

**Ohio Facilities Construction Commission
January 23, 2020 Meeting
William McKinley Room, Statehouse
1:30 PM**

MINUTES

Madam Chair Murnieks called the meeting to order at 1:30 PM.

Madam Chair Murnieks welcomed everyone to the January 23, 2020 Organizational meeting of the Ohio Facilities Construction Commission.

Roll Call

Members present: Madam Chair Kimberly Murnieks, Vice Chair Matthew Damschroder, Christina Frass, Designee for Director Mary Mertz, Representative Jones, Representative Sobecki and Joseph Soza for Senator Fedor.

Election of the Chair and Vice Chair

At the first meeting of each calendar year, the Commission elects from amongst its voting members a Chair and a Vice Chair to serve until its next annual Organizational meeting. Madam Chair Murnieks asked for a nomination of the Chair. Vice Chair Damschroder moved that Madam Chair Murnieks serve as Chair of the Commission. Ms. Frass seconded the motion. Madam Chair Murnieks closed the nominations and called for the vote for Madam Chair Murnieks to serve as Chair of the Ohio Facilities Construction Commission.

Approval: Vote 3-0.

Madam Chair Murnieks called for the nomination of Vice Chair of the Commission. Vice Chair Damschroder nominated Director Mertz to serve as Vice Chair. Madam Chair Murnieks seconded. Madam Chair Murnieks closed the nominations and called for the vote for Director Mertz as Vice Chair of the Ohio Facilities Construction Commission.

Approval: Vote 3-0.

Adoption of the December 5, 2019 Minutes

Director Damschroder moved to approve the December 5, 2019 minutes. Ms. Frass seconded the motion.

Approval: Vote 3-0.

**Fiscal Year 2020 Project Amendment Approval
Presented by Melanie Drerup – Resolution 20-01**

Melanie Drerup presented an Amended Master Facilities Plan for the following school district for the Classroom Facilities Assistance Program Project for Commission approval.

Tuscarawas Valley LSD (Tuscarawas) was originally approved for a segmented project to build a new middle/high school at the July 2019 Commission Meeting. Ms. Drerup explained that since the time of the original approval, the district has been notified that the gas line proceeds will exceed the estimate of available funding allowing the district to be more efficient and undertake the entire project. The scope of the project will include a new middle/high school building, and a renovation and addition to the middle school to house grades PK-6, and an allowance to abate and demolish 3 buildings.

School District	County	State Share	Local Share	Total Budget
Tuscarawas Valley LSD	Tuscarawas	\$17,229,287	\$26,948,372	\$44,177,659

Director Damschroder moved to approve Resolution 20-01.
 Ms. Frass seconded the motion.

Approval: Vote 3-0.

**Renewal of Lapsed CFAP District Scope and Budget Approval
 Presented by Melanie Drerup – Resolution 20-02**

Melanie Drerup presented a Classroom Facilities Assistance Program Renewal project for Commission approval.

Ms. Drerup explained that pursuant to ORC Section 3318.054, the Commission is charged with establishing the new scope, estimated basic project cost (project budget) and estimated school district portion (local share) for a lapsed project if the school district desires to seek a new conditional approval of its project. Valley View LSD (Montgomery) has requested a new conditional approval of the Master Facility Plan developed in collaboration with Commission staff.

The project scope and estimated cost established will be valid for thirteen months. Valley View LSD plans to be on the ballot on March 2020 and is electing to segment their project, building elementary and high school sections of the new K-12 building and leaving the middle school section to be completed under a future segment. If the district raises their local share and maintenance requirement within the thirteen months, the district shall be given first priority for project funding as such funds become available, and the project will be presented to the Commission and Controlling Board for approval when the Commission determines funds are available.

School District	County	State Share	Local Share	Total Budget
Valley View LSD - Seg. 1	Montgomery	\$29,683,940	\$19,789,294	\$49,473,234

Director Damschroder moved to approve Resolution 20-02.
 Ms. Frass seconded the motion.

Approval: Vote 3-0.

**ELPP Master Facilities Plans and Project Agreements
 Presented by Steve Roka –Resolution 20-03**

Steve Roka presented the ELPP Master Facilities Plans for the following school districts for Commission approval.

Mr. Roka explained that ELPP allows districts to address pressing facility needs ahead of OFCC funding eligibility; this allows a district to complete a portion of their Master Facility Plan and accrue credit toward their local share of the entire project.

The North Canton CSD (Stark) and Perry LSD (Stark) are on the Priority Order of Assistance List and estimated to be more than 2 years away from CFAP funding eligibility. North Canton CSD and Perry LSD are on the March 2020 ballot to raise funds for their discrete portions. The Master Facility Plans and the Agreements being presented for your consideration today have been approved by their respective Boards of Education.

Master Facilities Plans:

School District (County)	Project Scope	Project Budget
North Canton LSD (Stark)	Renovations to Hoover HS to house grades 7 thru 12, career tech. Build 2 ES to house grades PK thru 2, and to house 3 thru 5. Build new MS to house grades 6 thru 7. Abate/demolish Mary L. Evans ECC, Clearmount and Northwood ES, Greentown, Orchard Hill IS, and North Canton MS. (Includes a PA LFI of \$1,036,167 in addition to the amounts listed).	\$ 38,176,959 State Share \$65,004,011 Local Share \$103,180,970 TOTAL
Perry LSD (Stark)	Renovation of Perry HS to house grades 9 thru 12, career tech. Build new MS to house grades 6 thru 8. Build 4 new ES to house grades PK thru 5. Abate/demolish Genoa, PJ Lohr, Watson, Whipple Heights, Pfeifer ES, Edison Jr. HS, and abandon TC Knapp ES. (Includes a PA LFI of \$18,509,036 in addition to the amounts listed).	\$ 81,226,777 State Share \$49,784,154 Local Share \$131,010,931 TOTAL

Project Agreements:

School District (County)	Discrete Portion Project Scope	Discrete Portion Project Budget
North Canton LSD (Stark)	Build 2 new ES, one to house grades PK thru 2, one to house 3 thru 5. Abate/demolish Mary L. Evans ECC, Clearmount, Northwood ES, and Greentown and Orchard Hill IS.	\$51,755,864 TOTAL
Perry LSD (Stark)	Build 4 new ES to house grades PK thru 5. Abate/demolish Genoa, PJ Lohr, Watson, and Whipple Heights ES. (Includes a PA LFI of \$3,500,452 in addition to the amount listed).	\$63,324,477 TOTAL

Director Damschroder moved to approve Resolution 20-03.
Ms. Frass seconded the motion.

Approval: Vote 3-0.

**Settlement Agreements Approval
Presented by Matt Westerman – Resolutions 20-04 and 20-05**

Matt Westerman presented the Waverly CSD (Pike) and the Bryan CSD (Williams) settlement agreements for Commission approval.

The Waverly City School District (District) contracted with Crace Construction Company (Crace) to perform masonry work on the Primary Elementary School, Intermediate Elementary School, Middle School, and the High School Buildings (collectively the Project). After completion in the 2004-2005 school year, the District experienced several issues on the Project and investigation revealed multiple issues requiring remediation of the masonry work, roofing and certain floor heaving. The District and Commission initiated a lawsuit against Crace, the architect, construction manager, several contractors in addition to Crace, and certain sureties and insurance providers related to defective design and construction. Specifically, the Commission and District alleged Crace failed to construct the Project in compliance with the Contract Documents. Crace is no longer a viable business entity. After litigation and several mediations, the District and Commission reached a settlement agreement with the surety for Crace, Ohio Farmers Insurance Company (OFIC) and the insurance company for Crace, Westfield Insurance Company (Westfield), in which the companies will pay the District and Commission the sum of \$1,650,000.00 for damages related to the workmanship issues of Crace. The agreement also contains a complete release of claims by the Commission against Crace in relation to the poor workmanship of Crace. This agreement only releases the claims between the District and Crace. All other claims against the other contractors, or other parties named in the lawsuit are expressly reserved and are not released. Upon payment, the District and Commission shall dismiss with prejudice only Crace from the case. Commission staff has worked with the Attorney General’s Office and would like to thank the Attorney General’s Office and Special Counsel,

Mark Foley, for all of their hard work on this matter as this litigation was initiated in May of 2013 and a trial date with the last remaining Defendant has not been set.

The Bryan City School District (District) and the Commission entered into an agreement with Beilharz Architects, Inc. (Beilharz) to serve as the architect of record on the Bryan Middle School Renovation Project (Project) to convert the old middle school to an elementary school. JDRM Engineering, Inc. (JDRM) served as the mechanical engineering consultant to Beilharz. The District occupied the newly renovated building in August of 2017 and began to experience problems in the winter of 2017-2018. Nuisance freeze trips on Air Handling Units started occurring November 2017. The District could not keep the AHUs running as additional freeze alarms would occur after resetting the freezestats. Control changes were put in place to reduce nuisance trips; however, the issue was not resolved. Frozen coils were discovered when work was being performed during winter break. Thereafter, the parties commenced a 20-month effort to correct the underlying issue which resulted in the work that was completed in the fall of 2019. The parties worked together to resolve the issue and a settlement was reached following mediation whereby Beilharz and JDRM agreed to pay the District the amount of \$150,000.00 to resolve the issue. The Commission and the District will be providing a limited release.

Madam Chair Murnicks asked Mr. Westerman if in both cases have all of the facilities issues been resolved by remedial work and is this just to resolve the legal issues around the projects? Mr. Westerman indicated that with Waverly we are still in litigation with one defendant. Mr. Westerman stated that he is confident that the Waverly building is in good shape, and that Waverly would testify to the Commission that they are satisfied. Bryan is very happy with the resolution we came to as far as the settlement. The settlement with Bryan is not in litigation.

Representative Sobecki raised concerns to the fact the we have had a mild winter this year; next year might be different? Mr. Westerman responded that with regard to the remedial work that was recently completed on the Bryan CSD project, the District was given a traditional one-year warranty. Mr. Westerman indicated that the issue will be monitored for any future problems. Mr. Westerman indicated that there have been conditions that would have created the same circumstances this year that led to the core freezing previously. OFCC is fortunate enough to have engineers on staff who were involved in school design and were able to help remedy the issues.

Waverly CSD – Resolution 20-04

Director Damschroder moved to approve Resolution 20-04.
Ms. Frass seconded the motion.

Approval: Vote 3-0.

Bryan CSD – Resolution 20-05

Director Damschroder moved to approve Resolution 20-05.
Ms. Frass seconded the motion.

Approval: Vote 3-0.

Executive Director Report

Director Lyman began her report by congratulating Vice Chair Mertz and Madam Chair Murnieks. Commission staff is looking forward to another great year under the direction of the Commission. Director Lyman thanked OFCC staff for all their hard work in preparation for this meeting and congratulations to the school districts whose projects are moving forward.

At the December 5, 2019 meeting, the Commission approved a Resolution allowing Commission staff to move forward with the school storm shelter study report that was prepared pursuant to the language in H.B. 66. The Commission authorized Commission staff to submit the final report to the General Assembly by the December 31, 2019 deadline. Director Lyman confirmed that the report was submitted on time.

Director Lyman shared that there have been some staffing changes since the December 5 meeting, and Director Lyman is pleased to announce that Elizabeth Perry, who had been in the position of Acting Secretary of the Commission for a year, is now officially the Secretary. Jon Walden has taken on additional responsibilities and we've added Chief of Staff to his role as well as Chief Legal Counsel, Bryan Bennett who joined OFCC in late December as legislative liaison, Barbara Mattei-Smith who joined us this week as Chief of Finance and Emily Curnutte who joined us as HR Manager.

Commission staff are currently meeting with stakeholders to review and seek comments to updates to the state's construction documents and will continue to meet through the coming months. We are also making changes to OAKS-CI, construction information system, and will be seeking stakeholder input. Another positive change is the integration of the construction system with the state's financial system.

OFCC presented a draft calendar of Commission meetings at the December 5 meeting, and the 2020 schedule is now posted on the OFCC website.

Director Lyman reported that during the period from September 16 through November 30, 2019, the Commission executed 70 agreements and amendments, a total of approximately \$107.5M, 36 for agencies - \$23.8M, 9 cultural projects - \$2.1M, 2 Higher Ed - \$86,000 and 23 K-12 projects - \$81.3M.

The project activity in FY20 through November 30, 2019 totaled 120 projects in design, 216 projects in construction and a dollar value of \$2.63B.

Director Lyman congratulated 3 K-12 districts for a successful financial close-out: Global Impact STEM Academy (Clark), Beaver LSD (Columbiana) and Crestview LSD (Van Wert).

Director Lyman pointed out that during the 4th quarter of 2019 (October-December) Commission staff attended two groundbreaking and eight dedications/ribbon cuttings. Director Lyman pointed out that 3 of these are ODOT full-service maintenance facilities which are the focus of our project spotlight.

Director Lyman announced that the Halle PK-8 School, in the Cleveland Metropolitan School District, just became Ohio's 350th LEED (Leadership in Energy and Environmental Design) certified school. This is the 13th LEED certified school in Cleveland.

Director Lyman explained that LEED is the world's most widely used green building rating system. The rating system looks at design and construction practices including classroom acoustics, indoor air quality, selection of building materials and energy efficiency. Since 2007, school districts that participate in OFCC funded programs have had the benefit of schools that are designed to these standards. Ohio has more LEED-certified schools than any other state in the country.

Director Lyman introduced Wade Simpson, OFCC Project Manager, to present the Dryden Road Full-Service Maintenance Facility (Montgomery). Director Lyman recognized Carrie Yost, Administrator, ODOT Facilities Management to assist with the presentation.

Mr. Simpson began his presentation by also acknowledging Carrie Yost, Administrator, ODOT Facilities Management as being in the audience to answer any questions. The Dryden Full-Service Maintenance Facility is where salt trucks are maintained, housed and repaired. This facility is vital in ODOT's efforts to create a world class transportation system, that is cost-effective and reliable for the state of Ohio.

Mr. Simpson expressed that the new facility is in a great location in the city of Dayton. The centralized facility can store salt and snow/ice liquid in one location. The facility is also large enough for ODOT district leadership to meet with county and local officials. The office area is approximately 4,000 sq. ft. and the truck storage area can house 19 tandem axel trucks. The facility has a maintenance bay, welding bay and two truck capacity wash bays. The property also has a 4,000-ton salt and material storage barn, fuel island with both diesel and unleaded gas, and a brine system to help keep roads safe during bad weather. The facility has a 10,000 sq. ft. cold storage area to house equipment used in the summer. The facility operates 24 hours a day with approximately 25 employees.

Mr. Simpson explained that the project site used to be a GM plant. The site preparation had some unique challenges because of the existing concrete slab and existing storm lines. Approximately 710 loads of concrete had to be removed and 800 feet of pipe had to be lined and some of the pipe had to be rerouted. Even with all the challenges, the project was completed on time and under budget.

Ms. Yost added that this was a great project and great collaboration between ODOT and OFCC. The Dryden Full-Service Maintenance Facility is one of 100 service maintenance facilities that ODOT has across the state. Each county has a minimum of 1 urban area facility location. ODOT has 3 different types of full-service facilities, outposts and yards. ODOT's Full-Service Maintenance Facilities contain offices and maintenance areas-where the outposts and yards are not as equipped. ODOT has been evaluating small structures, commuting miles, and increased truck sizes, and how many trucks they have to use right now to help determine the type of facility and location. The evaluation has allowed ODOT to look at their operational need for future facilities. Ms. Yost thanked OFCC for making this project a success for ODOT.

Madam Chair Murnieks commented that this was a terrific project and she is glad to see great customer service and great relationship between ODOT and OFCC. Projects being completed on time and coming in under budget is always a positive for the Commission.

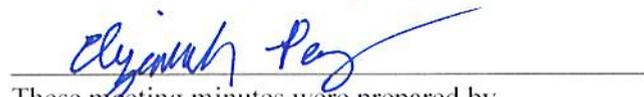
This concludes Director Lyman's report.

Public Testimony

The meeting was adjourned at 2:10 PM.



Kimberly Murnieks, Commission Chair



These meeting minutes were prepared by
Elizabeth Perry, Secretary to the Commission