

Ohio School Facilities Commission
May 31, 2007
William McKinley Room 1:30 PM

MINUTES

Meeting was called to order at 1:42 PM.

1. Roll Call

Member present: Chair Pari Sabety, Vice Chair Hugh Quill, Dr. Steve Puckett, Senator Larry Mumper, Representative Clyde Evans and Representative Matt Szollosi.

2. Dream School Presentation – Presented by Sue Meyer

Chair Sabety extended a special welcome to all attendees for the Dream School presentation and turned the presentation over to Director Shoemaker to proceed. Director Shoemaker recognized the winners of the Dream School 2007 poster competition, their families, teachers, principals and special guests, including Rep. Pete Ujvagi from House District 47 and Dr. Marvenia Bosley, Chief Academic Officer of Columbus Public Schools. Director Shoemaker introduced Sue Meyer for the presentation of the Dream School winners.

The ten winners of OSFC's fourth-annual student poster competition, *Dream School 2007* were recognized for their accomplishments. Through this competition, students in grades K-12 attending new schools funded through OSFC programs in Ohio's Big 8 Urban School Districts (Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown) had an opportunity to demonstrate why their new building makes them say "This is the school of my dreams..."

The OSFC sponsors this annual competition in conjunction with the Council of Educational Facility Planners International (CEFPI) Foundation's School Building Week to encourage students to become involved in school design. The Commission's partners in the 2007 event included CEFPI (Ohio), American Institute of Architects (AIA) Ohio, KnowledgeWorks Foundation, and the Buckeye Association of School Administrators (BASA).

First place winners will receive a U.S. Savings Bond. All winners received a proclamation from Governor Ted Strickland and an achievement plaque, plus gifts from AIA Ohio which is also sponsoring the reception for the students to be held in the OSFC office following the Commission's recognition.

Dream School 2007 Winners

Division 4: Grades 9-12

1st Place: Aleila McCulloch, Rogers High School, Toledo Public School District

2nd Place: Delvonte Lavell Conner, Adams High School, Cleveland Municipal School District

3rd Place: Amber Williams, Rogers High School, Toledo Public School District

Division 3: Grades 6-8

1st Place: Emanuel Kimble, Rockdale Elementary, Cincinnati Public School District

2nd Place: Michico McCollum, Rockdale Elementary, Cincinnati Public School District

3rd Place: Brandon Lucas, Rockdale Elementary, Cincinnati Public School District

Division 2: Grades 2-5

1st Place: Ibrahima Niang, Fairmoor Elementary, Columbus Public School District

2nd Place: Tauraah Washington, Linden Elementary, Columbus Public School District

3rd Place: Lanae Taylor, Linden Elementary, Columbus Public School District

Division 1: Grades K-1

1st Place: Yarvell Smith, Rockdale Elementary, Cincinnati Public School District

Director Shoemaker on behalf of Chair Sabety, members of the Commission, OSFC staff and partner judges congratulated all the winners of the Dream School competition.

3. Executive Director's Report

Director Shoemaker discussed the collaboration with eTech Ohio to address technology infrastructure in our facilities. We have talked consistently about collaborations, particularly with those entities that are focused on education. Both agencies are concerned not only about the technology and being on the cutting edge, but making sure that the technology is functional in the classrooms. A document describing this collaboration, dated May 2007, was provided in the Commission's materials.

Director Shoemaker reported that through April 30, 2007, OSFC disbursed \$649 million. OSFC is on track to spend a record \$900 million in FY07. Planning outreach efforts have been initiated with all districts through the 50th percentile in terms of either an offer of state funding or to reach out to those districts to inform them that they will be eligible for funding in the near future depending on what happens with the budget language.

Director Shoemaker shared the Dedication and Groundbreaking Report and invited the Commission members to attend any of the functions.

The Director shared information regarding the school districts that were offered funding earlier this month and outreach districts the OSFC staff will meet with in June. Out of 43 school districts that were offered state funding, 31 of 37 have accepted. Districts that accept the offer of state funding will be presented to the Commission for conditional approval at the July meeting. One of the concerns earlier in the program was not enough time for a district to make decisions in terms of whether they should wait a year or go to the ballot. We want to make sure they are comfortable not only with what is on paper in terms of the master plan, but in terms of voter consent so that their chances of passing a bond issue are pretty good. Senator Mumper asked if the colored counties on the Ohio map presented in a presentation at the meeting represented one school district or several school districts. Director Shoemaker responded that it represented one school district. A second outreach meeting is scheduled for June for the next school districts in line for funding. One of the things that concerns us with this acceleration is that we make sure that we give the school districts adequate opportunity to make some decisions and also give them adequate opportunity to access help from OSFC staff so that we can come in and help explain the program in community meetings. We want to make sure everyone is well aware of what the program is about and be well aware of their opportunities, as well as, challenges they may face.

Director Shoemaker reported that the CM Summit was held on May 15th. This was an all-day meeting with 40 OSFC staff and more than 200 individuals from construction management firms that are working on OSFC projects throughout the state. One of the things we talk about consistently and constantly is the importance of quality in terms of the CM's performance and the construction program. We have stressed the importance of schedule and the budget and most people are in step with that, but one of the things that we need to stress more is quality control. The agenda for the CM Summit was focused on quality construction.

An item discussed at the last Commission meeting was the posting of evaluations, in terms of how we evaluate the trade contractors. We have posted online the evaluations of architect and engineering firms, construction managers and trade contractors. Thus far this year, we have scanned 272 evaluations compared to last year's total of 311, so we are on pace to not only match that number, but exceed it. The evaluations are available to the public on our website.

Director Shoemaker reported that we are continuing to work with education organizations to get feedback in terms of how successful the program has been or things that we can do to improve. Buckeye Association of School Administrators (BASA) hosted a meeting on May 16th that Rick Savors and the Director attended. They met with 5 superintendents that had been involved in more than one building project. They discussed if the process improved from their earlier experience to the present, what were the challenges in both projects, and what improvements can OSFC make.

Director Shoemaker reported that an Architect and Engineers Summit is being planned for July 31st. As with the CM Summit, we will be emphasizing quality building construction. Director Shoemaker also announced that we are close to resolving the issue at Frontier Local School District, which has been around since 2000 as possible litigation. Director Shoemaker congratulated Dan Belville; Assistant Attorney General, Jerry Kasai, OSFC legal counsel; and Tom Brannon, OSFC Senior Post Construction Administrator. The best news is we have already started the building repairs. One of our construction managers suggested that we need a training session for our construction managers and the people on site on how this actual construction work should appear or should happen. We will be creating opportunities in the near future that will allow architects and construction supervisors to interact and observe skilled craftsmen as they demonstrate their particular areas of expertise.

Director Shoemaker shared a slide of his May 25th visit to the Colorado School for the Blind and Deaf. Their motto is "Learning is required, You can and will be successful here. You may not elect to fail." Director Shoemaker stated that he would be visiting other schools for the deaf and blind in other states.

Director Shoemaker wished a happy birthday to the OSFC. The OSFC is celebrating its 10th anniversary.

4. Adoption of the May 3, 2007 Meeting Minutes

Vice Chair Quill moved to approve the May 3, 2007 meeting minutes.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

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

Five School Districts have requested participation in the Energy Conservation Financing Program.

Cuyahoga Heights School District of Cuyahoga County:

- Honeywell International, Inc.
- Three Buildings
- Total Cost \$1,332,749
- Annual Savings \$101,733
- Payback Period 13.69 Years
- Lighting Upgrades (3)
- Chiller System Retrofit (1)
- Air-Handler Retrofit (1)
- CO2 Monitoring (1)
- New Natatorium Heat Exchanger (1)

Euclid City School District of Cuyahoga County:

- Brewer-Garrett Co. (Energy Star Partner)
- Four Buildings
- Total Cost \$1,812,099 (Including Interest @ 4.25%)
- Annual Savings \$123,828
- Payback Period 14.6 Years
- Lighting Retrofit (4)
- Gym Lighting Retrofit System (3)
- Boiler Replacement (2)
- Energy Star's Portfolio Manager

Hudson City School District of Summit County:

- Comfort Controls Group, Inc.
- Five Buildings
- Total Cost \$3,805,355 (Including Interest @4.25%)
- Annual Savings \$283,277
- Payback Period 13.4 Years
- Building Automation Controls Upgrades (4)
- Lighting Replacement (5)
- Boiler Replacement (5)
- Water Conservation (4)

Parma City School District of Cuyahoga County:

- Johnson Controls, Inc.
- Nine Buildings
- Total Cost \$3,431,618 (Including Interest @ 4.15%)
- Annual Savings \$230,438
- Payback Period 14.9 Years
- Lighting Retrofit (9)
- Upgraded Automated Energy Mgmt. Sys. (9)
- New Roof (6)
- Building Envelop (2)
- AHU & Roof Top Unit Systems Replacement (3)

Washington County Career Center of Washington County:

- Johnson Control, Inc.
- Two Buildings
- Total Cost \$1,609,395 (Including Interest @ 4.15%)
- Annual Savings \$107,299
- Payback Period 15 Years
- Boiler Replacement (2)
- Roof Top AHU Replacement (2)
- Automate Controls Upgrades (2)
- CO2 Monitoring

Staff has reviewed the five School District applications and the engineering review of each provided by the Ohio Department of Development/Office of Energy Efficiency and recommends the Commission's approval of Resolution 07-43.

Dr. Puckett moved to approve Resolution 07-43.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

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

There is one master facility plan amendment for the Zanesville City School District for approval with a total budget decrease of \$3,896,453. This amendment will change from three new elementary schools to two new elementary schools for the same number of students. By making the change, the district is able to reduce the required local share for CFAP participation to be less than the previously established credit under ELPP. Staff has worked closely with the district in developing the amendment to their facilities plan and recommends approval of Resolution 07-44. Chair Sabety asked when the budget is decreased does it also go to Controlling Board for approval in terms of process. Steve Lutz responded that it does go to Controlling Board.

Vice Chair Quill moved to approve Resolution 07-44.

Chair Sabety seconded the motion.

Approval: Vote 3-0.

7. Expedited Local Partnership Program Master Facilities Plan and Amendment Approval Presented by Steve Lutz

There is one Expedited Local Partnership Program Master Facility Plan for Fairbanks Local School District. This plan will provide for renovations and an addition to the middle and high school and for the construction of a new elementary school. The plan will serve 990 students and is budgeted at \$23,229,226. The state share is \$3,484,384. The local share is \$19,744,843. Staff has worked closely with the district in developing the master facility plan and recommends approval of Resolution 07-45. Dr. Puckett asked why the resolution had conditional approval in the verbage. Steve Lutz responded that the contract goes to the Controlling Board for final approval, so therefore it is conditional upon approval of the Controlling Board.

Dr. Puckett moved to approve Resolution 07-45.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

There is one Expedited Local Partnership Program Master Facility Plan Amendment for Ross Local School District. This master facility plan amendment provides additional facilities for an increased student population. This amendment will serve an additional 367 students by providing additional square footage at each of the five buildings in the original plan. The budget is increased by \$11,258,007. The State share is an increase of \$5,403,843. The local share is an increase of \$5,854,164. Staff recommends approval of Resolution 07-46.

Vice Chair Quill moved to approve Resolution 07-46.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

8. Expedited Local Partnership Program Part Two Agreement and Amendment Approval Presented by Steve Lutz

There is one Expedited Local Partnership Program Part Two Agreement for Fairbanks Local School District. The discrete portion of work the district wishes to construct under the Expedited Local Partnership Program is a new elementary school serving 378 students in Grades PK-5. The budget for this program is \$8,995,455. Staff recommends the approval of Resolution 07-47.

Dr. Puckett moved to approve Resolution 07-47.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

There is one Expedited Local Partnership Program Part Two Amendment for Ross Local School District. The amendment reflects changes in enrollment presented in their amended master facilities plan and additional increases in the scope of the discrete portion. The amendment adds 8,262 square feet to the new high school; adds partial renovations and reduced building addition at Elda Elementary School and increases scope of renovations at the elementary and middle school. The amendment adds \$6,551,843 to the discrete portion budget for a total of \$29,171,090. Staff recommends approval of Resolution 07-48.

Vice Chair Quill moved to approve Resolution 07-48.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

9. Contractor Selection Process Presentation – Presented by Eric Bode

OSFC is involved in various contractor selection and approval processes. We do over \$1 billion a year in trade contracts, where the contract is awarded by the school district and then approved by the Commission. The second big category, approximately \$60 million a year, are architect contracts that are selected by the school district through a request for proposals process and approved by the Commission. The third category is construction manager contracts, totaling \$53.3 million a year, that go through our selection process where a Request for Qualifications is managed by OSFC. The next category is service contracts paid for out of capital dollars (\$5.7 million was spent last fiscal year in this category). These are services provided for a school district project, as opposed to a service that is for the benefit of the whole OSFC. Examples of these are the regional program consultants, facility assessors, educational planning consultants, claim evaluations, and field auditing. These contracts are also selected pursuant a qualifications based selection process. Another \$1 million category is service contracts, but on the operating budget. These are ones that are in support of a statewide effort. For example, our information technology is not for one particular school

district, but supporting all the school districts together. This goes through a similar qualifications based selection process for anything over \$25,000. A special area to mention is legal contracts. We spend approximately \$500,000 each year on special counsel who are selected by the Office of the Attorney General. Most are funded out of capital appropriations. The last category is process contracts. A selection process is used to prequalify vendors that the school districts can use. For instance, commissioning agents go through an OSFC selection process, however OSFC does not award a dollar amount or pay them directly. Based on our selection process, school districts can use any of the pre-selected vendors and pay them from project funds.

Eric Bode described the selection process with a slide presentation describing the various phases of the process. The process begins by announcing the contract opportunity. It is posted on our website and notification is sent to a list of known vendors and advertised in newspapers. The announcement includes a scope of services, submission requirements, evaluation criteria, due date, EDGE participation, as well as, a reminder of the laws that govern campaign contributions. The next step is the proposal evaluation process. Three or more OSFC staff members review the proposals; the firms with the highest point totals are selected for a structured interview. An interview outline is provided to each firm; interviews are scheduled to provide the same amount of time for each firm to meet with the interview committee. Each interview committee is made up of OSFC staff and sometimes school districts and other outside people are requested to participate on committees. After interviews are completed, three people rank the firms; a ranking of #1 meaning the firm is most qualified to provide the services. The firm or firms with the lowest point totals are selected. All firms that interviewed are then notified of the selection. All records associated with the proposal and interview process are public documents and are made available for firms to review at the conclusion of the selection process.

A few process points to share are: OSFC is specific that there is not to be communication outside of the structured procedures that would in any prejudice the selection process. Therefore, there are no conversations with firms outside of the official question and answer process described in the advertisement. The questions and answers are posted on the OSFC website so all firms can see the answers. We also have a separation of duties so if there is a particular staff member that works with a firm and signs off on invoices, they would not be involved directly in the ranking process. They could be involved in the interview process, but they would not participate in the ranking process. All of this work is performed by OSFC staff, a cross section of qualified staff: architects, engineers, field people, etc. that are involved in the interview process.

Vice Chair Quill asked how a firm becomes a "known vendor." Eric responded OSFC is purchasing services that we have contracted in the past, so current contractors are in the category of a known vendor. Also, vendors who are interested in providing a particular service contact our office and request information about how to participate in the future. Vice Chair Quill expressed his concern to make sure that Ohio companies have an opportunity to see our programs that we need to commit some resources to expand the pool. Vice Chair Quill asked if there was any discussion within OSFC about broadening the scope so more Ohio companies could see what is available from the design aspect. Senator Mumper commented that a package bid was done in his constituency and therefore it excluded local folks from bidding individually and they felt they could have bid cheaper if allowed to bid individually instead of a package. Eric Bode responded that OSFC is certainly interested in anything that can be done to increase that pool and proved examples of working with other agencies. Vice Chair Quill

commented that it is important to make sure that Ohio companies can see opportunities that are presented with an initiative of this scope and scale, so that we can get the best possible price and include as many Ohio companies as we can. Director Shoemaker felt OSFC has a major commitment to do that for all the taxpayers of Ohio. OSFC is anxious to entertain any suggestions that we have to ensure OSFC makes a conscious effort not just an effort to have vendors come to us, but going out and giving the opportunity to vendors. Vice Chair Quill said that he has more than one vendor express concerns that feel they are designed out of the competition. We need to make sure our processes are solid. DAS is available and ready to help in evaluating the procurement process.

Mr. Bode described the contracting process that proceeds after the most qualified firms are selected for the work. OSFC reserves the right to move off any firm if there is not an agreement on the contract. The term of the contract for a construction manager is for the life of a project, however long it takes for that project to be complete. Capital contracts typically have a two-year duration and operating contracts usually have a one-year duration. We come to Commission for approval for any operating or capital contract. If the contract is over \$50,000, it also goes to the Controlling Board for approval. If a contract is amended, it follows the same process – Commission and Controlling Board approval. Chair Sabety asked how do unknown firms become known. Eric Bode replied that we reach out to people that might have knowledge. For instance with the auditing contract, we reached out to the Auditor of State. We also post opportunities on our website and advertise in newspapers. Vice Chair Quill informed the Commission that DAS does have a database and an electronic notification system that we may be able to make available to OSFC. He stated that the more competition, the more transparency, the better price we get and the better message that we send to the business community that we are open for business.

10. Consultant Contracts Approval – Presented by Eric Bode

The operating contract for Information Technology support with Resource International, Inc. is for \$667,000. In 2005 the OSFC issued a Request for Proposal for internal technology support and selected Resource International, Inc. to help create a new software applications and maintain existing ones. In 2006 OSFC embarked on a two-year project called OASIS to bring our data together and provide the highest level of information availability to our staff, consultants and the public. The OASIS effort has already produced web-based applications for the Exceptional Needs Program tracking, ballot tracking, Master Plan export and the School District Information and Reporting Center. Currently OSFC is working on a Project Status webtool, a budget adjustment webtool and a revision to our Career Technical Program of Requirements tool. This contract will support all these efforts plus help OSFC maintain existing applications and systems. This contract will expire June 30, 2008 and contains no rate increases. The staff recommends approval of Resolution 07-49.

Dr. Puckett asked if this was an existing contractor. Eric Bode responded that they had a contract in FY07 and this is for a similar contract in FY08. Chair Sabety asked for an explanation of the type of role this group plays for this amount of money in the context of the IT staff. Eric Bode responded that the biggest piece they do is maintain our current system and highlighted some of the various applications. Chair Sabety expressed her concerns with the contract and noted one the things we have to look at is what is the appropriate use of consultants and what is an inappropriate use of consultants. Consultants are here to do specialized tasks that we cannot do in-house. She questioned whether it would not be smarter as a manager to be thinking about having enough capacity in-house and whether we have contracted out the intelligence of your system. Senator Mumper suggested doing an analysis

and discussing this at another meeting. Senator Mumper commented that as good as OSFC is, are they are doing it the best way they could. Chair Sabety said this is something we are grappling with across state government. Vice Chair Quill commented that from a broader perspective, we are on the precipice of a demographic wave in terms of the impending retirement of the baby boomers. They are going to be moving out of service and there is going to be a considerable brain drain. We are going to have to be about the business of knowledge transfer here. Director Shoemaker suggested we have Bill Taylor, OSFC's Chief of Information Technology, at the next Commission meeting for a further explanation. Dr. Puckett asked if a five-year cost benefit analysis could be done to look at adding employees versus outsourcing. Chair Sabety suggested that we postpone approval of the resolution pending Bill Taylor's discussion. Eric Bode responded that would create a gap in services as the next meeting is not until the end of June. Chair Sabety asked to have a presentation for the next meeting and to review this contract on a quarterly basis.

Dr. Puckett moved to approve Resolution 07-49.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

The operating contract for Program Evaluation Services with Kelly DesRoches Consulting is for \$18,000 and expires June 30, 2008. As OSFC works to more fully develop any program changes or enhancements as a result of the Executive Director's Moving Forward document, this contract provides for additional support for analysis, policy review and the development of educational materials and presentations for Commission activities. Kelly DesRoches will also be available for assistance in preparing the LEED/OSDM comparison report to the General Assembly and for other special projects as needed.

The operating contract for Auditing-General Consulting with Kennedy Cottrell Richards LLC is for \$30,000 and expires June 30, 2008. A provision in the executed project agreements with school districts provides for the OSFC to perform audits of the construction funds maintained by the school districts. In 2004, OSFC created the Agreed-Upon-Procedures Engagements Program. This was done with the assistance of a Certified Public Accountant providing general consulting services and guidance on the American Institute of Certified Public Accounts standards on agreed upon procedures engagements. The general consulting services is an on-going need for the success of the Agreed-Upon Procedures Engagements Program. As experience is gained, areas for improvement in the process are identified, resulting in the need for the procedures to be revised or updated. The general consultant also assists in the review of the reports and may make recommendations for corrective action plans. In December, OSFC issued Request for Proposals with a January deadline. Five firms responded with proposals. Three firms were short-listed and ranked, and the most qualified firm is recommended for a contract. The staff recommends approval of Resolution 07-50.

Chair Sabety asked how the Kennedy Cottrell Richards assignment relates to the audit services in the next resolution. Eric Bode responded that three years ago we started the program for the auditing protocol. We worked with the Auditor of State and developed an agreed upon procedures process for field audits of districts. Chair Sabety asked if they were field audits of districts or of districts' construction programs. Eric Bode replied that they are of districts' construction programs and described the audits. Chair Sabety asked if Resolution 07-50 is for training districts financial staff in the financial procedures OSFC requires in order to participate in the construction program. Eric Bode replied that is part of it, but our Deputy Chief Financial Officer, Lois Snyder, who is in charge of the auditing program, provides much

of the training. Kennedy Cottrell Richards are the experts in the auditing field and would help us with decision-making regarding expansion of the program. Chair Sabety asked if they are also going out and doing the audits. Eric Bode replied yes. Chair Sabety asked if that was a conflict of interest. Eric Bode replied this is one area where the auditors have very well set out standards of conflict and they have a separation of personnel that they address directly with us. After follow-up questions, Chair Sabety suggested that we revise the supporting materials to make separation of personnel very clear. It will protect Kennedy Cottrell Richards. Chair Sabety asked if Kelly DesRoches has worked with us in the past. Eric Bode responded yes, there is a current contract for Kelly DesRoches Consultant. Chair Sabety asked if Kelly DesRoches was a former OSFC employee. Eric Bode responded Kelly DesRoches is a former OBM employee and a former OSFC employee. We did take this through the ethics process to make sure there were no conflicts.

Vice Chair Quill moved to approve Resolution 07-50.
Chair Sabety seconded the motion.
Approval: Vote 3-0.

The capital contracts for Auditing Services are with Julian & Grube Inc. for \$250,000 and with Kennedy Cottrell Richards LLC for \$150,000 and expire June 30, 2009. A provision in the executed project agreements with school districts provides for the OSFC to perform audits of the construction funds maintained by the school districts. In 2004, OSFC created the Agree-Upon-Procedures Engagements program. To perform the Agreed-Upon Procedures engagements, OSFC contracts with recognized accounting firms. Between 2005 and the present, 73 engagements have been authorized. It is anticipated that 40 engagements will be done each fiscal year in the future in order to perform engagements on all OSFC projects. In December, OSFC issued Request for Proposals with a January deadline. Six firms responded with proposals. Four firms were short-listed and ranked, and the two most qualified firms are recommended for contracts. The staff recommends approval of Resolution 07-51.

Chair Sabety asked how often do you go out on a RFP to change the rotation of auditing firms. Eric Bode replied the first one we did was three years ago. We expect to do it again in three years. Dr. Puckett and Chair Sabety asked about the State Auditor's role. Eric Bode responded that we coordinate with the Auditor's Office and ask them for advice, especially when we set up the process. We communicated with them before we sent out the announcement and they approved our process. Because it is not an official audit, it is agreed upon procedures it is a little different from what they normally do, but they were very helpful to us in setting up the program. Dr. Puckett asked if we paid for the State Auditor's work and Chair Sabety asked if these audits are of the construction practices and program. Eric Bode replied that was correct and explained the expanded scope of the OSFC audit. The audit is not part of a project cost - OSFC pays 100 percent.

Dr. Puckett moved to approve Resolution 07-51.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

The capital contracts for Enrollment Projections Services are with Cropper GIS, LLC for \$100,000 and with DeJong Healy, LLC for \$650,000 and expires on June 30, 2009. One of the foundation pieces for any master facilities plan, for Classroom Facilities Assistance Program; Exceptional Needs Program; Expedited Local Partnership Program and the Vocational Facilities Assistance Program, is the enrollment projection. Standard product is a 10-year

projection by grade level. Accuracy in this projection is directly related to the budget and final cost of projects. New this year, direct contract with a GIS firm for analysis for larger projects where it would be helpful to know where kids are located, where schools are and might be located. The staff recommends approval of Resolution 07-52.

Senator Mumper asked if DeJong was the company that made a presentation to the Commission members several years ago. Eric Bode responded that it was. They are a company that is currently doing our enrollment projections and is the number one ranked firm in our selection process. Senator Mumper commented that was a very valuable workshop. Chair Sabety asked if OSFC considered using in-state resources like the Ohio Geographically Referenced Information Program (OGRIP) and asked if there isn't an opportunity for us to use their resources. Eric Bode replied there are times that we have worked with them, but not in doing these types of services. Senator Mumper asked about the services DeJong provides. Eric Bode replied that it was really in helping make decisions on the actual master plan and provides an example of the Switzerland of Ohio School District. DeJong provides information that is invaluable for the school district in order to make decisions and select the right master plan. Chair Sabety said it enables them to figure out where people live, where they work and how long the travel distance is to the school, etc. Eric Bode said the bulk of the work is actual inputting of data. Tools have been developed to make it a lot more accessible and affordable. A lot of the work that we would actually be paying for is getting all the data, getting the data correct and getting presentation materials. Director Shoemaker talked about the issues associated with enrollment projections. Dr. Puckett asked if DeJong tracks how accurate they have been in estimating. Eric Bode stated that, as part of our performance measures, we have looked at the accuracy of the enrollment projections over the past five years. In the past two years we have been trying to be more on target and not overbuilding schools. Chair Sabety recalled previous discussions about Global Insight data and wanted to understand what role they play. Eric Bode replied Global Insights provides costing data used for determining project budgets. We don't use them for demographics. Eric Bode then described the process for enrollment projections. Chair Sabety asked if the data belongs to OSFC and the state to use for other purposes. Eric Bode replied that it does. Eric Bode pointed out that both this and IT contracts are not to exceed dollar amount contracts for two years and are based on assignments that we give them.

Dr. Puckett moved to approve Resolution 07-52.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

The capital contracts for Hazardous Materials Assessment Services are with Lawhon & Associates, Inc. for \$500,000 and with Gandee & Associates, Inc. for \$500,000. This contract will expire June 30, 2009. Environmental engineering analysis can be necessary when special environmental conditions are discovered during the assessment of school building conditions. These firms' special expertise help the OSFC to better determine the costs of clean up, renovation, and replacement of school facilities conditions that include environmental problems. The Consultant notes other environmental hazards discovered during the inspection and walk-through and makes recommendations, as appropriate. These two environmental consultants also perform assessment services of identified and assumed asbestos-containing materials in school facilities. The Consultant's certified Asbestos Hazard Evaluation Specialists conduct walk-throughs of buildings to confirm current locations and estimate quantities of identified and assumed asbestos-containing materials. The Consultants provide cost estimates for removal of all identified and assumed asbestos-containing materials on a per building basis

as related to renovation or demolition and summary sheet listings estimates for all buildings. They also interview building personnel concerning presence, location, age, size and use of underground storage tanks on building sites and perform tests and make recommendations on any areas of loose or peeling paint which may contain lead. The staff recommends approval of Resolution 07-53.

Vice Chair Quill asked what the relationship with these two contractors was long standing or new. Eric Bode responded that both are currently doing work with us. Chair Sabety asked how long they have been working for the Commission. Eric Bode replied they have been working with OSFC for five years. Previous to this we only had general assessments, then about five years ago we recognized that in order to set budgets we really needed the specialized service. Vice Chair Quill asked if they both have been working with OSFC for five years. Eric Bode replied yes. Chair Sabety asked if part of the selection process was a look back at the record of these firms and the accuracy of their projections of actual costs. Eric Bode replied that a large amount of the point total is their past performance. Chair Sabety asked if the Executive Director a part of these deliberations. Director Shoemaker replied that these took place prior to his coming on board.

Vice Chair Quill moved to approve Resolution 07-53.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

This capital contract Claims Evaluation/CMAP Services are with Construction Process Solutions, LTD for \$840,000, H.R. Gray Associates, Inc. for \$400,000, Meridian Consulting Group for \$200,000 and Summit Consulting Services for \$200,000 and expires June 30, 2009. In their review of contractor claims, OSFC relies on their expertise in determining what amount the contractor is entitled to, what is fair and commensurate with the project impact related to schedule and additional work scope. They are necessary because they have the expertise and knowledge to provide an analysis on complicated construction claims. This level of expertise costs money, but it can also justify a reduction in the amount a contractor is paid on a claim. In addition, it is always a better proposition to settle a claim than to litigate. Therefore, it is viewed as money well spent and a good business practice. OSFC retains the services of individuals who are experts at evaluating disputes, identifying risk and responsibility and calculating compensation that may be owed to a contractor in the specific circumstance. OSFC assigns a claim consultant to disputes that are identified by staff as being beyond the capability of the project participants to resolve in the routine course of business. The disputes are typically large dollar amounts with complex facts that intertwine scope and schedule related facts. The OSFC claim consultants are able to objectively look at the facts as they are presented in volumes of project specific records and, working with OSFC and school district counsel, make a recommendation on potential liability. This pro-active approach to claims management is working to avoid the filing of complex construction litigation in Ohio courts. In a small percentage of cases, OSFC will also use a mediator to negotiate a resolution with a contractor, relying upon the analysis of the claims expert to determine a settlement amount that is reasonable for each particular set of facts. The staff recommends approval of Resolution 07-54.

Vice Chair Quill asked about the difference in the contract amounts for the firms. Eric Bode responded that the two out-of-state firms – Meridian and Summit Consulting are more specialized and normally prefer to use the Ohio firms. Chair Sabety asked if these are the same four firms that we have been using. Eric Bode responded that Construction Process Solutions

is the one that we currently have under contract. In the past, Meridian and Summit have done work with us although they currently have not. They were not selected in the most current process. H.R. Gray is one that we have not done work with before. Chair Sabety asked how often this goes out to bid. Eric Bode responded every three years.

Representative Szollosi asked whether the CPS contract is for a review protocol related to the oversight of the construction manager's obligation. Eric Bode replied that some of it is contractual obligations and some of it is industry best practices that we review. Craig Weise, Deputy Chief of Projects, works closely with CPS and oversees the scope of what is reviewed and it has changed over the course of the 3 times performing the construction manager audit process. It is very valuable for us and objective information that we get back and is useful for us in our CM selection process. Representative Szollosi asked how detailed are the audits. Eric Bode explained the high level of detail involved. Representative Szollosi asked if it was fair to say then that the Commission take into account these findings when determining whether or not to utilize a particular construction manager in the future. Eric Bode responded yes. Chair Sabety asked the director about his level of involvement. Director Shoemaker responded that this process started before he started. Chair Sabety suggested that, to provide the Director the time and the ability to review the process, we shorten the term to one year having the contract expire on June 30, 2008. Vice Chair Quill suggested that we stay the course as the contract is currently written, as the board would have the opportunity to terminate for convenience. Dr. Puckett asked if these were not negotiated as of today. Eric Bode responded that these have been negotiated and have not offered them a contract as yet. Chair Sabety asked if part of those negotiated terms is the termination for convenience at any time. Eric Bode responded that all of these are by assignment with a not to exceed amount. We do not have to terminate, we just would not assign any more work. Representative Szollosi commented as long as there are no penalty clause in the contract for termination he thought it would be ok. Eric Bode pointed out that we have done that before for particular non-performing contractors.

Vice Chair Quill moved to approve Resolution 07-54.

Chair Sabety seconded the motion.

Approval: Vote 3-0.

The capital contract for Neutral Facilitators Services are with Project Consultants LLC for \$250,000, RH & associates, Inc. for \$20,000 and North Star Consulting Group for \$30,000. There is also a Process Agreement/Memorandum of Agreement with Project Management Consultants LLC and North Star Consulting Group for \$0. This contract will expire June 30, 2009. OSFC and School Districts are required by law to be "co-owners" of the school buildings during the period of design and construction. The OSFC program management philosophy is that this arrangement is a true partnership, no matter what the local and state share percentages may be, where the state and school district must be in agreement in order to move forward at each phase of the project. The relationship between the state and school districts is further complicated by the employment of consultants who perform different, yet overlapping, services. The architect is to design the building, with the construction manager providing input on constructability and cost of the design. The construction manager is responsible for scheduling the project, with the architect having input on the schedule at macro and micro levels. The OSFC Partnering Program was designed to provide a framework where all the participants in the project convene at the beginning of a project in a workshop format where a neutral facilitator guides the parties through exercises designed to explain who does what, and how decisions are made, with particular focus on problem solving processes to

follow in the event of a disagreement. The neutral facilitator contacts the workshop participants before the gathering to learn more about the specific issues and concerns related to each project, each being a unique combination of people and issues. During the workshop, the neutral facilitator provides a brief overview of the process and then facilitates group discussions designed to establish goals for the project and identify obstacles. The school district, OSFC, architect and construction manager each have an opportunity to provide an overview of how they will participate in project management, who is in charge and how communication will be structured to keep everyone informed. Break out sessions are designed to allow smaller groups to brainstorm ways to overcome the obstacles identified with an action plan reported by each group at the end of the exercise. The OSFC Partnering Program was established in 1999. Besides the workshop that occurs at the beginning of each project, the neutral facilitators also lead workshops with the trade contractors at the beginning of construction and during the close out phase of the project. The trade contractor workshops specifically focus on dispute resolution and how the parties will escalate cost issues so that timely decisions are made to avoid claims that require legal and management intervention. The neutral facilitators are also available to serve in a mediation capacity when required to address complex scheduling or cost impacts that may occur during construction. Time is money in the construction industry, and when costs go up, the law provides for shared responsibility in paying any additional amount. OSFC credits its Partnering Program as the key ingredient in its track record in avoiding litigation. Disputes are best managed by the individuals working on a particular project and the OSFC Partnering Program provides the structure and support for a timely resolution. The staff recommends approval of Resolution 07-55.

Vice Chair Quill moved to approve Resolution 07-55.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

The capital contract for Educational Planning Services is with DeJong Healy LLC for \$340,000, Ricciuti Balog & Partners for \$160,000 and Warner Concepts, LLC for \$340,000. This contract will expire June 30, 2009. OSFC will utilize educational planners to translate the district's educational program into facility requirements. These consultants are often used to determine facility requirements for districts that have large populations of students with disabilities. We most recently utilized an educational consultant to develop a district wide master facility plan for Switzerland of Ohio and to undertake a planning process with the Ohio State School for the Blind and the Ohio School for the Deaf. The Consultant will provide educational planning services, including services related to K-12 and Career Technical facilities, review of standards and specifications for the design of school facilities, educational adequacy analysis, master facilities planning and training.

The Consultant develops a Program of Requirements describing student space needs for a school facility, reviews a Program of Requirements prepared by another to evaluate compliance with Commission standards and performs an educational adequacy assessment of an existing school facility to determine the facility's capacity to support educational activities. The Consultant will also present educational information and training about the Design Manual and current educational planning trends at seminars and training sessions convened by the Commission, assist the Commission by performing studies on educational planning issues associated with the Commission's programs and review studies associated with the Commission's programs and assist the Commission in any necessary response to studies and reports. We issued a RFQ in January with a February deadline and received five responses.

Four firms were short-listed and ranked, and the three most qualified firms are recommended for contracts. The contracts will expire June 30, 2009. The staff recommends approval of Resolution 07-56.

Dr. Puckett moved to approve Resolution 07-56.

Chair Sabety seconded the motion.

Approval: Vote 3-0.

The capital contract for Senior Maintenance Plan Advisor Services is with Adams FM2 for \$275,000. This contract will expire June 30, 2008. The Senior Maintenance Plan Advisor is a subject matter expert that promotes the OSFC goals for providing technical guidance and support to school districts maintenance operations by working with the MPA's and the OSFC staff. They provide technical review and editorial oversight of the school district maintenance plan development and support to the OSFC in the effort of continuous improvement. A major focus is to support the MPA's in their role as consultant to the school facilities operations. A major component is to review and comment on maintenance plans submitted to the OSFC for approval, provide training and scheduled reviews to the MPA's and provide updates and improvements to OSFC maintenance plan tools and processes. The staff recommends approval of Resolution 07-57.

Chair Sabety asked how much the school district pays in total contract volume. Eric Bode responded that we are doing between 80-100 buildings between all of our programs. A typical building might cost \$8,000, so it is something like \$800,000 worth of maintenance plans a year. \$1.6 million over a two-year period. Mark Wantage said for a basic plan we are looking at ten cents a square foot. Chair Sabety said to make sure that \$1.6 million is well spent we are spending \$275,000. Mark Wantage said that is correct. Matt Adams is upgrading and improving the product that we supply to the maintenance plan advisors to help them provide their services on a more standardized basis. Eric Bode explained that we have a webtool that takes the input for the specifics of the building and then generates reports out of that. So if we have a certain type of a system in there, it is then translated to person hours. Matt Adams makes sure that tool is correct and updated. It is not just review of other peoples work, but develop, update and improve the tool itself.

Dr. Puckett moved to approve Resolution 07-57.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

The process agreement/memorandum of agreements for Prequalified Maintenance Plan Advisors is for \$0. This contract will expire June 30, 2009. This is the third agreement to pre-qualify Maintenance Plan Advisors. Three firms have been with the program from the inception. Two are new to the prequalified group - GBBN Architects, Inc. and Steed Hammond Paul, Inc. The MPA's are to provide support to the school districts of Ohio in developing their maintenance plans. They are trained to develop a maintenance program that meets both the school districts needs and maintains the OSFC standard for sustainability and effectiveness. As the program has matured the focus on the role as consultant is emphasized. Energy efficiency and HB-203 (*Jerrod's law*) and staffing support issues are addressed and blended into the new base requirements of the maintenance plan. Each of the MPA's has additional separate individual areas of expertise and style that will provide benefit to districts beyond the OSFC basic services as requested by the school districts. The MPA's are available

for selection by the school districts and can be considered a project cost. The staff recommends approval of Resolution 07-58.

Dr. Puckett moved to approve Resolution 07-58.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

The capital contract for Financial Close Out Services is with Pat Williard for \$25,000 and expires June 30, 2008. In 2006, OSFC approved a one-year contract for finance support with Patricia Williard. The focus of this support is to provide assistance in the financial reconciliation of construction projects. It is important that the financial closeouts occur timely, however, there currently exists a backlog of older projects that, for a variety of reasons, have not been closed out. The assistance is still necessary as time OSFC staff has to devote to performing the closeout reconciliations is limited. Mrs. Williard will provide assistance for approximately two days a week. Mrs. Williard is a licensed school treasurer, who has experience with an OSFC construction project. The staff recommends approval of Resolution 07-59.

Vice Chair Quill moved to approve Resolution 07-59.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

11. 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
Buckeye Central LSD	New K-12 School	Buehrer Group Architecture & Engineering, Inc.	\$1,089,940
Mount Gilead EVSD	Renovations/additions to Park Avenue Elementary School and Mount Gilead High School	MKC Associates, Inc.	\$1,213,620
North Central LSD	One New Elementary School and renovations/additions to Norwayne High School	MKC Associates, Inc.	\$1,684,587

Amendments:

School District	Project	Architect	Fees to Date	Amount	Total
Fairfield Union LSD	Additional services and schematic design services for Bremen Elementary School	Burgess & Niple, Inc.	\$3,523,066.35	\$288,833.00	\$3,811,899.35
Newton Falls EVSD	Additional design services at the K-2 and High School Projects resulting from additional renovation	Ricciuti, Balog & Partners Architects	\$1,015,374.00	\$164,831.00	\$1,180,205.00

Locally Funded Initiatives:

School District	Project	Architect	Amount
Newton Falls EVSD	14,000 SF of renovation and 6,000 SF addition to the 7-12 Jr./Sr. High School and a sitework assessment at the K-2 Elementary School	Ricciuti, Balog & Partners Architects	\$46,679.00
North Central LSD	Additional Design Services	MKC Associates, Inc.	\$30,000.00

Dr. Puckett moved to approve Resolution 07-60.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

The following interim architect agreement for the Ohio School for the Blind and the Ohio School for the Deaf was presented for approval. HB699 appropriated \$4 million for the planning and design phase of a new consolidated school and residential facilities for the Ohio State School for the Blind and the Ohio School for the Deaf. It also designates the Executive Director, in consultation with the Superintendents of both schools and the Director of the Office of Budget and Management to determine the scope and budget of the project. A Request for Proposals was advertised in February with tremendous response from the design community. Four firms were interviewed and Steed Hammond Paul, Inc. was selected as the most qualified firm. Both schools participated with OSFC staff throughout the selection process. Dr. Puckett has also been actively involved with this project. This interim agreement is for services to complete the Schematic Design phase to assist in establishing the projects scope and budget. The Schematic Design phase is approximately 25% of the overall design effort. In this phase many of the major decisions are made regarding the overall layout and shape of the buildings. This agreement follows OSFC's standard contract language for these services and has one significant modification. Since by law OSFC will be administering all contracts, reference to school districts within the standard language has been removed. The Commission staff recommends approval of Resolution 07-61.

Architect	Amount	Agreement
Steed Hammond Paul Inc.	\$612,038	Interim Agreement

Dr. Puckett commented that the staff of OSFC has done an outstanding job. The Director has been at every meeting. We want this to be a marquee world-class project. A lot of work has gone into this and a lot of work will have to go into this to make it work. Chari Sabety also provided her thanks to the OSFC staff.

Dr. Puckett moved to approve Resolution 07-61.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

12. Construction Manager Agreements and Amendment Approval – Presented by Craig Weise

The following Construction Manager agreements were presented for approval.

CM Firm	District	County	Total CM Compensation
Hammond Construction Inc.	Hubbard EVSD	Trumbull	\$2,819,638
Turner Construction Company	Mount Healthy CSD	Hamilton	\$4,172,522
R.P. Carbone Company	Southington LSD	Trumbull	\$1,113,220
The Ruhlin Company	North Central LSD	Wayne	\$1,551,661
The Quandel Group, Inc.	Zanesville CSD	Muskingum	\$3,137,943

The Commission staff has reviewed and recommends the approval of Resolution 07-62.

Vice Chair Quill moved to approve Resolution 07-62.
 Dr. Puckett seconded the motion.
 Approval: Vote 3-0.

The following Construction Manager amendments were presented for approval. To complete the Jefferson Local School District project, Construction Manager services will need to be extended to manage the remaining summer work scheduled while school is out of session. The Commission staff has reviewed and recommends the approval of Resolution 07-63.

School District	Construction Management Company	Amount
Jefferson Local SD	Bovis Lend Lease, Inc.	\$25,000

Dr. Puckett moved to approve Resolution 07-63.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

The following interim Construction Management Services agreement for the Ohio School for the Blind and the Ohio School for the Deaf was presented for approval. This interim agreement is for Construction Manager services through the Schematic Design phase. A second interim agreement will be presented to the Commission for approval by the end of this year. This second interim agreement will extend both the Architect and the Construction Manager's services through the completion of the design phase as HB699 appropriations provided. The Commission staff has reviewed and recommends the approval of Resolution 07-64.

CM Firm	Amount	Agreement
Bovis Lend Lease, Inc.	\$358,616	Interim Agreement

Vice Chair Quill moved to approve Resolution 07-64.
 Dr. Puckett seconded the motion.
 Approval: Vote 3-0.

13. Trade Construction Contracts Approval – Presented by Craig Weise

All contracts represent the lowest responsible bidder. All are the lowest responsible bidder except for two. At Defiance City School District, Great Lakes, the low bidder had submitted a qualification letter attached to their bid form that excluded certain scopes of work. After having communicated with the contractor that such a qualification would render their bid non-responsive, the company withdrew their bid. Acro was the second low bidder and lowest responsive and responsible bidder. At Toledo City School District, Stanley the apparent low bidder withdrew their bid upon discovering that they had made a mathematical error. Doan Pyramid was the second low bidder and lowest responsible bidder. The Commission staff has reviewed and recommends the approval of Resolution 07-65.

<u>School District</u>	<u>Contracting Entity</u>	<u>Scope Of Work</u>	<u>\$ Amount</u>
Akron CSD	Stathos Construction Co.	General Trades	\$114,260.00
Akron CSD	M & M Electric Contractors Inc.	Electrical/Technology	\$13,428.00
Cincinnati CSD	Tom Sexton & Associates	Academic Furniture	\$308,594.22

Cincinnati CSD	Continental Office Furniture Corp.	Office Furniture	\$189,837.00
Cincinnati CSD	Continental Office Furniture Corp.	Academic Furniture	\$176,915.00
Cincinnati CSD	Tom Sexton & Associates	Academic Furniture	\$227,959.60
Cincinnati CSD	Continental Office Furniture Corp.	Office Furniture	\$141,028.00
Cincinnati CSD	Ken Neyer Plumbing , Inc.	Plumbing	\$540,560.00
Cincinnati CSD	Feldkamp Enterprises, Inc.	HVAC	\$1,463,000.00
Cincinnati CSD	Evans Landscaping, Inc.	Demolition	\$123,800.00
Cincinnati CSD	Dalmatian Fire Protection	Fire Protection	\$151,474.00
Columbus CSD	K & W Roofing, Inc.	General Trades	\$678,318.00
Columbus CSD	Capital City Electric, LLC	Electrical	\$13,472.00
Columbus CSD	Econco, Inc.	HVAC	\$170,000.00
Columbus CSD	Dynalectric Company of Ohio	Electrical	\$5,340.00
Columbus CSD	Ohio Heating and Refrigeration	HVAC	\$65,780.00
Dawson-Bryant LSD	Tom Sexton & Associates	Loose Furnishings	\$32,431.84
Dawson-Bryant LSD	Zimmerman School Equipment, Inc.	Loose Furnishings	\$107,386.91
Dawson-Bryant LSD	School Specialty, Incorporated	Loose Furnishings	\$17,052.14
Dawson-Bryant LSD	Zimmerman School Equipment, Inc.	Loose Furnishings	\$28,396.00
Dayton CSD	Innovative Energy Solutions	DDC System	\$164,888.00
Dayton CSD	Sollmann Electric Company	Electrical	\$1,080,700.00
Dayton CSD	Dalmatian Fire, Inc.	Fire Protection	\$178,700.00
Dayton CSD	Starco, Inc.	HVAC	\$1,160,700.00
Dayton CSD	Hobbs Industrial Piping, Inc.	Plumbing	\$598,700.00
Dayton CSD	Staffco Construction, Inc.	General Trades	\$5,344,820.00
Dayton CSD	Avenue Fabricating, Inc.	Structural Steel	\$2,782,494.00
Dayton CSD	Better Built Construction, Inc.	Pre-Cast Wall Panels	\$3,147,000.00
Defiance CSD	Arco, Inc. * * *	Food Service Equipment	\$484,300.00
Fairless LSD	Service Supply, Ltd, Inc.	Telescoping Stands	\$40,700.00
Galion CSD	Badger Construction Co., Inc.	Demolition	\$92,488.00
Indian Valley LSD	LVI Services	Hazardous Material Abatement	\$189,490.00
Indian Valley LSD	Tom Sexton & Associates	School Specialty Items	\$605,692.54
Indian Valley LSD	Continental Office Environments	Office Furniture	\$281,310.04
Jefferson LSD	Watson-Shonebarger General , LLC	Demolition	\$168,453.00
Licking Valley LSD	Continental Office Environments	Loose Furnishings - Library & Office Furnishings	\$330,004.62
Licking Valley LSD	Tom Sexton and Associates	Loose Furnishings - Classroom Furnishings	\$283,129.86
Mechanicsburg EVSD	Tony Smith Wrecking & Trucking Co.	Demolition	\$363,000.00
North Fork LSD	The Knoch Corporation	General Trades	\$4,224,800.00
North Fork LSD	Gaylor, Inc.	Electrical	\$2,380,000.00
North Fork LSD	Gutridge Plumbing, Inc.	Plumbing	\$1,218,354.00
North Fork LSD	Gutridge Plumbing, Inc.	Fire Protection	\$616,400.00
North Fork LSD	F H Martin Contractors	General Trades	\$4,563,000.00
North Fork LSD	Louis R. Polster Company	Kitchen Equipment	\$351,898.00
North Fork LSD	H & A Mechancial, Inc.	HVAC	\$2,950,000.00
North Fork LSD	M T Business Technologies	Technology	\$759,000.00
Painesville City LSD	Continental Office Furniture Corp	Loose Furnishings (Office and Miscellaneous Furnishings)	\$103,561.80
Painesville City LSD	Price & James Htg & Ref. Co.	HVAC	\$1,205,000.00
Painesville City LSD	V.I.P. Electric Company	Electrical	\$994,000.00
Painesville City LSD	The John F. Gallagher Company	Plumbing	\$561,494.00

Painesville City LSD	Tom Sexton and Associates, Inc.	Loose Furnishings (Classroom Furnishings)	\$114,395.38
Painesville City LSD	Fire Protection, Inc.	Fire Protection	\$138,600.00
Painesville City LSD	Doan Pyramid, LLC	Security	\$68,800.00
Painesville City LSD	Service Supply LTD, Inc.	Bleachers	\$83,930.00
Painesville City LSD	Great Lakes Crushing, Ltd	Sitework	\$1,347,000.00
Painesville City LSD	C. T. Taylor Company, Inc.	General Trades	\$5,330,400.00
Tecumseh LSD	Kelchner, Inc.	Utility Relocation & Sitework	\$345,861.00
Toledo CSD	Doan/Pyramid, LLC * * *	Technology	\$2,120,940.00
Toledo CSD	Folding Equipment Company, LLC	School FFE	\$344,265.00
Vinton County LSD	Microman, Inc.	Technology Infrastructure	\$193,049.00
Vinton County LSD	BrenMar Construction, Inc.	Plumbing	\$616,000.00
Vinton County LSD	Continental Educational Environments	Media Center Furniture, Teacher/Office Furniture	\$544,226.39
Vinton County LSD	Claypool Electric, Inc.	Electrical	\$1,166,150.00
Vinton County LSD	Tom Sexton & Associates	Classroom Furniture/ Miscellaneous Furniture	\$634,989.00
Vinton County LSD	H & A Mechanical, Inc.	HVAC	\$988,000.00
Vinton County LSD	Lepi Enterprises, Inc.	Asbestos Hazard Abatement and Related Work	\$267,080.00
Vinton County LSD	D. V. Weber Construction, Inc.	Wastewater Treatment Plant	\$164,985.00
Vinton County LSD	Robertson Construction Services, Inc.	General Trades and Masonry	\$5,431,745.00
Warren CSD	Stanley Security Solutions, Inc.	Video Distribution Systems	\$305,000.00
Warren CSD	Crosby Mook Office Equipment, Inc.	School Specialties - Loose Furnishings	\$333,947.40
Warren CSD	Continental Office Environments	Loose Furnishings	\$221,750.40
Warren CSD	MCPc, Inc.	Data Network Hardware	\$427,113.00
Youngstown CSD	Cardinal Environmental Services, Inc.	Asbestos Hazard Abatement & Related work	\$32,980.00
Youngstown CSD	Cardinal Environmental Services, Inc.	Asbestos Hazard Abatement & Related Work	\$75,860.00
Lowest Responsible, Second Low Bidder * * *		Total	\$63,090,177.14

Senator Mumper asked if there were any prevailing wage reflected in the contracts. Director Shoemaker replied that there were no requests pending from any of these districts regarding the bidder criteria changes. Senator Mumper commented that he is really pleased with the attitude about saving money in many of the discussions. Senator Mumper reiterated his concerns about costs and one method costing more than another. He felt we could throw that conversation away by simply allowing the contractors if a school requested prevailing wage or project labor agreements allowing contractors to bid all three ways – the way we have been bidding for the last ten years and if a higher priced choice was made that would be fine, but the OSFC would only pay the percentage they paid before and the school district would be held liable to pay the higher prices. Senator Mumper felt that would be good to add to the other resolution. Chairman Sabety responded that we are in the midst of attempting to implement the quality bidder requirements. The spirit of what Senator Mumper suggested around the permissive nature of the resolution we passed to allow school districts if they so chose in implementing quality bidder requirements as part of their process at the local level. That we would not stand in the way if they so chose to bring in a union project on schedule, on budget that met that guideline, we would certainly not prohibit as was previously the case the use of those wage guidelines. That was the approach we wanted to take, that it was up to the local school districts and the Executive Director and others are beginning to work that through the process. We have asked as a group to hear back regularly on this. Director

Shoemaker replied that one of things on which he has been very insistent that any acceptance of the model bidder criteria that there is face-to-face discussion with and either the board of education or the administration to understand that shared risk philosophy that we currently have with the district. We want everyone to understand the implications going in.

Dr. Puckett moved to approve Resolution 07-65.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

14. Authority to File Suit Approval – Presented by Jerry Kasai

The Mansfield City School District in its participation in the Exceptional Needs Program, and with Commission approval, entered into a contract with Metal Mark, Inc. to install roofs supplied by Dimensional Metals (DMI) and Carlisle Syntec (Carlisle) on a new high school. Subsequent to completion of the Project, numerous instances of defective work on the roof installed on the Project have been discovered necessitating replacement of the metal roof, and repair of the membrane roof on the Project. After demand, Metal Mark, and its surety, along with DMI and Carlisle, has refused to participate satisfactorily in a solution to the roof problems at the Project. The OSFC and School District desire to recover the amounts to be expended on the Project due to the roof replacement work, and any other defective work that must be repaired or replaced on the Project. Staff recommends approval of Resolution 07-66.

Representative Szollosi asked if this was faulty workmanship, a situation where the contractor was in over his head, or not qualified to do the work. Jerry Kasai responded that a number of things happened on this project and detailed the issues related to this metal roof installation. Representative Szollosi asked if Metal Mark is the roofing contractor and was the prime contractor. Jerry Kasai responded that Metal Mark was the prime contractor and that this is a multiple prime building where there were a number of bid packages. Representative Szollosi commented that it is very important that we indicate when there is a problem with a contractor so that we do not continue to repeat errors over and over again with respect to the use of contractors that may not be qualified to do this type and scale of work. Jerry Kasai responded that it is something we work on everyday at OSFC and among our staff. Our construction managers have access to a database they can cue up and see where a contractor worked, allowing the construction managers to call each other for their input. Senator Mumper asked if Dimensional Metal was the supplier and who was Carlisle Syntec. Jerry responded Dimensional Metals is the actual supplier of the roof and Carlisle Syntec was the subcontractor to Metal Mark that installed the membrane roofs. American Casualty was the original surety for Metal Mark and American Casualty was purchased by CAN. Senator Mumper asked if it is normal to name the construction manager. Jerry Kasai responded that as of the present time our legal team does not see a substantive reason to add the construction manager or the architect to this lawsuit. Chair Sabety asked if these companies have been involved in building roofs of any kind for any other OSFC projects. Jerry Kasai responded that they have. Metal Mark is not on any jobs at this time. Dimensional Metal is a roof supplier on a number of our projects. Carlisle Syntec is a rather large company that puts membrane roofs on facilities. Chair Sabety asked if we have reviewed the other roofs these three companies have constructed to determine if there is a pattern of these practices. Jerry Kasai responded that to his knowledge we have not had any other issues specifically with these companies. Chair Sabety and Representative Szollosi asked several follow-up questions regarding the work of these contractors on other projects. Representative Szollosi then asked about the role of the Construction Manager. Jerry Kasai

responded that the Construction Manager has a number of obligations under its contract. The one you are referring to is constructability and inspection and during the construction of the roof. Representative Szollosi commented the responsibility of the Construction Manager on OSFC projects. Vice Chair Quill asked if it was true that this resolution will authorize us to add the Construction Manager and the Architect after discovery. Jerry Kasai responded if at a later time we decide additional parties need to be added, this resolution gives our legal team the authority to add those parties to it. Chair Sabety asked if Jerry would be working in cooperation with the Attorney General's Office. Jerry Kasai responded that he would.

Vice Chair Quill moved to approve Resolution 07-66.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

15. Public Testimony

Al Adams provided testimony to the Commission regarding Frontier Local School District. A copy of his testimony is attached to the minutes.

Director Shoemaker thanked Mr. Adams for his information. Director Shoemaker assured Mr. Adams that when these issues come to him, he would be glad to meet to discuss the situation. Representative Szollosi shared his concern that the absolute low bidder is always the best bidder. Chair Sabety said there must be a way in which we allow local communities to put their knowledge of contractors into the process.

Director Shoemaker detected a concern on the amount of money spent on consultants versus in-house staff. We will report back to the Commission what we think would be the necessary equivalent in-house to do the work we are doing outside with consultants.

Meeting was adjourned at 5:05 PM.



J. Pari Sabety, Chair

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

Ohio School Facilities Commission Meeting

Witness Form

Name: Alan Adams Title: _____

School District/Company: OHIO CONSTRUCTION COALITION

Address: 5312 Elaine City/State/Zip: Tokdo, OH

Phone: 419-350-5700 Fax: _____

Testimony Subject:

CONTRACT AWARD @ CANTON

HARTFORD MIDDLE SCHOOL

Will you be providing handouts/materials? YES

*****Please return the Witness Form and ten (10) copies of your testimony and materials to the Committee Secretary prior to testifying.*****

My name is Alan Adams, and I live in Toledo, OH. I have addressed this Commission on several occasions, regarding topics such as the lack of Form 26 enforcement that documents who actually is working on OSFC projects. The lack of Contractor Evaluations, that document the quality and timeliness in which contractors perform on OSFC projects. The poor quality of work performed at Frontier Local School District, Gibsonburg School District, and other related topics.

Today I would like to address an issue that is probably the most important of all, which is the issue of local control and responsible contracting. Through the review of the documents made public it is obvious that the local school board had reached a decision, based on factual evidence, that an apparent low bidder was not qualified to do the HVAC work on a project at Hartford Middle School in Canton OH. The school board reviewed the documentation and voted not to accept the low bidder. After that, the OSFC Project Administrator addressed the school board and told them that the OSFC actually had the final say and that their insistence on a competent contractor rather than the low bidder would cause them to lose funding for the project. This is what has happened to so many school districts that have accepted OSFC money; they have been forced to accept substandard quality buildings in order to keep their funding. The documents I have provided today will show just how blatantly this Commission has ignored the local officials and been willing to buy strictly on price without regard to quality.

The school board did its homework prior to the contract award of the HVAC contract at Canton Hartford Middle School and studied the due diligence provided by Ruhlin Co., the Construction Manager appointed by the OSFC. Much of the documentation stated that, according to prior project contacts, the low HVAC bidder would be seriously challenged to successfully complete the Hartford Middle School project. On April 14, 2003 the school board voted to accept 5 bids on the Hartford Middle School project, rejecting all others. On June 9, 2003 the school board voted 3-2 to reject the low HVAC bidder. On June 23 the school board voted again on the low HVAC bidder and was undecided. On July 14, 2003 the Canton school board voted 4 to 1 to accept the low HVAC bidder. At that time, Jeff Tuckerman, the OSFC Project Administrator stated to them that "If the board choose not to approve the lowest responsible bidder, it put the Hartford project at risk for delays. The OSFC staff will not recommend another bidder in this particular case to its governing body and payment will not be made"

I have also provided for your viewing a newspaper report from the Canton Repository that describes the conditions at the newly built Hartford Middle School. As you will probably be able to conclude, had the local school board been able to make the proper decision based on criteria other than just the lowest price, they would most likely not be experiencing the major HVAC problems that now plague this building.

Now is the time for this Commission to not only allow local school districts to define responsible contractors, but should be actively partnering with the school districts to insure that quality and not just price is the main component in the decision to award contracts. This is what the taxpayers of this State deserve.

Monday, April 14, 2003

14

William Paulk, From: Custodian; To: Custodian Fireman, step 3, 260 day term, e. March 31, 2003

Mark Riley, From: Custodian; To: Custodian Fireman, step 3, 260 day term, e. March 31, 2003

Carmen Settles, Bus Driver, From: 7.75 hours per day; To: 8 hours per day, e. March 31, 2003

Roll call: Ayes; Mclwain, Baughman, Milligan, Alecusan and Harold.
Motion carried.

03-130 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Milligan moved, seconded by Mr. Alecusan that the Board of Education approve the following support staff employee to receive a stipend, e. 2002-2003 contract year
Sue Rossetti, \$866.10, Ohio Reads Grant

Roll call: Ayes; Mclwain, Baughman, Milligan, Alecusan and Harold.
Motion carried.

03-131 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Alecusan moved, seconded by Mr. Baughman that the Board of Education does approve the Lease Agreement with Melchizedek Ministries for rental of Fawcett Stadium for the National Day of Prayer as on file in the Business Manager's Office.

Roll call: Ayes; Baughman, Milligan, Alecusan and Harold.
Abstain; Mclwain.
Motion carried.

03-132 Upon the recommendation of Dianne Talarico, Superintendent, Mrs. Mclwain moved, seconded by Mr. Baughman that the Board of Education does authorize the Supervisor of Food Services to prepare specifications and advertise for bids for the following food service items for the 2003-2004 school year:

- Bakery Products
- Dairy Products

Roll call: Ayes; Mclwain, Baughman, Milligan, Alecusan and Harold.
Motion carried.

03-133 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Baughman moved, seconded by Mr. Milligan that the Board of Education does accept the base bid of \$31,181.00 and linear foot unit cost submitted by Seneca Systems, Inc. for the abatement of the former warehouse as part of the Technology Academy Project, as on file in the Business Manager's Office.

Be It Resolved that this Board of Education does reject the square foot unit cost submitted by Seneca Systems, Inc. and all other bids submitted.

Roll call: Ayes; Mclwain, Baughman, Milligan, Alecusan and Harold.
Motion carried.

03-134 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Milligan moved, seconded by Mr. Alecusan that the Board of Education does accept the base bids and alternates for the construction packages submitted by the contractors listed below for the renovation of Hartford Middle School, as on file in the Business Manager's Office.

W. G. Fairfield Co.	\$2,058,625.00
Komar Plumbing Co., Inc.	\$199,082.00
S. A. Comunale	\$131,350.00
Sander Electric	\$1,079,204.00
ASCC	<u>\$139,145.00</u>

Total contracts awarded \$3,607,386.00

Be It Resolved that this Board of Education does reject all other bids submitted.

Roll call: Ayes; Mclwain, Baughman, Milligan, Alecusan and Harold.
Motion carried.

03-135 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Alecusan moved, seconded by Mrs. Mclwain that the Board of Education does accept the base bid and unit pricing submitted by the contractors listed below for the abatement and demolition of the former Worley Elementary School, as on file in the Business Manager's Office



Monday, June 9, 2003

12

03-199 Upon the recommendation of Dianne Talarico, Superintendent, Mrs. McIlwain moved, seconded by Mr. Milligan that the Board of Education does approve the Program of Requirements for McKinley Senior High School Design for the Future project as on file in the Business Manager's Office.

Roll call: Ayes; McIlwain, Milligan, Alecusan and Harold.
Motion carried.

At this time President Harold expressed his concerns about the reduction of the physical activity center and Risaliti Field on the Timken Campus.

03-200 Upon the recommendation of Dianne Talarico, Superintendent, Mrs. McIlwain moved, seconded by Mr. Milligan that the Board of Education does exercise the option to extend by one year, the present contract with Preferred Meal Systems of Rolling Meadows, Illinois, for providing pre-plated school lunch meals. Price for the 2003 - 2004 school year is in the amount of \$1.10 per meal.

That this Board of Education does accept the quotation of Nickies Bakery, Inc. of Navarre, Ohio for supplying bakery products for the 2003 - 2004 school year, as on file in the Business Manager's Office.

That this Board of Education does accept the quotation of Reiter Dairy, Inc. of Akron, Ohio for providing dairy products for Canton City Schools for the 2003 - 2004 school year, as on file in the Business Manager's Office.

Roll call: Ayes; McIlwain, Milligan, Alecusan and Harold.
Motion carried.

03-201 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Milligan moved, seconded by Mr. Alecusan that the Board of Education does accept the bid of Abell Elevator for the Elevator project at Hartford Middle School in the amount of \$42,840 for the Design for the Future project, as on file in the Business Manager's Office.

Be It Further Resolved that this Board of Education does reject all other bids.

That this Board of Education does accept the bid submitted by Joseph Jeffries Co., Inc. in the amount of \$219,510.00 for the site work for the Timken Campus Commons/Physical Education Building, as on file in the Business Manager's Office;

Be It Further Resolved that this Board of Education does reject all other bids submitted.

That this Board of Education does accept the bid submitted by Abbott Electric, Inc. as listed below for the replacement of the fire alarm systems at Baxter, Dueber and Mason Elementary Schools, as on file in the Business Manager's Office;

Baxter Elementary School	\$29,300.00
Dueber Elementary	\$23,500.00
Mason Elementary	\$19,000.00

Be It Further Resolved that this Board of Education does reject all other bids submitted.

Roll call: Ayes; McIlwain, Milligan, Alecusan and Harold.
Motion carried.

03-202 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Alecusan moved, seconded by Mrs. McIlwain that the Board remove from the table at the April 14, 2003 regular meeting a resolution accepting the bid of Gene's Refrigeration, Inc. in the amount of \$1,375,000.00 for Hartford Middle School. X

At this time Mr. Chiappini spoke regarding Gene's Refrigeration. He noted that the construction manager thoroughly researched the contractor and noted that several sub-contractors have been switched.

Roll call: Ayes; Milligan and Alecusan.
Nays; McIlwain and Harold.
Motion failed.

03-203 Mrs. McIlwain moved, seconded by Mr. Milligan that the schedule of regular board meetings be changed from September 2003 through December 2003 to a special/study session for the first meeting of each month and that the attached schedule of meetings be approved at the January 2004 organization meeting.

Monday, June 23, 2003

14

That the Board of Education does approve extended time, as needed, for the following Support Staff
 Tamsen Kissenberger Penelope Reese
 Peggy Murphy

Carol Newport, From: Lunchroom Manager; To: Building Assets and Character Coach, step 1, 6 hours per day, 186 day term, e. August 25, 2003

Roll call: Ayes; Baughman, Milligan, Alecusan and Harold.
 Motion carried.

03-229 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Baughman moved, seconded by Mr. Milligan that the Board remove from the table at the June 9, 2003 regular meeting a resolution accepting the bid of Gene's Refrigeration, Inc. in the amount of \$1,375,000.00 for Hartford Middle School. X

Roll call: Ayes; Baughman, Milligan, Alecusan and Harold.
 Motion carried.

03-230 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Milligan moved, seconded by Mr. Alecusan that the Board of Education does accept the bid of Gene's Refrigeration for the Mechanical/HVAC portion of the Additions and Renovations project at Hartford Middle School Design for the Future project in the amount of \$1,375,000.00 as on file in the Business Manager's Office; X

Be It Further Resolved that all other bids are rejected.

Roll call: Ayes; Milligan and Alecusan.
 Nays; Baughman and Harold.
 Motion undecided.

At this time Mr. Baughman gave the Legislative Report which included:

- State budget
- Pledge of Allegiance time in school
- HB 205

03-231 There being no further business to come before the Board, Mr. Baughman moved, seconded by Mr. Milligan, that the meeting be adjourned.

Roll call: Ayes; Baughman, Milligan, Alecusan and Harold.
 Motion carried. The meeting adjourned at 8:52 p.m.


 Frederick C. Harold, President


 James A. Reinhard, Treasurer

Monday, July 14, 2003

7

03-254 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Alecusan moved, seconded by Mrs. McIlwain that the following item be approved:

WHEREAS, McKinley Senior High School has experienced the complete failure of water heating equipment and storage tanks and is in need of immediate and substantial renovations to accommodate the students and staff for the start of the school year 2003-2004; and

WHEREAS, compliance with the procedures for the advertisement of bids prescribed by RC 3313.46 would delay the commencement of the needed renovations for an excessive period and could result in the continued loss of hot water service for the students and personnel of McKinley Senior High School;

BE IT RESOLVED by this Board of Education that:

Section 1. It is found and determined pursuant to RC 3313.36 that there is an urgent necessity for the replacement of the hot water tanks and storage tanks at McKinley Senior High School.

Section 2. It is further found and determined that compliance with the procedures for the advertisements for bids prescribed by RC 3313.46 would delay commencement of the needed renovations for an excessive period and pose a potential undue threat to the welfare of the students and personnel of McKinley Senior High School.

Section 3. The Business Manager is hereby authorized to enter into a contract for the necessary repair without competitive bids.

Roll call: Ayes; McIlwain, Baughman, Milligan, Alecusan and Harold.
Motion carried.

03-255 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Milligan moved, seconded by Mr. Alecusan that the Board of Education does accept the bid of Gene's Refrigeration, Inc. in the amount of \$1,375,000.00 for Hartford Middle School for the Design for the Future project.



At this time Jeff Tuckerman of the Ohio School Facilities Commission was asked to explain the state's position regarding awarding bids. He explained that the agreement with Canton City Schools and the Ohio School Facilities Commission defines the process to determine a responsible bidder. If the Board should choose not to approve the lowest responsible bidder, it puts the Hartford project at risk for delays. The OSFC staff will not recommend another bidder in this particular case to its governing body and payment would not be made.

At this time questions and comments from the Board followed.

Roll call: Ayes; McIlwain, Baughman, Milligan and Alecusan.
Nay; Harold.
Motion carried.

03-256 Upon the recommendation of Dianne Talarico, Superintendent, Mr. Milligan moved, seconded by Mr. Alecusan that the following items be approved:

RETIREMENT/RESIGNATIONS:

Brenda Fittro, Lunchroom Assistant, personal, e. July 9, 2003

APPOINTMENTS:

Operations Personnel:
Crew Chief, as needed, e. July 1, 2003
Ken Inman

ADJUSTMENTS:

Maria Destefano, From: Middle School Assistant; To: Attendance Officer, step 2, 7 hours, per day, 191 day term, e. August 21, 2003

That this Board of Education does approve extended time, as needed, for the following Support Staff
Mary Grimsley, e. July 1, 2003 through June 30, 2004

Contractor Reference Checklist

Contractor: GENE'S REF. Package No. 15B
School Project: HALTFORD MIDDLE SCHOOL
Reference Company: WESTERVILLE SCHOOLS Project Name: PHASE II - WS
Contact Person: FRED RAY
Phone Number: 614-797-5996 Date: 16 MAY 03

How were the submittals / shop drawings: Good Fair Poor

Comments: NOT COMPLETE
MANUALS STILL NOT COMPLETE OVER 1 YR

Quality / Control of Sub-Contractors Good Fair Poor

Comments: NOT SATISFIED
PROBLEMS W/ WARRANTY

Was the schedule maintained? Yes No

Comments: SCHEDULE TO THE WIRE - LIFE SAFETY PROGRAM
WAS DELAYED BY GENE'S

How was the paperwork? Good Fair Poor

Comments: NO COORDINATION WITH TRADE

Did the company provide adequate supervision? Good Fair Poor

Comments: NOT GOOD
COLUMBUS NOT GUARANTEED APPROX 15

Were the CO's submitted in a fair and reasonable manner? Good Fair Poor

Comments: LOT OF C.O. NOT JUSTIFIED

Would you use this company again? Yes No

Comments: ASKED TO WITHDRAW BID
PHASE III - (4TH LOW) KENT TOWNER

Reference form filled out by: (SON IN LAW WAS FRIENDLY)

Contractor Reference Checklist

Contractor: GENE'S REF. Package No. 15B
School Project: HARTFORD MIDDLE
Reference Company: MARCOUS BROTHERS Project Name: WEST TECH
Contact Person: DAVE GUTFANSKI
Phone Number: 1-440-951-3904 Date: 8MAY03

NOT FOR RECORD! FEARS A LAWSUIT. JEOPARDIES 2YR RELATIONSHIP

How were the submittals / shop drawings: Good Fair Poor

Comments: OVER THEIR HEADS ON THIS ONE.

Quality / Control of Sub-Contractors Good Fair Poor

Comments: _____

Was the schedule maintained? Yes No

Comments: _____

How was the paperwork? Good Fair Poor

Comments: _____

Did the company provide adequate supervision? Good Fair Poor

Comments: _____

Were the CO's submitted in a fair and reasonable manner? Good Fair Poor

Comments: _____

Would you use this company again? Yes No

Comments: _____

Reference form filled out by: BRIAN SNYDER

Subj: Gene's Evaluation
Date: 5/7/2003 4:00:04 PM Eastern Standard Time
From: "Fred Ray" <RayF@westerville.k12.oh.us>
To: <math33@aol.com>
Sent from the Internet ([Details](#))

Mr. Oakes.

Westerville City Schools has not had a very satisfactory experience with Gene's Mechanical on our Phase 2 projects. This work included eight of ten buildings that were renovated with additions this past summer (2002). Gene's installed a total of 13 rooftop units and several smaller split-DX systems. To date we have not had complete startups, the air balances are in question, and the operation of the units has been sporadic. The majority of the construction work was loaded towards the end and became very chaotic in large part from the lack of coordination with other trades. Gene's has been very unresponsive and we are still completing punchlist items for a job that was to have been substantially complete 8/15/02.

We are also doing work with them on Phase 3 of our Construction Bond that includes two buildings with a total of 20 rooftop units. It appears that we getting better construction, but it requires close supervision.

I have been told that the Gene's office in the Cleveland area is more responsive than the Columbus office. However, based on the support they have provided to the Columbus office since school opened I could not unreservedly recommend them to another school district.

I hope this addresses your concerns.

Fred Ray, P.E.
Director of Facilities - WCS
816 County Line Rd.
Westerville, OH 43081-1003
614-797-5996 (O), 614-774-9505 (cell)

LAMWCB / MAY 03
LAMWCB

Contractor Reference Checklist

Contractor: GENE'S REF. TR. Package No. 15B
School Project: HARTFORD MIDDLE SCHOOL

Reference Company: QUANDEL GROUP Project Name: WESTERVILLE #2
Contact Person: JILL HOOPER PM: ERIC BALL
Phone Number: 614-899-2244 Date: 2 MAY 03

How were the submittals / shop drawings: Good Fair Poor

Comments: DRIVE HARD ON COORDINATION WAS PROBLEM

Quality / Control of Sub-Contractors Good Fair Poor

Comments: CONTRACTOR'S DISTRICT CONTRACTOR NOT AN ISSUE

Was the schedule maintained? Yes No

Comments: DID NOT GOO GREAT

How was the paperwork? Good Fair Poor

Comments: CURRENTLY BETTER / PHASE II WAS POOR

Did the company provide adequate supervision? Good Fair Poor

Comments: CURRENT IS GOOD PHASE

Were the CO's submitted in a fair and reasonable manner? Good Fair Poor

Comments: MOST OF TIME 'OK'

Would you use this company again? Yes No

Comments: DEPENDS ON PROJECT PHASES
GREY NOE SLOPE

Reference form filled out by: BRIAN SNYDER

BID REWARD? NO YES BY ARCHITECT.

Contractor Reference Checklist

Contractor: CRANE'S REF. Package No. 15B
School Project: HARTFORD MIDDLE SCHOOL
Reference Company: MEDINA COUNTY Project Name: County Buildings
Contact Person: THOMAS MANNIN
Phone Number: 330-722-9726 Date: 23 APR 03

How were the submittals / shop drawings: Good Fair Poor

Comments: _____

Quality / Control of Sub-Contractors Good Fair Poor

Comments: Any?

SERVICE TRINE

Was the schedule maintained? Yes No

Comments: ASKED FOR EXTENSION - WHY?

ISSUES WITH ARCHITECT - NOT WITH TOTAL PROJECT

How was the paperwork? Good Fair Poor

Comments: Invoicing - Accurate?

Did the company provide adequate supervision? Good Fair Poor

Comments: OK -

Were the CO's submitted in a fair and reasonable manner? Good Fair Poor

Comments: YES!

Would you use this company again? Yes No

Comments: _____

COOPERATIVE !!

Reference form filled out by: _____

CALL ON FRIDAY

CALL BACK @ 1:00

Contractor Reference Checklist

Contractor: GENE'S REF. INC. Package No. 15B
School Project: HARTFORD MIDDLE SCHOOL

Reference Company: HEERY INT'L Project Name: BUCKEYE SCHOOL
Contact Person: JASON MCLEOD RUM
Phone Number: 330-722-8996 Date: MAY 1, 03
8735

How were the submittals / shop drawings: Good Fair Poor

Comments: _____

Quality / Control of Sub-Contractors Good Fair Poor

Comments: STRENGTH MECH.
INSULATORS "OK"

Was the schedule maintained? Yes No POOR

Comments: COORDINATION WAS AN ISSUE
OK ON MAN FORCE

How was the paperwork? Good Fair Poor

Comments: SO GOOD

Did the company provide adequate supervision? Good Fair Poor

Comments: HAND AT STAFF
HIGH MAINTENANCE

Were the CO's submitted in a fair and reasonable manner? Good Fair Poor

Comments: NOTHING

Would you use this company again? Yes No

Comments: REMAINS TO BE SEEN HOW THEY FINISH
HIGH MAINTENANCE

Reference form filled out by: BRIAN SNEYD

Contractor Reference Checklist

Contractor: GENE'S REFRIGERATION Package No. 15-B - HVAC
School Project: HARTFORD MS

Reference Company: URS CORP. - CM Project Name: CONNELT H.S.
Contact Person: REGINA SCHREIBER
~~STEPHEN SMITH~~ PROJECT ADMINISTRATOR
Phone Number: (440) 593-8848 Date: 4-10-03
4364

ARCHITECT: GPD ASSOC.
MARK SALOPEK (330) 572-2112

How were the submittals / shop drawings: Good Fair Poor

Comments: JUST GETTING STARTED - PLEASURE TO WORK WITH THIS FAR / WORKING ON COORDINATION DUES.

Quality / Control of Sub-Contractors Good Fair Poor

Comments: UNKNOWN YET.

Was the schedule maintained? Yes No

Comments: NO WORK YET

How was the paperwork? Good Fair Poor

Comments: GOOD.

Did the company provide adequate supervision? Good Fair Poor

Comments: _____

Were the CO's submitted in a fair and reasonable manner? Good Fair Poor

Comments: _____

Would you use this company again? Yes No

Comments: SO FAR SO GOOD.

Reference form filled out by: _____

Contractor Reference Checklist

Contractor: Gene's Refrigeration Package No. 15 B
School Project: Hartford Middle School

Reference Company: Cloverleaf Sch. Project Name: Cloverleaf Sch. Dist.
Contact Person: Terry Thress
Phone Number: 330-721-3511 Date: _____

How were the submittals / shop drawings: Good Fair Poor

Comments: n/a

Quality / Control of Sub-Contractors Good Fair Poor

Comments: n/a

Was the schedule maintained? Yes No

Comments: problems not really there

How was the paperwork? Good Fair Poor

Comments: _____

Did the company provide adequate supervision? Good Fair Poor

Comments: Not enough supervision - weakest area

Were the CO's submitted in a fair and reasonable manner? Good Fair Poor

Comments: _____

Would you use this company again? Yes No

Comments: Have used again

Right hand didn't always know what left hand was doing

Reference form filled out by: _____

Went out of way to fix things not their fault.

Contractor Reference Checklist

Contractor: GENE'S REF. Package No. 15B
School Project: HARTFORD MIDDLE SCHOOL
Reference Company: THE RULLIN CO Project Name: WATTSWORTH PUBLIC
Contact Person: ELEN GIFFIN LIBRARY
Phone Number: 330-335-0261 Date: _____

How were the submittals / shop drawings: Good Fair Poor
Comments: NEED TO IMPROVE. REQUIRED MULTI-CALL TO GET SUBMITTAL IN.

Quality / Control of Sub-Contractors Good Fair Poor
Comments: MANAGEMENT OF SUBS WAS NOT GOOD, BUT SUBS WERE OK - INSPECTION IS REQUIRED

Was the schedule maintained? Yes No
Comments: WE STAYED ON TOP OF THIS ISSUE.

How was the paperwork? Good Fair Poor
Comments: NONE VERY RESPONSIVE TO PRICING C.O. - NEED WORK ON THIS

Did the company provide adequate supervision? Good Fair Poor
Comments: ONCE SHE GOT THEIR ATTENTION - THEY IMPROVED

Were the CO's submitted in a fair and reasonable manner? Good Fair Poor
Comments: REQUIRE EXTENSIVE REVIEW FOR ACCURACY

Would you use this company again? Yes No
Comments: I DON'T HAVE LUXURY TO CHOOSE CONTRACTORS

Reference form filled out by: BRIAN SMYDER



Medina County Building Maintenance

Administration Building • 144 N. Broadway • Medina, Ohio 44256
(330) 722-9226 • (330) 225-7100 • (330) 336-6657 • Fax: (330) 722-9206

THOMAS R. MAUPIN, JR.
Superintendent

DATE: APRIL 5, 2002
TO: JOHN STRICKER, COUNTY ADMINISTRATOR
FROM: THOMAS MAUPIN, COUNTY MAINTENANCE SUPERINTENDENT
RE: CONTRACTOR RECOMMENDATION

Per our conversation on Thursday April 4, 2002 a recommendation was requested regarding Gene's refrigeration. The Medina County Board of Commissioners awarded a contract to Gene's refrigeration for HVAC replacement at 4 County building locations on Monday October 22, 2001 with substantial completion being the end of December 2001. Gene's had asked for a formal extension until February which the County did not give, and as of today these projects still have not been finalized. Please find listed concerns that I have with our current HVAC project from last year.

*Why did they
NEED an extension*

The Transit Air rotation unit has been installed but no one can show me how to correctly operate this piece of equipment as the maintenance manuals were never sent — through or were lost during shipping. Items such as loose unions on the gas line assembly, outside air damper adjustments, proper staging control of the heating system, sheet metal screws used to fasten electrical panels instead of using the proper fastening devices that came with the panel, and the smoke detector in this unit still has not been hooked up to the main building fire system. I also called the County Building Department to check on the status of whether or not the building permits had been finalized for this job, and they had not been.

The Community Center HVAC package unit has been installed and I believe that it is operating correctly. During this project problems such as the exterior pad for the HVAC unit sank to one side, contractor shimmed up unit using red brick, gas line leaks, exterior duct work having ponding water sitting on it, interior center supply duct appeared to be dropped or bent or just not installed straight. I also called the City building department to check on status of building permit for this project and it has not yet been finalized.

The County Human Service Center VAV box replacement project, problems ranged from the boxes not being hung using metal strap, debris left above ceilings such as metal duct connectors and misc. pieces of debris from the old VAV boxes, numerous broken ceiling tiles, vents out of place, and insulation left stuck to the ceiling tiles. I also called the City Building Department regarding building permit being finalized and was informed that this was not completed yet.

The Medina County Board Elections HVAC package unit had its share of problems such as the condenser intake and exhaust ductwork, outside makeup air that was not supposed to be there, under sizing of the exhaust ductwork for condenser, and the major problem with the heat coil which was not shipped until some time after. I called the City Building Department regarding the permit for this job and to no surprise it also has not been finalized either.

Just to bring you more up to date, the Architect, Engineer, and I have spent numerous hours going through with Gene's to correct all of the problems that I have mentioned, they have made a good effort to correct problems but some problems still remain. The overall performance such as the quality of workmanship and how things were left before some of our walk throughs would indicate to me that some of their workers don't take a lot of pride in the work that they do. Therefore I would recommend that the County not award any future contract to Gene's as I do not feel they can complete things on a timely basis which could jeopardize substantial completion dates for projects in question.



Thank you
Thomas Mappin
County Maintenance Superintendent

CantonRep.com

A Service of The Repository, Canton, OH

Hartford battling with construction problems

By MELISSA GRIFFY SEETON

CANTON

John Sheppard knows all about cold fronts and heat waves, though he's no meteorologist.

The chief custodian at Hartford Middle School tries to manage both extremes in his renovated building — a product of the Ohio School Facilities Commission.

From the school's "sauna" (a classroom where temperatures soar past 90 degrees) to the bag of parts — never installed — left sitting inside the heating unit in the boys bathroom to the sewage smell coming from the sinks in science class, the problems at Hartford mean administrators spend a lot of time worrying about the building instead of the education taking place there.

"This has been two years now — enough is enough," said Stephanie Patrick, Hartford's principal. "We try to be instructional leaders, but have to deal with operational things."

School districts across the state participating in the \$5.6 billion — and growing — School Facilities Commission program have found problems with its new buildings. Major structural deficiencies have shown up in new schools from Marietta to Dayton to Cleveland.

Locally, a dozen school districts have commission-funded building programs underway or proposed. Many, like Canton City's, are projects to renovate or replace every aging building in a district.

But problems with construction — evident shortly after new schools open — have raised the question: Where are the inspectors?

INSPECTIONS CATCH LITTLE

The School Facilities Commission has completed about 500 schools with another 300 under construction.

Despite the scope of the projects it funds, the commission has no inspectors of its own.

Rick Savors, a spokesman for the commission, said the program relies on state and local code inspectors to do that work.

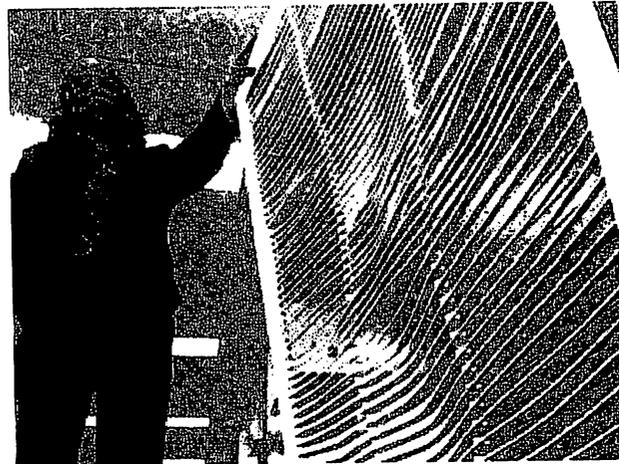
Walk-through inspections take place before a building opens and 11 months after opening in an effort to catch problems.

"That's why you have the walk-throughs in order to find those things," Savors said.

But at Hartford, and in other schools across the state, the walk-throughs didn't catch some of the most severe problems — from leaking roofs to lack of masonry-wall reinforcement.

John Labriola, the City of Canton's chief building inspector, said his inspectors wouldn't find the problems most school districts face.

"We wouldn't catch," for example, Hartford's major problems with its heating and cooling system, including negative air pressure, he said, because that's a performance issue.



ON THE CHEAP Stephanie Patrick, Hartford Middle School principal, stands next to an air intake cover removed from the school's gymnasium. Whenever children playing in the gym or a bouncing ball would hit the cover, the cover would bend and dent. The Ohio School Facilities Commission's rulebook, the Ohio School Design Manual, outlines what kind of materials schools must use in construction and renovation. But school officials said this one posed a safety risk and replaced it with a cover of heavy-gauge steel.

"Performance standards aren't regulated," Labriola said. "Our job is to make sure they meet the minimum code standards, and code is not performance."

Another example, he said, five electrical outlets might be placed on one circuit causing it to trip when those outlets are in use. This isn't something a code inspector would discover.

So "you depend upon the architects and engineers that they have done their work," Labriola said.

He added the 11-month walk-through Savors referred to is "the magical walk-through" because it doesn't catch much, either.

Labriola described a typical walk-through as a group of about a dozen certified building, code enforcement employees and fire prevention officials walking room to room, inspecting visually. It takes about an hour. There is no checklist. And the assumption is that all the mechanics are in place.

Though Labriola didn't hold the office of chief building official when schools like Hartford were renovated, he described Hartford's problems as severe and said they need to be fixed before they get worse.

The city, he offered, will work with the school to help get issues resolved with contractors and engineers.

"We have children in the school system, too," Labriola said. "We certainly do not want to turn our backs."

RELYING ON CONTRACTORS

Even with the limitations on city inspections, Labriola contended they're better than what many rural areas get. That's because those areas often have no building departments and must rely on state inspectors.

City inspectors get to building sites roughly once a week. State inspectors rely on the contractors doing the work to call them.

"It is contractors' responsibility to say, 'Hey, we poured the foundation and we are ready for that inspection,'" said Matt Mullins, a spokesman for the Ohio Department of Commerce's Office of Industrial Compliance.

And if the contractor doesn't call? State inspectors do make "periodic stops," but Mullins couldn't say how often checks are made.

The state handles inspections in roughly 34 of Ohio's 88 counties.

DEALING WITH THE FINAL PRODUCT

Patrick is trying to deal with Hartford's problems. Known as a principal who can keep a school, prone to discipline problems, under control, she's finding a newfound flexibility — but not by choice.

"I am going to let kids wear their coats when one room is 40 degrees and another is 90," said Patrick, though that violates the school's dress code.

Other problems at Hartford include air leaks in ventilators, exhaust registers with no ventilation ductwork behind it and mold growth on ceiling tiles. Incorrectly installed speakers meant neighbors could hear Patrick's announcements outside. And the phone lines sometimes block outgoing calls.

The school district has put together a group that is trying to address the problems, but Assistant Principal Christopher Stone acknowledged, "it is not happening as quickly as we would have liked."

"All of us are taxpayers also. It bothers us as much as it bothers others, especially when they see a window open on a freezing day," Stone said. "We are very appreciative of our facility, but you want to make sure you get what you paid for."

"If I was building a house — I wouldn't accept this as my final product."

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A sampling of Hartford MIDDLE SCHOOL'S RENOVATION problems

— Heating and air-conditioning systems are uneven, with some room temperatures topping 90 degrees and others being uncomfortably cool.

— Power problems with cameras and speaker systems. (It took the contractor, ASCC of Pittsburgh, nine months after students occupied the building to get the technology straightened out.)

— Some of the 38-unit ventilators Gene's Refrigeration of Medina installed had to be replaced because of air leaks. Gene's

Refrigeration could not be reached for comment.

-- Mold grows through ceiling tiles in counselor's offices on the school's first floor and has been removed from rooms where students are.

-- Air-conditioning and heat are on at the same time.

-- The sink does not drain properly in the science room, creating a stagnant, sewer smell.

-- Exhaust registers in the boys' bathroom had no ventilation ductwork behind it.

-- Emergency lights were not anchored in the gymnasium ceiling, resulting in one crashing to the floor.

Source: Canton City Schools

ON THE CHEAP Stephanie Patrick, Hartford Middle School principal, stands next to an air intake cover removed from the school's gymnasium. Whenever children playing in the gym or a bouncing ball would hit the cover, the cover would bend and dent. The Ohio School Facilities Commission's rulebook, the Ohio School Design Manual, outlines what kind of materials schools must use in construction and renovation. But school officials said this one posed a safety risk and replaced it with a cover of heavy-gauge steel.

THE SAUNA

The temperature soars past 90 degrees in

Hartford Middle School's "sauna," Room 124. School officials said

they limit the classroom's use

to two times a week. When it is

in use, windows must be open — even on blustery winter days.

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Cheap construction is not good enough

Can you work cheaply? That seems to have been the prime qualification for a contractor to get a job building Ohio's new public schools. The result is a trail of leaks and malfunctions across the state. The result, in human terms, is that a principal such as Stephanie Patrick at Hartford Middle School in Canton has to worry more about whether children are freezing in class than whether they are learning.

The Repository's Melissa Griffy Seeton has been on this story for a number of months. Her latest story Sunday focused on the shoddy workmanship at Hartford, a school that was not built from scratch but renovated under state's building program.

In the past, Seeton has told the story of leaks at the new Worley and Allen schools, lack of furnishings for new Summit School, and downsizing of McGregor School's space. Canton City is not the only district in Stark County to encounter problems. For example, a poorly built wall collapsed during construction in the Northwest Local district. Moisture under the floors in a gym and cafeteria caused floor tiles to lift. An air conditioning unit was improperly grounded.

Other school districts in Stark County await their chance to participate in the school rebuilding program. What will they get for the money? Taxpayers need to insist on better buildings and better workmanship.

Under new Gov. Ted Strickland, the Ohio School Facilities Commission has a new director, two new voting members and two new nonvoting members. It has a new approach toward selecting contractors, too. School boards have the authority to adopt contractor qualifications when selecting contractors for such projects, a step toward something better than cheapest bidder. A new Strickland appointee to the commission, state Rep. Matthew Szollosi, called these qualifications "a huge step forward." Let's hope so. The Strickland administration needs to insist on better performance in this area. Ohio taxpayers are supposed to be investing in schools for several generations to come. Are the schools good enough to become old?

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