

Ohio School Facilities Commission
October 25, 2012
William McKinley Room
1:30 PM

MINUTES

Chairman Keen called the meeting to order at 1:32 PM.

Roll Call

Members present: Chairman Keen, Vice Chair Howard, Mr. Eric Bode, Representative Ramos, Elizabeth Coulter for Senator Manning and Kelsey Berfeld for Senator Sawyer.

Adoption of the August 23, 2012 Meeting Minutes

Mr. Bode moved to approve the August 23, 2012 meeting minutes.

Chairman Keen seconded the motion.

Approval: Vote 3-0.

Accelerated Urban School District Update and Approval - Melanie Drerup

Resolution 12-94 through Resolution 12-103

Melanie Drerup provided historical background, an urban update and sought approval for 10 urban amendments. Senate Bill 272, passed by the General Assembly in May 2000, created the Accelerated Urban Initiative. It accelerated the access to state funding for the six largest urban districts due to the size and the complexity of their programs, which at the time included almost 500 buildings and approximately 16 percent of the Ohio student population. Projects are broken up in segments to allow for adjustments to scope of work due to changes in enrollment and other factors. In 2002 the Commission approved the project scope for the six Urban Districts which included 462 buildings, 265,630 students with a total projected cost of \$5.74 billion, with a state funding of \$2.95 billion. The largest of the projects at that time was the Cleveland program at \$1.5 billion with a state funding of \$1 billion. The state share varied with each of the urbans, ranging from a low of 23 percent for Cincinnati to a high of 77 percent for Toledo. In 2006, 2010 and 2011 the Commission approved updates to the 6 urban master plans. For the overall program, 35 percent of the anticipated dollars has been disbursed to date. Dayton has completed their program opening their last building January of 2012. Toledo and Cincinnati are completing their final segment. Akron, Columbus and Cleveland will require additional local share to complete their building programs. Since September 27, 2007 the Commission has required projects participating in the Commissions program to seek LEED for Schools Silver Certification. The urban districts have been successful in achieving 36 certifications with Taft High School in Cincinnati achieving the highest level of Platinum.

Melanie Drerup presented Urban School District Updates for Akron CSD, Cincinnati CSD, Columbus CSD and Toledo CSD for Commission approval.

Akron – Resolution 12-94:

Amendment 1 - Segment 4A Project Agreement for Akron City School District is for an increase of \$12,885,527. This amendment adds one new PK – 5 building, increases allowance for swing space and increases allowances for abatement and demolition of Harris and Heminger schools.

Mr. Bode asked if the revenue stream for the increase of the new school is from the city. Ms. Drerup responded that yes, the revenue stream is the same. Chairman Keen asked if the future segments with a potential budget of \$143 million would be dependent on whenever they might approve the sale of additional bonds. Ms. Drerup responded that was correct. Chairman Keen added that the issue at hand is the fact that the existing local revenue stream expires at the end of this segment and they will have to make arrangements for their additional local match to be able to proceed with the additional segments. Ms. Drerup responded that was correct. The city and the district have to be able to sell additional bonds and get additional money in order to proceed with subsequent segments.

Mr. Bode moved to approve Resolution 12-94.

Vice Chair Howard seconded the motion.

Approval: Vote 3-0.

Cincinnati – Resolution 12-95:

Amendment 2 - Segment 1 Project Agreement for Cincinnati City School District for a decrease of \$1,634,525. This amendment reduces the budget for three buildings: Pleasant Hill Elementary Middle School, Roberts Elementary Middle School and Woodward High School due to site development allowances being moved to Segment 3b to facilitate closeout of this segment.

Mr. Bode asked to confirm his understanding that there were just a couple remaining items that were originally budgeted, to finish off Segment 1, are being moved out of Segment 1. Ms. Drerup responded that is correct, they are being moved to Segment 3b.

Vice Chair Howard moved to approve Resolution 12-95.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

Cincinnati – Resolution 12-96:

Amendment 3 – Segment 2 Project Agreement for Cincinnati City School District for an increase of \$754,625.64. This amendment increases the budget for eight buildings, due to the cost of wrap up project insurance. This action will facilitate closeout of this segment.

Mr. Bode moved to approve Resolution 12-96.

Vice Chair Howard seconded the motion.

Approval: Vote 3-0.

Cincinnati – Resolution 12-97:

Amendment 2 - Segment 2B Project Agreement for Cincinnati City School District for no increase. This amendment increases the budget for one building to support students with disabilities and decreases the allowance for abatement and demolition of Whittier School.

Mr. Bode asked if the Roselawn Condon School was a school that specializes in students with disabilities. Ms. Drerup responded yes, they have many orthopedically handicapped and other types of disabilities at that school.

Mr. Bode moved to approve Resolution 12-97.

Vice Chair Howard seconded the motion.

Approval: Vote 3-0.

Cincinnati – Resolution 12-98:

Amendment 2 - Segment 3 Project Agreement for Cincinnati City School District for a decrease of \$657,318. This amendment decreases the allowance for abatement and demolition of Taft Elementary School and the 1980 QCVC addition of Taft High School.

Vice Chair Howard moved to approve Resolution 12-98.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

Columbus – Resolution 12-99:

Amendment 1 - Segment 2C Project Agreement for Columbus School District for an increase of \$1,109,565. This amendment increases the budget for one building due to the 2012 OSDM cost update, decreases the allowance for swing space of the Africentric School and decreases the allowance for abatement and demolition of the Africentric School.

Representative Ramos noticed of the urban schools, Columbus was the only one that had not achieved any advanced LEED certification and wondered if in the future they were planning on working to achieve some of those higher levels. Ms. Drerup responded that they are working on achieving that. Mr. Bode asked Ms. Drerup to explain if there is a special case around the Africentric School that leads to the cost update. Ms. Drerup responded that the situation with the Africentric School was that it was planned for one site and they have purchased another site for the building. The costs have been updated so that they have an appropriate start for that building. Mr. Bode asked if the timeline of this building is still in design. Ms. Drerup responded that it is just beginning design.

Mr. Bode moved to approve Resolution 12-99.

Vice Chair Howard seconded the motion.

Approval: Vote 3-0.

Toledo – Resolution 12-100:

Amendment 3 - Segment 2 Project Agreement for Toledo City School District for a decrease of \$14,684,861. This amendment deletes Deveaux Middle School and decreases the allowance for abatement and demolition of schools.

Vice Chair Howard moved to approve Resolution 12-100.
Mr. Bode seconded the motion.
Approval: Vote 3-0.

Toledo – Resolution 12-101:
Amendment 2 - Segment 3 Project Agreement for Toledo City School District for a decrease of \$1,066,805. This amendment moves the District wide Operations Center to Segment 5 to facilitate close out of this segment and decreases the allowance for abatement and demolition of Mt. Vernon Elementary School.

Mr. Bode moved to approve Resolution 12-101.
Vice Chair Howard seconded the motion.
Approval: Vote 3-0.

Toledo – Resolution 12-102:
Amendment 2 - Segment 4 Project Agreement for Toledo City School District for a decrease of \$296,090. This amendment decreases the allowance for abatement and demolition of schools of Franklin Elementary School.

Chairman Keen asked the Executive Director if what we are seeing today in the resolution is an effort to close out some of these older segments that have been lingering for a period of time. Director Hickman responded that was correct. Many of the districts in the urban program have lagged far behind in updating the segments and as we progress through the building program it was common to see buildings removed or scope removed from the segment and moved to a later segment, or work that was planned later brought in earlier. With the last buildings under construction in Cincinnati and Toledo, we urged urbans to work with us to reconcile these segments and get these segments in line with the actual construction. We are doing a reconciliation of their program, getting the funding right, getting the buildings right within each segment and it is particularly important that we get this work done for Toledo and Cincinnati as they are finishing their program. They will shortly be entering into demolition activity and we will have completed all of the work in those two districts similar to what we have done in Dayton.

Mr. Bode moved to approve Resolution 12-102.
Vice Chair Howard seconded the motion.
Approval: Vote 3-0.

Toledo – Resolution 12-103:
Amendment 2 - Segment 5 Project Agreement for Toledo City School District for an increase of \$14,391,232. This amendment adds one new building – Deveaux Middle School, adds District Wide Operations Center from Segment 3 and decreases the allowance for abatement and demolition of schools by deleting Glann Elementary School, Heffner K Center and Jefferson Center.

Vice Chair Howard moved to approve Resolution 12-103.
 Mr. Bode seconded the motion.
 Approval: Vote 3-0.

Master Facilities Plan Amendments Approval – Steve Lutz
Resolution 12-104

Steve Lutz presented an Amendment to the Master Facility Plans for seven school districts for Commission approval.

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Adena LSD (Ross)	Since the building opened it has experienced numerous roof leaks while other leaks are associated with the EIFS exterior wall finish. The roof has failed due to design and construction defects and the EIFS is substandard. This amendment funds correction of the noted defects.	\$5,521,987 State Share \$745,662 Local Share \$6,267,649 TOTAL

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Garfield Heights CSD (Cuyahoga)	Due to market savings, the project budget will be decreased for the design and construction work required to renovate Maple Leaf Intermediate and Elmwood Elementary School to house grades K thru 5 to adequate design and building code standards. A scope and budget has been added to renovate William Foster Elementary School to house 687 students in grades PK thru 5.	\$452,145 State Share \$1,286,874 Local Share \$1,739,019 TOTAL

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Hamilton CSD (Butler)	Budget adjustment due to enrollment increase of 245 students, market conditions, removes optional LEED allowance and adds square footage and increases budget to co-fund additional classrooms.	\$0 State Share \$0 Local Share \$0 TOTAL

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Indian Creek LSD (Jefferson)	The project budget is insufficient for the design and construction work required to build one new middle school to meet minimum Design Manual standards due to unforeseen site conditions, weather conditions resulting in schedule delays and associated costs.	\$308,984 State Share \$656,592 Local Share \$965,576 TOTAL

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Lorain CSD (Lorain)	Reduced high school enrollment by 224 students and budget reduction.	(\$5,694,971) State Share (\$1,335,853) Local Share (\$7,030,824) TOTAL

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Orrville CSD (Wayne)	Delete Renovations/addition/partial demolition to Orrville High School; build one new high school to house grades 9 thru 12 - market conditions; allowance to abate and demolish Maple Street Elementary School, Orrville Junior High School and Orrville High School.	\$509,605 State Share \$797,075 Local Share \$1,306,680 TOTAL

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Waverly CSD (Pike)	An investigation revealed substantial defective work to the roofs and the masonry in all four schools and settling floor slab in one building. The roof defects include issues with the vented air space in the shingle roof, improper insulation board, lack of a vapor retarder, improper flashings and failed fasteners. This amendment funds correction of the noted defects.	\$6,171,091 State Share \$1,354,626 Local Share \$7,525,717 TOTAL

Vice Chair Howard moved to approve Resolution 12-104.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

VFAP Guidelines Approval - Steve Lutz

Resolution 12-105

Steve Lutz presented Vocational Facilities Assistance Program Guidelines with Ohio Facilities Construction Commission policies, documents and forms for Commission approval. The guidelines are revised to align with the Construction Reform. This will require the use of Ohio Facilities Construction Commission standard documents for construction and professional service contracts. It will define Ohio School Facilities Commission as an agency within the Ohio Facilities Construction Commission. We will be revising the method for determining the student capacity of a project in order to improve accuracy. The current method selects the highest enrollment of the past three years of the Joint Vocational School. The revised method would use a methodology similar to what we employ for our 612 school districts. This methodology will use a ten year projection of the group of feeder districts participating in the Joint Vocational School and it will apply a participation rate for student attendance at the Joint Vocational School which is derived from the ten year history of attendance at the Joint Vocational School.

Mr. Bode asked if the ten-year associated district projection included all feeder schools. Mr. Lutz responded that the projections look at all the feeder schools that contribute students to the attendance of the Joint Vocational School. A percentage is applied based upon how many students have been attending the Joint Vocational School.

Mr. Bode moved to approve Resolution 12-105.
Vice Chair Howard seconded the motion.
Approval: Vote 3-0.

Hardship Loans Approval - Lois Snyder
Resolution 12-106

Lois Snyder presented Hardship Loans for Indian Creek Local School District and Waverly City School District for Commission approval. Indian Creek Local School District and Waverly City School District applied to the Hardship Loan Program to provide their local share of budget amendments. The applications were reviewed in consultation with the Ohio Department of Education and both districts qualified for the entire amount of their requests. The school districts will repay the loan over a five year period beginning June 30, 2014.

Indian Creek Local School District (Jefferson), 68% Local Share:

Budget Increase of \$965,575; School District share: \$656,591
District qualifies for \$656,591 Hardship Loan
Annual payment of \$131,318, effective June 30, 2014

Waverly City School District (Pike), 18% Local Share:

Budget Increase of \$7,525,715; School District share: \$1,354,629
District qualifies for \$1,354,629 Hardship Loan
Annual payment of \$270,925, effective June 30, 2014

Elizabeth Coulter for Senator Manning asked what happens if in five years the school districts are unable to pay back the loans. Ms. Snyder responded there is a provision if they cannot make the full amount in the first year they could apply for an extension. They would have to qualify by the guidelines of the program to grant that extension.

Vice Chair Howard moved to approve Resolution 12-106.
Mr. Bode seconded the motion.
Approval: Vote 3-0.

STEM School Facilities Guidelines Approval - Sarah Spence
Resolution 12-107

Sarah Spence presented updates to the STEM School Facilities Guidelines for Commission approval. H.B.153 created the STEM Facilities Assistance Program to provide Ohio School Facilities Commission funding to any science, technology, engineering and mathematic school, that is not governed by a single school district board, for the construction, reconstruction, repairing or additions of classroom facilities. The original guidelines were approved by the

Commission at the May 2012 meeting. Both H.B.487 and S.B.316 made changes to the law that governed the regional STEM schools and the STEM facilities assistance program. Updates to the guidelines from the legislation include changing references from state funding to funds requested from the Commission, and non-state funding to other fundings pledged. The recognition of regional STEM districts, which is a regional STEM board that can oversee more than one regional STEM school. According to the legislation passed, if the board wishes to apply for funding under the STEM Facilities Program, they must send a separate written proposal for each of the buildings that they oversee and the guidelines reflect that policy. Although this is a relatively new program, based upon what we have learned from our work with the Dayton Regional STEM School project, and our experience with other programs, we have amended the guidelines to reflect best practices and good fiscal stewardship. The guidelines will clarify that the Commission will apply the OSDM LEED standards and Commissioning where applicable. We will request that the STEM Board submit at least three years of historical enrollment data for the school. It will clarify that the STEM school project cannot be segmented and therefore is not eligible for multiple funding offers and it must have an Ohio School Facilities approved maintenance plan once the project is completed.

Mr. Bode asked for confirmation there is not a set aside for a minimum amount each year that the Commission would approve for STEM School construction. Ms. Spence responded that was correct. The way the legislation is set up the Regional STEM School Board would have to submit a written request to the Ohio School Facilities Commission. The share is set at 50 percent state and 50 percent local and the Commission has the authority to either approve or deny the request. Mr. Bode asked with any pot of money that is available in a fiscal year there would be construction projects for CFAP, ENP, VFAP and all the other ones and there is nothing in this that we are approving that would give any indication that a STEM School would have priority over any of these others. Ms. Spence responded that was correct. Mr. Bode felt this is a good program and there is a precedent in doing it. Mr. Bode felt the Commission should consider those projects as they come in the future. Mr. Bode was also concerned that there is a whole mix of projects out there with some districts that have been waiting a decade or more for funding and thought there needs to be careful consideration of all the priorities and what the balance will be.

Chairman Keen moved to approve Resolution 12-107.

Vice Chair Howard seconded the motion.

Approval: Vote 3-0.

ELPP and VFAP ELPP Guidelines and Project Agreement Templates Approval - Wayne Colman

Resolution 12-108 through 12-110

Wayne Colman presented Expedited Local Partnership Program (ELPP) Guidelines with OFCC policies, documents and forms for Commission approval. Language has been added to align with construction reform and Ohio Facilities Construction Commission contract forms, language related to retroactive eligibility and deletes language related to transition guidelines from the 2003 revision.

Vice Chair Howard moved to approve Resolution 12-108.
 Mr. Bode seconded the motion.
 Approval: Vote 3-0.

Wayne Colman presented Vocation Facilities Assistance Program (VFAP) ELPP Guidelines with OFCC policies, documents and forms for Commission approval. VFAP Guidelines add language to align with construction reform and Ohio Facilities Construction Commission contract forms, defines Ohio School Facilities Commission as an agency within Ohio Facilities Construction Commission and changes enrollment projections methodology to use ten years of historical enrollment of each participating school district.

Vice Chair Howard moved to approve Resolution 12-109.
 Mr. Bode seconded the motion.
 Approval: Vote 3-0.

Wayne Colman presented ELPP and VFAP ELPP Project Agreement Templates with OFCC policies, documents and forms for Commission approval. This is the same language within both project agreement templates. It acknowledges that actual enrollment status will be reviewed annually, defines Ohio School Facilities as an agency with Ohio Facilities Construction Commission, aligns the ELPP and VFAP ELPP projects with new delivery models and requires district participating in the Expedited Programs to use Ohio Facilities Construction Commission contract documents.

Mr. Bode moved to approve Resolution 12-110.
 Vice Chair Howard seconded the motion.
 Approval: Vote 3-0.

ELPP Master Facilities Plan Amendment and Project Agreement Amendment Approval - Steve Roka - Resolution 12-111

Steve Roka presented a Master Facilities Plan and Project Agreement amendment for the discrete portion project scope for Commission approval.

Master Facilities Plan Amendment:

School District (County)	Change in Master Plan Budget	Increase to the Project Budget	
West Clermont LSD (Clermont)	<ul style="list-style-type: none"> The project budget is increased due to application of the updated cost set for the Holly Hill Elementary School renovation. 	\$194,837	State Share
		\$454,619	Local Share
		\$649,456	TOTAL

Amendment for the discrete portion of the Master Facilities Plan:

School District	Amendment Type	Discrete Scope Change	Total Amendment Cost Change	Total Revised Project Budget
West Clermont LSD (Clermont)	2nd	<ul style="list-style-type: none"> • Partial HVAC renovations to Amelia High School • Partial HVAC renovations to Glen Este High School • Partial renovations to the Holly Hill Elementary School – complete roof replacement at 1982 original construction 	\$1,352,065	\$30,943,253

Vice Chair Howard moved to approve Resolution 12-111.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

FY2013 Project Agreement Templates Approval - David Chovan

Resolution 12-112 through Resolution 12-114

David Chovan presented FY2012 Project Agreement Templates for CFAP, CFAP Segmenting, ENP and VFAP to align with OFCC policies, documents and forms for Commission approval. All Ohio School Facilities Commission programs require the Commission and the School District to enter into a project agreement once funding has been approved by the Commission and the Controlling Board. The project agreement defines the scope of the project, project budget and project requirements. This resolution is to improve the standard language to be used for future project agreements. In July 2012, we presented to the Commission and received approval to update these templates to accommodate construction reform and law changes. With this resolution, we are recommending changes to be made to designate the Ohio Facilities Construction Commission as the contracting agency for the Ohio School Facilities Commission. This language will be included in all future project agreements associated with any Commission programs. It will include the amended versions for CFAP, CFAP Segments, ENP and VFAP programs.

Vice Chair Howard moved to approve Resolution 12-112.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

David Chovan presented a new Project Agreement Template for STEM for Commission approval. This resolution is to approve a standard language or template to be used for future project agreements for future STEM schools. This template is guided by Ohio Revised Code Chapter 3318.70 that created the Regional STEM School Program. It provides for a 50/50 state and local share for the projects and limits funding requests to one time per school. Similar to school district agreements, it provides for differences in the STEM School Program, such as they have a governing Board rather than the school district, and not having to raise a 1/2 mil maintenance levy.

Mr. Bode moved to approve Resolution 12-113.
Vice Chair Howard seconded the motion.
Approval: Vote 3-0.

David Chovan presented a new Project Agreement Template for College Preparatory Boarding School for Commission approval. This resolution approves the standard language or template used for future project agreements for the College Preparatory Boarding Schools. This template is guided by Ohio Revised Code 3328, 3318.60 and 3318.61 that created a College Preparatory Program. The guidelines require a school to secure \$20 million in funding. It funds only academic facilities, but not dormitory facilities. It limits funding requests to only one time per school. It allows for a lease/leaseback financing project delivery methodology. It provides for differences in the boarding school program similar with the STEM School, but does not require co-ownership during the construction phase and it also has some protections to the State for the funds if the school fails or chooses to go private.

Mr. Bode asked Mr. Chovan to talk about what provision of any on the ownership of the project. Mr. Chovan responded that in our project templates for school district projects that basically it says that there is co-ownership of the facilities during the construction phase. That language is not included here for the College Preparatory Boarding School. What we have is language that says that if this ceased to become a public school at some point during the amortization phase of the bonds, that a portion of those funds would be returned to the State. The issue here is that our interest is not in owning property, but funds could be returned if it is no longer a public school. Vice Chair Howard asked to expand on an example of a lease/leaseback relation with the College Preparatory Boarding School project. Mr. Chovan responded the SEED School in Cincinnati would enter into a separate agreement between themselves and a private developer who would co-own the facilities during the time of the lease hold. The lease term would be part of that agreement that the SEED School of Cincinnati would have with the developer. Essentially the developer would take the risk of funding the construction and then there would be a period of time that those costs are paid back to the developer by the SEED School. Vice Chair Howard asked if that included at the end of the lease the school district would own the facilities. Mr. Chovan responded that was correct. In this case the Board of Trustees of the school would own the building. In this case there is a separate agreement between the Board of Trustees and Cincinnati Public Schools where there is a lease of that facility from Cincinnati Public Schools.

Vice Chair Howard moved to approve Resolution 12-114.
Mr. Bode seconded the motion.
Approval: Vote 3-0.

College Prep Boarding School Funding Offer Approval - David Chovan *Resolution 12-115*

David Chovan presented SEED School of Cincinnati for College Prep Boarding School funding for Commission approval. This resolution proposes to offer funding to the SEED School of Cincinnati under the College Preparatory Boarding School Program. This will be the first offer under this program. In July 2012, the Commission approved funding for 27 school districts for \$494.8 million for CFA, VFAP, ENP and STEM School programs. The Commission's original

capital funding plan was to offer \$529 million for FY13 which included funds at that time for the Cincinnati Public School. Due to timing issues this funding offer was delayed until October, but the funding is still available now for this offer. The funding offer is for \$16.1 million to fund 400 students in a 6-12 school. Local funds of \$23.8 million would be contributed toward the school and the first dormitory. Over the next few years after completion SEED will build two additional dormitories to house a total of 400 students and that additional estimated cost is \$21.4 million, all of which would be locally funded. The agreement that we want to enter into with the SEED School of Cincinnati is for the first phase to build 100 percent of the academic facilities and the first dormitory.

School	County	State Funding Obligation	Board of Trustees Funding Obligation	Total Budget
SEED School of Cincinnati	Hamilton	\$16,096,278	\$23,770,718	\$39,866,996

Vice Chair Howard moved to approve Resolution 12-115.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

Priority Order of Funding List Approval - David Chovan

Resolution 12-116

David Chovan presented updates to the Priority Order of Funding List to reflect activity since approval of the prior list in November of 2011 for Commission approval. This resolution updates the list to reflect activity since approval of the prior list to reflect activity since approval of the prior list in November 2011. This provides for an orderly prioritization of funding awards within and between the Ohio School Facilities Commission programs. The amended list removes 22 districts that received funding offers over the past year. This number is less than that total number of offers over the last year because of the offers that were made to ENP and STEM School programs. Nine additional districts that received funding offers during the past year but could not raise their local share have been added to the priority lapsed list. Three additional districts that were offered funding in the last year started their first segment of their project and were added to the Segmented District Priority list.

Mr. Bode moved to approve Resolution 12-116.

Vice Chair Howard seconded the motion.

Approval: Vote 3-0.

Settlement Agreement Approval - Jon Walden

Resolution 12-117

Jon Walden presented a settlement agreement with Wood Electric on the Indian Creek Local School District for Commission approval. The project has sustained some difficulties due to weather and site issues and has caused the project to face claims for additional compensation. This settlement is with Wood Electric with claims of excess of \$737,000 alleging various delays,

acceleration and efficiency claims. The co-owners and Wood Electric mediated the claim and the parties reached an agreement for the project to pay Wood Electric an additional \$450,000. The agreement settlement releases partial claims the co-owners had against Wood Electric under the project and contract.

Vice Chair Howard moved to approve Resolution 12-117.

Mr. Bode seconded the motion.

Approval: Vote 3-0.

Authority to File Suit Approval - Jon Walden –
Resolution 12-118

Jon Walden presented an authority to file suit with the Buehrer Group Architecture & Engineering Inc, Jack Gibson Construction Co, and McMilian Construction on the Grand Valley Local School District for Commission approval. This resolution seeks authority to initiate litigation on the Grand Valley Local School District. The project has experienced numerous issues to the building related to water infiltration, bumps in the roof, ice damage, biological growth, asphalt failure and masonry cracking throughout the project that the co-owner contends is the result of design and workmanship issues. The co-owners have attempted to work with various parties to resolve the matter over the past couple years. Late last year there was mediation where we thought we had reached a compromise solution to allow the responsible parties to fix some of the problems. Unfortunately those repairs did not take place. The next step would be to replace the roof in its entirety and fix some of the masonry issues. Requesting authority to file suit will allow a way to seek recovery of the damages and remedial efforts. The Commission requests and authorizes the Attorney General to initiate litigation against Buehrer, McMillan, Gibson, their insurers and sureties and any other appropriate parties to recover damages incurred by the Commission and the School District due to the above parties failure to meet requisite standards of care and installation of incomplete or defective work.

Mr. Bode moved to approve Resolution 12-118.

Vice Chair Howard seconded the motion.

Approval: Vote 3-0.

Executive Director's Report

Director Hickman presented the groundbreaking and dedication report. Since our last Commission meeting, we have participated in 23 dedication ceremonies for a total of 16 new buildings that were constructed under our program. He also reported on the close out report for two districts, Conneaut Area School District (Ashtabula) and Bucyrus City School (Crawford).

Director Hickman updated the Commission on the progress on the HB264 energy projects. We are continuing to evaluate both programs and to make recommendations later this year regarding areas that we believe we can conform these programs that will provide for greater efficiencies not only to the expected energy savings, but also to the management of both of the

programs. The evaluations for HB264 projects were previously done by the Department of Development and we have successfully migrated all that work to our Energy Services group.

Director Hickman concluded his report by providing a summary report on design, construction or other contracts approved, awarded or administered by the Ohio Facilities Construction Commission:

A/E Agreements/Amendments Approved:

3 contracts for design of demo plans for 3 school buildings for \$19,900 at Cleveland MSD, A/E is Cleveland Educational Design Alliance

1 contract amendment for SHP Leading design in the amount of \$14,811 at Miami Trace LSD for extended Architect services due to an extended construction schedule past the projected completion date

CM Agreement/Amendments Approved:

No new contracts or amendments with CMs

Trade Contracts Approved:

47 contracts for 22 districts, \$26,887,906.42

1 contract for Newark HS awarded to 2nd low, for Site Electric (Hilscher-Clarke Electric), low bid withdrew

17 contracts with QSCB: 15 for Cleveland MSD for 6 buildings; 1 for Three Rivers LSD for demolition and 1 for Toronto CSD for new MS/HS

1 contract with PLA: Switzerland of Ohio LSD for wastewater treatment plant at Powhatan PK-8

There was no public testimony.

The meeting was adjourned at 2:44 PM.



Timothy S. Keen, Commission Chair



These meeting minutes were prepared by
Carolyn L. McClure, Secretary to the Commission