

## RECORD OF PROCEEDINGS

### Minutes of the West Clermont Local School Board Special Meeting Held at the Union Township Civic Center, on Wednesday, February 4, 2009

The Board of Education of the West Clermont Local School District met in Special Session at 6:23 p.m. on Wednesday, February 4, 2009 at Union Township Civic Center.

Board members answering roll call: Mrs. Jo Ann Beamer, Mr. Jeff Burgess, Mrs. Barbara Hartman and Mr. Doug Young. Mr. Dan Krueger was not present.

#### Treasurer's Business

#### **RESOLUTION 09-29 – APPROVE RESOLUTION EXPRESSING AN INTENT TO AWARD CONSTRUCTION CONTRACTS FOR CERTAIN BID PACKAGES AND AUTHORIZING THE PRESIDENT AND THE TREASURER TO ENTER INTO SAID CONTRACTS UPON COMPLIANCE WITH ALL CONDITIONS PRECEDENT RELATED TO THE AMELIA AND WITHAMSVILLE-TOBASCO ELEMENTARY SCHOOLS**

Motion by Hartman, seconded by Burgess that the Board approve the following resolution:

#### **A RESOLUTION EXPRESSING AN INTENT TO AWARD CONSTRUCTION CONTRACTS FOR CERTAIN BID PACKAGES AND AUTHORIZING THE PRESIDENT AND THE TREASURER TO ENTER INTO SAID CONTRACTS UPON COMPLIANCE WITH ALL CONDITIONS PRECEDENT RELATED TO THE AMELIA AND WITHAMSVILLE-TOBASCO ELEMENTARY SCHOOLS**

**WHEREAS**, the Board of Education of the West Clermont Local School District (the "Board of Education"), County of Clermont, Ohio, by resolution approved a Detailed Estimate of Construction Cost and draft Construction Documents for certain early site and CM office trailer bid packages (the "Bid Packages") for the Amelia and Withamsville-Tobasco Elementary Schools (the "portion of the Project") and authorized the commencement of the bidding process and the advertisement for bids pursuant to applicable laws, including but not limited to, Sections 7.12, 9.31, 9.311, 153.12, 153.50, 153.51, 153.52, 153.54 to 153.571, 3313.46, and 5719.042, ORC;

**WHEREAS**, The Turner Construction Company (hereinafter called the "Construction Manager"), with the assistance of SFA Architects (hereinafter called the "Architect"), commenced the bidding process for the Bid Packages;

**WHEREAS**, the Board of Education has appointed a certain authorized representative (hereinafter called the "Authorized Representative") to act on its behalf during the planning, bidding, award and construction phases of the Project;

**WHEREAS**, the Construction Manager, with the assistance of the Architect and Authorized Representative, held a Pre-Bid Conference for prospective bidders wherein prospective bidders were briefed on said Bid Packages;

**WHEREAS**, the Authorized Representative and Construction Manager, on behalf of the Board of Education and with the assistance of the Architect, received sealed bids at the time and place established for the receipt of bids for said Bid Packages in the Notice To Bidders and opened and read aloud said bids immediately thereafter in compliance with paragraphs IB 3.1 and 3.2;

**WHEREAS**, the Authorized Representative and Construction Manager, with the assistance of the Architect, have tabulated the bids received and advised the Board of Education on the acceptance or rejection of any or all bids, Alternates and budget considerations;

**WHEREAS**, the Authorized Representative and Construction Manager, with the assistance of the Architect, have reviewed all bids received for the Bid Packages for said portion of the Project and the Construction Manager and Architect have conducted a responsibility investigation of the apparent low Bidders in compliance with paragraph IB 3.5 and Sections 153.12 and 3313.46(A)(6), ORC, and any other authorizing provisions of law; and

## RECORD OF PROCEEDINGS

### Minutes of the West Clermont Local School Board Special Meeting Held at the Union Township Civic Center, on Wednesday, February 4, 2009

**WHEREAS**, the Authorized Representative has procured and put into effect a Builder's Risk insurance policy as and to the extent required by Paragraphs GC 12.2 and 12.3 covering all Work in the course of construction for said portion of the Project, including but not limited to falsework, temporary buildings and structures and materials used in the construction process, stored on or off site, or while in transit.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Education, that after careful consideration and evaluation of the information before it:

**Section 1.** The Board of Education hereby accepts the recommendation of the Construction Manager, Architect and Authorized Representative to award the Base Bid and any Alternates for the Bid Packages for the portion of the Project to the bidders as provided below as the lowest responsible bidders in compliance with paragraph IB 3.5 and Section 3313.46(A)(6), ORC, and any other authorizing provisions of law, contingent upon compliance with all conditions precedent to contract execution under paragraph IB 7.3:

<u>Bid Package</u>	<u>Lowest Responsible Bidder</u>		
#1; C M Office Trailer for Amelia & Withamsville-Tobasco Elementary Schools	<b>Pac-Van, Inc.</b>		
		Base Bid	<u>\$121,320.00</u>
		<b>Total</b>	<b>\$121,320.00</b>
#2; Early Site Work for Amelia Elementary School	<b>Trucco Construction Company</b>		
		Base Bid	\$704,550.00
		<u>Alternate #1: Lime Stabilize Building Pad</u>	\$35,410.00
		<u>Alternate #2: Lime Stabilize Paving</u>	<u>\$67,289.00</u>
		<b>Total</b>	<b>\$807,249.00</b>
#2: Early Site Work for Withamsville-Tobasco Elementary School	<b>Coppage Construction Company, Inc.</b>		
		Base Bid	\$481,000.00
		<u>Alternate #3: Lime Stabilize Building Pad</u>	<u>\$32,400.00</u>
		<b>Total</b>	<b><u>\$513,400.00</u></b>

**Section 2.** The Board of Education hereby authorizes the Construction Manager, on its behalf, to forward a Notice of Intent to Award Contract for said portion of the Project in compliance with paragraph IB 3.7, with the appropriate Contract Form, to the lowest responsible bidders referenced in Section 1. The Construction Manager shall simultaneously notify the surety and agent of the surety of said lowest responsible bidders of the intent to award pursuant to Section 9.32, ORC.

**Section 3.** Subject to the approval of the Board of Education construction counsel, and upon compliance with all conditions precedent to Contract execution under paragraph IB 7.3, the Board of Education hereby authorizes the President and Treasurer to sign said Contracts.

**Section 4.** The Board of Education hereby authorizes the Treasurer to sign the Certificate of Funds, upon execution of said Contracts, and attach to said Contracts a copy of the Certificate of Funds.

## RECORD OF PROCEEDINGS

### Minutes of the West Clermont Local School Board Special Meeting Held at the Union Township Civic Center, on Wednesday, February 4, 2009

**Section 5.** The Board of Education hereby authorizes the Construction Manager (at a time determined appropriate by Construction Manager), after the Construction Manager's receipt of said Contracts signed by the Contractors to forward a Notice to Proceed for said Contracts in compliance with Paragraph IB 7.4.

**Section 6.** The Board of Education hereby authorizes the Treasurer, at the appropriate time and with the assistance of the Board of Education construction counsel, to prepare, and make available upon request, a Notice of Commencement pursuant to Section 1311.252, ORC, prior to the performance of any work related to said Contracts.

**Section 7.** The Board of Education hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of Education, and that all deliberations of this Board of Education and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22, ORC.

**Section 8.** This resolution shall be in full force and effect from and immediately after its adoption and shall supersede any prior resolution or act of this Board of Education that may be inconsistent or duplicative with the provisions of this resolution.

Voting Aye on the roll call: Beamer, Burgess, Hartman, Young.  
Nays: None. Motion carried.

#### **RESOLUTION 09-30 – RESOLUTION APPROVING DETAILED ESTIMATE OF CONSTRUCTION COST AND CONSTRUCTION DOCUMENTS AND AUTHORIZING THE COMMENCEMENT OF BIDDING INCLUDING THE ADVERTISEMENT FOR AND REVIEW OF BIDS FOR MAIN BID PACKAGES RELATED TO THE NEW AMELIA AND WITHAMSVILLE-TOBASCO ELEMENTARY SCHOOLS**

Motion by Young, seconded by Burgess that the Board approve the following resolution:

#### **A RESOLUTION APPROVING DETAILED ESTIMATE OF CONSTRUCTION COST AND CONSTRUCTION DOCUMENTS AND AUTHORIZING THE COMMENCEMENT OF BIDDING INCLUDING THE ADVERTISEMENT FOR AND REVIEW OF BIDS FOR MAIN BID PACKAGES RELATED TO THE NEW AMELIA ELEMENTARY SCHOOL AND WITHAMSVILLE-TOBASCO ELEMENTARY SCHOOL**

**WHEREAS**, the West Clermont Local School District, County of Clermont, Ohio (hereinafter called the "School District") building program identifying classroom facilities needs and basic project costs (hereinafter called the "Master Plan") has been conditionally approved by the Ohio School Facilities Commission, State of Ohio (hereinafter called the "Commission") and Ohio Controlling Board, as authorized under Section 3318.36, ORC;

**WHEREAS**, the School District has identified a discrete part of the Master Plan, consisting of new Amelia Elementary School and Withamsville-Tobasco Elementary School (hereinafter called the "Project"), to undertake with local resources prior to the School District's eligibility for State of Ohio assistance under Sections 3318.01 to 3318.20, ORC;

**WHEREAS**, the electors of the School District approved the issuance of school improvement unlimited tax general obligation bonds related to the Project at the election held in November 2007;

**WHEREAS**, the West Clermont Local School District Board of Education (hereinafter called the "Board of Education") has entered into a Part Two Expedited Local Partnership Program Agreement with the Commission related to the Project pursuant to Section 3318.36, ORC;

## RECORD OF PROCEEDINGS

### Minutes of the West Clermont Local School Board Special Meeting Held at the Union Township Civic Center, on Wednesday, February 4, 2009

**WHEREAS**, the Board of Education has contracted with a qualified professional design firm, SFA Architects (hereinafter called the "Architect"), under Sections 153.65 to 153.71, ORC, to prepare plans, specifications and estimates of cost, and such data as the Board of Education deems necessary for the Project and in compliance with the specifications set forth in the Commission's Design Manual, where applicable;

**WHEREAS**, the Board of Education has retained a qualified construction management firm, Turner Construction Company (hereinafter called the "Construction Manager"), under Sections 9.33, 9.331 and 9.332, ORC, related to Project planning documents, estimates of cost, bid packaging, bidding, contract award, administration and closeout, including but not limited to, the scheduling and coordination of multiple prime contractors;

**WHEREAS**, the Board of Education has appointed a certain authorized representative (hereinafter called the "Authorized Representative") to act on its behalf during the planning, bidding, award and construction phases of the Project;

**WHEREAS**, the Board of Education has issued, or is in the process of issuing, its school improvement bonds or bond anticipation notes pursuant to Section 133.01 et seq., ORC, to finance the estimated cost of the Work;

**WHEREAS**, the Construction Manager, with the assistance of the Architect and Board of Education's Authorized Representative, has completed Scope of Work to facilitate the bidding and awarding of a certain main bid packages (hereinafter called the "Bid Packages") for said Project, taking into consideration factors including, but not limited to, time of performance, availability of labor, and overlapping trade jurisdictions;

**WHEREAS**, the Architect, with the assistance of the Construction Manager, has prepared and submitted to the Board of Education, draft Construction Documents for the Bid Packages for the Project consisting of Drawings and Specifications setting forth in detail the requirements for construction of said Project. Said Drawings and Specifications are based on the Scope of Work provided by the Construction Manager; and

**WHEREAS**, the Board of Education now desires to commence the competitive bidding process for the Bid Packages for the Project as authorized under Section 3313.46, ORC.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Education, that after careful consideration and evaluation of the information before it:

**Section 1.** The Board of Education authorizes the Superintendent and Treasurer to procure, if not done so previously, and maintain during the progress of the Work, and until the execution of a certificate of Contract Completion by the Board of Education, a Builder's Risk insurance policy as and to the extent required by Paragraphs GC12.2 and 12.3. Said policy shall cover all Work in the course of construction for said Project, including but not limited to falsework, temporary buildings and structures and materials used in the construction process, stored on or off site, or while in transit.

**Section 2.** The Board of Education, as authorized under Sections 3313.46(A)(1), ORC, approves the Construction Document Detailed Estimate of Cost of \$25,242,000 for the Bid Packages referenced in **Section 3** for said Project in substantially the form presently on file with this Board of Education.

**Section 3.** That the Board of Education, as authorized under Section 3313.46(A)(1), ORC, approves the draft Construction Documents for the Bid Packages shown in detail below for the Project in substantially the form presently on file with this Board of Education, subject to finalization and approval as to legal form by construction counsel and the procurement of all necessary government approvals:

## RECORD OF PROCEEDINGS

### Minutes of the West Clermont Local School Board Special Meeting Held at the Union Township Civic Center, on Wednesday, February 4, 2009

<b>Bid Package</b>
BP #3; General Trades
BP#4; Masonry
BP#5; Roofing
BP#6; Fire Protection
BP#7; Plumbing
BP#8; HVAC (Combination Only)
BP#9; Electrical & Technology

**Section 4.** The Board of Education authorizes the Construction Manager and Architect, upon finalization of the Construction Documents and procurement of all necessary government approvals, to commence the bidding process for the Bid Packages in compliance with all applicable laws, including but not limited to, Sections 9.31, 9.311, 153.12, 153.50, 153.51, 153.52, 153.54 to 153.571, 3313.46, ORC, and to use the Construction Document Detailed Estimate of Cost stated in Section 2 as the estimate of cost to be included in the Construction Documents as required by Section 153.12, ORC.

**Section 5.** The Board of Education approves for publication a "Notice To Bidders" for the Bid Packages and authorizes the Construction Manager to publish said Notice once each week for a period of at least two (2) consecutive weeks in a newspaper of general circulation in the School District prior to the date specified for receiving bids in conformance with Sections 7.12 and 3313.46(A)(2), ORC.

**Section 6.** The Board of Education authorizes the Construction Manager and Authorized Representative, with the assistance of the Architect, to coordinate the opening of bids for the Bid Packages in compliance with Section 3313.46(A)(3), ORC, and, immediately following the opening of all bids, the Construction Manager and Architect are authorized to substantiate the bids for responsiveness, then conduct a responsibility investigation of the apparent low bidder for said Bid Packages, and any other bidder as appropriate, in conformance with the Instructions to Bidders and any bid evaluation process agreed to with the Board of Education and its construction counsel, and prepare and submit to the Board of Education a recommendation about the award or rejection of any bid or bids for the Bid Packages, and the acceptance or rejection of any alternate for the Bid Packages, in accordance with applicable law.

**Section 7.** This Board of Education hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of Education, and that all deliberations of this Board of Education and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22, ORC.

**Section 8.** This resolution shall be in full force and effect from and immediately after its adoption and shall supersede any prior resolution or act of this Board of Education, which may be inconsistent or duplicative with the provisions of this resolution.

Voting Aye on the roll call: Beamer, Burgess, Hartman, Young.  
Nays: None. Motion carried.

#### **Board Business**

The Board rescheduled the Board retreat for Wednesday, February 18, 2009 at 5:00 p.m. to be held at Holiday Inn Eastgate.

A discussion was held regarding the Boys and Girls Club.

**RECORD OF PROCEEDINGS**

**Minutes of the West Clermont Local School Board Special Meeting  
Held at the Union Township Civic Center, on Wednesday, February 4, 2009**

**RESOLUTION 09-31 – EXECUTIVE SESSION**

Motion by Burgess, seconded by Hartman that the Board adjourn into Executive Session for the purpose of considering the appointment, employment, dismissal, discipline, demotion or compensation of public employees.

Voting Aye on the roll call: Beamer, Burgess, Hartman, Young.

Nays: None. Motion carried. The Board withdrew into executive session at 7:19 p.m.

The Board returned to regular session at 8:03 p.m.

**RESOLUTION 09-32 - ADJOURN**

Motion by Young, seconded by Beamer that the meeting adjourn.

Voting Aye on the roll call: Beamer, Burgess, Hartman, Young.

Nays: None. Motion carried. The meeting adjourned at 8:03 p.m.

\_\_\_\_\_  
Jo Ann Beamer, President

ATTEST:

\_\_\_\_\_  
Alana Cropper, Treasurer