



Commission Members:

J. Pari Sabety, Office of Budget & Management
Susan Tave Zelman, Ohio Department of Education
Hugh Quill, Department of Administrative Services

Senator Larry Mumper
Senator Tom Roberts
Representative Clyde Evans
Representative Matthew A. Szollosi

***Ohio School Facilities Commission
July 26, 2007
William McKinley Room 1:30 PM***

AGENDA

ROLL CALL

1. Executive Director's Report
2. Adoption of the June 28, 2007 Meeting Minutes
3. Master Plan and Outreach Process Presentation
4. FY 08 Projects - Presented by Eric Bode
 - a. CFAP - *Resolution 07-82*
 - b. 1990 Look Back - *Resolution 07-83*
 - c. Lapsed Districts - *Resolution 07-84*
 - d. ENP - *Resolution 07-85*
 - e. VFAP - *Resolution 07-86*
 - f. Next Ten List - *Resolution 07-87*
 - g. ELPP Eligibility - *Resolution 07-88*
 - h. ENP Eligibility - *Resolution 07-89*
 - i. VFAP Eligibility - *Resolution 07-90*
5. School Energy Conservation Financing Program Approval
Presented by Mark Wantage - *Resolution 07-91*
6. Maintenance Plans Approval
Presented by Mark Wantage - *Resolution 07-92*
7. Master Facilities Plan Amendments Approval
Presented by Steve Lutz - *Resolution 07-93 and Resolution 07-94*
8. Expedited Local Partnership Program Amendments Approval
Presented by Steve Lutz - *Resolution 07-95, Resolution 07-96 and Resolution 07-97*
9. Responsible Bidder Requirements Approval
Presented by Jerry Kasai - *Resolution 07-98*
10. Consultant Contract Agreements Approval
Presented by Eric Bode- *Resolution 07-99*



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11. Architectural Agreements and Amendments Approval
Presented by Craig Weise - *Resolution 07-100*
12. Construction Manager Amendments Approval
Presented by Craig Weise - *Resolution 07-101, Resolution 07-102 and Resolution 07-103*
13. Trade Construction Contracts Approval
Presented by Craig Weise - *Resolution 07-104*
14. Settlement Agreements Approval
Presented by Jerry Kasai - *Resolution 07-105*

ADJOURN

RESOLUTION 07-98

**THE OHIO SCHOOL FACILITIES COMMISSION
JULY 26, 2007**

**AMENDING MODEL RESPONSIBLE BIDDER REQUIRMENTS LIST
AND APPROVING ADDITIONAL BIDDER CRITERIA
RELATED TO THE CONSTRUCTION WORKFORCE**

WHEREAS, the 122nd Ohio General Assembly established the Ohio School Facilities Commission (Commission) under Chapter 3318 of the Ohio Revised Code (ORC); and

WHEREAS, the Commission is committed to ensuring that schools are built by responsible contractors employing a qualified workforce; and

WHEREAS, Section 3313.46 of the Ohio Revised Code requires School Districts to award contracts to contractors submitting the lowest responsible bid after competitive bidding; and

WHEREAS, Section 3318.10 of the Ohio Revised Code provides discretion for a Board of Education, subject to Commission approval, to determine which contractor is the lowest responsible bidder; and

WHEREAS, the Commission is committed to allowing additional local control to individual School Districts which will ultimately own the school buildings, and have responsibility for the upkeep and maintenance of the school buildings; and

WHEREAS, on February 15, 2007, the Commission adopted Resolution 07-16 which included Attachment A; Model Responsible Bidder Requirements which would be approved if adopted, in whole or in part, by a School District without further Commission approval; and

WHEREAS, the Commission has determined it is necessary to amend the Model Responsible Bidder Requirements adopted on February 15, 2007 as Attachment A to Resolution 07-16; and

WHEREAS, the Commission has determined to allow, subject to Commission approval, a School District participating in a Commission program to determine additional standards related to the construction workforce.

NOW, THEREFORE BE IT RESOLVED THAT:

1. A School District participating in a Commission program shall have authority by resolution of its Board of Education to establish responsible bidder criteria to ensure the projects are completed by responsible contractors employing a qualified workforce.

2. The responsible bidder criteria adopted by the Board of Education are subject to Commission approval. Subject to legal review by the Commission, all submissions by Boards of Education which contain any or all of the responsible bidder criteria as set forth in Attachment A to this Resolution shall be considered approved by the Commission. The responsible bidder criteria set forth in Attachment A to this Resolution, entitled Model Responsible Bidder Workforce Standards, replaces those responsible bidder criteria entitled Model Responsible Bidder Requirements set forth in Attachment A to Resolution 07-16 adopted by the Commission on February 15, 2007.
3. The Commission authorizes its Executive Director to approve of additional responsible bidder criteria submitted by a Board of Education to the Commission for approval.
4. Following the adoption of a Resolution of a Board of Education to establish responsibility criteria for bidders and following approval by the Commission, the Commission authorizes the Executive Director to permit a School District to include the responsible bidder criteria in the contract documents.
5. For projects advertised after October 1, 2007, the Executive Director shall only approve contracts in which the Bidder has certified that it, and its subcontractors or any other contractor performing work on the project covered under the contract of the Bidder, it has implemented a written safety program, that each member of its job site workforce has completed an OSHA 10 or 30 Hour Construction Course, and that all project supervisors and all project foremen have completed an OSHA 30 hour Construction Course.
6. The Executive Director is authorized to waive or amend provisions of a School District's Project Agreement to facilitate the implementation of this Resolution.
7. The provisions of this Resolution shall not be used to contravene Ohio's Encouraging Diversity Growth and Equity ("EDGE") Program as established by the Ohio General Assembly and implemented by the Commission.

In witness thereof, the undersigned certifies the foregoing Resolution was duly adopted at an open meeting held on July 26, 2007 by the members of the Ohio School Facilities Commission.

J. Pari Sabety, Chair

Attachment A

THE OHIO SCHOOL FACILITIES COMMISSION
MODEL RESPONSIBLE BIDDER WORKFORCE STANDARDS

The following responsible bidder criteria may be included, by a resolution of a Board of Education, in the construction contracts for school building projects undertaken pursuant to Chapter 3318 of the Ohio Revised Code. These responsible bidder criteria are reasonably related to performance of the contract work within the statutory framework set forth in Section 9.312 of the Ohio Revised Code. The responsible bidder criteria shall be evaluated in accordance with Section 3.4.3 of the Instructions to Bidders.

1. As a condition precedent to contract award after bid, The Board of Education may undertake with the Bidder a Constructability and Scope review on projects of One Hundred Thousand Dollars (\$100,000.00) or more to verify that the Bidder included all required work.
2. The Low Bidder whose bid is more than twenty percent (20%) below the next lowest bidder shall list three (3) projects that are each within seventy-five percent (75%) of the bid project estimate for similar projects and that were successfully completed by the bidder not more than five (5) years ago. This information shall be provided if necessary at the post-bid scope review.
3. The Bidder shall certify it will employ supervisory personnel on this project that have three (3) or more years in the specific trade and/or maintain the appropriate state license if any.
4. The Bidder shall certify it has not been penalized or debarred from any public contracts for falsified certified payroll records or any other violation of the Fair Labor Standards Act in the last five (5) years.
5. The Bidder shall certify it has not been debarred from public contracts for prevailing wage violations or found (after all appeals) to have violated prevailing wage laws more than three times in the last ten years.
6. The Bidder shall certify it is in compliance with Ohio's Drug-Free Workplace requirements, including but not limited to, maintaining a substance abuse policy that its personnel are subject to on this project. The Bidder shall provide this policy or evidence thereof upon request.
7. The Bidder for a licensed trade contract or fire safety contract shall certify that the Bidder is licensed pursuant to Ohio Revised Code Chapter 4740 as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, or certified by the State Fire Marshall pursuant to R.C. 3737.65.

8. The Bidder shall certify it has not had a professional license revoked in the past five years in Ohio or any other state.
9. The Bidder shall certify it has no final judgments against it that have not been satisfied at the time of award in the total amount of fifty percent (50%) of the bid amount of this project.
10. The Bidder shall certify it has complied with unemployment and workers compensation laws for at least the two years preceding the date of bid submittal.
11. The Bidder for a trade licensed pursuant to Ohio Revised Code Chapter 4740 or requiring certification of the State Fire Marshall pursuant to R.C. 3737.65, shall certify that the Bidder will not subcontract greater than twenty-five percent (25%) of the labor (excluding materials) for its awarded contract, unless to specified subcontractors also licensed pursuant to Ohio Revised Code Chapter 4740 or certified by the State Fire Marshall pursuant to R.C. 3737.65
12. The Bidder shall certify it does not have an Experience Modification Rating of greater than 1.5 (a penalty rated employer) with respect to the Bureau of Workers Compensation risk assessment rating.
13. The Bidder shall certify that it will provide a minimum health care medical plan for those employees working on this project, and shall provide the policy or evidence thereof upon request.
14. The Bidder shall certify it will contribute to an employee pension or retirement program for those employees working on this project, and shall provide the plan or evidence thereof upon request.
15. The Bidder shall certify it shall use only construction trades personnel who were trained in a state or federally approved apprenticeship program or Career Technical program, or who are currently enrolled in a state or federally approved apprenticeship program or Career Technical Program, or who can demonstrate at least three years experience in their particular trade.
16. The Bidder shall certify it has not been debarred from any public contract; federal, state or local in the past five years.
17. The Bidder shall certify that it, and its subcontractors or any other contractor performing work on the project covered under the contract of the Bidder, shall pay the prevailing wage rate and comply with the other provisions set forth in Ohio's Prevailing Wage Law, R.C. 4115.03 through 4115.16, and O.A.C. 4101:9-4-01 through 4101:9-4-28. This includes, but is not limited to, the filing of certified payroll reports.

18. The Bidder shall certify that it, and its subcontractors or any other contractor performing work on the project covered under the contract of the Bidder, shall comply with the requirements of a project labor agreement adopted for use on the project.

A material breach of the responsible bidder criteria prior to, or during the contract performance, shall subject the contractor to all contractual remedies, including, but not limited to, termination for cause.