

Ohio School Facilities Commission

March 25, 2010

William McKinley Room

1:30 PM

Minutes

Chair Sabety called the meeting to order at 1:30 PM.

Roll Call

Members present: Chair Sabety, Vice Chair Quill, Dr. Puckett, Sara Spence for Senator Cates, Representative Patten, Sean Chichelli for Representative Jordan and Ursula Barrera for Senator Fedor (arrived at 1:34 PM).

Adoption of the February 25, 2010 Meeting Minutes

Vice Chair Quill moved to approve the February 25, 2010 meeting minutes.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Executive Director's Report

Construction Manager Meetings

Director Murray stated that the OSFC had concluded the third Construction Manager the previous Friday. There were three Construction Manager meetings; one in Columbus on February 26th, one in Cleveland on March 2nd, and the third in Cincinnati on March 19th. He felt the OSFC had constructive meetings with the construction managers. The meetings were interactive and the representatives from the OSFC were able to talk about things they needed to talk about and were concerned about.

OSFC Drug Site Policy

Director Murray mentioned that at the construction manager meetings, OSFC was able to get the CMs input on establishing an OSFC drug site policy. For years, the OSFC has used the requirement that a contractor on the site have the Bureau of Workers Compensation's drug free workplace program, which is predicated on that contractor performing five percent random tests of that contractor's employees in a prior year. This is across the range of those contractors' employees and those drug tests may or may not occur on our site. It is important to create an OSFC drug policy on its sites to include things such as pre-hire testing. Director Murray said it was mentioned at the CM meetings that some construction managers, school districts and construction sites already do pre-hire testing. He also thought that one important thing that the CMs noted was that these tests cost anywhere between \$25-\$50 and contractors informed them that they are not going to throw their money away if they know a certain employee is not going to pass a pre-hire test. Director Murray said that it almost becomes a

quality control issue because the OSFC is not going to get the guys who have the problems because the CMs are not going to test them in the first place because they are not going to pass the pre-hire test.

Site Security

Director Murray commented that the OSFC needs to have some sort of security background check for employees before they get to a construction site in order to make sure that there is not someone on site who has a background problem. The reason for the policy is that it could be problematic if an employee was on a school construction site or in close proximity with a school construction site and was working. The main problem that the CMs conveyed to the OSFC staff was that a contractor is not going to subject somebody to a background check if the contractor knows the employee is going to fail. Director Murray mentioned that the OSFC staff does not have the exact language yet, but that we are going to continue to work on it. However, there were mostly positive comments about the policies that were suggested or recommended by the OSFC and that the CMs are on board regarding what the OSFC decides.

Bidder Information

Director Murray noted that OSFC staff discussed bidder information at the meetings. Some construction managers ask for contract submissions at the time of bid; which goes beyond the information required even in the OSFC's standard model bid polices. Director Murray mentioned that he asked the CMs what kind of information were they asking for at the time of bid. Some responses included, "who has sued the contractor in the past 12 or 24 months and who have they sued?" He commented that this is important because if you have five vendors suing that contractor, which means that they have a cash flow problem and the OSFC should know more about that before hiring them to do a \$10 or \$15 million job. Director Murray stated that those are the kinds of things that are critical to know before the school district makes a decision. Steve Berezansky added that the OSFC received a good bit of feedback from the CMs at all three Construction Manager meetings, in particularly the last one. He also mentioned that the information was very constructive and that the CMs were very interactive. Director Murray said that he will come back at a later time with more information.

Prevailing Wage Policy

Director Murray stated that at the Construction Manager meetings, the OSFC essentially laid out to the CMs that when the OSFC is engaging in a project where the school district has a Prevailing Wage policy and specifications in the contract, the OSFC does not expect the CMs to become prevailing wage police, but they are expected to take note when there is some implication of a problem. For example, when an employee says, I am not making X, or when someone comes up and says, I talked to this employee and they should be making \$24 an hour but they are saying they are only getting \$15 an hour, the CMs need to let the OSFC know and then do some investigation if there is an allegation that the prevailing wage that the school district specified, is not being paid. It is also necessary to include that the certified payrolls indicate a way to lesser than the amount required to be paid. Director Murray said when that happens, the first resort is to talk to the contractor, because it is a contractual matter, and then

issue a five day letter that says, you are in default in at least one of the items of this contract and in five days, please advise us how you intend to correct this. If they do not intend to correct it, then the OSFC will begin down the road to termination with due process. Overall, though, the OSFC is going to treat prevailing wage, as specified by the school district, as any other contractual specification.

Independent Contractor Policy

At the Construction Manager meetings, the OSFC also discussed independent contractors and that independent contractors on the job site should be treated as a sub-contractor. That if a contractor or prime contractor or even sub-contractor says, this an independent contractor for me, the construction manager should treat independent contractors as any other sub-contractor and the contractor should take note about whether that person is truly an independent contractor or whether the classification is used in an attempt to evade paying taxes and other things. The OSFC should gets notes of record from prime contractors or sub-contractors, that person x, y or z is an independent contractor of theirs and performing this kind of work and then provide some information as to why they are independent. Director Murray stated that there truly are independent contractors out there who come and go and do the work as they need to. Director Murray said that he thought the OSFC had good reaction from the CMs regarding this issue.

Vice Chair Quill asked Director Murray if staff had considered having an audit. Director Murray responded by saying, that it is a good question. The OSFC will take it step-by-step to see how many of the OSFC's sub-contractors are known as independent contractors and the OSFC may then ask the CMs to provide some element of support as to their status. For example, the CMs may provide notation in email that they believe a certain sub-contractor is truly acting as an independent contractor. In other words, they need to communication with us. Director Murray then asked Vice Chair Quill if he had any thoughts beyond that. Vice Chair Quill responded that staff should consider some type of monitoring. Director Murray commented consider that as we think about implementing that policy and what resources will be required.

Reappropriations Bill

Director Murray stated that the reappropriations bill passed both the House and the Senate, which included \$525 million for the Ohio School Facilities Commission. OSFC was very happy to have those dollars and the commitment which will allow the Commission to engage in potentially seven to ten new projects in 2010. Director Murray thanked Chair Sabety and other staff for their assistance during this process.

Director Murray said that this is the first time in a number of years that the OSFC is back on the capital appropriations process. OSFC was able to state the need to have those dollars committed by July, because it will allow the OSFC to commit to new projects and allow the districts to move forward. The OSFC appreciates the action of the legislative members of the Commission and of the General Assembly.

BASA Facilities Conference

Director Murray mentioned that he attended the BASA Facilities Conference the previous week. It was a two day conference held in Worthington by BASA. The OSFC had a number of the staff lead workshops at the conference as well. He stated that he is pleased that BASA continues to use the OSFC as an information flow because it lets the Commission be front and center with people who are going to be the OSFC's customers for the next several years.

Alternate Energy Generation

Director Murray stated that the OSFC works with the BASA Facilities Committee frequently and that in February, the OSFC asked BASA to put together an alternative energy generation subcommittee, in conjunction with OASBO and OSBA. OSFC staff felt that it was important that they hold this meeting for school districts who have alternative generation facilities in their districts so that they could talk about their experiences. Director Murray mentioned that the group met for the first time this week and Erik Roush attended on behalf of the agency.

Mr. Roush reported that seven school districts attended as well as representatives from the Ohio School Boards Association and the Ohio Association of School Businesses Officials. He stated that it was a great opportunity for peer-to-peer learning because the school districts could really share each other's experiences and talk about things that worked and things that did not work as well. Mr. Roush mentioned that there was a great deal of praise for the House Bill 264 process and for the Ohio Department of Development's energy office. OSFC is currently in the process of scheduling a meeting with Development in order to have further conversations with them. The Department of Development also shared in the meeting that there continues to be some available funding through ARRA for various items. A few items that were mentioned at the meeting were solar power, hot water heater and hot water heater systems. So the OSFC is going to continue to have that discussion, list developments and then have further follow-ups with the General Assembly as well. Mr. Roush went on to say that the discussions with the school districts really brought home how complex the issue is. They discussed things such as, should they lease, or should they buy? Do they do net meter agreements or do they do power purchase agreements? And, who is the energy provider? What deal is one school getting compared with another? Mr. Roush said that he heard various stories on how each energy generation project came to light, how they worked with other partners as well as opportunities to find additional funding and operational mechanisms. Mr. Roush commented that the districts shared that there are challenges that come with maintenance, including parts and labor with some of the more complex pieces of equipment. He noted that it was a productive first meeting and that there will be a follow-up meeting sometime in the months ahead.

Upcoming Meetings with Architects

Director Murray proposed that the OSFC staff go through same process with the architects as it just went through with the construction managers. The purpose of the meetings will be so that

the OSFC and the architects will be able to talk about some of each other's concerns on specifications and design issues.

Qualified School Construction Bonds

Eric Bode reported on two significant updates with the Qualified School Construction Bond (QSCB) program. One was that the U.S. Treasury Department and U.S. Department of Education announced the calendar year 2010 allocations. The stimulus bill from last year authorized the program for two years, but only the 2009 allocations had been previously specified. The announcement gives Ohio \$293 million in 2010 allocations, which is an increase from last year's \$267 million, as well as individual allocations for our four largest urban districts. The other update is the enactment of a federal law change related to the QSCBs that improves the marketability of the bonds. The previously allowed mechanism awarded federal tax credits to bond holders who were willing to buy bonds the school districts sold, to incentivize the bond holders to decrease the interest rate. The new mechanism is more direct and efficient: the federal government sends reimbursement checks to the school districts every time they make interest payments. This change should not only produce lower interest rates for the school districts, it should also make the bond sale transactions much easier to complete. The federal law change also gave more flexibility to the large urban districts with direct allocations, and we are working to communicate with those districts to let them take advantage of the changes.

Scioto County Districts Updates

a. Bid Update

Director Murray informed the Commission members that in their packets, there were descriptions of both Clay and Washington-Nile projects. The Washington-Nile project re-advertisement bid was out as of March 19th and then the bid date is scheduled to be April 20, 2010. Clay Local School District's expected bid date is April 6, 2010. Director Murray commented that those districts are on track to bid and that the OSFC will know on the ground what the developments are on those dates.

b. New Boston Flood Plain Study

Director Murray informed the Commission members that the New Boston flood plain study was in the packet that was handed out. In the packet, there was a proposal by Stantec to perform two tasks: the analysis of the flood plain information based on the information generated by FEMA data; and a mapping and report where in the back of the flood plain in that area of the village, where that the flood plain exists, flood plain and floodway. Director Murray commented that this was a hydrology study and it was done by a firm with that had the type of specialty and knowledge and that the OSFC will rely upon their expert judgment. The Director asked the Commission for a motion to approve this contract for Stantec in the amount of \$18,000.

Vice Chair Quill moved to approve the motion for the contract with Stantec.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

- c. Superintendent Meetings
 - Director Murray commented that he would like to talk to different superintendents who have additional questions relative to their projects and their activity in their county.
- d. Public Record Requests
 - Director Murray mentioned that the emails provided are the public records requests relevant to current projects.
- e. Response to Senator Cates's Letter
 - Director Murray stated that included in the Commission Book is the Chair's response and additional information from OSFC staff relative to Senator Cates's questions from last month.

Director Murray commented that Cheryl Lyman will be talking about website enhancement and the attempt to improve on the OSFC website and make it more interactive. It will be done by 361 Studios in the amount of \$18,000 who will supply web graphics and consultants services over the next couple of months. Cheryl Lyman commented that this contract be under Director Murray's authority to move forward with the services. Regarding the website enhancement, Ms. Lyman said that what the OSFC would like to do, is it to put together an interactive floor plan of school buildings so that people can go to the website in order to see some of the features that are included on these new buildings. The OSFC looked at the website both as public's perspective and as a tool that the OSFC told the Commission it would be providing the school districts. This so the school districts could see, virtually, some of the features of school buildings that would be provided under OSFC funding. The website would also be highlighting the LEED features, specifically the energy conservation features for these facilities.

Personal Service Contract Approvals

The Commission previously acted on the Stantec contract and OSFC is moving forward with the contract not to exceed \$18,000 with 361 Studios.

Building 21st Century Learning Environments – Status

Director Murray mentioned that in the memo that Ms. Lyman provided, is a discussion of a furtherance of the OSFC's workshop activities from last year, 21st Century Learning Environments. He noted that Melanie Drerup has asked a leading national architectural expert, Randy Fielding, to come to Columbus to spend a couple of days with school districts who are about to engage in the planning process or who are already started to engage in the planning process and talk about 21st Century Environments; specifically, the architectural challenges they will experience about their designing work. He

commented that this will be a three day seminar and that the OSFC will ask the educational associations in Ohio to cooperate and help in publicizing this event. Director Murray commented that Ms. Drerup has been front and center in organizing this event and he then asked Ms. Drerup to speak more about the conference. Ms. Drerup mentioned that on June 29th, 30th and July 1st, in response to the recommendations contained within the 21st Century Learning Environment Report, the Commission will be hosting a three day event on 21st Century Design with Randy Fielding, an internationally known architect. The first two days of the event will be small group workshops with 10 districts each day that are in the pre-planning phase of their projects. The third day is planned as a lecture and the OSFC will be inviting the Department of Education, teachers, graduate students, architects, construction managers, legislators to attend.

Director Murray mentioned that in his Executive Director's report, there is a list of other activities and events he took part in during the last month. He then concluded his report.

School Energy Conservation Financing Program Approval

Bill Bibbey presented the Franklin City SD (Warren), Minford Local SD (Scioto) and Yellow Springs Local SD (Greene) requests to participate in the Energy Conservation Financing Program. The projects have been reviewed by the Ohio Department of Development/Office of Energy Efficiency and the staff of the OSFC. The Commission staff recommended approval of Resolution 10-43.

Franklin City School District (Warren County)

Total Project Cost: \$940,965

Interest Rate (Included in the Total Project Cost): 1.6%

Totaled Annual Savings: \$62,751

O&M Savings (Maximum Limit of 30%): \$18,825

O&M Savings is Percentage of Total Savings: 30.0%

Payback Period (Maximum 15 Years): 15 years

Number of Buildings: 1

Vendor: Johnson Controls Inc.

Scope of Work:

- Lighter Retrofit
- Boiler Replacement
- Chiller Replacement
- Building Controls Upgrade

Minford Local School District (Scioto County)

Total Project Cost: \$851,897

Interest Rate (Included in the Total Project Cost): 4.71%

Totaled Annual Savings: \$87,491

O&M Savings (Maximum Limit of 30%): \$6,000

O&M Savings is Percentage of Total Savings: 6.9%

Payback Period (Maximum 15 Years): 9.7 years

Number of Buildings: 7

Vendor: H.E.A.T.

Scope of Work:

- Lighting Retrofit (2)
- Boiler Replacement (2)
- Occupancy Sensors (2)
- Building Controls Upgrade (2)

Yellow Springs School District (Greene County)

Total Project Cost: \$950,614

Interest Rate (Included in the Total Project Cost): 4.0%

Totaled Annual Savings: \$62,055

O&M Savings (Maximum Limit of 30%): \$18,625

O&M Savings is Percentage of Total Savings: 30.0%

Payback Period (Maximum 15 Years): 10.4 years

Number of Buildings: 2

Vendor: Waibel Energy Systems

Scope of Work:

- Building Automation
- Lighting Retrofit
- Boiler Replacement
- Solar Shade System
- Rooftop AHU Replacement
- Solar Thermal Hot Water System

Dr. Puckett moved to approve Resolution 10-43.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Master Facilities Plan Amendments Approval

Steve Lutz presented Resolution 10-44 for amendments to the following Master Facilities Plan:

School District (County)	Previously Approved Scope	Modified Scope	Modified Budget	
Garfield Heights City School District (Cuyahoga)	Segment One: Renovations only to Elmwood Elementary School to house grades K thru 5; renovations/addition to Maple Leaf Intermediate School to house grades K thru 5 (partial renovations/addition to Maple Leaf Intermediate School and partial renovations/full addition to William Foster Elementary School completed under the Expedited Local Partnership Program; no action required at Garfield Heights Middle School and new Garfield Heights High School as these facilities were completed under the	Segment One: Renovations only to Elmwood Elementary School to house grades K thru 5; renovations/addition to Maple Leaf Intermediate School to house grades K thru 5 (partial renovations/addition to Maple Leaf Intermediate School and partial renovations/full addition to William Foster Elementary School completed under the Expedited Local Partnership Program; no action required at Garfield Heights Middle School and new Garfield Heights High School as these facilities were completed under the	\$17,927,755	State Share
			\$51,025,150	Local Share
			\$68,952,905	Total Project Budget

	Expedited Local Partnership Program). Expedited Local Partnership Program Credit of \$45,765,973.	Expedited Local Partnership Program). Expedited Local Partnership Program Credit of \$49,537,891.		
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Director Sabety asked about the segment. Mr. Lutz responded that the segmenting is part of the original Master Facility Plan.

Vice Chair Quill moved to approve Resolution 10-44.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Mr. Lutz also presented Resolution 10-45 for amendments to the following Master Facilities Plans:

School District (County)	Recommended Modifications to the Master Facilities Plan	Increase to the Project Budget	
Hogate Local School District (Henry)	This budget adjustment is to correct design deficiencies with the asphalt shingle roof systems.	\$620,352	State Share
		\$136,192	Local Share
		\$756,544	TOTAL
Southern Local School District (Meigs)	This budget amendment is to cover mainly roofing/lightning protection and masonry issues as well as a few other miscellaneous items.	\$686,697	State Share
		\$356,038	Local Share
		\$1,042,735	TOTAL

Mr. Lutz noted that the supplemental page for Southern Local has been corrected and is attached to the Resolution, which simply restates that this is originally a 1990 district, not a CFAP.

Dr. Puckett asked Mr. Lutz if this is to seek recovery on Southern Local as well? Mr. Lutz responded that OSFC is evaluating, but this is a very old project and it is unclear if there is a clear path to recovery.

Dr. Puckett moved to approve Resolution 10-45.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Corrective Action Grant Approval

Tom Brannon presented, for Commission approval, Resolution 10-46 for the award of a Corrective Action Grant to the Hogate Local School District:

School District (County)	Recommended Scope	Grant Award
Hogate Local School District (Henry)	This budget adjustment is to correct design deficiencies with the asphalt shingle roof systems.	\$136,192

Chair Sabety asked Mr. Brannon if this Resolution includes only project one. Mr. Brannon confirmed that is correct.

Dr. Puckett asked what the grant is based on.

Mr. Brannon commented that the grant program has two facets to it; if it happens corrected or be a project happens to be open, not closed out, or there is still a project agreement, the first mechanism to fund any medial work would be through the Master Facilities Program. This program, Corrective Action Grants, takes the place of the local share requirement for that school district, so that they are not required to raise that money. The alternative would be a close-out district, then that corrective action grant program is a separate agreement with that school district which can fund 100 percent of that policy.

Director Murray stated that this instance is a total roof replacement based upon a design flaw, and it is a re-do. The OSFC has gone one step further, and the Commission has said to the architect that in any future OSFC projects, the commission wants a roofing sub- consultant to assist in the design because an air barrier was lost here, and because of the loss of that air barrier, the OSFC is going to have to find that. The OSFC has \$500,000 in settlement costs from the architect's insurer, and the OSFC is going to have to see if there is some cost recovery apart from the contractor.

Vice Chair Quill moved to approve Resolution 10-46.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Mr. Brannon also presented, for Commission approval, Resolution 10-47 for the award of a Corrective Action Grant to the Southern Local School District.

School District (County)	Recommended Scope	Grant Award
Southern Local School District (Meigs)	This budget amendment is to cover mainly roofing/lightning protection and masonry issues as well as a few other miscellaneous items.	\$356,038

Dr. Puckett asked Mr. Brannon how much in total funds is for the grant?

Mr. Brannon, said that the fund was originally designated was for \$25 million. The approach the OSFC is taking with this, is as the OSFC seeks cost recovery money, then it replenishes that fund in that amount.

Dr. Puckett moved to approve Resolution 10-47.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Mr. Brannon also presented, for Commission approval, Resolution 10-48 for the award of a Corrective Action Grant to the Edon Northwest Local School District.

School District (County)	Recommended Scope	Grant Award
Edon Northwest Local School District (Williams)	<ul style="list-style-type: none"> (1) Correct approximately 158 lineal feet of deficient masonry through-wall flashing and approximately 178 lineal feet of wall requiring mortar tags removal from prior attempts at flashing repair. (2) Spot refinishing of adjacent metal roof. (3) Site light pole repairs (work already performed due to safety concerns and previously authorized by OSFC). (4) 7% contingency and 10% soft costs included. 	\$63,687.53

Vice Chair Quill moved to approve Resolution 10-48.
 Dr. Puckett seconded the motion.
 Approval: Vote 3-0.

Mr. Brannon also presented, for Commission approval, Resolution 10-49 for the award of a Corrective Action Grant to the Montpelier Local School District.

School District (County)	Recommended Scope	Grant Award
Montpelier Exempted Village School District (Williams)	<ul style="list-style-type: none"> (1) Correct approximately 198 lineal feet of deficient masonry through-wall flashing and approximately 1,156 lineal feet of wall requiring mortar tags removal from prior attempts at flashing repair. (2) Spot refinishing of adjacent metal roof. (3) 7% contingency and 10% soft costs included. 	\$67,541.76

Dr. Puckett moved to approve Resolution 10-49.
 Vice Chair Quill seconded the motion.
 Approval: Vote 3-0.

Specialty Services Amendments Approval

Eric Bode presented Resolution 10-50, Specialty Services Amendment, for Commission approval.

Contractor: HOV Services, LLC
 Scope: Claim Evaluation
 Amount: \$75,000

Vice Chair Quill moved to approve Resolution 10-50.
 Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Mr. Bode also presented Resolution 10-51, Specialty Services Amendment, for Commission approval.

Contractor: StructureTec Corporation
Scope: Building Envelope Forensic Consulting
Amount: \$100,000

Dr. Puckett moved to approve Resolution 10-51.
Vice Chair Quill seconded the motion.
Approval: Vote 3-0.

Architectural Agreements and Amendments Approval

Steve Berezansky presented Resolution 10-52, Architectural Agreements and Amendments, for Commission approval.

Agreements:

School District	Project	Architect	Agreement Amount
Russia Local School District	Renovations/addition to Russia K thru 12 school	Freytag & Associates, Inc.	\$453,779.19
Cory Rawson Local School District	Build new PK thru 8 portion of new PK thru 12 facility	Freytag & Associates, Inc.	\$726,905.16

Mr. Berezansky noted that the OSFC did have Van Wert in the Commission book up for approval, but it was removed on the resolutions. However, it will be brought up for approval on a later date.

Amendments:

School District	Project	Architect	Fees to Date	Amendment Amount	Total
Lakota Local School District	Additional design and engineering services required to site work and utility requirements	Garmann/Miller & Associates, Inc.	\$2,016,800.00	\$12,848.00	\$2,029,648.00
Pike Delta York Local School District	Additional design and engineering services required for HVAC control systems	Fanning/Howey Associates, Inc.	\$1,530,588.00	\$13,600	\$1,544,188.00

Locally Funded Initiative:

School District	Project	Architect	LFI Amount
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Russia Local School District	Additional 813 square feet of Board office within the school's main office	Freytag & Associates, Inc.	\$3,284.64
Lakota Local School District	Transportation facility and athletic facilities	Garmann/Miller & Associates, Inc.	\$8,219.00

Director Sabety noted that the LFI amount for Russia Local School District was different in the Resolution than the Commission Book and should be corrected.

Vice Chair Quill moved to approve Resolution 10-52 as corrected.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Construction Manager Agreements and Amendments Approval

Steve Berezansky presented Resolution 10-53 for the following Construction Manager amendment for Commission approval:

School District	County	Construction Manager	Amount
Gallipolis City School District	Gallia	BBL Construction Services, LLC	\$546,000

Dr. Puckett moved to approve Resolution 10-53.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Mr. Berezansky also presented Resolution 10-54 for the following Construction Manager amendment for a Locally Funded Initiative for Commission approval:

School District	County	Construction Manager	Amount
Crestview Local School District	Van Wert	URS Corporation	\$198,539

Vice Chair Quill moved to approve Resolution 10-54.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Trade Construction Contracts Approval

Mike Mendenhall noted that there was a correction that was made during the review of the contracts. In the trade contract section for the Commission book, numbers 31, 32 and 33 for Miami Trace Local School District, have not been included in the resolution because they are one-hundred percent locally funded, and not part of the co-funded project. The scope of that work for Miami Trace LSD is actually for the construction of a bus and maintenance facility. He also noted that of the 52 contracts on the agenda for approval, one was awarded to the second

low. He pointed out that item #11 in the resolution, was awarded to Zenith Systems for Elyria City School District, because the apparent low bidder decided to withdraw their bid due to missing scope.

	School District	Contracting Entity	Building	Scope of Work	\$ Amount
1	Akron CSD	C.T. Taylor Company, Inc.	McEbright Learning	General Trades	\$2,750,800.00
2	Cincinnati CSD	AAF - McQuay, Inc. DBA McQuay International	Western Hills/Dater High	HVAC Chiller	\$286,486.00
3	Cincinnati CSD	Dalmatian Fire, Inc.	Western Hills Dater HS	Fire Protection	\$768,900.00
4	Cincinnati CSD	Blau Mechanical, Inc.	Western Hills/Dater HS	HVAC	\$4,444,000.00
5	Cincinnati CSD	Monarch Construction Co.	Western Hills/Dater HS	General Trades	\$15,287,000.00
6	Crestview CSD	SecurCom, Inc.	K - 12	Security Camera	\$85,400.00
7	Crestview CSD	NuWave Technology, Inc.	K - 12	Telephone System	\$46,772.00
8	Crestview CSD	Valley Electrical Consolidated, Inc.	K - 12	Audio Visual	\$461,757.00
9	Crestview SD	Logos Communications, Inc.	Crestview LSD	Network Electronics	\$399,499.00
10	East Cleveland CSD	Gateway Environmental Services, Inc.	ES, Modular Classroom	Demolition	\$207,500.00
11	Elyria CSD	Zenith Systems, LLC * * *	HS	Technology	\$1,176,667.00
12	Gallipolis CSD	Martin Public Seating	3 ES	Loose Furnishings	\$166,255.31
13	Girard CSD	Continental Office Furniture Corporation	JR/SR HS	Technology and Loose Furnishings	\$438,707.40
14	Hamilton CSD	Environmental Assurance Company	Cleveland ES	Asbestos Abatement and Environmental Remediation	\$19,990.00
15	Hamilton CSD	Environmental Demolition Company	Jason ES	Asbestos Abatement and Environmental Remediation	\$89,100.00
16	Hamilton CSD	LVI Environmental Services, Inc.	Buchanan	Asbestos Abatement and Environmental Remediation	\$47,490.00
17	Hamilton CSD	AAF-McQuay, Inc.dba McQuay International	MS and HS	Equipment Procurement	\$397,939.00
18	Jefferson Area LSD	Medico Systems, Inc.	JR/SR HS	Abatement	\$33,170.00
19	Lakota LSD	Adobe Wrecking, LLC	Lakota MS (JR High)	Demolition	\$64,500.00
20	London CSD	Mark Allard Excavation	MS	Early Sitework	\$1,243,500.00
21	London CSD	Jackson & Sons Drilling & Pump, Inc.	MS	Geothermal Wells & Piping	\$538,950.00
22	Maple Heights CSD	Stafford-Smith, Inc.	Abraham Lincoln School of Early Achievement	Food Service Equipment	\$241,063.00
23	Maple Heights CSD	Harris Masonry, Inc.	Abraham Lincoln School of Early Achievement	Masonry	\$1,330,600.00
24	Maple Heights CSD	Breckenridge Kitchen Equipment & Design, Inc.	Milkovch MS	Food Service	\$376,646.00
25	Maple Heights CSD	Harris Masonry, Inc.	2 ES	Masonry	\$2,850,400.00
26	Maple Heights CSD	Marous Brothers Construction, Inc.	Abraham Lincoln PK - 1	General Trades	\$2,715,800.00
27	Maple Heights CSD	Crowe Enterprises, Inc.	MS	Masonry	\$2,697,200.00
28	Maple Heights CSD	Absolute Fire Protection, Inc.	2 ES	Fire Protection	\$310,400.00
29	Maple Heights CSD	Stafford-Smith, Inc.	2 ES	Food Service	\$418,845.00
30	Maple Heights CSD	Marous Brothers Construction, Inc	2 ES	General Trades	\$5,532,400.00
31	Mount Healthy CSD	Tom Sexton & Associates	JR/SR HS North and South ES	Academic Furniture	\$830,797.79
32	Mount Healthy CSD	Continental Office Furniture Corporation	JR/SR HS East and North ES	Office Furniture	\$752,560.72
33	Newton LSD	Valley Electrical Consolidated, Inc.	Newton K - 12	Network Electronics	\$179,900.00
34	Newton LSD	NuWave Technology, Inc.	K - 12	Telephone System	\$26,900.00

35	Northmor LSD	Stafford-Smith, Inc.	K - 12	Kitchen Equipment	\$280,935.00
36	Painesville CSD	D. B. Bentley, Inc.	Old Harvey HS	Demolition	\$547,000.00
37	Reynoldsburg CSD	Stafford-Smith, Inc.	ES and HS	Food Service	\$680,000.00
38	St. Mary's CSD	Chapel-Romanoff Technologies, LLC	Memorial 6 - 12 , East, West and Dennings	Technology - Sound, Video & Clocks	\$1,347,825.00
39	St. Mary's CSD	SecurCom, Inc.	Memorial 6 - 12 , East, West and Dennings	Technology - Security	\$299,400.00
40	St. Mary's CSD	LOGOS Communications, Inc.	Memorial 6 - 12 , East, West and Dennings	Technology- Voice Communications - Data Equipment	\$573,000.00
41	St. Mary's CSD	Spectra Contract Flooring	Memorial 6 - 12	Flooring	\$326,350.00
42	Toledo CSD	Absolute Fire Protection, Inc.	Riverside ES	Fire Protection	\$91,400.00
43	Toledo CSD	Bayes, Inc.	Birmingham K - 8	Plumbing	\$411,000.00
44	Toledo CSD	OCP Contractors, Inc.	Ottawa River MS	Metal Studs and Drywall	\$129,660.00
45	Toledo CSD	Shambaugh & Son, L. P.	Birmingham K - 8	Fire Protection	\$94,172.00
46	Toledo CSD	Acoustic Ceiling & Partition Co., Inc.	Walbridge ES	Acoustic Ceilings	\$73,630.00
47	Toledo CSD	Acoustic Ceiling & Partition Co., Inc.	Walbridge ES	Metal Studs & Drywall	\$70,125.00
48	Wapakoneta CSD	Farnham Equipment Company	District Wide	Furniture C. Athletic Equipment & Shelving	\$65,500.00
49	Wapakoneta CSD	Innovative Office Solutions, Inc.	District Wide	Furniture	\$819,468.00
50	Wapakoneta CSD	D. Lynn Moon Landscaping	ES, MS, HS	Plantings	\$143,220.00
51	Warren CSD	Continental Office Furniture Corporation	K - 8	Furnishings	\$970,813.94
52	Wayne County JVSD	Martin Public Seating, Inc.	Career Center	Educational & Media Center Furniture	\$367,779.73

\$54,509,173.89

Lowest Responsible, Second Low Bidder ***

Dr. Puckett moved to approve Resolution 10-55.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Settlement Agreement Approval

Jon Walden presented Resolution 10-56 for Commission approval for the following settlement agreement:

District: Columbus City Schools (Franklin County)
Project Scope: Southwood Elementary
Architect: SEM (Southwood Elementary School)
Braun & Steidl (Burroughs Elementary School)

Construction

Manager: Smoot Elford Resource
Contractor: Gutknecht Construction Company
Summary: Gutknecht Construction Company was the successful low bidder for the general trades contract on the Southwood Elementary School Project for the Columbus City Schools. During the course of construction, certain delays were encountered, some of which Gutknecht claimed it was

entitled to additional compensation totaling approximately \$845,000. Although the owners disputed the amount of Gutknecht's claimed damages and its calculation of those damages, the co-owners did acknowledge that some early site delays were not the contractor's responsibility. The parties agreed to mediate the dispute, and during the course of the mediation, the parties also agreed to resolve the Columbus City Schools Burroughs Elementary School Project litigation currently pending in the Court of Claims. The resolution of the Southwood dispute will result in the co-owners paying Gutknecht \$48,782.97 of additional compensation plus the contract balance for a total of \$490,000 as recited in the settlement agreement. The resolution of the Burroughs litigation will result in the co-owners paying Gutknecht \$320,000 of additional compensation plus the contract balance on an approximately \$1.1 million claim for additional compensation. In addition, Gutknecht has agreed to a voluntary adjustment to all change orders for OSFC and/or CPS projects based upon an agreed upon change order rate, which will result in an adjustment of funds back to the districts and the Commission.

Vice Chair Quill moved to approve Resolution 10-56.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Public Testimony

Daniel L. Van Epps
CSTVCIC Executive Director

Mr. Epps noted that he provided copies for public comment should they be needed. He mentioned that he is a doctoral candidate as a technology education systems analyst at West Virginia University and he is also the Executive Director of the Conotton-Sandy-Tuscarawas Valley Community Improvement Corporation. Mr. Epps commented that the situation they have is in approximately northern and northeast Tuscarawas County and it pertains to them trying to acquire some school buildings that are unwanted, which could be used instead of being arbitrarily demolished. He proceeded to read the letter he submitted to the Commission.

[See Attached]

Director Murray commented that the OSFC worked with that school district in the northwest before.

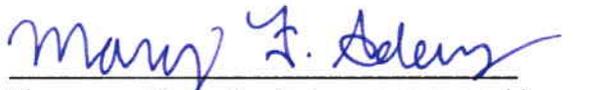
Mr. Lutz mentioned that the district that Director Murray was referring to, that the OSFC has dealt with in the past, is Windham and they did not need a facility and they put it up for auction and they found a buyer for it. There is a difference compared to that situation and the one that

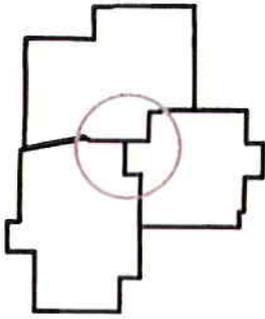
Mr. Van Epps mentioned. The OSFC has not been aware of this situation in Tuscarawas and the adjacent school districts.

Director Murray mentioned that the OSFC would look into it.

The meeting was adjourned at 2:39 PM.


J. Pari Sabety, Chair


These meeting minutes were prepared by
Mary F. Adams, Secretary to the Commission



TERRY L. NILL, CHAIRMAN
PHILLIP H. RUEFENER, TRUSTEE
EDWARD E. TAGGART, TRUSTEE

THE CONOTTON-SANDY-TUSCARAWAS VALLEY COMMUNITY IMPROVEMENT CORP.
4791 CENTER ST.
MINERAL CITY, OH 44656
(330) 859-2904
[HTTP://WWW.CSTVCIC.ORG](http://www.cstvcic.org)

Ohio School Facilities Commission
10 West Broad Street, Suite 1400
Columbus, OH 43215
(614) 466-6290
<http://www.osfc.state.oh.us>

RE: Retired School Building Conveyance Problems

3-25-2010

Dear OSFC Board of Commissioners:

Our non-profit and to-be 501(c)(3) tax exempt ORC 1724-authorized community improvement corporation is interested in acquiring a couple school facilities that may be abandoned and replaced with new facilities financed with your assistance, and we are assisting another potential CIC in similarly acquiring a facility in their jurisdiction prior to its demolition. Our proposed projects and activities for the repurposed schools include higher education satellite branches, small business incubators, community centers, offices for government agencies and other non-profit organizations, emergency shelters, etc. These functions should help retain and develop our local economy and society.

However we are encountering opposition by the respective school boards to authorize conveyance of their facilities intact. One board has voted to demolish their facility without permitting non-profits the opportunity to acquire it per ORC 3313.41(H) as required by ORC 3318.08(U) with compliance per ORC 3318.08(V). Another district superintendent said he and their board oppose potential competition from new charter and community schools possibly using their former facilities that may require subsidization from their budget, which can be construed as the inherent reason they want to demolish the facilities.

The CSTVCIC desires seeing the facilities reused vs. us or others trying to finance and construct new buildings and attracting tenants at higher lease rates particularly with the looming commercial lease crises. Therefore we request the Ohio School Facilities Commission inform and enforce the new facility financing and construction agreements it has and may enter into with school districts regarding the disposition of the facilities to be replaced. Further information is available on our website, and we can be contacted at your convenience for any additional questions.

Sincerely,

Daniel L. Van Epps
CSTVCIC Executive Director