

***Ohio School Facilities Commission Meeting
February 23, 2006
Statehouse - William McKinley Room***

Meeting was called to order at 1:32 pm.

1. Roll Call

Members Present: Chairman Thomas W. Johnson, Mr. Roger Booker, Dr. Steven Puckett, Representative Timothy Cassell, Ann McElwee representing Representative Clyde Evans, Senator Larry Mumper and Senator Teresa Fedor.

2. Adoption of the January 26, 2006 Meeting Minutes

The minutes were distributed prior to the meeting for the members' review. Two corrections to Page 12 of the minutes were handed out at the meeting. Melanie Direful should read Melanie Drerup and CEFPI's Southern Region should read CEFPI's Midwest Great Lakes Region.

Chairman Johnson asked if there were any other corrections to the minutes.

Senator Fedor felt there was a lot of discussion around the Community School Loan Guarantee Program and the Trade Construction Contracts Approval and the minutes lacked that detail. There was discussion on many key areas and it is important to have them in the minutes.

Senator Mumper commented that if he noted changes from the previous meeting, he would bring his written notes to be handed out at the current meeting and ask that they be added to the minutes.

Chairman Johnson asked Senator Fedor to submit her changes to be added to these minutes. Senator Fedor said she would put in writing detailed comments.

Minutes were held for vote until the March meeting.

3. Request a Formal Opinion of the Attorney General

Mr. Booker moved that the Commission request a formal opinion of the Attorney General regarding the application of certain campaign contribution limits in R.C. 3317.13 (I) and (J) to the Ohio School Facilities Commission and local Boards of Education.

Chairman Johnson seconded the motion.

Representative Cassell thanked the Commission for requesting the formal opinion and looks forward to getting the report.

Approval: Vote: 3-0

4. Public Testimony

Al Adams employed by the Ohio Construction Coalition, provided testimony on his investigation of the quality of the construction done by contractors on OSFC projects. A copy of his testimony is attached to these minutes.

Rick Hickman thanked Al Adams for coming to the Commission on a number of occasions regarding the importance of quality construction. This Commission established a job position to focus on quality issues and Commission's policies ensure quality buildings and if there are problems, on-site contractors are required to return to correct the deficiencies. With regard to GM Mechanical in Dayton, Jerry Kasai explained that the Construction Manager recommends the contractor to the School Board for approval. There were a number of discussions between the Construction Manager and Mr. Carr with Dayton Public Schools. GM Mechanical took care of the insufficient staffing by contracting with a local construction trade council. There was resolution of issues with GM Mechanical before a recommendation was made to the Board. Issues with payment of back taxes were also addressed.

Representative Cassell commented that there seems to be issues of responsible contractors. He asked if there were specific guidelines and could he get a copy. If there were not specific guidelines, could we develop them.

Rick Hickman thought there were two questions being asked by Representative Cassell. One – how to determine responsible contractors, which is described in ORC 9.312 and Two – how do these factors enter into the process OSFC uses.

Representative Cassell said he reviewed ORC 9.312 and it was vague. He would like to see more defined definitions.

Rick Hickman stated that it comes down to professional judgment. It's not a matter of whether a contractor has been in business 5 years or 10 years, it is based on all the information available to the one making the recommendation, evaluations, previous performance of work, how you work with other contractors, calling colleagues and competitors. All that information is distilled into the judgment of the Construction Manager and Architect making a recommendation to the Board.

Jerry Kasai commented that the statute was written with the intent to give discretion to award to a Board of Education, subject to approval by OSFC.

Representative Cassell commented that the Commission has done a very good job overall, but may need to look at better defining the criteria. Need to take judgment and speculation out of this process.

Rick Hickman said that Representative Cassell's comments would be taken under advisement, but that felt it would be hard to be specific and would appreciate any suggestions from Representative Cassell.

Chairman Johnson requested that OSFC take Representative Cassell's request under advisement and work with Representative Cassell.

Senator Fedor felt there was a need for responsible contracting language. There is a need to go beyond the subjective view. Quality construction comes with quality workers.

Chairman Johnson stated that we are spending \$2 million a day and felt that the problems are not that great. This is a great program and agreed that it can be made better. Don't want to lose prospective that this is an outstanding program

Senator Mumper asked to work with OSFC to compare OSFC's program with other programs around the country. Rick Hickman said OSFC would be happy to work with the Senator.

5. Maintenance Plans Approval – Presented by Mark Wantage

The East Cleveland City School District in Cuyahoga County has submitted a maintenance plan for Commission approval.

The School Districts has submitted their plan that includes a business plan for preventive maintenance and facility operations. The staff of OSFC has reviewed these plans and recommends their approval.

Mr. Booker moved to approve Resolution 06-167.

Dr. Puckett seconded the motion.

Approval: Vote: 3-0

6. School Energy Conservation Financing Program Approval – Presented by Mark Wantage

The Marietta City School District has submitted a conservation financing program for Commission approval.

Marietta City School District:

- Swiss Valley Associates, Inc.
- Seven Buildings
- Total Cost \$1,528,446 (Including Interest @2.5%)
- Annual Savings \$103,253
- Payback Period 14.8 Years
- Boiler System Replacement (4)
- Lighting Upgrade (7)
- Upgrade Rooftop & Wall Insulation (2)
- Building Automation Systems upgrades (7)

This has been reviewed by the Ohio Department of Development/Office of Energy Efficiency and staff of the OSFC and is recommended for approval.

Chairman Johnson moved to approve Resolution 06-168.

Dr. Puckett seconded the motion.

Approval: Vote: 3-0

7. Master Facilities Plan Amendment Approval – Presented by Steve Lutz

Two Master Facilities Plan amendments to previously approved Master Plans under the CFAP Program were recommended for approval.

The first amendment is for Newcomerstown Exempted Village School District in Tuscarawas County. This amendment will fund corrective work to the HVAC control systems of the three completed buildings. The HVAC systems installed in these buildings did not operate correctly and a commissioning effort revealed that there were defects in the installation of the control systems. This amendment will fund the corrective work at a cost of \$480,169. The state share is \$386,192 and the local share is \$93,977. The Commission staff is pursuing action to recover this additional cost from responsible parties. Staff has reviewed this amendment and recommends approval of Resolution 06-169.

Jerry Kasai commented this was a building with a number of issues and we are in the process of sending appropriate notices and outside counsel is involved to make sure we are not paying twice for work.

Representative Cassell asked who the contractor was. Rick Hickman answered Columbus Heating and Ventilation, who were urged to help bring this to resolution. They were not willing to do this. They have not been awarded any further work and will not be until this issue is resolved satisfactorily.

Chairman Johnson moved to approve Resolution 06-169.

Mr. Booker seconded the motion.

Approval: Vote: 3-0

The second amendment is the Master Facility Plan for Tecumseh Local School District in Clark County. This amendment will fund increased cost attributable to the increased cost of materials and cost due to soils conditions at four building sites and additional water and sewer work. A budget increase of \$4,450,000 is recommended. The state share of the increase is \$3,426,503 and the local share of the increase is \$1,023,497. Staff has reviewed the amendment and recommends approval of Resolution 06-170.

Dr. Puckett moved to approve Resolution 06-170.

Mr. Booker seconded the motion.

Approval: Vote: 3-0

8. Consultant Contract Agreements and Amendments Approval – Presented by Eric Bode

There is one agreement and two amendments for Commission approval.

The agreement is for website redesign for Martin G. Boso to redesign the OSFC public website for \$11,200 and the contract will expire June 30, 2006.

The staff has reviewed and recommends approval of Resolution 06-171.

Mr. Booker moved to approve Resolution 06-171.

Dr. Puckett seconded the motion.

Approval: Vote: 3-0

The amendments are for Enhanced Environmental Assessment Services for Gande and Associates, Inc. and Lawhon and Associates for \$250,000 each and the contract will expire June 30, 2007.

The staff has reviewed and recommends approval of Resolution 06-172.

Dr. Puckett moved to approve Resolution 06-172.

Mr. Booker seconded the motion.

Approval: Vote: 3-0

9. Architectural Agreements and Amendments Approval – Presented by Craig Weise

The following architect agreements and amendments were presented for approval.

Agreements:

School District	Project	Architect	Amount	Agreement
Cincinnati - Seg. 2	New School for Creative and Performing Arts	Cole + Russell Architects, Inc.	\$1,720,806	Agreement
Fredericktown	Build one new PK thru 12 facility	mkc Associates	\$1,041,583	Agreement
Hicksville	Build one new PK thru 12 facility	Fanning/Howey Associates, Inc.	\$1,358,353	Agreement
Sandy Valley	Build one new elementary school to house grades PK thru 5 and one new middle/high school to house grades 6 thru 12.	mkc Associates	\$1,893,610.09	Agreement

Amendments:

School District	Project	Architect	Fees to Date	Amount	Total	Amendment
Columbus - Seg. 1	Watkins Elementary - revision of storm line and catch basin locations.	Bogden Architects, Inc.	\$454,496	\$1,500	\$455,996	Amendment

Locally Funded Agreements and Amendments:

School District	Project	Architect	Amount	Locally Funded Initiatives
Cincinnati - Seg. 2	New School for Creative and Performing Arts	Cole + Russell Architects, Inc.	\$2,437,583	Agreement - LFI
Hicksville	Additional Building Area	Fanning/Howey Associates, Inc.	\$141,614	Agreement - LFI
Sandy Valley	Auditorium, Board Office and gym seats	mkc Associates	202,904.20	Agreement - LFI
Southern Hills JVS	Four building additions, extra parking, interior door replacement, high bay lockers and reprogramming of interior academic space.	Steed Hammond Paul, Inc.	\$109,350	Amendment - LFI

The staff has reviewed and recommends the approval through Resolution 06-173

Mr. Booker moved to approve Resolution 06-173.

Dr. Puckett seconded the motion.

Approval: Vote: 3-0

10. Construction Manager Agreements Approval – Presented by Craig Weise

There are 14 contracts representing 14 different school districts. The school districts were approved last July and have secured their local funding. Three other school districts that were previously approved will be presented in the future.

CM Firm	<i>District</i>	<i>County</i>	Total CM Compensation
Bowen	Ada	Hardin	\$1,053,615
Touchstone	Defiance	Defiance	\$1,138,836
Turner/DAG	Eastern	Brown	\$1,718,585
Turner/DAG	Fayetteville Perry	Brown	\$991,576
Turner/Resource	Frederick Town	Knox	\$989,150
Quandel	Hamilton	Franklin	\$2,801,646
Touchstone	Hicksville	Defiance	\$1,316,441
Quandel	Hillsboro	Highland	\$2,522,966
Bowen	Lincolnview	Van Wert	\$885,905
Quandel	Miami Trace	Fayette	\$1,257,516
Turner/Resource	North Fork	Licking	\$1,198,895
Hammond	Sandy Valley	Stark	\$1,787,337
Turner/Resource	Tri-Valley	Muskingum	\$2,611,467
Bowen	Waynesfield Goshen	Auglaize	\$851,171

The staff has reviewed and recommends the approval through Resolution 06-174

Chairman Johnson moved to approve Resolution 06-174.

Dr. Puckett seconded the motion.

Approval: Vote: 3-0

There are two amendments for Commission approval. Cleveland Segment 1 required additional CM services for John Hay High School schedule extension and claim resolution, Omega termination, extended closeout and Miles Park demolition. Newton Falls extended the schedule 30 months due to Master Plan changes and phasing of projects.

School District	Construction Management Company	Amount
Cleveland Seg 1	OHG, Joint Venture	\$302,430
Newton Falls	URS Corporation	\$601,489

The staff has reviewed and recommends the approval through Resolution 06-175.

Dr. Puckett questioned the \$601,489 at Newton Falls because of delay.

Craig Weise commented there were three schools, elementary/middle/high school, and originally the project planned this to occur simultaneously. With swing space this no longer occurred simultaneously, it ended up stair stepped. There were changes in scope of work and rephasing of scope of work.

Representative Cassell commented that 30-month extension seems extensive. Craig Weise explained that the phasing changed due to scope and missed assessment items. There was a need for rephasing due to swinging of children.

Representative Cassell asked if there was a firm to do abatement assessments. Craig Weise said enhanced environmental assessment is done during the planning phase, but there is no destructive test done until the Construction Manager comes on. Eric Bode said that enhanced environmental assessment was not done and this was a lesson learned and is now standard protocol.

Mr. Booker moved to approve Resolution 06-175

Chairman Johnson seconded the motion.

Approval: Vote: 3-0

11. Trade Construction Contracts Approval – Presented by Craig Weise

All of the contracts for approval represent the lowest responsible bidder. Would like to point out Toledo City School - Stanley Security Solutions, Inc. is referred to as Operation Control Center.

The staff has reviewed and recommends the approval through Resolution 06-176.

<i>SchoolDistrict</i>	<i>Contracting Entity</i>	<i>\$ Amount</i>
Cincinnati City SD	M.E.S. Incorporated	\$122,155.00
Cincinnati City SD	Tom Sexton and Associates	\$459,309.00
Cincinnati City SD	B & B Wrecking & Excavating, Inc.	\$375,000.00
Cincinnati City SD	B & B Wrecking & Excavating, Inc.	\$615,000.00
Cleveland City SD	Great Lakes Crushing, Ltd	\$938,890.00
Cleveland City SD	Harner Plumbing, Inc.	\$489,100.00
Cleveland City SD	West Third Street Construction	\$6,312,740.00
Cleveland City SD	Gateway Electric, Inc.	\$1,001,824.00
Cleveland City SD	S A Comunale Co., Inc.	\$197,996.00
Cleveland City SD	East - West Construction, Inc.	\$8,225,000.00
Cleveland City SD	S A Comunale Company, Inc.	\$462,000.00
Cleveland City SD	Gateway Electric, Inc.	\$945,000.00
Cleveland City SD	R J Martin Electrical Contracting, Inc.	\$1,155,800.00
Cleveland City SD	Imperial Heating and Cooling, Inc.	\$1,590,000.00
Cleveland City SD	Doan Pyramid	\$7,059,103.00
Cleveland City SD	The Smith & Oby Company	\$994,000.00
Columbus City SD	Gutridge Plumbing	\$96,600.00
Columbus City SD	Jess Howard Electric	\$1,132,855.00
Columbus City SD	Southern Cabinetry, Inc.	\$167,900.00
Columbus City SD	D E Huddleston	\$3,057,500.00
Columbus City SD	Aggressive Mechancial	\$1,085,000.00
Columbus City SD	Crawford Mechancial Services, Inc.	\$308,800.00
East Cleveland City SD	The Miller Plumbing & Heating Co.	\$387,900.00
East Cleveland City SD	London Road Electric Co.	\$900,894.00
East Cleveland City SD	Miles Mechanical, Inc.	\$1,125,000.00

East Cleveland City SD	Fortney & Weygandt, Inc.	\$4,608,050.00
Massillon City SD	Raze International, Inc.	\$185,000.00
Massillon City SD	Cardinal Environmental Services, Inc.	\$79,815.00
Massillon City SD	Bob Bennett Construction Company	\$248,490.00
Northwest Local SD	Mechanical Construction Company	\$4,274,500.00
Northwest Local SD	J & H Reinforcing & Structural Erectors, Inc.	\$1,314,436.00
Northwest Local SD	West End Electric, Incorporated	\$1,488,810.00
Northwest Local SD	BB & E, Incorporated	\$310,600.00
Painesville City Local SD	Higgins Electric Company	\$312,856.00
Parkway Local SD	Elements IV Interiors	\$433,414.58
Parkway Local SD	Microman, Inc.	\$62,998.00
Parkway Local SD	Henkels & McCoy, Inc.	\$205,000.00
Parkway Local SD	Farnham Equipment Company	\$45,056.00
Parkway Local SD	Innovative Office Solutions	\$216,568.27
Parkway Local SD	Tom Sexton & Associates	\$33,593.08
Parkway Local SD	Valley Electrical Consolidated, Inc.	\$354,248.00
Toledo City SD	Industrial Power Systems, Inc.	\$293,300.00
Toledo City SD	Romanoff Electric Co, LLC	\$661,000.00
Toledo City SD	Dimech Services, Inc.	\$1,080,000.00
Toledo City SD	Stanley Security Solutions, Inc.	\$10,689,000.00
Toledo City SD	F H Martin Contractors	\$4,276,000.00
Toledo City SD	Absolute Fire Protection, Inc.	\$81,050.00
Warren City SD	Fire Foe Corporation	\$282,043.00
Warren City SD	Valley Electrical Consolidated	\$214,550.00
Warren City SD	Jack Gibson Construction	\$11,163,750.00
Warren City SD	W G Tomko	\$921,888.00
Warren City SD	The Conti Corporation	<u>\$4,530,500.00</u>
		\$87,689,281.93

Mr. Booker moved to approve Resolution 06-176.

Chairman Johnson seconded the motion.

Approval: Vote: 3-0

12. Settlement Agreement Approval – Presented by Jerry Kasai

Requested approval of Settlement for Bradford Local School District for two gym floors with one requiring replacement. The settlement is for \$110,000.

Request approval of Resolution 06-177.

Senator Fedor asked when Danis entered into contract and are they also the construction manager. Jerry Kasai answered that Bradford was a 1999 project and that Danis became the construction manager subsequent to that project and as part of the agreement they were not bidding work after becoming the construction manager. OSFC did not sign any amendment or new additional contracts with Danis as a CM until the Bradford dispute was resolved.

Dr. Puckett moved to approve Resolution 06-177.

Mr. Booker seconded the motion.

Approval: Vote: 3-0

The second settlement is for Crestwood Local School District. During the construction, structural steel was not designed to hold masonry and required replacement of some steel and redesign and replacement to help hold up masonry. A lawsuit was filed against the architect. Went through mediation and recovered \$250,000 for errors and omissions.

Request approval of Resolution 06-178.

Senator Fedor asked to have the timeline of events added to the resolution. Jerry Kasai stated that Crestwood was a 2000 project this is the only project that Ted Manfrass has gotten with our program.

Mr. Booker moved to approve Resolution 06-178.

Dr. Puckett seconded the motion.

Approval: Vote: 3-0

13. Executive Director's Report

Financial Report on FY06 Disbursements: Through seven months of FY06, disbursements are 7% higher. This reflects the impact of the six large urban centers getting their projects in gear. The upswing is also tied to upswing in appropriations. Page 2 reflects that we have now disbursed \$4.2 billion dollars since FY98.

Architect Summit: The date has been set for our architect summit – August 1, 2006. The focus will be on creative school design. We have issued a “call for papers” to the architectural community.

Dream School: Last month we announced our Dream School Student Design Competition and plans for the recognition of this year's competition at our April 20th Commission meeting. For those districts not participating (participants are high school students in districts funded in FY06 and next in line for funding for FY07) we have reminded them that the week of April 17-21 is School Building Week.

Tom Johnson will be leaving us the end of February. The Governor has a resolution that he asked that we present for Tom's leadership and unwavering support for the work being done at OSFC. Crystal Canan also presented a plaque from the OSFC for Chairman Johnson's dedication and service to the Commission.

Meeting was adjourned 3:02 pm.

Timothy S. Keen

These meeting minutes were prepared by:
Carolyn McClure
Executive Assistant
Ohio School Facilities Commission