

**BOARD OF TRUSTEES
HUSSEY-MAYFIELD MEMORIAL PUBLIC LIBRARY
MINUTES
SPECIAL MEETING
June 10, 2004**

A special meeting of the Board of Trustees of the Hussey-Mayfield Memorial Public Library was held June 10, 2004, beginning at 7:00 PM. All members of the Board of Trustees were present. Martha Catt, Director was also present. Leasing Corporation members present included John Pock, Melody Price, Chuck Bruess and, John Crisel. Other guests included: Jim Schellinger, Jim Milan [CSO] Greg Turner, Jim Garber, Greg Thompson, [RLTC] and Bruce Wallace [Alliance Indiana]. Library management staff attending included Mary Rueff and Rick Deuschle. Steve Caltrider, Library Board President, presided.

This was a joint special meeting of the Library Board and the Leasing Corporation posted for the purpose of reviewing “issues related to construction.”

Tim Fisher called the meeting to order at 7 p.m. Mike Zeller, Chair of the Building Development Committee, provided a project update on construction activities. Mike's summary included the following highlights:

- Contracts were signed with R.L.Turner Corp on May 13, 2004.
- The construction fence was erected and finished the week of May 24. Then site excavation commenced. By June 2, a portion of the demolished gym foundation had been uncovered in the area of the referee's lounge that had been located in the southeast corner of the gym.
- As the excavator continued to work, a substantial amount of debris and foundation remains were uncovered. Some of the material was set aside so dirt could be trucked off the site. The quantity of the remaining foundation was more than expected.
- Bruce Wallace was contacted for a review of what his notes reflected might be expected in the way of remaining foundation material.
- RLTC and CSO have worked together to identify potential cost effective solutions to the situation.
- A working group met this evening from 6:30 to 7 p.m. to discuss the plan that would be proposed to the Library Board and Leasing Corporation this evening. [Note: Attendees included Jim Schellinger, Mike Zeller, John Crisel, Martha Catt, Greg Turner, Greg Thompson and Jim Garber.]

Mike introduced Bruce Wallace who summarized Alliance's role in the gym demolition. Bruce had been working with the Eagle-Union School Corporation [name changed later to Zionsville Community Schools] since 1989-1990 in the capacity of environmental engineer. The varsity gym built in 1955-1956. It contained asbestos, lead paint and had a buried fuel tank. In the fall of 1999, the Library Board hired Alliance

to serve as project engineer to address environmental issues as well as demolition. The asbestos removal was bid in October and the contract was awarded to Air Management Techniques, Muncie, Indiana. AMT completed the abatement of environmental related issues in the Gym. The demolition was also bid in October 1999. The winning bidder was Dorsey Paving. Then a Boone County Judge advised the Library that the demolition could not proceed because the Eagle Twp. Trustee Advisory Board had filed an injunction. Following resolve of the legal issue, demolition was rebid in May 2000. This time, Denney Excavating from Plainfield, Indiana was the low bidder. These bids were significantly higher than those received the previous fall. The least difference between the bids was \$40,000. Dorsey's bid had increased to \$130,000. The scope of the project when bid in 1999 included removal of the foundation and footers. Then the scope was reduced in 2000 due to cost considerations so the foundation was only removed to 24 inches below grade.

According to Bruce, there are 4 to 5 foot footers that were left below grade on the north side of the demolished gym. Where the four corners of the building were located, there is still substantial foundation remaining. On the south side, there was a 6 foot poured concrete wall with footer and much of this remains underground. There should be no slab remaining where the gym floor existed. On the south side of the gym the foundation continues under Locust Street. Locust Street probably did not exist when the gym was erected.

Bruce volunteered to tour the site with RLTC and CSO reps to discuss the probable location of foundation remains.

Bruce cannot speak to what may exist underground that would be the remains of the Academy Building that was demolished prior to the 1920's vintage high school being built on the site. Bruce offered to test the age of the concrete found in the lab if requested. There was interest but this was not requested.

Jim Schellinger, CSO President, presented a summary of his review of the present situation. Jim's highlights included:

- CSO had received a document during the design phase from Library Management Staff that had been prepared by Alliance Environmental Inc. entitled "Project Manual for Building Demolition Old Varsity Gym". CSO had understood that the foundations had been excavated fully when the gym was demolished. Due to the need for a 2nd bid of the gym demolition, the Library Board felt that it was not fiscally prudent at that time to pay for full removal.

During the course of the detailed design phase, there was discussion of incorporating a unit cost for potential unforeseen excavation; however, it was determined to be unnecessary as a result of the understanding noted. The original bid documents calling for removal were revised between the first and second bidding of the demolition.

- CSO researched the Project Specifications to determine the contractor's responsibility. The intent of the information included is that a certain amount

of natural rock in sub grade will be found but not foundations and/or other debris from a previous and partially demolished building.

- CSO reviewed the Alt & Witzig Subsurface Investigation and Geotech Report utilized by the design team and included in the bidding documents. It is CSO's opinion that the information included in the Subsurface Investigation and Geotech Report was not and is not conclusive or indicative of the current scope and content of the building foundations and debris encountered by RLTC's excavating contractor.
- Based on this information, it is CSO Architects professional opinion that the existing obstructions are a condition that could not have been reasonably foreseen and therefore RLT and their excavation subcontractor should not be held responsible for the removal of the foundations and associated building debris within the contents of the original bid and contract dollar sum.
- At the owner's request, RLTC submitted a quotation to remove the foundations and building debris. The "appropriate total" cost was estimated at \$173,409. Upon review of this quotation, CSO and Owner representatives questioned two components.

1. The order of the magnitude of the excavation subcontractor's removal costs that net out to \$144,000. [Note this cost is limited to the remaining gym debris and does not include the debris from demolition of the 1920's high school to the west of the existing library in the retention area.] CSO learned that this is essentially a guaranteed maximum price and was quoted as such based on the risk involved relative to the unknown scope of foundations and debris that may be encountered.

2. The \$13,645 general conditions for one additional month that is an estimate for the potential delay that could be experienced related to this additional excavation work.

Based on ongoing discussions and deliberations, Library and CSO reps initially recommended that RLT be authorized to proceed to coordinate further work up to and not to exceed \$10,000 in order to develop a better insight into the true extent of the work and the actual cost of that work. While this has allowed work to continue, CSO subsequently learned and agreed that the \$10,000 will not be sufficient to determine the extent of the remaining work and actual cost.

In closing Jim Schellinger proposed that the Library authorize RLTC to proceed with the excavation and investigation required to tie down the true scope and cost up to and not to exceed \$65,000 [Original \$10,000 plus an additional \$55,000]. During the course of the time required to coordinate this effort, CSO will provide [at no additional cost to HMMPL] daily onsite assistance and consultation to monitor the work and provide increased observations to assist the contractor.

CSO is also in the process of investigating the potential to leave select portions of the foundations and debris in place if it will not impact the proposed addition and/or site development.

Finally, the legal requirements that may require this work to be competitively bid were investigated for public works projects. As a result of this investigation, it appears that a change to RLTC's contract is appropriate in this matter.

IC 36-1-12-18 Change or alternation of specifications; change orders

[d] The total of all change orders issued that increase the scope of the project may not exceed 20% of the amount of the original contract. A change order issued as a result of circumstances that could not have been reasonably foreseen does not increase the scope of the project.

John Pock asked Jim if the proposed \$65,000 was a tentative maximum with no inefficiency. Jim confirmed that this is correct. The Owner will know before the \$65,000 is spent, how much will be required to appropriately excavate the site.

To pursue an alternate excavator's bid would probably result in a higher cost and schedule delay.

- Bids change. Timing influences bid amounts from contractors.
- Starting with \$65,000 should give the parties ample opportunity to determine the extent of the remediation.
- The footprints of the former gym and the proposed expanded Library building will be matched to determine the excavation that is necessary.
- It is too costly to turn the excavated foundation into fill for the site.
- Two big risks on this project include renovation of the existing Library and removal of the gym and high school foundations.

Mike Zeller presented a recommendation from the working group who had met prior to this meeting.

- What does the Owner pay?
 1. Cost of removing foundations and footings
 2. Cost of removing major quantity of loose debris. This will not include random rocks and bricks.
- How much will the Owner pay? Possibly as much as \$175,000
 1. Up to \$65,000 initially until more is known.
 2. CSO will determine the limits of the essential excavation.
 3. Time and material per rates furnished by the excavator.
 4. Within 2 to 4 weeks, RLTC should be able to advise the Library the essential excavation required to resolve the situation.
- When will the next meeting of the joint Boards need to occur?

A joint meeting of the 2 boards will be set in time to reconvene to review and discuss the next step.

Then Mike presented a proposed motion for both Boards consideration.

Upon motion duly made by Tim Fisher, seconded by Mike Zeller, and unanimously approved, the following resolution was adopted by the Library Board to address change orders.

Whereas, the Hussey Mayfield Memorial Public Library Board is engaged in a public works contract¹ with the R.L.Turner Corporation to perform the following construction tasks:

- **Demolition @ \$61,000**
 - **Casework @ \$299,000**
 - **Site Improvements @ \$368,800**
- For a sum of \$729,800**

Steve Caltrider and Mike Zeller will sign on behalf of the Library Board to authorize all change orders to this contract.

All change orders must be prepared and approved by CSO prior to consideration by the Library Board.

For Proposed Change Orders with a value of up to \$10,000: Two members of the Building Development Committee will review the proposed change order request, with input from the Owner's Rep. The two BD Committee members will determine whether to approve or deny the PCO. Whether approved or denied, the Owner's Rep will forward a response to CSO and R.L.Turner Corp.

For Proposed Change Orders with a value of more than \$10,000 Two members of the Building Development Committee will review the proposed change order request, with input from the Owner's Rep. If it is determined that the PCO should be approved, the two BDC members will then make a recommendation to the Library and the Leasing Corporation Boards. By a majority vote of each Board, the PCO will be approved or denied and a response will be forwarded to CSO and R.L.Turner Corp. The Presidents and/or Vice Presidents of both Boards will call the necessary public meeting to discuss the PCO.

In addition, each month the Library Board and the Leasing Corporation Board will receive a report from the Owner's Rep that will list all change orders including task description[s] and applicable charges. Along with this information, the members of each Board will receive an updated contingency fund balance and project revenue and expense report.

This process should not impede the construction progress but provide a mechanism for keeping both Boards fully informed and engaged in the PCO review and approval process.

In addition Zeller pointed out that the construction work needs to progress in a logical manner and sequence that maximizes productivity and efficiency. The plan for the work needs to be reviewed and defined daily by the partners.

¹ Contract between Public Library and R.L.Turner Corp signed and dated May 13, 2004 by Steve Caltrider and Mike Zeller plus Jim Garber.

RLTC reps were asked if the excavating contractor had worked with them before and they replied affirmatively. They have been consistently pleased with his work. RLTC has provided significant oversight. New equipment has been on the site since June 9.

It is important to both Boards that this project comes in on time and under budget just like the present Library project did in 1993.

Upon motion duly made by Mike Zeller, seconded by Jeff Rolland, and unanimously resolved to approve a change order in the total amount of \$65,000 to use toward the removal of footings, foundation and significant debris. Further that both the Leasing Corporation and the Library Board simultaneously act on this change order. Further that the situation has been thoroughly reviewed by all partners and that if an additional meeting is required the officers of both boards will call such.

Adjournment

It was resolved that there being no further business, the meeting adjourned at 8:20 p.m.

Mike Zeller, Secretary
Library Board

June 2004 Library Board: Steve Caltrider, Tim Fisher, Lisa Hull, Mike Zeller, Matt Price, LeeAnn Biggs and Jeff Rolland.

June 2004 Leasing Corporation Board: Larry Greenwalt, John Pock, Alma Lathrop, Chuck Bruess, Melody Price, John Crisel, and Bob McKnight.