

***Ohio School Facilities Commission***  
***March 26, 2009***  
***William McKinley Room 1:30 PM***

**MINUTES**

The meeting was called to order at 1:33 PM.

**Roll Call**

Members present: Chair Sabety, Vice Chair Quill, Dr. Steve Puckett, Senator Cates, and Representative Patten.

**1. Adoption of the February 26, 2009 Meeting Minutes**

Vice Chair Quill moved to approve the February 26, 2009 meeting minutes.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

**2. Executive Director's Report**

The Executive Director updated the Commission members on the following: CM Debriefings with Ruhlin Panzica Jenkins, B.B.L. and Whiting Turner; School District Meetings with Pickerington, Clermont NE and Leipsic; School District Levy Committees Meetings with North Baltimore, Logan Elm and Bellevue; Legislative Meetings with Rep. Pryor, Rep. B. Williams and Rep. Dyer; Speaking Engagements at the BASA Facilities Conference, American Sub-Contractors Association and Pike County Rotary; and CM Urban Assessments.

Two Treasurer's Summits were held on February 13<sup>th</sup> and March 6<sup>th</sup> for treasurers of new districts that are coming into the OSFC program.

Two meetings were held for legislators and legislative aides to explain the OSFC program.

Director Shoemaker noted check presentations that were made at Clinton Massie Local School District, Ross Local School District and Eaton Community Schools for ELPP credit. Clinton Massie had earned more credit for their ELPP project than they needed for their total project, so they were able to return \$3.5 million to their taxpayers. Ross' credit exceeded what they needed on the second part of their segmented project by \$24 million, so essentially their second building was already paid for. Eaton had a \$21.4 million credit for their CFAP project.

Director Shoemaker reported that OSFC will be sponsoring the Dream School 2009 Student Podcast Contest in conjunction with CEFPI Foundation's School Building Week (April 27-May 1, 2009). Information and contest guidelines were sent to Superintendents and Building Principals in districts that have been offered OSFC funding beginning July 2007, and have had their building projects approved by the Commission and obtained their local share to participate. This year's focus is on the importance of well-planned, high performance, healthy, safe and sustainable schools that foster student achievement. Students in Grades K-12 have the opportunity to create a podcast and respond to the question, "What Do You Think?" from a selection of topics. The deadline to receive entries is April 17, 2009. Winners will be invited to a recognition ceremony at the May Commission meeting. Director Shoemaker recognized OSFC partners for this event: College Advantage (Ohio's 529 College Saving Program), eTech Ohio, Ohio School Boards Association (OSBA), Council of Educational Facility Planners Inc. (CEFPI Ohio), and the Columbus Green Building Forum.

Director Shoemaker shared an article from the Columbus Dispatch regarding the Commission's EDGE participation goals: OSFC was rated best among non-cabinet agencies at a 7.1% rating.

### **3. Contractor Evaluation and IT Update – Presented by Mike Mendenhall and Bill Taylor**

Mike Mendenhall provided an update of the enhanced contractor evaluation review process presented at January's Commission meeting. December 1, 2008 was the paper implantation of this new process and as a direct result, we are currently scheduling meetings with two contractors. The Commission had asked for a timeline for the electronic version at the January meeting. The electronic version has been built. Mike Mendenhall acknowledged the IT team for developing the infrastructure to support this process.

Bill Taylor demonstrated the electronic version of the contractor evaluation that is currently being tested. The web application notifies the CM when the prime contractors are due for evaluation. Notifications are sent at 75% completion or 11 month walkthrough as determined by the start and end dates of the contracts. This allows the CM to add/edit/select evaluators and to send ad-hoc evaluation requests at any time. The evaluator receives an email notification when the CM sends the evaluation request. Notifications will be sent weekly for one month or until the evaluator submits a response. The evaluator can decline the evaluation request, as there are situations where it would not be appropriate. The public will be able to search evaluations using different criteria and view the evaluation details. The evaluation coordinator can search evaluations, view evaluation details and summary, view contractor details and summary and view evaluation requests status.

Director Quill asked about the flexibility of the evaluators and if there is a classic construct of who should be evaluating. Bill Taylor responded that there are four set categories of evaluators – OSFC, the construction manager, the architect and the school district. Chair Sabety asked when this would go live. Bill Taylor responded that once there is a final determination on the performance meetings, we could go live in a very short period of time. Chair Sabety asked how this would be rolled out. Bill Taylor responded that we do quarterly training for the construction managers for all our web tools and this will become part of that regular training. We also do this on an as needed basis whenever a new construction manager begins. Steve Berezansky added that in the next 30 to 60 days we will be having regional meetings where we meet with the construction managers and the architects and this will be one of the topics. There will be three regional meetings held in Cincinnati, Columbus and Cleveland.

Bill Taylor also gave an update to the Commission on the OASIS processes and web applications that are in production. The actual piece known as OASIS brings together departments and processes in our office to make them work together. Historically we had things happening in silos - you had to go many places in the office to find what you were looking for. Our project administrators and planners are able to log on to these tools and find out what is happening with their projects – changes in dollars, how many buildings, how many kids, how many square feet, etc. The School District Information Center allows OSFC staff to see information on balloting, non-funded projects, funded projects, enrollment projections, building capacity, equity list, enrollment, budgets, master plans – originals and amendments, progress, timelines, contact people (school district, construction manager, architect, OSFC planner and project administrator). We started with all our active projects and are working backwards to the ones that are already done. Bill Taylor recognized Michelle Mulroy who was instrumental in updating both the active and older projects.

Previously, we have talked about how we work with other agencies in sharing data ensuring that we are on the same page. Bill Taylor demonstrated the OAKS OFSC projects association tool. This was built specifically for Lois Snyder, Deputy Chief of Finance. It shows projects where we are working on and have an OAKS code. This makes all our annual county reports asked by the Department of Administrative Services work. He also explained that we upload school district data directly from the Ohio Department of Education's databases.

Chair Sabety asked if OSFC would be able to interweave contractor evaluations into OASIS. Bill Taylor responded that we would be able to do that. Vice Chair Quill responded this is a great tool for the whole team, especially for the executive director to have access to the information related to every

project. Vice Chair Quill requested that staff explore providing Commission members with OASIS access.

**4. Corrective Action Grants Guidelines Approval – Presented by Jerry Kasai**

Jerry Kasai presented guidelines for the new Corrective Action Program. House Bill 266 established the Corrective Action Grants Program, authorizing the Commission to fund school districts in the correction or remediation of defective or omitted work that may have occurred on a Commission funded project. Staff developed guidelines on how a school district applies and what the criteria is for that school district to be able to tap into the funding for getting corrective action done at that school district. The program is not intended to fund or provide reimbursement for capital improvements, technology or security enhancements. It is not to upgrade anything, just to fix something not done right the first time or omitted. Resolution 09-25 was recommended for approval.

Chair Sabety stated that President Harris was instrumental in allowing us to have the funding to set aside and deal with numerous issues that are brought before the Commission as we try to figure out how we are going to come up with the resources to make sure that we have warm and safe buildings. Chair Sabety added that we are now doing a commissioning process for building technology and asked how this interweaves with the responsible release of the contractor doing the commissioning. Jerry Kasai responded that the guidelines state that the Commission shall assess responsibility for the defective or omitted work and seeks cost recovery from responsible parties, if applicable. Responsible parties are considered the entity, or entities, which through design, installation, oversight, review, or through other actions or inactions, contributed to the defective work or omission of work. Any funds recovered shall be deposited into the School Building Program Assistance Fund (Fund 7032). In that definition, you should be able to identify the professional design person if they were at fault for a problem, the construction manager if they were at fault – they would be under the oversight, obviously the contractor is in installation. The commissioning agent referenced would be under review. Senator Cates asked what was the frequency of defective work happening. Jerry Kasai responded statistically it is minimal, but it is something we take very seriously. Senator Cates said that he was not aware this had been a big problem and was glad that this is in place to help. He was also under the understanding there were problems at Frontier School District. Jerry Kasai responded Frontier did have a perfect storm of issues regarding the construction. Frontier is an example of what we can do right when things do go wrong. There were a lot of issues at Frontier that needed correction and if you ask the superintendent at that school it turned out to be a successful project. This gives us a way of getting a cash flow method of getting the work fixed first, which should be the priority to begin with. Director Shoemaker added that the key ingredient is the timing. Often times the district would struggle maybe for a year or two trying to get resolution and the only avenue we had was to go back and ask the district to put up their share of the repair and we would put our original share. This allows OSFC to put up the school district's share and then pay back their share from the recovery money. We think this monumental in terms of the confidence level out there in the districts and the fact that they can actually say OSFC is a real partner.

Vice Chair Quill moved to approve Resolution 09-25.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

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

Mark Wantage presented two School Districts 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. Staff recommended approval of Resolution 09-26.

Brecksville-Broadview Heights City Schools (Cuyahoga):

OSFC Equity Ranking 576  
OSFC Status ELPP Withdrawn  
Total Project Cost \$2,572,244  
Interest Rate (Included in the Total Project Cost) 4.00%  
Total Annual Savings \$224,274  
O&M Savings (Maximum Limit of 30%) \$35,072  
O&M Savings is Percentage of Total Savings 15.6%  
Payback Period (Maximum 15 Years) 11.5 years  
Number of Buildings 6  
Vendor Gardiner Trane  
Scope of Work:  
Window Replacement  
Replace Boilers (4)  
Boiler Controls (1)  
Replace Gym Lighting (2)  
Replace Air handler units (1)  
Building Controls Upgrade & Incorporate Demand Control Strategy

Lakota Local Schools (Butler):

OSFC Equity Ranking 481  
OSFC Status ELPP  
Total Project Cost \$3,616,470  
Interest Rate (Included in the Total Project Cost) 4.0%  
Total Annual Savings \$257,957  
O&M Savings (Maximum Limit of 30%) \$62,150  
O&M Savings is Percentage of Total Savings 24.1%  
Payback Period (Maximum 15 Years) 14.0 years  
Number of Buildings 3  
Vendor Columbus Trane  
Scope of Work:  
Building Automation Controls Upgrades (3)  
Demand Control Ventilation (3)  
Dynamic Filtration (electrostatic carbon filtration) (2)  
Add Chilled Water Pump Variable Speed Drives (2)  
Cooling Tower Replacement (2)  
Add Cooling Tower Variable Speed Drives (2)  
Add Air handler Variable Speed Drives (2)  
Add Condenser Water Pump Variable Speed Drives (2)  
Gym Lighting Retrofit (Metal Halide to Florescent) (2)  
Roof Top Air handlers Replaced (2)  
Vending Machine Energy Controls (2)

Dr. Puckett moved to approve Resolution 09-26.  
Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

**6. Maintenance Plans Approval – Presented by Mark Wantage**

Mark Wantage presented five maintenance plans for Commission approval for Cleveland Municipal School District, Defiance City School District, East Liverpool City School District, Stryker Local School District and Waverly City 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 09-27 was recommended for approval.

| School District                 | Buildings Included in the Maintenance Plan  |
|---------------------------------|---|
| Cleveland MSD (Cuyahoga)        | Andrew J. Rickoff ES, Memorial-Year Around ES, Riverside ES, John Adams HS, & John Hay Campus HS (INTERIM PLAN) |
| Defiance CSD (Defiance)         | Defiance ES   |
| East Liverpool CSD (Columbiana) | North ES (INTERIM PLAN)   |
| Stryker LSD (Williams)          | Stryker Middle/High School  |
| Waverly CSD (Pike)              | East Primary ES, West Intermediate ES, North Jr. High, Waverly HS (FINAL PLAN)                                  |

Vice Chair Quill moved to approve Resolution 09-27.  
 Dr. Puckett seconded the motion.  
 Approval: Vote 3-0.

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

Steve Lutz presented an amendment to the Master Facilities Plan for the Hillsdale Local School District of Ashland County for their 2008 participation in Classroom Facilities Assistance Program (CFAP). The district attempted to raise their local share of the entire CFAP plan in November 2008, but the ballot issue failed by a substantial margin. The district would now like to amend their Master Facilities Plan to segment the facilities plan. The 2008 CFAP plan calls for abatement and demolition of the district's elementary, middle and high school and for the construction of a new K-12 facility. The proposed segment one would reduce the project budget by \$8,657,736 and remove the high school academic portion of the facility. The proposed segment will allow the district to close and replace the operationally inefficient existing elementary and middle schools, which are the districts most pressing facility needs. The proposed segment one will build a new K-8 grade facility with common areas to serve the K-12 population. The segment one project budget is \$21,376,052. The district would require a ballot issue of 5.6 mills to raise the local share of segment one. OSFC staff and the Regional Program Consultant have worked with the district to develop a segment one facilities plan and recommended the approval of Resolution 09-28.

Senator Cates asked what brought on the change. Steve Lutz responded that the district is seeking to downsize the cost of the project in order to enhance their chance of receiving voter approval. They are selecting the two most needy buildings for replacement in their district. Senator Cates asked what the enrollment was for this district and asked if this was a single campus. Steve Lutz responded that it would be a single campus when they are done and the enrollment is 1,164.

Dr. Puckett moved to approve Resolution 09-28.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 3-0.

**8. Expedited Local Partnership Program Amendments Approval – Presented by Steve Lutz**

Steve Lutz presented amendments for four districts participating in the Expedited Local Partnership Program (ELPP). These amendments amend the overall Master Facilities Plans, which presents a district wide facilities plan and amends the project agreements, which identifies the portion of the overall master facilities plan that the district constructs using 100% local funding in advance of the

availability of state co-funding. Fairbanks Local School District of Union County requires just an amendment of the project agreement. Chillicothe Local School District of Ross County, Lebanon City School District of Warren County and Pickerington Local School District of Fairfield County require amendments of both their master facilities plan and their project agreement.

The Fairbanks Local School District completed a new PK-5 school under their original ELPP Agreement. The project completed with sufficient reserve funds to allow the district to undertake additional work to abate and demolish the 1914 portion of the elementary school. This amendment, for the additional work adds \$611,679 to the credit amount. The total credit is \$9,607,134.

The Chillicothe Local School District requires the amendment of both the master facilities plan and the project agreement. The master facilities plan budget is increased by \$73,387 to fund the abatement of the gym floor in the existing high school. The project agreement is amended to include the gym floor abatement. The credit amount is increased by \$73,387. Total credit is \$26,925,015.

The Lebanon City School District master facilities plan is amended to increase the project budget by \$582,270. This amendment allows a minor increase to the scope and budget of renovations of three buildings, a project agreement L.F.I. for the junior high school auditorium renovation and removes the abatement and demolition allowance for two buildings. The Lebanon City School District Project Agreement is amended to increase the credit by \$3,027,947. The agreement scope is amended to add over 15,000 square feet to the partial new elementary school, increase partial renovation at the intermediate school, add roof replacement at the high school and slightly decrease the renovation scope at the elementary school. The amended project agreement reconciles the scope and credit for the work completed by the Lebanon City School District. The total credit is \$55,733,478.

The Pickerington Local School District master facilities plan is amended to increase the budget by \$624,634 to add an allowance for site access safety improvements at two new schools and slightly increasing the square footage of new construction. This results from adjusting the student capacity of two schools to move one student from renovation to new construction. The Pickerington Local School District completed substantial work under the original project agreement with sufficient reserve funds to allow the district to undertake additional work. The agreement is being amended to increase the expedited project budget by \$1,811,663, which adds partial building renovations at the junior high school and the high school and adds site access safety improvements at two new schools. Total projected credit is \$50,214,516. Commission staff and the Region Program Consultant worked with the school districts and staff recommended approval of Resolution 09-29.

Vice Chair Quill moved to approve Resolution 09-29.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

**9. Adopting An Approval Process For Scope And Budget Adjustments On ELPP And VFAP ELPP Projects – Presented by Steve Lutz**

Steve Lutz presented a resolution designed to simplify the day-to-day administration of the Expedited Local Partnership Program (ELPP and VFAP ELPP). The proposed resolution would grant authority to acknowledge changes in the expedited master facilities plans and the discrete portions during the progress of the expedited projects. When a district moves into CFAP participation the actual scope and credit of the Expedited project will be reflected in the CFAP master facilities plan approved by the Commission and Controlling Board.

The proposed new ELPP process will align with the authority granted to the staff by the Commission in the year 2000 by Commission Resolution 00-07 to address changes to the master facilities plan scope and budget of the CFAP program. The proposed resolution would grant similar authority for the administration of the Expedited projects. Staff administration of the proposed Expedited scope and budget change process would mirror the enhanced review and approval process adopted approximately

one year ago for scope and budget changes to CFAP projects. Line staff and district recommends changes to the team leader, team leader reviews and recommends to a committee comprised of six senior staff: Chief and Deputy Chief of Projects, Chief and Deputy Chief Financial Officers and Chief and Deputy Chief of Planning. The committee reviews and recommends the change to the Executive Director. The Executive Director acknowledges by letter the proposed change to the district and the district responds with a board resolution of their approval of the change. Staff reviewed the proposed process and recommended approval of Resolution 09-30.

Dr. Puckett asked if the Controlling Board would then approve what the Executive Director signs. Steve Lutz responded when the school district goes from ELPP to CFAP a new master facilities plan is brought to the Commission and Controlling Board for approval.

Chair Sabety asked how much time is there between the times when the ELPP project is approved and when it enters CFAP. Steve Lutz responded that the time frame varies from district to district. Some districts will participate in ELPP relatively close to when they will receive CFAP funding and higher wealth districts may wait years before they enter CFAP. Director Shoemaker added the cost of the ELPP project is 100% local district cost, but they get credit later for anything that coincides with our master plan and design manual. Whatever they would pay today, is what they get credit for whenever they come available for CFAP.

Chair Sabety asked how this would affect the scope and budget in going from ELPP to CFAP. Steve Lutz responded the change in scope from ELPP to CFAP plan often times is driven by changes in the number of students to be served. If there is a five-year timeframe between the planning for ELPP and CFAP, their enrollment projection may change and we may find the later buildings will change in size. A district may decide to combine two facilities that they had previously planned as separate facilities. We exercise great flexibility with the district as we enter into that subsequent planning process. We do engage in an open ended planning process, try to arrive at a plan, which adheres to our desire to have an economical plan that uses state and local resources wisely yet addresses the local facilities planning needs and educational delivery model.

Dr. Puckett moved to approve Resolution 09-30.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

#### **10. Consultant Contract Amendment Approval – Presented by Elaine Barnes**

Elaine Barnes presented an amendment to increase the scope and dollar amount of the contract with Innovative Design for additional LEED training and mentoring for our design teams.

Staff recommended increasing scope in two areas. First is adding a fourth set of daylighting training. This training consists of a full-day workshop on design for daylighting, on design for rainwater harvesting, and design for solar thermal. The second part of the training is the development of a completely new training module, and all of the collateral materials for it, on energy modeling. This workshop will actually start with the best, most comprehensive daylighting modeling software and teach the participants how to take data from that software all the way into the modeling software we are asking them to do from the beginning of the project.

The mentoring, which has been invaluable, consists of having our design teams submit their design development documents (architectural plumbing, electrical, landscape and mechanical drawings) to Mr. Nicklas' office. The Innovative Design staff spends about 80 hours pouring over those drawings and then Mr. Nicklas spends half a day with the design team looking at the designs at hand and discussing with them ways that they have developed to optimize the buildings, improve the efficiency and improve the cost. We have mentored 18 different design teams since May of last year. It has been just a tremendous success. We even have architects

who are looking in the next year in how to continue this once the training money ends at the close of this fiscal year.

Staff reviewed this proposal and requested approval of Resolution 09-31.

Senator Cates asked what LEED stands for. Elaine Barnes responded that it means Leadership in Energy and Environmental Design and is a product of the US Green Building Council. We have asked our designers to build schools that will achieve LEED silver certification. Buildings are certified under the LEED Program as certified, silver, gold and platinum levels. There is also another part of LEED, which is professional accreditation, so people can become accredited to work with the LEED system.

Vice Chair Quill asked how long have we been associated with this firm and do we have the amount of the original contract umbrella. Elaine Barnes responded that we have been associated with Innovative Design since early in 2007. Elaine Barnes estimated the total expenditure last year was \$150,000.

Dr. Puckett asked if the amendment was for one workshop and mentoring session. Elaine Barnes responded there are two workshops, daylighting and modeling, and six mentoring sessions. She noted how this approach to working with the design teams has really changed the process already - basically in just a short year. Director Shoemaker added that the report that we got back a year ago suggested we retool the architectural schools in the State of Ohio to the tune of \$4-5 million and we did not think that was quite palatable. Elaine Barnes and her team working with our staff have been able to internalize a lot of that with the help of Mike Nicklas to let us help these architectural firms get from point A to point B. This has been invaluable and Elaine has been able to go out and do some of this training on her own now. According to our staff, Elaine's training was as good as anyone else's and we hope in a year from now we can come back and say we are picking up a major piece of this.

Chair Sabety commented that it is terrific, but asked what are we doing to begin to grow this competency in Ohio. Recognizing that we are investing significantly in LEED school buildings, when are we going to have capacity here in Ohio that we can use for this kind of mentoring. Elaine Barnes responded we plan to put out a request for proposals for some mentors and get a list of prequalified mentors within the state of Ohio.

Dr. Puckett asked if we could certify mentors so they can work in Ohio. Elaine Barnes responded that there are LEED Accredited Professionals all across the board in terms of skill levels. We would probably look at a number of different kinds of certifications and match skills up with needs. In response to Chair Sabety's question about knowledge transfer, Elaine Barnes responded that we have included these materials and all of this information in the design manual for anybody who publicly wants to access it. All of our designers have access to it. Additionally all of the training materials are available. We have been working very hard at putting together a comprehensive set of materials, instructions and references that are available on the OSFC website. We do not anticipate any major contracts with this firm for training after the close of this fiscal year. Director Shoemaker added that a year from now or two years from now we are going to have a lot of architects in Ohio say, "this is what I have done" in terms of LEED experience. Elaine Barnes added that we have trained over 250 architects and engineers in our classes and mentoring sessions. We expect another 60 or more at each of these.

Vice Chair Quill moved to approve Resolution 09-31.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

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

Steve Berezansky presented design profession agreements for Commission consideration. The Commission staff reviewed and recommended approval of Resolution 09-32.

**Agreements:**

| School District   | Project   | Architect                      | Amount         |
|-------------------|---|--------------------------------|----------------|
| Huber Heights CSD | Build five new elementary/middle schools, one new middle school and one new high school | Fanning/Howey Associates, Inc. | \$8,692,632.00 |
| Leipsic LSD       | Addition to the 6 thru 12 facility  | Beilharz Architects, Inc.      | \$986,504.67   |
| Miami Trace LSD   | Build one new middle school   | SHP Leading Design             | \$982,504.00   |
| Pioneer JVSD      | Additions to the existing campus to house a total of 887 students                       | SHP Leading Design             | \$1,598,284.97 |

**Amendments:**

| School District        | Project  | Architect                                  | Fees to Date   | Amendment   | Total          |
|------------------------|--|--|----------------|-------------|----------------|
| Dayton CSD – Seg. 3    | LEED allowance   | Rogero + Buckman Architects                | \$736,368.86   | \$64,999.38 | \$801,368.24   |
| Cleveland CSD – Seg. 2 | Additional scope and extension of the project schedule | Burt Hill Kosar Rittelman Associates, Inc. | \$1,083,000.00 | \$95,000.00 | \$1,178,000.00 |

**Locally Funded Initiatives:**

| School District     | Project   | Architect                      | Amount       |
|---------------------|---|--------------------------------|--------------|
| Dayton CSD – Seg. 3 | Auditorium  | Rogero + Buckman Architects    | \$310,976.92 |
| Huber Heights CSD   | Additional square feet and material enhancements  | Fanning/Howey Associates, Inc. | \$204,507.00 |
| Miami Trace LSD     | Site/Building enhancements, additional square feet and bus compound and athletic fields | SHP Leading Design             | \$142,230.00 |
| Pioneer JVSD        | Additional LEED services and 15,000 square feet connector                               | SHP Leading Design             | #348,387.27  |

Vice Chair Quill moved to approve Resolution 09-32.

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 for Commission approval. The Commission Staff recommended approval of Resolution 09-33.

| District             | CM Firm                             | County   | Total CM Compensation |
|----------------------|-------------------------------------|----------|-----------------------|
| Cincinnati – Seg. 3B | Turner Construction Company         | Hamilton | \$668,976             |
| Clay LSD             | dck north america LLC               | Scioto   | \$1,178,958           |
| Franklin-Monroe LSD  | Skillman/Resource                   | Darke    | \$1,246,844           |
| Fremont City SD      | Touchstone CPM                      | Sandusky | \$1,412,183           |
| Genoa Area LSD       | Regency Construction                | Ottawa   | \$838,173             |
| Highland LSD         | The Quandel Group                   | Morrow   | \$2,470,611           |
| Miami East LSD       | The Quandel Group                   | Miami    | \$808,194             |
| Miami Trace LSD      | The Quandel Group                   | Fayette  | \$902,818             |
| New Boston LSD       | dck north america LLC               | Scioto   | \$992,221             |
| Newark CSD           | Resource International              | Licking  | \$3,898,787           |
| Pettisville LSD      | Rupp/Rosebrock/RJ Runge             | Fulton   | \$1,102,630           |
| Tuslaw LSD           | Carbone Companies                   | Stark    | \$628,349             |
| Washington-Nile LSD  | dck north america LLC               | Scioto   | \$826,340             |
| Wayne County JVSD    | The Quandel Group                   | Wayne    | \$1,554,352           |
| Western Reserve LSD  | Hammond Construction                | Mahoning | \$1,264,323           |
| Whitehall CSD        | Ruscilli Construction Company, Inc. | Franklin | \$4,038,767           |

Dr. Puckett moved to approve Resolution 09-33.  
Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

Steve Berezansky presented the following Construction Manager amendment for approval. These amendments do not add any additional funds to the contracts. It just transfers unused reimbursable dollars to the direct personal expense section of the contract for additional time for close out. The Commission staff reviewed and recommended approval of Resolution 09-34.

| School District        | Construction Management Company | Amount |
|------------------------|---------------------------------|--------|
| Ripley-Union-Lewis LSD | Ruscilli Construction Company   | \$0    |
| Miami Trace LSD        | The Quandel Group, Inc.         | \$0    |

Vice Chair Quill moved to approve Resolution 09-34.  
Dr. Puckett seconded the motion.  
Approval: Vote 3-0.

Steve Berezansky presented the following Construction Manager amendment for a “locally funded initiative” for Commission approval. The Commission staff recommended approval of Resolution 09-35.

| <u>School District</u> | <u>Construction Manager</u> | <u>Amount</u> |
|------------------------|-----------------------------|---------------|
| Cleveland CSD - Seg.4  | OHG Joint Venture           | \$465,848     |
| Nelsonville-York CSD   | Smoot Construction          | \$114,504     |

Dr. Puckett moved to approve Resolution 09-35.  
Vice Chair Quill 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 are three contracts that represent an award to the second low bidder. Akron City School District had a contract for Medhurst Mason Contractors, Inc. and Town Center Construction. The apparent low bidder on both those contracts withdrew their bid. The Gallia Jackson Vinton Joint Vocational School had a contract for Library Design Associates, Inc. The apparent low bidder failed to provide pricing for the entire bid scope. All three of these withdraws have been reviewed and are supported by the project teams. The Commission staff reviewed and recommended approval of Resolution 09-36.

|    | <u>School District</u>    | <u>Contracting Entity</u>            | <u>Scope Of Work</u>                           | <u>\$ Amount</u> |
|----|---------------------------|--------------------------------------|--|------------------|
| 1  | Akron CSD                 | Rowland Plumbing LLC                 | Plumbing                                       | \$384,000.00     |
| 2  | Akron CSD                 | Medhurst Mason Contractors, Inc. *** | Concrete/Masonry                               | \$1,520,070.00   |
| 3  | Akron CSD                 | Town Center Construction ***         | General Trades                                 | \$2,760,120.00   |
| 4  | Akron CSD                 | Harris Masonry, Inc.                 | Foundation/Masonry                             | \$2,996,000.00   |
| 5  | Akron CSD                 | Genesis Electric Corporation         | Electric/Fire Alarm                            | \$757,840.00     |
| 6  | Akron CSD                 | The Conti Corporation                | Plumbing/HVAC/Electrical/Fire Alarm            | \$10,893,000.00  |
| 7  | Akron CSD                 | Fire Protection, Inc.                | Fire Protection                                | \$482,900.00     |
| 8  | Akron CSD                 | Accurate Electric                    | Technology                                     | \$1,530,000.00   |
| 9  | Akron CSD                 | CT Taylor Company, Inc.              | General Trades                                 | \$10,722,200.00  |
| 10 | Akron CSD                 | Mr. Excavator, Inc.                  | Site Work                                      | \$1,424,500.00   |
| 11 | Akron CSD                 | The K Company, Inc.                  | HVAC   | \$1,053,000.00   |
| 12 | Cincinnati CSD            | A.R. Environmental, Inc.             | Asbestos                                       | \$41,073.00      |
| 13 | Cincinnati CSD            | Structured Cabling System, Inc.      | Plumbing and Finishes and Security Systems     | \$324,024.00     |
| 14 | Cincinnati CSD            | Wiseway Supply                       | Plumbing and Finishes and Hot Water Heaters    | \$284,094.00     |
| 15 | Cincinnati CSD            | Axis Interior Systems, Inc.          | Plumbing and Finishes and Resilient Floor Tile | \$1,744,900.00   |
| 16 | Cincinnati CSD            | Lebanon Winnelson Company            | Plumbing and Finishes and Carpet               | \$946,620.00     |
| 17 | Cincinnati CSD            | Mannington Commercial                | Carpet   | \$939,798.83     |
| 18 | Cincinnati CSD            | Emerald Fire                         | Fire Protection                                | \$274,860.00     |
| 19 | Cleveland CSD             | B&B Wrecking, Inc.                   | Demolition                                     | \$343,000.00     |
| 20 | Cleveland CSD             | SA Comunale                          | Fire Protection                                | \$189,647.00     |
| 21 | Cleveland CSD             | Tom Sexton & Associates              | Furniture                                      | \$654,110.50     |
| 22 | Columbus CSD              | Williams Interior Design             | Furniture                                      | \$20,271.82      |
| 23 | Columbus CSD              | Tom Sexton & Associates              | Furniture                                      | \$167,221.39     |
| 24 | Columbus CSD              | Tom Sexton & Associates              | Furniture                                      | \$16,694.00      |
| 25 | Columbus CSD              | Stonecreek Interior                  | Casework                                       | \$93,300.00      |
| 26 | Columbus CSD              | Integrated Construction Services     | General Trades                                 | \$98,300.00      |
| 27 | Columbus CSD              | Continental Office Environments      | Furniture                                      | \$26,224.69      |
| 28 | Columbus CSD              | Continental Office Environments      | Furniture                                      | \$173,187.76     |
| 29 | Columbus CSD              | Tom Sexton & Associates              | Furniture                                      | \$94,010.00      |
| 30 | Columbus CSD              | Radico, Inc.                         | Plumbing                                       | \$229,700.00     |
| 31 | Columbus CSD              | Accurate Electric Construction       | Electrical                                     | \$126,058.00     |
| 32 | Columbus CSD              | Continental Office Environments      | Furniture                                      | \$189,290.12     |
| 33 | Crestview LSD             | Fitzenrider, Inc.                    | HVAC and Plumbing                              | \$2,072,890.00   |
| 34 | Crestview LSD             | Woolace Electric Corporation         | Electrical                                     | \$1,322,796.00   |
| 35 | East Liverpool CSD        | DataServ Integrations, LLC           | Technology                                     | \$486,264.59     |
| 36 | Fairfield Union LSD       | Cincinnati Data Technologies         | Technology                                     | \$178,145.00     |
| 37 | Gallia Jackson Vinton JVS | Library Design Associates, Inc. ***  | Furniture                                      | \$46,731.00      |
| 38 | Gallipolis City SD        | Trimat Construction                  | Early Site Package                             | \$868,000.00     |
| 39 | Gallipolis City SD        | Tox Sexton                           | Furnishing                                     | \$160,715.29     |
| 40 | Gallipolis City SD        | Martin Public Seating                | Furniture                                      | \$109,099.24     |

|  |                        |  |                               |                 |
|--|------------------------|--|-------------------------------|-----------------|
| 41   | Hamilton LSD           | Environmental Demolition                     | Demolition Abatement          | \$75,000.00     |
| 42   | Hamilton LSD           | The Brickman Group Ltd.                      | Landscaping                   | \$158,542.00    |
| 43   | Hamilton LSD           | Environmental Assurance                      | Demolition                    | \$77,950.00     |
| 44   | Hicksville EVSD        | Environmental Management Specialists, Inc.   | Asbestos Hazardous Abatement  | \$298,000.00    |
| 45   | Hillsboro CSD          | E-Quip Company, Inc.                         | Furniture                     | \$89,926.00     |
| 46   | Hubbard EVSD           | Villano Construction Company, Inc.           | Masonry                       | \$5,397,771.00  |
| 47   | Hubbard EVSD           | York Mahoning Mechanical Contractors, Inc.   | HVAC                          | \$5,438,000.00  |
| 48   | Hubbard EVSD           | The Conti Corporation                        | Plumbing                      | \$2,094,000.00  |
| 49   | Hubbard EVSD           | Roth Brothers, Inc.                          | Roofing                       | \$2,377,100.00  |
| 50   | Hubbard EVSD           | W.T. Leone's Tri-Area Electric Company, Inc. | Electrical                    | \$4,398,893.00  |
| 51   | Logan Hocking LSD      | A.J. Stockmeister                            | Chiller replacement           | \$182,910.00    |
| 52   | Lorain CSD             | Martin Enterprises, Inc.                     | Site Work                     | \$475,000.00    |
| 53   | Maple Heights CSD      | Gateway Environmental Services, Inc.         | Abatement and Demolition      | \$630,000.00    |
| 54   | Mt. Healthy CSD        | Kings Electric                               | Electrical and Technology     | \$4,124,777.00  |
| 55   | New Green Springs EVSD | Vulcan Enterprises, Inc.                     | Fire Suppression              | \$109,629.00    |
| 56   | New Green Springs EVSD | ACI Construction Co., Inc.                   | General Trades                | \$6,469,800.00  |
| 57   | Stryker LSD            | A. Bonamase Contracting                      | General Trades                | \$337,700.00    |
| 58   | Toledo CSD             | FH Martin Constructors                       | Combo Site and General Trades | \$1,909,000.00  |
| 59   | Vinton County LSD      | Peabody Landscaping Group                    | Landscaping                   | \$82,154.00     |
| 60   | Wapakoneta CSD         | Charles Construction Services, Inc.          | General Trades/Masonry        | \$8,101,600.00  |
| 61   | Youngstown CSD         | Tom Sexton & Associates                      | Furniture                     | \$342,593.55    |
| 62   | Youngstown CSD         | Tom Sexton & Associates                      | Furniture                     | \$342,593.55    |
| *** Second Low Bidder, Lowest Responsible Bidder |                        |  | TOTAL                         | \$90,257,595.33 |

Vice Chair Quill moved to approve Resolution 09-36.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

#### 14. Settlement Agreements – Presented by Jerry Kasai

Jerry Kasai presented settlement agreements for Commission approval.

Claymont City Schools (Tuscarawas) had a renovated Middle School constructed in the CFAP Program. It was occupied in 1999 and the district is closed out. The HVAC cooling system has never worked correctly. Recently the district notified OSFC that after review it was determined that the cooling system was undersized. The AE agreed to partially settle the matter and funded the redesign of the system, as approved by the Commission in October. MKC has now agreed to pay an additional \$340,000 to resolve the issues regarding the required replacement of HVAC equipment. The total cost to replace the chillers is estimated at \$495,000, which includes some upgraded equipment and some other betterments to the overall system. Jerry Kasai recognized OSFC Staff, Eric Moser, for his role. The Commission staff recommended approval of Resolution 09-37.

Dr. Puckett moved to approve Resolution 09-37.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Jackson City School District's (Jackson) Southview Elementary School was completed in the CFAP program in August of 2003. About a year subsequent to completion of Southview, the masonry experienced severe cracking, settling and/or heaving. The owners retained HC Nutting Consulting, STS Consultants and Christine Beall to identify all the causes and fixes associated with the severe cracking. The consultants identified a number of causes and proposed fixes for the cracking in the block walls. Remedial work at Southview cost approximately \$440,000. Mediation was conducted in July. OSFC and the district settled with CTL in 2008 for \$110,000, which was approved by the Commission in October. After further negotiation with MCB, a proposed settlement has been reached where MCB agrees to forego in its entirety a \$383,000

contract amendment it earned for substantial redesign services at the high school and on the project. It also agreed to pay to the co-owners \$125,000 making this settlement with MCB worth \$508,000. The Commission staff recommended approval of Resolution 09-38.

Jerry Kasai responded to a question from Senator Cates that normally you would caulk a building every 10 –15 years. We do anticipate they will require additional caulking instead of being 15 years it might be 7 years. We are trying to build that in and leave the district with additional funds that will cover the additional maintenance that is going to occur.

Senator Cates asked if this was better than demolishing and rebuilding on a better site. Jerry Kasai responded that the cracking was not a structural issue. It was cost effective to fix this as the district has \$10 million in a facility and the actual fix was approximately \$440,000.

Vice Chair Quill moved to approve Resolution 09-38.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

### **Other Business**

Jerry Kasai updated the Commission on a matter that was raised at the February Commission meeting during public testimony. The business agent from the painter's union raised some questions about MLM. We immediately looked into the allegations that were raised. At Clyde Green Springs MLM was slated to be a sub-contractor to the general trades contractor as the painter. We asked MLM through OSFC's construction manager if they could explain tax liens filed by the Department of Jobs and Family Services. Those were transmitted to MLM through the construction manager. MLM never gave a response to the construction manager and the general trades contractor withdrew MLM as the proposed painter on that project.

Vice Chair Quill asked how this would affect MLM's future participation. Jerry Kasai responded that under our front end we have the authority to reject sub-contractors that are listed on the Form 26. We have to be consistent with the responsibility analysis of all contractors, but if MLM would come up as a sub-contractor on one of our projects they would have a difficult time being accepted as a sub-contractor. Vice Chair Quill stated that he hoped they would have more than a difficult time if they were non-responsive to a Commission request for more information on a tax lien situation when they are doing public work.

### **15. Public Testimony**

Mr. Al Adams, a citizen of Toledo, addressed the Commission regarding a records request from five months ago for Centerburg Schools in Knox County. Mr. Adams stated while looking over the public record, he came across a letter from Scott Lovelace, project manager, for Resource International. The letter was to Doug Swartz, project administrator, for the Ohio School Facilities Commission. The gist of the letter was notifying them of a deduct change order from the mechanical contractors contract for \$105,000. Mr. Adams asked the project manager for Resource International what criteria were used to award this contract to the second contractor. They found a second contractor to complete the first contract. Mr. Adams asked if the contractor was paid directly out of project funds and was told the contractor was paid of project funds. Mr. Adams asked where the due diligence file was for the investigation of the second contractor and was told there was none. Mr. Adams what criteria was used to determine whether he was worthy to be a contractor, where was the information on his worker's compensation, whether he was compliant with the Drug Free Workforce, whether he even had a contractor's license. The only documentation regarding this contractor that was found from Mr. Adams' public record was the letter from Scott Lovelace to Doug Swartz. Mr. Adams asked why there was no documentation on this contract and who determined that this contractor was worthy and that he was licensed and had workers compensation. Mr. Adams had asked this question for five months and the last answer he received was from Rick Savors saying there was no documentation. Mr. Adams asked the Commission how that happened.

Jerry Kasai responded that Mr. Adams was referring to the Centerburg project where a mechanical contractor defaulted at the end of the contract in 2004. At the end of a project you are in a rush to get it done so you can get it opened for school and Centerburg was no different than any other project. The sub-contractor to the defaulting contractor was already on the job and had been an approved sub to that prime contractor throughout the job. It was determined at the time that the sub-contractor, Mike Williams, could undertake the work. The deduct change order from the prime was then given to the sub-contractor to finish the work. It was \$105,000 worth of work. Mr. Adams is correct that there is no documentation as to whether or not there was a due diligence file and that is because this was not a competitively bid contract. Normally when you have a competitive bid situation, you do have a due diligence file where the responsibility of the contractor is looked at and investigated for that 60-day period. When you are on the project site, you are talking hours, not about 60 days, and every day you lose is a day the school may have to be pushed back another day. The school district has the authority to deal with that under urgent necessity declaration by the school board and the extra work was given to the sub-contractor. Chair Sabety asked if this was a situation where the district was under an urgent necessity condition and has the power to do. Jerry Kasai responded the school district has that authority. Mr. Adams mentioned that the sub-contractor was not listed on the Form 26. Jerry Kasai responded that we could not find a Form 26 for the sub-contractor. Director Shoemaker thanked Mr. Adams for calling this to OSFC's attention.

The meeting was adjourned at 3:43 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: Alan Adams Title: \_\_\_\_\_

School District/Company: \_\_\_\_\_

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

Phone: 419-350-5700 Fax: \_\_\_\_\_

Testimony Subject:

Centerburg - Mike Williams  
Htg & Cooling  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.\*\*\***