OFCC

OHIO FACILITIES CONSTRUCTION COMMISSION

Ohio Facilities Construction Commission
January 25, 2018 Meeting
William McKinley Room, Statehouse
1:30 PM

MINUTES

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

Roll Call

Members present: Acting Chair Kurt Kauffman, Vice Chair Robert Blair, Director Gary Mohr, Brandon Sagraves for Representative Hambley, Representative Holmes Senator Manning and Nathaniel Shipman for Senator O'Brien.

Election of the Chair and Vice Chair

Acting Chair Kauffman called for the nomination of the Chair. Director Blair nominated Director Keen. Director Mohr seconded. Acting Chair Kauffman closed the nominations and called for the vote for Director Keen as Chair of the Ohio Facilities Construction Commission.

Approval: Vote 3-0.

Acting Chair Kauffman called for the nomination of Vice Chair of the Commission. Director Mohr nominated Director Blair as Vice Chair. Acting Chair Kauffman seconded. Acting Chair Kauffman closed the nominations and called for the vote for Director Blair as Vice Chair of the Ohio Facilities Construction Commission.

Approval: Vote 3-0.

Adoption of the October 26, 2017 Minutes

Vice Chair Blair moved to approve the October 26, 2017 minutes. Director Mohr seconded the motion.

Approval: Vote 3-0.

Fiscal Year 2018 Projects Approval – Melanie Drerup

CFAP Approval – *Resolution 18-01*

Melanie Drerup presented the Master Facilities Plan for the following school districts for the Classroom Facilities Assistance Program for Commission approval.

School District	County	State Share	Local Share	Total Budget
Northeastern LSD	Defiance	$8,835,071	$25,145,973	$33,981,044
Wayne LSD – Seg. 1	Warren	$4,621,573	$17,385,917	$22,007,490

Director Moore moved to approve Resolution 18-01.
Vice Chair Blair seconded the motion.
Approval: Vote 3-0.

CFAP Lapsed – *Resolution 18-02*

Melanie Drerup presented a Classroom Facilities Assistance Program lapsed project for two school districts for Commission approval.

School District	County	State Share	Local Share	Total Budget
Southwest LSD	Hamilton	$27,102,719	$57,593,279	$84,695,998
Wynford LSD	Crawford	$10,979,626	$10,549,053	$21,528,679

Vice Chair Blair moved to approve Resolution 18-02.
Director Mohr seconded the motion.
Approval: Vote 3-0.

ENP – *Resolution 18-03*

Melanie Drerup presented an Exceptional Needs Program project for one school district for Commission approval.

School District	County	State Share	Local Share	Total Budget
Brunswick CSD	Medina	$18,619,309	$31,703,148	$50,322,457

Director Mohr asked for a definition of the Exceptional Needs Program (ENP). Melanie Drerup responded indicating the Exceptional Needs Program was put into legislation to help districts that were not able to be in a position to enter the Classroom Facilities Assistance Classroom Program, but had exceptional needs. Every year we accept applications. Districts are evaluated on health, safety and extreme cases of overcrowding. Districts are ranked based on their paper application and site evaluations to identify the facilities in most need of replacement from among the eligible applicants. Eligibility is open to districts regardless of their position on the equity list.

Director Mohr moved to approve Resolution 18-03.
Vice Chair Blair seconded the motion.
Approval: Vote 3-0.

VFAP – *Resolution 18-04*

Melanie Drerup presented a Vocational Facilities Assistance Program project for one school district for Commission approval. VFAP provides funding to vocational school districts. Apollo was the last vocational project approved in 2012. Miami Valley Career Tech in Montgomery County offers 38 programs, serves 27 associate districts and has 1,500 career tech students.

School District	County	State Share	Local Share	Total Budget
Miami Valley Career Tech	Montgomery	$28,825,518	$32,583,766	$61,409,284

Vice Chair Blair moved to approve Resolution 18-04.
Director Mohr seconded the motion.
Approval: Vote 3-0.

ELPP Master Facilities Plan and Project Agreement Amendments Approval Presented by Steve Roka – *Resolution 18-05*

Steve Roka presented Master Facilities Plan Amendments and Project Agreement Amendments for Commission approval.

Maser Facilities Plan Amendments:

School District (County)	Master Facilities Plan Scope	Project Budget
Bloom Carroll LSD (Fairfield) 2nd Amendment	• Build one new MS • Abate/Demo HS • Budget adjustment to grade configuration changes & enrollment increase • Convert existing ES/MS to HS	$7,752,949
Elida LSD (Allen) 1st Amendment	• Budget adjustment due to increased enrollment • Budget adjustment due to increased abatement cost	$10,531,406

Project Agreement Amendments:

School District (County)	Discrete Portion	Project Budget
Bloom Carroll LSD (Fairfield) 2nd Amendment	• Budget updated to 2017 OSDM for 1 new ES • Budget updated to 2017 OSDM for abate/demo of 2 ES • Delete New High School scope	$47,824,545
Elida LSD (Allen) 2nd Amendment	• Enrollment increase at ES & HS • Add abate/demo allowance for Gomer ES	$22,786,592

Director Mohr moved to approve Resolution 18-05.
Vice Chair Blair seconded the motion.
Approval: Vote 3-0.

STEM Project Agreement Template Approval – Presented by David Chovan – *Resolution 18-06*

David Chovan presented a STEM Project Agreement Template for Commission approval. In October, the Commission voted and passed Resolution 17-04 that amended the STEM School Guidelines. The purpose of this resolution is to make updates to our STEM Project Agreement Template for STEM projects consistent with those guidelines. Current law allows OFCC to provide funding assistance to regional STEM schools and educational compacts. To date the Commission has funded 3 regional STEM schools and compacts through our programs. There are a number of changes that we are making to the agreement template that is consistent with the guidelines that will make the guidelines and the template more consistent with what our agreement is with CFAP and ENP districts. With STEM we do not fund site funding for land and site improvements. They must have a maintenance plan consistent to what we do with all schools. There is also the 20-year eligibility that we have with other schools and they are also to use our contracting documents, our contracting software and all the processes to be consistent with other school districts. There are a number of changes to clarify the provisions that are more specific to the STEM program. Three of the things that are different than what we do with the K-12 program: 1) the budget is fixed. There really are no mechanisms in law that enables us to make budget increases. 2) There is not a segmenting option for these districts. It is a onetime fix. 3) The level of Commission involvement in the project is somewhat negotiable because of the unique nature of these schools. We may not be as completely involved as we would be with other school districts. This change will be put in place for all future school projects in the STEM program.

Director Mohr asked if it was the staff's belief that not using the segment approach is appropriate for the STEM schools. David Chovan responded that when the school statutes were originally put into place there was not an option for segmenting for any school district at that time. The local law was amended during the course of the school program that allowed segmenting specifically for K-12 school districts. When the law was written for the Stem program, that language was not included, so we have interpreted under that manner.

Director Mohr moved to approve Resolution 18-06.
Vice Chair Blair seconded the motion.
Approval: Vote 3-0.

Delegation of Authority Approval – Presented by Matt Westerman – *Resolution 18-07*

Matt Westerman presented a Delegation of Authority for Commission approval. ABC Piping Co. served as a Prime Contractor for the HVAC work on the new 5-8 middle school project for Madison Local School District (Richland). Following completion of the project, the district had continuous problems getting the HVAC system to function properly. Ultimately, the majority of the additional costs for operation and investigation of the issues with the HVAC system can be traced to a mistake made by the manufacturer,

Xetex, related to certain equipment installed by ABC Piping Co. In order to initiate recovery for the remediation efforts, Commission staff seeks authority to file suit against ABC Piping Co. and other potential responsible or necessary parties.

Vice Chair Blair asked if we could use the dispute resolution procedure instead of having to file suit. Matt Westerman responded that we reached out to Xetex on a number of occasions. We had conference calls, exchanged letters, and explained our position. We have attempted to try to resolve this with Xetex. There may be other opportunities for dispute resolution once litigation is initiated. Director Mohr added that beyond the technical piece, when it is clear what the issue was and the action taken by Xetex is very bothersome. I would hope down the road that their attitude and lack of willingness to work with OFCC in this case would be taken into consideration in future selections. Matt Westerman responded that one of the things that we do look at when we go to award contracts is if they had past performance issues. Every contractor has issues on one project or another, it is how they respond to that issue that is important. We always take into consideration how they have responded to times when they have not been their best on a project. Jon Walden added we only come here for requests for authority to file suit as a last resort. Our effort every time is to bring back any potential responsible parties so that they have an opportunity to participate in the solution. We also look to mitigate it for all parties involved because we have found historically that when things get pushed to litigation and sometimes unnecessarily so, then you lose your options that you have to resolve it reasonably and the costs go up. Director Mohr as you said especially for school districts that are faced with some of these issues and get lead to litigation. We take it very seriously and take every effort to resolve it first before moving to litigation.

Vice Chair Blair moved to approve Resolution 18-07.
Director Mohr seconded the motion.
Approval: Vote 3-0.

Executive Director Report

David Williamson reported since the last meeting there were 6 school district groundbreakings and 1 cultural facility groundbreaking. 7 school districts were closed out. Four projects were initiated under the School Performance Contracting program (HB264). There was an Executive Director Delegation of Authority for a Master Facility Plan Amendment for Johnstown Monroe CSD (Licking) with a decrease to a budget scope, but there is no scope change.

Contracts executed since the October 2017 meeting for agency, higher education and cultural Grants projects totaling approximately $52.7M and the K-12 program projects totaling approximately $40.9M. To date 1,511 facilities have been constructed or renovated between the K-12 program, state agencies, colleges/universities and cultural facilities. There are 202 projects currently in construction for that same group with a total dollar value of $1.74B.

The Director concluded his report by updating the Commission on:

OFCC Staffing: Staff level at 96%, Budget Limited, Additional Focus – Retention, Recognition, Staff Personal & Professional Development

Management Actions/Activities: Day to Day Priorities, OFCC Strategic Plan/Strategy Map 2018, Management Task Actions Timeline

Process Improvement Initiatives: Succession Planning, Process Management & Improvement, Metrics, Long-Term Program Planning& Performance Excellence Program

State Agency & Public Outreach: "Building with OFCC" Presentation, Agency Construction Officials Planning Group and Public Affairs/Workshops/Webinars & Conferences

Director Williamson introduced Joe Strenko, OFCC Project Manager, who gave a presentation on the Lonz Winery renovations at Middle Bass Island. Middle Bass Island is in the Lake Erie chain of islands. The project is located on the south end of Middle Bass Island. The building is on the national register of historical places and some of the construction of the project actually dates back to the civil war era. The scope of the project included selective demolition of exterior walls, installation of new pre-cast concrete walls, new pavers on the first-floor plaza area, restoration of masonry on the face, tower and cellar vaults and restoration of the tower's dome. The work also included installation of MEP systems in the interior of the cellar vaults and the tower and installation of new concrete sidewalks to connect the north and south ends of the island. The purpose of the project was to keep the historical significance of the building and open the area to create a venue so that people could hold events there. The project team included the owner: Ohio Department of Natural Resources – Phillip Miller (Deputy Chief Capital Improvements) and Cihangir Calis (Project Manager); Architectural Design Firm of Feinkopf Macioce Schappa Architects Inc. – David Youse (President), Aleks Daskolov (Senior Project Manager) and Erin Reilly Sanders (Project Manager); General Contractor – Speer Brothers Inc. – Dave Speer (President) and Mike Speer (Project Manager) and the Contract Administrator – Ohio Facilities Construction Commission – Jeffery Kring – Program Manager, Joseph Strenko – Project Manager and Christina Miller – Project Coordinator. A slide show was presented of the construction that took place at Lonz Winery.

There was no public testimony.

The meeting was adjourned at 2:18 PM.

Timothy S. Keen, Commission Chair

Carolyn L. McClure

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