

**Ohio School Facilities Commission**  
**April 22, 2010**  
**William McKinley Room**  
**1:30 PM**

**Minutes**

Chair Sabety called the meeting to order at 1:36 PM.

**Roll Call**

Members present: Chair Sabety, Vice Chair Quill, Dr. Puckett, Sara Spence for Senator Cates, Sean Chichelli for Representative Jordan and Melissa Miser for Representative Patten.

**Adoption of the March 25, 2010 Meeting Minutes**

Mary Adams noted that the March 25, 2010 Meeting Minutes in the Commission Book did not contain the public testimony. However, the members of the Commission were given a handout with the updated information and Director Sabety had the corrected Meeting Minutes.

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

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

**Executive Director's Report**

PLA, Schools for the Deaf and Blind

Director Murray commented that in March he received a report from Pasquale Manzi, the President of the Central Ohio Building Trades, and they had the opportunity to talk about a Project Labor Agreement (PLA) for the Schools for the Deaf and Blind. This is a state project which is prevailing wage, but it is under the auspices of the OSFC and the Executive Director is tasked with decisions relative to the site. Mr. Manzi informed Director Murray that they have a PLA in Circleville schools, which is in the process of passing the levy to be activated. Director Murray mentioned that he had discussed with Mr. Eufinger the appropriate process for undergoing the consideration of the PLA. He informed Director Murray that under the statutory provisions that are relative to this project, the Executive Director is charged with making decision relevant to this project. Director Murray commented that he had consulted with a few members of the Commission and with the superintendents of the Schools for the Deaf and Blind on this matter. He noted that there were some site issues to take into consideration. It is a \$42 million project for about a 273 acre site. Director Murray mentioned that this is a large site and it comes with a lot challenges because both the Deaf and the Blind campuses cannot be traveled intra-site; they must go back out to Indianola Avenue, Morse Road or High Streets in order to get around it. He commented that because of this, it will be difficult site to unify and perform

construction on. There are two classroom buildings, each approximately 70,000 square feet and there will be 16 dormitory buildings; eight buildings will be approximately 2,500 square feet and eight will be approximately 3,500 square feet. Overall, the message has been that it will be a challenging site and the main question was if a PLA would help unify the site. Also, would it provide the economies of scale for contractor bidding on the site and would it provide the opportunity to provide the opportunity to provide economies of scale for logistics on the site? Director Murray emphasized that it this project is a state-funded project and that the question in regard to manpower is, would the PLA provide a comprehensive framework of work jurisdiction and site governance that would in affect assist in the successful prosecution of the project and greater continuity on the job site? He commented that he comes from a background of union building trades and was involved in labor-management relations for 13 years, and he believes that that effective nature of the PLA puts both the contractor and the trades in a position of talking to each other, working with each other and enhancing communications on the site. The PLA also would help to elevate the importance of the trades people which is also important. The OSFC needs to make sure that everybody, from the contractors to the trades people, understand that this is a very important project. Director Murray commented that it is important that the contractors and the workers on the site understand the important nature of this work and a PLA would help facilitate this. He stated that he wants to make sure that every worker understands that they are working in and around what will be active academic classes and dormitory facilities. A PLA will also help to ensure that the workers on the site will have health care benefits, pension benefits and training that will include apprenticeship activities for workers on the site. Director Murray commented that he and the superintendents had concerns about site security, especially for the security of the children on the site because of its active nature. He mentioned that the trades have agreed to undergo background checks, which include Bureau of Motor Vehicles and Federal Bureau of Investigation background checks of their criminal backgrounds. If there are any workers with criminal backgrounds, they will be rejected from working on this site. Director Murray emphasized that it is very important to provide protection and safety for these vulnerable kids, not solely because they are deaf and blind, but because some of them have additional physical disabilities. Another benefit of the PLA, is that it will allow for the co-ordination of union jurisdiction. There is a union hierarchy and the OSFC expects everyone to pull their load on the site, and that includes business managers, stewards and foremen. The PLA will help to ensure quality from the top down because it allows for more communication on the site. There have been some concerns of the insulated concrete masonry walls from the quality insurance professionals. So, the OSFC will want to watch closely in order to make sure that it gets done right. Also, the OSFC will be using ICF as a test commissioning issue on the site and the Commission expects to see the best possible work out of the masonry, carpenters and anyone else involved in that process. There is a coordination of contractors because of the nature of this project, the projects must be built on time and it must build it to schedule. Director Murray commented that he believes that the PLA would prevent costly delays and disruptions. In addition, the PLA will promote active dialogue among contractors and workers on site and it will provide for safety promotion and safety encouragement. Director Murray stated that the workers should not allow themselves to be put in dangerous circumstances on the job site. The PLA includes the discussion of safety issues and essentially self-empowers the workers to put themselves in safe circumstances not only for themselves, but for the contractors and their families as well. Director Murray restated his support for a PLA for a number of reasons; quality, quality of construction, quality of outcome, a look at ICF, security,

security of children on the site, student protection, promotion of labor management relations, safety of workers on the jobs site, and safety of any population on the site, which includes staff and others. So, as construction goes on, the OSFC cannot allow access to construction areas that might harm students on this site. Director Murray commented that because it is a difficult site, the possibility exists of three bidding packages and the bids may come in as an alternate to include both. That may allow contractors to create an economy of scale in bidding, and if the same contractor wins both academic projects, then there may be a unification of this site in a way that otherwise would not be realized. Director Murray commented that there are no added projects costs here and it does foster competition. Also, non-union contractors can bid on this project; the contractors must enter into the terms and conditions of the PLA. He stated that for those reasons, and given that in consultation with the Commission members and with the superintendents, he has decided that it is in the best interest of the site to move ahead with the PLA with the Central Ohio Building Trades. Director Murray informed the Commission that Mr. Manzi, president of the Central Ohio Building Trades, who was in the audience, and requested that he stand up. Director Murray then asked if there were any questions regarding the presentation thus far.

Dr. Puckett mentioned that he appreciates the effort that Director Murray and staff for coming here on behalf of the Ohio School for the Deaf and the Ohio State School for the Blind and for explaining the PLA to the superintendents of the two schools.

Director Murray thanked him and commented that the superintendents will be tough people to please, but the OSFC aims to do everything it can to please them because what they would like to accomplish is in the best interests for the students that they serve on the site.

#### May Ballot Issues

Director Murray noted that the May ballot issues are attached to the agenda and that there are 33 issues on the ballot. He mentioned that the OSFC is hopeful that the economy is looking up and that Ohio citizens will feel better about their future and their school districts' future so that they will vote in favor of these issues.

Eric Bode informed the Commission that the grand total is about \$800 million in school issues for bonds. Some of that money is for programs that are not related to OSFC, which are typically high-wealth districts. However, the majority are projects that are in an OSFC program. After the Commission made its approvals last July 2009, the school districts had November and February to pass ballot issues, and the upcoming ballot in May is the third of the four opportunities for school districts to do so. Mr. Bode mentioned that the other sheet of paper that the Commission members have, lists all the projects that were approved last July and their status, including listing the ones that are on the ballot in May. He commented that the OSFC is very hopeful that ballot issues will pass.

Director Murray noted that Tom Ash from BASA said there are 171 issues overall, which include a mix of operating costs and capital issues on the ballot. Approximately one-fifth of school districts are asking their voters to approve levies.

### Scioto County Update

Director Murray commented that he met with representatives from all four school districts and they had positive discussion over the issues what were concerning the school districts. The OSFC now knows that there are two bids in, both in Clay and Washington-Nile, and the bids that were made were in the range that will allow the school district to award contracts and move on with the building programs. While they were both over the estimate, they were still under the ten percent, which is the figure that would require a statute of rejection of the bid. Director Murray noted that Wheelersburg is under mediation for a post-construction claim and the OSFC has had discussions regarding the matter and is still on-going. Regarding New Boston's site matter, Director Murray commented that the OSFC has a site study that is currently under way.

### Loose Furnishings

Director Murray mentioned that the OSFC has seen some interest by a number of legislators regarding loose furnishings contracts under the OSFC projects; Erik Roush was going to talk further about this topic.

Mr. Roush commented that the OSFC has had four different requests come in, a few from the Senate and one from the House, specifically from Representative Jordan, Senator Patton, and Senator Schaffer. The OSFC is looking at loose furnishings in particular, with Senator Patton's request to include other bids for other aspects of the projects that were potentially sole-source. The Commission is taking a look at those right now and was able to provide documentation in a timely manner to all the legislators.

Director Murray stated that once the OSFC knows if there is a certain pattern regarding this issue, then the Commission will respond to it. However, the OSFC is waiting on the outcome of what they may know first before proceeding any further.

Director Sabety asked Mr. Roush if he could give her a sense of the OSFC's staff's role in reviewing loose furnishings and how the OSFC works in that process.

Mr. Roush commented that at the present time, he does not believe that the OSFC does much in that regard. Most of the review the OSFC does is of specs and planning in the front end of the project. The loose furnishings tend to get in the spec a little bit later in the process and the OSFC does not necessarily have folks that are looking specifically at that. Mr. Roush mentioned that after talking with a few members OSFC staff, the question also becomes would the Commission be able to identify what those specs are.

Chair Sabety thanked Mr. Roush for his comments.

### Independent Contractor Audits

Director Murray mentioned at the last Commission meeting, he discussed how the OSFC wanted to have a better handle on contractors on OSFC job sites that are termed independent contractors, whose work is not subject to traditional supervision. Independent contractors do not withhold taxes from their payroll and the OSFC wants the CMs to do a better job in identifying those. Regarding Director Quill's question at March's Commission meeting on how the OSFC might audit them, Director Murray commented that he spoke with Mr. Berezansky about this issue and

he decided he is going to pick, at random, five of his project administrators. He would then pick projects that they are currently on and begin to question the Construction Managers (CMs) about what independent contractors are on the site and who they are. He would then ask the CMs to make judgments about whether in fact the independent contractors that are on the site are truly independent contractors and that there is not an attempt to be classified as independent contractors in order to evade taxes and other responsibilities. Director Murray stated that the OSFC is asking the CMs who work with independent contractors to communicate with the Commission regarding this issue.

#### Lakewood SD- Cuyahoga County

Director Murray commented that the members of the Commission should have received an email from Lakewood City School District in Cuyahoga County. This district is currently undergoing discussions in the community regarding involvement in their planning process. The district is making decisions about what schools to renovate and what schools to leave behind. Director Murray mentioned that he believes there is a committee that has asked for information about how the OSFC participated in the master planning process. Director Murray mentioned that the planning people are going to gladly provide an answer to those citizens about what the role of the OSFC was regarding this issue.

#### A/E Seminar

Director Murray mentioned that the OSFC is going ahead with discussions regarding the Architect/Engineer summit. The Commission is working on putting together an agenda about discussion topics and what the Architects and Engineers would like to have more knowledge about. He commented that this seminar will be held sometime in July 2010.

#### 21st Century Workshop

Director Murray stated that in late June, the OSFC will be doing the 21<sup>st</sup> Century Workshop with Randy Fielding.

#### May Meeting Date/ May 25th

Director Murray noted that date of the May meeting will be moved to Tuesday May 25<sup>th</sup>, which is the week before Memorial Day.

### **Personal Service Contract Approvals**

### **Building 21<sup>st</sup> Century Learning Environments - Status**

#### **Director Activities**

##### Visits

1. Cincinnati's School of Creative and Performing Arts, 4/2/10

Director Murray commented that he met with the Superintendent and he toured the Cincinnati School of Creative and Performing Arts. He said the school is a neat and well-designed facility and he hopes that it will be a great success in the school district for dance and art and other forms of artistic expression. He mentioned that they have done great things and some of the theaters are state-of-the-art in sound and performing attributes.

## Meetings

1. Senator Harris; school technology issues- 3/30/10
2. Senator Hughes; Schools for Blind and Deaf, PLA- 3/31/10
3. South Range Schools; advance on close-out funds- 3/31/10
4. Cincinnati Superintendent Mary Ronin; co-funded review of CPS Inclusion Program- 4/2/10
5. BASA School Facilities Advisory Meeting; various matters- 4/7/10
6. Superintendent Steven Switzer; wind turbines- 4/7/10
7. Scioto County; matters of concern to Washington-Nile, Clay, New Boston and Wheelersburg- 4/12/10
8. NCO Building Trades, Shelby City Schools and Franklin-Monroe School officials- 4/12/10
9. Superintendents Edward Corbett and Cynthia Johnson; Schools for the Deaf and Blind, PLA consultation- 4/13/10

## Public Testimony

*Tom Harrison  
Superintendent  
Southeast Local School District*

Mr. Harrison wanted to express his deepest thanks to the Commission, Director Murray, Mr. Mendenhall and Mr. Moser for their support regarding Southeast LSD. Back in 2004, the district concluded an OSFC project where they built a new middle school and renovated the high school and the elementary building. They unfortunately have been experiencing some problems with the heating and air conditioning in the elementary and high school and they had some roofing issues in the middle and high school. He wanted to thank the OSFC for the approval of the Corrective Action Grant because there was no way that the rural district could afford to make the repairs and renovations. Now the students will be able to be in rooms that are heated and cooled evenly and do not have leaks. Mr. Harrison commented that overall, it is going to greatly improve the educational environment. He thanked the Commission again and stated that it was a pleasure working with the OSFC.

*Mr. Jack Rosati  
Attorney, Bricker & Eckler LLP  
New Boston Local School District*

Mr. Rosati stressed his appreciation for the Commission to take the time to hear New Boston's concerns again. He commented that about six months ago, there were some concerns raised with respect to the fact that the only site that was available at the time of design of the project required construction of a retaining wall. During the last six months, there have been some concerns raised and some investigations done with respect to that retaining wall. To date, the only construction professional in the course that the school district has seen, has indicated that the retaining wall will be safe and it will have a useful life of at least 75 years. There has been some concern stressed about the retaining wall in terms of it being too close to the building. The wall

would be twelve and a half feet from the building. The school district has not seen any reports that indicated that the location violates the code or prevents enough access. With regard to natural light entering in the classrooms near the retaining wall, there are two observations regarding the retaining walls. The first is that the children in the school building will be changing classes regularly; no child will be in those classrooms all day. The second, is that the rooms that are adjacent to the retaining wall, one case has been designed without windows and the other case has very small windows, which are designed in the computer lab. Mr. Rosati commented that he does not believe that it should be an on-going concern. What should be a concern, however, is the need of this school district to build this school facility. He mentioned that the district is in desperate need of this school and in order to be able to participate in this program, it did not have to demonstrate the need for this building. Mr. Rosati mentioned that this is a building that currently has no air conditioning. So children, even in moderately warm days, are very uncomfortable and have to change their school schedule in order to address the lack of air conditioning. There has been some effort to look at other sites and it is his understanding that there is a hydrology study being undertaken of an alternative site. It was hoped by the Commission that the village would provide the site to the district so that it could be built upon. Mr. Rosati commented that the village council voted not to give the site to the school district, meaning that the school district cannot use the site. Regarding the hydrology study, the question is if the study comes out positive for that site, can the school district take it by eminent domain? The answer is no; one public entity cannot take another public entity's property by eminent domain. Mr. Rosati stated that there is no way the school district can control getting that site because the vote has already gone against it. The school district has brought this to the attention of the Commission staff, and there is an indication that they want to proceed with the hydrology study on that site which would take one to two months more. There are some problems with the delay in beginning construction. One problem is that when you start construction in the spring or early summer, you miss good weather for construction. If you push it back when the fall starts, then you increase the prices of the bids which increase the costs. If you add a year, it will also increase the costs in denying these children the education they are entitled to in this state. Mr. Rosati commented that there are no alternative sites available. A problem that you find in Scioto County is that you can get a flat site or you can get a site that is high and dry, but you cannot get both; it just does not exist. Mr. Rosati mentioned that the school district has looked at the Commission's policy from June 2005, and it says some very important things. First, it said that the Commission's role in approving or disapproving this site should have occurred by now. The policy also says, in the second paragraph under property diligence requirement, that the Commission will consider that the district has acquired the property if there is a legitimate pressing expectation of legal possession of the property. Mr. Rosati commented that the council will not give the site to the school district and the school district cannot take it. Under objection of unreasonable sites, it also says that the right of the OSFC to reject unreasonable sites, "holds in all situations unless the district can show that no other suitable site exists or that acquiring of another site imposes an unnecessary hardship to the district." This is not just a hardship and it is not just that an unsuitable site exists; it is that no other site exists and it is impossible for the district to acquire another site. All the district wants to do is to go out and start construction before it starts paying more money for the same building because of the change in the seasons or the change in the economy in the course of the next year. Mr. Rosati commented that for those reasons, he would like to stress how important it is for the district, that the Commission act today in order to start construction. Mr. Staggs asked Mr. Rosati to ask the

Commission that if this project is not going to bid out this year, what should he tell the 78% of the voters who voted in favor of this levy about this issue. What should he tell them about why they are not getting their building?

Chair Sabety asked if there were any questions or comments.

Director Murray commented that the OSFC received a report on the day of the Commission meeting that the Stantec study should be ready in two weeks. The report will tell the OSFC about the floodway of the already rejected municipal site. Also, it will also tell the OSFC to make sure the proposed site is out the floodway and is the football stadium site is also out of the floodway. Director Murray stated that the OSFC does not currently have that information available and the Commission believes that the firm is on track to provide the information on time.

Mr. Rosati mentioned that he is pleased to hear that the study is on track and it sounds like the study is going to be looking at something other than the site that is not available. It is his understanding, however, that the OSFC does not co-fund any athletic facilities. So if the OSFC is going to take the site that has an athletic facility, who is going to pay for a replacement athletic facility?

Director Murray commented that the site study will only show that the site is in floodway. The OSFC is not proposing to take the site; instead, the Commission is proposing to see if it exists as an alternative site.

Mr. Rosati asked Director Murray if it is fair to say that Mr. Staggs can go back to the district and say that the district will have any answer within two weeks with respect to that issue?

Director Murray stated that the Commission will have a study outcome in two weeks.

Mr. Rosati asked if it would be feasible to go out to bid and start construction this year?

Director Murray commented that it will depend on the decision on the proposed site and whether there are any other sites available for review.

Mr. Rosati asked if it is expected that a final decision will be made at the May meeting?

Director Murray clarified by asking if he was referring to the district being able to go out to bid?

Director Murray commented that when he and several members of the staff met with the Scioto County superintendents several weeks ago, he informed Superintendent Staggs that they would talk at the April Commission meeting about the process and that they would follow up on it at the May meeting. So far, they have not talked today about the process that will be discussed at the May meeting so he was not able to answer Mr. Rosati's question. Director Murray mentioned that the part falls to the Commission members in how they wish to proceed.

Mr. Rosati thanked the Commission for their time.

Chair Sabety stated that she would like to address some of the issues that Mr. Rosati had raised. She commented that even though design began in December of 2008 for this project, she was not sure why the OSFC did not get soil and flood information until five months later. However, there is a team made up of both OSFC folks and local folks that are overseeing the process as it is going along. Chair Sabety remarked that the school district and the OSFC are already in a situation where, if the school were to go to bid in September, the prices will be three or four times above what was originally thought. It is important to be looking at all of the alternatives are available in order to ensure that the risks are understood; everyone of these decisions requires taking into account risk and the main question is, how much risk should be taken on? Chair Sabety remarked that she is strongly in support in waiting for the outcomes of the Stantec study in order to take a look at what the floodplain issues are. Chair Sabety stated that the OSFC and the district should be alternatives that are outside the box. This is a difficult situation because every alternative appears to be taken off the table.

Mr. Rosati commented that it is his understanding that the retaining wall is a \$700,000 of a multi-million dollar project. If there is some indication that it would be significantly more than \$700,000, then he has not seen that information.

Chair Sabety stated that she had in her possession a document that says that the estimates were about \$1.4 to \$1.7 million.

Mr. Rosati mentioned that if that report has come out, he does not believe that he nor his client have seen it. The higher estimates might be from if the retaining wall was built further from the building. He noted that the OSFC needs to be reminded of the costs of delay and the cost for redesigning.

Chair Sabety commented that she believes that it appropriate to await the outcome of the study which will occur between now and the next Commission meeting. She stated that Mr. Rosati has her assurance that the Commission will be paying attention to this issue. The Commission will be ready to make whatever decisions that need to be made at the May Commission meeting.

## **2. School Energy Conservation Financing Program Approval**

### *Resolution 10-57*

Mark Wantage presented the Alliance City SD (Stark), Liberty Benton Local SD (Hancock) and Lisbon Exempted Village SD (Columbiana) requests to participate in the Energy Conservation Financing Program.

#### Alliance City School District (Stark County)

Total Project Cost: \$2,390,608

Interest Rate (Included in the Total Project Cost): 4.5 %

Totaled Annual Savings: \$270,145

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

O&M Savings is Percentage of Total Savings: 0%

Payback Period (Maximum 15 Years): 8.8 years

Number of Buildings: 6

Vendor: Gardiner Trane

Scope of Work:

- Classroom Lighting Retrofit (6)
- Gym Lighting Retrofit (6)
- Lighting Controls (6)
- Building Controls Upgrades (6)
- Dynamic Filtration (6)

Liberty Benton Local School District (Hancock County)

Total Project Cost: \$325,425

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

Totaled Annual Savings: \$20,724

O&M Savings (Maximum Limit of 30%): \$5,434

O&M Savings is Percentage of Total Savings: 26.2 %

Payback Period (Maximum 15 Years): 14.9 years

Number of Buildings: 2

Vendor: Brewer-Garrett Company

Scope of Work:

- Lighting Retrofit (2)
- Occupancy Sensors (2)
- Vending Machine Controls (2)

Lisbon Exempted Village School District (Columbiana County)

Total Project Cost: \$1,543,654

Interest Rate (Included in the Total Project Cost): 4.5%

Totaled Annual Savings: \$148,234

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

O&M Savings is Percentage of Total Savings: 0 %

Payback Period (Maximum 15 Years): 10.4 years

Number of Buildings: 2

Vendor: Gardiner Trane

Scope of Work:

- Building Automation Upgrade (2)
- Lighting Retrofit (2)
- Gym Lighting Retrofit (2)
- Boiler Replacement (2)
- Computer Monitor Replacement (2)

Dr. Puckett moved to approve Resolution 10-57.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

**ELPP Master Facility Plan and Amendment Approval**

Steve Lutz presented Resolution 10-58 of a school district's Master Facility Plan for Commission approval:

School District (County)	Master Facilities Plan Scope	Project Budget
Bloom-Carroll Local SD (Fairfield)	2. Build one new elementary school to house grades K through 4. 3. Build one new elementary/middle school to house grades 5 through 8. 4. Renovations/Addition to house grades 9 through 12 for Bloom-Carroll High School 5. Allowance to abate and demolish Bloom Elementary School. 6. Allowance to abate and demolish Carroll Elementary School. 7. Allowance to abate and demolish Bloom-Carroll Middle School.	\$52,343,908.00

Vice Chair Quill moved to approve Resolution 10-58.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Mr. Lutz also presented Resolution 10-59, ELPP Project Agreement Third Amendment, with the school district listed below to construct a discrete portion of their Master Plan, in the amount listed below, for Commission approval:

School District (County)	Scope	Project Cost Amendment
Jackson-Milton Local SD (Mahoning)	Demolish existing Jr. /Sr. High School, 97,104 sf.	\$436,968.00

Dr. Puckett moved to approve Resolution 10-59.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

### Master Facilities Plan Amendment Approval

Mr. Lutz also presented Resolution 10-60 for amendments to the following Master Facilities Plan:

School District (County)	Recommended Modifications to the Master Facilities Plan	Increase to the Project Budget	
Southeast Local SD (Portage)	Repair and corrections to the HVAC system at the elementary school and high school; roof replacement at the middle school and high school.	\$4,231,055	State Share
		\$1,135,895	Local Share
		<b>\$5,366,950</b>	<b>TOTAL</b>

Vice Chair Quill moved to approve Resolution 10-60.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

## Corrective Action Grant Approval

Tom Brannon presented, for Commission approval, Resolution 10-61 for the award of a Corrective Action Grant to the Southeast Local School District in Portage County:

School District (County)	Recommended Scope	Grant Award
Southeast Local School District (Portage)	<ul style="list-style-type: none"><li>• Repair and corrections to the HVAC system at the elementary school and high school; roof replacement at the middle school and high school.</li><li>• This equals the local share requirement of the project amendment (10-60)</li></ul>	\$1,135,895.00

Director Murray commented that Eric Moser and the school district have spent a great deal of time on this. This was a 2004 CFAP project that involved a renovation of two existing schools. The school district would have wished for new schools, but that was back when the OSFC had fewer dollars than it has had since the securitization dollars of 2007. The renovations were of the existing high school and elementary school. Director Murray commented that he, Eric Moser and Tom Brannon have reviewed years of work by the contractor and the designs professionals to try and correct the deficiencies in the heating and cooling system. The superintendent stated that the kids are still cold in the winter and hot in the summer. This case begs the question to redesign the HVAC system, but will incur a significant cost for the project. Director Murray stated that he wished they would not have to approve this, but it is the right thing to do.

Chair Sabety asked if there is any action being taken against the responsible party; was it a design issue or a construction issue?

Director Murray said that it was elements of both. If it were simply an insulation issue, the OSFC would have been able to solve this issue by this time. However, it may be a complicated web of trying to figure out who bears the ultimate responsibility. If the OSFC can find engineering firms who can tell the Commission who is responsible, that would help.

Mr. Brannon mentioned that in the material that was handed out, is a list of potential responsible parties.

Chair Sabety asked if the Commission will be taking action to go after those responsible parties.

Mr. Brannon said that the Commission would be taking action.

Vice Chair Quill mentioned that it should be noted who is willing to come to the table on this issue. He asked if the Commission has business pending with the name of the companies who are honest and come forward.

Mr. Brannon stated that the OSFC would be willing to work toward a resolution of good faith.

Dr. Puckett moved to approve Resolution 10-61.

Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

### **Qualified School Construction Bond Guidance and Application Approval**

Eric Bode presented Resolution 10-62, the Qualified School Construction Bond Guidance and Application Resolution, for Commission approval.

The OSFC reported last month that there were some major changes to the QSCB program. Two things happened, first; the federal government announced the 2010 allocations, second; there was a beneficial federal law change for those that want to take advantage of the program. The previous policy had requirements for tax credits which made it very difficult to sell these bonds. The new program allows school districts to sell bonds and then get the interest payments.

There is a committee that has been working on the QSCBs over the last year involving the OSFC, OBM, ODE and TOS, and has been very active. If you looked at all the options, it was whether for continuing with the 2009 process for 2010 or making some alterations. The main decision was that the 2009 program was very successful; actually 60% of the bonds have been sold in Ohio, actually which is much higher than the national average. There are about thirty more percent that are pending that waited for the new federal law change. There are less than ten percent that will be able to rollover into 2010. Mr. Bode commented that he is going to go over the changes for 2010. There is an update of the guidance application in the resolution packet.

The biggest decision was that the new federal law allowed the applications to be used by the state of Ohio. It is up to the state to decide whether the state that issues bonds or whether to distribute the entire allocation to school districts. So, it will be an advantage for school districts seeking local share and an advantage to local taxpayers. Another decision made, was to keep the "pool" concept, however, it was slightly modified. The bidder pool is for districts that are going to the ballot. So, \$293 million was recommended to be set aside for projects that will be supported by districts that are going to the ballot in May, August or November 2010. And of that, \$100 million or so will be just for the May 4<sup>th</sup>, 2010 bond issues. The other \$73 million will be set aside for HB 264 and other projects that do require a school district to go to the voters in 2010. Another change was in the modification of the application process for bond issues. Last year, applications and approvals were made before election day. This created communication issues because it was unclear what would pass and what would not and the Commission could not specify the dollar amount of the allocation until after the election. This year, the OSFC will be asking for a Letter of Intent before the election day, and then the Commission will wait until after elections to see who passes and then do the formal applications and approvals.

Mr. Bode commented that the resolution is similar to the one that the Commission approved last year. It also authorizes the Executive Director to administer the program, issue the guidelines, and process and approve applications.

Vice Chair Quill moved to approve Resolution 10-62.  
Dr. Puckett seconded the motion.  
Approval: Vote 3-0.

**Specialty Services Amendment Approval**

Mr. Bode also presented Resolution 10-63, Specialty Services Amendments, for Facilities Assessment Services for Commission approval:

Firm	Amendment Amount
ADA Architects, Inc.	\$300,000.00
Architectural Vision Group LTD.	\$225,000.00
Thomas Porter Architects	\$300,000.00
Karl R. Rohrer Associates, Inc.	\$225,000.00
Rae Group LLC	\$225,000.00
Schooley Caldwell Associates	\$150,000.00
Schorr Architects Inc.	\$225,000.00
The Collaborative Inc.	\$250,000.00
Van Auken Akins Architects LLC	\$200,000.00
<b>Total:</b>	<b>\$2,100,000.00</b>

Vice Chair Quill asked if there were any open issues with any of the firms that are listed?

Mr. Bode stated that there were none.

Dr. Puckett asked if this went to the Controlling Board.

Mr. Bode stated that they have been.

Dr. Puckett moved to approve Resolution 10-63.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

**Architectural Agreements and Amendments Approval**

Steve Berezansky presented Resolution 10-64, Architectural Agreements and Amendments, for Commission approval:

Agreements:

School District	Project	Architect	Agreement Amount
Bellefontaine City SD	Build one new elementary school and one new middle school	Freytag & Associates, Inc.	\$1,933,566.70
Otsego Local SD	Build one new elementary school, renovations to the 1963 and 1979 additions of Otsego High School	Garmann/Miller & Associates, Inc.	\$1,449,932.00
Wadsworth City SD	New high school and career tech	Risinger + Associates Inc.	\$2,060,751.00
Wadsworth City SD	Build three new elementary schools	Risinger + Associates Inc.	\$1,089,911.00
Van Wert City SD	New elementary school and renovations to Jefferson elementary	Beilharz Architects, Inc.	\$1,451,374.95

Amendments:

School District	Project	Architect	Fees to Date	Amendment Amount	Total
Wayne County Joint Vocational SD	Extended construction schedule and design changes	Harris/Day architects, Inc.	\$1,774,646.63	\$67,155.00	\$1,841,801.63
Minerva Local SD	Electrical design changes	Lawrence and Dykes Architects, Inc.	\$1,556,184.01	\$1,665.00	\$1,557,849.01
Dayton City SD - Segment 3	LEED requirements added after original contract	DNK Architects, Inc.	\$775,332.12	\$186,366.62	\$961,698.74

**Locally Funded Initiative:**

School District	Project	Architect	LFI Amount
Wayne County Joint Vocational SD	Swing space and design enhancements	Harris/Day architects, Inc.	\$7,020.00
East Liverpool City SD	Auditorium, site, electrical and design enhancements	Ricciuti Balog & Partners/Hanahan/MS	\$84,150.59
Wadsworth City SD	Construction administration for auditorium and community center	Risinger + Associates Inc.	\$628,417.00
Wadsworth City SD	Additional engineering services for three new elementary schools	Risinger + Associates Inc.	\$500,000.00

Vice Chair Quill moved to approve Resolution 10-64.  
 Dr. Puckett seconded the motion.  
 Approval: Vote 3-0.

**Construction Manager Agreements and Amendments Approval**

Mr. Berezansky also presented Resolution 10-65 for the following Construction Manager agreement for Commission approval:

School District	County	CM Firm	Total CM Compensation
Orrville City SD	Wayne	Scaparotti Construction Group	\$925,441.00
Elgin Local SD	Marion	Turner Construction Company	\$1,850,994.00
Bellevue City SD	Huron	The Lathrop Company, Inc.	\$2,006,281.00
Findlay City SD	Hancock	Touchstone CPM, Inc.	\$2,974,545.00

Dr. Puckett moved to approve Resolution 10-65.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 3-0.

Mr. Berezansky also presented Resolution 10-66 for the following Construction Manager amendment for a Locally Funded Initiative for Commission approval:

School District	County	Construction Manager	Amount
Orrville City SD	Wayne	Scaparotti Construction Group	\$32,716.00

Mr. Berezansky noted that this is 100% locally funded and it is for additional classroom space.

Vice Chair Quill moved to approve Resolution 10-66.  
 Dr. Puckett seconded the motion.  
 Approval: Vote 3-0.

### Trade Construction Contracts Approval

Mike Mendenhall presented, for Commission approval, Resolution 10-67, Trade Construction Contracts:

	<b>Contracting Entity</b>	<b>School District</b>		<b>Scope Of Work</b>	<b>\$ Amount</b>
1	Glenwood Electric Inc.	Cincinnati CSD	Walnut Hills HS	Site Electric	\$14,150.00
2	J. K. Meurer Corporation	Cincinnati CSD	Walnut Hills HS	Sitework	\$125,900.00
3	King's Electric Services	Cincinnati CSD	Western Hills Dater HS	Electrical/Technology	\$4,077,777.00
4	T P Mechanical Contractors	Cincinnati CSD	Western Hills Dater HS	Plumbing	\$2,477,700.00
5	G M Mechanical	Cincinnati CSD	Woodford Paideia ES	Plumbing	\$498,000.00
6	Tom Sexton & Associates	Cleveland CSD	Mound ES	Furniture, Fixtures, and Equipment	\$395,834.06
7	Givens Construction, LLC	Cleveland CSD	Mound ES	Site Concrete Flatwork	\$111,981.00
8	Soehnlen Piping Company	Cleveland CSD	Mound ES	Plumbing	\$645,600.00
9	Zenith Systems, LLC	Cleveland MSD	2 K - 8's	Technology	\$899,443.00
10	Tom Sexton & Associates	Cleveland MSD	4 K - 8's	Furniture, Fixture and Equipment	\$1,170,799.52
11	Absolute Fire Protection	Cleveland MSD	Mound ES	Fire Protection	\$121,000.00
12	Precision Engineering & Contracting, Inc.	Cleveland MSD	Mound ES	Site Work	\$729,457.00
13	Dimech Services, Inc.	Genoa Area LSD	ES	Plumbing	\$372,000.00
14	Vulcan Enterprises, Inc	Genoa Area LSD	ES	Fire Protection	\$159,115.00
15	Stafford-Smith, Inc.	Genoa Area LSD	ES	Food Service	\$257,332.00
16	Vaughn Industries, LLC	Genoa Area LSD	ES	Electrical	\$1,473,800.00
17	Warner Mechanical Corporation	Genoa Area LSD	ES	HVAC	\$1,119,444.00
18	Charles Construction Services, Inc.	Genoa Area LSD	ES	General Trades	\$7,076,100.00
19	Cox Paving, Inc.	Hamilton CSD	3 ES	Demolition	\$415,520.00
20	Quality Asbestos and Demolition Services, LLC	Hamilton CSD	Hamilton City HS	Asbestos Abatement and Environmental Remediation	\$69,850.00

21	Reddy Electric Company	Hardin Houston LSD	K - 12	Electrical	\$1,515,371.00
22	Burkett Restaurant Equipment * *	Hardin Houston LSD	K - 12	Kitchen Equipment	\$358,000.00
23	Tom Sexton & Associates	Hardin Northern LSD	K - 12	Classroom Furniture	\$171,737.80
24	Vaughn Industries, LLC	Hardin Northern LSD	K - 12	Electrical	\$89,000.00
25	RSV, Inc.	Indian Creek LSD	MS	Site Clearing	\$38,640.00
26	Gateway Environmental Service, Inc.	Ironton CSD	Central ES	Demolition	\$59,200.00
27	Hina Environmental Solutions, LLC	Ironton CSD	Central ES	Abatement	\$37,137.00
28	Ohio Technical Services, Inc.	Ironton CSD	MS	Asbestos Abatement	\$195,168.75
29	Jackson & Sons Drilling & Pump, Inc.	Jonathan Alder LSD	ES and MS	Geothermal Wells & Piping	\$1,086,000.00
30	Hina Environmental Solutions, LLC	London CSD	HS	Abatement	\$37,255.00
31	George J. Igel & Co., Inc.	Ohio State School for the Blind and Ohio School for the Deaf	Ohio State School for the Blind and Ohio School for the Deaf	Early Site	\$3,246,500.00
32	Accurate Electric Construction, Inc.	Ohio State School for the Blind and Ohio School for the Deaf	Ohio State School for the Blind and Ohio School for the Deaf	Site Electrical	\$988,500.00
33	Stark's, Incorporated	Pike Delta York LSD	HS	Plumbing	\$290,400.00
34	Vulcan Enterprises, Inc.	Pike Delta York LSD	HS	Fire Protection	\$147,030.00
35	The Speiker Company	Pike Delta York LSD	HS	General Trades	\$2,315,400.00
36	VM Systems, Inc.	Pike Delta York LSD	HS	HVAC	\$1,579,000.00
37	Utopia Construction, Inc.	Pike Delta York LSD	MS	General Trades	\$264,585.00
38	Romanoff Electric Co., Inc.	Pike Delta York LSD	MS	Electrical	\$179,884.00
39	Laibe Electric Company	Pike Delta York LSD	PK- 4, MS, HS	Temperature Controls	\$689,800.00
40	Ed Burdue and Company, LLC *	Pike Delta York LSD	York ES	Demolition	\$78,990.00
41	Quality Environmental Services, Inc.	Pike Delta York LSD	York ES	Abatement	\$36,320.00
42	Spectra Contract Flooring	Ravenna CSD	Ravenna HS	Finish Floor	\$189,932.50
43	Paschal Bihn & Sons Excavating	Toledo CSD	Beverly K - 8	Site Work	\$538,950.00

44	VM Systems, Inc.	Toledo CSD	Beverly K - 8	HVAC	\$1,866,600.00
45	Westfield Electric, Inc.	Toledo CSD	Beverly K - 8	Electrical	\$1,110,585.00
46	Mosser Construction, Inc.	Toledo CSD	Beverly K - 8	General Trades	\$5,817,000.00
47	Midwest Contracting, Inc.	Toledo CSD	Birmingham K - 8	Concrete Paving and Curbs	\$94,260.00
48	Brookside Lawn Services, Inc.	Toledo CSD	Birmingham K - 8	Landscaping & Grass	\$37,850.00
49	Midwest Contracting, Inc.	Toledo CSD	Ottawa River MS	Concrete Paving and Curbs	\$44,000.00
50	Midwest Contracting, Inc.	Toledo CSD	Riverside ES	Concrete Paving and Curbs	\$74,253.00
51	Midwest Contracting, Inc.	Toledo CSD	Walbridge ES	Concrete Paving and Curbs	\$43,293.00
52	Zenith Systems, LLC	Warren CSD	Jefferson/McGuffey K - 8	Technology Equipment	\$574,047.00
53	Midwest Poured Walls, LLC	Wauseon EVSD	Burr Road MS, Elm Street ES	Demolition	\$218,700.00
54	Continental Office Environments	Zanesville CSD	District Wide	Loose Furnishings	\$855,279.50
55	Tom Sexton & Associates*	Zanesville CSD	District Wide	Loose Furnishings	\$464,514.96
					<b>\$47,543,986.09</b>

Lowest Responsible, Second Low Bidder \*  
EDGE Waiver \*\*

Vice Chair Quill asked if there were any open issues regarding quality that the Commission needs to know about.

Mr. Mendenhall mentioned that there were no open issues that he is aware of.

Vice Chair Quill asked if there were any unusual circumstances regarding the EDGE Waiver.

Mr. Mendenhall stated that the Committee reviewed the information provided and determined that the information was factual. He believes that there were some unusual circumstances surrounding the request though.

Dr. Puckett questioned if the Commission has certain standards that it uses for its judgment regarding the EDGE waiver.

Mr. Mendenhall commented that he is not part of the committee. He mentioned that Cheryl Lyman could provide some additional information regarding his questions.

Cheryl Lyman stated that she is a member of the EDGE Waiver Committee, which reviews the trade contracts for their requirements for EDGE. After reviewing trade contracts that had not completed the EDGE requirements, the Committee then looks through the process against the Equal Opportunity Division's (EOD) audit document as a guide to look through those requests again. The

Committee goes through a document that was created by EOD and then it looks at a contractor's history of EDGE participation.

Vice Chair Quill stated that he encourages the Committee to reach out to EOD in order to better EDGE participation.

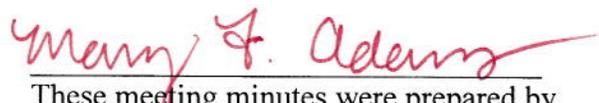
Dr. Puckett moved to approve Resolution 10-67.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

The meeting was adjourned at 2:50 PM.

  
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J. Pari Sabety, Chair

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