

**Ohio School Facilities Commission  
July 14, 2016 Meeting  
William McKinley Room, Statehouse  
1:30 PM**

***MINUTES***

Chairman Keen called the meeting to order at 1:31 PM.

**Roll Call**

Members present: Chairman Keen, Vice Chair Blair, Mr. Paolo DeMaria and Goran Babic for Senator Manning. Chairman Keen recognized and welcomed new Commission member, Mr. Paolo DeMaria.

**Adoption of the April 28, 2016 Meeting Minutes**

Vice Chair Blair moved to approve the April 28, 2016 meeting minutes.  
Mr. DeMaria seconded the motion.  
Approval: Vote 3-0.

**Fiscal Year 2017 Projects Approval – William Ramsey**

Historically at the first Commission meeting of the fiscal year, we present new projects based on what the Commission can afford given approved appropriations and cash, as well as forecasts for future funding. In April 2014, we moved to a quarterly outreach cycle to be more responsive to the timing needs of districts. We plan to bring projects to the Commission quarterly if funds are available to do so. A lot of analysis is involved based on not just what we have this year, but what we will have in future years. Each project will spend money into the future not only in Fiscal Year 2017, but into years beyond that as well. The funding of these 15 districts along with districts currently underway depends on future appropriations. In FY16, Master Plans totaling over \$769M were approved. This year we will seek approval of Master Plans totaling over \$1B. Today we are seeking approval of Master Plans totaling \$950M.

Each of these district projects was developed using a comprehensive planning process which includes a 10-year enrollment projection, a building condition assessment of each of the districts classroom facilities, an enhanced environmental assessment, review of the educational adequacy and review for LEED (Leadership in Energy and Environmental Design). All projects have been approved by the school district boards. Upon Commission and Controlling Board approval the districts have 13 months to obtain the local share and maintenance funding to be able to move ahead with their project.

Overall, there are 15 projects totaling \$950M with an average state share of 37.8%. There are 7 segmented projects (Amherst EVSD, Fairborn CSD, Lancaster CSD, Licking Heights LSD, West Clermont LSD, Xenia CSD and Clear Fork Valley LSD) and most are addressing the worst building(s) in the district. The FY17 projects include 34 school buildings - of those all but 8 are

new; 43 buildings will be taken out of service; plans call for 41 to be demolished and 2 to be abandoned. Buildings being replaced are at 2/3rds guideline with exceptions noted. Average district budget is \$63.4M.

**CFAP – Resolution 16-28**

William Ramsey presented the Master Facilities Plans and Segment Facility Plans for thirteen school districts for the Classroom Facilities Assistance Program and one project under the 1990 lookback program for Commission approval.

School District	County	State Share	Local Share	Total Budget
Amherst EVSD – Seg. 1	Lorain	\$14,217,253	\$31,644,854	\$45,862,107
Anna LSD	Shelby	\$8,704,954	\$8,797,273	\$17,502,227
Clark Shawnee LSD	Clark	\$15,610,526	\$36,424,562	\$52,035,088
Fairborn CSD – Seg. 1	Greene	\$23,452,778	\$27,531,521	\$50,984,299
Fremont CSD	Sandusky	\$54,354,892	\$56,573,459	\$110,928,351
Lancaster CSD – Seg. 1	Fairfield	\$21,535,297	\$26,320,918	\$47,856,215
Licking Heights LSD – Seg. 1	Licking	\$20,770,983	\$73,642,576	\$94,413,559
Shaker Heights CSD	Cuyahoga	\$31,873,846	\$100,933,847	\$132,807,693
St Bernard Elmwood Place CSD	Hamilton	\$27,062,550	\$5,940,560	\$33,003,110
Tallmadge CSD	Summit	\$14,271,619	\$50,599,376	\$64,870,995
West Clermont LSD – Seg. 1	Clermont	\$45,363,991	\$105,849,312	\$151,213,303
Xenia Community CSD – Seg. 2F	Greene	\$28,524,763	\$33,485,591	\$62,010,354

1990 Lookback

School District	County	State Share	Local Share	Total Budget
Preble Shawnee LSD	Preble	\$29,273,781	\$15,762,805	\$45,036,586

Vice Chair Blair asked in tracking over the last 10 years, does the state share show as continually dropping. Mr. Ramsey responded these are districts that we have worked with in an outreach, not every district is declining. We still have districts that have deferred over the years so they may be a little high, which is why this is an average, but on track we are declining as the priority order of funding is rising. We are in the 400's of the 600 districts that are left. The shares are growing more for the local districts. Mr. DeMaria noted that this phenomenon is by design. The policy recognizes that the earliest schools that were addressed were those with the least ability to address their facilities issues first and so consequently they got access first and they got a larger state share. As we work up the list it reflects the local capacity that exists. I respect the elegance of that design and feel like it is a fair one as we continue to move forward. Chairman Keen asked which of the four districts have their share and how did they obtain it. Mr. Ramsey deferred to Melanie Drerup. Ms. Drerup responded Xenia Community used Certificates of Participation, Anna LSD passed

their issue in March 2016, Clear Fork Valley LSD passed their issue in March 2016 and Lancaster CSD passed their issue in November 2015.

Vice Chair Blair moved to approve Resolution 16-28.  
 Mr. DeMaria seconded the motion.  
 Approval: Vote 3-0.

**CFAP Lapsed – Resolution 16-29**

William Ramsey presented one school district with a lapse of one-year certification for participation in the Classroom Facilities Assistance Program for Commission approval. This district was successful at the March 2016 election.

School District	County	State Share	Local Share	Total Budget
Clear Fork Valley LSD – Seg. 1	Richland	\$15,615,530	\$9,983,699	\$25,599,229

Vice Chair Blair moved to approve Resolution 16-29.  
 Mr. DeMaria seconded the motion.  
 Approval: Vote 3-0.

**CFAP Renewal – Resolution 16-30**

William Ramsey presented Classroom Facilities Assistance Program renewal projects for ten schools and one Exceptional Needs Program renewal project for Commission approval. Pursuant to ORC section 3318.054, the Commission is charged with establishing the new scope, estimated basic project cost and estimated school district portion of a local share for a lapsed project if the school district desires to seek a new conditional approval of its project. Each of these districts has requested a new conditional approval and the master facility plans have been developed by Commission staff and the local school district. The project scope and estimated costs established will be valid for thirteen months.

School District	County	State Share	Local Share	Total Budget
Carlisle LSD	Warren	\$28,681,702	\$13,497,272	\$42,178,974
Elyria CSD	Lorain	\$79,868,962	\$39,338,444	\$119,207,406
Jefferson Township LSD	Montgomery	\$4,819,400	\$12,392,743	\$17,212,143
Massillon CSD	Stark	\$36,556,475	\$8,024,592	\$44,581,067
Sandusky CSD - Seg. 1	Erie	\$35,207,198	\$19,804,049	\$55,011,247
Southwest Licking LSD	Licking	\$52,292,825	\$63,913,453	\$116,206,278
Swanton LSD	Fulton	\$12,362,214	\$21,049,174	\$33,411,388
Valley View LSD	Montgomery	\$34,295,594	\$30,413,073	\$64,708,667
Warren LSD	Washington	\$38,470,294	\$14,960,670	\$53,430,964
Winton Woods CSD	Hamilton	\$48,875,958	\$50,870,895	\$99,746,853

Chairman Keen asked if anyone has their share and how did they get it. Mr. Ramsey responded that none have their share at this time. Vice Chair Blair asked if they actually have to be on the ballot. Mr. Ramsey responded not necessarily. They seek to go on the ballot. They could be going out this November or anywhere within the next 13 months. Vice Chair Blair asked if we would put anyone on this list that would not be going to the ballot. Mr. Ramsey responded that there is no confirmation that they remain there. Renewal is similar to a funded program where we give approval for funding, but they could decide not to go forward and they just become lapsed again. Mr. Ramsey added that this does require a board resolution on the school's part to move forward, so they are trying to make the commitment that they want to proceed with this.

Vice Chair Blair moved to approve Resolution 16-30.

Mr. DeMaria seconded the motion.

Approval: Vote 3-0.

**Exceptional Needs Program Renewal– Resolution 16-31**

William Ramsey presented one school district for participation in the Exceptional Needs Program (ENP) for Commission approval. This program is for districts that are outside of the CFAP eligibility, but may have a particular building need either due to enrollment needs or particular issues with their building under the assessment that requires immediate action. The program allows them to come forward on the list so that we can work on that specific project. They follow the same rules as CFAP as far as eligibility, enrollment projections, budgeting and the same 13-month window once they are awarded funding eligibility once they raise their local shares.

School District (County)	State Share	Local Share	Total Budget
Dover CSD (Tuscarawas)	\$20,302,957	\$17,295,111	\$37,598,068

Mr. DeMaria moved to approve Resolution 16-31.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

**STEM – Resolution 16-32**

William Ramsey presented one school district for participation in the Science, Technology, Engineering and Mathematics (STEM) School Facilities Assistance Program for Commission approval. ORC 3318.71 provides for assisting regional STEM schools with the acquisition of classroom facilities. The Tri Star STEM Compact School (Mercer) indicated their interest in receiving assistance under this program in September 2015. Commission staff have worked with Tri Star since that time to develop a comprehensive master facility plan consistent with the guidelines revised by the Commission on October 22, 2015.

School District	County	State Share	Local Share	Total Budget
Tri-Star STEM Compact School	Mercer	\$8,315,926	\$8,315,926	\$16,631,852

Mr. DeMaria stated that this is a new program for him and asked if there a prioritization in this category of who is eligible for these funds and if the eligibility or demand for them exceeds the amount of resources who would get priority. Mr. Ramsey responded that our requirements for participation in STEM has much to do with longevity. They have to show that they have a 3-year track record. They have to have funds available. Our participation is capped at 50% with any STEM school that we work with. We do have a limitation with how many STEM schools that we can work with at one time. David Chovan added that the language and the code says that the Commission shall provide funding when it is available, so essentially when they are in line they are eligible. Mr. Ramsey added that this is the third school that we have provided funding. The Global Impact STEM Academy was approved in January and Dayton STEM school was finished about two years ago. We also have some other STEM schools that we are working on in other parts of the state. It is a matter of them getting ready and when they can participate.

Mr. DeMaria added that he was not familiar with Tri-Star STEM Compact School. He asked if it was affiliated with a district, a cluster of school districts or is it a free standing. Mr. Ramsey responded that it is affiliated with districts in Mercer county. Chairman Keen answered that it is a Vocational Education compact. Ms. Drerup added this school is also unique in the fact that it is going to build its facility on Wright State's Regional Campus. The students will be able to move directly from the STEM school into college and they will be able to take classes at Wright State. Chairman Keen asked if that was the Lake Campus of Wright State University. Ms. Drerup confirmed that it was.

Vice Chair Blair moved to approve Resolution 16-32.

Mr. DeMaria seconded the motion.

Approval: Vote 3-0.

#### **Future ELPP Eligibility Approval – David Chovan - Resolution 16-33**

David Chovan presented the changes to the Expedited Local Partnership Program's (ELPP) eligibility requirements for Commission approval. This allows school districts to fund a distinct portion of their master facilities plan with local moneys prior to becoming eligible for CFAP. Once a district enters CFAP, they receive credit against their required local contribution for work completed under ELPP. By law, a district must be at least two years away from participation in CFAP to be eligible to enter ELPP. Based upon our assessment of districts that would be eligible for CFAP within two years, we have established the cutoff of priority order number at P-185 on the Priority Order of Assistance list approved by the Commission in October 2015. Below this ranking, a district would be ineligible to enter the ELPP program.

Mr. DeMaria asked what the number was approved last year. Mr. Chovan responded that it was 172. As we fund 15 – 20 districts a year, one would expect the number to go up 15 – 20 points.

Mr. DeMaria moved to approve Resolution 16-33.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

**Future VFAP ELPP Eligibility Approval – David Chovan - Resolution 16-34**

David Chovan presented the changes to the eligibility requirements for the Vocational Facilities Assistance Expedited Local Partnership Program for Commission approval. The VFAP ELPP Program allows vocational school districts the opportunity to move forward with facility improvements prior to their participation in VFAP. Once a district enters VFAP, they receive credit against their required local contribution for work completed under VFAP ELPP. By law, a district must be over two years away from participation in CFAP to be eligible to enter the VFAP ELPP program. Based on our assessment of districts that would likely be eligible for VFAP within two years, we have established the cutoff at priority order number at V-18 on the list for the vocational school districts. Below this ranking, a district would be ineligible to enter the VFAP ELPP Program.

Vice Chair Blair moved to approve Resolution 16-34.

Mr. DeMaria seconded the motion.

Approval: Vote 3-0.

**Fiscal Year 2017 Project Agreement Templates Approval  
David Chovan - Resolution 16-35**

David Chovan presented the Project Agreement Templates for Fiscal Year 2017 for the Classroom Facilities Assistance Program (CFAP), Classroom Facilities Assistance Program (CFAP) Segmenting, Exceptional Needs Program (ENP) and Vocational Facilities Assistance Program (VFAP) for Commission approval.

All OSFC K-12 programs require the Commission and the school district to enter into a project agreement once funding has been approved by the Commission and Controlling Board. The project agreement defines the scope of the project, the project budget, and other requirements. Each completed project agreement must be approved by the Commission and the local school board. This resolution approves the standard language, or template, to be used in future project agreements for the CFAP, ENP, Segmenting and VFAP programs. For FY17 two changes to reflect recent law changes were recommended:

1. Lease-purchase agreements used toward a district's local share:
  - a. Requires that provisions in any lease-purchase agreement and related financing documents address the state's superior interest in the project.
  - b. Complies with new code language in the recently approved capital bill.
2. Prohibits a school district or OFCC from requiring a contractor to employ a certain number or percentage of individuals who reside within that school district.
  - a. Also prohibits a bid award or bonus preference to a contractor as an incentive for hiring individuals who reside within that school district.
  - b. Complies with new code language in the recently approved capital bill.

This language will be included in all future project agreements associated with any Commission program.

Mr. DeMaria moved to approve Resolution 16-35.  
Vice Chair Blair seconded the motion.  
Approval: Vote 3-0.

**Fiscal Year 2017 ELPP and VFAP ELPP Project Agreement Template Approval –  
David Chovan *Resolution 16-36***

David Chovan presented Fiscal Year 2017 ELPP and VFAP ELPP Project Agreements for Commission Approval. The ELPP and VFAP ELPP programs also requires 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, the project budget and other requirements. Each completed project agreement must be approved by the Commission and the local school board. This resolution would approve the standard language or template to be used in future ELPP and VFAP ELPP project agreements. For FY17 the following changes were recommended:

1. Lease-purchase agreements used toward a district's local share:
  - a. Requires that provisions in any lease-purchase agreement and related financing documents address the state's superior interest in the project.
  - b. Complies with new code language in the recently approved capital bill.
2. Prohibits a school district or OFCC from requiring a contractor to employ a certain number or percentage of individuals who reside within that school district.
  - a. Also prohibits a bid award or bonus preference to a contractor as an incentive for hiring individuals who reside within that school district.
  - b. Complies with new code language in the recently approved capital bill.

This language will be included in all future project agreements with any Commission program.

Chairman Keen moved to approve Resolution 16-36.  
Vice Chair Blair seconded the motion.  
Approval: Vote 3-0.

**Corrective Action Program Project Agreement Template Approval – David Chovan –  
*Resolution 16-37***

David Chovan presented the Corrective Action Program Project Agreement Template for Commission approval. The Corrective Action Program was originally created as a state-funded grant program designed to address certain defective or omitted work in one of the OFCC K-12 programs. In 2012 the program was re-defined in law to be a co-funded program. The program is still intended to address certain defective or omitted work on an OFCC-funded K-12 project. There are Commission-approved guidelines in place that address eligibility, the application process and funding approval for the program. There have been no qualifying school district projects for this program since the law was changed. This program also requires a project agreement between the school district and the OFCC. The proposed template is similar to the template agreements for used for other OFCC K-12 programs. The agreement defines the scope

of work to be completed for the project. The state/local split is now based on the split used in the original project agreement. The agreement also provides for the recovery of funds from at-fault contractors and professional service providers. This language will be included in all future project agreements associated with the Corrective Action Program.

Mr. DeMaria commented that this is a testament to the fact that it is not very frequent. You have had the authority since 2012 and here we are 4 years later using it for the first time.

Vice Chair Blair moved to approve Resolution 16-37.

Mr. DeMaria seconded the motion.

Approval: Vote 3-0.

**Corrective Action Program Application Approval – David Chovan – Resolution 16-38**

David Chovan presented a Corrective Action Program Application for the below listed school district for Commission approval.

School District (County)	Recommended Scope	Project Amount
Lincolnview Local School District (Van Wert)	Funding to resolve masonry and related flashing issues not to exceed	\$150,000.00

Mr. DeMaria moved to approve Resolution 16-38.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

**Corrective Action Program Application Approval – David Chovan – Resolution 16-39**

David Chovan presented a Corrective Action Program Application for the below listed school district for Commission approval.

School District (County)	Recommended Scope	Project Amount
Northwest Local School District (Stark)	Funding to resolve controls and HVAC issues	\$1,153,020.00

Mr. DeMaria moved to approve Resolution 16-39.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

**Corrective Action Program Application Approval – David Chovan – Resolution 16-40**

David Chovan presented a Corrective Action Program Application for the below listed school district for Commission approval.

School District (County)	Recommended Scope	Project Amount
Orrville City School District (Wayne)	Funding to resolve controls issues	\$149,991.60

Vice Chair Blair moved to approve Resolution 16-40.

Mr. DeMaria seconded the motion.

Approval: Vote 3-0.

**Master Facilities Plan Amendment Approval – William Ramsey – Resolution 16-41**

William Ramsey presented Amendments to the Master Facility Plans for two school districts for Commission approval.

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Bryan CSD (Williams) Amendment 1	The allowance for swing space has been deleted from the budget at Bryan Middle School.	(\$200,214) State Share (\$371,826) Local Share <b>(\$572,040) TOTAL</b>

School District (County)	Recommended Modifications to the Master Facilities Plan	Recommended Modifications to the Project Budget
Lakewood CSD (Cuyahoga) Amendment 1	The project budget has been increased due to market conditions, decreased LEED allowance and removal of Franklin ES, McKinley ES and Taft ES allowance for abatement and demolition.	\$1,392,709 State Share \$3,099,901 Local Share <b>\$4,492,610 TOTAL</b>

Chairman Keen moved to approve Resolution 16-41.

Mr. DeMaria seconded the motion.

Approval: Vote 3-0.

**ELPP Master Facilities Plan and Project Agreement Approval – William Ramsey – Resolution 16-42**

William Ramsey presented a Master Facilities Plan Amendment and a Project Agreement Amendment for the discrete portion project scope for Riverside LSD for Commission approval.

Master Facilities Plan:

School District (County)	Project Scope	Project Budget	
Riverside LSD (Lake)	<ul style="list-style-type: none"> <li>• 2 new elementary schools to house Grades PK - 5</li> <li>• Renovate/Add/Partial Demo 1 middle school to house Grades K-5 and 1 high school to house Grades 6-12, CT Offsite</li> <li>• Abate/Demolish 6 elementary schools</li> </ul>	\$12,634,720	State Share
		\$113,712,477	Local Share
		<b>\$126,347,197</b>	<b>TOTAL</b>

Project Agreement:

School District (County)	Discrete Portion Project Scope	Discrete Portion Project Budget
Riverside LSD (Lake)	<ul style="list-style-type: none"> <li>• 2 new elementary schools to house Grades PK-5</li> <li>• Abate/Demolish 4 elementary schools</li> </ul>	<b>\$32,308,095 TOTAL</b>

Mr. DeMaria moved to approve Resolution 16-42.  
 Vice Chair Blair seconded the motion.  
 Approval: Vote 3-0.

**Settlement Agreement Approval – Jon Walden - Resolution 16-43**

Jon Walden presented a settlement agreement with DSV Builders, Inc. and Lexon, Inc. on the Akron CSD – King Community Learning Center for Commission approval. DSV Builders served as the site contractor. That company failed to adhere to the project schedule and was failing to perform in conformance with the contract documents. OSFC and Akron terminated that company and replacement contractors were engaged to complete DSV’s work. DSV’s surety, Lexon, Inc., worked with us and agreed to cover expenses that would have been DSV’s responsibility and agreed with the owners using DSV’s contract proceeds before the surety needed to make additional payments. The settlement agreement is brought because there is release of certain claims against DSV and the surety, Lexon related to the work that was done on the project. Typically, the claims that we would not release are latent defect claims or claims that were unknown to us that need to carry on, but will come to ask for a release of claims that were known or we could have addressed in that situation.

Mr. DeMaria moved to approve Resolution 16-43.  
 Vice Chair Blair seconded the motion.  
 Approval: Vote 3-0.

**Settlement Agreement Approval – Jon Walden - Resolution 16-44**

Jon Walden presented a settlement agreement and limited release with Harp Contractors, Inc. on the Northmont CSD – Kleptz Early Learning Center for Commission approval. Harp served as the general trades contractor on this project. During the project, certain issues arose related to Harp’s failure to timely prosecute the work thereby requiring the owners to supplement Harp’s forces with other contractors to get the facilities finished in time for the school to open. Owners withheld over \$600,000 of Harp’s contract balance in order to get other vendors to complete the work. Harp contested the action and contended that the Owners did not strictly comply with the contract documents. In addition, Harp filed several claims, which are known under our contracts as Article 8 claims, suggesting that they were due additional funds and that we did not properly withhold the contract balance. In order to resolve the matter with Harp short of litigation after several negotiation attempts, the owners agreed to release \$375,000 from the retained funds to finalize the claims with Harp keeping the delta from what was withheld in that amount. Part of

the reason for bringing this to the Commission is the owners are releasing certain claims against Harp related to our right to seek additional funds from it.

Vice Chair Blair moved to approve Resolution 16-44.

Mr. DeMaria seconded the motion.

Approval: Vote 3-0.

**Settlement Agreement Approval – Jon Walden - Resolution 16-45**

Jon Walden presented a settlement agreement with TransAmerica Building Company, Inc. and Steed Hammond Paul, Inc. (dba SHP Leading Design) on the Ohio School for the Deaf and Ohio State School for the Blind – Residential Facilities for Commission approval. At the January 2016 meeting, we brought a settlement on the project with Lend Lease, the construction manager at that time. Today we are trying to wrap up other portions of the dorm project related to two of the other players. The Commission should also note that we are currently preparing for trial for another claim brought by what was then the electrical contractor Jutte. That trial starts August 1, 2016 if the parties cannot otherwise reach a settlement. For the TransAmerica matter, those went to trial in the Spring of 2015 in front of a referee and there is a referee's recommendation for the Court of Claims in favor of TransAmerica for a portion of the damages that they had sought in that trial. In both law suits, OSFC filed a third party claim against both the architect and the construction manager contending that if we were found guilty or liable for any damages that it was the responsibility or the failure of those companies in their performance and they should be equally if not more liable for those damages. With respect to TransAmerica, in lieu of the parties going forward with further action before the Court of Claims to get the judgement or even take appeals up to the Court of Appeals, we have decided to resolve the matter which is the best course for everyone consistent with the court's recommendation. The proposed payment consists of approximately \$1.8M of the judgement sought out of \$3.4M by TransAmerica. In addition to that, as pre-judgement interest and continuing post-judgement interest. The judgment amount includes approximately \$1M in new money from the contract balance that was withheld. In addition, we have recovered money from one of the other vendors in January 2016 that will be a part of it. Of the judgement, SHP or it's carrier will pay \$971,000 as part of the judgement. If the Commission approves the settlement and release, the matter will proceed to the Attorney General's Office as part of its process that it must approve Court of Claims settlements and then the Court of Claims itself before it would move to OBM to satisfy any remaining funds of the judgement that are necessary. The settlement also requires release of certain claims that we may have against TransAmerica or SHP. Mr. Walden clarified that we are not releasing any claims against SHP that would still remain in the Jutte litigation. We are only asking with respect to the TransAmerica claim.

Mr. DeMaria moved to approve Resolution 16-45.

Vice Chair Blair seconded the motion.

Approval: Vote 3-0.

**Settlement Agreement Approval – Jon Walden - Resolution 16-46**

Jon Walden presented a settlement agreement and limited release with Robertson Construction, Inc. on the South-Western CSD for Commission approval. This settlement agreement was actually

resolved at the project level as we are trying to finalize the projects. Typically, we would not expect this to come to the Commission, but as part of the agreement we are foregoing some potential claims and as part of the negotiations required it to be brought to the Commission. The proposed settlement agreement is part of a change order so it can be effectuated at the project level. Robertson served as the general contractor on three elementary schools for the South-Western CSD: Harmon, Monterey and JC Sommer. During the course of the construction, Robertson brought claims under the contract documents for purported cost impacts that they claimed were in excess of \$600,000. The parties mediated a proposed settlement whereby the total amount on the 3 schools was \$177,000 (\$20,000 for Harmon ES, \$25,000 for Monterey ES, \$132,000 for JC Sommer ES and. The settlement is brought to the Commission because it contains a limited release in favor of Robertson by the State.

Vice Chair Blair moved to approve Resolution 16-46.

Mr. DeMaria seconded the motion.

Approval: Vote 3-0.

Jon Walden recognized Katie Fee, a rising senior with the New Albany High School, that is shadowing attorneys at the Attorney General's Office for two weeks. Chairman Keen hoped that she found the shadowing helpful and also found the Commission meeting interesting and informative.

Director Williamson commended the OFCC legal team for all their hard work. The Director assured the Commission that we do not bring settlement agreements to you unless it is the best deal that we are able to negotiate.

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

Director Williamson reported since the last meeting there were no school groundbreaking or dedications, but in August there are 9 upcoming events and 9 projects were closed out. There were 8 projects that were initiated under the School Performance Contracting program (HB264). The Commission was given authority to amend project agreements as long as those project agreements do not increase the master facilities plan and there was one for Newark City School District. Director Williamson also reported on contracts executed since the last meeting: 40 agreements, 17 amendments, 11 locally funded initiatives for a total of \$256.3M.

Director Williamson concluded his report with an update of the status of the 659 school districts to be served. We have currently served 351 districts with 308 districts remaining to be served. Within those numbers we currently have 43 districts we are working with in respect to opportunities for construction; 38 projects in design; 53 projects in construction; 48 lapsed districts; 111 deferred districts and 6 districts that are pending for their local share. There was no public testimony.

The meeting was adjourned at 2:51 PM.



Handwritten signature of Timothy S. Keen in blue ink, written over a horizontal line.

Timothy S. Keen, Commission Chair



Handwritten signature of Carolyn L. McClure in blue ink, written over a horizontal line.

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