



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Ohio

December 19, 2012

To: ACEC Ohio Board of Directors
From: Don Mader, Executive Director
Subject: Meeting with Ohio Facilities Construction Commission

Today a delegation of members of ACEC Ohio and AIA Ohio met with representatives of the Ohio Facilities Construction Commission; the first of what was agreed will be a continuing series of liaison meetings between the new agency and the design industry.

The commission's Executive Director, Richard M. Hickman, hosted the meeting at the new OFCC offices on the fourth floor of the Ohio Bureau of Workers' Compensation Building, in downtown Columbus. Craig Weise, the agency's Chief of Projects, and Crystal Canan, the Chief of Contract Compliance & Energy, also participated.

Representatives of ACEC Ohio were William R. Shelley (Shelley Metz Baumann Hawk, Inc.), chair of the Vertical Construction Committee; Thomas M. Doyle (Korda); John F. Pottmeyer (MKC Associates, Inc.), C. K. Satyapriya (CTL Engineering, Inc.), and Executive Director Donald L. Mader.

Hickman opened the meeting by stating that the focus of the OFCC, which combines the staffs of the Ohio School Facilities Commission and the former Office of the State Architect, will be the "high-level strategic direction of state construction." He distributed a list of key contacts at the new agency (*attached*).

Legislation creating the OFCC required that a study be completed by the end of the year to determine whether the new agency should also assume responsibility for the Ohio Department of Natural Resources construction program at the state's 76 state parks. Hickman said that study is nearly complete and likely will recommend that OFCC take over the responsibility for all ODNR projects larger than \$1.5 million, with the exception of the department's dam replacement program.

Master planning will be an important function of the OFCC, Hickman predicted. His agency is already working with the Ohio Exposition Commission and the Ohio Department of Transportation to evaluate their facilities needs and will soon undertake the same effort for ODNR. The Kasich Administration is very supportive of this master planning initiative and it is likely to change the way the state allocates its capital improvement dollars, he said.

Even though the Ohio School Facilities Commission is now a part of the OFCC, the school replacement program will continue very much as it has since its inception. There are 127 “active” school projects (in either design or construction) statewide and so far 212 of 630 local school districts have received OSFC financial assistance.

In the future, the OSFC staff will select school architects in consultation with local school districts, Hickman said. As in the past, the commission will not fund any services that an architect may provide to a school district prior to a bond issue, nor is there any guarantee that architects selected to provide these re-bond issue services will be selected to provide design and construction phase services. He distributed a document entitled “Timeline for Procurement of Professional Services” (*attached*).

Fifteen districts recently passed bond issues to secure their local matching funds and that will result in an additional \$700 million in construction, he said. Many school districts are showing interest in using the new project delivery methods authorized by construction reform legislation passed in 2011, especially in the construction manager at-risk (CMAR) and general contracting (GC) methods.

Hickman said the build-out of the OFCC office space was the first design/build project undertaken by the agency, and the \$1.2 million project was satisfactorily completed in 100 days. He said the agency has another major design/build school project underway in Dayton and its first buy/sell/leaseback project will be a school-dormitory facility in Cincinnati.

Hickman and Weise explained that the OFCC staff counsels with local school districts and state agencies in the selection of a project delivery system. While agency or school district occupancy schedules are a big factor in project delivery method selection, Hickman acknowledged that schedule cannot be the determining factor.

The agency’s second design/build project, the new wild animal detention facility in Reynoldsburg, illustrates one of the shortcomings of D/B. The Department of Agriculture, which is responsible for building the facility, insisted on having significant involvement in the design of the facility – which conflicts with the concept of design/build – and this will delay completion of the project by six to seven weeks, he said.

Crystal Canan said OSFC staff has become increasingly concerned that on design/build projects, the architect of record may not be providing the full range of services needed by the school district and the state. She distributed a supplementary scope statement (*attached*) that will be included in future design/build contract documents, which details the specific services the architect will be required to provide.

Craig Weise said the OFCC is developing an online bidding system for public owners. This system, Bid Express, should be operational sometime in 2013.

This first meeting was intended to bring the industry “up to speed” on the formation of the OFCC, Hickman said. He added that he hoped future meetings would produce more dialog between him and his staff and the design industry. He said he wants to hear about the problems and challenges being faced by design professionals who work, or are seeking to work, on state projects.

It was agreed that a series of quarterly meeting should be scheduled in 2013. David Field and Don Mader agreed to work with Craig Weise to get these meetings scheduled.

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3.2 Interpretations

3.2.1 The AOR shall render interpretations of the Contract Documents necessary for the proper execution or progress of the Work on the Project.

3.2.2 The AOR shall keep a log of all RFIs and their respective responses.

3.3 Submittal Review

3.3.1 The AOR shall review Submittals such as Shop Drawings, Product Data, and Samples for conformity with design intent and conformity with the Contract Documents.

3.3.2 The AOR shall also review drawings, calculations, and designs required of Subcontractors and provided with such Submittals (except calculations and designs of manufacturers of original equipment and systems to be installed in the Project and except calculations and designs which the Contract Documents expressly make the sole responsibility of one or more Subcontractors, Material Suppliers, or other persons).

3.4 Contract Modifications

3.4.1 The AOR shall revise the Drawings, Specifications, and other design-related documents as necessary on account of Modifications of the DB's Contract with the Contracting Authority.

3.5 Record Documents

3.5.1 The AOR shall revise the Contract Documents and related electronic files with the information contained on the As-Built Documents submitted by the DB and its Subcontractors.

3.5.2 The AOR shall label the revised Contract Documents and related electronic files as "Record Documents" and reflect the date of the AOR's incorporation of the As-Built Documents.

3.5.3 The Record Documents, to the best of the AOR's knowledge based upon the As-Built Documents delivered to the AOR by the DB and its Subcontractors and the AOR's observations during the progress of the Project, shall detail the actual construction of the Project and contain such annotations by the AOR as may be necessary for someone unfamiliar with the Project to understand the changes that were made to the Contract Documents.

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