

Ohio School Facilities Commission
April 23, 2009
William McKinley Room 1:30 PM

MINUTES

The meeting was called to order at 1:38 PM.

Roll Call

Members present: Chair Sabety, Dr. Steve Puckett, Senator Cates, Senator Fedor, Representative Evans and Representative Patten. Vice Chair Quill arrived at 2:25 PM.

1. Adoption of the March 26, 2009 Meeting Minutes

Dr. Puckett moved to approve the March 26, 2009 meeting minutes.

Chair Sabety seconded the motion.

Approval: Vote 2-0.

2. Executive Director's Report

The Executive Director updated the Commission members on the following: CM Debriefings with Hammond Construction and VTW – Dayton; School Meetings with Cincinnati Public Schools – Enrollment Update, Columbus City Schools – Oversight Committee, Toledo Public Schools – Minority Contractor Participation and Lawrence County Joint Vocational School District; Levy Committee Meetings with North Fork Local School District– Licking County, Greeneview Local School District– Greene County, Switzerland of Ohio Local School District – Monroe County and Euclid City School District – Cuyahoga County; Legislative Meetings with Rep. Peter Ujvagi, Rep. Cliff Hite and Rep. Jennifer Garrison; Attended a Masonry Training in Columbus; Provided an Update on OSFC to the State Board of Education; Met with Superintendents of Higher Wealth Districts and Attended the Washington Court House Dedication.

Melanie Drerup introduced International Executive Director, John Ramsey and Incoming International President, Judith Hoskins of The Council of Educational Facility Planners International (CEFPI) who were in Columbus for the Midwest Great Lakes CEFPI Conference hosted by the Ohio Chapter. John Ramsey offered the full resources of CEFPI to the Commission. They have a wealth of professionals architects, engineers, suppliers, builders, planners involved in planning and maintaining quality, healthy high-performing schools where students learn. The mission of CEFPI is to ever seek to continue the improvement of those learning spaces. Chair Sabety thanked Mr. Ramsey and Ms. Hoskins for taking their time to address the Commission. One thing that is important is telling the story of what is happening here in Ohio. We have invested resources in an aggressive school building plan. We want it to be environmentally conscious in a scalable way across the state to bring improvements to student outcomes. Chair Sabety thanked CEFPI for assistance in helping us move through that process and the School Facilities Commission staff has benefitted.

Director Shoemaker said at a future meeting he would provide the Commission with an overall view of the urban areas on what they intended to build when they originally started and how they have reduced the scope in terms of the number of buildings based on enrollment.

Other Business:

Representative Evans stated that at his last meeting attended, he had made a request for information on long term planning for the Commission and thanked Director Shoemaker for visiting him at his office and providing that information.

Chair Sabety also welcomed back Senator Fedor to the Commission.

Senator Fedor thanked Director Shoemaker for doing a great job in Toledo on the issue of minority contracting in holding people accountable and for understanding how the process works and also working with the school district, board members and the community.

3. Priority Order of Assistance Approval – Presented by Eric Bode

Eric Bode presented the priority order of assistance for approval. Within each category of funding, the Commission will establish a priority list that will not be re-shuffled. The priority list determines the order in which the Commission serves school districts when available funding limits the number of projects that can be approved in a year. When the names of new districts are added, they are added to the end of the list. A district's name is removed from the list when a project is conditionally approved for the district. Annually, the Commission will notify districts of their status on the list and offer districts the opportunity to apply to enter into an active planning process to prepare for a conditional approval. The district must respond by applying by a date set by the Commission. Districts that apply by the date given will be prioritized ahead of any non-applicant. Among the categories of funding, allocations of funds will fall within a range outlined in the guidelines. Resolution 09-39 was recommended for approval.

In response to a comment by Director Shoemaker, Chair Sabety asked about the impact of the March 1st notification deadline on the schools as the date is prior to a levy election date. Eric Bode responded there are typically four levy election opportunities during the year - February, May, August and November. We are trying to get districts on record about their intent to move forward even as early as September.

Dr. Puckett moved to approve Resolution 09-39.

Chair Sabety seconded the motion.

Approval: Vote 2-0.

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

Mark Wantage presented six 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 09-40.

Cuyahoga Valley Career Center (Hancock County):

Total Project Cost \$2,684,859

Interest Rate (Included in the Total Project Cost Self-Financed

Totaled Annual Savings \$193,120

O&M Savings (Maximum Limit of 30%) \$0

O&M Savings is Percentage of Total Savings 0%

Payback Period (Maximum 15 Years) 13.9 years

Number of Buildings 1

Vendor CCG Energy Solutions

Scope of Work:

Lighting Retrofit

Lighting Controls

Update to Building Controls

HVAC Mechanical Systems Retrofits

Liberty Center Local (Henry County):

Total Project Cost \$1,401,030
Interest Rate (Included in the Total Project Cost) 5.0%
Totalled Annual Savings \$93,504
O&M Savings (Maximum Limit of 30%) \$26,029
O&M Savings is Percentage of Total Savings 27.9%
Payback Period (Maximum 15 Years) 15 years
Number of Buildings 1
Vendor Energy Systems Group
Scope of Work:
Lighting Retrofit
Boiler Replacement
New Variable Speed Hot Water Pumps
Building Controls Repairs
Computer Energy Controls
Water Conservation/ Jarod's Law Compliant Sinks
Vending Machine Controls
Gym Window Replacement

Loveland City School District (Hamilton County):

Total Project Cost \$5,219,496
Interest Rate (Included in the Total Project Cost) - Self-Financed
Totalled Annual Savings \$552,918
O&M Savings (Maximum Limit of 30%) \$46,175
O&M Savings is Percentage of Total Savings 8.4%
Payback Period (Maximum 15 Years) 9.4 years
Number of Buildings 7
Vendor Building Controls Integrators
Scope of Work:
Lighting Retrofit (7)
Gym Lighting Replacement (3)
New Lighting Controls (7)
New Building Automation System
Boiler Replacement (1)
Building Controls Repairs (7)
Chiller Retrofit/Upgrades (1)
Water Conservation Measures/ Jarod's Law Compliance (7)
Vending Machine Controls (7)
20 KW Photo Voltaic Array (1) (Educational)

Marion Local Schools (Mercer County):

Total Project Cost \$529,253
Interest Rate (Included in the Total Project Cost) 4.0%
Totalled Annual Savings \$52,385
O&M Savings (Maximum Limit of 30%) \$6,965
O&M Savings is Percentage of Total Savings 13.3%
Payback Period (Maximum 15 Years) 10.1 years
Number of Buildings 3
Vendor Waibel Energy Systems
Scope of Work:
Gym Lighting (2)
Vending Machine Controls (2)
Lighting Retrofit (2)
Building Controls Upgrade (2)

215 Kbtu Solar Thermal System (1)
District Energy Management Training
CO² Demand Control Ventilation (2)
New Energy Management Controls (2)

Riverdale Local Schools (Hancock County):

Total Project Cost \$1,232,231
Interest Rate (Included in the Total Project Cost) 4.75%
Totalled Annual Savings \$181,388
O&M Savings (Maximum Limit of 30%) \$30,176
O&M Savings is Percentage of Total Savings 16.6%
Payback Period (Maximum 15 Years) 6.79 years
Number of Buildings 2
Vendor H.E.A.T Total Facility Solutions
Scope of Work:
Lighting retrofit (2)
Lighting Controls (2)
New Heating Boiler (1)
New Thermal Ice Storage System (2)
New Building Controls (2)
New Building Energy Management System (2)

Springfield Local (Mahoning County):

Total Project Cost \$1,363,945
Interest Rate (Included in the Total Project Cost) Self-Financed
Totalled Annual Savings \$99,634
O&M Savings (Maximum Limit of 30%) \$29,890
O&M Savings is Percentage of Total Savings 30%
Payback Period (Maximum 15 Years) 13.7 years
Number of Buildings 3
Vendor Johnson Controls
Scope of Work:
Lighting Upgrades (3)
Gym Lighting Retrofit (3)
Boiler Retrofit (2)
Unit Ventilator Replacement (2)
Building Envelop Improvements (3)
Building Automation (2)
CO² Demand Control Ventilation (2)

Upper Scioto Valley Local (Hardin County):

Total Project Cost \$679,203
Interest Rate (Included in the Total Project Cost) 5.0%
Totalled Annual Savings \$45,299
O&M Savings (Maximum Limit of 30%) N/A
O&M Savings is Percentage of Total Savings N/A
Payback Period (Maximum 15 Years) 15 years
Number of Buildings 2
Vendor Peterman Associates, Inc. & HT Bernsdorf, Inc.
Scope of Work:
Connection to two-100KW Wind Turbine
Energy Education Program (Green Lab)

There was general discussion regarding the Upper Scioto Valley wind energy project. Chair Sabety asked how much of Upper Scioto Valley Local School District's power will the wind turbine produce. Mark Wantage responded that he would have to provide the Commission with that information.

Chair Sabety asked if the school owned the wind turbines. Mark Wantage responded that they are owned by NexGen Energy out of Bolder, Colorado. The district is working on an agreement with NexGen Energy for an educational program that will give students that will be going through the technical program a priority opportunity for getting jobs from that company.

Dr. Puckett asked if they could store the energy. Mark Wantage responded that they would not be storing power.

Chair Sabety asked who is financing this. Mark Wantage said the \$679,000 is financed by HB 264 and that is for all the work that has to be done to the electrical systems and expanding a field house that will allow them to take the power and then redistribute it across the campus. Additionally that space will incorporate some classroom space.

Chair Sabety asked if this was the first such project the School Facilities Commission has financed under this program. Mark Wantage responded that it is not the first wind turbine approved, but believed it is one of the first ones that have a potential education component written into the agreement between the district and the provider.

Chair Sabety asked if the school district is guaranteed a certain purchase commitment by the manufacturer. Mark Wantage said they were not guaranteeing that they have to purchase a certain amount of electricity from them, but the electricity that is being generated by the wind turbine is specifically for the school district.

Chair Sabety said the wind turbine will buy the utility and it is owned by a third party and it will sell the power back to the conventional utility. Mark Wantage responded that they sell the electricity to the school at the agreed upon rate and that is only going to be a portion of the school district's consumption, the rest of their service will be provided by the local utility.

Chair Sabety wanted clarification that the \$680,000 is to just build the distribution facility to distribute the power on the school's campus from both the wind turbine and local utilities, and if the utility is to cover the peak power situations. Mark Wantage responded that is correct.

Chair Sabety asked if the School Facilities Commission ever considered or being active in feasibility of a school district owning their own wind turbine. Mark Wantage responded that we have had several projects in the past where they actually purchased the wind turbines. In this particular case, it is an agreement with the company that they do not have to own or maintain the equipment.

Director Shoemaker added that we have been working closely with Pettisville where there are three school districts working with the University of Toledo on a project. In that case the school districts will have ownership of the wind turbine.

Chair Sabety asked if the Commission staff has ever considered whether the passage of renewable portfolio standards in SB 221 would change or improve the desirability of the school district actually owning the wind turbine and selling the unused capacity back to the conventional utility. Mark Wantage responded that we have several districts that looking into that possibility of being able to either partner with or create a wind farm where they could actually be a producer of energy. Senator Fedor said that her district in Northwest Ohio and the University of Toledo have a great partnership and noted that Congresswoman Marcy Kaptur's

desire to really move forward with renewable energy and to encourage any type of movement to do more. Senator Fedor is interested in knowing more. Director Shoemaker added that Mark Wantage would provide additional information about this project to the Commission. Dr. Puckett added that it would be a great opportunity to be able to store and sell. Mark Wantage responded that the storage is always the big question when you are generating this and there are several technical hurdles to overcome.

Dr. Puckett moved to approve Resolution 09-40.
 Chair Sabety seconded the motion.
 Approval: Vote 2-0.

5. Maintenance Plans Approval – Presented by Mark Wantage

Mark Wantage presented three maintenance plans for Commission approval for Marion Local School District, Toledo Public School District and Trotwood-Madison 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 09-41 was recommended for approval.

School District	Buildings Included in the Maintenance Plan
Marion LSD (Mercer)	Marion Local ES/MS and HS (FINAL PLAN)
Toledo PSD (Lucas)	Oakdale ES, Ottawa River ES, East Broadway MS, Robinson MS, Samuel M. Jones MS, Rogers HS-Segment 1 (INTERIM)
Trotwood-Madison CSD (Montgomery)	Early Learning Center, Madison-Park ES, Westbrooke Village ES, Trotwood-Madison MS and HS

Dr. Puckett asked why the Commission approves the maintenance plans. Director Shoemaker noted that OSFC staff Mike Mendenhall, Mark Wantage and Bill Bibbey met with facility managers from Southwest Ohio to talk about developing a generic set of plans rather than developing a plan for every district and to involve the facilities managers in the planning process. OSFC will update the Commission at a future meeting once these are developed.

Dr. Puckett moved to approve Resolution 09-41.
 Chair Sabety seconded the motion.
 Approval: Vote 2-0.

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

Steve Lutz presented two amended Master Facilities Plans for districts participating in the Classroom Facilities Assistance Program.

The Crestview Local School District of Van Wert County had a first amendment for their 2007 participation in the Classroom Facilities Assistance Program. Crestview had been previously served by the Ohio Department of Education with partial improvements under the 1990 program. This amendment does not change either the project scope or the budget of the CFAP project. The amendment provides a retroactive recalculation of the state and local share

percentages based on HB 420 of the 127th General Assembly. The law retroactively removes the use of the minimum Net Bonded Indebtedness (NBI) calculation of the local share of the project. Instead it caps the local share at the greater of either the percentile rank of the district at the time of the 1990 project or the percentile rank of the project at the time of CFAP participation. Crestview's percentile rank at 2007 CFAP participation was 18% and at the 1990 program participation it was 21%. Therefore Crestview's local share is reduced by \$1,130,753 from 31% to 21% of the co-funded CFAP project. Given all the limitations of HB 420, Crestview is the only 1990 district affected by the retroactive recalculation of the local share of the CFAP project. Crestview has already raised the originally calculated local share and will now be able to use the difference for locally funded initiatives.

The Portsmouth City School District of Scioto County had a first amendment for their 2000 participation in the Classroom Facilities Assistance Program. This amendment captures the changes requested by the district to combine five facilities into three and to add the abatement and demolition of the existing HS. The projected enrollment is unchanged. The project budget is reduced by \$3,232,306, which is a 5% reduction.

Commission staff worked with the Crestview Local School District and the Portsmouth City School District and recommended approval of Resolution 09-42.

Dr. Puckett moved to approve Resolution 09-42.

Chair Sabety seconded the motion.

Approval: Vote 2-0.

- 7. 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 09-43.

Agreements:

School District	Project	Architect	Amount
London CSD	Build one new middle school and renovations to London High School	SHP Leading Design	\$1,262,764.89
Newark CSD	Renovations/addition to John Clem, McGuffey & William E. Miller elementary schools; build one new middle school; renovations/addition/partial demolition of Newark High School	Legat & Kingscott LLC	\$4,466,952.00
Niles CSD	Build two new elementary schools and one new high school	Balog Steines Hendricks & Manchester Architects, Inc.	\$2,942,888.00
Ross LSD	Renovations to Elda Elementary School and Ross Middle School	SHP Leading Design	\$1,492,402.00
Milton Union EVSD	Build one new PK thru 12 facility	Ruetschle Architects	\$2,528,359.00

Amendments:

School District	Project	Architect	Fees to Date	Amendment	Total
Minerva LSD	Scope changes to the high school renovation portion of the project	Lawrence and Dykes Architects, Inc.	\$1,556,184.01	\$25,640.63	\$1,581,824.64
Reynoldsburg CSD	LEED Silver Certification with an emphasis on attaining LEED points in Energy and Atmosphere category at all schools	Moody Nolan, Inc.	\$4,302,633.96	\$139,276	\$4,441,909.96

Locally Funded Initiatives:

School District	Project	Architect	Amount
Columbus CSD-Seg. 1	Fort Hayes renovation work in basement	Schooley Caldwell	\$17,500.00
London CSD	Underutilized space renovation and LEED upgrades	SHP Leading Design	\$5,878.43
Newark CSD	Miscellaneous material upgrades	Legat & Kingscott LLC	\$166,978.00
Milton Union EVSD	Pre K-12 additional square feet	Ruetschle Architects	\$45,789.00
Reynoldsburg CSD	Renovations to jr. high and high school	Moody Nolan, Inc.	\$8,573.00

Dr. Puckett moved to approve Resolution 09-43.

Chair Sabety seconded the motion.

Approval: Vote 2-0.

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

Steve Berezansky presented the following Construction Manager agreements for Commission approval. Steve Berezansky pointed out that Toledo City School District Segment 5 is the last of their building program. They are expected to complete all facilities by 2011. The Commission Staff recommended approval of Resolution 09-44.

District	CM Firm	County	Total CM Compensation
Edgerton LSD	dnk Corporation	Williams	\$432,607
Hardin - Houston LSD	Bovis Lend Lease	Shelby	\$1,190,645
Louisville CSD	Carbone Companies	Stark	\$2,356,090
Milton-Union EVSD	Skillman/Resource	Miami	\$2,129,017
Pioneer Career and Technology Center – Interim	Bovis Lend Lease, Inc.	Richland	\$500,000
Ross LSD	Skillman/Resource	Butler	\$1,231,343
Toledo CSD- Seg. 5 – Interim	LGB, LLC	Lucas	\$1,200,000

Dr. Puckett moved to approve Resolution 09-44.

Chair Sabety seconded the motion.

Approval: Vote 2-0.

Steve Berezansky presented the following Construction Manager amendments for approval. The Commission staff reviewed and recommended approval of Resolution 09-45.

School District	Construction Management Company	Amount
Dayton CSD - Seg. 3	Shook Touchstone	\$1,409,755
North College Hill CSD	The Quandel Group, Inc.	\$57,276

Dr. Puckett moved to approve Resolution 09-45.

Chair Sabety seconded the motion.

Approval: Vote 2-0.

Steve Berezansky presented the following Construction Manager amendment for a “locally funded initiative” for Commission approval. The Commission staff recommended approval of Resolution 09-46.

<u>School District</u>	<u>Construction Manager</u>	<u>Amount</u>
Buckeye Central LSD	Regency Construction Services, Inc.	\$199,798
Pickaway Ross JVSD	Resource International, Inc	\$21,100
Pike County JVSD	Resource International, Inc	\$38,035
Teays Valley LSD	Ruscilli Construction	\$210,967

Dr. Puckett moved to approve Resolution 09-46.
 Chair Sabety seconded the motion.
 Approval: Vote 2-0.

9. 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. The Ashtabula City School District had a contract for Op-Tech Environmental Services, Inc. The apparent low bidder could not provide the appropriate bonding. The Madison Local School had a contract for ESI, Inc. The apparent low bidder withdrew their bid due to missed scope in their bid. The Newark City School District had a contract for Settle Muter Electric, Inc. The apparent low bidder withdrew their bid due to a clerical error. All three of these withdraws have been reviewed and are supported by the project teams. The Commission staff reviewed and recommended approval of Resolution 09-47. Steve Berezansky also added that these trade contracts totaling \$269,777,338 is the largest monthly total brought to the Commission for approval.

<u>School District</u>	<u>Contracting Entity</u>	<u>Scope Of Work</u>	<u>\$ Amount</u>
1 Akron CSD	School Specialty, Inc.	Classroom Furniture	\$89,900.87
2 Akron CSD	School Specialty, Inc.	Office Furniture & Specialties	\$248,875.74
3 Ashtabula Area CSD	Op-Tech Environmental Services, Inc * * *	Demolition	\$160,000.00
4 Barberton CSD	Mr. Excavator, Inc.	Site Work	\$874,000.00
5 Butler Technology and Career Development	CR & R Construction	Entrance Drive Improvements and Courtyard Demolition	\$442,700.00
6 Cincinnati CSD	G/C Contracting Group	General Trades	\$8,508,000.00
7 Cincinnati CSD	Beacon Electric	Electrical/Technology	\$1,647,000.00
8 Cincinnati CSD	Feldkamp Enterprises	Plumbing & HVAC	\$1,572,000.00
9 Cincinnati CSD	Beacon Electric	Electrical/Technology	\$1,304,900.00
10 Cincinnati CSD	Quality Fire Protection, Inc.	Fire Protection	\$70,000.00
11 Cincinnati CSD	Glenwood Electric, Inc.	Electrical/Technology	\$569,797.00
12 Cincinnati CSD	Cincy Fire Protection	Fire Protection	\$122,500.00
13 Cincinnati CSD	Empire Building Company	General Trades	\$1,298,000.00
14 Cincinnati CSD	Triton Services, Inc.	Plumbing	\$967,400.00
15 Cincinnati CSD	Monarch Construction Company	General Trades	\$8,874,000.00
16 Cincinnati CSD	ESI, Inc.	Electrical/Technology	\$1,993,000.00
17 Cincinnati CSD	Century Construction	HVAC	\$1,680,200.00
18 Cincinnati CSD	Feldkamp Enterprises, Inc.	Plumbing & HVAC	\$1,268,000.00
19 Cincinnati CSD	Pac Van, Inc.	Modular Trailers	\$1,579,968.00
20 Cincinnati CSD	Cincy Fire Protection	Fire Protection	\$158,550.00
21 Cincinnati CSD	Ken Neyer Plumbing, Inc.	Plumbing	\$278,560.00
22 Cleveland MSD	Corporate Express Business Interiors	Furniture, Fixture and Equipment	\$648,200.47
23 Clyde-Green EVSD	Dundore Plumbing, Heating & Cooling, LTD	Plumbing	\$348,638.00
24 Crestview LSD	Woolace Electric Corporation	Electrical Construction	\$1,520,000.00
25 Crestview LSD	ACI Const. Co., Inc.	General Trades	\$4,367,000.00
26 Defiance CSD	Total Environmental Services, LLC	Asbestos Hazard Abatement and Related Work	\$165,580.00

27	Defiance CSD	L. J. Irving Jr. & Sons, Inc.	Demolition	\$128,000.00
28	Elyria CSD	Big Trees, Inc.	Landscaping	\$488,600.00
29	Elyria CSD	ABC Piping Co.	Fire Protection	\$727,000.00
30	Elyria CSD	Vaughn Industries, Inc.	Electrical	\$6,300,000.00
31	Elyria CSD	Harris Masonry, Inc.	Masonry	\$7,163,000.00
32	Elyria CSD	Guenther Mechanical, Inc.	Plumbing/HVAC	\$7,034,000.00
33	Elyria CSD	TriMark/SSKemp	Kitchen Equipment	\$703,112.00
34	Elyria CSD	T & F Systems, Inc.	Roofing	\$1,837,000.00
35	Elyria CSD	Marous Brothers Construction, Inc.	General Trades	\$18,386,100.00
36	Gallia-Jackson-Vinton JVSD	Tom Sexton & Associates	Office Furniture	\$86,193.49
37	Gallipolis CSD	Martin Public Seating	Furnishings	\$109,099.24
38	Gallipolis CSD	Trimat Construction Co.	Early Site	\$868,000.00
39	Gallipolis CSD	School Specialty, Inc.	Furnishings	\$21,359.52
40	Gallipolis CSD	Kinsale Corporation	General Trades	\$4,677,720.00
41	Girard CSD	Kirila Contractors, Inc.	Site Utilities	\$699,440.00
42	Hamilton CSD	Farnham Equipment Co.	Casework	\$239,550.00
43	Hamilton CSD	Ferguson Construction Company	General Trades	\$8,153,000.00
44	Hamilton CSD	Farnham Equipment Co.	Casework	\$228,800.00
45	Hamilton CSD	Farnham Equipment Co.	Casework	\$233,600.00
46	Hamilton CSD	Farnham Equipment Co.	Casework	\$223,100.00
47	Hamilton CSD	Endeavor Construction	General Trades	\$7,683,000.00
48	Hamilton CSD	Endeavor Construction	General Trades	\$7,737,000.00
49	Hamilton CSD	Ken Neyer Plumbing, Inc.	Plumbing	\$520,500.00
50	Hamilton CSD	Breckenridge Kitchen Equipment & Design	Kitchen Equipment	\$373,920.00
51	Hamilton CSD	Ferguson Construction Company	General Trades	\$7,618,000.00
52	Hamilton CSD	Breckenridge Kitchen Equipment & Design	Kitchen Equipment	\$373,920.00
53	Hamilton CSD	Ken Neyer Plumbing, Inc.	Plumbing	\$469,600.00
54	Hamilton CSD	Ken Neyer Plumbing, Inc.	Plumbing	\$470,500.00
55	Hamilton CSD	Ken Neyer Plumbing, Inc.	Plumbing	\$476,100.00
56	Hamilton CSD	Eckert Fire Protection Systems, Inc	Fire Protection	\$214,520.00
57	Hamilton CSD	Dalmatian Fire, Inc.	Fire Protection	\$250,500.00
58	Hamilton CSD	Dalmatian Fire, Inc.	Fire Protection	\$204,500.00
59	Hamilton CSD	Progressive Plumbing Company	Plumbing and HVAC	\$184,800.00
60	Hamilton CSD	Active Electric, Inc	Electrical	\$1,129,790.00
61	Hamilton CSD	King's Electric Services	Electrical	\$1,154,777.00
62	Hamilton CSD	King's Electric Services	Electrical	\$1,193,000.00
63	Hamilton CSD	Becker Construction, Inc.	General Trades	\$1,387,000.00
64	Hamilton CSD	Active Electric, Inc.	Electrical	\$1,101,820.00
65	Hamilton CSD	The John A. Becker Company	Switchgear -Logistics	\$390,600.00
66	Hubbard EVSD	Breckenridge Kitchen Equipment and Design	Kitchen Equipment	\$494,541.00
67	Hubbard EVSD	Hudson Group, Inc.	General Trades	\$14,209,000.00
68	Madison LSD	Farnham Equipment Company	Casework	\$329,800.00
69	Madison LSD	ESI, Inc.* * *	Electrical	\$1,256,800.00
70	Madison LSD	Feldkamp Enterprises, Inc.	Plumbing and HVAC	\$2,444,000.00
71	Mount Healthy CSD	Tri-Con, Inc.	General Trades	\$19,660,000.00
72	Mount Healthy CSD	Feldkamp Enterprises	Plumbing & HVAC	\$4,797,000.00
73	Mount Healthy CSD	Dalmatian Fire	Fire Protection	\$425,000.00
74	Newark CSD	H & A Mechanical, Inc.	HVAC	\$1,177,000.00
75	Newark CSD	Farnham Equipment Company	Casework	\$286,750.00

76	Newark CSD	Robertson Construction Services, Inc.	General Trades	\$5,511,700.00
77	Newark CSD	Gutridge Plumbing, Inc.	Fire Protection/Plumbing	\$559,000.00
78	Newark CSD	Settle Muter Electric, Inc. * * *	Electrical/Technology Contract	\$1,501,800.00
79	Newton Local SD	Regal Plumbing and Heating, Co.	Plumbing	\$686,674.00
80	Newton Local SD	Area Energy and Electric, Inc.	Electrical & Technology	\$1,324,607.00
81	Newton LSD	A 1 Sprinkler Company, Inc.	Fire Protection	\$173,100.00
82	Newton LSD	Farnham Equipment Company	Casework	\$374,700.00
83	Newton LSD	JMC Mechanical, Inc.	HVAC	\$1,459,080.00
84	Newton LSD	Humble Construction Co.	Masonry and General Trades	\$6,585,000.00
85	Newton LSD	Breckenridge Kitchen Equipment and Design	Kitchen Equipment	\$306,456.00
86	North College Hill CSD	Feldkamp Enterprises, Inc.	Plumbing	\$878,000.00
87	North College Hill CSD	Beacon Electric Company	Electrical	\$3,434,000.00
88	North College Hill CSD	Quality Mechanicals, Inc.	HVAC	\$1,745,160.00
89	North College Hill CSD	Feldkamp Enterprises, Inc.	Plumbing	\$445,000.00
90	North College Hill CSD	Perkins/Carmack Construction, LLC	General Trades	\$3,551,500.00
91	North College Hill CSD	Monarch Construction Company	General Trades	\$11,926,500.00
92	North College Hill CSD	Dalmatian Fire, Inc.	Fire Protection	\$266,000.00
93	North Union LSD	Document Concepts dba Office Furniture Solutions	Loose Furnishings	\$255,603.81
94	Olmsted Falls CSD	Southeast Security	Technology Equipment	\$209,867.00
95	Sandy Valley LSD	Environmental Assurance Company, Inc.	Abatement	\$210,875.00
96	St. Mary's CSD	Sollman Electric Company	Electrical	\$2,836,070.00
97	St. Mary's CSD	Regal Plumbing & Heating Company	HVAC	\$3,488,119.00
98	St. Mary's CSD	Vulcan Enterprises, Inc.	Fire Protection	\$332,820.00
99	St. Mary's CSD	Farnham Equipment Company	Casework	\$1,175,000.00
100	St. Mary's CSD	Smith-Boughan Services	Heating Piping	\$93,400.00
101	St. Mary's CSD	Rizzi Distributors, Inc.	Food Service	\$519,890.00
102	St. Mary's CSD	Ohio Plumbing & Electrical, Inc.	Plumbing	\$1,419,000.00
103	St. Mary's CSD	R. D. Jones Excavating, Inc.	Sitework	\$634,750.00
104	St. Mary's CSD	Wadsworth & Associates, Inc.	Temperature Controls	\$614,000.00
105	St. Mary's CSD	Ferguson Construction Company	General Trades	\$12,192,000.00
106	Toledo CSD	McNerny & Son, Inc.	Office Furnishings and Equipment	\$81,512.41
107	Toledo CSD	McNerny & Son, Inc.	Office Furnishings and Equipment	\$106,186.96
108	Warren CSD	North East Fire Protection, LLC	Fire Protection	\$226,950.00
109	Warren CSD	Antenucci, Inc.	HVAC	\$4,113,000.00
110	Warren CSD	Mid-West Telephone Servcies, Inc.	Data Cabling	\$295,592.00
111	Warren CSD	Western Reserve Mechancial, Inc.	Plumbing	\$745,000.00
112	Warren CSD	Western Reserve Mechancial, Inc.	Plumbing	\$726,000.00
113	Warren CSD	Enertech Electrical, Inc.	Electrical	\$3,317,400.00
114	Warren CSD	North East Fire Protection, LLC	Fire Protection	\$221,595.00
115	Warren CSD	Albert M. Higley Company	General Trades	\$15,093,000.00
116	Youngstown CSD	Delphi Consulting, Inc.	Demolition	\$73,030.30
117	Zanesville CSD	Microman, Inc.	Technology	\$2,991,218.00
			*** Lowest Responsible, Second Low Bidder	TOTAL \$269,777,338.81

Vice Chair Quill moved to approve Resolution 09-47.
Dr. Puckett seconded the motion.
Approval: Vote 3-0.

10. Settlement Agreements Approval – Presented by Jerry Kasai

Jerry Kasai presented settlement agreements for Commission approval.

Columbus City School District (Franklin County):

Holdridge Mechanical and Howard's Sheet Metal are both companies owned by Stover Industries. They were on various Columbus Public projects including Parsons Elementary, Binns Elementary, Fairmoor Elementary, East Columbus Elementary and East Linden Elementary. Their surety on these projects was Great American Insurance.

All three companies became insolvent and defaulted on the projects. The projects were in various phases of the mechanical or plumbing work and Columbus negotiated a contractor completion agreement with Great American to complete the projects. Subsequent to this agreement, the school district's counsel and the Attorney General's Office have been negotiating with Great American on a project-by-project basis and a global basis to compensate the various projects for the default of Howard's and Holdridge. They have tentatively negotiated settlements on the following basis:

1) East Linden/Fairmoor	\$ 53,978.63
2) East Columbus	\$ 29,275.80
3) Various Projects	\$134,000.00

Those amounts would cover the total amounts caused by the default of Howard's and Holdridge, but leaves open issues relating to finishing or remediating the work of the controls subcontractor for further discussion. The Commission staff recommended approval of Resolution 09-48.

Chair Sabety asked if the amount we received was the total amount we were trying to recover. Jerry Kasai responded it was not 100% of the recovery. In a lot of ways we were able to mitigate our damages. The recovery does include delay damages we paid to other contractors. It does not include that dollar for dollar. We are about 75 – 80% of total recovery of the damages we incurred. There are concurrent delays where you cannot blame 100% of every delay on somebody.

Dr. Puckett moved to approve Resolution 09-48.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

Jackson City School District (Jackson County):

BBL was the original construction manager (CM) on the Project. In March of 2003, BBL was terminated for convenience. BBL continued to work as the CM until a replacement CM could be brought onto the Project. At the point in time BBL was terminated from the Project, it had unpaid billings of approximately \$230,000. The Commission staff recommended approval of Resolution 09-49.

Vice Chair Quill moved to approve Resolution 09-49.
Dr. Puckett seconded the motion.
Approval: Vote 3-0.

Miller City-New Cleveland Local School District (Putnam County):

This settlement is for the Miller City New Cleveland LSD project. This would resolve the litigation entitled *Schnippel Construction, Inc. v. OSFC*, which is in the court of claims. This had to do with a defective roof in which the entirety of the roof was replaced. In the settlement, the school district gets to keep the entirety of the balance of the retainage and the surety will pay the balance up to \$400,000 that will come back to the project, with the State

share going towards the Corrective Action Fund. The Commission staff recommended approval of Resolution 09-50.

Dr. Puckett moved to approve Resolution 09-50.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

Minford Local School District (Scioto County):

The project was completed in 2000. The high school and K-8 experienced water infiltration since opening. Building investigation and evaluation pinpointed through wall flashing issues as causes of the water infiltration. General contractors on the separate schools, J&H Steel Erectors and Monarch Construction, both agreed to participate in the remediation along with the Architect and Construction Manager. The work cost approximately \$142,000 to remediate both buildings with the project having to pay \$12,000 of that amount. The Commission staff recommended approval of Resolution 09-51.

Vice Chair Quill moved to approve Resolution 09-51.
Dr. Puckett seconded the motion.
Approval: Vote 3-0.

Portsmouth City School District (Scioto County):

Public construction projects are required by law to deposit the contract funds withheld from contractors until contract completion (retainage) into an interest bearing escrow account. Usually the retainage is released at contract completion, after the warranty period expires. US Bank was the escrow agent for the Portsmouth City School District project. It was holding the retainage for the HVAC Controls contractor, which went out of business before finishing the project. The retainage was to help pay for the completion of the work, however, US Bank released the funds to a third party with no connection to the project. After discovery of the problem and demand for repayment, US Bank refused to credit the Project with the funds it had erroneously released. In late 2008, the Commission authorized the filing of suit against US Bank to recover the funds. When the threat of litigation became imminent, US Bank agreed to credit the account for the principal and interest it had released, approximately \$18,000. The Commission staff recommended approval of Resolution 09-52.

Dr. Puckett moved to approve Resolution 09-52.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

11. Authority to Intervene in Pending Case Approval – Presented by Jerry Kasai

Jerry Kasai presented an authority to intervene in pending case regarding Barberton City School District of Summit County for Commission approval. In February and July of 2007, this Commission approved Responsible Bidder Criteria, which school districts could adopt at their discretion, which includes the payment of prevailing wage and also project labor agreements. The Barberton City School District adopted the first seventeen points of the Responsibility Bidder Criteria, which includes the payment of prevailing wage. A few weeks ago the Barberton City School District was sued in Summit County Common Pleas Court over the implementation of the Responsible Bidder Criteria. This resolution authorizes the Attorney General's Office to intervene in the case and protect the interest of the Ohio School Facilities Commission within the context of that case. The Commission staff recommended approval of Resolution 09-53.

Vice Chair Quill moved to approve Resolution 09-53.
Dr. Puckett seconded the motion.
Approval: Vote 3-0.

12. Public Testimony

Mr. Al Adams, a citizen of Toledo, addressed the Commission regarding defective work. Mr. Adams stated that he has been attending these meetings diligently since 2004 and has heard several times that OSFC projects have less than 1% defective work. Mr. Adams asked what is the criteria that is used to determine defective work to come up with that number. Mr. Adams also asked about a resolution that was passed last month regarding grant money to fix defective work at schools and what is the criteria to apply for that grant money. What does the school district have to do to show that they had defective work and to get that grant money.

Mr. Kasai responded that the applications are on the OSFC website for the HB 266 Corrective Action Grant Program, which sets forth the criteria for grant award. The 1% defective work was a ratio of the amount of work that we do versus the total cost of the project where there is defective work that rises to a level of having to come back past punch list and put extra money into it. So there was a mathematical calculation that came to less than 1% that was calculated two to three years ago. It may be different now.

Mr. Adams said that what Mr. Kasai was saying was that if we do not have to put more money in a project, then we do not have defective work. Mr. Kasai responded that was not what was said. Mr. Kasai stated he was referring to which projects would have defective work that rises to the level of corrective action over and above the normal punch list or warranty work that happens on a project. In response to follow up from Mr. Adams, Mr. Kasai stated that he would be happy to answer additional questions after the meeting.

Chair Sabety stated that the Commission has spent an enormous amount of time in the past two years focused on improving quality control within the Ohio School Facilities Commission. We have built entirely new processes. We have made those available on the web. We have answered every issue that has arisen before this Commission with which we have been provided supporting materials and the staff has done an admirable job in answering every one of those charges. At this point answering hypotheticals in a public meeting about how we might treat something if three or four fact patterns were present is not an appropriate use of the Commission's time. Mr. Adams responded that he believed that sometimes this has already happened that is why he was bringing this up. Mr. Kasai responded that he would be happy to talk with Mr. Adams after the meeting or anytime. Mr. Adams thanked the Commission for their time.

The meeting was adjourned at 2:47 PM.



Richard M. Hickman, Acting Chairman

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: Citizen

School District/Company: _____

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

Phone: 419-350-5700 Fax: _____

Testimony Subject:

Defective Work

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.*****