

**Ohio School Facilities Commission**  
**January 24, 2008**  
**William McKinley Room 1:30 PM**

**MINUTES**

The meeting was called to order at 1:36 PM.

**Roll Call**

Members present: Madam Chair Sabety, Vice Chair Hugh Quill, Dr. Steve Puckett, Senator Larry Mumper, Representative Clyde Evans and Representative Matt Szollosi.

1. Election of Chair and Vice Chair

a. Nomination of the Chair

Director Quill moved to nominate Director Sabety as the Chair of the Commission.

Dr. Steve Puckett seconded the motion.

Approval: Vote 3-0.

b. Nomination of the Vice Chair

Dr. Steve Puckett moved to nominate Director Quill as the Vice Chair of the Commission.

Madam Chair Sabety seconded the motion.

Approval: Vote 3-0.

2. Adoption of the November 29, 2007 Meeting Minutes

Vice Chair Quill moved to approve the November 29, 2007 meeting minutes.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

3. Executive Director's Report

The Executive Director updated the Commission members on the following: first editions of the OSFC Finance and Quality newsletters that have been published for internal and external use; Dedications and Groundbreakings pointing out Dayton's first project dedication of Thurgood Marshall, to be followed in two weeks, the dedication of Stivers Academy of the Arts; the Ohio School for the Blind and Deaf Open House on February 7<sup>th</sup> for community members; the enrollment projection overview for the Commission members was held January 16<sup>th</sup>; Cheryl Lyman will report on ETech and Mark Wantage will report on the House Bill 264 project at another Commission meeting.

We anticipate announcing in the next few weeks at least 15 Exceptional Needs Program building projects. Earlier in the year, the Commission acted to extend our ENP authority not just for bad building conditions, but also for overcrowding. Rather than wait until June or July to bring these projects to Commission, we need to get these projects into the system quicker to do planning, begin to pick the architects and construction managers and all the things that have to be done.

The Director introduced four new OSFC staff: Samantha Cothorn, Project Administrator, with 16 years program management experience; Elaine Barnes, Energy and Environment Administrator, with a background in physics, and experience with the Green Building Council in Cleveland in addition to the Ohio Department of Development; Robert Slagle, Project Administrator, with 6 years of experience on OSFC projects with one of our construction managers; and Keith VanDuesen, Assistant Project Administrator, with over 14 years experience with the retail housing market in the Columbus area.

Tom Brannon, Sr. Post Construction Administrator updated the Commission on Frontier Local School District. Frontier Local School District is an earlier CFAP project in Washington County. Ever since occupancy in 2002, the district has been experiencing numerous defects in the installation of the roofs. There are a total of three buildings and all three have experienced problems. Through our partnering process by dispute resolution, we conducted mediation with all parties working to settle the issues related to the roofs. We received a final settlement check this past November and the grand total is over \$1.3 million dollars. The significance of this was that with that money the re-roof project was bid. Bids that came in and the low bid was \$1,397,000. So this settlement practically covered over 90% of the cost of the roof. The breakdown from the parties was the contractor and the surety ended up paying 57%, the architect paid 28% and the construction manager paid 15%. These percentages represent a mode of accountability within our program.

There were also masonry issues associated with this project. The contractor is Lang Masonry and they are currently working with the project team to address the masonry issues. An agreement was reached last November with Lang and all other parties that outlined the procedures we are going to follow to affect these repairs under the remedial work program. The school district is very happy to have Lang return to the project. It went a long way in that mediated session to arrive at consensus and understanding of everybody's position. This was not a good situation, but we are going to end in a good note. An independent firm will closely monitor the remedial work. This work will begin in June when the students are out of the building.

Senator Mumper asked if all the walls were affected. Tom Brannon responded that it was not all the walls. The approach taken was to cut open different sections in the building to determine what was behind them. Director Shoemaker thanked Tom Brannon, Eric Moser, Jerry Kasai and everyone else on our quality assurance team. Due to Frontier's situation a policy has been set that we are going to come in and fix the building. We are not going to delay or worry about who pays for it. We fix the buildings first for the kids and then we will decide who has the liability.

4. School Energy Conservation Financing Program Approval – Presented by Mark Wantage  
One School District requested participation in the Energy Conservation Financing Program.

Upper Arlington School District of Franklin County:

- Trane
- Nine Buildings
- Total Cost \$1,243,648 (Including Interest @ 5.00%)
- Annual Savings \$102,948
- Payback Period 12.1 Years
- Replace air-conditioning Units (1)
- Replace Boilers (2)
- Install CO2 Sensors (2)
- Repair Steam traps (6)
- Vending Machine Controls (9)
- Lighting Retrofit (9)

These projects have been reviewed by the Ohio Department of Development/Office of Energy Efficiency and the staff of the OSFC and are recommended for approval of Resolution 08-01.

Dr. Puckett moved to approve Resolution 08-01.  
Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

5. Maintenance Plans Approval – Presented by Mark Wantage

There were seven maintenance plans for Commission approval. The maintenance plans are in fulfillment of the law and the project agreement. Staff reviewed the maintenance plans for the districts and they met all the requirements. Resolution 08-02 was recommended for approval.

| <b>School District</b>                      | <b>Buildings Included in the Maintenance Plan</b>      |
|---|--|
| Coldwater EVSD of Mercer County             | Coldwater High   |
| Joseph Badger LSD of Trumbull County        | Joseph Badger PK-12                                    |
| Logan-Hocking LSD of Hocking County         | Chieftan ES, Hocking Hills ES, Union Furnace ES        |
| Marion LSD of Mercer County                 | Marion Elementary, Marion High School                  |
| Montpelier EVSD of Williams County          | New Montpelier PK-12                                   |
| St. Henry Consolidated LSD of Mercer County | St. Henry Elementary, St. Henry Middle/ St. Henry High |
| Tecumseh LSD of Clark County                | Donnelsville ES  |

Vice Chair Quill moved to approve Resolution 08-02.  
Dr. Puckett seconded the motion.  
Approval: Vote 3-0.

6. FY08 Project Approval – VFAP – Presented by Eric Bode

One Vocational Facilities Assistance Program project was submitted for Commission approval for Butler Technology and Career Development Center. It is an \$18,361,970 project with an \$11,617,618 state share with a collection of buildings with over 207,000 square feet and does contain an allowance for energy savings items with the LEED design. Staff recommended approval of Resolution 08-03.

| <b>School District</b>               | <b>County</b> | <b>State Share</b> | <b>Local Share</b> | <b>Total Budget</b> |
|--------------------------------------|---------------|--------------------|--------------------|---------------------|
| Butler Technology Career Development | Butler        | \$11,617,618       | \$6,744,352        | \$18,361,970        |

Dr. Puckett moved to approve Resolution 08-03.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

7. Master Facilities Plan Amendments Approval – Presented by Steve Lutz

Steve Lutz presented for Commission consideration five districts that elected to accept the Commission’s offer to amend their Master Facilities Plan to fund an allowance to support the design of their buildings to achieve LEED Silver certification with an emphasis on energy points. All five school districts received approval of funding in July 2007. Clyde-Green Springs, North College Hill and Pioneer Career and Technology Center accepted the LEED offer for all buildings in their Master facilities Plan. Hamilton City and Wapakoneta City accepted the LEED offer for the buildings, which had not been served through the Expedited Program. Highland Local School District originally submitted a budget adjustment, but was unable to submit their board resolution in time so they will be presented for approval at the next Commission meeting. The Commission staff recommended approval of Resolution 08-04.

| <b>School District</b>               | <b>County</b> | <b>Program</b> | <b>State Share</b> | <b>Local Share</b> | <b>Total Budget</b> |
|--------------------------------------|---------------|----------------|--------------------|--------------------|---------------------|
| Clyde-Green Springs EVSD             | Sandusky      | CFAP           | \$37,222,477       | \$19,175,215       | \$56,397,692        |
| Hamilton CSD                         | Butler        | CFAP           | \$124,922,186      | \$86,810,333       | \$211,732,519       |
| North College Hill CSD               | Hamilton      | CFAP           | \$24,705,497       | \$14,509,577       | \$39,215,074        |
| Pioneer Career and Technology Center | Richland      | VFAP           | \$19,185,705       | \$6,395,235        | \$25,580,940        |
| Wapakoneta CSD                       | Auglaize      | CFAP           | \$32,359,021       | \$19,004,504       | \$51,363,525        |

Chair Sabety asked how many school districts were offered the LEED allowance and how many accepted. Eric Bode responded that school districts were retroactively offered, pursuant to the resolution that was adopted last September, to all 34 school districts that were approved in July and any district that had been approved prior to that, but were not well into design. Five Districts were submitted at this meeting, with more being submitted at future Commission meetings.

Vice Chair Quill moved to approve Resolution 08-04.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

Steve Lutz presented for Commission consideration a second amendment to the Master Facilities Plan for Indian Lake Local School District in Logan County for their participation in the Expedited Program. The amendment reduces the project budget by \$2,355,505. This results from a reevaluation of the scope and budget for the abatement of hazardous materials required for the demolition of the two elementary schools. The Commission staff recommended approval of Resolution 08-05.

Dr. Puckett moved to approve Resolution 08-05.  
Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

Steve Lutz presented for Commission consideration an amendment for the Master Facilities Plan for Indian Valley Local School District in Tuscarawas County to adjust the budget due to market conditions. This amendment will add \$811,964 to the project construction fund, which is approximately 2% of the original budget. This project was budgeted early in 2004 prior to the impact of substantial materials cost increases that occurred in 2004 and 2005, which inflated construction costs more than 9% above the historical average. OFSC Project Administrator, Tamara Robitaille, the project team and the district worked hard to control the cost of the project in the climate of price inflation in which it bid. The Commission staff recommended approval of Resolution 08-06.

Vice Chair Quill moved to approve Resolution 08-06.  
Dr. Puckett seconded the motion.  
Approval: Vote 3-0.

Steve Lutz presented for Commission consideration an amendment for the Master Facilities Plan for North Fork Local School District in Licking County to increase the budget due to market conditions. This amendment will add \$357,533 to the project construction fund, which is approximately 1% of the original budget. OSFC Assistant Project Administrator, Tony Lococo, and the project team managed the design to contain the cost of the project. The Commission staff recommended approval of Resolution 08-07.

Dr. Puckett moved to approve Resolution 08-07.  
Vice Chair Quill seconded the motion.  
Approval: Vote 3-0.

Steve Lutz noted that Strasburg Franklin Local School District originally submitted a budget adjustment, but was unable to submit their board resolution in time so they will be presented for approval at the next Commission meeting.

8. Expedited Local Partnership Program Agreement Amendment Approval –  
Presented by Steve Lutz

Steve Lutz presented for Commission consideration a second amendment to the Expedited Local Partnership Program agreement with Indian Lake Local School District in Logan County. This amendment increases the scope of their project to include the abatement and demolition of their two old elementary schools. This work adds \$435,301 to their project bringing their Expedited Local Partnership Program credit to \$14,423,710. The Commission staff recommended approval of Resolution 08-08.

Chair Sabety asked how Resolution 08-08 related to the Resolution 08-05. Steve Lutz explained that the Resolution 08-05 modifies their master facilities plan and the Resolution 08-08 reflects their participation in ELPP and their credit.

Vice Chair Quill moved to approve Resolution 08-08.  
 Dr. Puckett seconded the motion.  
 Approval: Vote 3-0.

9. Consultant Contract Agreements and Amendments Approval – Presented by Eric Bode  
 Eric Bode presented four resolutions involving agreements and one amendment. The first resolution was for a construction cost reporting services agreement with Global Insight, Inc. for \$10,500. They provide us a construction cost model, but very specific to the OSFC type of K-12 construction that is more useful to us than a general construction inflation measures. This information is used as a basis for our design manual annual inflation update. The Commission staff reviewed and recommended approval of Resolution 08-09. .

| Contractor                 | Scope of Work            | Amount   |
|----------------------------|--------------------------|----------|
| Global Insight (USA), Inc. | Construction Cost Report | \$10,500 |

Vice Chair Quill asked if this represents an increase over last year. Eric Bode responded that it was the same amount as last year.

Dr. Puckett moved to approve Resolution 08-09.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 3-0.

The second resolution was for an expert witness services agreement with an Ohio Based firm, Façade Forensics for \$46,000. This is related to the Miller City-New Cleveland litigation over defective roof work. The company was originally hired as a sub-consultant to AMB, a roof inspection company, by the project team and paid for out of the school project construction fund when it was recognized that there was a problem with the roof. Normally the \$46,000 exceeds what we would contract with a firm without a selection process, however based on the project team and recommendation of the Attorney General’s Office, we would like to present this contract for \$46,000. The Commission staff recommended approval of Resolution 08-10.

| Contractor       | Scope of Work           | Amount   |
|------------------|-------------------------|----------|
| Facade Forensics | Expert Witness Services | \$46,000 |

Chair Sabety asked if the school district originally contracted this consultant. Eric Bode responded that was correct, originally Façade Forensics was technically a sub-consultant to another firm that was working on the project, which was AMB, and throughout the course of the project it became clear that the individual working for Façade Forensics was most likely going to be our expert witness at trial. This contract thereby is with the entity that will be testifying at trial. Vice Chair Quill asked what was the face value on the original contract with AMB. Jerry Kasai responded that he recollected the original contract with AMB was about \$85,000. Representative Szollosi asked the term of the contract. Eric Bode responded that the contract expires on December 31, 2009. Vice Chair Quill asked

what this specifically buys in terms does it specify the number of hours that we will get for this \$46,000. Eric Bode responded that we would pay them based on our need for services on an hourly rate not to exceed the \$46,000 and if we ended up not needing their services, we would cancel the contract. Representative Szollosi noticed that this stems from a claim Schnippel Construction had against OSFC and asked for more information. Jerry Kasai responded Schnippel Construction was the general trade contractor on the Miller-City project. The Miller-City project is a K-12 with approximately 1,400 students in Northwest Ohio. After the project was completed there were issues with the roof. During the post-occupancy period, Schnippel agreed to come back and fix the problems with the roof. During the course of their fixing the problems with the roof, Schnippel walked off the job without finishing the roof and leaving part of the entire roof off. The building was unprotected at that point in time and the project team had to take emergency measures to water tight the building so they could continue to have school, so \$8,000 was spent to have temporary barriers installed across the entirety of the roof to keep the building weather tight. The actual roof work was bid out in a fashion, which had as an alternate the entire replacement of the roof as opposed to just repairing the roof. The replacement of the roof came in higher, however in using our judgment the project team felt it was better to replace the roof. The differential between the two was not that great and we were guaranteed getting a better product in the end. That total cost was approximately \$440,000. Schnippel did sue the State in the Court of Claims for their retainage. We immediately counterclaimed for the cost of all our repair and essentially that is where the case is now. Representative Szollosi asked if it was fair to say Schnippel Construction will not be doing business with OSFC. Jerry Kasai responded that Schnippel has not received any project jobs nor have they bid on any of our jobs. If they were to bid, Miller-City would be taken into account in any responsibility evaluation of Schnippel. Senator Mumper asked if the \$80,000 contract was bid. Jerry Kasai responded the \$80,000 was personal services contract and normally personal services contracts are not bid. It was entered into by a school district purchase order and approved by the school district's board, which is pursuant to Ohio Revised Code 3313.46. It was in accordance with the law. Senator Mumper asked if this \$46,000 included money already spent. Jerry Kasai responded that it does not include any prior amounts.

Vice Chair Quill moved to approve Resolution 08-10.

Madam Chair Sabety seconded the motion.

Approval: Vote 3-0.

The third resolution was for LEED Consultant Services. Staff identified three areas for contracting. The first would be mentoring, the second would be training and the third would be for the Ohio School Design Manual update. The steering committee at the Commission looked at all the needs that we had for successfully implementing the LEED program. We looked at our existing resources, looked to see what we could do in house, we looked to see what was available for instance some training with other entities that were able to provide that and then we prioritized. Based on that discussion, we perceived three areas for contracting. The first would be mentoring. This would be expertise from architects who design LEED certified buildings and who can be called on by individual project teams. For instance if there is a project team that is interested in doing LEED, but

not quite sure and they do not have the expertise in trying to figure out which of the LEED points would be applicable to their building and what would be the best route to take. They can call in for this one-on-one consulting mentoring for their project. The second area is training. We would bring an expertise for scheduled training sessions for project team members to train for our staff, school districts, architects or construction managers. The third area is for the Ohio School Design Manual update. Back in September when the LEED resolution was approved by the Commission, one of the points there was to not overhaul the design manual, but allowed the variance committee to quote “sympathetically” review any variances from the design manual needed for doing a LEED compliant building. We recognize that was something of a stopgap measure that we want to not just remove roadblocks, but actually use the design manual to encourage and to build upon the LEED design. So we do have a process that over the spring we look forward to updating the design manual to make it more LEED friendly. So with those three scopes of work, the mentoring, the training and the OSDM update we have focused on three contractors who would be able to provide for us. The Commission staff recommended approval of Resolution 08-11.

| <b>Contractor</b>                  | <b>Scope of Work</b>             | <b>Amount</b> |
|------------------------------------|----------------------------------|---------------|
| Boecker Consulting Services        | LEED Consultant (Mentoring Only) | \$20,000      |
| Innovative Design, Inc.            | LEED Consultant                  | \$110,000     |
| Sustainaissance International Inc. | LEED Consultant (Mentoring Only) | \$20,000      |

Vice Chair Quill wanted to start some discussions about taking advantage of this opportunity to not only assure that knowledge transfers within OSFC, but also build those capabilities into the State Architects Office. He also would like to take an opportunity to furthering that internal capability here at the state so that other departments and agencies that are engaged in LEED construction can have that ongoing resource available to them and I think that we can realize some great economies. Eric Bode mentioned that some of the programs, the training opportunities that we either are aware of and want to make our partners aware of or ones that we are providing some direct help for. We anticipate that some of those would be open, especially the LEED training that we would have coming up in March would be open to anyone interested in LEED. Vice Chair Quill added picking up on the actual experience of the construction and given the scope and scale of construction we have got going here in the OSFC seems like a once in a lifetime opportunity to build that capability and experience base into an ongoing enterprise in state government. Chair Sabety asked if the firms were Ohio based. Eric Bode responded that none of these are Ohio based firms. All three firms are the national experts and will be building our expertise internally. Actually what we see is Ohio becoming the leader for LEED school design with that expertise that we would have in house. Chair Sabety commented that it seems we ought to actually have a discussion about what the LEED program will look like, the extent to which we are using this to educate the rest of state government, as well as build the capacity of architects, contractors and contract managers in state because the notion here is we are putting so much money into the market place, how are we

strategically using it. We want adopt national best practices, but we also want Ohio companies to be best in the field. Chair Sabety added as we were briefing legislative leadership about our economic data, President Harris asked specifically whether we had included the impact of added construction jobs as a result of all the tobacco money going into schools as a component of stimulants for Ohio's economy. This is something we have a very high level of interest and not just an activity for the OSFC, but a long-term industrial strategy to advance jobs in the state. Chair Sabety asked the Commission to think about how it is we will be documenting the impact that we will be having in the next two or three years and report back at the next meeting.

Dr. Puckett moved to approve Resolution 08-11.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

The final resolution was for four amendments to contracts that currently exist for Duket Porter Associates, Karl R. Rohrer Associates, Schorr Architects, Inc. and TMP Architecture LLC for assessment services. This is the third year for these contracts and because of the tobacco securitization and the great number of master facilities plans that we are generating, we identified a need to add to the not to exceed amount in these contracts for assessment services. Assessments are services to look at existing buildings and estimate the cost of renovating those buildings using our comprehensive web-based tool that are done by architects and engineers. In the next few months, we will begin an RFP process to reselect assessment firms for contracts starting next fiscal year. The Commission staff recommended for approval of Resolution 08-12.

| <b>Contractor</b>                | <b>Scope of Work</b>                       | <b>Amount</b>                   |
|----------------------------------|--|---------------------------------|
| Duket Porter Associates          | Fees to Date<br><b>Additional Services</b> | \$1,300,000<br><b>\$200,000</b> |
| Karl R. Rohrer Associates        | Fees to Date<br><b>Additional Services</b> | \$650,000<br><b>\$100,000</b>   |
| Schorr Architects, Inc.          | Fees to Date<br><b>Additional Services</b> | \$850,000<br><b>\$200,000</b>   |
| TMP Architecture LLC             | Fees to Date<br><b>Additional Services</b> | \$500,000<br><b>\$200,000</b>   |
| <b>Total Additional Services</b> |  | <b>\$700,000</b>                |

Dr. Puckett asked if the assessments are getting better over time. Eric Bode responded that we definitely think that the assessments are improving. The tool that we have is becoming much more comprehensive, as well as the expertise of the architects and engineers. The most recent data show the actual cost compared to the original budgeted cost that the renovation projects are actually more in line with original budgets than the new builds.

Dr. Puckett moved to approve Resolution 08-12.  
 Vice Chair Quill seconded the motion.  
 Approval: Vote 3-0.

10. Architectural Agreements and Amendments Approval – Presented by Steve Berezansky  
 Steve Berezansky presented design profession agreement and amendments for Commission consideration. The Commission staff reviewed and recommended approval of Resolution 08-13.

Agreements:

| School District    | Project   | Architect | Amount         |
|--------------------|-----------|-----------|----------------|
| Akron CSD – Seg. 3 | Segment 3 | GPD Group | \$5,817,441.99 |

Amendments:

| School District | Project   | Architect               | Fees to Date   | Amount       | Total          |
|-----------------|---|-------------------------|----------------|--------------|----------------|
| Columbus CSD    | Additional construction administrative oversight due to schedule delay                  | Bogden Architects, Inc. | \$457,446.00   | \$31,106.16  | \$488,552.16   |
| Youngstown CSD  | Master plan change, enrollment reduction and reduction of building sizes deep in design | ms consultants, inc     | \$1,533,600.00 | \$681,719.00 | \$2,215,319.00 |

Locally Funded Initiatives:

| School District    | Project  | Architect                     | Amount       |
|--------------------|--|-------------------------------|--------------|
| Akron CSD – Seg. 3 | Additional scope above the Master Plan including additional square feet  | GPD Group                     | \$765,838.65 |
| Gallipolis CSD     | Auditorium house and additional square feet  | Steed Hammond Paul, Inc.      | \$348,767.00 |
| Girard CSD         | All weather track, turf field and drainage, parking lot graded and blacktopped, new field lights, additional seating, block building, press box, demolish home stands and replace block building | ThenDesign Architecture, Ltd. | \$158,280.00 |
| Youngstown CSD     | Additional square feet, additional windows, additional power and fiber optic outlets in classrooms, sloped roof and boiler recovery  | ms consultants, inc           | \$38,589.00  |

Chair Sabety asked for further explanation on Youngstown City School District amendment. Steve Berezansky responded that the history behind this amendment was an enrollment drop in Youngstown. Extensive redesign for two elementary schools was done due to the enrollment reduction and changes in the master plan associated with enrollment. Eric Bode commented that Youngstown was a very early project around 1999-2000 and some of the original projections back in the early years of the Commission were typically over optimistic. Representative Szollosi asked if we anticipate this kind of anomaly understanding that the projections have been tracking much more accurately from 2003 and forward. Director Shoemaker responded that the risk is always there and that you would expect change. The magnitude of the change is what we are hoping to minimize.

Vice Chair Quill moved to approve Resolution 08-13.  
 Dr. Puckett seconded the motion.  
 Approval: Vote 3-0.

11. Construction Manager Agreement and Amendments Approval – Presented by Steve Berezansky  
 The following Construction Manager Agreements were presented for approval. The commission staff has reviewed and recommends approval of Resolution 08-14.

| <b>CM Firm</b>       | <b>District</b>   | <b>County</b> | <b>Total CM Compensation</b> |
|----------------------|-------------------|---------------|------------------------------|
| Shook Touchstone LLC | Dayton CSD-Seg. 2 | Montgomery    | \$3,773,581                  |
| Shook Touchstone LLC | Dayton CSD-Seg. 3 | Montgomery    | \$8,659,365                  |

Madam Chair Sabety moved to approve Resolution 08-14.  
 Dr. Puckett seconded the motion.  
 Vice Chair Quill abstained from the vote.  
 Approval: Vote 2-0.

The following Construction Manager amendments were presented for approval. The commission staff has reviewed and recommends approval of Resolution 08-15.

| <b>School District</b> | <b>Construction Management Company</b> | <b>Amount</b> |
|------------------------|--|---------------|
| Northwest LSD          | BBL Construction Services, LLC         | \$66,000      |
| Fayetteville-Perry LSD | Turner Construction Company            | \$121,100     |

Vice Chair Quill moved to approve Resolution 08-15.  
 Dr. Puckett seconded the motion.  
 Approval: Vote 3-0.

The following Construction Manager amendments for “locally funded initiative” were presented for approval. The commission staff has reviewed and recommends approval of Resolution 08-16.

| <u>School District</u> | <u>Construction Manager</u> | <u>Amount</u> |
|------------------------|-----------------------------|---------------|
| Southern Hills JVSD    | Resource International      | \$92,923      |
| Fayetteville-Perry LSD | Turner Construction Company | \$153,306     |
| Warren CSD             | RP Carbone/Ozanne/Hammond   | \$250,487     |

Dr. Puckett moved to approve Resolution 08-16.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

12. Trade Construction Contracts Approval – Presented by Steve Berezansky

All contracts represent the lowest responsible bidder. Steve Berezansky pointed out two contracts that went to the second low bidder, lowest responsible bidder. Hillsboro City School District - Environmental Restoration Group Inc. withdrew their bid due to an unintentional omission of a substantial quantity of work, labor and material made directly in the compilation of the bid amount and the contract was awarded to C2 Diversified, Inc. Ohio Valley Local School District - Trucco Construction Co., Inc. withdrew their site work bid due to a clerical error and the contract was awarded to Mark Schaffer Excavating and Trucking, Inc. The Commission staff reviewed and recommended approval of Resolution 08-17.

| <u>School District</u> | <u>Contracting Entity</u>              | <u>Scope Of Work</u>                           | <u>\$ Amount</u> |
|------------------------|--|--|------------------|
| Akron CSD              | Valley Electrical Consolidated, Inc.   | Technology                                     | \$918,908.00     |
| Akron CSD              | Continental Office Furniture           | Classroom Furniture                            | \$864,867.18     |
| Akron CSD              | S. A. Comunale                         | Mechanical/HVAC                                | \$1,942,000.00   |
| Akron CSD              | Lockhart Concrete Company              | Site work                                      | \$706,500.00     |
| Akron CSD              | Jeffrey Carr Construction, Inc.        | General Trades                                 | \$2,046,175.00   |
| Akron CSD              | Continental Office Furniture, Corp     | Classroom Furniture                            | \$466,638.62     |
| Akron CSD              | S. A. Comunale Co., Inc.               | Plumbing/Heating, Mech./HVAC, Sprinkler System | \$1,438,000.00   |
| Akron CSD              | R & M Company dba Summit Electric      | Electrical/Fire Alarm                          | \$747,757.00     |
| Akron CSD              | Fire Foe Corporation                   | Sprinkler System                               | \$244,933.00     |
| Akron CSD              | Genesis Electric Corporation           | Electrical/Fire Alarms                         | \$1,640,399.00   |
| Akron CSD              | C. T. Taylor Company                   | General Trades                                 | \$8,351,600.00   |
| Akron CSD              | R. T. Hampton Plumbing & Heating, Inc. | Plumbing                                       | \$852,800.00     |
| Ashtabula Area CSD     | S. A. Comunale, Inc.                   | Fire Protection                                | \$169,800.00     |
| Ashtabula Area CSD     | Enertech Electrical, Inc.              | Electrical                                     | \$2,106,700.00   |
| Ashtabula Area CSD     | Hudson Construction, Inc.              | General Trades                                 | \$6,641,000.00   |
| Ashtabula Area CSD     | Detrick Industrial Piping, Inc.        | Plumbing and HVAC                              | \$2,182,200.00   |
| Cincinnati CSD         | Westside Paving & Excavating, Inc.     | Demolition                                     | \$187,300.00     |
| Cincinnati CSD         | Stapleton Electric Co.                 | Electrical/Technology                          | \$1,765,000.00   |
| Cincinnati CSD         | Dalmatian Fire, Inc.                   | Fire Protection                                | \$143,400.00     |
| Cincinnati CSD         | Dugan & Meyers Construction Company    | General Trades                                 | \$8,234,000.00   |
| Cleveland CSD          | Gateway Electric, Inc.                 | Electrical                                     | \$1,321,733.00   |
| Cleveland CSD          | B & B Wrecking, Inc.                   | Demolition                                     | \$463,300.00     |

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| Cleveland CSD          | S A Comunale Company, Inc.              | Fire Protection  | \$198,645.00   |
| Cleveland CSD          | The John F. Gallagher Co.               | Plumbing   | \$739,430.00   |
| Cleveland CSD          | Miles Mechanical, Inc.                  | HVAC   | \$1,650,000.00 |
| Cleveland CSD          | Down to Earth Landscaping, Inc.         | Landscaping  | \$45,685.20    |
| Clinton-Massie LSD     | C R & R, Inc.                           | General Trades   | \$3,274,000.00 |
| Clinton-Massie LSD     | Emerald Fire Protection                 | Fire Protection  | \$126,650.00   |
| Clinton-Massie LSD     | Artic Heating & Air Conditioning, Inc   | HVAC   | \$1,654,000.00 |
| Clinton-Massie LSD     | Reddy Electric Company                  | Electrical/Technology  | \$2,137,000.00 |
| Clinton-Massie LSD     | Queen City Mechanicals, Inc.            | Plumbing   | \$610,000.00   |
| Columbus CSD           | Tom Sexton and Associates               | LF - Academic and Media  | \$151,438.41   |
| Columbus CSD           | Fox Mechanical Company, Inc.            | Plumbing   | \$289,000.00   |
| Columbus CSD           | Claypool Electric, Inc.                 | Electric   | \$736,000.00   |
| Columbus CSD           | H & A Mechanical, Inc.                  | HVAC   | \$1,841,000.00 |
| Columbus CSD           | Continental Office Environments         | LF - Administration  | \$18,443.00    |
| Columbus CSD           | Central Ohio Building Co., Inc.         | General Trades   | \$682,550.00   |
| Columbus CSD           | Continental Office Environments         | LF - Academic Core   | \$109,816.56   |
| Columbus CSD           | Central Ohio Building Co., Inc.         | General Trades   | \$955,500.00   |
| Dayton CSD             | C2 Diversified Services                 | Asbestos Abatement   | \$105,050.00   |
| Dayton CSD             | C2 Diversified Services                 | Asbestos Abatement   | \$19,550.00    |
| Dayton CSD             | Midwest Aasbestos Abatement, Inc.       | Asbestos Abatement   | \$2,615,000.00 |
| Dayton CSD             | Chapel Romanoff Technologies            | Technology Cabling   | \$969,424.00   |
| Dayton CSD             | Valley Electric Consolidated            | Video Systems  | \$1,468,900.00 |
| Dayton CSD             | Central Insulation Systems              | Asbestos Abatement   | \$138,815.00   |
| Dayton CSD             | Nu-Vision Technologies                  | Telephone Systems  | \$365,311.00   |
| Fayetteville-Perry LSD | Tri Con, Inc.                           | General Trades   | \$9,256,900.00 |
| Fayetteville-Perry LSD | Emerald Fire Protection, LLC            | Fire Protection  | \$274,900.00   |
| Fayetteville-Perry LSD | Feldkamp Enterprises, Inc.              | Plumbing   | \$818,000.00   |
| Fayetteville-Perry LSD | United Electric Company, Inc.           | Electrical/Technology  | \$2,945,050.00 |
| Fayetteville-Perry LSD | Artic Heating & Air Conditioning, Inc.  | HVAC   | \$2,496,000.00 |
| Galion CSD             | Total Environmental Services, LLC       | Environmental Hazard Abatement & Related Work<br>Asbestos Hazard Abatement & Related Work & UST System Removal | \$72,565.00    |
| Hillsboro CSD          | C2 Diversified, Inc. * * *              |  | \$36,800.00    |
| Hillsboro CSD          | Roberts Paving, Inc.                    | Asphalt Rework   | \$73,400.00    |
| Logan-Hocking LSD      | Stonecreek Interior                     | Casework   | \$137,300.00   |
| Logan-Hocking LSD      | Claggett & Sons, Inc.                   | General Trades   | \$7,182,803.00 |
| Logan-Hocking LSD      | Claypool Electric                       | Electrical   | \$3,400,000.00 |
| Logan-Hocking LSD      | T P Mechanical                          | Plumbing, Fire Protection, HVAC  | \$2,999,967.00 |
| Logan-Hocking LSD      | Farnham Equipment Company               | Casework   | \$88,700.00    |
| Minerva LSD            | Stanley Security Solutions              | Clock Systems  | \$42,000.00    |
| Minerva LSD            | Sound Com Corporation                   | Sound Systems  | \$252,100.00   |
| Minerva LSD            | Southeast Security Corp.                | Security and Access Control  | \$189,750.00   |
| Minerva LSD            | U. S. Communications and Electric, Inc. | Structured Wiring and Tele/Data Backbone   | \$393,183.00   |
| Minerva LSD            | Black Box Network Services              | Telephone and Network Equipment  | \$490,883.71   |
| Ohio Valley LSD        | Charles H. Hamilton Company             | Early Site   | \$1,022,000.00 |

|   |  |   |                               |
|---|--|---|-------------------------------|
| Ohio Valley LSD                             | Mark Schaffer Excavating and Trucking, Inc .   | Early Site  | \$1,279,735.00                |
| Ohio Valley LSD                             | Mark Schaffer Excavating and Trucking, Inc. * * *  | Early Site  | \$1,303,256.00                |
| Ohio Valley LSD                             | Middleton Geothermal Services, LLC   | Geothermal Wells  | \$1,768,671.00                |
| Painesville City LSD                        | V. I. P. Electric Company  | Sound System  | \$221,000.00                  |
| Painesville City LSD                        | Game Time c/o David Williams and Associates  | Playground Equipment & Site Furnishings                       | \$125,440.00                  |
| Painesville City LSD                        | The Conti Corporation  | HVAC  | \$2,448,000.00                |
| Painesville City LSD                        | Game Time c/o David Williams and Associates  | Playground Equipment & Site Furnishings                       | \$125,450.00                  |
| Painesville City LSD                        | V.I.P Electric Company   | Electrical  | \$2,573,900.00                |
| Painesville City LSD                        | Mac Mechanical Corporation   | Fire Protection   | \$419,100.00                  |
| Painesville City LSD                        | Game Time c/o David Williams and Associates  | Playground Equipment & Site Furnishings                       | \$131,148.00                  |
| Painesville City LSD                        | Soehnlén Piping Company  | Plumbing  | \$1,313,000.00                |
| Painesville City LSD                        | C. T. Taylor Company, Inc.   | General Trades  | \$12,004,300.00               |
| Springfield CSD                             | Continental Office Environments  | Furniture   | \$1,235,695.82                |
| Springfield CSD                             | SoundCom Systems   | Technology  | \$1,102,527.00                |
| Toledo CSD                                  | Bayes, Inc.  | Plumbing  | \$430,000.00                  |
| Toledo CSD                                  | Accel Fire Systems, Inc.   | Fire Protection   | \$125,300.00                  |
| Toledo CSD                                  | GEM Industrial, Inc.   | Electrical  | \$668,700.00                  |
| Toledo CSD                                  | Crestline Paving & Excavating, Co., Inc.   | Site  | \$654,071.00                  |
| Toledo CSD                                  | The Spieker Company  | General Trades  | \$4,804,000.00                |
| Toledo CSD                                  | Hoffman & Harpst Co., Inc.   | HVAC  | \$1,395,000.00                |
| Toledo CSD                                  | Tom Sexton & Associates  | School FFE  | \$330,354.75                  |
| Toledo CSD                                  | Midwest Environmental Control, Inc,  | Abatement   | \$62,140.00                   |
| Toledo CSD                                  | Tom Sexton & Associates  | School FFE  | \$213,600.00                  |
| Toledo CSD                                  | Tom Sexton & Associates  | School FFE  | \$172,730.00                  |
| Toledo CSD                                  | Continental Office aka Continental Education Environments aka Continental Office Furniture & Supply Corp | School FFE  | \$202,685.82                  |
| Toledo CSD                                  | Romanoff Electric Co., LLC   | Electrical  | \$1,015,300.00                |
| Toledo CSD                                  | Midwest Environmental Control, Inc,  | Abatement   | \$63,800.00                   |
| Toledo CSD                                  | Midwest Environmental Control, Inc,  | Abatement   | \$88,620.00                   |
| Toledo CSD                                  | McNerney & Son, Inc.   | Office FFE  | \$141,572.69                  |
| Toledo CSD                                  | McNerney & Son, Inc.   | Office FFE  | \$99,837.19                   |
| Toledo CSD                                  | McNerney & Son, Inc.   | Office FFE  | \$73,195.33                   |
| Toledo CSD                                  | McNerney & Son, Inc.   | Office FFE  | \$78,364.44                   |
| Toledo CSD                                  | B & B Wrecking, Inc.   | Demolition  | \$247,000.00                  |
| Toledo CSD                                  | L. J. Irving Jr. & Sons, Inc   | Demolition  | \$178,430.00                  |
| Toledo CSD                                  | Baumann Enterprises, Inc.  | Demolition  | \$314,000.00                  |
| Toledo CSD                                  | Baumann Enterprises, Inc.  | Demolition  | \$242,000.00                  |
| Toledo CSD                                  | Midwest Environmental Control, Inc,  | Abatement   | \$70,240.00                   |
| Vinton County LSD                           | Tom Mayle & Sons Construction, LLC   | Demolition  | \$254,950.00                  |
| Wheelersburg LSD                            | Valley Electrical Consolidated, Inc.   | Video Distribution Sound Reinforcing                          | \$528,850.00                  |
| Wheelersburg LSD                            | Resource One Computer Systems  | Combination Closed Circuit Television & Access Control System | \$228,573.00                  |
| * * * Lowest Responsible, Second Low Bidder |  |   | <b>Total \$135,243,057.72</b> |

Representative Szollosi asked to what extent and who does the analysis OSHA violations. Steve Berezansky responded there is an elaborate review of the contracts before they are awarded including OSHA violations. Representative Szollosi said he was provided some information that caused him concern, but it would merit further research before he would recommend any action be taken. Director Shoemaker responded OSFC would appreciate any information that Rep. Szollosi would have.

Vice Chair Quill moved to approve Resolution 08-17.

Dr. Puckett seconded the motion.

Approval: Vote 3-0.

13. Settlement Agreements Approval – Presented by Jerry Kasai

Jefferson Local School District:

Renovations and additions to Norwood Elementary School finished in the fall of 2007. During construction, Dorsey had issues with scheduling and keeping up with the other primes. In order to open the school on time, the Project supplemented the work of Dorsey and incurred some additional soft costs, totaling around \$86,000. Dorsey disputed the appropriateness of some of the back charges. After some negotiation and checking of whether amounts had in fact been charged, the back charge was reduced to \$77,493.77, to which Dorsey agreed. Under the settlement, the Commission is releasing claims for delay or other costs related to the performance of Dorsey's work, but retaining claims regarding warranty and latent defects. The Commission staff reviewed and recommended approval of Resolution 08-18.

Representative Szollosi asked if this was a roof situation or structural. Jerry Kasai responded that this was not a roof situation nor structural. The supplementation had to deal more with landscaping, the interior finishes and those types of things. The things that had to occur in the last six weeks before the building opened.

Dr. Puckett moved to approve Resolution 08-18.

Vice Chair Quill seconded the motion.

Approval: Vote 3-0.

Ripley Union Lewis Huntington Local School District:

The new high school finished in 1994 through the Department of Education 1990 Program. There was a persistent water infiltration problem with the roof. It was also determined during the CFAP project that the existing roof did not meet the 1989 then existing building code for uplift bridging requirements. Scope for the CFAP work for the School District included replacing the entire roof and reworking the structural supports on a somewhat new school due to the extent of both issues. Co-owners filed suit in 2004, alleging damages in of approximately \$850,000.

Parties went through mediation in December of 2006. Defendants agreed to settle all the roof claims for \$501,000. In the proposed settlement Tanner Stone assigned all rights against its sub-consultant Eeman & Blinn on the wind uplift issues. At the mediation, Eeman & Blinn asserted that even though the roof did not meet the 1989 Building Code,

the fix performed on the Project was excessive and would only offer an insubstantial amount to settle that particular claim. Trial against Eeman & Blinn was set for December of 2007 in Brown County Common Pleas Court. A week before trial was set, Defendants approached OSFC's lawyers and asked if we would consider settlement. After a few back and forth offers, the Owners accepted \$290,000 from Eeman & Blinn for the uplift bridging issue. At the 2006 mediation, the Owner's last offer was \$270,000, so the final settlement offer was above the last position. The Commission staff reviewed and recommended approval of Resolution 08-19.

Vice Chair Quill moved to approve Resolution 08-19.  
Dr. Puckett seconded the motion.  
Approval: Vote 3-0.

#### 14. Public Testimony

Eleanor Stocks, President of the Greater Dayton African American Chamber of Commerce provided testimony to the Commission. A copy of her testimony is attached to the minutes.

Chair Sabety thanked Eleanor Stocks for addressing the Commission and expressed her interest in this issue. Vice Chair Quill commented that we are always looking for ways to leverage internal capacities both of the state and build capacities within our communities. He suggested that the conversation continue with Executive Director Shoemaker and staff resources that are dedicated to evaluating EDGE opportunities and MBE opportunities within the construction field of OSFC. This is an important concept in terms of creating these centralized capabilities within our communities and recognizing the talents of our folks.

James Peppers provided testimony to the Commission regarding Responsible Contracting and Irresponsible Contractors. A copy of his testimony is attached to the minutes.

Director Shoemaker thanked Mr. Peppers for his presentation. Often claims OSFC receives are vague and difficult to follow up. If in fact these claims are true, this is a serious breach of responsibilities. We will update the Commission at the next meeting.

The meeting was adjourned at 4:12 PM.

  
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J. Pari Sabety, Chair

These meeting minutes were prepared by:  
Carolyn McClure  
Executive Assistant  
Ohio School Facilities Commission