

Ohio School Facilities Commission
August 28, 2008
William McKinley Room 1:30 PM

MINUTES

The meeting was called to order at 1:35 PM.

Roll Call

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

1. Adoption of the July 24, 2008 Meeting Minutes

Dr. Puckett moved to approve the July 24, 2008 meeting minutes.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

2. Public Testimony

Gerald C. Henley President of the Community Facilities Use Committee regarding Cleveland Metropolitan School District, provided the Commission with a packet of information that was sent to Governor Ted Strickland, Mayor Frank G. Jackson, Director Mike Shoemaker, Senate President – Bill Harris and House Speaker – Jon Husted regarding Cleveland School Board not allowing community input into the changes of it's Master Plan and how there are unneeded schools being built and wanted schools demolished (see attached).

Ray Richardson, Superintendent of the Knox County Career Center, has had the privilege of serving the students of Ohio as a Teacher, CBI Coordinator, Guidance Counselor, High School Principle, a local Superintendent, a County Superintendent and the Career Center Superintendent. In his twenty-two years of Superintendent, he found his involvement with this project the most challenging endeavor that he has ever encountered in his career. Our school borrowed \$5 million to participate in the construction process and we are grateful for the \$12 million provided by the State. Do not think that we take that for granted. Superintendent Richardson's administrators, board president and himself participated in almost every meeting. Sometimes there were three meetings in a week, sometimes there were always two meetings in a week and sometimes there was five or six in a month. We participated in core and construction meetings. We were very flexible in relinquishing building accommodations to the construction and we were supposed to get space back so that we could make other changes, but we did not get space back, but we still made other changes to find storage. My frustration was a progress that was extremely slow and the workmanship was very shoddy. There are some construction workers who put their heart and soul into every effort of that building. We served them lunch, we served them ice cream on Saturdays and Sundays and there are some great people. Superintendent Richardson was in no way pointing fingers at construction workers. We had some great people. Unfortunately, the lack of coordination and planning made the endeavor very frustrating for them. Superintendent Richardson expressed his concern to the construction Superintendent from Regency on numerous occasions. His staff and he walked through the facility over and over again and pointed out challenges with things completely left out even though it was included in the blueprints. As well it was oversights in the Architectural plan. We all realize that the timelines were a major significance. We expressed it over and over again and yet most of our school all summer looked like a ghost town except for electricians and HVAC personnel. Superintendent Richardson

contacted the owner of Regency on numerous occasions showed him photographs and communicated in writing and phone. Superintendent Richardson received some promise and some limited results. There was conflict between some of his personnel, the Architects and frustration on the part of the sub-contractors because of the lack of coordination. Scheduling was a major issue. Superintendent Richardson encouraged that the documentation provided be read. There are schools in the State of Ohio laying off teachers because they do not have money for operation and yet they have schools that look great from the outside, but are overwhelmed with the additional expense cause by shoddy workmanship and the lack of accountability on the part of the construction company. OSFC has not demanded, in his opinion, accountability. I have heard the words students used seldom in our meetings but the term litigation has echoed dozens of times throughout the entire process. Everyone seems interested in protecting the companies who leave our school in disarray and go down the highway a few miles and start the process all over again. Superintendent Richardson invited the Commission to the school and as soon as possible. You will see house windows installed in our school windows where school windows are suppose to be surrounded by pressed unpainted board, bathrooms without doors because two days ago the tile people put the tile down and the door would not close. One company is saying it is not their fault that it is your fault because they do not do tile. It was discovered yesterday and pointed it out to Regency employees this morning that there is supposed to be a double swinging door where this brick wall is. They seemed surprised. It is an endless litany of mistakes including poor HVA units installed on the roof that have to come off in December because of lack of diligence on the part of the Carey Corporation, not the local contractor. Superintendent Richards has no control over the Construction Managers as the Commission pays them. Unfortunately like other schools in the same situation our only recourse is to hire an attorney to look out for our interests. Superintendent Richardson said if it were not for Bill Harris' involvement, we would not have gotten the school opened. Tom Collier was there and Mr. Hartnett played a role. Superintendent Richardson expressed his frustration, his appreciation and was not there to tell the Commission how to run their business, but he also told them there are some major concerns. Please do not ever think, that this is an isolated incident. There is a letter from the Danville treasurer, which is 70% poverty level, and they are frustrated, have no recourse and no money. They have a building that is inadequate and has experienced all kinds of problems. Superintendent Richardson appreciated the privilege to address the Commission and thanked the Commission for all that they do. Superintendent Richardson knows that their job is not easy and asked them not to think he was discrediting their efforts. Chair Sabety acknowledged that this is clearly a serious, serious situation. As soon as we were made aware of this situation, we came together and decided that we really needed to focus on how to make sure that as much as possible was done to open the doors of the school and deal with health and safety issues. Chair Sabety did want to be clear that this is not just about through the beginning of school opening, but it is important that we think about how we are taking a look at everything that is going on out there and we may need some objective evaluation. Superintendent Richardson said regarding objective evaluations, you have an electrical contractor that has skeptical evaluations. They got the job at Centerburg, they got the job at our school and they got the job at Fredericktown. Those are skeptical evaluations, but yet people still allow them to take the job. I was hesitant to even pay them, but the contractor told me these people have attorneys just waiting in line if you do not pay them. Vice Chair Quill said his department is willing to commit the State Architect's Office to play a role in evaluating where we stand and mediate this dispute with intent and purpose making sure that only a quality product comes as the result of this great investment. Superintendent Richardson responded please do not think it is just us. He asked the Commission to read the other statements included in his packet.

Senator Bill Harris, President of the Ohio Senate, addressed the Commission. He wanted his comments to be as constructive as they can be. He was concerned about the situation at Knox County Career Center. He thought there are actions being taken and that will be worked out with

the help of the school district and the Ohio School Facilities Commission's effort with Director Shoemaker being there personally. That will get worked out. His real concern as the President of the Senate was to offer the efforts of his office. The way we securitized the tobacco money in the next three years we are going to spend approximately \$4 billion in school facilities construction. As a result of what we have seen very recently, at Knox County Career Center and other schools, people have contacted Senator Harris, it calls for us to collectively come together as a work group and reassess the ability with the support of the legislature, support of the Administration and the School Facilities Commission's effort to make sure we are building facilities that are going to last the thirty and forty years that we expect them to last because we do not have any more tobacco money. We do not have anything we can securitize and there are other assets that the state has that will probably end up getting some part used just to balance the budget in the next biennium. This is an opportunity that comes to us, but the situation is serious and the more critical issue is the spending of \$4 billion in three years and then wondering if the mistakes that are being made now will continue and what is that impact on the construction that will be done. We just cannot afford to do it because the tax payers will end up having to pay for these repairs down the road, five years, six years, ten years from now. My office is right now setting up and making contacts with all the stakeholders to come together. Senator Harris could not be more proud of what the School Facilities has been able to do in the last ten years. Senator Mumper and Senator Harris have shared that seat within the School Facilities for many years. Senator Harris believes we share some of this responsibility of letting things get a little bit out control. It appeared to Senator Harris that we have made a transition to where the owner of the facility, i.e. the school board and the facilitator of the school board, the Superintendent end up being relegated somewhat to the rear of the decision making and you have got the construction manager, originally that person was intended to be the advisor to the Superintendent. The architect was supposed to insure that it was designed and built properly according to the drawings and the construction company itself. It appeared to Senator Harris as he visited schools and listened is you have these three making decisions and committing spending of dollars that the Superintendent of the Board has an opportunity to say. So the end result is that the dollars that are available in the contingency end up being spent and then when it comes back that there is not any money, and Senator Harris was concerned that Knox County Career Center that could be the case, then somebody is going to have to go back to the taxpayers and ask for more money and it is hard enough getting levies passed to build a building. We will continue to work with the School Facilities, but I think it is a responsibility that we all need to come together and work. Chair Sabety thanked Senator Harris for his remarks. You are referring to a complex of issues that the Commission has been wrestling with for over a year now around quality issues, how we report those quality issues and how accountable we are for quality in every single site. We had an excellent briefing and I think we have made some progress as we implement our new evaluation tool. We are going to begin to see some significant behavior and quality changes for every contractor who is out on a School Facilities Commission site. It has taken us a year to get there, but we are attempting to do that. Do we have it all figured out, by no means. We welcome the opportunity to take a long hard look at how School Facilities Commission is meeting the challenge of building three times as many schools in the next three years than it normally builds. That is a significant and taxing burden that every one of the Commissioners has raised an issue about. We welcome your assistance in helping us explore this issue and make sure we are addressing it the right way.

Donna Walker Brown, Spokesperson for Parents in Progress at Cleveland Metropolitan School District addressed the Commission regarding Cleveland's revised master plan-neglected Eastside community involvement – fraudulent forums, Board Chair of Cleveland with no documentation of being sworn in as school board member and OSFC fraud involving Cleveland School.

Al Adams, citizen of Toledo, Ohio, addressed the Commission. At a special meeting of the Ohio School Facilities Commission (OSFC) one of the topics discussed was certified payrolls to verify change orders. For many years the OSFC has used a C132 form for change order pricing. One of the areas that seems to have been overlooked by OSFC in the construction managers has been pension deductions. Several contractors have claimed to pay pension benefits to employees when no pension plan was even in existence. If this claim was made on the C132 form does OSFC verify that any plan exists. If this claim is made on the C132 form and no pension plan exists does this constitute fraud. Also discussed were tax collection and the process of which OSFC and the State works together to collect taxes. This Commission previously heard about a federal tax lien for \$448,000 against a contractor sub-contracting on several OSFC projects. The discussion explained the collection of state taxes and did not address federal taxes. Since the contractor is still bidding and receiving OSFC contracts, could the OSFC explain to the public the process by which it happens that this contractor is still found to be responsible even though they know he has federal tax liens for \$448,000. In lieu of adding time to this meeting Mr. Adams would be willing to hear the answers to these questions next month. Representative Szollosi asked if Mr. Adams was suggesting that a contractor is reporting on a change order form that part of its wage package is a pension contribution and is charging the OSFC or the school district for that and in fact does not have a pension program. Mr. Adams responded that he has asked Mr. Kasai if he has verified that this pension plan does exist. The answer I got was an email that was forwarded to him from the contractor when asked do you pay a pension plan and the response was yes. So I saw nothing that verified that it happened. So the question would be how do we verify that this really does happen.

Troy Thacker, Superintendent from Frontier Local Schools, provided an update on the progress at Frontier (see attached). He felt they were living proof that in a year's time, since Mike Shoemaker has come on board, Superintendent Thacker has been involved in every part of the construction process. Frontier has had roof problems, brick and block problems and HVAC problems. In 2002 the contractors left, but the buildings were not done. For five years there was a lot of talk, a lot of threats, a lot of litigation and a lot of finger pointing. In February of 2007, Mike Shoemaker came on board. March of 2007 he came to Frontier. May 2007 we went to mediation. June 2007 we opened the roofing bids. November 2007 the job was done. In November 2007, we went into mediation with our brick and block people and we worked that out. We have gotten our roofs fixed, our brick and block are 99% done and we will have two major parts of our construction done. Currently our high school is being controlled, balancing will come next to get our HVAC in. We have seen major changes in the attitude from the Ohio School Facilities Commission. We have seen major change in the direction. We have had Senators and Representatives there, but when Mike came the job got done. There are problems, but you have the guy here who has a vested interest in that, because he was one of the people who went out and traveled and saw the pitiful conditions our buildings were in. Superintendent Thacker sympathized with the previous Superintendent, I have some board members that said the same things that he said and we were getting nowhere. When we did get somebody in there that did listen to us and took the bull by the horns it gave us some control. Progress is being made. Two years ago when Superintendent Thacker first came in as Superintendent, he received phone calls from the Akron Beacon Journal about some comments that were made and he did not know what they were talking about. Things that had been said at this Commission that they knew nothing about. Superintendent Thacker thanked the Commission, Director Shoemaker, and Chair Sabety saying you are on the right track. There is too much talking behind the scenes and the superintendents feel like they are left out. The superintendent and the board need to be involved. Madam Chair responded that given that Senator Harris has suggested that we need to put together a work group looking at ways to look at some of these very tough quality issues, it would be

terrific to have you involved giving us a real time input on what it is like, what works and what does not work.

3. Executive Director's Report

The Executive Director updated the Commission members on the following: CM interviews and Selections, CM Debriefs, Various meetings held with school districts and organizations and School District dedications attended.

Bill Courson, OSFC Project Administrator, updated the Commission regarding Minerva Local School District. The Minerva project is the renovation of a large high school, which is scheduled to open on September 3rd and the construction of a new elementary school. On the renovation of the high school, on a section of flat roof completely surrounded by parapet where we were taking off foam insulation and reinstalling membrane, one of the roofers fell through their gymnasium roof landed on the gymnasium floor and unfortunately did not survive the fall. Our initial assessment of the project by the architectural team did not recommend replacement of the roof. There was absolutely nothing visually about the roof that even indicated that it might fail at some time. The roof obviously failed, but we do not know why. Seventy five percent of the roof had been completed up to this point. This is a union contractor. The individual that fell through the roof has been a union member for 30 years in the roofing trade. OSHA is currently doing an investigation. OSHA will finish investigating in about seven days and we should have a full report from them in 30 days. The construction manager has hired a company, Safetec, to do an independent investigation. OSFC has asked Roof Tec, a roof commissioning agent, to do an investigation. We have a number of professionals looking at this to try and determine what happened and if any measures in the future need to be taken to prevent this. The project has gone very well. We have had safety inspections and there have been no citations on the project. The project is on budget and we have met all scheduled deadlines. Chair Sabety asked Bill Courson how this has impacted the kids at the school. Bill Courson responded there are no kids in school at this point. Obviously with a tragedy like this there is going to be talk and we are really trying to minimize the visual effects of it. The Superintendent suggested donations be made to the family and the school will be taking donations. The core team will walk and contribute and will make a private donation to the family. Vice Chair Quill asked how the contractor has reacted. Bill Courson responded Knoch is the general contractor, and T&F Systems is a sub contractor of Knoch. The owner of T&F Systems has not been on site and we do not know if they have spoken with OSHA yet. Vice Chair Quill stated that he would be very interested in their reaction time and asked that the Commission be briefed on how the Contractor reacts to this tragedy.

Knox County Joint Vocational Update:

Steve Berezansky, OSFC Chief of Projects, was on site Tuesday, August 26th from about 12:00 PM until 6:00 PM. It was progressing very well. It was quite busy as there were quite a few contractors on site. They were setting up a bunch of the furnishings and also wiring a lot of the loose furnishings for the computer labs; arranging the classrooms and quite a bit of cleaning going on. Talking to the cleaning contractor, they were going to be there until the wee hours of the morning. The teachers were there as well. There was actually quite a bit of coordination among the teachers and the trades. As many people that were in the building and things that they were doing of tying up the ceilings and the hallways and moving their equipment and material out of the building, I would have to say that I was impressed with just the overall coordination and dedication of all the trades to make sure the kids were in there on Wednesday morning.

Rick Savors, OSFC Chief of Communications, shared that he was essentially a layperson when it comes to construction. His background is in education, lobbying and consulting. He worked for the Ohio School Boards Association for eleven years prior to coming to the Commission. He

went out Wednesday, August 27th to take a look at this building and try to get some sense of what would be occurring on the first day of school. Rick Savors shared pictures that he took while visiting the school. Rick Savors pointed out that in one area of a hallway that even though the ceiling tile had not been installed, the area is still completely useable; there were no dangling wires or anything that could be a safety issue for the students. This building is actually not scheduled to be completed until spring of next year. While I was there both the local fire department and the structural inspector had gone through the building that morning and were looking at the site and seemed to have no problems with it. I had an opportunity to speak with several of the administrators who told me that their major concerns were with a restroom area near the cafeteria that was not operational at this time. Also, there was still an issue with the cosmetology lab that it was not completely set up and they had concerns with making sure they had all the requisite hours in, in order to get there license. The bottom line from literally the lay person's perspective is, is this project finished, no, not by anybody's standards, is it operational, yes and a parent of a 16 year old daughter I would tell you I would not have a problem with my child walking in to this school and getting an education at this particular point and time. Director Quill asked if the disconnect was in communication with the school district relative to their expectations. Even the pictorial that was provided showed a lot of mess, but it did not look like any real fundamental construction issues that would affect the safety of the students there. Could you explain why there are such hard feelings relative to this project. Rick Savors responded that we can encourage our construction managers and the architects in working with the district to make better use of the time and explain to them exactly what is going to happen and why this may not look like it is going to be done, but it will be done when the building is opened. It could very well be from the prospective of not fully understanding exactly what is happening during the process. Vice Chair Quill commented there is a possibility where contractors are not connecting and are not performing the quality of work that we are satisfied with, however we have to be vigilant about making sure the schools have realistic expectations about the phasing of these construction projects. Director Shoemaker responded the promises made by the district were, when you come back into that building to every teacher and to every student everything will be brand new. We know in a construction process that is going to extend for another six months, that was an unrealistic promise. It got down to even the point to that we cannot have an old ceiling tile because we promised the teachers their room would be 100% new, now that is the crux of a lot of the problem.

Director Shoemaker responded to a question from Dr. Puckett. Currently we do not have an incentive package. We have had that discussion and may even be investigating that down the road. The disincentive in it obviously is a claim against the company to say, you have caused this amount of delay on the project and so you are going to be responsible monetarily for that. So yes there is a disincentive in that, there is not an incentive if you get done 10 days early you do not get an extra amount of money and again that is one of the things we are talking about.

Jon Walden responded to a question from Dr. Puckett. The contracts do have liquidative damages provisions in them for contractors that do not meet milestones or completion dates. In addition if there are other claims by other contractors or we have indemnification clauses so there are ways to deal with it and they are all contractual in nature. There are opportunities for the owners to go after contractors that do not perform.

Dr. Puckett asked if we could do this through the litigation process. Jon Walden responded there are various mechanisms and sometimes if there is a contractual balance still there and they have not met the timeline, lots of times we would make a deduct change order and hold on to the contract. The contractors would likely fight that decision.

Franklin Brown, OSFC Planning Director, shared that he has been an architect since 1971 and has spent his life under this kind of condition. Career technical buildings are extremely difficult because we have to work on them when students are in the buildings. We have to move by phase through the project with the available space that we have and in the summer, those few months are the time when the majority of the work has to happen. Franklin Brown shared the schedule for this project. It is the schedule that has been in place since the very beginning of the project. I was in the building on Sunday, August 24th. He walked through the building, and saw instances of devices not mounted electrically in the building. He returned on August 27th, Wednesday morning at 8:00 when the building opened. All the teachers were standing out in front of their rooms. The corridors were pristine and that building is probably cleaner now than it ever is going to be. The students were all there and they were happy students expecting their first day of school as an exciting experience. Franklin Brown felt that the worst part of this project is over because any expectations that the Superintendent has he now has a realistic perspective of how these things come together at the end. There are four more phases of the project to be moved through, all smaller than this one but on April 30, 2009 the project is complete. This kind of scenario will not be seen at the end of that phase. You will see the same kind of scenario we just recently had at the adjacent district in Fredericktown where they could not write enough good in the newspaper about how that project came together.

Chair Sabety expressed her concern that there were no complaints lodged on June 10th, but starting in August there was a pretty high volume. One issue is that there are huge disagreements about open items that need to be closed. Allegations have been raised about the overall quality of the construction. One missing step that we want to focus on is get someone from outside involved whose objective would be to help evaluate the quality of what is there. Sometimes in situations like this, you just need someone objective to come in and look at what is going on to help diffuse. I would hope that we could call upon the State Architect's Office to play that role as a next step in resolving this situation and actually come out and look at what is there and look at what the usual design manual requirements are. Given Director Quills observation of how far apart the perception of reality is, this seems to be a tailor made situation to bring in an outside mediator.

Director Shoemaker commented there are two issues. One is the issue of correcting any quality deficiencies. One obviously was the tile in the bathroom, which is a cosmetic issue, and it is not acceptable. I told the district that, the contractor that and that they would be responsible for repairing it. The completion of the cosmetology lab is waiting for some equipment to be put in. Franklin Brown has talked with the instructor who has made arrangements with the construction manager to use another part of the facility. The kids will not lose any hours of instruction. My old school teacher in me tells me that 100% education does not happen on the first day in all these labs. I have a little disagreement with the superintendent that the kids are going to run off the bus with a welding torch and curling iron in their hand ready to go to work on the first day. The teacher has a week of preparation before she turns them loose on some of this equipment. We also have a third party source, the masonry consultant from the Masonry Institute in Hubbard Ohio, coming down and looking at the brick.

One of the contentious areas here to simply say not only is there something wrong here is how to fix it, it is easy to say it is wrong and then say, but I do not know to fix it. My concern is how far out of proportion are we stretching this with the pictures. A broom and a mop did wonders out there. Twelve people obviously cleaning all night makes a difference. The second part of the process and probably more important for us is we are going to have a session with all of our contractors and a professional mediator that is a labor lawyer. Then we are going to have this same session with the School Administration, OSFC, the construction manager and the general

contractor on the job. Some of the results may not be pleasant for them or us, but I can guarantee you that it will be all factual, it will be third party verifiable and it will be non-bias. I was reluctant to have our folks stand up and say these things as it looks as if we are defending ourselves. That is why I had different people and we tried to call on different levels of expertise. The frustrating thing is for someone to come in and say I do not think it looks right even though the fire marshal does is problematic. That is what we had in this case. The other thing that is probably more problematic for me is that I refuse to get involved or allow our staff to get involved in questioning character, integrity or intent of people on the job. I can question workmanship, schedule, funding, those things are all verifiable, but when I question someone's integrity, I back away from that argument and that is a major issue for us to continue this project. That has to be resolved or there will be no continuation of the project.

Chair Sabety commented that at several meetings at the community level had been fairly emotional. There were some rather direct comments made about people and felt that a mediation process would help everybody get through it. She noted that this is not all just about a dispute in perception. She questioned how we are evaluating the construction manager and their role on an ongoing basis every day from the 10th of June all the way to the beginning of August when this began to emerge as a problem. That is a two-month period in a three-month construction season for a career tech school where we knew we were doing it in one summer. That was highly unusual. We committed to an accelerated time schedule. She made a simple point that that is something that level of checking in every couple of days, making sure we are on target and that the deliverables are there so that it is a week ahead of time that you are out there with a wet mop, not 3:00 AM the day before. This is all stuff we can resolve in putting together a review process of this situation. It would be good from a quality point of view to get a third party involved in this process, perhaps the state architects office. It is a great learning experience for all the brand new construction managers who are coming on board. She could say that with distance because she is not living it everyday like every one of you is.

Director Shoemaker responded that it is certainly our intent to see where we went wrong. The problem has been finger pointing has started before the discussion and that is what we need to resolve. The other issue that Senator Harris raised about communication with the Legislature, and I think that all four Legislators will verify this, we have offered on more than one occasion to talk to anyone of the four caucuses about our processes. Similar to the discussion we on August 20th, which is probably the most productive meeting we had in two years, saying this is how we work and allow the Commissioners to ask questions. I will offer that invitation again. We will be glad to meet to educate the Legislatures so they understand how the process works. Part of this issue goes back to a long-standing fight from the school community against the concept of the construction manager. There is a tremendous unrest in the school community saying they can build it themselves and they do not need construction managers.

Director Quill asked to what extent has the construction manager responded appropriately. Director Shoemaker responded the construction manager has been responsive to our request. Whether or not we should have had to make those requests is another issue. They have been very responsive to anything we have said to do, the same as all the other contractors. We are trying to figure out why some of the decisions were postponed. Was that the school decision, was that our problem, was that the construction manager or was it one of the trades. Once we get to that level I think we will get a clearer picture of why things went wrong. When you order a piece of equipment and the factory ships the wrong equipment, that is out of our control. What is under our control is getting it on the roof, getting it operational and having the contractor pay for it when the equipment is replaced.

Director Quill pointed out that the construction managers need to understand that we expect them to deal with these problems and not commit an arsenal of resources from the School Facilities Commission anytime a school district's hair is on fire, so to speak, relative to quality control issues on site or schedule and if not we should be re-addressing this in the contract phase and more clearly conveying our expectations. Director Shoemaker agreed with Director Quill 99%. The 1% Troy Thacker, Superintendent of Frontier Local School District, can tell you sometimes the Director's hair has to be set on fire before some things happen. Those decisions have to come from the top and people are reluctant to elevate them to that level. That construction manager sometimes wants to feel a little protective. That is not the way the system should work. Director Shoemaker invitee the Commission Members to our Construction Manager-Architect Summit on September 3rd and you will hear that message loud and clear to both communities who have that dual responsibility and yet sometimes conflicting objectives of how they want to get there.

Representative Szollosi said as we analyze the situation, it is important to note that there are additional layers of review that are necessary and could prove helpful. A quality contractor in the construction industry has the capacity, if experienced and if has qualified personnel on the job site through their management personnel to anticipate problems. Inherent in the construction industry is delay in the delivery of materials. Having quality contractors on site is imperative. Not knowing whether or not the superintendent in this particular situation had knowledge of the policy that we put in place that this Commission unanimously approved last July, going forward for upwards of \$4 billion worth of construction, these superintendents of these schools districts need to know that they have as an option the ability to adopt that policy to help insure that they have quality contractors undertaking their construction. Who knows that if in this situation a different set of contractors would have resulted in a different end product, whether or not the project would have been done on time or on budget, but certainly that is the goal of every responsible contractor that Representative Szollosi came into contact with in the past 10 years. It is always the goal. It is our goal. Director Shoemaker responded that the district did have access to that information, they did have that option and the district did not choose it. Representative Szollosi responded understanding that the preference is not to make that policy or provisions of that policy mandatory, but to the extent that the construction managers can offer that as more of an option as opposed to trying to dissuade superintendents from adopting that policy. Representative Szollosi had heard stories about that on multiple occasions and it is infuriating that a construction manager that is hired by the School Facilities Commission would dissuade a school district in adopting a policy that this Commission adopted unanimously last July. That is a separate issue that would need a separate discussion, but as part of the process of review we need to look not just at the construction manager but also at whether or not these particular contractors and our contractor selection overall is where it should be going forward. Director Shoemaker responded our direction has been very clear to the construction managers. They are to present this as an opportunity to the district and it should be the districts choice. If in fact the construction managers do not do that, they will not be on the job. That has been very clear to them. If you have any instances of proof otherwise, I would be glad to look at that. Chair Sabety said that it is important for us to look at the function of the construction manager. We have to get better at evaluating how well they are doing and understanding day by day whether that supervision is being done in a way that we are sure high profile projects like this get done on time. Jerry Kasai responded that he works very closely with all the school district's construction council. He is constantly giving all of them updates on what changes there are in our front ends and what we are doing. All the construction council is aware of the responsible bidder criteria. They know it can be implemented prior to any bidding. The construction council does go over that with the individual school district. That issue we leave to the construction council for the school district to deal with the school and give them advice on whether they want to incorporate that into the bid documents. Senator Mumper responded that since he has been on this

Commission for about four or five years and we have had a half a dozen issues come through like this. Certainly it seems that almost every project has some place in it, something that needs straightened up and certainly we take care of it. Sounds like in this project, a lot of those issues came together all at the same time, but with respect to the policy that we have talked about before it might be interesting to go back and look at projects that have had an extensive number of issues and see who the construction manager was, who the contractors were and take a look at that. I'm not sure that we could say that with the policy that we adopted could have corrected this one situation or not and maybe we should be sure of that.

Steve Berezansky pointed out a very important factor in this project, the tragic loss of the construction manager's superintendent. The construction manager's superintendent really is the key role of coordinating all of the work on site and that happened three to four weeks before it was complete.

4. Process Improvement Report – Presented by Cheryl Lyman

Cheryl Lyman updated the Commission from the special meeting held on August 20, 2008. There will be a process improvement reporting portion of the agenda at every Commission meeting where we will address specifically the progress we are making on the items that we have talked about on August 20, 2008. Next month we will be talking about assigning construction managers earlier and provide a list of those districts where we are accelerating that process. On a quarterly basis starting in October, we will report back to the Commission on a number of these items that we talked about. Cheryl Lyman mentioned that in November we would be reporting on the alternative bidding method that Senator Mumper and Dr. Puckett addressed, incentives that Dr. Puckett addressed and bringing some staff recommendations to the Commission. The Commission will be seeing on their agenda this process improvement report where we will be coming back to the Commission to talk about milestones achieved, challenges that we might be seeing and to give you a sense on where we are in status on an ongoing basis.

Chair Sabety asked when the contractor evaluation would be presented. Cheryl Lyman responded that we anticipate we will be coming to the Commission over a period of time maybe a first phase, or we will come back on a quarterly basis within the next twelve months to talk about process. Where we are in milestones and we anticipate for example in contractor evaluations we will have everything in place and will be providing data and analysis to the Commission within a twelve-month period. Senator Mumper said that with the policy that he suggested he thought would work and only if no matter what policy we choose is it not up to us to sort ahead of time the contractors and construction managers making sure that those things can happen. Chair Sabety felt the issue is do we have the systems internally within the School Facilities Commission to pro-actively identify these situations, understand their acclimate and take measures before we see what is before us today. Cheryl Lyman added at the direction of the Commission, all of the Ohio School Facilities Commission staff has taken it to heart that a very real concern is that the system and process are in place and the ability to report those to the Commission. We want to insure that we are not only putting those systems in place, but are actively reporting those changes and improvements to the Commission.

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

Mark Wantage presented one School District requesting participation in the Energy Conservation Financing Program. In this program districts identify energy saving facility improvements. Projects must pay for themselves through the result and reduction of energy consumption within a fifteen-year period. School districts are required to prepare and submit project proposals for review and approval by the Commission. Commission approval allows the school district to

obtain financing and proceed with their program. These projects have been reviewed by the Ohio Department of Development/Office of Energy Efficiency and the staff of the OSFC and were recommended for approval of Resolution 08-116.

Wickliffe City Schools (Lake County):

Total Project Cost \$2,037,524
 Interest Rate (Included in the Total Project Cost) 4.1 %
 Total Annual Savings \$142,776
 O&M Savings (Maximum Limit of 30%) \$39,856
 O&M Savings is Percentage of Total Savings 28.0 %
 Payback Period (Maximum 15 Years) 14.3 years
 Number of Buildings 3
 Vendor H.E.A.T Total Facility Solutions, Inc.
 Scope of Work:
 New Building Automation System (3)
 Window Replacement (3)
 Class & Gym Lighting Retrofit (3)
 Occupancy Sensors (3)
 Boiler Replacement (2)
 Steam Trap Replacement (2)
 Variable Speed Drive (1)
 Suspended Ceilings (1)

Dr. Puckett moved to approve Resolution 08-116.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

6. Maintenance Plans Approval – Presented by Mark Wantage

Mark Wantage presented six maintenance plans for Commission approval for Akron City School District, Bridgeport Exempted Village School District, Dawson-Bryant Local School District, Gorham Fayette Local School District, Hillsboro City School District and Vinton County Local School District. A Maintenance Plan provides the district with a systematic and thorough guide for preventative maintenance of the facility completed under the Commission’s programs. The plan also provides for projections of cost and a prioritization of the recommended maintenance operations. Individual plans are based upon the equipment and materials used in the facility. Recommendations are made concerning maintenance tasks, staffing, continuous education and service contracts. Commission approval of the Maintenance Plan is required for the access to their half-mill maintenance fund. The School Districts having submitted their Maintenance Plans for approval. Staff reviewed the maintenance plans for the districts and they met all the requirements. Resolution 08-117 was recommended for approval.

School District	Buildings Included in the Maintenance Plan
Akron CSD (Summit)	Voris CLC & Resnik CLC – Segment 1A, Helen Arnold CLC and David Hill CLC (Final Plan)
Bridgeport EVSD (Belmont)	PK - 12
Dawson-Bryant LSD (Lawrence)	Dawson-Bryant MS/HS and Deering ES
Gorham Fayette LSD (Fulton)	PK-12
Hillsboro CSD (Highland)	Hillsboro ES
Vinton County LSD (Vinton)	Central, South and West ES; MS and HS

Vice Chair Quill moved to approve Resolution 08-117.
Dr. Puckett seconded the motion.
Approval: Vote 3-0.

7. FY09 District Project Agreements Approval - Presented by Eric Bode

Eric Bode presented FY09 District Project Agreements templates for approval. Once the Commission has approved the projects, they go to the controlling board for approval, the district comes up with their local share and their maintenance funds and then we are ready to sign the project agreement. There are four different templates. One for Exceptional Needs Program, one for the Vocational Facilities Program, one for the Classroom Facilities Assistance Program, and new this year one for Classroom Facilities Assistance Program Segmented Program. It is very similar to the Classroom Facilities Assistance Program except we added a paragraph that gets to the provisions for a future segment. If a district decides to go for a segment two later it particularly says there has to be state dollars available for a future segment, it is not automatic and there would not be any change in the state and local percentages if they go on to a future segment. This is very similar to the Exceptional Needs Program where a district now would do a portion very similar to this of their whole master plan. At the staff level, the planner would work with the district and say here is the whole plan, here is what you want to do now, here is how it fits and make sure that we are not going to do a decision now that negatively affects future segments. The second part of that is to say what official action will happen. Again this would be very similar to the exceptional needs program where we do not present a plan for the whole thing, we just present a plan for what we are doing now under this approval.

Chair Sabety asked what would be the impact if we could waive this revision on segmenting until after we have a better sense on how you are implementing through segmenting language and statute. We have not had a broad discussion on how you are implementing that and it is significant. Eric Bode responded that there were four segmented projects that the Commission approved in July. Melanie Drerup added that the four segmented projects are not ready to go and could wait until September. Director Quill asked when the project agreement segmenting template is presented at the next Commission meeting could it be highlighted bold so that we could see the changes. Very small changes to project agreements have a great impact. Eric Bode responded there were many of us involved. Jerry Kasai did a lot of the drafting, Melanie Drerup was involved and we went through as we always do to do the update. I did a compare document final check and there were for instance just a series of formatting changes. The ones that we have updated for Classroom Facilities Assistance Program, Exceptional Needs Program and Vocational Facilities Assistance Program we have an acknowledgement of the 100% cap for the renovation of a project that we would not be able to fund by law more than 100% of the cost to build new. That is provision in law. We do not really have to have in the project agreement, but for clarity sake we put it in there. In the past we have called that out when we talked about the individual budget in the body and we thought it would be better placed more clearer in the whereas clause so it really is not a substantive change but a clarification change. The other thing is that in one of the half mill options for the maintenance levy for a district there was a reporting requirement for the district every year to report back to us and to the state auditor that they have deposited funds. This is law that pertains to them but we did not specifically call it out previously in the agreement and through Lois Snyder, our Deputy Chief Financial Officer, she thought it would be a good idea to spell that out specifically so we did add a half sentence in that provision in the maintenance clause area. Besides that it was formatting that we changed. Director Quill said in the years forward when we are going to have these types of template changes just to highlight the changes so it is plainly obvious that this is a formatting change. Chair Sabety said she would cross out Classroom Facilities Assistance Program Segmenting in the resolution. Eric Bode recommended for Commission approval as noted with changes Resolution 08-118.

Vice Chair Quill moved to approve Resolution 08-118.
Dr. Puckett seconded the motion.
Approval: Vote 3-0.

8. **Master Facilities Plans and Amendments Approval – Presented by Steve Lutz**

Steve Lutz presented the following Master Facilities Plans for districts wishing to participate in the Expedited Local Partnership Program for Commission approval.

Clermont Northeastern Local School District of Clermont County

This plan is budgeted at \$48,468,836 and provides for construction of a new high school with career tech space and a new PK-8 school. The existing high school and middle school will be abated and demolished and two elementary schools will be abandoned from K-12 use. The state share of a future Classroom Facilities Assistance Program project would lock at 29%.

Cloverleaf Local School District of Medina County

This plan is budgeted at \$73,036,571 and provides for renovation and addition to the high school, renovations and addition to the middle school, construction of one new elementary school and abatement and demolition of five elementary schools. The state of a future Classroom Facilities Assistance Program project will lock at 29%.

Wadsworth City School District of Medina County

This plan budgeted at \$121,433,866 provides for building one new high school, renovation of the middle school serving 7th and 8th grade, renovation and addition to the intermediate school serving 5th and 6th grades, building three new elementary schools serving PK through 4th and renovation of two PK-4 elementary schools. The existing high school and three elementary schools will be abated and demolished. The state share of a future Classroom Facilities Assistance Program project will lock at 36%.

Staff worked with the three districts to develop plans, which will meet their needs. Staff recommended approval of Resolution 08-119.

Dr. Puckett moved to approve Resolution 08-119.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

Steve Lutz presented amendments of two Master Facilities Plans for districts participation in the Classroom Facilities Assistance Program and the amendment of the Master Facilities Plan for one district participating in the Expedited Local Partnership program for Commission consideration.

Fairlawn Local School District of Shelby County First Amendment for their 2007 participation in the Classroom Facilities Assistance Program. This district benefits from the open enrollment language of amended substitute House Bill 562 which directs that the local share of the project be recalculated if the number of open enrollment students coming into the district exceeds 10% of the resident students. This amendment reduces the local share from 32% to 15% and increases the state share by \$3,064,447.

Greenview Local School District of Green County First Amendment for their 2007 Classroom Facilities Assistance Program project. The district has requested this amendment to better align the project with the preferences of their constituents. Their PK-4 project changes from new construction to the renovation of the existing intermediate school. Their Grade 5 thru 8 project

changes from renovation to new construction. The project budget is reduced 1.4% by over \$528,722.

West Clermont Local School District of Clermont County First Amendment for their participation in the Expedited Local Partnership Program. This district developed and approved a Master Facilities Plan for the Expedited Local Partnership Program in 2003, but did not have success in obtaining voter approval of funding a project until November 2007. This amendment updates the budget to the 2007 cost set and adjusts for a 500-student increase in projected enrollment. Scope is changed to increase the size of additions to four elementary schools, two middle schools and two high schools and increases the size of four new elementary schools. This amendment adds \$48,662,149 to the 2003 original budget of \$141,364,116, which is a 34% increase.

Staff has worked with the districts to update their Master Facilities Plans and recommends the Commission's approval of Resolution of 08-120.

Dr. Puckett asked if there was an implication to the open enrollment law here and will the projection of the open enrollment students be maintained over a number of years to ensure the need for additional space. Steve Lutz responded the projection of student enrollment in these districts is based upon the historical track record we see of the flow of students in and out of the district net gain or loss of students of open enrollment. In these districts we are seeing some that have a gain, the law has us calculate it based upon the current year. Dr. Puckett asked if we look back several years and find patterns. Eric Bode responded there are really two separate things with open enrollment. One is the impact of open enrollment on a calculation on the equity list that the Department of Education does. The other thing is actually how we build the schools, what population do we build for. Population that we build for has always included open enrollment. The change in the law has to do with how the equity list is calculated, which derives the state and local share. The provision that was changed in law is going forward. There was a special provision added to the Capital Bill this year that was very narrow. It only applies to one school district, Fairlawn Local School District, that was basically a retroactive provision for a district that if they would have waited one year longer they would have benefited from that provision.

Vice Chair Quill moved to approve Resolution 08-120.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

9. Expedited Local Partnership Program Agreements and Amendments Approval – Presented by Steve Lutz

Steve Lutz presented new Expedited Local Partnership Program project agreements for the Cloverleaf Local and Wadsworth City School districts for Commission consideration. The Expedited Local Partnership Program agreement defines the portion of the Master Facilities Plan, which the district intends to build under the expedited program.

Cloverleaf Local of Medina County has raised \$24,999,965 and plans to build 94% of the new PK-4 elementary school, which will serve over 1,100 students. The Expedited Local Partnership Program agreement for Cloverleaf will lock the co-funding of the future Classroom Facilities Assistance Program project at 29% state share.

The Wadsworth City School District of Medina County has selected from the Master Facilities Plan a discrete portion, which consists of building one new high school for 1,526 students, build

three new PK-4 elementary schools for 1,300 students, abate and demolish the existing high school and three elementary schools. The budget for the project is \$99,432,964. The Wadsworth agreement will lock the co-funding of the future Classroom Facilities Assistance Program project at 36% state contribution.

Staff recommended approval of Resolution 08- 121.

Dr. Puckett moved to approve Resolution 08-121.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Steve Lutz presented for Commission approval two amendments to the Expedited Local Partnership Program for Keystone Local School District (Lorain) and West Clermont Local School District (Clermont).

Keystone Local School District of Lorain County amendment reconciles the final scope and credit applied to the work completed by the district. The district has completed a \$15 million new high school project. This amendment adds \$310,965 to the Expedited Local Partnership Program credit for the campus site infrastructure work completed for the middle school and elementary school.

West Clermont Local School District of Clermont County amendment updates the portion of the Master Facilities Plan the district will construct under the Expedited Local Partnership Program. This district succeeded in November 2007 in obtaining substantially more funding than they originally sought in 2003. This amendment deletes the partial renovation work planned for two high schools and two middle schools and substitutes the construction of two new elementary schools along with the abatement and demolition of two elementary schools. The discrete portion budget is \$28,331,259.

Staff worked with the districts to develop the Expedited Local Partnership Program agreement amendments and recommends the Commission's approval by the adoption of Resolution 08-122.

Vice Chair Quill moved to approve Resolution 08-122.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

10. Consultant Contract Agreement Approval – Presented by Eric Bode

Eric Bode presented Technology Specifications Review and LEED Study Presentation consultant contracts for Commission approval.

The technology specification review contracts are for two contractors both for \$175,000 each. The contractors are Technology Dynamics and Heapy Engineering. The scope is to review bid documents for technology such as phones and security systems, media retrieval, information technology backbone equipment and wiring. We did the full Request For Proposal process for these. We had six companies respond. We had four on the short list. We interviewed those and ranked them and these are the two highest ranked firms. We then negotiated a contract. Staff recommended approval of Resolution 08-123.

Vice Chair Quill asked what a company has to do to show a good faith effort regarding the EDGE Program. Cheryl Lyman responded the company would have to write a letter on their letterhead

for review within our office and Susan Hagan is in charge of that process. There would be additional review by Susan and then a response to the company whether or not they have met that 5% and they have shown that good faith effort. They go through all the processes in terms of reviewing what is available on the EDGE website and ensuring that they have tried to break the contract down by the appropriate areas in which they would have EDGE participation. Eric Bode added that early on in the advertising of the contract we specify that EDGE does apply to these contracts. When we do the short-listing in the interviews, that is part of the criteria.

Dr. Puckett moved to approve Resolution 08-123.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

Eric Bode presented a LEED Study Presentation contract for \$1500.00 to Darin Headrick. Director Shoemaker had mentioned earlier we are having our biggest event of the year, which is our Architect and Engineer Summit with over 400 people attending next week. One of the keynote speakers is a Superintendent of a school district in Kansas that was destroyed by a tornado and is rebuilding with all green concepts, in fact at LEED platinum. This district was featured on the Discovery channel. We would like to contract with Superintendent Headrick. He is asking for compensation to cover out of pocket expenses. Staff recommended for approval Resolution 08-124.

Dr. Puckett moved to approve Resolution 08-124.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

11. Architectural Agreements and Amendments Approval – Presented by Steve Berezansky

Steve Berezansky presented design profession agreement and amendments for Commission consideration. The Commission staff reviewed and recommended approval of Resolution 08-125.

Agreements:

School District	Project	Architect	Amount
Clyde-Green Springs EVSD	South Main ES Renovation/Addition New Clyde MS	Fanning/Howey Associates, Inc.	\$1,531,049.11
Clyde Green Springs EVSD	Clyde HS Renovation/Addition New Green Springs ES	Buehrer Group Architecture & Engineering, Inc.	\$1,746,297.05
The Ohio School for the Deaf and the Ohio State School for the Blind – 2 nd Interim	School and Residential Facilities for the Ohio State School for the Blind and Ohio School for the Deaf	SHP Leading Design	\$400,000.00

Amendments:

School District	Project	Architect	Fees to Date	Amount	Total
Dawson Bryant LSD	Re-roofing portions of the Dawson Bryant MS roof and replacement of telephone system at Deering ES	Tanner Stone & Company	\$844,959.00	\$12,500.00	\$857,459.00
Franklin LSD	Provide new kitchen equipment in each of the	Fanning/Howey Associates, Inc.	\$2,115,654.00	\$98,069.00	\$2,213,723.00

	four renovated school buildings				
Ohio Valley LSD	Change from traditional VAV HVAC system to Geothermal and additional revisions to design development drawings and specifications to achieve LEED Silver	Steed Hammond Paul	\$4,034,045.00	\$341,963.00	\$4,376,008.00

Locally Funded Initiatives:

School District	Project	Architect	Amount
Clyde-Green Springs EVSD	Additional space at South Main Elementary School, and additional space and material upgrades at the new Middle School	Fanning/Howey Associates, Inc.	\$99,408.65

Vice Chair Quill moved to approve Resolution 08-125.
 Dr. Puckett seconded the motion.
 Approval: Vote 3-0.

12. Construction Manager Agreements and Amendments Approval – Presented by Steve Berezansky

Steve Berezansky presented the following Construction Manager Agreements were presented for approval. The Commission staff reviewed and recommended approval of Resolution 08-126.

CM Firm	District	County	Total CM Compensation
Regency Construction Services, Inc.	Strasburg-Franklin LSD	Tuscarawas	\$683,123
The Quandel Group, Inc.	Northmor LSD	Morrow	\$1,676,933
Bostleman Corporation	Clyde-Green Springs EVSD	Sandusky	\$2,915,660

Dr. Puckett moved to approve Resolution 08-126.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

Steve Berezansky presented the following Construction Manager Agreements were presented for approval. The Commission Staff recommended approval of Resolution 08-127.

CM Firm	District	County	Total CM Compensation
Heery International, Inc.	Maple Heights CSD	Cuyahoga	\$5,240,214
Smoot Elford McDaniels Joint Venture	Liberty Union-Thurston LSD	Fairfield	\$1,161,564

Vice Chair Quill moved to approve Resolution 08-127.
 Dr. Puckett seconded the motion.
 Approval: Vote 3-0.

Steve Berezansky presented the following Construction Manager amendments for “locally funded initiative” were presented for approval. The Commission staff has reviewed and recommends approval of Resolution 08-128.

<u>School District</u>	<u>Construction Manager</u>	<u>Amount</u>
Clinton-Massie LSD	Turner Construction Company	\$79,967
Fairlawn LSD	Touchstone CPM, Inc.	\$55,659
Gallia-Jackson-Vinton JVSD	Smoot Construction	\$47,147
Ironton CSD	BBL Construction Services LLC	\$326,853
Lakota LSD	Bostleman Corporation	\$392,650
Painesville CSD	Carbone Companies	\$25,922

Vice Chair Quill moved to approve Resolution 08-128.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

13. Trade Construction Contracts Approval – Presented by Steve Berezansky

Steve Berezansky presented trade contracts for Commission approval. All contracts represent the lowest responsible bidder. There is one contract, which represents an award to the second low bidder and it is for Mount Gilead Exempted Village School District project. The apparent low bidder, Carl’s Heating and Plumbing, was deemed non-responsive due to an incorrect notation for an alternate on the bid form. Therefore the contract is being awarded to the second low bidder, Vaughn Industries, per recommendation of the project team and district counsel. The apparent low bidder is not disputing their bid rejection. Two contracts have been added to the resolution that was not in the Commission book. They are for the Fairfield Union Local School District for Fox Mechanical for plumbing for \$403,600 and T.S. Randall Company for plumbing for \$397,800. R.J. Martin’s electrical contract for the Olmstead Falls City School District for \$1,769,000 will not be presented for approval. The Commission staff reviewed and recommended approval of Resolution 08-129.

Chair Sabety added please note Resolution 08-129 will be approved as amended without R.J. Martin for \$1,769,000 making the total trade contracts approved \$136,482,184.06

<u>School District</u>	<u>Contracting Entity</u>	<u>Scope of Work</u>	<u>Amount</u>
Ada EVSD	Library Design Associates, Inc.	Media Center- General Metal Shelving, Laminate Tops and End Panels	\$35,892.00
Ada EVSD	Martin Public Seating	Student Classroom Furniture	\$109,073.31
Ada EVSD	Continental Office Furniture	Computer Furniture	\$40,554.47
Ada EVSD	Continental Office Furniture	Equipment	\$3,443.25
Ada EVSD	Bluffton Paving, Inc.	Asphalt Paving and Markings	\$287,942.00
Ada EVSD	Library Design Associates	Media Center Furniture	\$52,085.00
Ada EVSD	Martin Public Seating, Inc.	Tables	\$33,270.96
Ada EVSD	Martin Public Seating, Inc.	Seating	\$31,485.62
Ada EVSD	Martin Public Seating, Inc.	Miscellaneous Furniture	\$52,579.13
Ada EVSD	Lepi Enterprises, Inc.	Asbestos Hazard Abatement	\$63,978.00
Akron CSD	Environmental Assurance Company	Asbestos Abatement	\$465,700.00

Akron CSD	Bob Bennett Construction	Demolition	\$117,372.00
Akron CSD	LVI Environmental Services, Inc.	Abestos Abatement	\$293,690.00
Akron CSD	School Specialty, Inc.	Office Furniture	\$200,307.39
Akron CSD	School Specialty, Inc.	Classroom Furniture	\$117,059.51
Cincinnati CSD	Central Insulation Systems, Inc.	Enviromental Remediation & Asbestos Abatement	\$35,200.00
Cincinnati CSD	Loth, Inc.	Bulk Furnitutre Enviromental Remediation & Asbestos Abatement	\$594,611.17
Cincinnati CSD	Central Insulation Systems, Inc.		\$23,821.00
Cincinnati CSD	ESI, Inc.	Electrical/Technology	\$5,500,000.00
Cincinnati CSD	Century Construction, Inc.	HVAC	\$6,689,657.00
Cincinnati CSD	S A Comunale	Fire Protection	\$1,218,000.00
Cincinnati CSD	HGC Construction	General Trades	\$15,601,000.00
Cincinnati CSD	T P Mechanical Contractors	Plumbing	\$1,940,500.00
Cleveland CSD	Envirocom Construction, Inc.	General Trades	\$549,000.00
Cleveland CSD	Northeast Ohio Trenching Services, Inc.	Site Work	\$1,126,000.00
Cleveland CSD	Continental Office Environments	Furniture, Fixtures and Equipment	\$85,786.81
Clinton-Massie LSD	Educational Furniture	Loose Furnishings	\$161,293.59
Columbus CSD	S.G. Lowendick & Sons	Demolition	\$157,633.00
Columbus CSD	Spectra Contract Flooring	Porcelain Tile	\$149,645.00
Columbus CSD	Tom Sexton & Associates	Loose Furnishings	\$92,397.69
Columbus CSD	Continental Office Enviroments	Loose Furnishings	\$70,611.61
East Liverpool CSD	The Conti Corporation	Plumbing & Electrical	\$2,924,500.00
East Liverpool CSD	Fire Foe Corporation	Fire Protection	\$460,757.00
East Liverpool CSD	York Mahoning Mechanical Contractors, Inc.	HVAC	\$4,593,700.00
East Liverpool CSD	Knoch Corporation	General Construction	\$6,321,000.00
Fairfield Union LSD	Fox Mechancial Co.	Plumbing	\$403,600.00
Fairfield Union LSD	T. S. Randall Company	Plumbing	\$397,800.00
Felicity-Franklin LSD	Crace Construction Company	Masonry Repairs	\$175,250.00
Fredericktown LSD	Tom Sexton & Associates	Loose Furnishings	\$147,308.61
Fredericktown LSD	Total Environmental Services, LLC	Asbestos Abatement	\$93,165.00
Fredericktown LSD	Beheler Excavating, Inc.	Demolition	\$182,250.00
Fredericktown LSD	Accurate Electric Construction	Electrical Relocation Demolition and Site Restoration	\$10,550.00
Galion CSD	A. J. Riley, Inc.		\$376,500.00
Jefferson Area LSD	Karvo Paving Company	Asphalt	\$215,660.00
Jefferson Area LSD	Valley Electrical Consolidated, Inc.	Audio/Video System	\$344,070.00
Joseph Badger LSD	Kirila Contractors, Inc.	Paving	\$242,000.00
Kalida LSD	Sarka Electric	Electrical Construction	\$39,172.00
Lincolnview LSD	Valley Electrical Consolidated, Inc.	Video Distribution System	\$332,922.00
Lincolnview LSD	Microman, Inc.	Data Network Communications	\$209,258.00
Lincolnview LSD	Elements IV Interiors	Academic Furnishings	\$418,315.25
Miami Trace LSD	OstermanCron, Inc.	Furnishings	\$163,583.64

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Millcreek-West Unity LSD	Transtar Electric, Inc.	Electrical	\$1,996,124.00
Morgan LSD	Stanley Security Solution, Inc.	Technology Systems	\$1,126,350.00
Morgan LSD	Gutridge Plumbing, Inc.	Plumbing	\$1,164,100.00
Morgan LSD	The Harold J. Becker Company, Inc.	Roofing	\$1,437,360.00
Morgan LSD	Central Fire Protection Co., Inc.	Fire Protection	\$377,552.00
Mount Gilead EVSD	S. A. Comunale Co., Inc.	Fire Protection	\$281,200.00
Mount Gilead EVSD	Louis R. Polster	Kitchen Equipment	\$238,775.00
Mount Gilead EVSD	Studer-Obringer, Inc.	General Trades	\$7,508,100.00
Mount Gilead EVSD	Vaughn Industries * * *	Plumbing & HVAC	\$2,903,000.00
Mount Gilead EVSD	Claypool Electric, Inc.	Technology	\$1,324,000.00
Mount Healthy CSD	Trucco Construction Company, Inc.	Early Site Work	\$1,359,800.00
Olmsted Falls CSD	Price & James Heating & Refrigeration Co.	HVAC	\$1,699,500.00
Olmsted Falls CSD	Blaze Building Corporation	General Trades	\$6,905,000.00
Olmsted Falls CSD	Trimark S. S. Kemp	Food Service Equipment	\$331,391.00
Olmsted Falls CSD	Miller Plumbing & Heating Company	Plumbing	\$908,300.00
Olmsted Falls CSD	S. A. Comunale, Inc.	Fire Protection	\$236,552.00
Painesville City LSD	Cardinal Environmental Services, Inc.	Abatement	\$394,400.00
Painesville City LSD	Gateway Environmental Service	Demolition	\$381,750.00
Ravenna CSD	Simplex Grinnell LP	Fire Protection	\$308,825.00
Ravenna CSD	Breckenridge Kitchen Equipment & Design, Inc.	Kitchen Equipment	\$428,552.00
Ravenna CSD	LoopMaster International, Inc.	Geothermal Wellfield Drilling Construction	\$1,024,400.00
Ravenna CSD	The K Company, Inc.	HVAC	\$2,599,000.00
Ravenna CSD	D & A Plumbing & Heating, Inc.	Plumbing	\$967,090.00
Ravenna CSD	J. W. Didado Electric, Inc.	Electrical Construction	\$3,500,850.00
Ravenna CSD	Giambrone Construction, Inc.	General Trades	\$14,386,950.00
Ravenna CSD	Tom Sexton & Associates, Inc.	Loose Equipment & School Specialties	\$418,401.00
Ravenna CSD	Continental Office Environments	Loose Furnishings	\$250,643.77
Sandy Valley LSD	J & D Mining, Inc.	Asphalt Pavement	\$268,790.00
Stryker LSD	Woolace Electric Corporation	Electrical Systems	\$218,360.00
Versailles EVSD	Peterson Construction Company	General Trades	\$18,875,000.00
Versailles EVSD	Chapel Electric Company, Inc.	Electrical Systems	\$3,465,250.00
Versailles EVSD	GM Mechanical, Inc.	Plumbing Systems & Mechanical Systems	\$4,533,000.00
Wauseon EVSD	Absolute Fire Protection, Inc.	Fire Suppression	\$333,000.00
Zanesville CSD	A. Bonamase Contracting	Demolition	\$52,700.00
	Lowest Responsible, Second Low Bidder * * *	TOTAL	\$136,482,184.06

Dr. Puckett moved to approve Resolution 08-129.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

14. Settlement Agreements Approval – Presented by Jerry Kasai

Jerry Kasai presented three settlement agreements for Commission approval.

The first was a settlement agreement on a Columbus City School Project, the Art Impact Middle School. It is a claim that was originally filed under Article 8 by the general trades contractor, which was an excess of \$700,000. There were some conflicts with the weather and some problems with elevation in between phases and among other issues. We went through all day mediation with the contractor and ended up settling it for \$136,000. The Commission Staff recommended approval of Resolution 08-130.

Dr. Puckett moved to approve Resolution 08-130.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

The second was a settlement agreement on the new Mansfield High School. This building has half-barrel roofs over the main portion of the building that is metal and it has low slopped roofs to other parts of the building. Shortly after opening the building the roofs experienced leaking. All the roofs in the building experienced leaking and there were some issues with code on the metal roofs. Through the efforts of our Post Construction Administrator, Eric Moser, we have negotiated a very reasonable settlement, which included some up grades to the roof and essentially replaced the entire roof on this 200,000 square foot building at a minimal cost. The Commission Staff recommended approval of Resolution 08-131, approving the settlement with MKC, the architect and with Gilbane, the construction manager.

Vice Chair Quill asked what the percent of the share was. Jerry Kasai responded it is very difficult to say exactly what it was because of the upgrades and also because DMI and Metal Mark, the metal supplier, and the contractor have supplied materials and labor free. It is very difficult to ascertain exactly what the total is because you are having a lot of free work done and free materials provided. Vice Chair Quill asked what our out of pocket was. Jerry Kasai responded the total amount spent was \$273,000. We would get \$140,000 in payment from Metalmark, Gilbane, MKC, with a \$131,000 of betterment, which includes ice and water damage to underlayment, which was not in the original design. Representative Szollosi asked if this was an entire re-roof project. Did they rip the old roof off and put a new one on. Jerry Kasai responded technically no, substantively yes. Ninety percent of the metal roof was replaced. Essentially the problem with the metal roof was there were some code issues with what is called sealant. This made all of the metal panels not up to code and that had to be dealt with. Our consultant tells us there were some places where it apparently did not make a difference, but for the most part because of the way the angles and the inner locking of metal roofs, even if you only have a couple of panels that are faulty, it affects the valleys and the hips because they are inner locked. There are issues with the entire elevations. Here it is not an elevation, it is a half barrel so it makes it much more of a larger replacement. With respect to the low slope membrane roof it was probably around 50%.

Vice Chair Quill moved to approve Resolution 08-131.

Dr. Puckett seconded the motion.

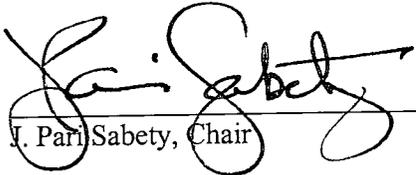
Approval: Vote 3-0.

The third was a settlement agreement on the Minford project. This was a project that was completed a few years ago. Since the completion of the project, there had been volumes of water infiltrating the building at the intersections of the roof and the masonry block. Through partnering with the contractors and the project team, it was determined that there were inadequate amounts of flashing, which was a result of workmanship and design problems in the original documents. Everybody got together and worked together on this one and solved the problem and

at minimal cost to the project. This is now a watertight facility. The Commission Staff recommended approval of Resolution 08-132.

Dr. Puckett moved to approve Resolution 08-132.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

The meeting was adjourned at 4:11 PM.



J. Paul Sabety, Chair

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

Ohio School Facilities Commission Meeting

Witness Form

Name: Gerald C. Henley Title: President
(Community Facilities Use Comm)
School District/Company: Henley Educational Consultants
Address: 11067 Reservoir Pl. Dr. City/State/Zip: Clev, Ohio 44104
Phone: (216) 991-2854 Fax: (216) 991-2854
280-2792

Testimony Subject:

How the Cleveland School
Board is not allowing community input
into the changes of its Master Plan. And
how there are unwanted schools being built
and wanted schools ~~to~~ demolished.

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.*****

August 26, 2008

TO HONORABLES:

GOVERNOR TED STRICKLAND; MAYOR FRANK G. JACKSON; OHIO SCHOOLS FACILITIES COMMISSION, EXECUTIVE DIRECTOR, MR. MICHAEL C. SHOEMAKER; HOUSE SPEAKER, JON A. HUSTED; and SENATE PRESIDENT, WILLIAM "BILL" HARRIS

FROM:

PARENTS and TAXPAYERS of the CLEVELAND MUNICIPAL SCHOOL DISTRICT; PARENTS IN PROGRESS; The COMMUNITY FACILITIES USE COMMITTEE; the URBAN EDUCATION STRATEGY GROUP, and concerned citizens.

We have received confirmation that you received the package from us regarding our concerns facing the Cleveland Municipal School District, dated August 14, 2008.

And we are thanking you in advance for receiving our very serious request regarding the Cleveland Municipal School District. We also look forward to hearing from you soon and meeting you, face to face, to discuss your views and your positions in order to develop a joint and equitable resolution to the issues we have raised.

Sincerely,

Gerald C. Henley,

My mailing address is: Henley Educational Consultants, 11067 Reservoir Place Drive, Cleveland, Ohio 44104; Email: henleyconsultants@gmail.com; Bus./Fax (216) 991-2854 or Cell (216) 280-2792

August 14, 2008

TO:

**THE MAYOR OF CLEVELAND, THE OHIO SCHOOLS FACILITIES COMMISSION,
GOVERNOR TED STRICKLAND, AND THE OHIO GENERAL ASSEMBLY**

FROM:

**THE PARENTS AND TAXPAYERS OF THE CLEVELAND MUNICIPAL SCHOOL
DISTRICT, PARENTS IN PROGRESS, COMMUNITY FACILITIES USE COMMITTEE,
AND THE URBAN EDUCATION STRATEGY GROUP**

1. We are requesting the Ohio Schools Facilities Commission to reject the Revised Master Facilities Plan, due to the Cleveland School Board's failure to thoroughly discuss and provide satisfactory answers to a detailed plan that has provided little to **"NO"** concrete answers to very important issues that were raised by eastside parents and taxpayers, and the community at-large.
2. We are requesting that the Governor of the Great State of Ohio, Governor, Ted Strickland and the Ohio State Legislatures force, if necessary, the Mayor of Cleveland, Mayor, Frank G. Jackson, to remove and replace the current Cleveland School Board members from office for Dereliction of Duty, and Violating the Public's Trust for their blatant neglect to enlist and have maximum community involvement and support in the planning process related to the Cleveland Municipal School District, especially when additional tax dollars are going to be sought in the form of a bond issue or levy.
3. We are requesting that the Ohio Schools Facilities Commission stop the planned construction of a new, un-needed and un-wanted school, by those residents that will be immediately impacted by the new structure... adjacent to the current Adlai Stevenson Elementary School located at 3938 Jo Ann Drive. The changes lack validity and sound

judgment to build a new school next to the present one. And most importantly, there has been little to **"NO"** community input.

4. We would like for Mayor Frank G. Jackson to explain to you and the Cleveland parents and tax payers why he has allowed a vacancy on the School Board to remain unfilled since February 1, 2008? There have been qualified community persons that have applied for the Board vacancy. We have proof that applications were submitted and rejection letters were received from Mayor Jackson's office. The vacancy remains as of August 5th, 2008.
5. The parents and taxpayers of the Cleveland Municipal School District are concerned that there have been no educational plans discussed or put in place for the upcoming 2008/2009 school year by the Cleveland Board of Education, in spite of the low reading test scores released by the Ohio State Board of Education, regarding readiness for pre-school children. This kind of poor leadership and guidance by the current Cleveland Board of Education will not be tolerated any longer by parents and taxpayers.
6. We are requesting a responsible answer from Mayor Jackson as to why the current Cleveland School Board knowingly passed a revised Master Facilities Plan, on June 30, 2008, without extensive parent, taxpayer, community involvement or engagement?
7. We are requesting a sensible explanation from Mayor Frank Jackson as to why he is allowing the current Board to vote to build a new Max Hayes high school on a **"CONTAMINATED"** site that has been designated as a **"NO BUILD ZONE"** at West 65th and Clark Avenue? We are requesting that Mayor Jackson provide the public with the Environmental Protection Act report and their recommendations regarding the site at West 65th and Clark Ave. What is Mayor Frank Jackson's position on the recent student deaths at Collinwood High school over the past several years, relating to PCB's and contamination at Collinwood high school?
8. We are seeking the Mayors' reasoning for allowing John Hay high school to be operated like it is a private charter school, having its own 501(c)3,

and a Board of Directors detached from the Cleveland Municipal School Board, except for Cleveland school board members that may have a conflict of interest by participating in both entities interest .

9. We would like to know why Mayor Jackson has allowed the Bond Accountability Commission to violate its own rules regarding little or no community involvement or engagement with regards to changes in the Master Facilities Plan of the Cleveland Municipal School District.

We seek an explanation and direct answer from our mayor and we also seek answers from the mayors' Chief of Education, Ms. Monyka Price, as to how she engages in, communicates with, participates with, informs the public, and interacts with the parents and taxpayers of Cleveland regarding the multitude of issues that affect the students and taxpayers of the Cleveland Municipal School District.

10. We believe that the mayor should attend a Cleveland Municipal School Board meeting or school business meeting at least once each year.
11. The Cleveland School Board has operated with **"NO"** standing committees since the advent of mayoral control in 1998. Imagine the chaos and paralysis other legislative bodies would encounter if they tried to function without committees. And budgets over \$750 million annually, and a work force above 8,000 employees. Imagine that!!! Imagine, **"NO" PERSONNEL, BUSINESS, FINANCE, TRANSPORTATION, FACILITIES USE, or POLICY** review committees! And last but not least... **"NO" EDUCATION** committee for the second largest school district in Ohio!!! **IMAGINE THIS NIGHTMARE FOR PARENTS AND TAXPAYERS!!!** Many experts suggest that this form of School Governance, along with the many urban problems that are natural for inner city schools, is a **ROAD MAP FOR EDUCATIONAL DISASTER** where no boundaries, limits or leadership exist!!! Governor Strickland, we've had enough!!! Please tell us why other school districts in OHIO have not followed Cleveland's lead with this **"dismal" form of EDUCATIONAL GOVERNANCE REFORM!!!** We await your informed and sincere response!!! Thanking you in advance for your serious concern(s) for the quality of education in CLEVELAND, OHIO.

***"BRICKS AND MOTAR HAVE REPLACED EDUCATION ON THE
CLEVELAND SCHOOL BOARD'S AGENDA"***

PARENTS IN PROGRESS, of Cleveland, Spokesperson,

Donna Walker-Brown

**THE COMMUNITY FACILITIES USE COMMITTEE and the URBAN
EDUCATION STRATEGY GROUP of Cleveland, Spokesperson,**

Gerald C. Henley

Dear:

Honorable, Ted Strickland, Governor of the Great State of Ohio

Honorable, Frank G. Jackson, Mayor of Cleveland

Mr. Michael C. Shoemaker, Executive Director, Ohio Schools Facilities Commission

Honorable members of the Ohio General Assembly

Parents In Progress, the Urban Education Strategy Group, and the Community Facilities Use Committee, would like for you to study very carefully and take a very critical look at the very serious request that we have ask of you.

Governor Strickland, we ask that you offer and the General Assembly pass a bill that mandates **“standing committees”** for the Cleveland Municipal School District. We are available for any specifics in the drafting and language of this much needed legislation.

Mayor Jackson, we would like to meet with you and Ms. Price to discuss the poor performance of the current board members and valid reasons why you should replace **“ALL”** of them, except possibly, Mrs. Peterson, the most recent appointee. Mr. Mayor, this Board is a total **“FAILURE”** and provides **“NO”** leadership or guidance to an extremely capable and very highly skilled CEO, in Dr. Eugene Sanders.

Director Shoemaker, we would like to appear before the entire Commission and provide sworn testimony why the Commission should **"STOP"** several construction projects here in Cleveland, especially the planned construction of the un-wanted and un-needed new Adlai Stevenson School. We would like for the Commission to investigate why the Cleveland School Board is **"NOT"** allowing professionals to have proper input according to their own, and the Bond Accountability Commissions' **"RULES"!!!**

General Assembly, we would like for you to pass the much needed **"standing committees bill"** for the Cleveland Municipal School District!!! We are available to assist in the drafting and the language of the bill.

Thanking you in advance and we also look forward to hearing from each of you very soon!!!

Sincerely,

Donna Walker-Brown

Gerald C. Henley

JEANNETTA JOHNSON

3861 Joann Drive
Cleveland, Ohio 44122
Phone (216) 752-5576
Jjohnson319Esbglobal.net

June 17, 2008

Dr. Eugene T.W. Sanders
Cleveland Metropolitan School District
1380 E. 6th Street
Cleveland, Ohio 44114

Dear Dr. Sanders,

The property owners and residents of Joann Dr., Woda Avenue, Wendy Avenue, E. 183rd Street and other nearby streets situated either around or in close proximity to the perimeter of Joann Park where the construction for the New Adlai Stevenson is to be situated at 18300 Woda Avenue, are deeply concerned, outraged and in opposition of the relocation of this 57,460 square school that is scheduled to be built across the street from our homes. Construction is to commence in September, 2008. So, we are deeply offended that we were not included in the initial site selection and planning process. Instead, we were left in the dark throughout this entire process.

This is a major project which, in terms of perception, will have a negative impact on our property values and ability to sell. In addition, the projected two (2) construction period alone will require a tremendous amount of sacrifice. The annoyance, and inconvenience created by this project, particularly to those property owners living on the perimeter of the park will be an unbearable hardship. Once the construction is complete, not only will we have this huge building in our front yards, we will have to contend with ongoing activity, increased traffic, parking on already narrow streets, loitering, noise, litter, etc., all of which we have not been accustomed to. And yet, we, the "taxpayers" were not given an opportunity to have a voice in the matter.

In a conversation with Councilwoman Nina Turner ("the Councilwoman") on June 9th, 2008, I learned for the very first time that this project, that is now moving forward, has been on the table dating back to when Barbara Byrd Bennett was CEO. Clearly, she has known of this project all along but never deemed it necessary to share it with her constituency, until now; when the project is already well into the process, appalling! The property owners were not notified and no meetings were held specific to this project either by the Councilwoman or the Cleveland Metropolitan School Board ("CMSB") until recently.

Apparently, a presentation was done by the architect, Richard Bowen and Associates on behalf of the CMSB at Adlai Stevenson on Friday, June 6th at 1:30PM. Unfortunately, the majority of the property owners and resident listed on the attached petition were not notified. In fact, it appears that only the property owners and residents with children in the CMSD were notified of this particular meeting.

Further, it seems that some of the property owners and residents in the this area received an official notice from the City of Cleveland, Board of Zoning Appeals regarding an appeal for a variance hearing regarding the Off-Street Requirements for property located at 18300 Woda Avenue. The meeting was to be held at City Hall on Monday, June 9th, 2008 at 9:30AM. To our knowledge, these were the only two public meetings held regarding this project. Again, we are deeply offended that we were not included in the initial site selection and planning process. Also, both of these meetings were held at inconvenient times, as most people work from 9-5. As a result, these meetings were poorly attended, so again, we did not have an opportunity to express our opinions.

Given the overall impact this project will have on the property owners living in the area, particularly those of living on the perimeter of Joann Park, who will be directly affected and will be forced to live this situation "everyday", we deserve and demand the benefit of a meeting specific to this project. To accommodate working people, the meeting should be scheduled at a convenient time and location. With a project of this magnitude, a series of informational meetings, hosted by Councilwoman Nina Turner and the CMSC should have occurred prior to any decisions being made. Instead, we were disregarded. This behavior and lack of respect for the property owners and residents is unacceptable.

We are in complete support of children receiving a good education and having an opportunity to learn in a comfortable environment. However, we are not sure why the school district chose to use a vibrant park for this project. Especially, in doing so, you are not addressing any slum/blight issues. Certainly, Ward 1 has several vacant and abandoned sites that could have been considered. Such as Beehive School, a property now owned by the city of Cleveland, it has been vacant and abandon for many years and is clearly an eyesore. Revitalization of this site, which would eliminate blighted conditions, would be the better choice. The site is already zoned for a school, has adequate parking, not an inconvenience for property owners and the location is convenient for both Lee-Harvard and Lee-Seville property owners and residence.

Nevertheless, the following property owners are in opposition of the current site, 18300 Woda, which is to be situated in the heart of a residential area that has a very low percentage of elementary school age children. However, we would be more likely to support this project in a more appropriate location.

Therefore, the property owners and residents of Ward 1 are registering our request to Councilwoman Nina Turner, Dr. Eugene Sanders of the CMSD and the Board of Zoning Appeals to halt this project, schedule a community meeting and consider another site. See attached signatures.

Respectfully,


Jeanetta Johnson, Homeowner
3861 Joann Dr.


Eugene Brown, President
Joann Dr. Street Club


Zeddie Coley, Homeowner
16607 Walden Ave

Cc: Councilwoman Nina Turner, Jan Huber, Secretary, Board of Zoning Appeals, Mayor Frank Jackson, Michael Dubois, State Representative, Eugène Brown, President Joann Dr. Street Club, Residents, file

Petition to "Halt" The New Adlai Stevenson Project to be situated at 18300 Woda Avenue

The property owners and residents of Joann Dr., Woda Avenue, Wendy Avenue, E 183rd Street and other nearby streets situated either around or in close proximity to the perimeter of Joann Park where the construction for the New Adlai Stevenson is to be situated at 18300 Woda Avenue, are deeply concerned, outraged and in opposition to the relocation of this 57,460 square foot school that is scheduled to be built across the street from our homes. Construction is to commence in September, 2008. So, we are deeply offended that we were not included in the initial site selection and planning process. Instead, we were left in the dark throughout this entire process.

This is a major project which will have a negative impact on our property values. In addition, the projected two (2) year construction period alone will require a tremendous amount of sacrifice. The annoyance, and inconvenience created by this project, particularly to those property owners living on the perimeter of the park will be an unbearable hardship. Once the construction is complete, not only will we have this huge building in our front yards, we will have to contend with ongoing activity, increased traffic, parking on already narrow streets, loitering, noise, litter, etc., all of which we have not been accustomed to. And yet, we, the "taxpayers" were not given an opportunity to have a voice in the matter.

Given the overall impact this project will have on the property owners living in the area, particularly those of us living on the perimeter of Joann Park, who will be directly affected and will be forced to live with this situation "everyday", we deserve and demand the benefit of a meeting specific to this project. To accommodate working people, the meeting should be scheduled at a convenient time and location. With a project of this magnitude, a series of informational meetings, hosted by Councilwoman Nina Turner and the Cleveland Metropolitan School District should have previously taken place. Instead, we were left in the dark throughout this entire process. This behavior and lack of respect for the property owners and residents is unacceptable.

Accordingly, the property owners and residents of Ward 1 are registering our request to Councilwoman Nina Turner, Dr. Eugene Sanders of the Cleveland Metropolitan School District and the Board of Zoning Appeals to halt this project, schedule a community meeting and consider another site. See attached signatures.

Name Address Phone #

1. George R. [unclear] 3869 Jo Ann Dr - 216-921-0997
2. Pearline Daugherty 3830 Jo Ann Dr Cleveland Oh
3. Reuben Daugherty 3830 Jo Ann Dr Cleveland Oh
4. Rostelle Wentz 3831 East 183 St. Cleve. OH 44122
5. Ron Wentz 3831 EAST 183 St Cleve. Ohio 44122
6. STEVEN DOGGST 17403 INVERMERE AVE 44128
7. Yvette M. [unclear] 3836 Wendy Ave 44128
8. Charles E. Montgomery 3842 Wendy Dr. 44122
9. Jolynn Leach 3848 Wendy Dr. 44122
10. Angela Stacey 3854 Wendy Dr 44122
- 11. Yvette Squalls 3860 Wendy Dr 44122 216 751-3969
12. Mary L. Barrett 3866 Wendy Dr 44122 (216) 561-0334
13. Billy Williams 3831 Wendy Drive 216-0815
14. Zora L. HERRING 3831 WENDY DR (216) 216-0815 ^{cell}
15. Deborah Blady 3830 Wendy Dr 216-751-6464
16. Bruce [unclear] 3819 E 183 St (216) 561-1387
17. Larry Mason 3813 E 183 216-374-3165
18. Barbara Weaver 3800 E 183 (216) 921-2605
9. Nephus D. [unclear] 3813 Jo Ann Drive 216 561-6083
20. Doris Fields 3800 Jo Ann Dr. 216-921-7914
21. Eddie L. Fields 3800 Jo Ann Dr. 216 921-7914

Name Address Phone #

22. Jordan Tucker 3796 JOAN DR 426-5432
23. Ricky Charles 3797 JOAN DR. 283-0873
24. Geraldine Charles 3797 JOAN DR. 283-0873 ✓
25. Rachel L. Dickerson 3818 JOAN DR 921-0975
26. Ferneta Johnson 3861 JOAN DR 752-5576
27. Julian E. Green 3831 JOAN DR 751-6685
28. Debra Johnson 3896 E 186
29. Daniel Johnson Jr 3896 E 186
30. Kim B. Hagle 16322 WESTVIEW 961-8392
31. Kris J. Bentley 3901 JOAN DR. 561-0053
32. _____
33. _____
34. _____
35. _____
36. _____
37. _____

Ohio School Facilities Commission Meeting

Witness Form

Name: Ray Richardson Title: Superintendent

School District/Company: Knox County Career Center

Address: 306 Martinsburg Road City/State/Zip: Mount Vernon, OH 43050

Phone: 740/397-5820 Fax: 740/397-7040

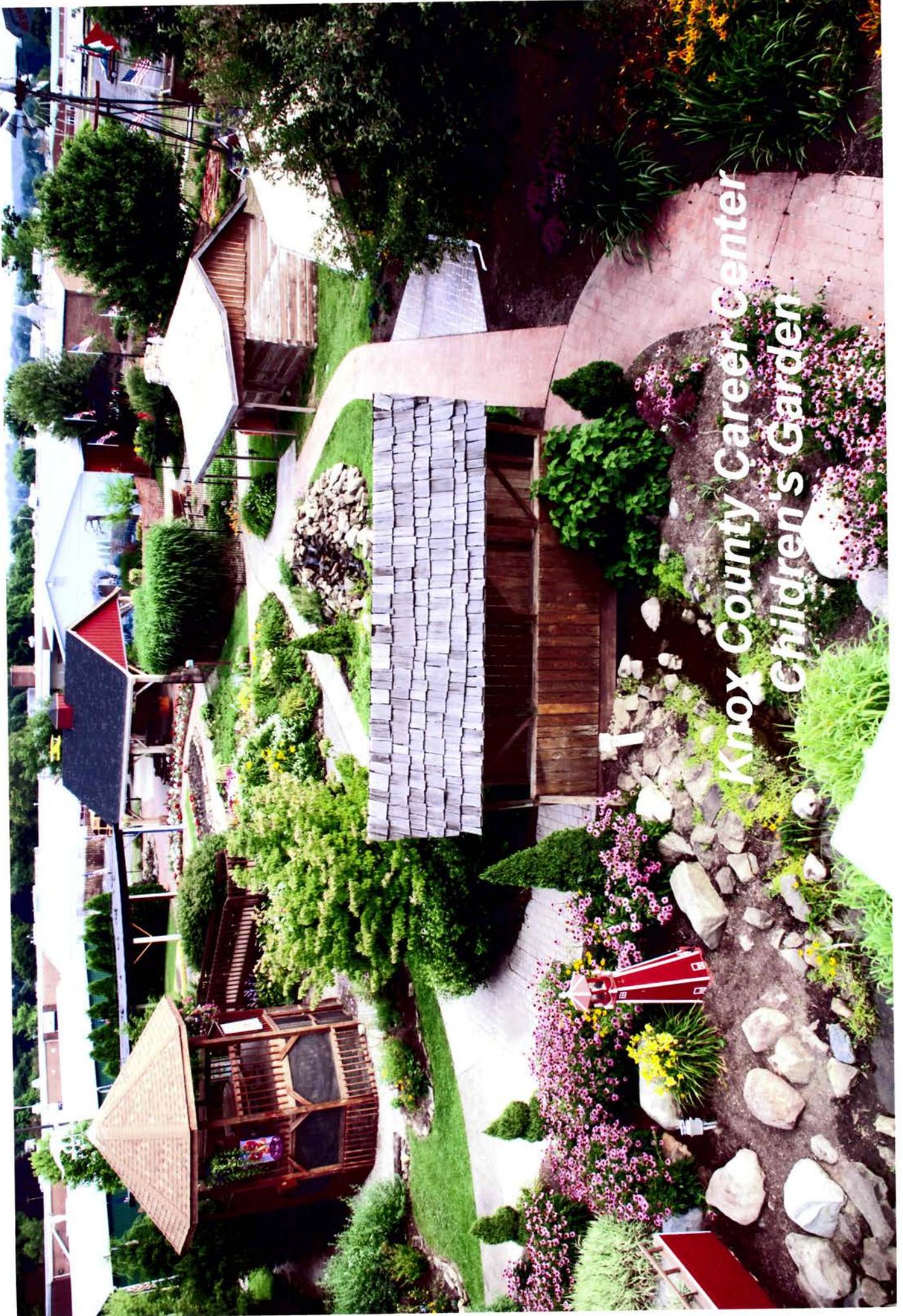
Testimony Subject:

OSFC project at the Knox County Career
Center

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.*****

*Knox County Career Center
Children's Garden*



October 10, 2007

To Knox County Career Center Contractors:

I am writing this summary of our conversation on September 28, 2007.

- I tried to make you aware that we would work with you closely and be as flexible as we can, but we also have expectations in order to get this project done well and on time.
- The first thing I mentioned was there is always a possibility for flaws in an architectural drawing. Therefore, if you see that a particular design is not appropriate or out of place, do not continue until we have a discussion about the issue.
- I also want to make you aware that not getting a job done because a particular piece of material has not been received is unacceptable. You were aware of what was needed when you bid on this project, and we don't expect any hold ups because of lack of material.
- Every one of our supervisors will be a part of the administrative team. All of us want to stay abreast of the construction process. During our construction meetings, if you say you are going to have so many employees on the job during a particular week, we expect that number to be there.
- I also want you to be emphatically aware that in the event any sub-contractor that you have hired does not produce a quality product, I will photograph that part of the project and e-mail it to every superintendent in the state of Ohio, to the Attorney General, and to the Governor's office. As I stated in our conversation, when this project is over you will be moving on to another job site, but all of us will still be here; consequently, we will be responsible that everything is functioning perfectly, so we are very sensitive about making sure that the job is done right.

Thank you for all of your consideration. Hopefully we can work together in a very positive manner to make sure we have a better facility for the students that we serve.

cc: John Sanders, Kevin Klee, Jake Melton, Regency Construction
Syed Abbas, Zora Kovanovic, Architectural Vision Group

June 25, 2008

John Sanner, Executive Vice President
14600 Detroit Avenue, Suite 1495
Lakewood, OH 44107

Dear John:

I am writing this letter to express my concern with the OSFC construction project. First of all, I want to reiterate the reason Regency was selected for this job was the professionalism and genuineness that you reflected in our original meetings. It seemed obvious to me that you were a genuine leader who was sensitive to the needs of your clients. Overall, I have been pleased with your organization and have recommended your company to other superintendents.

We are finishing the first phase of the project, months behind, but I am willing to be flexible because of some extenuating circumstances, weather, etc. My staff and I have tried to stay abreast of this construction project. I am completely disappointed in the lack of pride from the construction companies.

John, I can honestly say to you that I could take seventh grade students through this building and tell them to point out errors and they could make an entire list, yet we are waiting for a punch list so that the construction companies know what they did wrong. In my opinion there has been a lack of supervision that allowed shoddy workmanship. I have dozens of photographs as examples, but your people do not want to see photography, they want to see a punch list.

In our original conversation, I felt that we shared a common philosophy about demanding accountability and getting the job done. Unfortunately, I have not experienced that same demonstrated philosophy from some of your employees. I am convinced that we have to treat people fairly and with dignity, but on the other hand, there is a difference in being a friend and a victim. Men have left this job thinking things were complete and the workmanship and pride is of much lower standards that we would have allowed from our trade students; and now we are waiting for someone to "point out" to them things that are wrong so they can be corrected on a punch list. The bottom line is it should have been corrected months ago while the project was on going.

Page 2
John Sanner

I have enclosed a few photographs that do not begin to capture the magnitude or the lack of professionalism and pride. (Phil was angry at my photographs. He said "I need a punch list, not photographs.") I realize you must receive numerous complaints, but I want to express to you my concerns because I would want to know if my employees were representing me in a manner that reflected standards below my expectations.

I would appreciate it if you would give me a call or take time to come down to visit our school. Again, I am not saying there has not been a lot accomplished, but the standards accepted on this project are much lower than I would have ever expected from your organization.

Sincerely,

Ray Richardson
Superintendent

avw

July 25, 2008

John Sanner, Executive Vice President
Regency Construction
14600 Detroit Avenue, Suite 1495
Lakewood, OH 44107

Dear John:

I appreciate all of your help and your willingness to intervene in our construction project. I am very disappointed in the fact that material was not ordered on time and no one was keeping track of our timeline for starting school. As I reiterated in a previous letter, I appreciate your professionalism and sense of mission in running your operation. Out of respect for you, I am asking for advice.

As you recall in the original meeting with the contractors, I informed of several parameters that I expected in the construction of this project. I emphatically brought to their attention, verbally, and in writing, that there would be no excuses for not completing jobs on time because of a lack of material. Unfortunately, the Knoch Corporation apparently paid no attention to my conversation or my written communication. I informed them, in writing, and verbally that I would notify every superintendent in the state of Ohio about their lack of integrity and workmanship. I also made them aware that I would contact the Attorney General, Governor's Office, as well as Ohio School Facilities Commission.

I am in the process of drafting this communication, which I will send to the major newspapers. My mission is about operating a quality facility for students. It is obvious Knoch Corporation is about making money with no sense of credibility or accountability. I am a man of my word and I feel a moral obligation to let other school administrators know of the kind of services that they can expect and hopefully prevent them from experiencing the frustration that the student and staff will encounter because of their lack of professionalism and ethical diligence. I am also going to address other companies in a similar fashion because of their lack of diligence in employing and supervising professional and ethical sub-contractors. As an educator, I am in the business of instilling character and responsibility in students; unfortunately, what I have experienced in this endeavor is a far cry from acceptable performance and character in relationship to integrity and quality workmanship.

I would appreciate your advice. I realize that some of my educational colleagues are into political correctness; personally I feel an obligation to prevent other people from encountering such frustrations.

Sincerely,

Ray Richardson
Superintendent

avw

cc: Zora Kovanovic, Syed Abbas, Rob Grinch

Knox County Career Center

306 Martinsburg Road • Mount Vernon, Ohio • 43050-429

Ray Richardson
Superintendent

(740) 397-5820 • FAX: (740) 397-7040

Ken Boeshart
Adult Supervisor

Debbie Cisler
Director

Tracy Elliott
Treasurer

August 24, 2008

John Sanner, Executive Vice President
Regency Construction
14600 Detroit Avenue, Suite 1495
Lakewood, OH 44107

Dear John:

I am in the building on Sunday morning, August 24. Our students are due to arrive here at 7:45 a.m. on Wednesday, August 27. The building is in disarray and there are very few construction workers on site. I am going to review for you my observations of this entire project.

In Phase I a lot of the work that was done in the cafeteria and other parts of the building were very shoddy. The entire wall of the cafeteria had to be replaced and the outside is equally as bad. Unfortunately, we are still playing games with attorneys and construction companies. Major flaws in the entire process were picked up by my own administrators. Such things like an office in the welding lab, windows in offices after they were constructed and dozens of other oversights. We brought things up regularly at the meetings hoping that the process would become more effective. The improvements never occurred. My board president, administrators and I were present at all of the construction meetings. We walk through the hallways and it was like a ghost town most of July. Your construction superintendent, Phill Pittman, said he was waiting on a punch list, even though we showed him dozens of items that were left out or neglected. Numerous construction meetings were taken up by the discussion that the punch list "was the reason for the hold up." AVG, the architects, reiterated over and over again that no punch list would occur until the area to be evaluated was cleaned. This went on for weeks.

I wrote you a letter and sent you photographs of the numerous flaws in our building, along with a communication every contractor received in October 2007. You called and assured me that things would get better. Kevin Klee was at the next meeting and demanded of Phill that they get these problems resolved. It was an open shouting match between Phill, Kevin and AVG. Phill said, "I do not need Regency's money", and Kevin's request was basically not expedited as quickly as it could have been. On several occasions I heard Phill make the statement, "I don't need all of this _____," and he didn't need Regency's money. All of this was done in the presence of other contractors who were there looking for direction and in some instances looking for excuses why they shouldn't do so and so. I was grateful for your temporary intervention and some progress was made, but our school, on weekends and most evenings, looked like a ghost town, except for the electricians and HVAC personnel.

I contacted the President of the Knoch Corporation on July 25 and expressed my concern about the progress of the project and that I was going to be forced to seek out other avenues to expedite this process. He assured me he would be in town on Monday, July 28. He walked through the building with some of my supervisors. Your construction superintendent, Phill, walked with him a few minutes and he told Phill, "we don't need more people in here." Phill got disgusted and felt that the walk through was a waste of his time as the man was not going to add additional personnel. My staff showed him as much as they could and were hopeful that some action would be taken.

I continued to contact Kevin and let him know that very little was happening with the project. He shared with me that he was frustrated because the president of Knoch would not return his phone calls. When you called me, I made you aware of all the materials that had not been ordered and would not be available for the start of school and you said that you would talk to the president of Knoch personally. At our construction meeting on July 30, Phill had reached his frustration limits and said that Phase I of the project had "gone to hell" and Phase II he had hoped would be better, but it started the same direction. He was very direct and very forceful. I was hopeful that his efforts would get results, although the people from Knoch were defiant of his comments. I also know that you heard about Phill's demeanor because I read about it in an e-mail. My concern is you were getting two million dollars to complete this project and your concern was about your construction manager being too direct with the people who were supposed to get the job done. (I realize your management style is none of my business, but the results that I did not receive is my business.) Again, my concern is that everybody is looking out for the companies and not for the kids.

On the morning of Saturday, August 2, I talked to Phill at the construction trailer. His words to me were, "Ray, I am very depressed; we are not making headway and I don't know how to make it happen without the support and personnel I need." I informed him of my intention to make a 13 by 19 picture portfolio of the project and deliver it to your door and to the OSFC office in Columbus and to contact legal representation from Bricker and Eckler. His comment to me was, "Ray, unless you get the OSFC to start making phone calls to the construction companies nothing will happen."

In a previous Core meeting, I had informed Rob that we needed to take more drastic measures to put some pressure on the construction companies. I was reprimanded by Rob because my statements could cause legal issues. On another occasion earlier in July, I invited the director of OSFC to our school. I hoped that his presence would stimulate some sense of urgency about the project. Unfortunately that approach was unsuccessful.

John, our staff has tried everything within their power to make this project successful. Yes, they watched over the facility, but we make all kinds of accommodations, gave up rooms so construction companies could work, gave up more rooms and additional space for the project and were told at the time, "we will get this room done so that you will have additional space to store your equipment." That has not happened. Our furniture was delayed because of mis-communication between AVG and Regency and the only reason we got any furniture at all was because I contacted Bill Hartnet from the governor's office on three occasions because all I was getting was rhetoric from OSFC. I encouraged the architect to make some phone calls regarding the furniture and they felt it would be more appropriate if it came from me, so I did the best I could.

John Sanner

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I have watched your construction managers, both Kevin and Phill, backpedal when it came to dealing with contractors. They would go into another room and close the door and act like they had to be careful what they said or they might offend the contracting firm who was not performing up to standards. I have talked for hours and hours with your people, with contractors personally and was not able to develop any sense of urgency about this project until Senator Bill Harris got involved. I realize that billions of dollars have been spent by OSFC, and it is a noble effort, but my concern is for the kids in my district, not to perpetuate the financial growth and longevity of construction companies who take no responsibility for their actions. They specialize in attorneys to make sure that they get the desired bid and then threaten with legal loop-holes for avoiding job completion or integrity of quality in workmanship. Phase 1 is still not complete and is an example of these maneuvers.

A few weeks ago when I contacted you, you assured me that you would be down in a couple of days and I was pleased to see you at the construction meeting. Personally, I feel your people are scrambling around making excuses for why the job isn't done, blaming the architect, blaming color selection process. (By the way, this was in the front-end document and should never be used for an excuse.) In my opinion, your people were not diligent in checking the quality of workmanship, the scheduling and accountability for material deadlines. They seemed more concerned about litigation and offending a company that they might be working with on the next job.

I wanted to make you aware of why I have no other recourse but to look for legal, political and public involvement. This is not just about the students in our district, but other schools who have gone through similar frustrations. The architect and construction companies have moved on to other more lucrative endeavors and the school districts have been left holding the bag, making repairs and some schools are struggling for their existence, having to lay off teachers and personnel. They can't pass levies and people drive by thinking about the beautiful new school on the landscape, with no idea of the untold damages in the construction process and then left up to the districts to fix. I also want to let you know that I am not acting out of malice, but desperation. My kids deserve the best and should not be held hostage to companies whose major focus is to fill their pockets and to move on.

Chad Miller, a project administrator from OSFC, visited our school on August 23 and stated that out of forty or so projects he has worked on, this is the worse one he has encountered. I am truly sorry I feel this way, but my mission is student success and they deserve the best that we can possibly afford to give them.

Sincerely,

Ray Richardson
Superintendent

avw

cc: Senator Bill Harris, Bill Hartnet, Governor's Office, Nancy Rogers, Attorney General, Mike Shoemaker, OSFC, Jack Rosati, Rob Davisson, Bircker & Eckler LLP

Knox County Career Center

Ray Richardson
Superintendent

Debbie Cisler
Director

306 Martinsburg Road · Mount Vernon, Ohio · 43050-4298

(740) 397-5820 · FAX: (740) 397-7040

Ken Boeshart
Adult Supervisor

Tracy Elliott
Treasurer

August 12, 2008

Rob Grinch
10 West Broad Street, Room 1400
Columbus, OH 43215

Dear Rob:

I am writing this letter in response to your communication of Monday, August 11, 2008, to Mike Shoemaker and John Sanner. I have been in this building every day for the last two months. I have been trying my best to encourage, support and make everyone involved in this initiative aware of the short-comings in this project; including poor workmanship, lack of materials, equipment and work force, and significant delays in scheduling and communication from one construction company to another. As I walked through the building this morning, the facility is a complete mess and nowhere close to being ready for school to start. The furniture has not arrived and the general contractor has no employees working second shift.

Rob, your report was based on rhetoric that you received from the construction people and is a far cry from reality. I have taken photographs every day for the last two weeks and I can show you a day-to-day report that significant progress has not been made. We also have classrooms with one or two workers during the day and none at night. The electric and HVAC contractors have been very diligent in their efforts, but are frustrated because of the lack of coordination and completion of work by other contractors, which stifle their efforts. I hear construction workers saying to each other, "where is all of the help we are supposed to get?"

My disappointment in this whole scenario is something that could have been so beneficial to our school, to the community and to the workers involved in this project, has turned out to be a complete fiasco because of the lack of management and integrity. I have been told one thing one day and get nothing but excuses the next day. I have tried to be patient and listen to the people who are "professionals" assigned to this task, but I have reached my limit and I will pursue whatever legal measures necessary to make sure the students and the Knox County Career Center are served. The quote from one of the workers this morning in the hallway was, "it is too little too late," and that is exactly the way I feel. I contacted the construction owners weeks ago and the only thing I have received is lip service.

The educational community needs to be made aware of the challenges they will face if they become involved in a similar endeavor without thoroughly researching the companies that they are going to be dealing with. I feel a personal obligation to make the public aware of the situations that have caused so much frustration for the district. In these situations school boards and students are placed at the mercy of construction management companies, architects and general contractors who are making millions on these projects. The schools are forced to rely on the integrity of these companies to follow through with their signed contracts. Unfortunately, I think many of them specialize in blaming each other and searching for legal loopholes not to follow through on the contracts. In my twenty-two years as a superintendent, I have never experienced so much finger pointing and blaming; and yet we inherit results of the negligence and

Robb Grinch
Page 2

greed that allows companies to steal from children. In reality, the so called general contractors are no more than brokers who run out and hire any subcontractor employees they can get their hands on to work on these projects. Unfortunately, in many situations there is no allegiance to the so called contractor, but an avenue to take money from the highest bidder. The general contractor's supervisor has no clue who the workers are today, or who might be in tomorrow, and their name doesn't even matter, much less their criminal record.

In my opinion, the same general contracting companies who are waiting like vultures to sue the construction management group, or OSFC for a technicality in not getting a bid are the same people who are looking for legal loopholes not to perform according to the contract. Unfortunately, OSFC seems to have more fear of legal retributions from contractors than they do about poor workmanship, accountability and serving the students in Ohio. People seem to be looking out for the rights of big companies, but who is responsible for the rights of the students who attend our school every day.

Sincerely,

Ray Richardson
Superintendent

avw

cc: Nancy Rogers, Attorney General; Bill Hartnett, Governor Strickland's Office;
Senator Bill Harris; Mike Shoemaker, OSFC; John Sanner, Regency Construction;
Zora Kovanovic, Architectural Vision Group; Rob Davisson, Bricker & Eckler, LLP

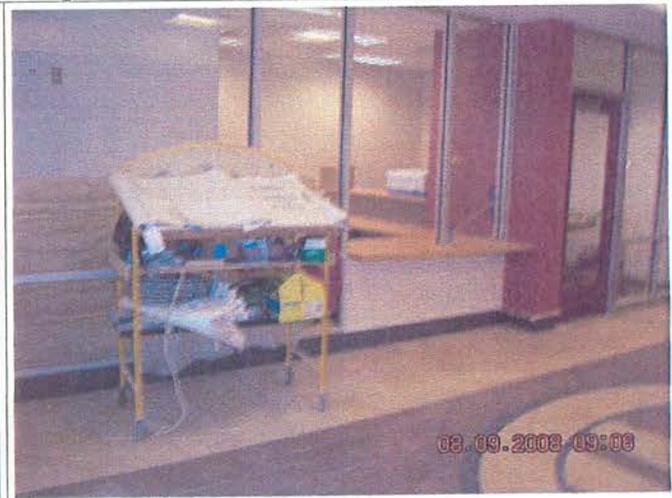
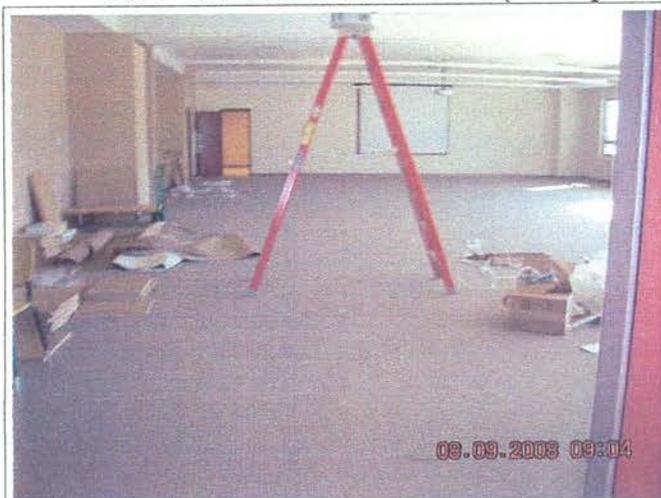
Scioto County CTC
Things to do
Top 20 list 8/10/08

With only a few days left until people will be populating our Schulte and STEM wing to our schools: I think it must be noted that many things need to be done. I would not be inclined to be continuously noting these items, except that no one seems committed to work on them. The list and checklist from earlier this week is still in progress with little being 100% accomplished, many items this district may have to work through on their own...as again: I looked at the campus on Saturday many items could have been done, but NO ONE was present to make impact. And again: the SC CTC district was fully "manned" and seems to have the moves going (with a 7 day a week, 12 hour a day effort-and ALL custodial and maintenance staff on hand).

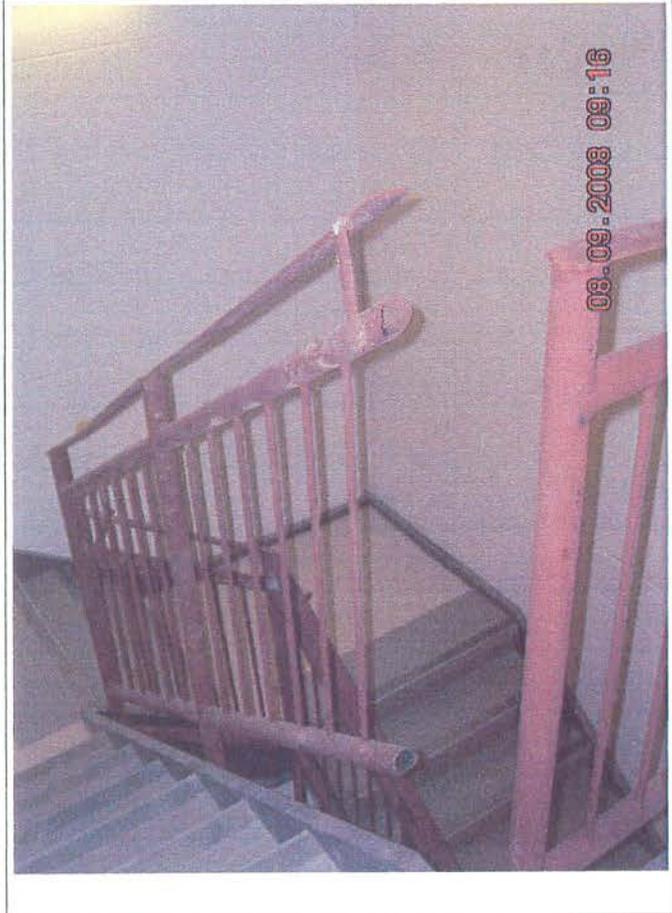
Further: please note that we are seeking certifications from inspections this week on our Child Care, Cosmetology, and kitchen areas. This being said everyone needs to get out of the way. Further; if there is any thought to anyone working while that school is in progress: the district will find this to be illegal during the day. ANY worker that would be in the vicinity of ANY of our students would first need to go through a B.C.I. Check...and then only of what they were doing was non-intrusive to the educational event occurring at the time. We will REQUIRE that things not done, be done in the evenings and/or over weekends after Sunday August 17.

This being said, the following list and pictorial documentation must be presented:

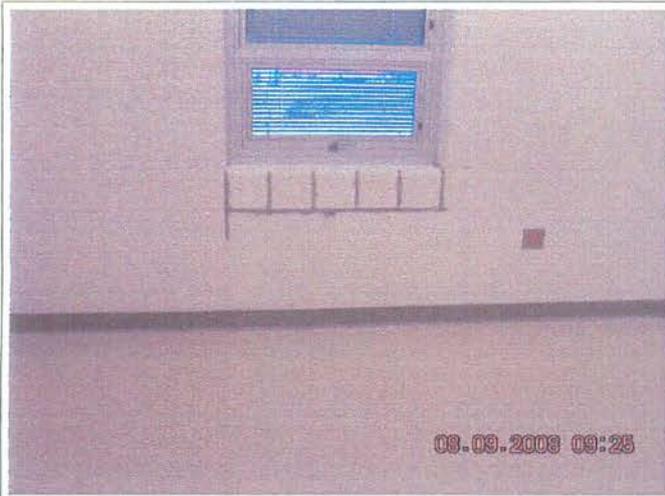
1. cleaning is being done by K&K who was making strong in roads and working over the weekend...but they like the district are being given the buildings at a very late date, and much of what they are cleaning will need re-cleaned when and if other needed work occurs (example railings finished on stairways)



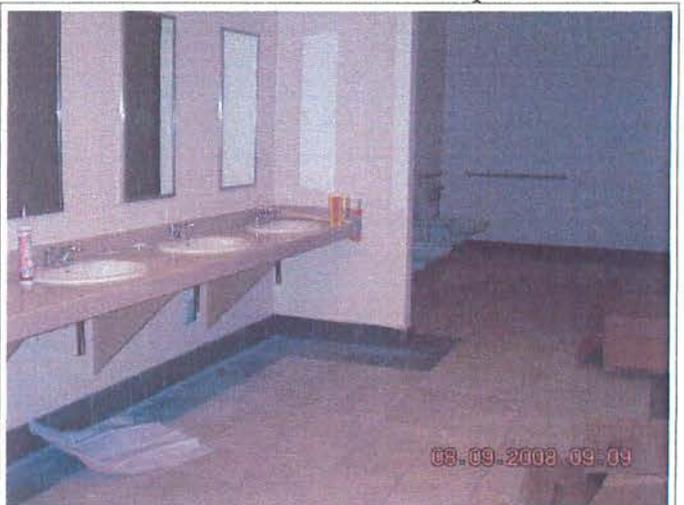
- interior railings-this is on-going with welding and cutting occurring around our staff (work should have been done on this over the weekend)...but many issues exist and many cuts and short pieces are prevalent...this railing has no handrail (a wood feature) and has not been scraped, sanded, primered, painted etc...We cannot have welding occurring with so many office staff during the day in proximity-if you are reading this message...this work needs to occur in the evenings...and NOW...



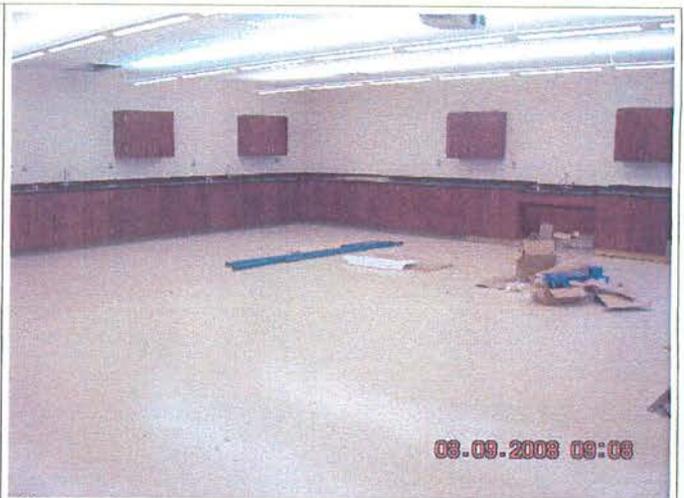
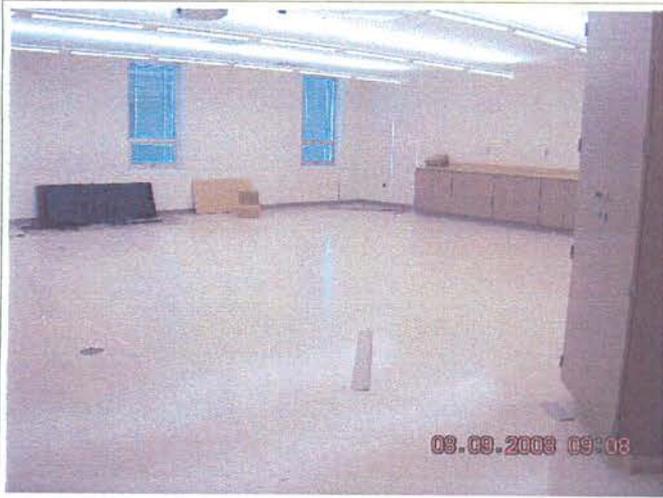
- finish walls-walls need cleaned...walls needs patched...walls need painted...and in the new addition-walls need to be gone back throughas many were painted with mortar not scraped...very poor in appearance...but the most amazing wall-is in our new math room which features courses laid on a corner with a bull nose...and then...a singular corner/ course laid with a standard (squared end)...see picture #2



4. Casework-still not complete...some needing adjustment...some never arrived...the bathrooms in the new addition does now have counter tops-but more work needs done to complete the progress and no separator walls have been installed (note: they are leaning against the outside of the bathroom wall...others not placed....



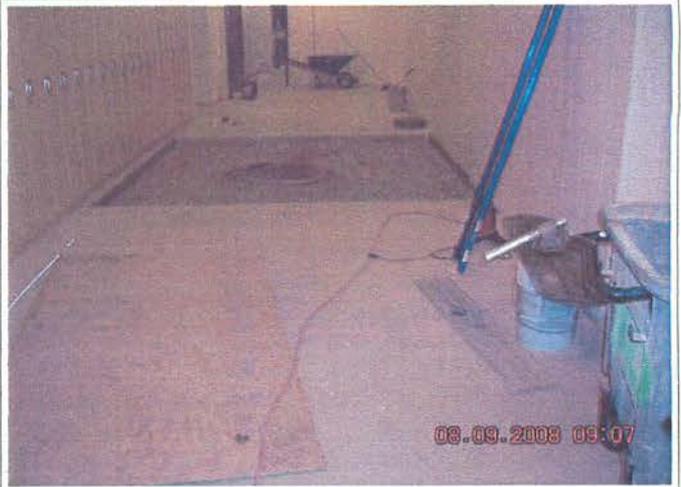
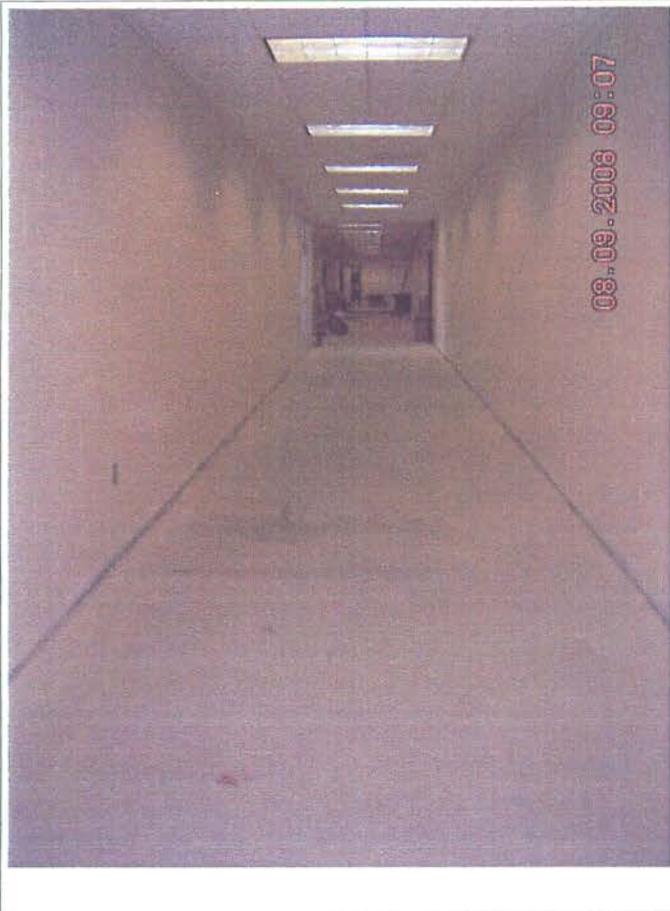
5. science rooms-are just over 50% complete and have no real furniture in them. We cannot set out technologies due to this...we are worried about where that our furniture is and where that the completing casework may be...bu wednesday, we will be asking to complete this task on our own if no one can make it happen otherwise...we are certain that we can find furniture to hold us until the others arrive...but who will we give the bill to?



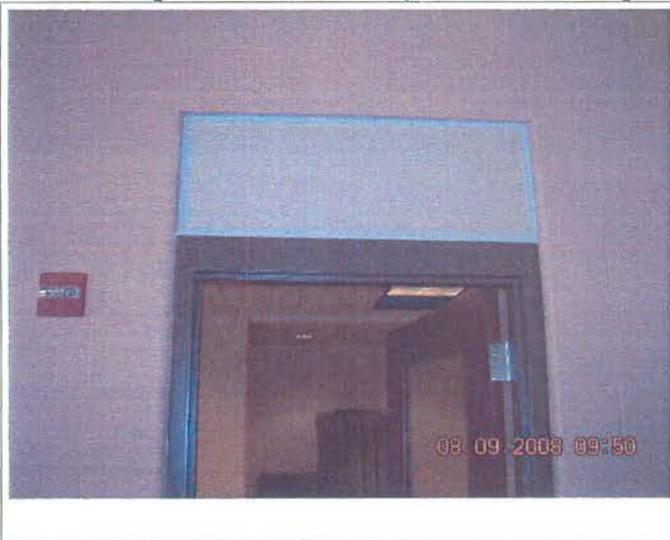
6. Furniture-we are specifically worried about the teachers desks in the new additional math rooms...but others, such as in the receptionist area are also missing...et. al.
7. Entry shrubbery and walls...note much of the foliage in the front has been damaged due to a large plastic sheet “burning” up hedges, and our walls are still needing some additional work (what about the cap?)



8. ledge in multi-purpose...it is missing...we have asked numerous times...we are not seeing the results that match the answers given...it is an eyesore as is and is something that require installation, that will create an additional mess...we expect this area to be fully cleaned over the weekend...when it does arrive-who will clean-up the mess?
9. concrete-flooring/tiling in the new addition. I believe that concrete was completed on Saturday, but please understand that the tiling must occur to be complete by August 18th ...even if this means next weekend.

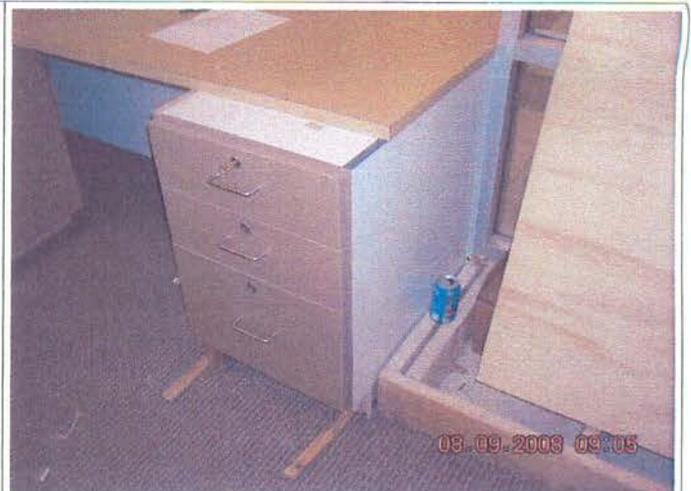
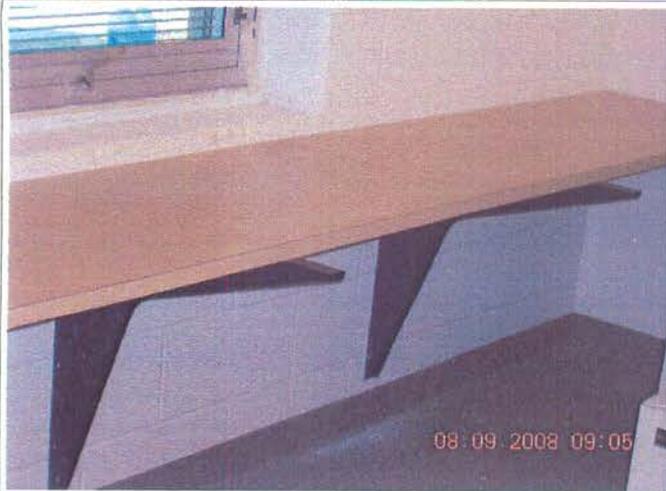


10. fix problems, shoddy workmanship-too many to list



11. receptionist area-as time goes on this area seems to not be fully in anyones radar, yet it will be the first thing espied for many on entry to the school. We find that work in this area is very poor, and that the work done have many flaws. For example the picture below shows two separate cabinet tops that are not correct size for their supports/ base units...yet they are installed and in the case of the base

unit caulked in place...



- 12.lock doors to the building...We have no locks many locations-exterior...THIS IS A HUGE SECURITY ISSUE...
- 13.separation walls-this is something that I have as a note, and that could have been done over the weekend...or worked through, but again as listings occur, it MUST occur before the students arrive...there can be no access to the Taylor section...
- 14.fire doors-we are waiting with "baited" breath over the potential of the fire doors in the front and back of the new addition...I know that special efforts are being made to procure these before the students start of August 20, but we need to have a full contingency plan if they do not arrive...
- 15.paving and patching-please note that much concrete and asphalt has been disturbed, but we really need something done before the students arrive in certain areas (such as the one pictured which is literally the front door), we know that this is being worked through and that concrete was being poured over the weekend to begin this process, but again I thought that it needed mentioned...as to that it has/had great importance...



16. exterior rails-we currently have a mish-mash of railing, while ...picture number #1...new railings (I am uncertain whether that all are on site) picture number #2...new railings set in the front turn-around waiting to be installed...shouldn't this work be on-going?



17. Technology-network-this is the most concerning as it appears that we DO have a system...but much is still dormant in the functionality of how this network system is to be configured

18. technology-cameras-we have all areas of the new construction that have green

wired hanging and a few in the Schulte wing...we believe that we own these cameras

- 19.technology-resolve-issues-right now we are very happy with the projector work and some of the peripheral technology work but do feel that we need to set a solid checklist in place, as we know of several items that we believe need addressing (P.A. Wiring)...
- 20.T&I-Auto tech & Auto Body...This was due for August 20th, could we shoot for August 25th? It is very important that the district has some idea, as it must plan for instruction...this week.

*Note: the absence of the kitchen-as of this writing it appears that short of an inspection issue...we have a kitchen...the coolers were being charged on Saturday morning.

**Again: this list is being done through my eyes and it is required that others have their own lists...if I have missed anything of greater significance, the district knows that this is the ultimate responsibility of others...but we need to begin instruction in 8 days...

August 27, 2008

Danville's frustration goes back as far as the original assessment (1999), and continues on to the present. We cannot seem to get the errors of the past made right. We should have been offered a K-12 facility as others had been. I know that now with an experienced superintendent and architect consulting firm. Ken Boeshart, the Board and I tried to get as much as we could; but were not stubborn or knowledgeable enough at the time, and the Commission did not advise us well. Our representative at the Commission changed three times during the project. The phrase "That was then, this is now" became a regular occurrence. The partnering meeting that was supposed to bring unity was a good idea, except the partners kept changing. Our project went over budget as it was a small one and due to the expense of removing mold. Hind sight is 20-20 and a vision was not there for any long term future for our district. Our architect sub-let the job to a smaller, much less experienced, firm and that is what we got...less experience. I feel we've been cheated, but that happens so much when you are a victim of numbers.

Dan Harper, Danville's current Superintendent, is trying to find a solution, but the Commission just wants to put up road blocks and make it impossible for our small, poor district to afford it. Then, we look across county and see the Commission give more money to Fredericktown. I am happy for them, don't get me wrong, but somehow it just doesn't seem fair.

Mary Payne
Danville Treasurer

August 27, 2008

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Mary Payne
Danville Treasurer

Date of Report: August 18, 2008
Project Name: Mohawk K-12
Client/Owner: Mohawk Local School, Ohio School Facilities Commission
Architect: SHP

Distribution (via email):

Mr. Sam Martin	- Mohawk Local Schools (sam_martin@mohawk.k12.oh.us)
Mr. Gregory Lonergan	- SHP (glonergan@shp.com)
Mr. Robert Grinch	- OSFC (rob.grinch@osfc.state.oh.us)
Mr. Brian Bowers	- Dynamix Engineering Ltd. (bbowers@dynamix-ltd.com)
Mr. Denny Schertzer	- Vaughn Industries
Mr. Michael Norton	- Barton Malow/Rupp Rosebrock
Mr. Jeff Rase	- Heapy Engineering
Mr. Lynn Cleveland	- Heapy Engineering
Mr. Donn Young	- Heapy Engineering Construction Services

Purpose: Initial visit to review installation and current conditions

Contacts: Sam Martin, Tim Davidson, Greg Lonergan

Items: (documentation of site meetings, coordination and phone calls)

1. Reviewed the installation of two heat recovery chillers, associated pumps and piping.
2. Reviewed the installation of eight air handlers.
3. Reviewed graphic level of Automatic Temperature Controls.

Project Review: (items identified below have been observed and may require attention or correction)

Heapy suggests that items 1A, 1B, 3A, and 4 be resolved prior to starting the functional testing of those systems.

1. Chillers 1 and 2
 - A. H – The on-board communication modules are not operating properly. The proper communication cards should be installed and any integration with the building automation system as required by the original contract documents should be completed.
 - B. H - Chillers are currently not fully functional, the chillers should be checked by qualified service technician and repaired accordingly.

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Commissioning Field Report

2. Chiller 1
 - A. H - The inlet and outlet water temperatures are reading equal while unit is running.
 - B. H - Compressor 1 discharge pressure is reading '??'.
3. Chiller 2
 - A. H - The PLS piping associated with CP-4 and the bypass is arranged differently than shown on the contract documents. The bypass appears to not be arranged to properly control the chillers head pressure.
 - B. H - The chiller is reporting a low-pressure alarm.
4. Due to control issues with the chillers chilled water pumps 1 and 2 as well as condensor pump 3 and 4 were found to be in the "hand" position.
5. The Pond Loop and Heating water piping that leaves the mechanical room over air handler 6 is not fire caulked, the architectural drawings should be checked to determine the fire rating requirements of the wall between the mechanical room and the cafeteria.
6. All Air Handlers
 - A. H - All condensate drain traps are questionable with regard to trap depth, the air handler submittal information should be referenced for each air handler to determine the minimum trap depth needed.
 - B. H - Per spec section Air Handling Units 15855 3.01 b, the heating contractor is to pour concrete for fan inertia bases after the unit is installed. Concrete was not poured into the inertia bases on the fans.
7. Air Handler 1 through 7
 - A. E - The line and load power wiring should not be routed through the same conduit per the manufacturer of the VFD.
 - B. ATC - The control relay for the VFD has unused leads unprotected (taped off).
8. Air Handler 1 through 4
 - A. ATC - The exhaust and outside airflow setpoints were set to 0 cfm. This means that no fresh air was being drawn into the building on these units.
9. Air Handler 1
 - A. H - A panel connecting the outdoor air and the exhaust air is not closed off.
 - B. ATC - The dampers for the bypass of the heat wheel utilize one actuator with a jackshaft and the two sets of dampers are not sequenced together.
 - C. ATC - The Exhaust Fan was commanded to 0.0%, the Exhaust Damper was commanded open and the Exhaust Air Flow was indicating 55,880 cfm. With the Exhaust Fan commanded to 0.0%, the Exhaust Air Flow should have been closer to 0 cfm.
 - D. ATC - The Mixing dampers were commanded to 11.8%, and the Outside Air Flow was indicating - 101.6 cfm. The Outside Air Flow should never go negative.

Commissioning Field Report

- E. ATC - The outside airflow setpoint was 0.0 cfm. Outside airflow indication was rapidly fluctuating and the mixing dampers were constantly adjusting to try to obtain the setpoint.
10. Air Handler 1 and 2
- A. H/CG - The units are set on isolation type concrete housekeeping pads, both units overhang and short circuit the isolation pad to the floor curb.
 - B. E - The electric connections to the isolated unit are in rigid (EMT) conduit, short-circuiting the vibration isolation.
11. Air Handler 2
- A. ATC - The Exhaust Fan was commanded to 34.7%, the Exhaust Damper was commanded open and the Exhaust Air Flow was indicating 34.9 cfm. With the Exhaust Fan commanded to 34.7%, the Exhaust Air Flow should be much higher.
 - B. ATC - The Mixing dampers were commanded to 0.0%, and the Outside Air Flow was indicating -99.9 cfm. The Outside Air Flow should never go negative.
 - C. ATC - The heating and cooling valves were commanded to 0.0%. The mixed air temperature was 74.3 degf. and the discharge air temperature was 56.6 degf. There should be no temperature drop or rise across the coils with both valves commanded closed.
 - D. ATC - The outside airflow setpoint was 0.0 cfm. Outside airflow indication was rapidly fluctuating and the mixing dampers were constantly adjusting to try to obtain the setpoint.
12. Air Handler 3
- A. ATC - The Exhaust Fan was commanded to 99.9%, the Exhaust Damper was commanded open and the Exhaust Air Flow was indicating 28.5 cfm. With the Exhaust Fan commanded to 99.9%, the Exhaust Air Flow should be at it's maximum.
 - B. ATC - The Mixing dampers were commanded to 0.0%, and the Outside Air Flow was indicating 1,201.9 cfm. The Outside Air Flow should be close to 0 cfm.
 - C. ATC - The pneumatic tubing is piped to the high side device on the unit labeled 'Low Pressure Cutout'. This should be piped to the low side of the device. The purpose of this device is to protect the equipment from damage should the ductwork become too negative. The equipment is not properly protected in the current state.
13. Air Handler 4
- A. ATC - The Exhaust Fan was commanded to 99.6%, the Exhaust Damper command is not displayed on the graphic and the Exhaust Air Flow was indicating 10.8 cfm. With the Exhaust Fan commanded to 99.6%, the Exhaust Air Flow should be at it's maximum.
 - B. ATC - The Mixing dampers were commanded to 28.9%, and the Outside Air Flow was indicating -34.3 cfm. The Outside Air Flow should be positive with the dampers open.
14. Air Handler 5
- A. H - Some of the filters had been sucked out of the filter racks.
 - B. ATC - The face and bypass damper is not properly positioned.

Commissioning Field Report

- C. ATC – The pneumatic tubing is piped to the high side device on the unit labeled 'Low Pressure Cutout'. This should be piped to the low side of the device. The purpose of this device is to protect the equipment from damage should the ductwork become too negative.
15. Air Handler 6
- A. The manual shutoff valves were closed on the reheat coil; however, the cooling valve was commanded to 86.7% and the reheat valve was commanded to 33.3%. I am assuming that the purpose for both valves being open is that the unit was in the dehumidification mode. Mr. Martin was told that the coil was in the wrong location for dehumidification to function properly. This will require more investigation.
16. Air Handler 7
- A. H - The heating piping has ports for air vents that are not capped nor were the vents left with provisions to bleed air from the system.
 - B. H - The chilled water DP sensor is piped in such a way as to not allow for air venting. Also when DP sensors are installed at the high point of a system without vacuum breakers the vacuum caused by lowering the fluid level in the system can damage most types of sensors.
 - C. ATC - The outside airflow setpoint was 136 cfm. Outside airflow indication was rapidly fluctuating and the mixing dampers were constantly adjusting to try to obtain the setpoint.
 - D. ATC - The Mixing dampers were commanded to 57.5%, and the Outside Air Flow was indicating 136 cfm. The Outside Air Flow should be much higher with dampers open 57.5%.
17. Air Handler 8 – Kitchen Make-up air unit.
- A. H/CG – The unit was set on the curb without flashing to protect the vinyl roof membrane.
 - B. E – Two electric conduits under the doghouse need to be sealed.
 - C. H – The doghouse needs to be sealed to prevent insects or rodents from entering and nesting in the doghouse.
 - D. The supply fan was off with a fault when inspected.
18. Unit Heaters
- A. ATC – Per drawing H5-01, detail 3/H5-01, a two port, two-position electric control valve should be installed on the hot water supply line entering the unit heater. We observed several different scenarios. None of the valves were wired. Some units had the valve installed in the correct location, while others the valve was located on the return side. Some had a valve installed but had no actuator.
19. The occupants of the building near the music room have complained of noise. A quick investigation pointed to the possibility of air leakage over the room, air noise can be heard at the floor level but further investigation will be needed to find the exact cause. Another issue previously mentioned in this report is the short-circuiting of isolation pads by the electrical and mechanical installations.
20. During the initial interview it was discovered that some of the electronic systems in the building have been experiencing unexplained operating issues. We found the Variable Frequency Drives feeding each of the air handler supply and exhaust fans to be wired in a manner that is not consistent with the manufacturers recommendations to help reduce the possibility of induced "Noise" on the buildings power lines.

Commissioning Field Report

Legend - Trade: ATC=Temperature Controls, E=Electrical, GC=General Contractor, H=HVAC, P=Plumbing, S=Sprinkler, V/D=Voice/Data, T=Technology, A/E=Architect/Engineer, CM=Construction Manager, EV=Equipment Vendor, TAB = Test and Balance

Heapy generated Issues Log(s) and/or Field Report(s) DO NOT INFER, NOR RELIEVE the contractor, nor its subcontractor(s) of responsibility to perform to the project Contract Documents, Manufacturer's Installation Guidelines, applicable Local or National Codes and Proper Installation of the Product(s).

W. Lynn Cleveland, LEED AP, CBCP
Senior Project Administrator
Commissioning Services Department

Jeff Rase
Senior Project Administrator
Commissioning Services Department

WLC/JTR

State Funds Contributed:
Local Funds Contributed:
Total Project Cost:

\$ 12,046,336
\$ 4,015,446
\$ 16,061,782

CONSTRUCTION MANAGER



ARCHITECT



August 26, 2008 - day before school starts























State Funds Contributed:	\$ 12,046,336
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Total Project Cost:	\$ 16,061,782

CONSTRUCTION MANAGER



ARCHITECT



August 26, 2008 - day before school starts

Ohio School Facilities Commission Meeting

Witness Form

Name: Senator Bill Harris Title: President Ohio Senate

School District/Company: ~~NA~~ Knox Cty C.C.

Address: _____ City/State/Zip: Monroeville 43050

Phone: _____ Fax: _____

Testimony Subject:

OSF's and extensive construction
expenditures next three years...

Will you be providing handouts/materials? No

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

Ohio School Facilities Commission Meeting

Witness Form

Name: Donna M. Walker Brown Title: 1st Parent of CMSD Spokeperson Parents in Progress

School District/Company: Cleveland Metropolitan School District

Address: 764 E 92nd St City/State/Zip: Cleveland, OH 44118

Phone: 2 Fax: 216-681-0135

Testimony Subject:

- * Revised Master Plan - neglected Eastside community involvement / Fraudulent Forums
- * Bd Chair of Cleveland - no documentation of being sworn as school board member.
- * OSFC fraud involving Cleveland school

Will you be providing handouts/materials? No
will present to poster.

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

Ohio School Facilities Commission Meeting

Witness Form

Name: Alan Adams Title: Citizen

School District/Company: _____

Address: 5312 Elaine City/State/Zip: Toledo, Oh. 43613

Phone: 419-350-5700 Fax: _____

Testimony Subject:

OSFC C-132 FORMS

Federal TAX LIENS ON

CONTRACTORS

Will you be providing handouts/materials? NO

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

Ohio School Facilities Commission Meeting

Witness Form

Name: Tray T. Wash Title: Superintendent

School District/Company: Frontier Local

Address: 44870 St. Rt. 7 City/State/Zip: New Weston, Ohio
45767

Phone: 740-865-3473 ext 1100 Fax: 740-865-2010

Testimony Subject:

OSFC Progress at Frontier

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.*****



Frontier Local School District

To Whom It May Concern:

I would like to provide you with this short history of Frontier Local School District and its involvement with the Ohio School Facilities Commission.

In 1999 Frontier passed a building bond issue which raised 12% of the monies to build two new elementaries and to renovate the high school.

The buildings were supposed to be done in October of 2002. There were problems with the roofs, the brick and block, and HVAC. The battle began.

I came to Frontier for the 2004-05 school year. In the Spring of that year I sat in on a meeting where the prime contractor literally got up and walked out of a construction meeting.

On January 9, 2006 I became Superintendent. My experience began with a lot of people talking with us, about us, and for us. It didn't do us much good. We got sued and were in a position where we were too poor to fight for ourselves so we became very distrustful of any OSFC person and very defensive about our predicament.

On February 19, 2007 Mike Shoemaker came on board.

On March 27, 2007 Mike came to Frontier and met with some of my most vocal board members and community leaders. Mike shook their hands and told them he would get the problem resolved.

On May 7, 2007 my treasurer and I went to mediation with our architect, construction manager, and bonding agent for the prime contractor. At the end of the day we had reached an agreement.

In June of 2007 we opened the roofing bid.

In July of 2007 work began on roof replacement.

In November, 2007 the roofs were completed. Also, in November, 2007 we met with our brick and block contractor and reached an agreement with them.

At this time, our brick and block work is all but completed to our satisfaction.

We are currently getting our HVAC under control at our high school; the 2 elementaries are to follow.

I have had many meetings with contractors, lawyers, community leaders, politicians but Mike Shoemaker got results and he got them quickly.

The OSFC was a great idea which was envisioned by Mike and other leaders of Ohio and it has helped poor school districts like mine. The OSFC now has a leader with a vested interest in seeing it accomplishing its mission. Mike Shoemaker is the man for the job.

Frontier Local School District, 44870 State Route 7, New Matamoras, Ohio 45767-6149
740.865.3473 (phone) 740.865.2010 (fax)