

# Ohio School Facilities Commission

August 26, 2010

William McKinley Room

1:30 PM

## *MINUTES*

Chair Sabety called the meeting to order at 1:38 PM.

### **Roll Call**

Members present: Chair J. Pari Sabety, Vice Chair Hugh Quill, Mr. Francis Pompey, Senator Gary Cates, Senator Teresa Fedor, Representative Kris Jordan (arrived at 1:40 PM) and Tony Gutowski for Representative Matt Patten.

### **Adoption of the July 22, 2010 Meeting Minutes**

Vice Chair Quill moved to approve the July 22, 2010 meeting minutes.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

### **Executive Director's Report**

#### **I. Topics**

##### **1. OSSB/ OSD Bid Results**

Director Murray outlined the situation related to the bids on the Ohio State for the Blind and the Ohio School for the Deaf. He went on to inform the Commission that he asked the CM to debrief with all the bidders that bid and all the bidders that pulled plans that did not bid and attempt to ask them what they saw in this bid package to attempt to determine where there can be additional cost savings and value engineering. They produced a three page document as a result of their debriefing with the various contractors and subcontractors who bid. Additionally, there is a multi-page document from SHP, the design architects looking at \$2.5 million of potential value engineering items and this was done within two weeks of the bid. There are more value engineering suggestions from contractors who found some items and suggested where other cost savings could take place. So we have had the architect and the CM talk to us with respect to the Project Labor Agreement. There was a discussion that there was a lack of sub-contractor participation. He stated that he would recommend an education process when we go back out to bid in order to make sure that there is adequate sub-contractor participation. Otherwise, some of the pricing by the prime contractor simply won't reflect adequate competition.

Director Murray commented that are in the process now of asking the Architect to continue to look at value engineering items and come back within two weeks and report other items what need to be on the table; all items need to be on the table in a circumstance like this and we will bring the process of talking to the superintendents and the school personnel as to where value engineering items can be instituted and they will want to respond to the consequence of that. They need to be able to understand what is being suggested and what those consequences might be. So within two to four weeks we should be able to sit down at the table and start this process of value engineering and see where it takes us.

Representative Jordan thanked Director Murray for explaining where the Commission is and the process as it relates to the Schools for the Deaf and Blind. He asked what Director Murray sees as the problem with why the recommended price and the bid price were so much different on the Schools for the Deaf and Blind.

Director Murray commented that we attempted to ask that question of the CM because the CM is responsible for making that estimate. So they are saying that one aspect PLA that they saw, affected sub-contractor participation as there were not enough sub-contractors to the prime contractors in to create some price competition and the recommendation is that needs to be worked on and improved on or we will continue to see that result. There are a couple other aspects there, one being that in a residential dormitory piece there are 12 structures that were bid and six of them on either campus, three of the smaller structures and three of them larger structures. The smaller structures are for the younger children and the larger ones are for the older children, and all are single story residential buildings. The CM had a lot of trouble finding similar kinds of bids in similar kinds of circumstances. They said they went to actual military installations to look at where military installations were building single family housing for on-site military personnel and that would be done presumably on a Davis-Bacon requirement, since absent the PLA, this is a prevailing wage job. They attempted to see if they could find some evidence of what that would cost. The residential dormitory piece was 46% over the estimate, so certainly the attempt to get at what contractors build single family residential buildings dormitories with prevailing wage was a difficulty. They built ten-twelve story buildings on the Ohio State University campus that are residential dormitories, but these are single story structures. So there was a lack of ability to get at what the market was saying. Essentially these structures are coming in on average at about \$825,000 a piece and that is a lot of money. So we have to look at ways we can value engineer and still maintain the living environment that these structures are intended to deliver. When you get this kind of overbid, again we are saying we believe that it is inflated to an extent and therefore it may not be real. We are not sure to what extent the inflation played, but we believe there is \$5 to \$7 million of value engineering items that need to take place here to get this to where the market is going to come in to close to the estimated price.

Representative Jordan asked if the long and short of it is that we have got to scale back, and just cut things out that you don't think are necessary and the Commission doesn't think is necessary?

Director Murray stated that the long and short of it is that all value engineering items are on the table and we have to look at scaling back. We would attempt to scale back in features that don't ultimately affect square footage, especially in the academic buildings. These academic classrooms are designed for very small classes because they have individual learning, teaching an curriculum development. We have to find a way so we don't hamper that curriculum learning in the academic buildings and to scale back on interior finishes, some day-lighting features and items that are nice. When you are struggling to make budget, you have to look at giving up some items.

Representative Jordan asked if by scaling back on the project, aren't we jeopardizing the educational opportunities and the living style for some of the students?

Director Murray stated that is why, once these value engineering items are identified, we want to engage in consultation with the school to determine the consequences of that. We will look to them to tell us whether there are consequences of the nature that you talk about and make decision accordingly.

Chair Sabety clarified the process that the staff is engaged in fully includes representatives from the School for the Blind and from the School for the Deaf. So the Director is managing a process now to bring the construction managers, the architects and the internal team to an agreement on the appropriate items that could be reduced and when this goes to bid once again.

Representative Jordan commented that he will talk about the 800 pound gorilla in the room and asked could we, when looking at re-bidding or re-doing this, look at removing the PLA from the next round of bids to hopefully save some of the costs that he thinks is due to that being written into the bid packages.

Director Murray stated that all options are on the table. He thinks that we have to look at every aspect to come down to a final product that has been value engineered and make the determination about whether we can have robust sub-contractor participation which gives our prime contractors better bids numbers. He commented that he has talked to the local building trades and he has talked to some of the general contractors as well as the construction manager and there is a task ahead to get more interest in this project and have sharper pencils to the numbers that we didn't see in July.

Representative Jordan stated that it was part of the letter he sent out in June prior to this bid coming in. Part of the argument all along was that the PLA has inflated the price. He personally believes that rather than excluding 85% of the work force and rather than limiting competition and rather than limiting competition which inflates the price for tax players, he believes that it would be much more prudent for the Commission to consider removing that instead of giving money to political donors of the Governor and his administration and others, it would be much more wise to use that money to build the schools and get the product that they deserve.

Chair Sabety commented that the Director has been very clear that all options are on the table. He answered your questions. Allegations about donors to the Governor are a little out of place in this discussion.

Representative Jordan replied that he will have other questions.

Chair Sabety asked if he has any other questions.

Rep Jordan commented not on this right now.

Director Murray stated that there is one administrative task for the Chair to perform and that is to take up Resolution 10-122. Any time bids on projects come in more than 10% over the project estimates, the law requires us to reject all bids and go back to the process he just outlined. So he asked the Chair to take up Resolution 10-122, rejecting bids for the Ohio State School for the Blind and the Ohio School for the Deaf, for Commission approval. Any questions regarding this resolution can be directed to Mr. Eufinger.

Vice Chair Quill moved to approve Resolution 10-122.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

Senator Cates commented that he had a point of order. He asked where the Superintendent is today.

Chair Sabety asked if he was referring to the Superintendent of Instruction. He commented that her designee, Francis Pompey, was present.

Senator Cates asked if Mr. Pompey is permitted to vote in her absence.

Chair Sabety replied that he is.

Mr. Pompey commented that he is not sure exactly where the Superintendent is.

Chair Sabety stated that she is sure the Superintendent had a meeting conflict that forced her not to attend.

Senator Cates thanked the Chair for her response.

## 2. Furniture Procurement

Director Murray stated that Mr. Lutz would present the processes and issues that dealing with requirement for the architect to fully specify three manufacturers on specified items and the discussions that we had in June about changes in the procurement policy, specifically for furniture. This is in response to Representative Jordan's concerns about furniture bids.

Mr. Lutz stated that on May 21<sup>st</sup> of this year, our staff issued a memo to the design community to further clarify the requirements for competitive specification of loose furnishings and furniture. This memo recapped the requirement for a minimum of three manufactures named in the specifications. On June 11<sup>th</sup> of this year, Executive Director Murray issued a memo to staff, construction managers and design architects instructing that the furniture specifications of the design professionals shall be brought to the regular Core Meeting for discussion on competitive bidding satisfaction, that all single bid results will undergo additional scrutiny by OSFC staff; that selected and random audits of furniture specifications be conducted by an independent expert to determine the satisfaction of competitive bidding; the prohibition of large "winner take all" furniture bid packages; and that the bidding for large projects be subdivided by student furnishing, office furniture, and other practical or functional divisions. In addition, we plan to initiate other processes during the pre-bid phase to support the delivery of competitively bid furniture and loose furnishings. The architect will be required to attest to their adherence of our specifications policy and to identify any deviations and present supporting justification for any waiver. Also, we are considering whether to implement an additional step, such as asking district legal counsel to review the architect specifications and determine the product competitiveness. He commented that he would like to ask our legal counsel, Mr. Eufinger, to comment on the scope of the proposed legal review.

Mr. Eufinger stated that we are currently vetting with district legal counsel. We are receiving positive feedback on our proposal that we would have counsel review the

specifications in each of these bid packages. We would ask that they verify that the Core Team has met and discussed the specifications in an open meeting, obviously allowing for public input, and finally we are going to ask that they certify that the competitive process and the Ohio Revised Code has been followed. Again, this has been vetted with several district counsel and we are receiving positive feedback on this involvement.

Mr. Lutz informed the Commission that we intend to provide an additional management process to address post-bid circumstances where concern arises that bidding was not competitive. In such cases we will employ the services of an outside third party who is competent to review and provide an opinion on whether the bid documents have provided competitive bidding. We are currently in the process of initiating a request for qualifications in order to select and contract for such review services. If we find that a firm has failed to provide competitive specifications, we recommend a proportional management response when future design work is sought by the design architect. To illustrate his meaning of a proportional management response, he used the example of a settlement agreement with a design that will be presented later this commission meeting. In this instance, the design for the project's roof fell below the standard of care. As a result premature failure of the roof occurred and the roof required replacement. One of the provisions of the settlement agreement was to indicate that the Holgate roofing failure would not preclude the award of future design work. However, future design awards would be contingent on the architect's use of a third party roofing consultant to provide design services for the roof. In like manner, we propose that the Commission require the design architect who has failed to provide competitive furniture bidding to supplement future design teams with an independent neutral furniture consultant to support the provision of competitive furniture specifications.

Director Murray stated that, as Mr. Eufinger pointed out, they asked district legal counsel to look at these contracts and discuss with the architect that they have been drawn competitively and that the district counsel believes ought to be put to the school board and ultimately placed out to bid to firms providing that furniture. In addition, we have had a lot of discussion about what constitutes due process. If there is an accusation or a belief that the bid specifications have been drawn non-competitively, we have to be fair about not concluding that without giving the architectural firm due process to review our finding and to respond to those finishing. Administratively if we find that we believe that there is fault, then we are going to ask the architect to submit to a sub-consultant, the purposes of drawing up further furniture specifications to be put to bid. So we don't take them out of the design of school buildings, we take them out of the design of or creating the specifications of furniture purchases. That seems to be to us a progressive response to their failure to either be fair or unintentionally fair in the drawing up of these specifications.

Chair Sabety commented that it seems like a workable solution or certainly a process that is going to get us where we need to go. She asked if we have an anticipated time for this.

Director Murray stated that we could be out there in 30 days.

Mr. Lutz agreed with Director Murray.

### 3. School Flooring/ Mercury Content

Director Murray commented that Mr. Roush is going to be talking about the issue with old school flooring and its mercury content in order to get this issue on the record and that we

need to be diligent in attempting to find out where this flooring may exist and how the issue may be resolved.

Mr. Roush stated that there have been some recent inquiries regarding the issue of polyurethane flooring, which is typically found in gymnasiums for schools that were constructed in the late '60s and '70s. They used heavy metals when they constructed the floor so there is mercury in the flooring. This was brought to the Commission's attention several years ago in about '03 or '04 and initially it was brought to our attention to one of our environmental consultants who was working with a district that was not part of any OSFC project. Currently, we do treat this as we treat lead paint. Right now with lead paint if a building was built prior to '78, we considered it to have lead paint and we approach it as such until we get in there and start working on it and we do the same thing with these polyurethane floors. We budget for this and we actually have it built into our processes, so there is a budget allowance for this and tier mediation and removal of this flooring. We have handled this project by project and at this point in time, we have identified about 15-17 districts that have been tested. Again, the testing occurs at the time we go in and prior to start doing work on that particular project. He commented that he knows that the state Superintendent in her weekly email address a few weeks ago, re-alerted district to the fact that this is out there and that or a but the last seven years there were some EPA bulletins that were put out about this issue. So we have it built into our processes and we treat it on a case by case basis.

## **II. Personal Service Contract Approvals**

None

## **III. Director Activities**

### *Visits*

1. Lake Local SD – 7/23/10

### *Meetings*

1. Findlay City SD Superintendent – 7/23/10
2. Julie Carr-Smyth, Associated Press – 7/28/10
3. Michael Douglas, Akron Beacon Journal – 7/30/10
4. Pizzuti Company – 8/11/10

Director Murray mentioned that concludes his report. And he would like to make commented when the Commission takes up item four of the agenda, Emergency Assistance Program Approval.

Chair Sabety asked if the Superintendent from Lake Local School District was at the meeting. She commented that she would like to move to Item 4 first before the Commission goes through a rather lengthy discussion of Item 3. She stated that she would like to go to Item 4, the Emergency Assistance Program Approval, first.

Director Murray commented that Mr. Bode will present Resolution 10-124 to the Commission. This is the response regarding the Lake Local SD tornado destruction and the need of the school district to rebuild its school. He commented that back in June, US Senator Brown, Representative Gardner and Senator Wagoner visited the school district. Their made many efforts to try and craft an OSFC response for the obvious need of the school district which was dealt a very bad hand by mother nature. It was the intent that at the June meeting, that we should attempt to do all possible to come to a response with this. We further met with the school district in July and our response is essentially is

what will be presented in Resolution 10-124. This resolution is essentially a modification of the Emergency Assistance Program, which is traditionally last dollar in looking at all other insurance proceeds and all other forms of assistance to the school district. It is our and school district's belief that while they are in insurance settlement discussion and negotiation, they need to know what we were anticipating in dollar response to their project. That then gives them ability to fashion their insurance response to try to put together the package dollars that they need to perform this. The superintendent of Lake Local is here and will speak a little bit later. Director Murray commented that the superintendent, his treasurer, his principals, his school board members, his school board president, his members of the school board, who are private business people, are some of the best public officials that he has come in contact with in terms of their dedication to jump after this after this tornado and put the work in and work with us along with State Representative Gardner and State Senator Wagoner to try and come up with a response.

## **Emergency Assistance Program Approval**

### *Resolution 10-124*

Mr. Bode informed the Commission that the Emergency Assistance Program has been in existence for about eleven years and this is only the second time that we have come to the Commission to approve a grant under the program. The first one was two years ago with Findlay and the much smaller situation with the flood. When the program was created in statute, the Commission adopted guidelines and the application. The Resolution that the Commission has for consideration does waive certain aspects of the guidelines. They are process questions, a little time out of sequence it what we are asking to waive for this particular circumstance. The slide on the screen outlines some of the steps relative that have already happened and some that are in the future and some that Director Murray already talked about that bring us to today. After today, there are a series of things that have to happen should the Commission approve the resolution. We still need to finalize the exact dollar amount for the grant. The Director would then promulgate the agreement and then when the insurance and other funding sources are finalized, and then they change the dollar amount, that could be reconciled at the end of the project. This is a little different than the process that was anticipated if you strictly read the guidelines. The guidelines anticipated a much more conservative approach where you have the insurance and other funding sources and all those decisions being made first. Then we have the funding amount clear, the grant amount would be settled then the Commission would approve the project and then we would make the payment. Obviously the problem that this is not just some small repair that the district can from the money and the get reimbursed later on. We are talking about an entire building requiring \$20 million plus, two years even three years if you include close out. This resolution does allow our commitment to be made, which is very important. The governor announced that yesterday. The project to proceed. At the same time we would have a project agreement that would ensure that the grant funds are properly used in the end. The grant amount, the guidelines in the revised code relative to the emergency assistance Program are not exactly clear about all the calculations. If you read them, they are more geared toward a repair, to say if there is damage then you repair and there is a certain cost to that. And that probably will not happen. Because it looks like there will be a new building to replace the damaged building. Our methodology is to look at what OSFC would provide should the district participate in the Classroom Facilities Assistance Program or Exceptional Needs Program and they would want a new high school because that is what the project to be built. Based on the calculation we normally do to say here is a high school, here are how many square feet and here is the cost per square foot, we came up with a figure that is subject. We just need the final enrollment to know exactly what that will be. If you use the current enrollment, the figure would be about \$4.8 million and the enrollment will change a little bit but that is the right ballpark for how much the grant would be. So the Commission action today with the resolution approves the waivers for the processes. It also approves that the Director will be able to go forward and assign an agreement. He mentioned that in the

Commission binder, there are documents relative to the costs. Those aren't really the costs to do the project, but the "what if" scenario that if the district were participating in CFAP, this is what it would cost based on their currently know numbers. The bottom line here is the figure of \$4.8 million which would be the OSFC share of that cost.

Mr. Bode presented Resolution 10-124, approving a Variance and a Grant relative to the Emergency Assistance Program to provide for the severe calamity at Lake Local School District in Wood County, for Commission approval.

Mr. Pompey asked if the funds flow out immediately or do they flow over a period of time.

Director Murray said that the commitment is being made up front today and negotiations that will follow in the agreement will probably outline that. These funds will be available certainly no later than their need on the project.

Chair Sabety asked when the district expects to get clarification from the insurance company about the ultimate amount of settlement.

Superintendent Whitt of Lake Local SD addressed the Commission. He thanked the Commission for moving the resolution up on the agenda. He commented that the district goes to get the insurance settlement sometime in the next month. He noted they are making progress, but it is slow. He thanked the Commission again for their efforts along with the Ohio Department of Education, the Governor's office and the various agencies that worked together to make this process work.

Chair Sabety thanked Superintendent Whitt for his help with getting their questions answered and figuring this situation out. She commented that it is pretty remarkable when you look at the chronology there that everything has happened in the last 60 days. She asked Mr. Pompey if he had any comments to make regarding what the Department of Education is doing to deal with the situation.

Mr. Pompey commented that the Department of Education has been in contact with Superintendent Whitt and other in Lake County from there very beginning and making sure that they understood what they could do from an Emergency Assistance perspective through a catastrophic grant through ODE's solvency assistance fund and understanding the ongoing needs of the district. Hopefully, in the next two years we will be able to get into the new school, but we have been working with them directly to make sure that under the catastrophic grant fund, can provide those operating an emergency assistance that they need in order to keep those schools and the students in those schools and getting tier quality education as they move forward.

Vice Chair Quill moved to approve Resolution 10-124.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

Chair Sabety commented that she would like to turn to Item 3 on the agenda, the response to the inspector General's report. She asked Mr. Eufinger to help the Commission through this. When the report was received by the Commission, she asked the Executive Director and the legal counsel to do several things. There were three major recommendations by the Inspector General. Recommendation number one is related to the issue of neutrality by the Executive Director. She commented she asked for some language and guidelines that would make the Commission's position on that matter absolutely clear. Recommendations two and three went to the quality program and really were most relevant to that. She asked the Commission staff and the Director to address themselves as to the

current status of the Commission's significant quality program and improvements that are going to take place.

## **Response to the Inspector General's Report**

### *Resolution 10-123*

Mr. Eufinger commented that the report of the Inspector General and file ID number 2010082, was issued on August 5, 2010. At the end of the report, there were three recommendations made. He commented he will speak in the form of the resolution proposed to respond to the first recommendation and again that recommendation was that the commission should take action to ensure the Executive Director demonstrates neutrality regarding school districts' selection of contractors regardless of union affiliation and prevailing wage or PLA matters. The other two recommendations will be spoken to by Mike Mendenhall, so he will defer to that. With regard to the response to the first recommendation, the resolution proposes that the following be the response:

1. The process of School District selection of contractors is governed by Revised Code Section 3318.10 which requires that a competitive bidding process be utilized and that the lowest responsible bidder be selected upon the opening of bids.

The Commission does not find evidence in the Inspector General's Report of Investigation that the Executive Director has in any way interfered with the Revised Code Section 3318.10 process. Thus, the process of School District selection of contractors has not been improperly impacted by the Commission's Executive Director.

2. The Commission reaffirms its right to determine policy and to take positive steps to effect its policy choices.

The Commission, as with any agency of state government, does not exist in a vacuum. It has the right to determine its own policies and advocate for and advance those policies within appropriate legal limits. The Commission reaffirms its belief that Project Labor Agreements (PLAs) are a beneficial tool, and should continue to be, available to local districts. PLAs ensure the use of local building trades and the participation of local construction workers, keeping jobs within the community in which the school is being constructed. By extension, the PLA ensures the use of local resident contractors, which is especially important in those areas bordering other states. PLAs contain provisions prohibiting work stoppages and provide for a better coordination of the various contractors and trades on-site. Local workers and local contractors cash their paychecks in Ohio, keeping money in local communities. Finally, PLAs require local prevailing wages and ensure that local skills are used to construct the facility, which can create an enhanced level of quality construction.

3. The Commission affirms that the decision to adopt prevailing wage requirements or a Project Labor Agreement is the sole prerogative of individual School Districts acting through their elected School Boards.

The use of prevailing wage or a Project Labor Agreement (PLA) is an option legally available to any Ohio School District that chooses to avail itself of that option. The Commission has no legal right to require any school district to choose to adopt a prevailing wage requirement or a PLA. It should be noted, however, that under previous Administrations, the Commission was quite open in its policy of opposition to both prevailing wage requirements and Project Labor Agreements. In fact, it was made clear to School Districts that no state co-funding of their projects would be granted if they chose a prevailing wage requirement or a PLA. The present Administration has determined as a matter of

policy that it will no longer penalize any School District that desires to adopt a prevailing wage requirement or enter into a PLA. Contrary to the policy of previous Commissions, the present Commission encourages School Districts to become knowledgeable about these options as they consider whether they should make such a choice for their school project. Ultimately, the Commission affirms that the decision to adopt or not to adopt a prevailing wage requirement or a PLA is entirely up to the individual School District acting as directed by their elected School Board members.

4. The Commission asserts its right to inform and educate local School Districts on subjects of concern to the Commission including the use of prevailing wages or PLAs.

As previously noted, former Administrations apparently felt no legal requirement to be “scrupulously uninvolved” regarding project labor matters. Moreover, the Commission believes that there should be no impediment that interferes with the options available to local school districts that enable them to proceed with a project in the manner in which they feel best serves their needs. The Commission believes that policies that interfere with local management decisions are detrimental to the local School District’s ability to manage a complex construction project in the manner in which the School District believes best meets its individual local needs. The Commission believes that its policy of allowing local districts to determine for themselves the value of adopting prevailing wages or a PLA for a project is sound. As such, the Commission, and by extension its Executive Director, assert that promotion of and education about Commission policies to local School Districts is appropriate and well within its realm of statutory authority.

5. The Commission believes that education and information on any Commission policy, including those on the issue of adopting prevailing wage requirements or a PLA, should be done with integrity.

Increasing awareness of Commission policies is critical in enabling School Districts to make informed decisions. The Commission believes that providing a quality educative process to local School Districts in regards to Commission policies and procedures is an integral part of its mission. The Commission agrees that neither coercion nor threats should be used against local School Boards on the issue of adopting prevailing wage requirements or PLAs. Moreover, unlike the former policy of the Commission, where the state effectively prohibited a local School Board from making a legal choice regarding how to conduct their project, the current Commission policy returns the choice to the local schools. The Commission agrees that it is inappropriate for an Executive Director of the Commission to coerce or threaten retribution against School Districts in order to dictate the outcome of their legal choice. Furthermore, the Commission concludes that, based upon the Report of Investigation, there is no basis to conclude that the current Executive Director either threatened or coerced any School Board members or school officials to adopt prevailing wages or PLAs. It is the responsibility of the Executive Director to ensure that this policy – and any policy – is carried out at all levels of the Ohio School Facilities Commission with the highest level of integrity and ethical standards.

Mr. Eufinger asked Mr. Mendenhall to come forward to speak to the Commission regarding the second and third recommendations from the Inspector General’s office.

Mr. Mendenhall gave a presentation about the Quality Construction Division with Tom Brannon and Eric Moser also speaking

***See the attachment for Mr. Mendenhall’s presentation to the Commission***

During the presentation, Jon Walden, Assistant Attorney General, commented that the Attorney General’s office represents not only OSFC, but other public owners and agencies across the state. He

felt it was important for the Commission to know that, as we are talking about the bid processes and the evaluation of contractors and looking at responsibility that obviously with certain unique circumstances of a co-owner and school district, the process as set forth in the instructions to bidders in the evaluation that is done throughout by both the owners are similar to what is being done across the state by the other public owner. We feel the process being used by the Commission is within what the law allows and it is consistent. We understand that they are going to be talking about the standardization of checklist and we believe that standardization is important for knowing what needs to be done and what information should be asked for in the processes that take place, but we also want the Commission to appreciate that each circumstance and each bid pattern is unique. It is not always a one-size-fits-all, objective outcome. For example, you might have a contractor that has never done more than a \$1 million project before and they decide to go bid for a \$25 million general trades contract. That contractor might be perfectly responsible for what is done and what the experience shows and all the facts used in ORC 9.312, but we believe it perfectly reasonable for public owners to question whether that contractor is responsible to do a \$25 million project. There are unique circumstances and fact patterns for each bid situation. Also, in this situation, too, because you have two owners in place that make it, even if you have something standardized, it might still not be an assembly line products where you are going to stick the information out and there is an automatic answer. We also must work within the constraints of the law, understanding that we have to look at each bid uniquely, because currently with respect to OSFC, there is no debarment authority for OSFC. There is debarment that exists for DAS and also whether you are on the auditor's list, and some other unique circumstances. Mr. Walden said he wanted to make clear that we think that the policies and procedures that we are part of and we help evaluate and provide assistance for are consistent with what is being done across the state.

To that point, he wanted to make the Commission aware that one of the issues the construction group has heard is to make information available to various owners across the state. The group at the AG's office is trying to take an active role in getting the information out to the various public owners so we can share and make sure that we have quality contractors working across the state.

Mr. Pompey thanked Mr. Mendenhall for his comprehensive outline of the approach and process, both the current and the proposed approach as well. He asked if Mr. Mendenhall has any example or scenarios where the process had yielded favorable results and outcomes.

Mr. Mendenhall commented that we have a lot of success stories. One example, we referred to the processes that we currently have in place and one that comes to mind is our five day review. He mentioned that Mr. Brannon touched on it a little bit and we were able to identify a contractor who we were either in litigation or they walked away from a quality issue. Most recently, we had a situation with a school district where they experience issues with their roof. They had tried numerous times to get the contractor to re-engage themselves with the issue and to take care of the issue. We felt the need to deploy Mr. Brannon and he contacted a consultant to go out and do a forensic investigation and then we got a report and in the report it would tell us here are the issues and potential solutions and here is the responsible party. We got that report and we ended up receiving a list of contractors the agreed upon the project that was prepared to recommend to the board and we identified those contractors. So what we were able to do is, we were able to step in and we are not prepared to reward a contract to you until you begin to work with us and work with the district and litigate the problem that you are responsible for. This district has their roof issues resolved because of that process. This doesn't involve leverage; this is more about what is the right thing to do. If you have a contractor that has walked away from a problem and refuses to take ownership of that problem, we need to think long and hard before we award any more work to them.

Chari Sabety commented we are all professionals and we employ a lot of professionals with years of experience who make decisions based on patterns of action. She thanked Mr. Walden for his comments. She likes the idea of the bidder information center because that will help us further publicize past performance of these contractors. We spend a long time putting together a process that, that once is up and running and we see many years of experience with it, we are soon going to see some good results.

Vice Chair Quill thanked Mr. Mendenhall for his comprehensive overview of the Quality Control program. He asked for Mr. Walden to discuss debarment and if DAS has the authority to give that authority to OSFC.

Mr. Walden commented that the OSFC would need special authority to have its own debarment authority or debarment list and right now that is not there. DAS has it for very limited circumstances and if you looked at the list, it is not going to be very broad. This shows the importance and need for the public owners to have the discretion to do the evaluation and act within that discretion given under 9.312 in the contract documents. If the legislature wanted to look at that, then we would be supportive of that.

Representative Jordan commented that in Resolution 10-123, underneath section one, that the Commission does not find evidence in the Inspector General's report of investigation and that the selection of contractors has not been improperly impacted by the Commission's Executive Director. There were reports in the media recently about bias or having neutrality. He asked what the Strickland's administration policy is on neutrality as it pertains to union work and OSFC projects.

Chair Sabety stated that we have been very clear in the media and elsewhere about our position on this, and our position in the resolution expresses that there is an absolute need for neutrality by the Executive Director of the OSFC when a local school district makes its decision about the choice of management tool it is going to use to implement its OSFC project. That stands at variance with previous practice which was to actually prohibit school districts from using PLAs. In terms if the school districts' choice, we are very clear here later in this resolution in item number three that the Commission affirms the decision to adopt prevailing wage requirements or projects labor agreements is the sole prerogative of the individual school district acting through their elected school boards. By implication, she commented that it very clearly describes that it is the local school district that makes the choice and not the Commission. It is clear that we do need to inform and educate local school districts on the ability of using a PLA and we talked about what we think some of the values of that might be. That it is absolutely within our realm of statutory authority.

Representative Jordan commented that he will have other questions but he is going to yield for right now.

Mr. Eufinger read from Resolution 10-123 in response to the second and third recommendations of the IG Report of Investigation:

1. The Commission directs the Executive Director and the Chief of Quality Construction to continue to aggressively implement the comprehensive quality control program already in place and to adopt the recommendations presented to the Commission by the Chief of Quality Construction at the August 26, 2010, meeting of the Commission.

2. The Commission further directs the Chief of Quality Construction to provide a written summary of his presentation for inclusion in the official written response to the IG Report of Investigation.

Mr. Eufinger commented that we need to prepare a final document that we will present to the IG's office and will be published as our response. He then presented Resolution 10-123, a response to the recommendations of the report of investigation in File ID Number 2010082 by Thomas P. Charles, Inspector General of the State of Ohio, for Commission approval.

Mr. Pompey moved to approve Resolution 10-123.  
Vice Chair Quill seconded the motion.

Senator Cates objected to the Resolution. He thanked the Commission for the opportunity to speak to this issue. He stated that even though he doesn't have a vote on this, he does have some comments and concerns. The last time this body met was on July 22 and the Inspector General's report was issued on August 5<sup>th</sup>, which was three weeks ago which means that this body has not has a chance to meet and simply review the Inspector General's report. The fact that the voting members are contemplating passing this resolution concerns him. When he inquired earlier as to where the superintendent is, when you consider a resolution of this magnitude here, it is important to have the three appointed members. This is no disrespect to Mr. Pompey, but Senator Cates expressed his disappointment that the Superintendent couldn't be here today and he is not sure what her reasons are. That is why he inquired where she was because we are dealing with a matter of seriousness. He commented he doesn't know how this body can made the conclusions as drawn without input from the IG's office through testimony if they wish to do so or through testimony of aggrieved parties. It is important to remember that this issue was brought to light by individual school superintendents and districts, primarily in Scioto County, of which the IG's office had agreed that there was enough information to conduct an investigation. He stated that when you look at the three recommendations in the report, he applauds the fact that we have gone at great lengths to talk about the second and third issue. However, we are barely talking at all about the seriousness of the charges in the first recommendation. According to the resolution, where it says "Now, therefore be it resolved" under point number one, it says that "the Commission does not find evidence in the Inspector General's report investigation that the Executive Director has in any way interfered with Revised Code 3318.2 process." He commented that he is curious as to how we came to that conclusion and what evidence did you use to make that decision. This Commission consists of three voting members and four ex-officio members, and while he doesn't have a vote, he is concerned about the fact that we are making a rush to judgment for which we don't know we in fact have exhausted those situations. Senator Cates further commented on under issue two, it says that "the Commission has the right to determine its own policies and advocate for in advance those policies within the appropriate legal limits" and this is true to a point. The OSFC is a creature of the legislature and the powers and its responsibilities are specifically enumerated in the Ohio Revised Code. This may be something the legislature should revisit, in order to know how much autonomy and authority we give the Commission to do things. He commented on point number three, that "the present administration has determined as matter of policy that it will no longer penalize school districts if they desire to adopt a prevailing wage requirement or enter into a PLA." The issue before us is how these issues have been addressed in settings within school districts. The newspaper accounts alone suggest that there have been egregious behaviors exhibited by certain individuals and that hasn't been addressed. He stated that he doesn't think that we can be summarily dismissive of those situations there because this has been a concern to the school districts. He noted that the reason that the Commission was created was for the benefit of school children and the school districts and as such, it is important that we listen very carefully to these districts that brought these concerns to light in the first place. Senator Cates commented that in point number five when it says, "the Commission agrees

that neither coercion or threat should be used and the Commission agrees that it is inappropriate for the Executive Director of the Commission to coerce or threaten retribution against school districts or dictate the outcome of their legal choice.” He commented that he isn’t in a position to say whether that occurred or not but he would like to find out. In summary, he is concerned that, particularly since we have had three or four newspapers in the state say that the accusations against the OSFC chief are serious and should not be dismissed cavalierly, he commented that he agrees with that statement and that before this body, the three voting members can vote to do this, but we need to have more input and more testimony. He asked that the Commission withdraw the motion or to table it until such time that we can have parties that have been aggrieved by certain factions to come in to address this. He doesn’t believe this is something should be swept under the rug or whitewashed and unfortunately, this is the perception that we are giving to people here is that we are just dismissing this. The IG’s office has a reputation of being equitable, fair, and honest and never has the IGs office been brought into question that they have done things in a manner that would not suggest that they have been thorough in their findings. This resolution today suggests to him that we are not willing to find out what the truth is and such, he would respectfully ask the Commission to withdraw the motion or to table it until the next meeting at such time that we would have people tom come in and testify and gives us more information before we draw these conclusions.

Vice Chair Quill aid that he appreciated Senator Cates’s comments and that he understands that there has been much dialogue created by the IG’s reports, but it would be only appropriate to underline the fact that we think we are responsive to that fundamental concern in underlining the issue of neutrality and the position of this administration and that this is a matter of school choice. The schools choose whether or not engaging in a project labor agreement or prevailing wage standard best serves their district in terms of total cost of ownership. We believe that there is more than one way to measure value, and measure the value for the taxpayers. A simple way to put it would be, to be pennywise and pound foolish. We have seen millions of dollars and many projects come past us in need of remediation, from projects that are delivered outside the scope of a PLA. He commented that there are standards here that represent fundamental difference and values that are understandable and they are arguable. Coming from a place like Dayton, where there is a very strong culture of collective bargaining, he has watched a lot of good wages paid, build homes, buy homes put kids through college. These are value judgments that school district makes relative to their trade unions and the type for communities that they have. The type of support that they expect and ask for is for their school levies that provide valuable revenue for these projects. This Commission is dedicated and committed, and the governor is, too, to the schools’ ability to make that choice. We all come to the table with a variety of experiences. Senator Cates does with his district and upbringing, the Executive Director does with his professional associations. Vice Chair Quill commented that as a Commission member, he would not have made some of the same choices in terms of the type of meetings to take and he would have been a little more sensitive to the representations and projections that his mere presence would have made. Those conversations have been made but we are well aware of the history of the OSFC that 80 per cent of the projects are done with merit shops, non-union shops. We are not as well convinced that the 15 to 20 per cent of the workforce represented by union contractors does not add equitable or equal value when considering the total cost of ownership and that they don’t have a right and privilege to have access to this work. By his record, there are \$3.3 billion worth of work of the total expenditures of this Commission that have been spent with merit shops, which is 75%. This to him represents balance. There are Project Labor Agreements now for a total of nine projects. He does not believe that the record reflects any dramatic tipping of the scales, if anything, it is back to a more balanced representation.

Chair Sabety stated that in regard to Senator Cates’s issues with hearing testimony from aggrieved parties and drawing a conclusion, their job here was to draft a management response to the IG report.

That is how the Inspector General's process works. The narrative in this discussion has been arrived at after lengthy discussion between members of the Commission, individually with the Director and his staff regarding all of the substance of the IG's report over the past three weeks. In terms of bringing people in to testify and determining who is right and who is wrong, this Commission is not an investigatory agency. Our job is to build schools for school children with the best value, as Director Quill said, for Ohio's taxpayers. We believe that much of what is in the IG's report is open to debate between many people perceiving what was going on. She commented that she believes that she and the Governor have been very clear in public that the inflammatory language that was used in one of those meetings referred to in the report was wholly inappropriate and we should disavow all association with that kind of attitude and treatment of local school board members and this is stated in the resolution itself. Chair Sabety stated that the Commission has taken the appropriate management actions required, in order for us to respond to the IG report quickly and to ensure that we have taken all his findings seriously and to move forward on them aggressively. The comprehensiveness of the answer that we heard from the Quality Control group at OSFC that goes to recommendations two and three of the IG report and recommendation one was to clarify our position of the neutrality at OSFC as it relates to local school district decision-making. We have answered each of the specific recommendations of the Inspector General, which is our job in this resolution.

Senator Cates thanked the Chair and Vice Chair for their comments. He stated his points are not about policy in terms of PLAs and collective bargaining, etc. His concern is that we have glossed over, the thrust of the IG report, which is misconduct and misbehavior by certain officials, including the Director. He commented that he would think that the Director would like to have the opportunity to clear his name, for he has not had that opportunity. So people are going to draw their conclusions about whether he acted improperly or not. That is not fair to the Director in that capacity because he has now been linked through all these newspaper articles to this issue that diminishes his credibility. Anyone who is director of OSFC should have the ability to operate with no questions about integrity and reputation. When you talk about that the Commission discussed this, Senator Cates said he was not consulted about anything. While he is not a voting member, nobody discussed with him about anything in the IG report. In terms of the Commission he stated that whatever conclusions you have drawn, begs to have more openness and more participation before this body can draw these conclusions. For the members to say that the Commission does not find evidence, is a very strong conclusion to be drawn here for. He suggests to the Commission members are not in the position to make that decision at this point. Senator Cates asked the members to withdraw the motion or to table it for further discussion at the next meeting in September. While this may not be an investigative body by nature, he would like to hear from people who want to tell us what occurred. He commented that it is disturbing to him, that we are taking these things very lightly. In regard to Director Quill's comments about the schools having the choice to decide what they want to do, he agrees. The reason that this issue was brought to light here, was because they don't feel they have a choice and they were told what to do. Various means of intimidation were used to tell people, "here is what you are going to do." On point number four, "the Commission asserts its right to inform and educate local school districts," he believes that can be worded differently. He stated that the Commission has the responsibility to assist, and not to educate, which sounds condescending to school districts that we are going to educate them about how to run their buildings and how to help them build buildings. Senator Cates commented that the overall tone of the resolution, how it is presented, the allegations that were brought forth by the IG report were unaddressed. He stated that we have a responsibility to the school children of Ohio, to these districts and tax payers of Ohio to remove any doubt that anything here that has gone on is inappropriate or unacceptable. He again asked the motion to be tabled or withdrawn and brought for future consideration in September.

Representative Jordan stated that he gives strong objection to this and would like to express his disappointment if this action is moved forward. He commented that it would be a sad day for Ohio, the students, the educators, the tax payers and the Strickland administration, that they cavalierly dismissed the IG report. While the Commission addressed some of the points, the members are not addressing the heart of the problem. He commented that the Commission talked about quality and processes, but in the IG report, there was much more that was addressed than just the processes and the quality construction. Representative Jordan commented that he could argue that PLAs are not necessarily better quality than merit shops, but that is not today's discussion. The discussion should be more about changing the environment, changing the use of coercion and forcing school districts to do things they do want to do, using intimidation. He had not talked to the superintendents up until this last week. he commented that they seem like decent people, and between the reports that were in the newspapers and his discussions with the superintendents, he believes that this deserves more than a simple resolution passed by several of the Strickland administrations department heads, dismissing it and saying that all the problems are behind us and taken care of, because they are not. Representative Jordan commented there are serious issues that we need to look at and he gave his second to Senator Cates's objection and he expressed his disappointment.

Chair Sabety commented that it is important for us to take action to send a signal regarding the Inspector General's clear recommendations. In this case the Inspector General made a number of allegations about behavior and our job as the Commission is to focus on the three recommendations that he made in terms of actions the Commission should take. We have discussed a number of the other allegations in detail with the Director and we have done so separately. We have not done so as a group, but we have each done so separately regarding the Inspector General's allegations. Chair Sabety stated that it is her conclusion, and she believes it is other's conclusion as well, that while the Inspector General has made a number of allegations, we are in a situation where we are in a "he said, she said" position. This is not an investigatory body. Our job is to build schools and to resolve the recommendations asked for by the Inspector General and move forward on those so we can take the business of this Commission and re-focus it on what it needs to be focused on which is building schools for our kids. She went on to say that it is important for us to move forward in this respect in order to make a timely response to the Inspector General under the statutory deadlines for which we are required to respond. We can discuss further, but the bottom line is that we have had numerous hours of testimony from various school districts that were involved in the original complaint and it has been over a number months. We have all heard it and listened to it and it has been the subject of discussion within this chamber and by this Commission. Chair Sabety stated that much of what is going on here, we have attempted to manage in such a way that we are continuing to move forward on the OSFCs original mission. She understands the concerns here, but she does not believe that the Commission is an investigatory body that can hold a hearing and come to a conclusion on these matters. The Inspector General has referred whatever he believed was a violation of law to the courts, as he should, and she expects the courts will dispose of this in the way that the court should. However, in this group she does not think that we are equipped to undertake this type of investigation and nor should we.

Senator Cates reminded the Commission that we do have the option to split this resolution up into the parts and deal with the issues two and three, which are mainly administrative about how to operate better or differently. He commented that it is interesting that we spent an inordinate amount of time talking about the last two portions in comparison to the first point. While that might be a good thing, it concerns him that we seem to want to gloss over it and be summarily dismissive of the thrust of the report which was allegations of misconduct and misbehavior which was of such concern to local school districts that they felt they need to bring the matter to the attention of legislators, to the Inspector General and to whomever else they needed to because they did not like the way things were

being done. Senator Cates stated that in the time he has been in the legislature, he is not aware that we have ever had this type of situation come up where we have school districts complain about the way they were being dealt with by officials of this Commission or labor officials. He thinks that all the interested parties that he discussed earlier have the right to a full hearing and the airing out of these issues and not just to be dismissed because if the Commission passes this resolution, this Commission and the three voting members are basically saying that we are going to sweep this under the rug and we are not going to talk about it anymore here. If this body chooses not to want to have any investigation, there are other entities that can do that. Senator Cates asked the members to save everyone a lot of trouble and get to the matter of truth now and do this in the correct fashion. The Director's reputation has been stained with these allegations and he has not responded one bit in this Commission meeting today about the allegations.

Chair Sabety mentioned that in a number of previous Commission meetings, which Senator Cates's aide attended on his behalf, each of the allegations that were made in the Inspector General's report were raised in testimony here. The Director appropriately responded at those times and they were investigated all the way along. She commented that she believes that we need to move forward on this resolution because the Inspector General requires us to put together a response to his report and to his three recommendations as quickly as possible. We have done so and taken it seriously, and have discussed it and we have implemented changes in the way in which OSFC does business and we articulate, in the resolution in point number five, exactly what we as commissioners deem the duty of the executive director in pairing out his job and refraining from coercion and any of the allegations made by the Inspector General. She went on to say that this clarity is needed and it is needed now and we are responding directly to the Inspector General's findings in that regard. We should move forward on this resolution.

Representative Jordan commented that the Chair can choose to remove item number one but that seems like a good option so we can truly address this. He went on to say that this doesn't put the issue behind us and take care of the problems; this sweeps it under the rug.

Chari Sabety state that she disagrees with his statement wholeheartedly. The reality is that this Commission is a place where regularly, for those of us who are here every month, we know we take testimony from people every month about issues that they are dealing with and we come up with mediation plans, we implement ways to bring in third parties and independently assessed whether a school should be placed in a flood plain or not. She went on to say that we do many things in this Commission as part of its ordinary operations that allows the public to come in up here and express their concerns and we dispose of them when that occurs. She encourages the Commission to continue to use the tools that are available to this Commission in the on-going management work.

Representative Jordan commented again that it doesn't fix the problem and, in short of the Governor making a choice and telling his directors to change the direction of this board, we are not going to see a change in the attitude and the problems that have been addressed in the Inspector General's report. He went on to say that we need to take a look at them if we are going to change them. Otherwise, we are going to have more of the same, which is his concern as a member of this Commission. There is going to be this constant distraction and constant 800, 900 pound gorilla in the room. Representative Jordan asked the members again to take a look at it because it is the responsible thing to do or else they will be neglecting their job, especially when this commission spends a billion dollars a year, and to have that impropriety hanging over us.

Director Quill commented that there is a responsibility of the Commission to manage the performance of the Executive Director who is duly appointed. He thinks that in the conversations today, we have

told those who disagree that we have had those conversations individually with the Executive Director in terms of how his performance could improve. We manage performance, and performance of contractors and of the staff. If this were a matter for the courts and of law and further the investigation, we would have had indictments and referrals, as we speak. That is the responsibility of the Inspector General, which he has been prolific in his offerings in regard to this enterprise. He went on to say that if there was evidence, barring hearsay, that if there was some legal action that should be contemplated, that it would be pursued with vigor. He drew a comparison to the previous administration where there were obvious contract steering problems and Mr. Fischer was eventually was convicted of ethics violations for playing golf. That performance was not effectively managed and we are trying to draw a bold line in terms of how we do business. That goes for the type of choices that we give our school districts and how they deliver projects and that goes for how we manage the performance of the staff and the Executive Director and that is not done necessarily in front of the microphone all the time.

Chair Sabety added that nor would it be appropriate to do so.

Senator Cates respectfully requested once more that this body remove the resolution or table it today. He commented that he is disappointed that the Superintendent could not be here to participate in this matter of such gravity and it is an unfair burden to put on a designee, Mr. Pompey, to cast this vote. He went on to say that he is disappointed that the Commission does not see fit to get a proper full airing out of this. When the Commission members talked about taking testimony from people earlier, there was no Inspector General's report up until August 5<sup>th</sup>. So whatever testimony may have been taken prior to that here, may or may not apply to the situation at hand here regarding the Inspector General. Senator Cates said that he would throw some caution to the wind here and take your time with this instead of rushing into it.

Director Quill asked Senator Cates if he is aware of testimony that didn't come to the attention of the Inspector General's team. He also asked if he is aware of information or testimony that didn't come to the attention of the Inspector General's team.

Representative Jordan commented that he is going to keep beating this like a drum because it is important for the residents, the people and the students of Ohio. Sunshine, as Mr. Quill said, sunshine is the best disinfectant. And short of this body looking at its own operations or the governor making a choice, instead he has chosen to look at the 3 C rail, he needs to take a look at the three C's: coercion, corruption and cronyism that have been put into the Inspector General's report. There is always going to be that sting of impropriety over this board unless we can put some sunshine on this issue.

Director Quill commented took exception to Representative Jordan's characterization. We saw, as a Commission, no evidence, absent hearsay and presumption of fact, leading into the investigation, no hard evidence. That is what we are opining on in our conclusions in the resolution and therefore we are committed to them.

Chair Sabety called for the vote.

Approval: Vote 3-0.

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

#### *Resolution 10-125*

Mark Wantage presented the Dublin City SD (Franklin), Evergreen Local SD (Fulton), Field Local SD (Portage), Galion City SD (Crawford), North Fork Local SD (Licking), Northwest Local SD (Stark),

Pymatuning Valley Local SD (Ashtabula), Salem City SD (Columbiana), requests to participate in the Energy Conservation Financing Program.

**Dublin City School District (Franklin)**

Total Project Cost: \$6,564,620

Interest Rate (Included in the Total Project Cost): 2.0% (QSCB Applied)

Totaled Annual Savings: \$7,027,695

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

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

Payback Period (Maximum 15 Years): 14.0 years

Number of Buildings: 23

Vendor: Bruner Corp

Scope of Work:

- Lighting Retrofit
- Boiler Replacement
- Solar Dom. Hot Water System
- Mechanical Improvements
- Variable Freq. Drives for motors
- New Variable Refrigerant Flow Cooling System
- Vending Machine Controls
- Building Automation Upgrades

**Evergreen Local School District (Fulton)**

Total Project Cost: \$1,272,510

Interest Rate (Included in the Total Project Cost): 0% (QSCB Applied)

Totaled Annual Savings: \$87,614

O&M Savings (Maximum Limit of 30%): \$26,264

O&M Savings is Percentage of Total Savings: 30%

Payback Period (Maximum 15 Years): 14.5 years

Number of Buildings: 3

Vendor: Brewer-Garrett

Scope of Work:

- Lighting Retrofit (3)
- Building Automation Upgrades (3)
- New LED Parking Lot Lighting (2)
- Vending Machine Control (3)
- Window and Door Replacement (1)
- Energy Efficient Computing (CRT to LED)
- Solar Sign Installation (1)

**Field Local School District (Portage)**

Total Project Cost: \$2,074,732

Interest Rate (Included in the Total Project Cost): 0.0 % (QSCB Applied)

Totaled Annual Savings: \$80,831

O&M Savings (Maximum Limit of 30%): \$22,463

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

Payback Period (Maximum 15 Years): 14.6 years

Number of Buildings: 5

Vendor: Brewer-Garrett

Scope of Work:

- Lighting Retrofit (4)
- Boiler Replacement (4)
- Building Automation (4)
- Thin Client Computing
- Unit Ventilator Repairs

**Galion City School District (Crawford)**

Total Project Cost: \$1,673,040

Interest Rate (Included in the Total Project Cost): 0 % (QSCB Applied)

Totaled Annual Savings: \$120,585

O&M Savings (Maximum Limit of 30%): \$36,204

O&M Savings is Percentage of Total Savings: 30%

Payback Period (Maximum 15 Years): 13.9 years

Number of Buildings: 4

Vendor: Brewer-Garrett

Scope of Work:

- Lighting Retrofit (4)
- Thin Client Computing (4)
- Metering and Load Shedding (4)

**North Fork Local School District (Licking)**

Total Project Cost: \$1,497,076

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

Totaled Annual Savings: \$126,946

O&M Savings (Maximum Limit of 30%): \$13,070

O&M Savings is Percentage of Total Savings: 10.3%

Payback Period (Maximum 15 Years): 11.8 years

Number of Buildings: 3

Vendor: H.E.A.T.

Scope of Work:

- Lighting Retrofit (3)
- Boiler Replacement (3)
- Building Controls Upgrade (3)

**Northwest Local School District (Stark)**

Total Project Cost: \$1,762,125

Interest Rate (Included in the Total Project Cost): 0% (QSCB Applied)

Totaled Annual Savings: \$129,382

O&M Savings (Maximum Limit of 30%): \$36,278

O&M Savings is Percentage of Total Savings: 28 %

Payback Period (Maximum 15 Years): 13.6 years

Number of Buildings: 3

Vendor: Brewer-Garrett

Scope of Work:

- Lighting Retrofit (3)
- New LED Parking Lot Lighting (2)
- Mechanical Repairs (3)
- Building Automation Upgrades (3)
- Window Replacement (1)
- Vending Machine Control (1)

- Thin Client Computing (2)
- Water Conservation (1)

**Pymatuning Valley Local School District (Ashtabula)**

Total Project Cost: \$1,460,460

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

Totaled Annual Savings: \$99,101

O&M Savings (Maximum Limit of 30%): \$29,776

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

Payback Period (Maximum 15 Years): 14.7 years

Number of Buildings: 2

Vendor: Brewer-Garrett

Scope of Work:

- Thin Client Computing

**Salem City School District (Columbiana)**

Total Project Cost: \$1,706,175

Interest Rate (Included in the Total Project Cost): 0 % (QSCB Applied)

Totaled Annual Savings: \$135,721

O&M Savings (Maximum Limit of 30%): \$15,090

O&M Savings is Percentage of Total Savings: 11.1 %

Payback Period (Maximum 15 Years): 12.6 years

Number of Buildings: 5

Vendor: Chevron

Scope of Work:

- Lighting Retrofit (4)
- Boiler Replacement (4)
- Building Automation Upgrades (4)
- Building Envelope Improvements

Vice Chair Quill moved to approve Resolution 10-125.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

**Specialty Services Agreements Approval**

*Resolution 10-126*

Mr. Bode presented Resolution 10-126, Specialty Services Contracts for Engineering Consulting Services for Commission Approval.

<b>Contractor</b>	<b>Scope of Work</b>	<b>Amount</b>
CTL Engineering	Structural/Civil/Environmental	\$200,000
Lawhon & Associates, Inc.	Environmental Engineering	\$50,000
H.C. Nutting Company	Geotechnical Engineering	\$125,000
Resource International, Inc.	Geotechnical Engineering	\$125,000
Kohrs Lonnemann Heil Engineers, PCS	Mechanical/Electrical/Plumbing	\$150,000
Scheeser Buckley Mayfield LLC	Mechanical/Electrical/Plumbing	\$180,000
Kleingers & Associates	Structural/Civil Engineering	\$150,000

Mr. Pompey moved to approve Resolution 10-126.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

### Architectural Agreements and Amendments Approval

#### Resolution 10-127

Todd Hager presented Resolution 10-127, Professional Design Services Agreements and a Locally Funded Initiative, for Commission approval:

#### Agreements:

School District	Project	Architect	Agreement Amount
Austintown Local SD	Build one new PK-2 & one 3-5 school	Olsavsky Jaminet Architects	\$2,679,021.62
Cleveland Municipal SD - Segment 3	Warm Safe and Dry on Seven Schools	Irie Kynyk Goss Architects Inc	\$245,340.00
Columbus City SD- Segment 3	Alum Crest/Clearbrook 6-12 School	Design Group	\$955,617.81
Coshocton City SD	Build one new elementary school	Fanning /Howey Associates Inc.	\$1,320,491.00

#### Amendments:

School District	Project	Architect	Fees to Date	Amendment Amount	Total
Cleveland Municipal SD - Segment 3	Additional design and engineering services at new Garfield K-8	Richard L. Bowen and Associates, Inc.	\$2,958,887.00	\$8,725.00	\$2,967,612.00
Cleveland Municipal SD - Segment 5	Design services for Max Hayes HS to Segment 5	Cleveland Educational Design Alliance	\$2,387,447.01	\$1,842,820.69	\$4,230,267.70
Cleveland Municipal SD - Segment 4	Design services for retaining wall at Euclid Park site	Cleveland Educational Design Alliance	\$2,604,893.00	\$10,000.00	\$2,614,893.00
Cleveland Municipal SD - Segment 4	Design services for additional life safety and site utilities at new Anton Grdina	Robert P. Madison International, Inc.	\$754,330.00	\$13,370.00	\$767,700.00
Dayton City SD - Segment 3	Master plan changes	Dayton School Design Association, Inc.	\$7,490,252.00	\$77,299.81	\$7,567,551.81
Milton Union Village SD	Additional site design	Ruetschle Architects	\$2,528,359.76	\$32,400.00	\$2,560,759.76
Toledo Public SD - Segment 1	Master plan changes	Allied Toledo Architects	\$14,008,485.00	-\$487,666.51	\$13,520,818.49
Toledo Public SD - Segment 3	Master plan changes	Allied Toledo Architects	\$4,433,872.17	-\$458,523.20	\$3,975,348.97
Toledo Public SD - Segment 4	Master plan changes	Allied Toledo Architects	\$5,805,490.26	-\$1,909,236.04	\$3,896,254.22

#### Locally Funded Initiative:

School District	Project	Architect	LFI Amount
Cleveland Municipal SD - Segment 4	Design services to convert Thomas Jefferson PK-8 facility to PK-12 facility	Cleveland Educational Design Alliance	\$12,750.00
Cleveland Municipal SD - Segment 3	Relocating hearing impaired program and public hearing clinic from Alexander Gram Bell school to new Wilson K-8 facility	Robert P. Madison International, Inc.	\$25,000.00
Cleveland Municipal SD - Segment 3	Additional design and engineering services at new Harvey Rice PK-8	Richard L. Bowen and Associates, Inc.	\$7,465.00

Coshocton City SD	Additional classrooms and site work	Fanning /Howey Associates Inc.	\$85,269.00
Dayton City SD – Segment 3	Segment 3 reduced LFI square footage	Dayton School Design Association, Inc.	-\$250,540.51
Milton Union Village SD	Additional site design	Ruetschle Architects	\$131,100.00
South Range Local SD	Locally funded athletic facilities	Balog Steines Hendricks & Manchester Architects, Inc.	\$215,513.85
Toledo Public SD – Segment 1	Locally funded demolition	Allied Toledo Architects	\$12,750.00
Toledo Public SD – Segment 5	Addition of Boys and Girls club to Marshal ES	Allied Toledo Architects	\$35,501.00

Vice Chair Quill moved to approve Resolution 10-127.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

### **Construction Manager Agreements and Amendments Approval**

#### *Resolution 10-128*

Rob Slagle presented Resolution 10-128 for the following Construction Manager Agreements, for Commission approval.

School District	County	CM Firm	Total CM Compensation
Northwestern Local SD	Clark	Shook Touchstone III LLC	\$2,653,610

Mr. Pompey moved to approve Resolution 10-128.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

#### *Resolution 10-129*

Mr. Slagle also presented Resolution 10-129 for the following Construction Manager Amendment to an Agreement, for Commission approval:

School District	County	Construction Manager	Amount
Teays Valley Local SD	Pickaway	Ruscilli Construction Company, Inc.	\$0
Gallipolis City SD	Gallia	BBL Construction Services, LLC.	\$33,934
Akron City SD – Segment 3	Summit	The Ruhlin Company	\$1,415,357

Vice Chair Quill moved to approve Resolution 10-129.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

#### *Resolution 10-130*

Mr. Slagle also presented Resolution 10-130 for the following Construction Manager Locally Funded Initiative, for Commission approval:

School District	County	Construction Manager	Amount
Miami Trace Local SD	Fayette	The Quandel Group, Inc.	\$148,919
Highland Local SD	Morrow	The Quandel Group, Inc.	\$99,204
Toledo City SD - Segment 1	Lucas	LGB LLC	\$234,250
Toledo City SD - Segment 2	Lucas	LGB LLC	\$19,997

Mr. Pompey moved to approve Resolution 10-130.  
Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

**Trade Construction Contracts Approval**  
*Resolution 10-131*

Mike Mendenhall presented Resolution 10-131, approving the award of Trade Construction Contracts, for Commission approval.

	Contracting Entity	School District	Building Type	Scope of Work	\$ Amount
1	DSV Builders, Inc.	Barberton CSD	Barberton UL Light ES School	General Trades	\$6,300,000.00
2	R & M Electric Co., Inc. dba Summit Electric	Barberton CSD	Barberton UL Light ES School	Electrical	\$1,648,840.00
3	Mecon, Inc.	Barberton CSD	Barberton UL Light ES School	HVAC/Controls	\$2,057,000.00
4	Oakland Plumbing Co.	Barberton CSD	Barberton UL Light ES School	Plumbing	\$767,113.00
5	Dalmatian Fire	Brookville LSD	PK - 3	Fire Protection	\$161,000.00
6	Apex Mechanical	Brookville LSD	PK - 3	HVAC	\$1,150,000.00
7	Beacon Electric	Brookville LSD	PK - 3	Electric	\$1,444,000.00
8	Sarver Plumbing	Brookville LSD	PK - 3	Plumbing	\$374,900.00
9	AKA Construction	Brookville LSD	PK - 3	General Trades	\$5,091,400.00
10	Monarch Construction	Cincinnati CSD	Clark Montessori	General Trades	\$10,689,000.00
11	Tom Sexton & Associates	Cincinnati CSD	Hughes Center	Loose Furnishings	\$345,222.96
12	Tom Sexton & Associates	Cincinnati CSD	North Avondale Montessori School	Loose Furnishings	\$253,451.11
13	Peck, Hannaford & Briggs Company	Cincinnati CSD	Chase School	HVAC	\$1,039,000.00
14	Continental Office Furniture Corporation	Cincinnati CSD	Academy of Multilingual Studies	Loose Furnishings	\$192,303.60
15	Glenwood Electric, Inc.	Cincinnati CSD	Clark Montessori	Electrical/Technology	\$1,458,000.00
16	Peck, Hannaford & Briggs Company	Cincinnati CSD	Clark Montessori	HVAC	\$1,770,000.00
17	Ken Neyer Plumbing	Cincinnati CSD	Chase School	Plumbing	\$640,000.00

18	Tom Sexton & Associates	Cleveland MSD	Douglas Macarthur Warner, John Hay and Kenneth Clement	Loose Furnishings	\$27,561.39
19	Continental Office Furniture Company	Cleveland MSD	George Washington Carver, Nathan Hale, Thomas Jefferson and Anton Grdina	Furniture, Fixture and Equipment	\$227,695.59
20	Tom Sexton & Associates	Cleveland MSD	4 K - 8's	Loose Furnishings	\$1,286,877.25
21	Otis Elevator Company	Clyde-Green Springs EVSD	Clyde HS	Elevator Modernization	\$84,165.00
22	R D Jones Excavating, Inc.	Columbus Grove LSD	PK - 12	Early Site	\$465,791.00
23	Reece - Campbell, Inc.	Dayton CSD	HS and 7th and 8th Grade Addition	General Trades	\$2,874,000.00
24	Griffith Sheet Metal	Dayton CSD	PK - 8	HVAC	\$1,830,000.00
25	Monarch Construction	Dayton CSD	PK - 8	General Trades	\$7,167,000.00
26	Starco, Inc.	Dayton CSD	PK - 8	Plumbing	\$619,000.00
27	Chapel Electric	Dayton CSD	HS and 7th and 8th Grade Addition	Electric	\$402,495.00
28	S A Comunale	Dayton CSD	HS and 7th and 8th Grade Addition	Fire Protection	\$41,800.00
29	Chapel Electric	Dayton CSD	PK - 8	Electrical	\$1,988,880.00
30	Simplex Grinnell	Dayton CSD	PK - 8	Fire Suppression	\$188,980.00
31	Precision Piping	Dayton CSD	HS and 7th and 8th Grade Addition	Plumbing/HVAC	\$285,000.00
32	Barbicas Construction Company, Inc.	East Cleveland MSD	Shaw HS	Renovation/ Remedial Work	\$120,995.00
33	Endeavor Construction	Eastern LSD	MS	General Trades	\$6,126,000.00
34	Dalmatian Fire Inc.	Eastern LSD	MS	Fire Protection	\$106,400.00
35	Feldkamp Enterprises, Inc	Eastern LSD	MS	Plumbing	\$543,000.00
36	Weller's Plumbing & Heating, Inc.	Eastern LSD	MS	HVAC	\$2,008,000.00
37	Empire Building Company	Cincinnati CSD	Chase School	General Trades	\$6,198,000.00
38	Sidewinder Electric	Eastern LSD	MS	Electrical/ Technology	\$1,836,672.00
39	Brown County Construction Company	Fayetteville Perry LSD	School District	Site Asphalt	\$64,790.00
40	The Wasserstrom Company **	Gallipolis CSD	Gallia Academy MS	Food Service	\$329,250.00
41	Cardinal Environmental Service Company	Garfield Heights	Elmwood ES	Asbestos Abatement	\$127,850.00
42	Zenith Systems, LLC	Garfield Heights	Elmwood ES	Electrical	\$619,645.00
43	Simplex Grinnell, LP	Garfield Heights	Maple Leaf ES	Fire Protection	\$89,930.00
44	ABC Piping Co., Inc.	Garfield Heights	Maple Leaf ES	HVAC	\$795,600.00

45	Zenith Systems, LLC	Garfield Heights	Maple Leaf ES	Electrical	\$564,800.00
46	Fire Protection, Inc.	Garfield Heights	Elmwood ES	Fire Protection	\$101,800.00
47	Mile Mechanical, Inc.	Garfield Heights	Elmwood ES	HVAC	\$1,190,000.00
48	E. B. Katz Company	Garfield Heights CSD	Elmwood ES	Plumbing	\$156,900.00
49	Giambrone Construction, Inc.	Garfield Heights CSD	Elmwood ES	General Trades	\$2,214,750.00
50	Loop Group, Inc.	Genoa Area LSD	ES	Geothermal	\$169,805.00
51	Tom Sexton and Associates	Graham LSD	HS	Loose Furnishings	\$130,500.00
52	Martin Public Seating	Graham LSD	HS	Loose Furnishings	\$243,432.25
53	C K Excavating, Inc.	Hamilton CSD	Wilson MS	Eaton Avenue Road Widening	\$352,692.00
54	T P Mechanical	Highland LSD	HS, MS, ES	HVAC Dampers	\$57,000.00
55	Playworld Midstates	Huber Heights CSD	District Wide	Playfield Equipment and Structure	\$568,501.00
56	King's Electric Services	Huber Heights CSD	MS	Electrical	\$2,047,777.00
57	Staffco Construction, Inc	Huber Heights CSD	ES	General Trades	\$12,196,000.00
58	Central Fire Protection Company	Huber Heights CSD	ES	Fire Protection	\$189,480.00
59	Feldkamp Enterprises, Inc.	Huber Heights CSD	ES	HVAC	\$1,947,000.00
60	Ken Neyer Plumbing	Huber Heights CSD	ES	Plumbing	\$790,000.00
61	Tom Sexton & Associates	Ironton CSD	HS	Loose Furnishings	\$271,800.69
62	Solid Rock Construction Service, LLC	Ironton CSD	MS	Demolition	\$671,900.00
63	Barbicas Construction Co., Inc.	Jefferson Area LSD	JR/SR HS	Phase 2 Paving	\$489,527.10
64	Tom Sexton Associates	Liberty Union- Thurston	HS	Loose Furnishings	\$130,961.00
65	AHC, Inc.	Liberty Union- Thurston	MS	Abatement	\$26,395.00
66	Robertson Construction Services, Inc.	Liberty Union- Thurston	HS	Flooring	\$101,550.00
67	Breckenridge Kitchen Equipment **	Louisville CSD	PK - 5 ES, Louisville HS	Food Service Equipment	\$976,889.00
68	Abbott Electric, Inc.	Louisville CSD	PK - 5 ES	Communication (Cabling Infrastructure)	\$376,309.00
69	Total Environmental Services, LLC	Louisville CSD	Louisville HS	Hazardous Materials Abatement	\$148,350.00
70	Studer-Obringer, Inc.	Mount Gilead EVSD	HS/MS	Parking Area Repair and Improvements	\$193,000.00
71	Nor-Com, Inc.	Mount Healthy CSD	JR/SR HS, 2 ES's	Technology	\$1,992,592.00

72	Guenther Mechanical, Inc.	Norwayne LSD	Norwayne HS/MS	Mech/HVAC	\$39,800.00
73	AC Split Bolt, Inc.	Norwayne LSD	Norwayne HS/MS	Technology	\$44,026.00
74	Thomas & Marker Construction Co.	Pickerington LSD	Central HS	General Trades	\$2,566,700.00
75	Chemcote Roofing Company	Pickerington LSD	JR HS	Roofing	\$430,032.00
76	Meade Construction, Inc.	Pickerington LSD	Central HS	Roofing	\$565,400.00
77	Johnson Controls	Pickerington LSD	Ridgeview JR HS and Central HS	Temperature Controls	\$1,189,550.00
78	S A Comunale	Pickerington LSD	Ridgeview JR HS	Fire Protection	\$217,400.00
79	Tom Sexton & Associates	Pike Delta York Local	PK - 4 ES	Loose Furnishings	\$270,785.21
80	Zenith Systems, LLC	Pike Delta York Local	PK - 4 ES, MS, HS	Security Camara, Audio/Visual, Network Electronics	\$260,277.00
81	Logos Communication, Inc.	Pike Delta York LSD	HS, MS, ES	Telephone System	\$48,500.00
82	Breckenridge Kitchen Equipment & Design **	Reynoldsburg CSD	Herbert Mills ES	Food Service Equipment	\$142,360.00
83	Farnham Equipment Company **	Reynoldsburg CSD	Herbert Mills ES	Casework	\$135,500.00
84	C & T Design & Equipment **	Reynoldsburg CSD	Rose Hill ES	Food Service Equipment	\$144,615.87
85	Breckenridge Kitchen Equipment & Design **	Reynoldsburg CSD	French Run ES	Food Service Equipment	\$149,000.00
86	Fire Guard, Inc.	Reynoldsburg CSD	Rose Hill ES	Fire Protection	\$69,490.00
87	Reece - Campbell, Inc.	Russia LSD	K - 12	General Trades	\$2,533,900.00
88	S. A. Comunale, Inc.	Russia LSD	K - 12	Fire Protection	\$113,000.00
89	Regal Plumbing & Heating Co. *	Russia LSD	K - 12	Plumbing	\$275,438.00
90	Sollman Electric Co.	Russia LSD	K - 12	Electrical & Technology	\$1,053,173.00
91	Peterman Plumbing Heating, Inc.	Strasburg Franklin LSD	K - 12	Plumbing	\$52,333.00
92	J. F. Bernard, Inc.	Strasburg Franklin LSD	K - 12	HVAC	\$92,666.00
93	Abbot Electric, Inc.	Strasburg Franklin LSD	K - 12	Electrical	\$134,135.00
94	S S Sprinkler	Strasburg Franklin LSD	K - 12	Fire Protection	\$29,700.00
95	The Knoch Corporation	Strasburg Franklin LSD	K - 12	General Trades	\$1,214,000.00
96	Raze International, Inc.	Switzerland of Ohio LSD	River HS	Asbestos Abatement	\$299,000.00
97	Darby Creek Excavation, Inc.	Teays Valley LSD	South Bloomfield ES	Site Work & Roadway Improvements	\$148,999.00
98	Oakland Plumbing Company	Toledo CSD	McKinley ES	Plumbing	\$294,013.00
99	Westfield Electric, Inc	Toledo CSD	McKinley ES	Electrical	\$741,379.00

100	Crestline Paving & Excavating	Toledo CSD	McKinley ES	Site	\$799,804.00
101	Klumm Bros.	Toledo CSD	Pickett Academy ES	Building Cleanout	\$10,195.00
102	Crestline Paving & Excavating	Toledo CSD	Marshall ES	Site	\$369,150.00
103	Baumann Enterprises, Inc.	Toledo CSD	Pickett Academy ES	Site Demolition	\$33,333.00
104	Colgan-Davis, Inc.	Toledo CSD	Marshall ES	Electrical	\$752,000.00
105	Industrial Power Systems, Inc.	Toledo CSD	Marshall ES	Plumbing	\$288,600.00
106	Brookside Lawn Services, Inc. **	Toledo CSD	Scott HS	Landscaping	\$66,900.00
107	Industrial Power Systems, Inc.	Toledo CSD	McKinley ES	HVAC	\$1,379,500.00
108	Chapel-Romanoff Technologies, LLC	Toledo CSD	Beverly K - 8	Technology	\$657,000.00
109	B. Williams Bucher, Inc.	Toledo CSD	PK-4, MS, HS	Painting	\$95,696.00
110	Klumm Bros.	Toledo CSD	Pickett Academy ES	Building Demolition	\$199,438.00
111	Laibe Electric Co	Toledo CSD	McKinley ES	Technology	\$439,825.00
112	Mosser Construction, Inc.	Toledo CSD	McKinley Es	General Trades	\$3,288,000.00
113	Wood Electric, Inc.	Tuslaw LSD	PK - 4 ES	Electrical	\$1,389,514.00
114	Mecon, Inc.	Tuslaw LSD	PK - 4	HVAC Mechanical	\$1,649,000.00
115	RNL Fire Systems, LLC	Tuslaw LSD	PK - 4 ES	Fire Protection	\$109,750.00
116	R T Hampton Plumbing & Heating, Inc.	Tuslaw LSD	PK - 4 ES	Plumbing	\$367,463.00
117	The Knoch Corporation *	Tuslaw LSD	PK - 4 ES	General Trades	\$5,070,300.00
118	Miller Contracting Group, Inc.	Versailles EVSD	K - 12	Demolition	\$409,800.00
119	Keen & Cross Enviromental Services, Inc.	Versailles EVSD	ES, HS	Asbestos Abatement	\$76,538.00
120	Service Supply Ltd, Inc.	Versailles EVSD	K - 12	Playground & Site Equipment	\$201,813.00
121	Enertech Electrical, Inc.	Wadsworth CSD	HS & Community Campus	Electrical	\$7,350,000.00
122	Jackson & Sons Drilling and Pump, Inc.	Wadsworth CSD	HS and Community Campus	Geothermal	\$1,455,000.00
123	Fire Foe Corporation	Wadsworth CSD	HS and Community Campus	Fire Protection	\$741,450.00
124	The K Company	Wadsworth CSD	HS & Community Campus	HVAC	\$7,450,000.00
125	R. A. M. E., Inc.	Wadsworth CSD	HS and Community Campus	Roofing	\$4,446,000.00
126	Rittman, Inc. DBA Mull Iron *	Wadsworth CSD	HS and Community Campus	Structural Steel	\$4,672,000.00

127	Gorman-Lavelle Corporation	Wadsworth CSD	Wadsworth HS	Plumbing	\$3,020,000.00
128	Foti Contracting, LLC	Wadsworth CSD	HS and Community Campus	Foundations and Masonry	\$11,221,000.00
129	R. A. M. E., Inc.	Wadsworth CSD	HS and Community Campus	Roofing	\$4,446,000.00
130	Allard Excavation	Whitehall CSD	ES, MS	Early Sitework	\$1,037,750.00
131	Kreidler Construction Company *	Youngstown CSD	East HS	Fire Road Improvement	\$106,156.00
132	Shelly & Sands, Inc.	Zanesville CSD	HS/ES	Paving	\$496,460.00
133	Robertson Construction Services, Inc.	Zanesville CSD	District Wide	Cascading Stairs	\$339,000.00
					<b>\$177,825,926.02</b>

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

Vice Chair Quill moved to approve Resolution 10-131.  
Mr. Pompey seconded the motion.  
Approval: Vote 3-0.

### **Memorandum of Understanding Approval**

#### *Resolution 10-132*

John Eufinger presented Resolution 10-132, approving a Memorandum of Understanding for legal services from the Office of the Attorney General, for Commission approval.  
Mr. Pompey moved to approve Resolution 10-132.  
Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

### **Settlement Agreement Approval**

#### *Resolution 10-133*

John Eufinger presented Resolution 10-133, authorizing settlement with Beilharz Architects, Inc. on the Holgate Local School District project, for Commission approval.

Vice Chair Quill moved to approve Resolution 10-133.  
Mr. Pompey seconded the motion.  
Approval: Vote 3-0.

### **Settlement Agreement Approval**

#### *Resolution 10-134*

John Eufinger presented Resolution 10-134, authorizing settlement with J&H Reinforcing & Structural Erectors, Inc. on the Hillsboro Local School District project, for Commission approval.

Vice Chair Quill moved to approve Resolution 10-134.  
Mr. Pompey seconded the motion.  
Approval: Vote 3-0.

## Public Testimony

*Bill Koester*

Mr. Koester commented that at the June 24<sup>th</sup> Commission meeting, Representative Jordan had commented that PLAs were more expensive. Mr. Koester stated that after the meeting, he had asked Representative Jordan to provide him with some statistical information stating that Project Labor Agreements were more expensive and Representative Jordan said that he would. Mr. Koester wanted to make clear that he has requested this information and he has yet to receive a response from Representative Jordan or his office.

The meeting was adjourned at 4:18 PM.



J. Pari Sabaty, Chair



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