

Ohio School Facilities Commission
June 25, 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 Gary Cates, and Representative Matt Patten.

1. Adoption of the May 21, 2009 Meeting Minutes

Dr. Puckett moved to approve the May 21, 2009 meeting minutes.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

2. Executive Director's Report

The Executive Director updated the Commission members on the following: Meetings with Superintendents from Chillicothe, Cleveland, Dayton, Gahanna, Old Fort and Vanguard Sentinel Joint Vocational School District; Meeting with Steve Grossman from the Ohio Water Development Authority; Construction Managers Meetings – Gilbane, Ruscilli, URS and Dck Corp.; Site Visits - Amanda Clearcreek, Lucasville Valley, Vanguard Sentinel and Old Fort; Regional Meetings - Carrollton and Findlay; Ground Breaking - Ohio State School for the Blind and Ohio School for the Deaf, Check Presentation at Switzerland of Ohio Local School District.

Director Shoemaker introduced OSFC summer interns, Courtney Nichols and Brett Sheets. Courtney is a graduate of Berea High School and this fall will be her senior year at The Ohio State University with a major in Psychology and Sociology. She will be working with Support Services posting updates to the OSFC website, supporting the policy standardization project and the customer service survey development and analysis. Brett is a graduate of North Union High School and this fall will be his senior year at The Ohio State University with a major in Construction Systems Management. He is OSFC's first intern majoring in the construction industry. He will be working with our Project Group assisting project administrators with projects, supporting project staff and working on plan review and LEED compliance.

Director Shoemaker thanked OSFC staff for all their work and contribution to Operation Feed. Our goal this year for Operation Feed was 680 meals. With staff of 70, OSFC donated \$2,531 and 4,220 pounds of food, which amounts to 9,284 meals for the Mid Ohio Food Bank.

3. Maintenance Plans Approval – Presented by Bill Bibbey

Bill Bibbey presented three maintenance plans for Commission approval for Fredericktown Local School District, Scioto County Joint Vocational School District and Waynesfield – Goshen Local School District. A Maintenance Plan provides the district with a systematic and thorough guide for preventative maintenance of the facility completed under the Commission's programs. The plan also provides for projections of cost and a prioritization of the recommended maintenance operations. Individual plans are based upon the equipment and materials used in the facility. Recommendations are made concerning maintenance tasks, staffing, continuous education and service contracts. Commission approval of the Maintenance Plan is required for the access to their half-mill maintenance fund. The School Districts have submitted their Maintenance Plans and staff reviewed them and determined they met all the requirements. Resolution 09-69 was recommended for approval.

School District	Buildings Included in the Maintenance Plan
Fredericktown LSD (Knox)	Fredericktown K-12 (Final Plan)
Scioto County JVSD (Scioto)	Reiser Building, Schutle Building with Addition, and T&I Building
Waynesfield – Goshen LSD (Auglaize)	Waynesfield-Goshen K-12 (Final Plan)

Vice Chair Quill moved to approve Resolution 09-69.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

4. Delegation of Maintenance Plans Approval

Dr. Puckett moved to take from the table the motion to delegate the maintenance plans Resolution 09-57 for immediate consideration. Chair Sabety requested that an update on the maintenance plans be given to the Commission every six months.

Dr. Puckett moved to approve Resolution 09-57.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

5. Ohio School Design Manual Update Approval – Presented by Franklin Brown

Franklin Brown presented the twelfth update to the Ohio School Design Manual (OSDM). The process began in November 2008. The update team of consultants and staff this year included the Ohio Educational Library Media Association, the Ohio Association of School Nurses, the Department of Education's School Breakfast and Lunch Programs, the Ohio Department of Health's Jarrod's Law Program, the Career and Technical Education Section of the Department of Education, the Department of Transportation Safe Routes to School Program and the Department of Commerce and included architectural structural engineering, HVAC and technology, cost consulting, and career technical review. Our web-based tools, which are how much of our work gets accomplished. We used Global Insights to tie down the inflation rates for this year. For the first time, forensic experts looked at projects from a forensic prospective. All the value-engineering efforts put together by our construction managers were analyzed and where there was repetition, we put those into the manual. Variance requests were reviewed for consideration and acceptance into the manual. There were 249 suggestions – Systems and Materials (41%), HVAC (28%), Technology (17%), Electrical (5%), Plumbing (5%) and Planning (4%). Changes in the 2009 update included rainwater harvesting and collection, solar hot water heating, building envelope air barrier system, roofing (20 year warranty, fully adhered and 60 mil minimum thickness) and emergency power cutoff switch. This year we have had the flattest cost increase for the dollars per square foot cost of our schools and for the first time the annual inflation rate was set at negative .97%. The non-inflation cost adjustments showed an increase of 1.55%. Staff recommended approval of Resolution 09-70.

Chair Sabety asked if having had several roof designs not fastened correctly was this part of the re-evaluation of the roofing criteria. Franklin Brown responded that it was and that was the primary reason for going from a mechanically fastened system to a fully adhered system. Chair Sabety asked if this satisfied the requirements of SB 113 to create standards for attaching solar cells to the roofs of school buildings. Franklin Brown responded that it did address that.

Senator Cates said that the OSDM report indicated that several groups have had input in the OSDM and asked if there was feedback from the school districts from those who have gone through the program and those who are waiting in line to make sure they have had some

input in the new design recommendations. Franklin Brown responded that we get constant input from the field. We get input from our design representatives who are working one on one with the teachers and administrators of every district that is coming under our programs, so there is continual feedback in terms of items that they would like to see that are not in the design manual. There are also many opportunities for us to address those through the variance process.

Senator Cates asked regarding major changes of collection of rainwater and roofing if we are now in a situation where all schools will have some sort of pitched sloped roof instead of a flat roof. One of the biggest problems that aggravates maintenance is where you have had school buildings with flat roofs, which tend to pool water from snowstorms and rain that ultimately causes maintenance problems. Franklin Brown responded the manual does not prohibit low-sloped roofs and does not permit perfectly flat roofs. All roofs are required to have at least $\frac{1}{4}$ " per foot slope to a drain. A well-designed roof, whether sloped or flat, is not going to leak. Part of the reason that we increased the roof warranty period to 20 years was we found that the roofing company and the manufacturer are more careful in initial inspections of the installations of the roofs, plus school districts are now employing third party inspectors during the construction to actually observe the detailing of the roof. OSFC is very sensitive to the roof issues that schools have had and we are not walking away from any buildings that have roof issues. Director Shoemaker added that through the variance process submissions from a district or an architectural team may submit something to us that is not in the design manual. Once enough of these concerns are accumulated, then it is something that is looked at to be included in the design manual. The roof issue particularly with the metal roof is a design issue and sometimes with a low slope roof or a relatively flat roof the issue basically is an installation issue either with the product or more often than not the roof flashing. Commissioning is now required so that we have a third party roofing expert there when the roof is put on and to work particularly with the masons to make sure the flashing is right. We also think that commissioning will help with the water infiltration where the two rooflines meet at different heights.

Senator Cates said that if we are going to invest money into all these school buildings, we should be taking maximum efforts to make sure we do not allow water collection. He was concerned that there was not adequate guidance given to the districts regarding having adequate pitch to their roofs. That is a huge expense for districts to do constant maintenance whether it is a contracting fault or not and could be averted by design.

Franklin Brown responded many of the roof problems have been with metal roofs. If you look at your typical butler building, which has a metal roof and typically those roofs do not leak because they do an excellent job of shedding the water. If you have a simple Butler type roof, they typically do not leak. What happens on our metal roofs and with the articulation that architects try and put into roofs of schools we have many hips and valleys coming together and a valley of a roof reduces the slope significantly. The most successful metal roofs are the ones that we put a complete roofing membrane on and then we put a metal roof on top of that, so in essence you have two roofs in those cases. If we have a membrane low-slope roof that is well executed with drains in the proper places, that is a roof that has every opportunity to outlast even a sloping roof. The key is maintaining quality of installation. That is what we have recently addressed by having people at the job site when the roof is being put on to make sure it is put on properly. Senator Cates responded a stronger position needs to be taken on sloping of roofs for schools. A lot of problems can be averted down the road if we make the extra effort in design, making sure these roofs have a higher pitch to them so we do not have the problem of water 10 years or 15 years down the road and costing the state and districts a lot more money to have to repair these roofs because they were not designed properly for water drainage or snow loads.

Chair Sabety asked absent great design in every case, is there a higher probability that a flat roof will spring leaks earlier than a roof with a different type of construction and will that be accentuated over long-term by schools implementing rainwater collection systems. Senator Cates said any time water puddles it provides opportunity for damage and was a proponent for more sloped pitched roofs. Director Shoemaker responded that one of the things that Franklin Brown mentioned was the increase in the terms of the budget verses the deflation factor. Global Insight talked about an inflation factor of a negative one over the next couple years and one of the things that we discussed very seriously was do we lower the budget because of that. We have gone to the districts and said here is a time we may have a little bit of a cushion, \$1.00 – \$1.50 - \$2.00 a square foot cushion and you should be encouraged to look at things like the roof system in particular. Again, this is a cost factor and districts are allowed to do this. We also, with the bid climate, are encouraging districts and architects to write these in as alternates so when bid day comes and you have a low sloped roof, that you might be able to add that sloped or higher pitch roof on bid day. We are trying to be frugal enough with the budget and at the same time recognize that a lot of the roof problem is design and the number of penetrations in the roof. The Director, Jerry Kasai and Tom Brannon looked at a several roofs over the last couple weeks and it was not the material on the roof or the slope of the roof, but it was simply there were so many penetrations that were not properly flashed.

Dr. Puckett moved to approve Resolution 09-70.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

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

Steve Lutz presented one amended Master Facilities Plan for a district participating in the Classroom Facilities Assistance Program.

The Ohio Valley Local School District of Adams County had a first amendment for their 2006 participation in the Classroom Facilities Assistance Program. This amendment provides additional scope and funding for each of the three new elementary schools. Soil stabilization was required at each elementary site. The district also elected to include the optional LEED sustainable design in the three new buildings. The budget is increased by \$1,798,940 to the original \$56,166,169, which is a 3% increase. The budget is being amended to \$57,965,109. Commission staff worked with the Ohio Valley Local School District to assure that the requested scope and budget adjustments are needed and recommended approval of Resolution 09-71.

Vice Chair Quill moved to approve Resolution 09-71.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

7. FY09 VFAP Project Approval – Presented by Eric Bode

Eric Bode presented Vanguard-Sentinel Joint Vocational School District project listed below for funding in the Vocational Facilities Assistance Program. We are asking for an off cycle approval. It is a \$27,000,000 project of which the state share is approximately 69%. It is a renovation and addition to the project. It is a district that had been offered funding about two years ago and deferred. We have been working with the district on the planning side. We have approved a number of districts and projects off cycle. We realized fairly late in the process the difference that they had been planning on for local share made it very important for them to get approved this fiscal year as opposed to next fiscal year. It is the difference between a 30.61% local share and a 32.65% local share. There is actually no statutory provision related to the exact timing of the application of the equity list, but we do have guidelines adopted by the Commission and the timing is not for the Commission approval, but the Controlling Board approval. So by the current guidelines, this would have a slightly higher local share because this Commission

approval would be followed up by a Controlling Board approval in the next fiscal year. So therefore, we are asking for approval for an exception to allow the district to take advantage of a slightly lower local share. Staff recommended approval of Resolution 09-72.

<u>School District</u>	<u>County</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Budget</u>
Vanguard-Sentinel JVSD	Sandusky	\$18,968,885	\$8,367,742	\$27,336,627

Chair Sabety asked Eric Bode to repeat the value of the difference between local share in this fiscal year and local share in next fiscal year, with the dollar value. Eric Bode responded that it is approximately a 2% difference. The difference is a 30.61% as opposed to a 32.65%. The district would change one place in the equity list for the joint vocational school districts. There are 49 districts, so moving up one slot is two percentage points. With a total budget of \$27,000,000 the difference would be \$500,000.

Chair Sabety asked if this has ever happened in the past and if there were only Commission Guidelines on the effective date. Eric Bode responded that was correct. Unlike the CFAP, ELPP and ENP programs, all of which have in law exact determination of when it says the local share is determined by the equity list. Under the VFAP program that is not done, it just refers to the equity list. Because it is not clear the Commission adopted guidelines back when the program was established which says the date of the Controlling Board approval is the controlling date for determining which equity list we use.

Dr. Puckett asked Eric Bode if we were very clear that the guidelines permit us to do this. Eric Bode responded that we are actually asking for an exception to the guidelines that were adopted by the Commission. They are not rules, it is not law, and it is Commission adopted guidelines. This would be an exception to that to determine the local share. Chair Sabety asked if those guidelines were created by staff and approved by the Commission. Eric Bode responded yes. This would not be an issue if we submitted this to the Commission last month and sent it to the Controlling Board this month for approval, so it is a one-month difference.

Director Shoemaker thanked Eric Bode, Steve Lutz and Melanie Drerup for trying to work through this difficult issue. The district was unaware of the number change. The issue here is one that we think this district is going to be ready to go to bid about a year early if we can do this today and we think that savings is going to far exceed that \$500,000 extra cost simply because of that bid climate. Eric Bode added that unlike the past couple years where we have all the tobacco securitization money and we have been trying to get as many projects going as possible, the result being a lot of these off cycle approvals that have been brought to the Commission. Eric Bode did not see this continuing. With the July 2009 approvals, we will be back on a track to where we were before prior to the last couple years, which is a yearly July approval.

Dr. Puckett moved to approve Resolution 09-72.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

- 8. 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 09-73.
 Agreements:

School District	Project	Architect	Amount
Franklin Monroe LSD	New K-12 Building	SHP Leading Design	\$1,384,172.00

Jonathan Alder LSD	New Elementary School and Renovations and Addition to Canaan Middle School	SHP Leading Design	\$1,539,906.80
Union LSD	Renovations to Union Elementary School to house grades PK thru 5 and Union Middle/High	Matyskiela & Grant, Inc.	\$157,452.00

Amendments:

School District	Project	Architect	Fees to Date	Amendment	Total
Kalida LSD	Additional design services for reprogramming and site design	Beilharz Architects	\$618,050.58	\$20,596.24	\$638,646.82
Southern Hills JVSD	Removal and repair/replacement of existing CMU and facebrick due to structural deficiencies	SHP Leading Design	\$781,446.00	\$42,818.00	\$824,264.00
Nelsonville York LSD	Additional design fees for unforeseen scope of work added to project	RVC Architects, Inc.	\$1,434,318.00	\$60,244.00	\$1,494,562.00
Akron CSD – Seg. 2	Master Plan changes to increase student occupancy at East/Goodyear Elm	GPD Associates	\$1,312,849.48	\$584,996.07	\$1,897,845.55

Locally Funded Initiatives:

School District	Project	Architect	Amount
Franklin Monroe LSD	Additional square feet above the Master Plan, design features and Board office remodel	SHP Leading Design	\$112,060.00

Vice Chair Quill moved to approve Resolution 09-73.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

9. Construction Manager Amendment Approval – Presented by Steve Berezansky

Steve Berezansky presented the following Construction Manager amendments for Commission approval. The Commission Staff recommended approval of Resolution 09-74.

School District	Construction Management Company	Amount
Union LSD	The Ruhlin Co	\$141,645
Jefferson Area LSD	Bovis Lend Lease	\$1,509,856

Dr. Puckett moved to approve Resolution 09-74.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Steve Berezansky presented the following Construction Manager amendments for approval. The Commission Staff recommended approval of Resolution 09-75.

School District	Construction Management Company	Amount
Nelsonville-York City SD	Smoot Construction	\$579,386
Hillsboro City SD	The Quandel Group, Inc.	\$0
Zanesville City SD	The Quandel Group, Inc.	\$102,943

Vice Chair Quill moved to approve Resolution 09-75.
 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 09-76.

<u>School District</u>	<u>ConstructionManager</u>	<u>Amount</u>
Nelsonville York City SD	Smoot Construction	\$25,193
Eastern Local SD	Turner Construction	\$53,989
Hamilton City SD	Turner Construction	\$1,094,333
Akron City SD - Segment 2	The Ruhlin Company	\$648,344

Dr. Puckett moved to approve Resolution 09-76.
 Chair Sabety seconded the motion.
 Approval: Vote 3-0.

10. Trade Construction Contracts Approval – Presented by Steve Berezansky

Steve Berezansky presented trade contracts for Commission approval. All contracts represent the lowest responsible bidder. There were five contracts that represent an award to the second low bidder. Clyde-Green Springs Exempted Village School District for Vaughn Industries, LLC, Northmor Local School District for Middleton Geothermal Services, Washington Court House City School District for Cox Paving, Inc., and Wayne County Joint Vocational School District for Accurate Electric Construction, Inc. are due to mathematical errors. They requested withdrawal of their bids. The withdraws have been reviewed and are supported by the project teams. Youngstown City School District for Environmental Assurance Company, Inc. was recommended from the team not to award to the apparent low bidder. The apparent low bidder is not rejecting that recommendation. The apparent low bidder had been awarded two other contracts and the scope of those contracts ranged between \$200-\$300,000. They then were the low bidder on the Youngstown contract for around \$700,000 and the team felt that they could not do all three contracts at once. The Commission staff reviewed and recommended approval of Resolution 09-77.

School District	Contracting Entity	Scope Of Work	\$ Amount
1 Adams Count /Ohio Valley SD	Continental Office Furniture	Loose Furnishings	\$639,083.49
2 Adams Count /Ohio Valley SD	APG Office Furnishings	Loose Furnishings	\$387,320.85
3 Adams Count /Ohio Valley SD	King Business Interiors	Loose Furnishings	\$143,318.43
4 Adams Count /Ohio Valley SD	Tom Sexton & Associates	Loose Furnishings	\$228,317.47
5 Ashtabula Area CSD	Cardinal Environmental Services, Inc.	Hazardous Material Abatement	\$239,500.00
6 Buckeye Central LSD	Walnut Grove Construction	Playground Equipment	\$86,362.00
7 Buckeye Central LSD	Warwick Communications, Inc.	Telephone Equipment	\$45,175.40
8 Butler Technology and Career Center	Dalmatian Fire, Inc.	Fire Protection	\$377,000.00
9 Butler Technology and Career Center	ESI Electrical Contractors	Electrical/Technology	\$1,928,000.00
10 Butler Technology and Career Development	Feldkamp Enterprises, Inc.	Plumbing & HVAC	\$1,947,000.00
11 Butler Technology and Career Development Schools	Messer Construction Co.	General Trades	\$4,698,000.00
12 Butler Technology and Career Development Schools	Tom Sexton Associates	Loose Furnishings	\$420,372.65
13 Cincinnati CSD	Solid Rock Construction Services, LLC	Demolition & Site Development	\$526,000.00
14 Cincinnati CSD	HGC Construction Company	General Trades	\$6,435,000.00

15	Cincinnati CSD	Dalmatian Fire	Fire Protection	\$409,000.00
16	Cincinnati CSD	Monarch Construction Company	General Trades	\$5,370,000.00
17	Cincinnati SCD	Universal Contracting Corporation	General Trades	\$5,968,943.00
18	Cleveland CSD	Castle Heating & Air, Inc.	HVAC	\$2,382,000.00
19	Cleveland CSD	Sitetechn, Inc.	Site Work	\$679,800.00
20	Clinton-Massie LSD	Educational Furniture, LTD	Loose Furnishings	\$290,876.61
21	Clyde-Green Springs EVSD	Adena Corporation	General Trades	\$7,234,000.00
22	Clyde-Green Springs EVSD	Westfield Electric, Inc.	Electrical	\$779,437.00
23	Clyde-Green Springs EVSD	Clouse Construction Corporation	General Trades	\$3,815,659.00
24	Clyde-Green Springs EVSD	Vaughn Industries, LLC * * *	HVAC & Fire Protection	\$2,061,000.00
25	Clyde-Green Springs EVSD	Clouse Electric	Electrical	\$1,338,202.00
26	Clyde-Green Springs EVSD	L. R. Babcock Plumbing and Heating, Inc.	Plumbing	\$578,500.00
27	Clyde-Green Springs EVSD	L. R. Babcock Plumbing and Heating, Inc.	Plumbing	\$381,000.00
28	Clyde-Green Springs EVSD	Warner Mechanical Corporation	HVAC	\$673,889.00
29	Columbus CSD	Gateway Environmental	Demolition	\$295,750.00
30	Eastern Local SD	Continental Office Furniture Corporation	Academic Furniture	\$247,742.14
31	Fayetteville Perry LSD	Continental Office Furniture Corp	Office Furniture	\$124,034.65
32	Fayetteville-Perry LSD	Tom Sexton & Associates	Academic Furniture	\$216,893.25
33	Gallipolis CSD	Lang Masonry Contractors, Inc.	Masonry	\$1,115,687.00
34	Gallipolis CSD	Central Fire Protection Co., Inc.	Fire Suppression	\$229,117.00
35	Gallipolis CSD	Continental Office Environments	Furnishings	\$51,086.13
			Electrical and Technology	
36	Geneva CSD	VIP Electric	Cabling	\$2,179,800.00
37	Geneva CSD	Brown Sprinkler Services, Inc.	Fire Protection	\$152,760.00
38	Geneva CSD	Fortney & Weygandt, Inc.	General Trades	\$9,700,900.00
39	Geneva CSD	Western Reserve Mechanical, Inc.	HVAC	\$2,398,000.00
40	Geneva CSD	Charniga Plumbing and Heating Co., Inc.	Plumbing	\$775,490.00
41	Girard CSD	Alex Roofing Construction Company, Inc.	Roofing	\$1,009,948.00
42	Girard CSD	Penn-Oho Electrical Company	Electrical	\$2,043,000.00
43	Girard CSD	Fire Foe Corporation	Fire Protection	\$249,094.00
44	Girard CSD	D & A Plumbing & Heating, Inc.	Plumbing	\$786,000.00
			Site Work, Masonry, General	
45	Girard CSD	Mike Coates Construction Company, Inc.	Trades	\$10,493,170.00
46	Girard CSD	Soehnlén Piping Company	HVAC	\$2,227,000.00
47	Graham LSD	Precision Piping, Inc.	Plumbing	\$626,680.00
48	Graham LSD	S. A. Comunale	Fire Protection	\$231,900.00
49	Graham LSD	Farnham Equipment Company	Casework	\$409,000.00
50	Graham LSD	Staffco Construction, Inc.	General Trades/Masonry	\$7,525,900.00
51	Graham LSD	Area Energy & Electric, Inc.	HVAC	\$2,095,400.00
52	Graham LSD	Innovative Modular Solutions, Inc.	Modular Units Electrical	\$85,000.00
			General Trades/Swing	
53	Graham LSD	Modular Building Consultants, Inc.	Space Construction	\$162,373.00
54	Graham LSD	A. R. Environmental, Inc.	Abatement	\$55,000.00
55	Hamilton CSD	Valor Construction Company	General Trades	\$6,632,000.00
56	Hamilton CSD	Louis R. Polster Company	Kitchen Equipment	\$371,900.00
57	Hamilton CSD	Louis R. Polster Company	Kitchen Equipment	\$371,900.00
58	Hamilton CSD	Weber Huff	Boilers and Pumps	\$259,850.00
59	Hamilton CSD	Rapier Electric, Inc.	Electrical/Technology	\$1,093,739.00
60	Hamilton CSD	Debra-Kuempel	HVAC	\$1,008,800.00
61	Hamilton CSD	Eckert Fire Protection Systems, Inc.	Fire Protection	\$123,219.00
62	Hamilton CSD	Triton Services, Inc.	Plumbing	\$527,500.00
63	Hamilton CSD	Continental Office Furniture Corp	Loose Furnishings	\$735,990.77
64	Hamilton CSD	King Business Interiors, Inc.	Loose Furnishings	\$772,141.00

65	Hamilton CSD	Cincy Fire Protection, Inc.	Fire Protection	\$165,000.00
66	Hicksville EVSD	O.B.M. Demolition & Construction, Inc.	Demolition	\$319,000.00
67	Logan Hocking SD	A. J. Stockmeister	Boiler and Mechanical Upgrades	\$198,152.00
68	London CSD	Tony Smith Wrecking	Demolition	\$138,350.00
69	London CSD	Environmental Demolition Group	Abatement	\$255,000.00
70	Minerva LSD	GCS Industrial Services, LTD	Hazardous Material Abatement	\$117,396.00
71	Mt Healthy SD	The Nelson Stark Company	Plumbing	\$1,113,660.00
72	Mt Healthy SD	Beacon Electric Company	Electrical/Technology	\$3,446,200.00
73	Mt. Healthy CSD	Dalmatian Fire	Fire Protection	\$409,000.00
74	North Union LSD	Applied Electric, LLC	Electric	\$72,625.00
75	North Union LSD	LeVan's Excavating, Inc.	Site Work	\$91,220.00
76	Northmor LSD	Mark Schaffer Excavating & Trucking, Inc.	Early Site Work & Utilities	\$1,709,225.00
77	Northmor LSD	Middleton Geothermal Services * * *	Geothermal Wells and Piping	\$878,878.00
78	Ohio State School for the Blind/ Ohio School for the Deaf	Raze International, Inc.	Asbestos Hazard Abatement & Related Work	\$50,000.00
79	Ohio State School for the Blind/ Ohio School for the Deaf	Raze International, Inc.	Selective Demolition	\$300,000.00
80	Olmstead Falls CSD	Playworld Midstates	Soft Surface Playground	\$83,781.00
81	Paint Valley LSD	Microman, Inc.	Security System	\$174,999.00
82	Pioneer Career & Technology	Lepi Enterprises, Inc.	Asbestos Hazard Abatement & Related Work	\$131,222.00
83	Rittman EVSD	Great Lakes Crushing	Early Site Work	\$868,000.00
84	Rittman EVSD	Jamison Well Drilling	Geothermal Well	\$345,959.00
85	South Point LSD	Southern Ohio Trenching and Excavating, Inc.	Curbs and Drainage	\$35,950.00
86	South Point LSD	Tom Sexton & Associates	Classroom Furniture	\$122,621.42
87	Wapakoneta CSD	Ferguson Construction Company	General Trades and Masonry	\$8,602,000.00
88	Wapakoneta CSD	Koester Electric, Inc.	Electrical	\$3,053,000.00
89	Wapakoneta CSD	Trisco Systems, Inc.	Masonry Restoration	\$335,741.00
90	Wapakoneta CSD	Milligan Construction Co.	Sitework	\$378,857.00
91	Wapakoneta CSD	Ohio Plumbing & Electrical, Inc.	Plumbing	\$503,000.00
92	Wapakoneta CSD	GM Mechanical, Inc	HVAC	\$3,449,000.00
93	Wapakoneta CSD	Farnham Equipment Company	Casework	\$389,500.00
94	Wapakoneta CSD	Vulcan Fire Protection	Fire Protection	\$522,456.00
95	Wapakoneta CSD	Cotterman & Company	Roofing	\$1,283,187.00
96	Wapakoneta CSD	Ohio Valley Integration Services, Inc.	Fire Alarm and Security	\$246,516.00
97	Warren CSD	Johnson-Lancaster & Associates, Inc.	Food Service	\$397,200.00
98	Warren CSD	Johnson-Lancaster & Associates, Inc.	Food Service	\$397,200.00
99	Washington Court House CSD	Cox Paving, Inc. * * *	Deconstruction	\$308,000.00
100	Washington Court House CSD	LVI Environmental Services, Inc.	Asbestos Abatement	\$109,300.00
101	Washington-Nile LSD	Boone Coleman Construction, Inc.	Early Site Work	\$1,454,600.00
102	Wauseon EVSD	Logos Communications, Inc.	Network Electronics	\$237,250.00
103	Wauseon EVSD	Microman, Inc.	Video Distribution	\$382,766.00
104	Wauseon EVSD	King Business Interiors, Inc.	Loose Furnishings	\$370,295.42
105	Wauseon EVSD	Folding Equipment	School Specialties	\$122,333.00
106	Wayne County JVSD	Jeff the Plumber	Plumbing & Fire Protection	\$55,542.00
107	Wayne County JVSD	Accurate Electric Construction, Inc. * * *	Electrical	\$438,000.00
108	Wayne County JVSD	Simonson Construction Services, Inc.	General Trades	\$436,810.00
109	Wayne County JVSD	BCMC, Inc.	Early Site	\$1,335,242.00
110	Wayne County JVSD	Kidron Electric, Inc.	HVAC	\$98,531.00
111	Wellston CSD	Midwest Maintenance, Inc.	Masonry & General Trades	\$2,939,373.00

Representative Patten asked if there was any update with the contractor database. Steve Berezansky responded we have actually started that process. Mike Mendenhall and his group have had several firms in and actually that process is part of the review and is directly tied in with the construction manager. We recently had construction manager/architect regional meetings in Cincinnati, Columbus and Cleveland and reviewed this exact issue and the expectations of the construction managers and the architects during the bidder review. We have come a long way and the process is working.

Chair Sabety asked when we would get a briefing on how this system is working. Mike Mendenhall responded before we run this live electronically we had a trial period and that period is basically over. We are looking sometime in the next few months running this live electronically and should provide an update in the fall.

Dr. Puckett moved to approve Resolution 09-77.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

11. Settlement Agreements Approval – Presented by Jerry Kasai

Jerry Kasai presented settlement agreements for Commission approval.

South Point Local School District (Lawrence County):

This resolution authorizes the settlement with J&H Reinforcing and Structural Erectors (J&H) on the South Point Local School District project. This was a situation where J&H was the general trades on the project. We alleged that there were issues with the delivery and installation of the steel, which delayed the project, causing us to pay some claims to Accurate Electric Construction, Inc. and to Kenny Huston Masonry. We also had some issues with the quality of the VCT floors in the high school with J&H. We agreed with J&H to a \$120,000 deduct change order for those issues. Staff recommended approval of Resolution 09-78.

Vice Chair Quill asked if this settlement represents full compensation. Jerry Kasai responded \$135,000 was paid to Kenny Huston Masonry and their original claim was \$400,000; \$140,000 was paid to Accurate Electric Construction, Inc. and their original claim was \$425,000; \$0 was paid to AJ Stock and their original claim was \$292,000. We paid out \$275,000 in claims and are getting \$100,000 back. The facts that mitigate going for the entire amount here are that there were concurrent delays, which may not have been attributable to J&H.

Vice Chair Quill asked if there were any other problems on any other projects with J&H. Jerry Kasai responded that J&H has been on a number of projects and has made a claim on every project it is on. We have engaged consultants on every project where we have a claim and are thoroughly investigating all of those. We have had issues with J&H in terms of their ability to schedule and man their projects. We have told J&H this is an issue on those projects. The Ironton project has gone very well with J&H.

Jerry Kasai responded to question from Vice Chair Quill. He did not know if you can say we are spending x amount of dollars on every project directly attributable to J&H. On every project where there are issues, we will take the same action and try to do everything we can to fully evaluate and be fair to all the parties on the project, whether it be the architect, the construction manager or the contractors. The objective is to get the job done on budget and on time and have a quality job.

Chair Sabety asked if there are this number of outstanding claims with the system we have in place, can we anticipate that the documentary record that we will have before us as a result of all the quality evaluations that we are asking for, will we be in position where we will be better able to quantify the risk on many of these claims. Jerry Kasai responded that he wanted to clarify when he said claims; claims go both ways. If a contractor has a claim for equitable adjustment or they want an increase to their contract, you cannot penalize a contractor for exercising its legal rights under the contract. Anytime you have a more objective system, yes you can quantify risk. The system implemented through the efforts of our office by Mike Mendenhall and Steve Berezansky is another tool in the tool belt of evaluating the competency and the ability of a contractor to perform an effective job. The more tools you have, the better you are to evaluate and manage your risk. Mike Mendenhall responded as of Monday we just received the first evaluation on J&H on the Ironton project from the architect. They did in fact score very well. Director Shoemaker added the biggest difference is the early documentation that we will now have rather than at the end of the project.

Vice Chair Quill moved to approve Resolution 09-78.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Warren City Schools (Trumbull County):

This is authorizing settlement with Hively Construction Company on the Warren City School project. This is a settlement of a Court of Claims case. Hively was a general trades contractor on a Warren K-8 project. Within Hively's contract was also the site work. During the early site work, unforeseen underground conditions requiring remediation were encountered. Hively and the project team found a solution, but could not agree on the price. In the meantime, they were directed to proceed with the work with the costs to be handled through the contractual dispute resolution process. Hively refused and they were terminated for convenience. Other contractors were awarded contracts through the urgent necessity process. Hively filed suit for over \$1,000,000 in the Court of Claims. This is a settlement of that lawsuit. The co-owners never disputed that Hively was due money for the work that it did perform; however the issue in dispute was the amount. After mediation the parties agreed that Hively would be paid an additional \$350,000 for the work that it had performed. Staff recommended approval of Resolution 09-79.

Dr. Puckett moved to approve Resolution 09-79.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

16. Public Testimony

No public testimony was provided.

The meeting was adjourned at 2:54 PM.



Hugh Quill, Vice Chair

These meeting minutes were prepared by:

Carolyn McClure

Executive Assistant

Ohio School Facilities Commission