

Ohio School Facilities Commission
August 25, 2011 Meeting
William McKinley Room, Statehouse
1:30 PM

MINUTES

Chairman Keen called the meeting to order at 1:30 PM.

Roll Call

Members present: Chairman Keen, Vice Chair Blair, Mr. Eric Bode, Senator Manning, Scott Evans for Representative Johnson and Cindy Peters for Senator Sawyer.

Adoption of the July 28, 2011, Meeting Minutes

Vice Chair Blair moved to approve the July 28, 2011, meeting minutes.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

School Energy Conservation Financing Program Approval

Resolution 11-93

Mark Wantage presented the Brecksville Broadview Heights City SD (Cuyahoga), Crestview Local SD (Columbiana), Madison Local SD (Lake), Marion City SD (Marion), Northwestern Local SD (Clark) and Salem City (Columbiana) projects for participation in the School Energy Conservation Financing Program for Commission approval.

Vice Chair Blair asked Mr. Wantage to explain the scope of the geothermal work for the Northwestern project. Mr. Wantage responded this work was a local initiative and includes the drilling of the test wells, the drilling of the well field and the running of all the pipes and pumps up to the building. In response to Vice Chair Blair's follow-up questions, Mr. Wantage provided additional detail on how geothermal systems work. Scott Evans commented on the energy efficiency of these systems.

Chairman Keen moved to amend Resolution 11-93 to correct the name of Brecksville Broadview Heights City SD. Vice Chair Blair seconded the motion and the amendment was approved by consent.

Vice Chair Blair moved to approve Resolution 11-93, as amended.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

Agreement with the Ohio Department of Development Approval

Resolution 11-94

Mr. Wantage presented an agreement with the Ohio Department of Development to continue their technical review of proposed HB 264 projects.

Agency	Scope	Effective Date	Expiration Date	Not to Exceed Amount
Ohio Department of Development	Technical resources to provide a review and evaluation of proposed energy conservation and renewable energy measures and findings	July 1, 2011	June 30, 2012	\$73,000

Vice Chair Blair moved to approve Resolution 11-94.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

Corrective Action Grant Approval

Resolution 11-95

Tom Brannon provided an overview of the Corrective Action Grant Program and a presented Corrective Action Grant for New Lexington City SD for Commission approval. Mr. Brannon stated that the district has a variable primary flow chilled water system that has been plagued with problems since its installation in 2001 and the Corrective Action Grant is intended to resolve this issue. Our consultant recommended replacing the two-way chilled water coil valves with three-way valves and setting the chilled water pumps to run at a constant as opposed to variable. This will simplify the system and ensure adequate minimum chiller flow and take several variables out of the system operation to help limit the potential for future failures. The contractor and the design engineer and construction manager have all been working with the district and OSFC in good faith to resolve these issues. Should the situation change, however, OSFC is prepared to fund these modifications and pursue cost recovery from the responsible parties.

School District (County)	Recommended Scope	Grant Award
New Lexington City SD (Perry)	Funding to resolve HVAC chilled water system	\$225,000

Chair Keen commented that several meetings ago the Superintendent of New Lexington City SD came before the Commission and presented this issue for consideration. Director Hickman and staff have communicated and worked with the superintendent and this is a potential resolution of those issues. Director Hickman noted that the superintendent has since retired but still has remained passionate in fixing this issue and not leaving it to the new superintendent.

Mr. Bode commented that he noticed that district counsel put the architect on notice. He asked if the district believes that the design of the system is the cause of the problems and if OSFC has an opinion on that.

Mr. Brannon replied that OSFC is currently involved in assessing the situation regarding responsibility. Given the time frame since the buildings were occupied, it is challenging to assess responsibility and determine how much of the issue is related to other factors such as maintenance, system operations, and lack of controls upgrades, but the commissioning agents and other consultants that have worked on this have indicated that there are both design and workmanship issues. Mr. Brannon reiterated that everyone seems to be working on good faith to resolve the issues.

Chair Keen moved to approve Resolution 11-95.
 Vice Chair Blair seconded the motion.
 Approval: Vote 3-0.

Emergency Assistance Program Grant Approval
Resolution 11-96

Franklin Brown presented the staff’s recommendation for an Emergency Assistance grant for Elgin Local School District (Marion County). Mr. Brown provided a brief history of the Emergency Assistance Program and then presented the Elgin Local SD’s request for emergency assistance because of flooding caused by rain on March 1, 2011. He presented a series of photographs that showed the flood damage at West Elementary School. Mr. Brown commented that typically with a severe event such as this, OSFC looks to FEMA and the Ohio Emergency Management for assistance, but in this case the event did not rise to their definition of a declared disaster so there was no funding available from those two agencies. The school district’s insurance policy was \$25,000 with \$1,000 deductible, which has been subtracted from the amount of money that they have requested.

School District (County)	Scope	Grant Award
Elgin Local SD (Marion)	School District sustained flooding damage to Elgin West Elementary School caused by flooding resulting from sustained periods of rain on Tuesday March 1, 2011	\$164,830.23

Mr. Bode asked for additional detail about the district’s grant request. Mr. Brown replied that the initial application was in the amount of \$578,000. OSFC broke down the request into various categories including clean-up, facilities reconstruction, renovation, repair, contents, equipment, insurance and staff expenses. Under the Emergency Assistance Program, we can consider funding for clean-up, reconstruction and repair as well as some equipment expenses. He explained that the district requested funding for contents, such as books and food stores, but the OSFC Emergency Assistance Program is for facilities and does not cover those costs. This district is about to start a CFAP project to build a new K-12 school, with construction scheduled to start in 2012. Mr. Brown stated that the district requested a new sewage treatment plant that would serve the new building. Staff determined that was not an eligible expense under this program. The grant would include clean-up and reconstruction. There was also \$18,000 in electrical and boiler repair. Mr. Brown added that there was also \$5,600 in equipment damage to items such as refrigerators.

Vice Chair Blair asked if the school was in a flood plain. Mr. Brown responded that he does not believe that it is. Vice Chair Blair then asked if the result of the flood was due to sewage back

up. Mr. Brown responded that there was the flooding immediately around the area of the school. The water then went into storm sewers outside the building and as the water rose to a level higher than the floor, the floor drains in the building overflowed and the water filled the building to a depth of 15 inches on the lowest level.

In response to Vice Chair Blair’s questions about flood insurance, Mr. Brown stated that OSFC recommended that the district contact their legal counsel and their insurance agent. The new project has a significant amount of fill that will raise it above a 100 year flood level so this should not be a problem in the future.

Chair Keen moved to approve Resolution 11-96.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

Expedited Local Partnership Program (ELPP) Master Facilities Plan (MFP) Amendment and Project Agreement Amendment Approval

Resolution 11-97

Steve Lutz presented the Second Amendment of the Master Facility Plan and a Second Amendment of the Agreement with the Ashland City SD for its participation in the Expedited Local Partnership Program for Commission approval. The Master Facility Plan was amended to update the cost set from 2003 to 2011 and to adjust for decreased student enrollment. The ELPP Agreement, which defines the scope of the project the district wishes to undertake under ELPP, was amended to delete partial renovations of two elementary schools, to substitute a new high school and to increase the partial renovations of the existing high school to serve as the middle school. The estimated value of the revised ELPP Project is approximately \$40 million.

School District (County)	Amendment Type	Change in Scope	Decrease to the Project Budget	
Ashland City SD (Ashland)	Part 2 – 2nd	<ul style="list-style-type: none"> Update OSDM cost set from 2003 to 2011 Reduce enrollment by 632 students to serve a total of 3,279 Individual building scope and enrollment changes are delineated on the Second Amendment 	\$8,953,688	State Share
			\$14,004,487	Local Share
			\$22,958,175	TOTAL

Second Amendment to the Project Agreement for the discrete portion of the ELPP MFP:

School District (County)	Amendment Type	Project Scope Change	Total Amendment Cost Change	Total Revised Project Budget
Ashland City SD (Ashland)	Part 2 – 2nd	<ul style="list-style-type: none"> Partial renovations to Ashland HS to house grades 5-8 Build a new HS for 983 students plus 47 Career Tech students for grades 9-12, with a total square footage of 173,203 Delete partial renovation of 2 ES 	\$38,605,925	\$39,999,880

Chair Keen asked Director Hickman how long an ELPP project is able to be amended and what point is a project considered defunct. Director Hickman replied that he was not sure if OSFC has ever reached that point of not being able to amend an older project. The projects go through a process: the master plan is updated and a discrete portion is determined and the district is able to move forward.

Mr. Lutz commented that Ashland City SD originally signed up in 2001 and OSFC amended the master plan and ELPP agreement in 2003 which included some changes that the district thought they needed to make to serve their community. The district pursued a ballot issue in 2003 and was unsuccessful. Progress stalled for a while, but the district has now decided to revise the scope of the work.

Mr. Bode asked if the district has done any building for their master plan yet. Mr. Lutz answered that they have not done any work yet.

Chair Keen moved to approve Resolution 11-97.
 Vice Chair Blair seconded the motion.
 Approval: Vote 3-0.

Architectural/Engineer Agreement and Amendments Approval
Resolution 11-98

Steve Berezansky presented Design Services Amendments and Locally Funded Initiatives for Commission approval.

Agreement:

School District (County)	Project	Architect	Agreement Amount
Springfield Local SD (Summit)	Build one new MS/HS to house grades 7-12 & Career Tech.	MKC Associates, Inc.	\$1,840,569.06

Amendment:

School District (County)	Project	Architect	Fees to Date	Amendment Amount	Total
Columbus City SD (Franklin)	Segment 3 - Added demolition and associated environmental work for the demolition at Liberty ES	Feinknopf, Macioce, Schappa Associates	\$8,027,350.43	\$23,780.00	\$8,051,130.43

Locally Funded Initiatives:

School District (County)	Project	Architect	LFI Amount
Columbus City SD (Franklin)	Segment 3 - Athletic Improvements at Liberty ES	Feinknopf, Macioce, Schappa Associates	\$21,900.00
Springfield Local SD (Summit)	Auditorium, transportation, athletic facilities, terrazzo flooring, and off site utility relocations.	MKC Associates, Inc.	\$478,361.00

Mr. Bode moved to approve Resolution 11-98.
 Vice Chair Blair seconded the motion.
 Approval: Vote 3-0.

Construction Manager Amendments Approval

Resolution 11-99

Mr. Berezansky then presented Amendments to Construction Manager Agreements for Commission approval. He noted that the amendment for Lorain City SD is a much larger amendment than normal, but the amendment captures a master plan change. The most recent change modified the overall project budget from \$64 million to \$108 million for the program, which includes an additional elementary school, a change from a renovation of two existing high schools to one new high school and some abatement and demolition of facilities..

School District	County	Construction Manager	Amount
Lorain City SD	Lorain	Hammond Construction, Inc.	\$2,639,509
Wauseon Exempted SD	Fulton	Barton Malow Company	\$17,813.00
Indian Creek Local SD	Jefferson	Richard L. Bowen + Associates Inc.	\$47,542.00

Vice Chair Blair asked if fees for the amendments are always six percent. Mr. Berezansky responded that our fee for construction management is not always for six percent and we do negotiate lower fees, however that is the standard. Variations usually involve career technology schools because of the integral phasing of their schedules and the longer time frame for the project.

Chair Keen moved to approve Resolution 11-99.
 Vice Chair Blair seconded the motion.
 Approval: Vote 2-0, with Mr. Bode abstaining from the vote.

Resolution 11-100

Mr. Berezansky also presented an Amendment to a Construction Manager Agreement for a Locally Funded Initiative for Commission approval.

School District	County	Construction Manager	Amount
Indian Creek Local SD	Jefferson	Richard L. Bowen + Associates Inc.	\$10,488

Vice Chair Blair moved to approve Resolution 11-100.
 Chair Keen seconded the motion.
 Approval: Vote 3-0.

Trade Construction Contracts Approval

Resolution 11-101

Jon Walden presented trade construction contracts for Commission approval.

	School District	Contracting Entity	Building Type	Scope Of Work	\$ Amount
1	Akron CSD	HEPA Environmental Services, Inc.	Seiberling Elementary	Asbestos Abatement	\$128,700.00
2	Akron CSD	Ray Bertolini Trucking Co.	Hatton ES	Demolition	\$388,094.00
3	Akron CSD	Cardinal Environmental Services, Inc.	Hatton ES	Asbestos Abatement	\$93,440.00
4	Akron CSD	Cardinal Environmental Services, Inc. ²	Schumacher Elementary	Asbestos Abatement	\$683,780.00
5	Ashtabula Area CSD	SafeAir Contractors, Inc.*	Washington, McKinsey and Plymouth ES	Hazardous Material Abatement	\$448,239.00
6	Austintown LSD	R.T. Vernal Paving Co., Inc. ¹	New K-2 Primary & New 3-5 Intermediate	Early Site Development	\$2,471,635.33
7	Austintown LSD	B & J Electric of Poland, Inc. ¹	New K-2 Primary and New 3-5 Intermediate	Early Site Electrical	\$30,229.00
8	Brookfield LSD	Stonecreek Interior Systems, Inc.	Brookfield K-12 School	Laminate Countertops	\$58,325.00
9	Brookville LSD	AKA Construction, Inc.	New PK-3 Building	Sitework & Demolition	\$650,897.00
10	Brookville LSD	Martin Public Seating	Brookville PK-3	FF&E	\$23,598.53
11	Brookville LSD	Tom Sexton & Associates	Brookville PK-3	FF&E	\$93,729.15
12	Brookville LSD	Continental Office Furniture	Brookville PK-3	FF&E	\$111,236.88
13	Cincinnati PSD	Performance Construction (a division of Aggressive Construction, Inc.)	Rothenberg Preparatory Academy	General Trades	\$9,572,700.00
14	Cincinnati PSD	ESI, Inc.	Old Woodward HS	Demolition	\$510,000.00
15	Cincinnati PSD	Evans Landscaping Inc.	Old Pleasant Hill	Demolition	\$619,200.00
16	Cincinnati PSD	Bray Construction Services, Inc.	Old Woodward HS	Demolition	\$3,421,000.00
17	Cincinnati PSD	Blau Mechanical Inc.	Aiken HS	HVAC	\$2,718,000.00
18	Cincinnati PSD	Century Construction, Inc.	Rothenberg Preparatory Academy	HVAC	\$1,342,000.00
19	Cincinnati PSD	Dalmatian Fire, Inc.	Rothenberg Preparatory Academy	Fire Protection	\$316,700.00
20	Cincinnati PSD	ESI, Inc.	Rothenberg Preparatory Academy	Electrical/Technology	\$1,583,000.00
21	Cincinnati PSD	Triton Services, Inc.	Rothenberg Preparatory Academy	Plumbing	\$972,000.00

22	Cincinnati PSD	Monarch Construction Company	Aiken HS	General Trades	\$15,637,000.00
23	Findlay CSD	L.R. Babcock Plumbing & Heating, Inc.	New Glenwood MS	Plumbing	\$1,126,370.00
24	Findlay CSD	L.R. Babcock Plumbing & Heating, Inc.	New Donnell MS	Plumbing	\$923,866.00
25	Findlay CSD	Charles Construction Services, Inc.	New Donnell MS	General Trades	\$10,863,200.00
26	Gallipolis CSD	Kinsale Corporation	Green ES	New Parking Lot	\$266,792.00
27	Green LSD	Bob Bennett Construction Company	New K-12	Site Development	\$534,000.00
28	Hamilton CSD	Wayne Contractors Inc.	Adams ES	Demolition	\$137,000.00
29	Hamilton CSD	Evans Landscaping Inc	Lincoln ES	Demolition	\$229,798.00
30	Lakota LSD	Abdoo Wrecking, LLC	Central, East, West	Demolition	\$304,000.00
31	Lakota LSD	Paschal Bihn and Sons Excavating	High School	Demolition	\$488,800.00
32	Logan-Hocking LSD	Dore & Associates Contracting, Inc.	Enterprise & West Logan ES	Hazardous Abatement	\$26,300.00
33	Louisville CSD	SBD Commercial Interiors	Louisville HS	Staff Educational LF&E	\$178,631.00
34	Madison LSD	Cuyahoga Fence, LLC*	Wooster Heights ES	Temporary Construction Fence	\$69,700.00
35	Madison LSD	B & B Wrecking*	Wooster Heights Elementary	Demolition	\$346,500.00
36	Madison LSD	Total Environmental Services, LLC	Wooster Heights Elementary	Hazardous Material Abatement	\$13,165.00
37	Niles CSD	Penn-Ohio Electrical Company	New K-2 & 3-5 ES	Early Site Electrical	\$111,900.00
38	Niles CSD	DSV Builders, Inc.	New K-2 & 3-5 ES	Site Preparation & Development	\$1,291,200.00
39	Northmor LSD	Ohio Technical Services, Inc.	New K-12 Facility	Hazardous Material Abatement	\$209,949.99
40	Northwest LSD	S.S. Sprinkler, Ltd.	Middle School	Fire Protection	\$157,450.00
41	Orrville CSD	Wenger Excavating Inc.	New High School	Early Site Work	\$918,368.00
42	Orrville CSD	Jackson & Sons Drilling & Pump, Inc.	New High School	Geothermal Wellfield	\$439,975.00
43	Pike Delta York LSD	Tom Sexton & Associates	Delta HS	Loose Furnishings	\$180,701.26
44	Southington LSD	Ace Demo, Inc.	Chalker School	Abatement	\$209,960.00
45	Southington LSD	C. Tucker Cope & Associates, Inc.	Chalker School	Demolition	\$152,000.00
46	Switzerland of Ohio LSD	Kalkreuth Roofing and Sheet Metal, Inc. ²	Powhatan PK-8	Roofing	\$310,537.00
47	Switzerland of Ohio LSD	B Armstrong Electrical Services*	Beallsville, MCHS, WES & Powhatan	Security Systems	\$488,245.00

48	Switzerland of Ohio LSD	Davison Electric Company, Inc. ²	Powhatan PK-8	Electrical	\$1,274,444.00
49	Switzerland of Ohio LSD	Grae-Con Construction, Inc. ²	Powhatan PK-8	General Trades	\$4,844,300.00
50	Switzerland of Ohio LSD	Breckenridge Kitchen Equipment & Design Inc.	Powhatan PK-8	Kitchen Equipment	\$121,750.00
51	Switzerland of Ohio LSD	W.G. Tomko, Inc. ²	Powhatan PK-8	Plumbing/HVAC	\$1,979,000.00
52	Switzerland of Ohio LSD	Accent Electronic System Integrators, Inc.	Beallsville, MCHS, WES & Powhatan	Telephone Handsets, Structured Cabling, Sound and Video Systems	\$399,300.00
53	Switzerland of Ohio LSD	Brewer & Company of WV, Inc. ²	Powhatan PK-8	Fire Protection	\$98,250.00
54	Switzerland of Ohio LSD	Communications Consulting, Inc.	MCHS, WES & Powhatan	Network Electronics	\$245,675.00
55	Switzerland of Ohio LSD	Tom Sexton & Associates	Beallsville, MCHS, WES & Powhatan	School Specialties	\$583,022.00
56	Toledo PSD	Fresh Cut Lawn & Landscape dba Acu Turf Toledo ¹	Start HS	Landscaping	\$18,650.00
57	Toronto CSD	Rudzik Excavating*	New Middle School/High School	Early Site Development	\$1,137,520.00
58	Vanguard-Sentinel JVS	S.A. Comunale Co. ¹	Vanguard Technical Center	Fire Protection	\$271,700.00
59	Wadsworth CSD	Accent Electronic Systems Integrators, Inc.	High School & Community Campus	Technology	\$2,176,000.00
60	Warren CSD	Miller-Yount Paving, Inc.	Jefferson/McGuffey K-8	Pavement Repairs and Improvements	\$244,500.00
61	Wayne County JVSD	Barbicas Construction Company, Inc.	Wayne County Schools Career Center	Final Asphalt	\$103,000.00
62	Wellston CSD	Shelly and Sands, Inc.	Intermediate/Middle & HS	Asphalt Repair	\$1,738,022.10
TOTAL					\$77,087,045.24

1 Prevailing Wage Requirements

2 Model Bidder Criteria

* Second Low Responsible Bidder

Mr. Bode moved to approve Resolution 11-101.
Vice Chair Blair seconded the motion.
Approval: Vote 3-0.

Settlement Agreement Approval

Resolution 11-102

Jerry Kasai presented a Settlement Agreement with Jeff Wray Architects, Inc., the Estate of Jeff Wray and Lexington Insurance on the Dayton City School District project for Commission approval.

District	Dayton Public Schools (Montgomery County)
Project Scope	Reno/Add Stivers School for the Arts
Architect	Jeff Wray Architects, Inc.
CM	RDQM
Summary	<p>Claim against design professional on renovation/addition of Stivers School for the Arts, originally budgeted as a \$24 million Project. There were two main issues with the AE's performance on the Project. First, in the Auditorium, it was discovered that much of the seating in the balcony had restricted sight lines to the stage as part of the original design. Secondly, there were excessive change orders for errors and omissions in the design which were unrelated to the auditorium, and also alleged delays incurred by other contractors as a result of the errors and omissions. The damages claimed against the AE for these two issues totaled about \$2.8 million.</p> <p>The owners made a claim against the AE, along with the insurance policy for professional liability purchased by the Project. The principal of the firm passed away, however the claim was still being pursued through the insurance policy, along with funds retained from the contract. Mediation was had on August 4, 2011, with the insurer, Lexington Insurance. A settlement was reached with Lexington, along with the Estate, for \$1.5 million for the errors and omissions resulting from the above issues.</p>

Vice Chair Blair asked how the district resolved the issue with the auditorium. Mr. Kasai responded that the simple answer is that they made the balcony steeper so that those in the audience could view the stage at any location in the auditorium.

Vice Chair Blair moved to approve Resolution 11-102.

Chair Keen seconded the motion.

Approval: Vote 3-0.

Executive Director's Report

Director Hickman noted the upcoming dedication and groundbreaking ceremonies and the project close-out of two districts: Fort Loramie Local SD in Shelby County and Hillsboro City SD in Highland County.

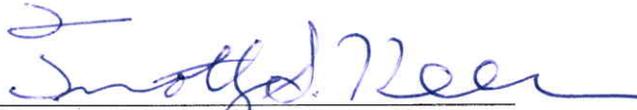
The Director then spotlighted two school district projects: Northmor Local SD in Morrow County and Brookville Local SD in Montgomery County.

Scott Evans stated that he was able to attend the dedication ceremony for Washington-Nile Middle School on behalf of Representative Johnson. The district had a two percent local funding share for the project due to the economic conditions in the area, but they were able to pay the share through their general revenue fund. He commented that there were many grateful people at the ceremony who very appreciative of the Commission's support of the project.

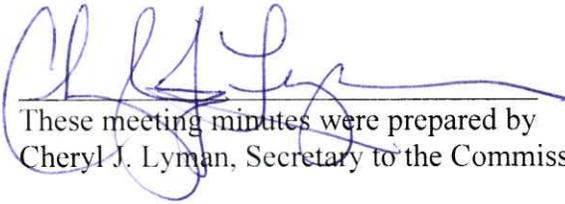
Public Testimony

There was no public testimony.

The meeting was adjourned at 2:22 PM.

A handwritten signature in blue ink, appearing to read "Timothy S. Keen".

Timothy S. Keen, Commission Chair

A handwritten signature in blue ink, appearing to read "Cheryl J. Lyman".

These meeting minutes were prepared by
Cheryl J. Lyman, Secretary to the Commission