

**Ohio School Facilities Commission  
November 18, 2010  
William McKinley Room  
1:30 PM**

***MINUTES***

Chair Sabety called the meeting to order at 1:33 PM.

**Roll Call**

Members present: Chair J. Pari Sabety, Vice Chair Hugh Quill (arrived at 1:36 PM), Mr. Francis Pompey and Representative Matt Patten (arrived at 1:40 PM).

**Adoption of the September 30, 2010 Meeting Minutes**

Vice Chair Quill moved to approve the September 30, 2010 meeting minutes.

Madam Chair Sabety seconded the motion.

Approval: Vote 2-0.

**Executive Director's Report**

**I. Topics**

**1. OSSD/ OSSB -- October 28th Bids**

Director Murray stated that he has provided the Commission members with a spreadsheet with information on the October 28<sup>th</sup> dormitory structure bids for the Ohio School for the Deaf and the Ohio School for the Blind, which was put together by Rob Grinch, the Project Administrator on the project. He commented that he will compare the bids from July 22, 2010, with the Project Labor Agreement (PLA) intact to the second bid on October 28, 2010, without the PLA in the bid specifications. On July 22<sup>nd</sup>, the bids came in approximately 46 percent over the estimate and on October 28<sup>th</sup>, the bids came in approximately four percent over estimate. He pointed out that the table talks about the different prime contracts, the estimates and the bids and the number of bidders. The number of bidders on July 22<sup>nd</sup> totaled 13 across all the packages, while the number on October 28<sup>th</sup> totaled 32. There were a lot of variations within the bid packages and comparisons that could be made, but primarily in the General Trades contract. There were two bidders on July 22<sup>nd</sup> and there was a bid overestimate of 44 percent and on October 28<sup>th</sup> there were 12 bidders and the bid was under the estimate by two percent. There was a low bidder that was approximately six percent under estimate, but there was a clerical error in the bid and it was the judgment of the Construction Manager (CM) and attorneys that this error did occur, which disqualified the bid and left the second low bidder, TransAmerica, two percent under estimate at the bid of \$3,975,000. He commented that we still have issues with the estimation process with the plumbing and HVAC bid packages on October 28<sup>th</sup>, which were \$240,000 over the estimate and \$315,000 over the estimate, respectively. Director Murray informed the Commission that they have a memo from the CM dated November 17, 2010, which talks about having missed some of the items of material and making some labor judgments that were not born out in bids. The low bid on electric on July 22<sup>nd</sup> was \$798,000

over the estimate and the estimate was increased to the second bid on October 28<sup>th</sup> by approximately \$240,000. The bid came in 12 percent over that at about \$70,000 to \$80,000; in the electric portion, the bid was 12 percent under estimate, but the plumbing bid was 35 percent over the estimate. He commented that the plumbing was based upon the use of metal pipe not having been picked up by the CM, who had bid it with plastic.

Chair Sabety asked Director Murray to clarify that the estimate for the plumbing was made with plastic but the actual bids came in with copper, etc.

Director Murray replied that the bids came in as the architect specified, with copper pipe and cast iron sanitary pipe, but the CM estimated it with plastic, so his estimate was considerably under the bid because he failed to pick up the different use of materials. He commented that this is what OSFC considers to be essentially residential structures. These are single story, residential structures and not commercial structures. The other factor is that the estimate from July 22<sup>nd</sup> increased by \$633,000, which is shown in the Commission members' hand-out. This shows that there was an increase of \$195,000 due to inflation, \$438,000 of net revisions to the specifications to include items that the CM had not properly estimated, as well as some deletions. Director Murray commented that this ended up being a net 7.2 percent of additions to the estimate.

Chair Sabety asked what the next steps are in this process.

Director Murray replied that the CM is reviewing these contracts and he believes that the contracts can be awarded. We have a bid that is four percent over the estimate, which is in the awardable range. The contract will be ready for Commission action in December, if that is the pleasure of the Commission. However, there are several factors happening here. One factor is that the bid documents will be signed and returned by the contractors and ready to be acted upon. Second, the bidders and contractors believe that an earlier start, if their bids and contracts are approved, will give them the advantage of beginning in January or February, weather permitting, as opposed to the March 1<sup>st</sup> date that is specified. The CM believes that this is worthwhile. Third, the contract completion date for the dormitories currently is scheduled for February 2012. If there can be an earlier start, then that may potentially move that back to late December 2011 or early January 2012 and allow the schools earlier access to the facilities. Director Murray commented that he does not know whether the new administration will hold a January Commission meeting. Overall, the bids are acceptable, they have been reviewed and are ready to go, and the contractors are ready to go.

Chair Sabety asked if this would require an action by this body.

Director Murray responded that we would bring this back as trade contracts and seek approval.

Chair Sabety asked if a meeting in December would be needed to move ahead.

Director Murray responded that if the contracts come back by December 9<sup>th</sup>, then the week of Monday the 13<sup>th</sup> would be good for a meeting.

Mr. Pompey commented that he wants to make sure that the life safety systems for the dormitories portion will be finished and operable by February 2012.

Director Murray replied that we will have to leave that for the system professionals to work out those details. We obviously do not want an alarm or detection system to not be operable. If that is a priority, then the architect and the CM can start to work through that and have an installation in place and to make sure that everything is operational.

## 2. Election Results

Director Murray had Eric Bode discuss the election results that affect OSFC qualified schools.

Eric Bode explained that the two spreadsheets in the Commission members' handout show where we stand with the election earlier in the month. This was the worst showing ever. There were ten bond issues on the ballot for school districts' projects within the OSFC funded program and only one, Toronto, passed. Overall, the school bond issues did not do very well. Two projects are in the Expedited Local Partnership Program – Keystone and Willoughby. In July, the Commission approved nine projects. We know we have funding for three of those- Toronto joins with Madison and Three Rivers which are both school districts that had passed last May- in advance of getting funding from the Commission. There is also 33 percent of the total funding of all the projects that have been approved. Those projects then have February, May and August still to attempt to get things passed.

Chair Sabety asked what does this do in terms of the cash flow.

Mr. Bode responded that his current projection is about a two-thirds passage rate.

Chair Sabety asked if we are one-third of the way there.

Mr. Bode replied that, if come next August, nobody else has passed and we are still only three out nine, then that would free up additional money for new projects that we have not yet approved. But if in the end we had six out of the nine, then we would be right on schedule.

## 3. A/E Outreach

Director Murray commented that we had originally scheduled a workshop with the architects and the engineers this month, but decided instead to plan a series of webinars and outreaches to the architects and engineers to talk about mutual issues regarding planning and execution. Melanie Drerup and Sue Meyer have started this process. Ms. Drerup has also invited architects to talk with staff about 21<sup>st</sup> Century design in small groups.

Director Murray commented that we want to make sure that the school district, the architect and the engineers have an understanding of what flexibility they have with those kinds of designs.

Ms. Drerup commented that the roundtable discussions will be held December 1-3, 2010. There will be two hour, rapid fire sessions and also a one hour LEED session.

4. Buckeye Central/ LEED Gold

Director Murray informed the Commission that Buckeye Central in Crawford County has finished construction of a K-12 facility and it has been certified LEED Gold. This is part of the initiative that the Commission started over three years ago, and we now have more than 130 buildings in the certification process for silver, another 87 that are on track for Gold certification and six buildings that may even achieve LEED platinum status.

**II. Personal Service Contract Approvals**

None

**IIA. Maintenance Plan Approvals**

**III. Director Activities**

*Visits*

1. Arcanum Butler Local SD (Darke) – 10/19/10
2. OSFC/ODE/eTech Education Technology Roundtable -- 10/20/10
3. Southeast Local SD (Portage) – 10/25/10
4. Switzerland of Ohio Local SD (Monroe) Groundbreaking – 11/1/10

*Meetings*

1. Supt. Kathryn Hellweg re. Warren City SD Enrollment Projections – 10/6/10
2. Director Boggs, Ohio Dept. of Agriculture re. School Kitchens – 10/7/10
3. BASA School Facilities Advisory Committee – 10/13/10
4. Ohio Dept. of Administrative Services re. Real Estate – 10/13/10
5. Wellston re. Appeal to Commission by MMI – 10/21/10

**Ohio School Design Manual Supplement Approval**

*Resolution 10-146*

Melanie Drerup stated that in June of this year, the Commission approved the 2010 Ohio School Design Manual Annual Update. Subsequent to that approval, we had a district request that we review the program and square footage for larger elementary and middle schools. In response, we have updated the elementary and middle school programs with examples for 1,000, 1,500 and 2,000 students. In addition, individual restrooms were increased by 10 feet to better accommodate access for the disabled. AV storage in the media center was repurposed to allow for a larger workroom/storage room at the elementary school, a larger workroom/storage, conference and multimedia room and at the high school, a small group room was added. The computer room was relocated from the media center to the academic core and relabeled to allow districts to use this space as a science/computer lab at the elementary and as a Stem/Computer Lab at the middle school. Clerical changes were made to the document for all building programs to improve ease of use. Special Education Design ideas and features were added as well. A few system and material changes are also being made to allow additional flexibility. Ms. Drerup added that operable windows are indicated as optional to support various HVAC systems. Clarifications to window glazing and the use of blinds and shades were also made to support day lighting design as well as clarifications to enhanced floor tile specifications to allow for more options.

Melanie Drerup presented the 2010 Ohio School Design Manual Supplement, for Commission approval.

Vice Chair Quill moved to approve Resolution 10-146.  
 Mr. Pompey seconded the motion.  
 Approval: Vote 3-0.

**School Energy Conservation Financing Program Approval**  
*Resolution 10-147*

Mark Wantage presented the Champion Local SD (Trumbull), Eaton Community SD (Preble) and Wellington Exempted Village SD (Lorain), to participate in the School Energy Conservation Financing Program, for Commission approval.

**Eaton Community City School District (Preble)**

Total Project Cost: \$2,575,053  
 Interest Rate (Included in the Total Project Cost): 3.65%  
 Totaled Annual Savings: \$249,562  
 O&M Savings (Maximum Limit of 30%): \$23,660  
 O&M Savings is Percentage of Total Savings: 9.5%  
 Payback Period (Maximum 15 Years): 10.73 years  
 Number of Buildings: 4  
 Vendor: Energy Optimizers, USA  
 Scope of Work:  
 - Lighting Upgrades (4)  
 - Occupancy Sensors (4)  
 - Building Controls Upgrades and Modifications (4)  
 - New Thermal Storage System (2)  
 - Motor Variable Speed Drive (4)  
 - Utility Sub-metering (4)  
 - 100KW PV Array (2)  
 - Solar Thermal Hot Water System (2)  
 - 3 year PM Program (4)  
 - Energy Star Education Program with no savings claimed (4)

**Champion Local School District (Trumbull)**

	<i>June 2009</i>	<i>Revised</i>
Total Project Cost:	\$708,471	\$1,852,187
Interest Rate (Included in the Total Project Cost):	5.0%	2.75%
Totaled Annual Savings:	\$80,383	\$130,934
O&M Savings (Maximum Limit of 30%):	\$9,903	\$39,283
O&M Savings is Percentage of Total Savings:	11.3%	30%
Payback Period (Maximum 15 Years):	8.8 years	14.1 years
Number of Buildings:	4	1 added
Vendor:	Brewer-Garrett Company	
Scope of Work:		
- Lighting Upgrades (4)		
- Steam Trap Replacement (2)		
- Building Controls Upgrades and Modifications		
- Roof Replacement (1)		
- Water Conservation Measures (4)		

Revised Additions:

- Lighting Upgrades
- Boiler Replacement
- Thin Client Computing (5)

**Wellington Exempted School Village (Lorain)**

Total Project Cost: \$1,564,214  
 Interest Rate (Included in the Total Project Cost): 5.50%  
 Totalled Annual Savings: 106,742  
 O&M Savings (Maximum Limit of 30%): \$0  
 O&M Savings is Percentage of Total Savings: 0%  
 Payback Period (Maximum 15 Years): 14.7 years  
 Number of Buildings: 3  
 Vendor: Tremco  
 Scope of Work:  
 - Lighting Retrofit (3)  
 - Window Replacement (3)  
 - Controls Upgrade (3)  
 - Dishwasher Booster Conversion (3)  
 - Steam Trap Repair (3)

Mr. Pompey moved to approve Resolution 10-147.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 3-0.

**ELPP Master Facility Plan Amendment and Project Agreement Amendment Approval**  
*Resolution 10-148*

Steve Lutz presented an amendment of the Master Facilities Plan (MFP) for the Milford Exempted Village SD of Clermont County for their 2001 participation in the Expedited Local Partnership Program (ELPP). This MFP amendment updates the cost set to 2008 for the four schools that were not part of the ELPP Phase I work. It updates the enrollment, adding a total of 154 students to the total population served by the district. It revises the number of students assigned to and the co-funded square footage of all eight schools in the MFP and it adds the LEED allowance to one elementary school and to the majority of the renovation of the junior high and high school. The MFP budget is increased by \$53 million to a total of \$146.1 million.

School District (County)	Change in Scope	Increase to the Project Budget	
Milford Exempted Village SD (Clermont)	<ul style="list-style-type: none"> <li>• Overall district enrollment increase (additional 152 students)</li> </ul>	\$14,322,014	State Share
	<ul style="list-style-type: none"> <li>• Update OSDM cost set from 2001 to 2008 and include LEED allowances at Boyd E. Smith ES and LEED allowance for scope at Milford Jr. HS and Milford HS which is not granted a LEED waiver.</li> </ul>	\$38,722,482	Local Share
	<ul style="list-style-type: none"> <li>• Based on the district's ballot language, amount and passing preceding the LEED silver certification requirements, the district has submitted a LEED waiver request for the Milford HS and Milford Jr. HS additions and select renovations at Jr. HS and HS</li> </ul>	\$53,044,495	<b>TOTAL</b>

Also for Milford, we have the amendment of their ELPP agreement to reflect the amendment of the MFP and to add a second phase of ELPP work by the district. The ELPP agreement amendment increases the number of students assigned to four schools completed in Phase I and credits space previously planned in a Locally Funded Initiative (LFI). The agreement amendment also adds a second phase of ELPP for very limited addition and partial renovation work at the junior high and high school. Due to the limited scope under ELPP, this work is seeking a waiver of LEED. The agreement amendment also increases the ELPP credit by \$29.8 million for a total of \$70 million.

School District (County)	Amendment Type	Project Scope Change	Total Amendment Cost Change	Total Revised Project Budget
Milford Exempted Village SD (Clermont)	1 <sup>st</sup>	<ul style="list-style-type: none"> <li>• 2001 OSDM cost set: Phase I ELPP complete. Build new ES (McCormick) to house grades PK-6. Enrollment increase of 43 students. Convert 4,397 sf of LFI space to co-funded space for a total of 76,267 sf.</li> <li>• 2001 OSDM cost set: Phase I ELPP complete. Build new ES (Meadowview) to house grades PK-6. Enrollment increase of 43 students. Convert 4,397 sf of LFI space to co-funded space for a total of 76,267 sf.</li> <li>• 2001 OSDM cost set: Phase I ELPP complete. Build new ES (Mulberry) to house grades PK-6. Enrollment increase of 43 students. Convert 4,397 sf of LFI space to co-funded space for a total of 76,267 sf.</li> <li>• 2001 OSDM cost set: Phase I ELPP complete. Build new ES (Pattison) to house grades PK-6. Enrollment increase of 43 students. Convert 4,397 sf of LFI space to co-funded space for a total of 76,267 sf.</li> <li>• 2008 OSDM cost set. Full addition, 97,734 sf and partial building renovations (requested LEED allowance waiver) for Milford HS.</li> <li>• 2008 OSDM cost set. Partial new addition, 6,532 sf (11.62%) of 56,216 sf full addition and partial building renovations (requested LEED allowance waiver) for Milford Jr. HS.</li> </ul>	\$29,871,482	\$70,054,218

Mr. Lutz presented the Master Facilities Plan Amendment and Project Agreement Amendment for participation in the Expedited Local Partnership Program, for Commission approval.

Vice Chair Quill moved to approve Resolution 10-148.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

**ELPP Project Agreement Amendment Approval**

*Resolution 10-149*

Mr. Lutz also presented the fourth amendment to the ELPP agreement with the Indian Lake Local SD of Logan County for their 2003 participation in ELPP. This amendment adds an elevator to the partial renovation of the high school to make it ADA accessible. The amendment also adds \$124 thousand to the district’s credit, bringing their total credit to \$15.6 million.

Mr. Lutz presented the ELPP Project Agreement Amendment for participation in the Expedited Local Partnership Program, for Commission approval.

School District (County)	Amendment Type	Discrete Portion Scope Change	Amendment Cost Change	Revised Project Budget
Indian Lake Local SD (Logan)	4th	Install Elevator, to make ADA compliant, at existing HS	\$124,007	\$15,677,782

Mr. Pompey moved to approve Resolution 10-149.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 3-0.

**Mater Facilities Plan Amendments**  
*Resolution 10-150*

Mr. Lutz also presented amendments to the MFPs for two districts participating in OSFC’s co-funded programs. We have the first amendment to the MFP for the Mid-East Career and Technology Center of Muskingum County for their 2009 participation in the Vocational Facilities Assistance Program (VFAP). The amendment provides a budget adjustment of \$4.6 million, a 14 percent increase to fund additional work to replace deteriorated sewer lines below the existing facility’s floor slab; add insulation at the exterior walls which were constructed without insulation; and to add parking to provide the capacity recommended by the Ohio School Design Manual (OSDM).

Mr. Lutz commented that we also have the first amendment f the MFP for the Switzerland of Ohio Local SD of Monroe County for their 2008 participation in CFAP as a segment one project. This amendment provides a budget adjustment of \$1.1 million, a one percent increase to fund market conditions for bidding of two buildings of the district’s seven buildings; for the added scope for 27 additional students which were moved into segment one from the remaining segment; and move 11 students from Woodsfield to New Beallsville.

School District (County)	Recommended Modifications to the Master Facilities Plan	Increase to the Project Budget	
Mid East Career and Technology Centers (Muskingum)	<ul style="list-style-type: none"> <li>Due to a reassessment primarily of general finishes, plumbing &amp; site conditions, the project budget must be increased for the design and construction work required to renovate/partially abate &amp; demolish the Mid East Career &amp; Technology Centers to meet minimum building code standards.</li> </ul>	\$3,233,631	State Share
		\$1,426,451	Local Share
		\$4,660,082	<b>TOTAL</b>
Switzerland of Ohio Local SD (Monroe)	<ul style="list-style-type: none"> <li>New Woodsfield PK-8: An increase has been provided for this facility due to enrollment being decreased by 14 students (from 491 students to 477 students) to house grades PK -8 and an increase in market conditions</li> <li>New Beallsville PK-12: An increase has been provided for this facility due to enrollment being increased by 14 students (from 396 students to 410 students) to house grades PK-12;</li> <li>New Monroe Central High: An increase has been provided at this facility due to enrollment being increased by 27 students (from 254 students to 281 students) to house grades 9-12 and an increase in market conditions</li> </ul>	\$703,048	State Share
		\$412,901	Local Share
		\$1,115,949	<b>TOTAL</b>

Mr. Lutz also presented School District Master Facilities Plans Amendments, for Commission Approval.

Vice Chair Quill moved to approve Resolution 10-150.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

### **ENP Eligibility and Program Guidelines Amendment Approval**

#### *Resolution 10-151*

Eric Bode explained that the Exceptional Needs Program (ENP) is done by application for eligible districts that apply for a certain school building. This is for buildings where conditions are bad enough- for life, safety and health reasons- that they would be able to be funded sooner rather than waiting for the Classroom Facilities Assistance Program (CFAP). We are in the process of gathering applications and reviewing them and there will be a selection process in December.

He went on to say that there are two things that we need to do relative to the program. Districts within three years of funding by the Commission under the CFAP program are generally not eligible for the ENP. So the Commission every year defines what that means to be within three years. We updated the priority ranking list and expanded it from P-126 to P-136. This resolution states that anyone on that list up to P-136 is within the three year window and will not be eligible for ENP, but those above that number would be eligible. The second thing the resolution does is make a change in the guidelines. We do have guidelines that the Commission has approved and amended from time to time. For districts that have an Exceptional Needs approval but are not able to come up with their funding within one year, but later want to come back and pass a bond issue, we have given them our advice on how to move forward. However, this is currently not in any law or guidelines and we want to change the guidelines to specifically address that issue and say that those districts would be treated like a CFAP Lapsed district. So then an ENP Lapsed district would be first priority for funding under ENP.

Mr. Bode presented the changes to the Commission's Exceptional Needs Program Guidelines and to the Commission's Exceptional Needs Program Eligibility Requirements, for Commission approval.

Mr. Pompey moved to approve Resolution 10-151.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

### **Specialty Services Agreements Approval**

#### *Resolution 10-152*

Mr. Bode commented that the Furniture Specification Review is not something that we have had done before because we generally have relied on our Construction Managers and some in-house staff to do design review. We have found that there have been some issues around furniture specifications, specifically whether they are written in such a way to get to a sole-source rather than being openly competitively bid. It is very particular knowledge that someone with a general knowledge of construction can't look at that and say, "Here is exactly what they are doing with the furniture and it really is an open bid." So we went through a process and advertised for a request for proposals and got back six of them, short-listed them and then ranked them. Maraye Design Studios turned out to be an excellent choice, as it is a small, Ohio-based firm that has a lot of knowledge about furniture

specifications in construction in higher education, which means they don't have any conflicts with projects that we have on-going for K-12 construction. This firm seems very qualified and we want to award them an \$80,000 contract so that they can review furniture specifications as they come through to make sure that they really are open bids as well as being there to answer questions that we have regarding furniture.

Mr. Bode commented that the second contract is with Ryan Biggs and Associates, which is a design firm with the Wellston project. There were significant issues with the masonry, among other things, and had school building had to have millions of dollars in major revisions. This was back when the school district hired Ryan Biggs to do the analysis and the design work for the corrective work to be done. Since then, we have gotten into litigation. In support of that litigation, we had a small contract. We are now asking for a second contract with Ryan Biggs to be able to present our point of view and show whose fault it really was. He went on to say that part of the problem with the masonry in the beginning was due to the design, so we didn't want the original design firm to be either correcting the work or providing litigation support; we needed a third party. Ryan Biggs is a firm out of New York that is very highly qualified for this type of restoration work with an existing building. They are spoken very highly for work they have done so far and correcting the problem as well as their litigation support. They request a contract of \$55,000 in order to continue to be OSFC's consultant through mediation and trial, should that take place.

Mr. Bode also presented Specialty Services Contracts for Professional Services, for Commission Approval.

Contractor	Scope of Work	Contract Expiration	Amount
Maraye Design Studio LLC	Furniture Specification Review	June 30, 2012	\$80,000
Ryan-Biggs Associates, P.C.	Litigation support for Wellston City SD	June 30, 2012	\$55,000

Vice Chair Quill moved to approve Resolution 10-152.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

### Architectural Agreements and Amendments Approval

#### Resolution 10-153

Steve Berezansky the Design Services Agreement, Amendments and Locally Funded Initiatives, for Commission approval.

#### Agreement:

School District	Project	Architect	Agreement Amount
Three Rivers Local SD	Build one new PK-12 facility	SFA Architects, Inc.	\$3,001,212.00

#### Amendments:

School District	Project	Architect	Fees to Date	Amendment Amount	Total
Cincinnati City SD -	LEED certification and	Roth	\$2,223,162.00	\$770,175.00	\$2,993,337.00

Segment 3b	scope change due to enrollment changes	Partnership, Inc.			
North Central Local SD	Design turn lanes	MKC Associates, Inc.	\$1,714,587.00	\$43,844.05	\$1,758,431.05

**Locally Funded Initiatives:**

School District	Project	Architect	LFI Amount
Cincinnati City SD -- Segment 3b	Additional square footage	Roth Partnership, Inc.	\$726,602.00
North Central Local SD	Redesign of the mechanical system	MKC Associates, Inc.	\$70,000.00
Three Rivers Local SD	Auditorium, road improvements, stadium, and LEED modeling	SFA Architects, Inc.	\$579,416.00
Toledo City SD -- Segment 5	Artistic rendering of each segment 5 building	Allied Toledo Architects	\$15,000.00

Mr. Pompey moved to approve Resolution 10-153.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

**Construction Manager Agreements and Amendments Approval**

*Resolution 10-154*

Mr. Berezansky presented the Construction Manager Agreements, for Commission approval.

School District	County	CM Firm	Total CM Compensation
Cincinnati City SD -- Segment 3b	Hamilton	Turner Construction	\$7,049,263
Hopewell-Loudon Local SD	Seneca	Touchstone CPM, Inc.	\$1,416,968
Circleville City SD	Pickaway	Bovis Lend Lease, Inc.	\$3,376,725
Upper Valley Joint Vocation SD	Miami	Gilbane Building Company	\$1,381,402
Three Rivers Local SD	Hamilton	Turner Construction Company	\$2,767,924
Otsego Local SD	Wood	Rupp/Rosebrock, R.J. Runge and McCarthy & Smith, LLC	\$1,347,504
Bellefontaine City SD	Logan	Gilbane Building Company	\$1,808,854
Eaton Community SD	Preble	Megen Construction Company, Inc.	\$1,471,198
Madison Local SD	Lake	Hammond Construction, Inc.	\$2,175,187

Vice Chair Quill moved to approve Resolution 10-154.

Mr. Pompey seconded the motion.

Approval: Vote 3-0.

*Resolution 10-155*

Mr. Berezansky also presented Construction Manager Amendments to an Agreement, for Commission approval.

School District	County	Construction Manager	Amount
Kalida Local SD	Putnam	URS Corporation	\$0
Crestview Local SD	Van Wert	URS Corporation	\$0
Eastern Local SD	Brown	Turner Construction Company	\$395,719
Zanesville City SD	Muskingum	The Quandel Group, Inc.	\$0
Madison Local SD	Butler	The Quandel Group, Inc.	\$0
South Range Local SD	Mahoning	Hammond Construction Company, Inc.	\$0
Teays Valley Local SD	Pickaway	Ruscilli Construction Company, Inc.	\$17,959
Girard Local SD	Trumbull	G. Stephens, Inc.	\$0
Girard Local SD	Trumbull	G. Stephens, Inc.	\$34,095
Scioto County Joint Vocational SD	Scioto	BBL Construction Services, LLC	\$22,000

Mr. Pompey moved to approve Resolution 10-155.  
Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

*Resolution 10-156*

Mr. Berezansky also presented Construction Manager Locally Funded Initiatives, for Commission approval.

School District	County	Construction Manager	Amount
Cincinnati City SD - Segment 3b	Hamilton	Turner Construction Company	\$3,614,089
Miami East Local SD	Miami	The Quandel Group, Inc.	\$153,575
Huber Heights City SD	Montgomery	The Skillman Corporation	\$209,367
Strasburg-Franklin Local SD	Tuscarawas	Regency Construction Services, Inc.	\$85,489

Vice Chair Quill moved to approve Resolution 10-156.  
Mr. Pompey seconded the motion.  
Approval: Vote 3-0.

**Construction Trade Contracts Approval**

*Resolution 10-157*

Mike Mendenhall presented the Construction Trade Contracts, for Commission approval.

	School District	Contracting Entity	Building Type	Scope Of Work	\$ Amount
1	Akron CSD	Fire Foe Corporation *	Buchtel/Perkins CLC	Fire Protection	\$479,950.00
2	Akron CSD	Speelman Electric, Inc.	Buchtel/Perkins CLC	Electrical/ Fire Alarm/ Technology	\$5,566,267.00

3	Akron CSD	Gorman-Lavelle Corporation	Buchtel/Perkins CLC	Plumbing	\$1,746,000.00
4	Akron CSD	Lockhart Concrete Company	Buchtel/Perkins CLC	Site Work	\$1,097,625.00
5	Akron CSD	Mike Coates Construction Co., Inc.	Buchtel/Perkins CLC	Foundations/ Masonry/ General Trades	\$18,011,315.00
6	Akron CSD	S.A. Comunale Company, Inc.	Buchtel/Perkins CLC	Mechanical/ HVAC	\$4,266,000.00
7	Akron CSD	J. Eslich Construction & Equipment, Corp. *	Leggett ES	Demolition	\$194,900.00
8	Arcanum Butler LSD	Continental Office Equipment	New K-12	Student Furnishings/ General Items	\$91,831.64
9	Arcanum Butler LSD	NuWave Technology	New K-12	Technology Additions	\$251,010.00
10	Arcanum Butler LSD	D&M Excavating, Inc.	New K-12	Exterior Improvements	\$591,695.00
11	Arcanum Butler LSD	SBD Commercial Interiors	New K-12	Office/ Teacher Furniture	\$369,477.00
12	Barberton CSD	CT Taylor Construction	West ES	General Trades	\$8,351,000.00
13	Barberton CSD	S.A. Comunale Company, Inc.	U.L. Light ES	Fire Protection	\$182,929.00
14	Barberton CSD	Oakland Plumbing	West ES	Plumbing	\$841,113.00
15	Barberton CSD	S.A. Comunale Company, Inc.	West ES	Fire Protection	\$152,252.00
16	Barberton CSD	Prout Boiler, Heating & Welding, Inc. *	U.L. Light ES	HVAC/ Controls	\$2,099,000.00
17	Barberton CSD	The Conti Corporation	West ES	HVAC	\$1,998,800.00
18	Bellevue CSD	D & R Enterprises of Genoa LLC *	Shumaker ES	Building/Site Demolition	\$160,000.00
19	Brookfield LSD	Southeast Security Corporation	Brookfield K-12	Technology	\$769,750.00
20	Cincinnati Public SD	Perkins/Carmack Construction, LLC	Westwood School	General Trades	\$7,352,000.00
21	Cincinnati Public SD	LVI Environmental Services, Inc.	Walnut Hills HS Tunnel/Crawl Space	Asbestos Abatement	\$234,400.00
22	Cincinnati Public SD	GM Mechanical, Inc.	Mt. Washington	Plumbing	\$995,000.00
23	Cincinnati Public SD	Beacon Electric Company	Mt. Washington School	Electrical/ Technology	\$1,397,000.00
24	Cincinnati Public SD	Tom Sexton & Associates	Robert A. Taft HS	Loose Furnishes	\$195,851.82
25	Cincinnati Public SD	Blau Mechanical, Inc.	Mt. Washington	HVAC	\$1,114,000.00
26	Cincinnati Public SD	Lehn Painting, Inc.	Chase School	Painting	\$89,000.00
27	Cincinnati Public SD	Glenwood Electric Inc.	Walnut Hills HS	Site Electric	\$25,100.00
28	Cincinnati Public SD	NOR-COM, Inc.	Segment 3 Bldgs	Security & Technology Equipment	\$1,688,750.00

29	Cincinnati Public SD	NOR-COM, Inc.	Segment 3 Bldgs	Audio/ Video System Equipment & PA/ Intercom/ Classroom Sound Field Equipment	\$3,345,400.00
30	Cincinnati Public SD	Queen City Mechanicals, Inc.	Clark Montessori	Plumbing	\$784,400.00
31	Cincinnati Public SD	LVI Environmental Services, Inc.	Oyler School	Asbestos Abatement	\$272,490.00
32	Cincinnati Public SD	Mobilease Modular Space, Inc.	Walnut Hills HS	Modular Trailers	\$2,361,465.00
33	Cincinnati Public SD	B.L. Spille Construction, Inc.	Mt. Washington School	General Trades	\$6,987,695.00
34	Cincinnati Public SD	Westside Paving & Excavation Inc.	Chase School	Paving	\$175,970.00
35	Cincinnati Public SD	Sehlhorst Equipment Services	Walnut Hills HS	Site Work	\$556,258.00
36	Cleveland MSD	Commerce Plumbing Company	New Tech Academy at East Tech and Garrett Morgan School	HVAC & Plumbing	\$92,500.00
37	Cleveland MSD	Lake Erie Electric, Inc.	Ginn and Clement Academy at Margaret Spellacy School	Electrical/ Technology Work	\$349,400.00
38	Cleveland MSD	Precision Environmental Company	Almira ES	Abatement & Demo	\$713,800.00
39	Cleveland MSD	Gateway Electric, Inc.	Whitney Young	Electrical/ Technology Work	\$267,756.00
40	Cleveland MSD	North Coast Paving Company	East Tech and Garrett Morgan New Tech Academy	Site Work	\$50,000.00
41	Cleveland MSD	Castle Heating & Air Conditioning Inc.	Ginn and Clement Academy at Margaret Spellacy School	HVAC Work	\$146,700.00
42	Cleveland MSD	John F. Gallagher Plumbing Company	Ginn and Clement Academy at Margaret Spellacy School	Plumbing	\$134,900.00
43	Cleveland MSD	Commerce Plumbing Company	Whitney Young Renovations	HVAC & Plumbing	\$189,250.00
44	Cleveland MSD	Giambrone Construction, Inc.	Washington Park	GT, Sitework, HVAC, Plumbing, Elec & Technology	\$425,000.00
45	Cleveland MSD	London Road Electric Company	East Tech and Garrett Morgan New Tech Academy	Electrical Work	\$614,900.00
46	Cleveland MSD	EnviroCom Construction, Inc.	Whitney Young Renovations	General Trades & Landscaping	\$679,000.00
47	Cleveland MSD	EnviroCom Construction, Inc.	East Tech and Garrett Morgan New Tech Academy	General Trades	\$597,900.00

48	Clyde-Green Springs EVSD	Transtar Electric	All Buildings	Public Address & Notification System	\$68,000.00
49	Clyde-Green Springs EVSD	Valley Electrical Consolidated, Inc.	All Buildings	Broadband/ Integrated A/V Accessories	\$148,122.00
50	Columbus City SD	The Albert M. Higley Company	Linden McKinley STEM Academy	General Trades	\$14,695,000.00
51	Columbus City SD	Vaughn Industries, LLC	Linden McKinley STEM Academy	Electrical	\$4,175,000.00
52	Columbus City SD	TP Mechanical Contractors, Inc.	Linden McKinley STEM Academy	Fire Protection	\$349,490.00
53	Columbus City SD	Radico, Inc.	Linden McKinley STEM Academy	Plumbing & HVAC	\$5,949,000.00
54	Columbus City SD	Accurate Electric Construction, Inc.	Security Upgrades Group No. 2	Electrical	\$518,880.00
55	Columbus CSD	Rayco Excavating Company, Inc.	Olde Orchard ES	Abatement & Demolition	\$198,980.00
56	Columbus CSD	Bohl Crane, Inc.	Fort Hayes Construction Arts & Auto Technology	Bridge Crane System	\$36,455.00
57	Columbus Grove LSD	GM Mechanical, Inc.	Columbus Grove PK-12	HVAC	\$3,254,000.00
58	Columbus Grove LSD	Peterson Construction Company	Columbus Grove PK-12	General Trades	\$13,141,000.00
59	Columbus Grove LSD	H.E.A.T. Total Facility Solutions	Columbus Grove PK-12	Temperature Controls	\$295,000.00
60	Columbus Grove LSD	Sidney Electric Company	Columbus Grove PK-12	Electrical/Technology Cabling	\$3,295,000.00
61	Columbus Grove LSD	Vulcan Enterprises, Inc.	Columbus Grove PK-12	Fire Protection	\$236,292.00
62	Columbus Grove LSD	Feldkamp Enterprises, Inc.	Columbus Grove PK-12	Plumbing	\$1,288,000.00
63	Dayton CSD	Evans Landscaping, Inc.	Meadowdale ES/HS	Demolition	\$847,900.00
64	Elyria CSD	J.B. Roofing Co., Inc. * *	Elyria HS	Roofing - Phase I	\$1,118,100.00
65	Elyria CSD	J.B. Roofing Co., Inc. * *	Elyria HS	Roofing - Phase II	\$754,387.00
66	Garfield Heights CSD	Tom Sexton & Associates	District Wide	Furniture	\$680,586.08
67	Graham LSD	Balsbaugh Excavating Inc.	Graham HS	ODOT Assisted Turn Lane	\$174,850.00
68	Indian Creek LSD	Colaanni Construction, Inc.	Indian Creek MS	General Trades	\$8,025,000.00
69	Indian Creek LSD	York Mahoning Mechanical Contractors, Inc.	Indian Creek MS	HVAC/Controls	\$2,012,000.00
70	Indian Creek LSD	Peterman Plumbing & Heating, Inc.	Indian Creek MS	Plumbing	\$520,000.00
71	Indian Creek LSD	RNL Fire Systems, LLC	Indian Creek MS	Fire Protection	\$129,500.00
72	Indian Creek LSD	Wood Electric, Inc.	Indian Creek MS	Electrical	\$2,077,400.00

73	Indian Creek LSD	R.F. Scurlock Company, Inc.	Indian Creek MS	Site Work	\$932,324.00
74	Jefferson Area LSD	School Specialty, Inc.	Jefferson Jr/Sr HS	Loose Furnishings	\$27,197.68
75	Jonathan Alder LSD	Team Fishel	Canaan MS	Force Main & Fiber Connection	\$213,726.23
76	Jonathan Alder LSD	Seals Construction, Inc.	Canaan MS	Lift Station	\$44,800.00
77	Maple Heights SD	C&T Design and Equipment*	New HS	Kitchen Equipment	\$384,091.76
78	Maple Heights SD	Zenith Systems, LLC	New HS	Electrical/Technology	\$4,158,591.00
79	Maple Heights SD	Soehnen Piping Company **	New HS	Plumbing	\$1,792,300.00
80	Maple Heights SD	Petty Group LLC	New HS	Site Fencing	\$112,530.38
81	Maple Heights SD	Castle Heating & Air	New HS	HVAC	\$4,991,000.00
82	Maple Heights SD	Giambone Construction, Inc.	New HS	General Trades	\$15,887,100.00
83	Miami East LSD	Kelchner, Inc.	New Miami East HS	Soil Remediation	\$132,720.00
84	Miami Trace LSD	Tom Sexton & Associates	Miami Trace MS	Loose Furnishings	\$71,226.56
85	Miami Trace LSD	Continental Office Furniture Corp.	Miami Trace MS	Loose Furnishings	\$58,895.16
86	Miami Trace LSD	Elements IV Interiors	Miami Trace MS	Loose Furnishings	\$60,841.00
87	Miami Trace LSD	King Business Interiors	Miami Trace MS	Loose Furnishings	\$112,632.36
88	Miami Trace LSD	School Specialty	Miami Trace MS	Loose Furnishings	\$17,959.60
89	Miami Trace LSD	Martin Public Seating, Inc.	Miami Trace MS	Loose Furnishings	\$133,680.69
90	Mount Healthy CSD	Rack Seven Paving Company	New Jr./Sr. HS	Turn Lane Improvement	\$50,970.00
91	New Boston LSD	Moore Demolition	New PK-12	Early Site Work	\$196,660.00
92	Newark CSD	Robertson Construction Services, Inc.	Newark HS	General Trades	\$10,439,000.00
93	Newton Local SD	Area Energy & Electric, Inc.	New K-12	Additional Site Electrical Work	\$77,169.00
94	Niles City SD	Dore & Associates Contracting, Inc.	Bonham & Lincoln ES	Abatement	\$298,500.00
95	Niles City SD	M&M Excavating Inc.	Bonham & Lincoln ES	Demolition	\$98,057.00
96	North Baltimore	ACI Const. Co., Inc.	6-12 New MS/HS	Early Site	\$789,600.00
97	Orrville	SafeAir Contractors, Inc.	Old Jr. HS/Maple Street ES	Hazardous Materials Abatement Work	\$179,409.00
98	Pickerington LSD	Library Design Associates, Inc.	Ridgeview JHS/Central HS	Media Center Combination	\$117,000.00
99	Pickerington LSD	Tom Sexton & Associates, Inc.	Ridgeview JHS/Central HS	Seating	\$94,258.16
100	Pickerington LSD	Louis R. Polster Company	Ridgeview Jr. HS	Kitchen Equipment	\$376,000.00

101	Pickerington LSD	Tom Sexton & Associates, Inc.	Ridgeview JHS/Central HS	Classroom Furniture, Tables and Computer Furn	\$430,910.42
102	Pickerington LSD	Zimmerman Schools Equipment, Inc.	Ridgeview JHS	Miscellaneous	\$15,328.00
103	Reynoldsburg CSD	Continental Office Environments	Baldwin Jr. HS	FF & E	\$94,755.35
104	St. Marys City SD	Quality Environmental Services, Inc.	Memorial HS/McBroom Jr. HS	Asbestos Abatement	\$126,248.00
105	St. Marys City SD	Miller Contracting Group, Inc.	Memorial High/McBroom Jr. High	Demolition	\$475,800.00
106	St. Marys City SD	Bright Street, LLC	Memorial 6-12 Building	Traffic Light	\$106,230.00
107	Switzerland of Ohio LSD	Kalkreuth Roofing & Sheet Metal, Inc.	New Monroe Central HS	Roofing	\$712,423.00
108	Switzerland of Ohio LSD	Climatech, Inc.	New Monroe Central HS	Plumbing and HVAC	\$4,095,000.00
109	Switzerland of Ohio LSD	Grae-Con Construction, Inc.	New Monroe Central HS	General Trades	\$10,670,000.00
110	Switzerland of Ohio LSD	Brewer & Company of WV, Inc.	New Monroe Central HS/New Woodsfield PK-8	Fire Protection	\$243,300.00
111	Switzerland of Ohio LSD	KAL Electric, Inc.	New Monroe Central HS	Electrical	\$2,559,000.00
112	Switzerland of Ohio LSD	Breckenridge Kitchen Equipment & Design, Inc.	New Monroe Central HS& New Woodsfield PK-8	Food Service Equipment	\$250,725.00
113	Switzerland of Ohio LSD	Breckenridge Kitchen Equipment & Design, Inc.	New Beallsville PK-12	Food Service Equipment	\$156,700.00
114	Switzerland of Ohio LSD	GTS Piping, LLC	New Monroe Central HS/New Woodsfield PK-8	Geothermal	\$514,925.00
115	Toledo CSD	Regent Electric, Inc.	Longfellow	Electrical	\$1,112,000.00
116	Toledo CSD	Industrial Power Systems, Inc.	Longfellow	HVAC	\$2,118,900.00
117	Toledo CSD	Beal, Inc.	Burroughs	Building Demo	\$140,900.00
118	Toledo CSD	Paschall Bihn & Sons Excavating	Chase	Building Demo	\$114,875.00
119	Toledo CSD	Paschall Bihn & Sons Excavating	Hawkins	Building Demo	\$108,000.00
120	Toledo CSD	Midwest Contracting, Inc.	Marshall ES	Concrete Paving & Curbs	\$127,900.00
121	Toledo CSD	Geddis Paving & Excavating, Inc.	Marshall ES	Asphalt	\$157,193.00
122	Toledo CSD	Total Environmental Services, LLC	Sherman Demo	Building Cleanout	\$9,265.00
123	Toledo CSD	D & R Demolition & Removal LLC	Robinson Demo	Building Demo	\$357,000.00
124	Toledo CSD	Comte Construction Co.	Hawkins Demo	Building Cleanout	\$7,290.00
125	Toledo CSD	Total Environmental Services, LLC	Chase ES	Abatement	\$29,105.00

126	Toledo CSD	Quality Environmental Services, Inc.	Robinson JHS	Abatement	\$109,086.00
127	Toledo CSD	Quality Environmental Services, Inc.	Burroughs	Abatement	\$117,220.00
128	Toledo CSD	Quality Environmental Services, Inc.	Hawkins ES	Abatement	\$116,413.00
129	Toledo CSD	Quality Environmental Services, Inc.	Sherman ES	Abatement	\$81,710.00
130	Toledo CSD	Total Environmental Services, LLC	Burroughs Demo	Building Cleanout	\$5,425.00
131	Toledo CSD	Oakland Plumbing Company	Longfellow	Plumbing	\$487,313.00
132	Toledo CSD	OCP Contractors, Inc.	Marshall ES	Acoustical Ceilings	\$103,440.00
133	Toledo CSD	Baumann Enterprises, Inc.	Sherman Demo	Site Demolition	\$30,000.00
134	Toledo CSD	Baumann Enterprises, Inc.	Robinson Demo	Site Demolition	\$44,000.00
135	Toledo CSD	Baumann Enterprises, Inc.	Chase Demo	Site Demolition	\$14,780.00
136	Toledo CSD	Baumann Enterprises, Inc.	Hawkins Demo	Site Demolition	\$16,788.00
137	Toledo CSD	Comte Construction Co.	Chase Demo	Building Cleanout	\$6,280.00
138	Toledo CSD	Baumann Enterprises, Inc.	Sherman Demo	Building Demolition	\$242,720.00
139	Toledo CSD	Accel Fire Systems, Inc.	Longfellow	Fire Protection	\$96,300.00
140	Toledo CSD	OCP Contractors, Inc.	McKinley ES	Painting	\$55,380.00
141	Toledo CSD	Harpt Contractors, Inc.	Longfellow	General Trades	\$3,924,000.00
142	Toledo CSD	Total Environmental Services, LLC	Bancroft Hills ES	Abatement	\$22,100.00
143	Toledo CSD	Comte Construction Co.	Robinson Demo	Building Cleanout	\$16,000.00
144	Toledo CSD	B & B Wrecking, Inc.	Bancroft Hills	Demolition	\$44,000.00
145	Toledo CSD	B & B Wrecking, Inc.	Burroughs	Site Demolition	\$21,000.00
146	Toledo CSD	Miller Bros Construction, Inc.	Longfellow	Site Work	\$929,000.00
147	Toledo CSD	OCP Contractors, Inc.	McKinley ES	Acoustical Ceilings	\$60,400.00
148	Tuslaw LSD	Brookside Lawn Services, Inc.	Tuslaw New PK-4 ES	Landscaping Work	\$91,066.00
149	Upper Valley JVS	Bruns Building & Development Corporation, Inc. dba Wright Way Electric	Permanent Swing Space	Electrical, Security, Fire Alarm, etc.	\$121,139.00
150	Upper Valley JVS	Slagle Mechanical Contractors, Inc.	Permanent Swing Space	Plumbing	\$54,000.00
151	Upper Valley JVS	R.L. Fender Construction Company	Permanent Swing Space	General Trades	\$607,969.00
152	Upper Valley JVS	Regal Heating & Plumbing	Permanent Swing Space	HVAC	\$144,767.00

153	Valley LSD	Building Technicians Corporation	Valley Local ES & HS	General Trades/Roofing	\$1,731,210.00
154	Wapakoneta CSD	R.D. Jones Excavating, Inc.	New Wapakoneta ES	Parking Lot Base & Utilities	\$135,500.00
155	Warren City SD	Diorio Paving, Inc.	Jefferson K-8	New Construction Parking Lot	\$167,640.00
156	Whitehall CSD	Adena Corporation	Rosemore MS	Masonry	\$2,131,000.00
157	Whitehall CSD	Adena Corporation	Kae ES	Masonry	\$1,381,000.00
158	Whitehall CSD	Muetzel Plumbing & Heating	Kae ES	Plumbing	\$430,780.00
159	Whitehall CSD	Fire Guard	Kae ES	Fire Protection	\$83,800.00
160	Whitehall CSD	Vaughn Industries	Rosemore MS	Electrical	\$1,134,000.00
161	Whitehall CSD	General Temperature Control	Rosemore MS	Plumbing	\$710,000.00
162	Whitehall CSD	Trucco Construction Co., Inc.	Etna & Beechwood	Early Site Work	\$686,710.00
163	Whitehall CSD	Vaughn Industries	Kae ES	Electrical	\$766,000.00
164	Whitehall CSD	Gutknecht Construction Co., Inc.	Rosemore MS & Kae ES	General Trades Package	\$9,214,900.00
165	Whitehall CSD	H&A Mechanical Inc.	Rosemore MS & Kae ES	HVAC	\$2,060,000.00
166	Whitehall CSD	Simplex Grinnell	Rosemore MS	Fire Protection	\$183,940.00
				<b>TOTAL</b>	<b>\$238,005,530.89</b>

Madam Chair Sabety moved to approve Resolution 10-157.  
Vice Chair Quill seconded the motion.

Director Sabety asked is there was documentation for the EDGE Waiver for JB Roofing and if so, what was it.

Mr. Mendenhall commented that regarding the Elyria project, JB Roofing was brought on under urgent necessity. The original contractor on the project worked roughly five months and then was terminated for cause. Under the original contractor's contract, they did have EDGE participation exceeding five percent, which was primarily for the purchase of materials. He mentioned that there is Phase I and Phase II and it is his understanding that, after talking with the teams up there, they broke it out into two phases and in the second phase, they felt like they could pick up some EDGE participation with JB Roofing. In fact, they did and the number that the team had provided us was 3.2 percent. So when you look at this holistically, the project and the scope is looking at about 8.95 percent EDGE participation.

Director Quill asked for background for the Soehnen Piping Company contract.

Mr. Mendenhall commented that they have a total of 4.2 percent EDGE participation. It went before the waiver committee and they had demonstrated that they had made a good faith effort.

Approval: Vote 3-0.

**Settlement Agreement Approval**  
*Resolution 10-158*

John Eufinger presented the Settlement Agreement and Release with Expert Masonry, Inc., Great American Insurance Company, Fanning Howey Associates, Inc. and Ruscilli Construction Company on the Felicity-Franklin Local School District Project, for Commission approval.

<b>District</b>	Felicity-Franklin Local School District (Clermont)
<b>Project Scope</b>	K-12 Facility
<b>Architect</b>	Fanning/Howey Associates
<b>CM</b>	Ruscilli Construction
<b>Summary</b>	<p>The present settlement agreement relates to Felicity-Franklin Local School District – K-12 School located in Clermont County. Ruscilli Construction was selected as the Construction Manager for the Project. Fanning/Howey was chosen by the District as Architect for the Project. Expert Masonry was the masonry contractor on the Project. Great American Insurance Company was the surety for the Masonry Contractor, Expert Masonry.</p> <p>During the construction of the Project and/or shortly thereafter, masonry flashing deficiencies allowed water to infiltrate into the interior of the facility. This caused the Co-Owners to embark on a costly remedial Project to correct the Mason’s defective work. Expert Masonry was no longer in business at the time of the issue which necessitated seeking a replacement contractor to make the necessary repairs. This was accomplished through an open public competitive bidding process. The Co-Owners incurred \$170,303 in related expenses for this remedial project and sought cost recovery from the responsible parties.</p> <p>The Project team members, facilitated through staff at the OSFC, negotiated in good faith and arrived at a settlement agreement that is satisfactory to all. The Contractor, through their surety, agreed to pay \$100,000; the Architect agreed to produce remedial plans and specifications at no additional cost and also pay \$25,545; the Construction Manager agreed to provide CM services at no additional cost and also pay \$17,030 to offset the costs associated with the Project.</p>

Mr. Pompey moved to approve Resolution 10-158.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 3-0.

**Authority to File Suit**  
*Resolution 10-159*

John Eufinger presented a request to initiate litigation against Hively Construction Company on the West Branch Local School District project, for Commission approval.

<b>District</b>	West Branch Local School District (Mahoning)
<b>Project Scope</b>	K-8 Facility
<b>Architect</b>	Balog, Steines, Hendricks & Manchester, Inc.
<b>CM</b>	URS Corporation, Inc.

<p><b>Summary</b></p>	<p>This request to initiate litigation relates to the West Branch Local School District – K-8 facility located in Mahoning County. URS Corporation was selected as the Construction Manager for the Project. Balog, Steines, Hendricks &amp; Manchester, Inc. was chosen by the District as Architect for the Project. Hively Construction Company was the General Trades Contractor on the Project.</p> <p>After construction was completed on the K-8 facility, the School District reported on water leakage into the building as well as issues with the playability and lack of quality installation of the wood gym floor. In both cases, an independent consultant was hired by the Owners to evaluate the causes of failure. These consultant reports indicated that the issues were the result of poor workmanship on the part of Hively Construction Company. Numerous discussions with the Project Team on how to repair or replace the defective work resulted in the Contractor being obstructionist and unwilling to comply with the Owners’ requests to fulfill their contractual obligations. This ultimately led to the Contractor assigning the claim to their surety, American States Insurance Company to address the Owners’ requests.</p> <p>Currently, the affected areas of the roof that allowed water infiltration have been repaired and the gym floor has been replaced. All work is complete and the damages calculation is just under \$200,000. Hively Construction Company denies responsibility for the cost of repairs and communication with American States Insurance Company on reimbursement of these costs is ongoing. We will continue to negotiate for a settlement in this case and with the Commission’s approval, we seek authority to initiate litigation against Hively Construction Company and its surety to recover our damages. Hively failed to provide what was required under their contract and the Owners consider this a breach of Contract. We are working with representatives from the Attorney General’s Office and they will be seeking the same formal authorization from their office pending approval of this request.</p>
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Vice Chair Quill moved to approve Resolution 10-159.  
Mr. Pompey seconded the motion.

Director Sabety asked if OSFC has incurred expenses already and if so, how much.

Mr. Eufinger that is a total of \$187,010.62 and that is complete cost at this point.

Approval: Vote 3-0.

**Public Testimony**

*None*

The meeting was adjourned at 2:32 PM.

  
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J. Pari Sabety, Chair

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