating and Trucking, Inc.	New 9-12	Earth Work and Utilities	\$2,347,907.00
22	Springfield LSD	The Conti Corporation ^{3*}	New 7-12	HVAC	\$3,856,000.00
23	Three Rivers LSD	Ken Neyer Plumbing, Inc. ²	New Pre K-12	Site Utilities and Interior Underground Plumbing	\$895,000.00
24	Three Rivers LSD	Tricon, Inc. ²	New Pre K-12	Foundations and Slabs on Grade	\$1,284,000.00
25	Three Rivers LSD	Evans Landscaping, Inc. ²	New Pre K-12	Mass Grading and Paving	\$2,086,833.00
26	Three Rivers LSD	Jackson & Sons Drilling & Pump, Inc. ²	New Pre K-12	Geothermal Well	\$1,472,500.00
27	Three Rivers LSD	AC Electrical Systems ²	New Pre K-12	Site Electrical	\$216,990.00
28	Toledo PSD	Environmental Assurance Company, Inc.	Nathan Hale	Abatement	\$74,450.00
29	Toledo PSD	Quality Environmental Services, Inc.	Old Orchard ES	Abatement	\$118,440.00
30	Toledo PSD	Quality Environmental Services, Inc.	Libbey HS	Abatement	\$421,120.00
31	Toledo PSD	Quality Environmental Services, Inc.	Ryder Achievement Center	Abatement	\$87,285.00
32	Toledo PSD	Klumm Bros.	Nathan Hale	Demolition	\$239,600.00
33	Toledo PSD	Folding Equipment Company LLC	Scott HS	FFE - School Desk & Chairs	\$265,350.00
34	Toledo PSD	Tom Sexton & Associates, Inc.	Scott HS	FFE - Tables	\$125,000.00

35	Toledo PSD	Tom Sexton & Associates, Inc.	Scott HS	FFE - Music	\$59,500.00
36	Toledo PSD	Tom Sexton & Associates, Inc.	Scott HS	FFE - Office Desk and Chairs	\$238,000.00
37	Union LSD	Campopiano Roofing*	Union ES	Re-Roofing	\$179,550.00
38	Whitehall CSD	Zimmerman School Equipment	Rosemore ES, Kae ES, Etna ES	Classroom Student Furniture	\$365,068.47
39	Xenia CSD	Otis Elevator Company	Tecumseh, Cox and Shawnee	Elevators	\$117,840.00
40	Xenia CSD	Otis Elevator Company ²	Arrowood & McKinley	Elevators	\$78,540.00
1 Prevailing Wage Requirements 2 QSCBs 3 Project Labor Agreements * Second Low Responsible Bidder					TOTAL \$60,613,548.34

Chairman Keen asked for additional information on the second low bidder on the Springfield contract. Jon Walden stated that the low bidder was determined to be non-responsible because they lacked the appropriate experience for this size of a project.

Mr. Bode moved to approve Resolution 11-119.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

Executive Director's Report

Executive Director Hickman reported that six projects had been closed out since the last meeting of the Commission. He also reported on upcoming groundbreaking and dedication ceremonies. Director Hickman noted that the schedule for the 2012 Commission meetings had been distributed.

The Director recognized Mary Adams Kauffman, who was leaving the staff to pursue a teaching degree.

Director Hickman then asked Lisa Laney, OSFC's Green Schools Program Director, to give an update on the green schools initiative as a follow-up to a request at the previous month's Commission meeting.

Ms. Laney reported that since the beginning of the program in September of 2007, the OSFC has averaged 65 projects a year for a total of 259 schools that are attempting LEED certification. The U.S. Green Building Council updates LEED requirements and standards every two years and she provided a LEED score sheet for Version 3 projects to show you the areas of sustainability that are targeted during certification. Ms. Laney provided a breakdown of the OSFC projects that are in Version 2 and Version 3 of the LEED for Schools rating systems, including the targeted

certification levels for each project within their respective rating system. Ms Laney stated that the project teams in Ohio have embraced sustainable design and there are currently 13 certified projects (8 gold and 5 silver).

The State of Ohio Green Building Market Activity report prepared by the USGBC gives a nice summary of the green initiatives in Ohio and it shows that OSFC is “leading by example.” Ohio ranks 19th nationally for the number of LEED registered and certified buildings owned or occupied by state government, 11th in total number of commercial buildings certified and registered and first in the nation in green schools. A list of the national green school efforts for the next ten states helps put that in perspective. Ohio clearly doubles what the second state of California is doing. Of the 297 LEED for Schools registered projects, 259 are OSFC projects.

There has been a significant growth in the green industry in Ohio. The growth includes small businesses like the ones that originated from the Urban Timber Program, initiated because of the OSFC projects being performed with Cincinnati City SD. They developed and implemented a program that takes banned ash trees and makes beautiful furniture with them.

As part of being the green schools leader, OSFC staff members are often asked to present the Ohio program at conferences and webinars. Franklin Brown and Ms. Laney have presented at numerous conferences over the last year, some of them with an international audience. OSFC has also had the opportunity to promote Ohio’s efforts in national news articles, interviews at the international Greenbuild conference and various other venues. The state of Ohio is being looked at for guidance and resources for other states, government entities and countries, that would like to implement green school initiatives.

In addition to the speaking opportunities, OSFC has hosted numerous webinars to provide information, education and technical assistance. We worked with the USGBC and the Green Building Certification Institute to bring a webinar to the OSFC project teams regarding understanding and achieving the new Daylight credit requirements in LEED V3. This webinar was a catalyst for a formal Addendum that revised the LEED Rating System requirements for that credit. This was a great example of the integrated process of everyone working together and it leading to the best possible result.

Ms. Laney noted that the OSFC enjoys a good working relationship with the USGBC’s Center for Green Schools and the Green Building Certification Institute. The Center for Green Schools has been a great resource for the school districts and our project teams. Working with the GBCI, we have had the opportunity to get the OSFC LEED reviews assigned to a pool of review teams to help with consistency between projects. We also have a designated customer service representative that helps us with any issues we may have, up to and including concerns with a review of a particular credit, sometimes saving the appeal fee.

The GBCI has also helped with the certification of “horizontally attached buildings” where part of a facility can be certified. This is traditionally not allowed. However, with the existing OSFC programs such as Expedited Local Partnership Program, we are oftentimes attaching an addition or renovating an existing portion of a building that got a new addition under a previous program.

The GBCI will review the project conditions prior to registration to see if the building can even attempt certification, saving the registration and review fee.

With the volume of LEED projects initiated in the last four years, it was vital to develop a database to house the relevant program and project information for tracking, research and reporting functions. OSFC is in the final stages of testing and we hope to begin populating the database soon.

Ms. Laney reported that the OSFC will soon have a part-time intern, funded through a grant from the Central Ohio USGBC chapter, for approximately 6 to 8 months. This intern will conduct research on green school costs and potential health benefits from existing OSFC project information and data from the Ohio Department of Education. The final result will be made public following the work period, anticipated to be next summer. This will benefit OSFC by assisting with the identification of potential performance measures and laying the groundwork for future data harvesting for our certified projects.

Ms. Laney explained that we continuously strive to improve the program and have held roundtable meetings with our architects and focus work groups with a variety of people for specific LEED issues. One of the ways we will share future program information will be the Ohio Green Schools Webpage. This will be a page where people can find assistance and share resources for their OSFC LEED projects, get up to date program information and links to educational resources.

Ms. Laney concluded by stating that local school boards, administrators, teachers and communities drive the sustainable goals for their district and buildings. If they understand the basics of sustainable design and the Integrated Project Delivery Method, they will make more informed decisions throughout design and construction and hopefully into the operation of the building.

Mr. Bode remarked that the number of projects seeking gold certification speaks to the level of acceptance by our school districts partners. Chairman Keen commented on the timing difference between registration and certification and Ms. Laney confirmed that the project has to be complete and paperwork submitted and reviewed before a project achieves certification.

Public Testimony

Mike Madigan

Attorney at Kegler, Brown, Hill & Ritter representing Accurate Electric

Mr. Madigan stated that his practice is focused primarily on construction law. He provided background on his involvement in numerous resolutions of construction disputes between prime contractors and OSFC. He stated that his intent was to bring to the attention of the Commission concerns that the process for getting a settlement finalized and paid is taking longer than can be reasonably expected. Mr. Madigan provided an example of a tentative settlement involving the OSFC, Accurate Electric and the Reynoldsburg School District that did not make it to the Commission agenda and another example in the Court of Claims. By bringing the difficulties

experienced in closing settlement agreements to the Commission's attention, Mr. Madigan stated his hope that the settlement approval process will be given the necessary attention it deserves and it will not become an impediment to resolving disputes.

Chairman Keen asked Mr. Madigan if the absence of the settlement agreement on the agenda will jeopardize the agreement. Mr. Madigan responded that it could but he hopes it does not. He added that his intent was to bring this matter so that this does not happen in the future.

Chris McCloskey

Attorney at Bricker & Eckler representing Reynoldsburg City School District

Mr. McCloskey spoke to the matter of the settlement that was the subject of Mr. Madigan's testimony. Mr. McCloskey provided additional information on the mediation and stated that there were issues that needed to be worked through. Mr. McCloskey stated his belief that the issues would be addressed in time for the November Commission meeting.

The meeting was adjourned at 2:13 PM.



Timothy S. Keen, Commission Chair



These meeting minutes were prepared by
Cheryl J. Lyman, Secretary to the Commission