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COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS

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JAMES DANIEL HUGHES, et al.)	CASE NO.: 2012-09059
)	
Plaintiffs,)	JUDGE: PATRICK M. MCGRATH
)	
vs.)	
)	
THE OHIO STATE UNIVERSITY,)	
)	
Defendant.)	
)	

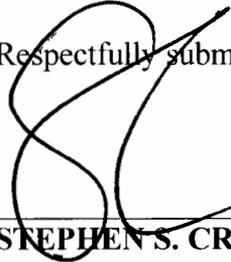
**MOTION TO ORDER JOINDER OF PARTIES OR,
IN THE ALTERNATIVE, TO CONSOLIDATE CASES
FOR PURPOSES OF TRIAL**

(ORAL HEARING REQUESTED).

Plaintiffs, by and through counsel, move this Court, pursuant to Civ. R. 20 and 21, to order joinder of Gilbane Building Company (“Gilbane”), Baker Concrete Construction, Inc. (“Baker”), Monesi Trucking & Equipment Repair, Inc. (“Monesi”), Isaac Hinton (“Hinton”). Plaintiffs alternatively move this Court, pursuant to Civ. R. 42, to consolidate this case with Case No. 13CV004435 pending in the Franklin County Court of Common Pleas (hereinafter the “Common Pleas Case”) and conduct a single trial so that all issues may be resolved simultaneously. A Brief in Support of this Motion is attached hereto and incorporated herein by reference. Plaintiffs also request an oral hearing on this Motion.

ON COMPUTER

Respectfully submitted,



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BRIEF IN SUPPORT

I. INTRODUCTION

On September 5, 2012, Plaintiff, James Daniel Hughes, was crushed by a dump truck entering a construction site on The Ohio State University (“OSU”) campus. As a result, Daniel suffered devastating injuries including the amputation of his right leg and penis, a crushed and partially amputated pelvis, a fractured spinal column, and other spinal injuries that led to nerve damage and severe infections throughout his body. Defendants, Gilbane Construction (“Gilbane”), Baker Concrete (“Baker”), Monesi Trucking (“Monesi”), driver Isaac Hinton (“Hinton”), and The Ohio State University (“OSU”) are all liable for Daniel’s injuries. Not surprisingly, these same Defendants are all blaming each other for the negligent and punitive conduct that caused Daniel’s injuries.

As is statutorily mandated, only the Court of Claims has original jurisdiction over the State. Therefore, were it not for OSU’s involvement in these circumstances, Plaintiffs would have sought recovery in one lawsuit in the Court of Common Pleas. Instead, Plaintiffs were statutorily forced to initiate their claims against OSU in the Court of Claims and their claims against “non-state” Defendants in the Franklin County Court of Common Pleas. However, as illustrated below, the claims and defenses in both matters are so intertwined that both cases, if tried separately, will require the presentation of numerous duplicative fact witnesses and evidence. In short, separate trials will result in a colossal waste of time, money, and resources for both Courts and all parties involved. Indeed, the parties and both Courts will have to try the same case twice. More importantly, the Defendants will likely utilize these procedural circumstances to their strategic advantage by placing blame on the absent defendant in what is

commonly known as the “empty chair” defense. However, if all of the parties are required to present their case simultaneously, the finders of fact, which is this Court for the State and a jury for the remaining Defendants, will be able to hear the theories and defenses asserted by each party so that they may make an informed decision. For these and the additional reasons set forth below, this Court should order joinder of Gilbane, Baker, Monesi, and Hilton to this lawsuit. Alternatively, this case exemplifies the perfect circumstance for consolidation and the cases should be tried simultaneously.

II. STATEMENT OF RELEVANT FACTS¹

A. Gilbane is responsible for implementing safety procedures at the CBEC site.

In 2009, OSU planned to erect a new building on campus called the “Chemical and Biomolecular Engineering and Chemistry Building”, (“CBEC”). During the bid process, OSU explicitly advised those bidding for the project that it was located “in one of the most pedestrian orientated and densest areas of the Ohio State University Columbus Campus.” (Court of Claims Comp., ¶ 10).

Gilbane bid on the project and, when doing so, identified several safety measures it intended to utilize on this project. (Proposal for Construction Manager At Risk Services, attached as Exhibit A). Gilbane intended to work closely with OSU’s Traffic and Parking Department to create a written vehicular and pedestrian traffic. *Id.* It also indicated that “the sidewalk on the south side of Woodruff Avenue and the north side of 19th Avenue (hereinafter the “Sidewalk”) [would] be closed throughout construction to minimize pedestrian traffic around the construction entrances.” *Id.* Gilbane promised to create a customized “Safety Plan” for the

¹ This “Statement of Facts” is not intended to be comprehensive or to fully articulate the parties’ positions in this case. It provides only a smattering of the facts to provide the Courts with an overview of the parties’ allegations/theories of liability to show that Plaintiffs’ requested relief is certainly warranted here.

project. (Safety Plan, attached as Exhibit B). The Safety Plan identified numerous safety features that were required at the CBEC whenever construction vehicles were entering the site. This included a closed sidewalk, with appropriate signage warning the public of entering and exiting vehicles and the use of “flaggers” and/or “signalmen” to ensure the safe ingress and egress of construction vehicles to the construction site. *Id.* In addition, all trucks were to travel to the site west on Woodruff off of High Street and then turn left into the site. This traffic pattern enabled to drivers to better visualize the entrance, thereby both seeing any traffic or pedestrians in the path of entrance as well as the flaggers to assist them as they entered this high traffic and high risk area. (Meyer Depo., pp. 64-66, excerpts attached as Exhibit C).

In 2012, OSU and Gilbane executed a contract making Gilbane the “Construction Manager at Risk” for the CBEC project. (“CM at Risk Contract”, attached as Exhibit D). The “CM at Risk Contract” (hereinafter “Contract”), made Gilbane “solely responsible for all safety precautions and programs in connection” with CBEC. *Id.*, at Sec. 6.3.1. Gilbane was also responsible for the “acts and omissions of its subcontractors.” *Id.*, Section 4.8. The Contract incorporated by reference Gilbane’s Safety Plan.

B. Baker contracts with Gilbane to be a subcontractor for the CBEC project.

Baker subsequently contracted with Gilbane to serve as a concrete subcontractor for the project. The parties’ contract placed upon Baker the obligation and duty to ensure safety on the CBEC site, including students and other members of the public that came in contact with the site. (State of Ohio Subcontract Form (“Subcontract”), attached as Exhibit E). The Subcontract also incorporated, and required Baker to adhere to, Gilbane’s Safety Plan, *including the use of flagger whenever construction vehicles were entering or exiting CBEC.* *Id.*

C. Gilbane and Baker blame OSU for lack of safety at CBEC.

The following OSU employees were involved with the CBEC project on a day to day basis:

- Faye Bodyke, the Director of Projects;
- Mark Scott, the Project Manager; and
- Donald Bissett, the Construction Coordinator.²

Just after construction began, Gilbane and Baker assert that Bissett ordered a change in the flow of traffic entering the site. (Meyer, p. 66). According to Gilbane and Baker, Bissett mandated that trucks entering the site make a right turn instead of a left turn, as Gilbane had originally proposed. *Id.*, pp. 63-66. Defendants in the Court of Common Pleas matter will assert that this change in the direction of truck traffic alone probably resulted in Daniel being crushed on September 5, 2012. (Monesi Depo. pp. 55-57, excerpts attached as Exhibit F).

Prior to the accident at issue, the sidewalk on the south side of Woodruff had been closed to all pedestrian traffic. Gilbane's Senior Project Executive, Brett Meyer, understood that the sidewalk was to remain closed throughout construction. (Meyer Depo., p. 56). Bodyke, Scott and Bissett advised Steve Jarrells, Gilbane's Construction Manager, that the sidewalk had to be open after mass excavation. (Jarrells Depo., pp. 7, 12, 14-15, excerpts attached as Exhibit G). And, Scott indicated that it had to be open in time for the first home football game of the 2012 season. *Id.*, pp. 14-15. In short, Gilbane and Baker will assert it was OSU's decision to remove the barricade used to close the sidewalk and that they were against this decision. *Id.*, pp. 7, 15.

² Plaintiffs will be asking this Court to determine whether these employees acted recklessly when executing their duties in this case. See R.C. 2743.02.

In the end, the sidewalk was opened before the first home football game, sometime around August 30, 2012. *Id.*, p. 23.

Gilbane and Baker also assert OSU changed the manner in which subcontractors guided construction trucks into the site. According to the Gilbane Safety Plan, contracts that existed between Gilbane and Baker, as well as Gilbane's Project Manager Steve Jarrells, subcontractors were required to use "flaggers" to guide trucks into the site *at all times* as a safety measure. (Gilbane Safety Plan, Gilbane/Baker Contract and Jarrells, p. 56). McDaniel's, a subcontractor on the site prior to Baker, had a flagger using directional paddles to guide a truck through the entrance into the construction site at all times such vehicles entered or exited CBEC. *Id.*, pp. 33-34, 102. After construction began, Bissett saw McDaniel's employees flagging construction vehicles at CBEC and confiscated the paddles from the flagger. Bissett then told them that they were not permitted to be in the street. Bissett testified:

Q: Okay. But you made it known that from that point forward, if there was gonna be traffic that was directed out in the street, it was going to be done by - -

A: Officers.

Q: - - I guess it would be T & P officers, as opposed to construction people?

A: Yes.

Q: Is that right?

A: Yes.

(Bissett Depo., p. 115, excerpts attached as Exhibit H).

Bissett communicated this same message to Gilbane through Jarrells. (Jarrells, pp. 33-34, 36-37, 104-106). Jarrells, in turn, communicated Bissett's directive to the subcontractors, including Baker. *Id.*, p. 123.

Baker employees believed OSU had effectively stripped them of their ability to utilize flaggers at CBEC when construction vehicles entered and exited. Jay Segura, Baker's Project Manager, testified as follows:

Q: So if the industry standard is to have a flagger, and you did not have a flagger, by your own admission, you do not believe that there was a deviation from the industry standard by your company on that day for that crash; correct?

THE WITNESS: We were directed, prior to this date, by Gilbane, not to have flaggers on the roadway.

Q: And I get the impression now, you said that the discussions that Travis had related to the fact that traffic - - or controlling traffic was not to take place out in the area of the street; is that right?

A: When we were given that directive, in my interpretation of the directive is that we had no - - responsibility with anything outside of - - outside of the - - outside of the fenced area.

(Segura, p. 114, excerpts attached as Exhibit I). Therefore, on the day of the accident, Baker did not have any flaggers or spotters guiding Monesi's truck into the CBEC site at all. (Segura, pp. 11-13). Baker made the decision, based on OSU's directive, to dispense with flagger to help construction traffic on and off CBEC despite mandates in their contract with Gilbane, the Safety Plan, their company standards and industry standards.

Finally, issues exist between Gilbane and OSU regarding the failure to have any OSU Traffic Control Officers ("TCO") at the construction site on the day Daniel was crushed by the dump truck. Documents between Gilbane and OSU indicate that OSU was to pay for TCO's at the site. However, inconsistencies exist over Gilbane's ability to call for TCO's whenever warranted. Bodyke testified:

Q: But what you're saying is the idea or plan for TCO officers in Woodruff, but not on-site, were during mass excavation and during concrete pours?

A: Then Gilbane had full responsibility; if they needed them at other times, all they needed to do was to contact the T & P office and have those scheduled accordingly, as needed.

(Bodyke Depo., p. 44, excerpts attached as Exhibit J).

Gilbane asserts, OSU had only scheduled them for certain parts of the project, which included the first few days of school and for large concrete pours. (Jarrells, pp. 60, 110). Based upon this understanding, Gilbane maintains that it did not have the ability to secure TCOs for random operations. *Id.*, pp. 64-66, 95. Jarrells testified:

Q: If I understood your - - your answers to Marc, having the TOC officers on site on 9-5-12 wasn't an option for you?

A: No. It was never given to me that I could just call them randomly and say I need you out here because I have got three trucks coming in or anything, it was not an option.

Id., p. 95. For this reason, there were also no TCO officers directing traffic on September 5, 2012.

D. Monesi's driver, Hinton, crushes Daniel when he enters the CBEC site without the aid of a flagger or spotter.

On September 5, 2012, days after the first home football game of 2012, Daniel was traveling campus in between classes and used the south sidewalk at CBEC which was freshly opened. At the same time, Monesi, who was hired by Baker, was delivering a load of stones. (Jarrells Depo., p. 90). Monesi's driver, Hinton, arrived at the site at approximate 2:45 pm. *Id.*, p. 79. There were no flaggers inside the site or TCO's in the street to guide Hinton into the site. *Id.*, pp. 110, 125. Because there was no one to assist him, Hinton should have gone around the block. *Id.*, p. 140. Instead, he turned right into the construction site. (Meyer Depo., p. 15).

Jarrells heard a loud pop and thought the truck had blown a tire. (Jarrells Depo., p. 79). Jarrells moved in the direction of the noise and saw students gathered around Monesi's/Hinton's truck. *Id.*, p. 84. A student told Jarrells that there was someone under the truck. *Id.* Jarrells asked the students to move and he saw Daniel, who was motionless but moaning. *Id.*, p. 85. He saw that Daniels' hip was "destroyed" but he could not determine if he was bleeding. *Id.*, pp. 85-87. Jarrells confirmed that someone had called 911, which arrived on the scene a short time later.

E. OSU, Gilbane, Baker and Monesi all argue the other bears responsibility for Daniel's injuries.

During the numerous depositions conducted in this case, each party's representatives placed blame upon the other entities. Meyer denied that Gilbane is "100%" responsible for the devastating injuries Daniel suffered in this case. (Meyer, p. 15). Instead, he believes that some of the blame also lies with OSU, Baker, Monesi, and Hinton. *Id.*, p. 16. Meyer testified as follows:

Q: ...Yesterday I had a chance to talk to Faye Bodyke on the record. I want to represent something that I think she said and ask your opinion on it. She told us yesterday that as it pertains to the construction safety both inside the fence and outside the fence, that Gilbane was 100-percent responsible for that. Do you agree or disagree with that?

THE WITNESS: We were responsible for safety within the construction limits.

Q: What do you mean by construction limits; where's that go?

A: In my opinion, that's within the fence.

Q: Let's talk about a truck coming onto the work site from Woodruff, taking a right-hand turn into the construction site. Let's take the dump truck at issue here on September 5th.

A: Okay.

Q: You know which one I'm talking about; correct?

A: Yes.

Q: Is that - - is the safety of that truck entering the construction site 100 percent within Gilbane's responsibility in this case?

THE WITNESS: 100 percent, no.

Q: Who else, then, was responsible - - let me take a step back. You're saying not a hundred percent. You're acknowledging that Gilbane was at least in part responsible for the safety of that dump truck coming into the site; correct?

THE WITNESS: Yes.

Q: Who else?

A: Our subcontractors. In this case it would be Baker Concrete.

Q: Anyone else?

A: The trucking company, Monesi.

Q: Anyone else?

A: The Ohio State University.

Q: Anyone else?

A: The driver himself.

(Meyer, pp. 14-16).

OSU maintains that it is not responsible for any of the events that occurred in this case based upon its contract with Gilbane. Bodyke, the Director of Projects for OSU testified:

Q: Was it foreseeable that you would need to ensure student safety from these trucks, trucks, and more trucks in August and September of 2012?

THE WITNESS: Yes. We had a plan on how to ensure safety during mass excavation of the site.

Q: Are you saying max - - mass excavation in a specific sense, in terms of when it ended?

A: Yes.

Q: When was that?

A: The end of August.

Q: Did you have any plan in place after that?

A: Yes.

Q: Who was responsible for the plan in place regarding safety of pedestrians in the mass excavation portion, in your opinion?

THE WITNESS: Gilbane.

Q: Anyone else?

A: Gilbane and their subcontractors.

Q: Anyone else?

A: No. The University would make any recommendations, if we wanted to make adjustments to Gilbane and the subcontractor's plan.

Q: Who was responsible for the safety program for pedestrians in and around the site after mass excavation, in your opinion?

A: Gilbane.

Q: Anyone else?

A: And their appropriate subcontractors.

Q: After that, up until September 5th, who, in your opinion, was solely responsible for the safety plan put in place for the pedestrians in and around the site; Gilbane and Baker?

THE WITNESS: Gilbane would be responsible for the safety of the site.

Q: ...You mentioned that Ohio State makes recommendations to Gilbane. If a recommendation was made to do - - to Gilbane to change safety feature - -

A: Uh-huh.

Q: - - and they followed that, in your opinion, in terms of the contracts that you had with Gilbane, would that make Ohio State responsible for those recommendations that they made?

THE WITNESS: No.

Q: There were documents released to me yesterday, one of which was a contract between Ohio State University and Gilbane. You're - - you said at the beginning you're fairly familiar with that?

A: Generally.

Q: OSU Bates-stamped this, and on OSU Bates stamp 1002, and the section of the contract is 6.3.1, I want to read to you what this says; okay? The CM is solely responsible for - - and by the way, who is the CM in this case?

A: Gilbane.

Q: - - and has control over all construction means, methods, manners, techniques, sequences and procedures for safety precautions and programs in connection with the work and for coordinating all portions of the work. Is that your understanding in terms of the relationship between OSU and Gilbane in terms of responsibility?

THE WITNESS: Yes.

(Bodyke, pp. 24-27, 37-38).

Monesi, the owner of the truck and employer of Hinton who hit Daniel, initially denied all responsibility for this horrendous event. When discussing his reasons for paying Hinton following the accident, Monesi testified:

A: I chose - - that was just out of my own choice to pay him. I didn't really feel like - - he is owed something. I really don't believe that he did anything wrong in this case. I mean, that's my opinion.

(Monesi, p. 26).

Monesi subsequently indicated that he believes all parties, including Daniel, have some liability in this case. He testified:

Q: Okay. But as it pertains to whether or not he [Hinton] was at fault, he was negligent, he was responsible for running over Daniel, you don't have an opinion on that either way, or do you? And if you do, I'd like to hear it.

THE WITNESS: I think, to some extent, there is a lot of - - all the parties here have some - -some sort of liability, including your client too. Now, what percent of that liability is there? I can't answer that.

(Monesi, pp. 29-30).

These circumstances and the law set forth below demonstrate that joinder, or at the very least a single trial through consolidation, is the most just, economical, and expeditious way to resolve the parties' disputes.

III. LAW AND ARGUMENT

A. Joinder pursuant to Civ. R. 20 and 21 is warranted under the facts and circumstances of this case.

Pursuant to R.C. 2743.03, "[t]he court of claims...has exclusive, original jurisdiction of all civil actions against the state." The statute further provides that "[t]he court shall have full equity powers in all actions within its jurisdiction and may entertain and determine **all** counterclaims, cross-claims, and third-party claims." [Emphasis added.] R.C. 2743.03(A). And, finally, "[t]he Rules of Civil Procedure shall govern practice and procedure in all actions in the court of claims, except insofar as inconsistent with this chapter." R.C. 2743.03(D).

The fact that the statute provides the Court of Claims with jurisdiction over "all counterclaims, cross-claims, and third-party claims" clearly demonstrates that the statute contemplates circumstances where cases in the Court of Claims would include non-state defendants. See R.C. 2743.03(A). The appearance of non-state defendants before the Court of Claims is further established by the provision governing jury trials, which provides:

No claimant in the court of claims shall be entitled to have his civil action against the state determined by a trial by jury. **Parties retain their right to trial by jury in the court of claims of any civil actions not against the state.**

Jury trials shall be conducted at the court of claims, the court of common pleas of Franklin County, or the court of common pleas of the county in which a removed case is tried. Juries shall be drawn from the common pleas list of qualified jurors, and empaneled in the same manner as in cases that originate in the court of common pleas. The state shall pay all expenses incidental to a jury trial, except that juror costs shall be taxed to the losing party.

[Emphasis added.] R.C. 2743.11. However, R.C. 2743 does not address the issue of joinder.

Civ.R. 20 provides as follows:

...All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or succession or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities. [Emphasis added.]

Civil Rule 21 addresses the misjoinder or non-joinder of parties and it states as follows:

Misjoinder of parties is not ground for dismissal of an action. **Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just.** Any claim against a party may be severed and proceeded with separately.

In *State ex rel. Moritz v. Troop*(1975), 44 Ohio St.2d 90, 338 N.E.2d 526, the Supreme Court of Ohio considered whether the Court of Claims' jurisdiction "extends to private persons and to subject matter other than claims against the state of Ohio." *Id.*, at 91. The Supreme Court reviewed the provisions identified above and recognized that "the vast wealth of the Civil Rules is available where the Act is silent concerning any aspect of practice and procedure." *Id.*, at 94, citing R.C. 2743.03(D). There, the Court was called upon to determine whether joinder under Civ. R. 20 conflicted with any provision of R.C. 2743.03. It concluded that there was no conflict between the two.

After determining that Civ. R. 20 was not inconsistent with R.C. 2743.03(A), the court concluded that "[t]here is no reason to suppose that the statute was intended to foreclose joinder of the defendant-employee herein by the plaintiff, when such joinder would be clearly proper by

the state under a third-party claim (Civ.R. 14(A)), and in fact be beneficial to the state- which should favor joinder in the trial forum in order to assert any claim for indemnity against its employee.” *Id.*, at 95. The Supreme Court also identified the “practical consideration[s]” for joinder by determining “that the time of the court and parties would be better spent if multiple, disjointed litigation is discouraged.” *Id.* The Court further explained:

The result of the refusal to permit joinder is that: (1) in the separate suits it is open to each defendant to prove that the other was solely responsible, or responsible for the greater part of the damage, and so defeat or minimize recovery; (2) it is equally open to the plaintiff to prove that each defendant was solely responsible, or responsible for the greater part of the damage, and so recover excessive compensation; (3) the two verdicts will seldom have any relation to one another; (4) different witnesses may be called in the two suits, or the same witness may tell different stories, so that the full truth is told in neither; (5) neither defendant may cross-examine the other, or his witnesses, and plaintiff may not cross-examine both in one action; (6) time and expense are doubled.

Id., at 95-96, quoting *Ryan v. Mackolin* (1968), 14 Ohio St.2d 213, 217, 237 N.E.2d 377, 380.

In *Basham v. Jackson*(1978), 54 Ohio St.2d 366, 377 N.E.2d 491, the Supreme Court relied upon *Moritz* and held that the Court of Claims had jurisdiction over a municipal corporation that was joined as a defendant in an action against the state and the State Director of Transportation. After recognizing the amendment of R.C. 2743.02(E), which provides that “[t]he only defendant in original actions in the Court of Claims is the state,” the Supreme Court still could “find no basis upon which to differentiate...from *Moritz*.” *Id.*, at 368.

The reasoning in *Moritz* and *Basham* demonstrates that Plaintiffs’ request for, and an order from this Court requiring, joinder does not conflict with any provision in R.C. 2743. Indeed, there is nothing in the statute that precludes this Court from ordering joinder of the parties under the facts of this case and pursuant to Civ. R. 21. After all, OSU places all blame

for this incident on Gilbane and its subcontractors. Thus, OSU could have easily filed a third-party complaint against Gilbane and the remaining Defendants. At the same time, any one of the Defendants in the Common Pleas case could have filed a third-party complaint against OSU and then removed the Common Pleas case to the Court of Claims. See R.C. 2743.03(E)(1) and (2). The Defendants chose not to do so for obvious tactical reasons: the “empty chair” defense. If the Defendants are permitted to try this case at different times, it will be much easier for the Defendants to blame a party, and increase their chances of avoiding liability altogether, when that party is not in the courtroom to defend itself. In other words, the parties are using this procedural variance to their full, albeit improper, advantage.

At the same time, this case epitomizes the reason joinder exists. Plaintiffs maintain that all of the Defendants are liable for the damages they have suffered in this case. Moreover, Plaintiffs’ claims against the Defendants arise “out of the same transaction, occurrence, or succession or series of transactions.” See Civ. R. 20. In short, this is one tragic story in which each Defendant played an important role. In fact, the parties have conducted discovery as if these cases are one. By the time this Court reads this Motion, over thirty (30) depositions will have been scheduled and conducted and counsel for each party, including OSU, has participated in each and every one. In addition, all counsel in both cases have coordinated and attended various inspections, including of the truck at issue, the bike at issue, the construction site at issue and Daniel’s clothing, together and as one case. Lastly, literally hundreds of Interrogatories and Requests for Production of Documents have been sent, as well as thousands of pages of documents, emails, photographs and construction information, which have all been freely exchanged by all counsel in both actions. Again, as if the case was being litigated in one

courthouse.

Undersigned counsel requested the State cross-claim Defendants from the Court of Common Pleas action earlier in this litigation. Despite the fact countless OSU witnesses blamed these same Defendants throughout their depositions, the State decided not to cross-claim or join these Defendants in our Court of Claims action. The reason is clear, to be able to blame these Defendants but not have them appear in the same courtroom in order to avoid liability for their wrong doing. While this is a shameful decision, especially given the negligent and reckless behavior of all Defendants in causing the devastating injuries to Daniel, this Court has the power to ensure this decision is not successful by adding these same parties OSU blames to the Court of Claims action.

In the end, the Plaintiffs have already suffered enough at the hands of these Defendants. They should not be forced to try these cases separately and bear the tremendous expense and risk of doing so simply because the Defendants are obviously using the procedural circumstances to gain a tactical advantage. Instead, the finders of fact, this Court for OSU and a jury for the remaining Defendants, should hear the same evidence, presented through the same witnesses, and the same exhibits at the same time to ensure that a just result is obtained.

B. At the very least, these cases should be consolidated for trial.

Civil Rule 42 identifies when consolidation of cases is warranted and it provides as follows:

(A) Consolidation

- (1) Generally. When actions involving a common question of law or fact are pending before a court, that court after a hearing may order a joint hearing or trial of any or all the matters in issue in the actions; it may order some or all of the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Here, there can be no dispute that the Common Pleas case and the Court of Claims case involve identical questions of fact and law that will be established through the same witnesses and the same evidence. Again, this is one story involving the same parties that, if OSU had not been involved, undoubtedly would have been resolved in a single lawsuit. Indeed, all of the Defendants have cross-claims against each other; claims that they have chosen not to assert formally so that they may take advantage of the procedural status of this case. Because of the contractual relationships at issue and the defenses that are premised upon those contracts, the disputes between the parties are even more intertwined than usual. Thus, the only remaining issue is whether consolidating these two cases under Civ. R. 42(A) is inconsistent with Chapter 2743.

Even though the above cases involve joinder, the reasoning is equally applicable to the issue of consolidation. After all, joinder under Civ.R. 20 and consolidation under Civ. R. 42 are designed to effectuate the same result: expeditious resolution of cases involving the same claims and parties. If these cases are tried separately, it will double the cost and time expended by all involved. To the contrary, if a single trial is conducted, the witnesses will only have to testify once and it will ensure that the triers of fact will reach their decision based upon the same facts and evidence. Nothing in R.C. 2743 is inconsistent with Civ. R. 42 and, therefore, consolidation of the two cases is not prohibited.

And, even if consolidated for trial, the cases retain their separate identity. Indeed, in *Transcon Builders, Inc. v. City of Lorain*, 1976 WL 188750 (Ohio App. 9 Dist.), the Court held as follows:

Although no Ohio court has determined the effect of consolidation on the identity of a case, several federal courts have considered this issue in relation to Rule

42(A) of the Federal Rules of Civil Procedure (which contains language similar to Civ. R. 42(A)). These courts follow the determination made by the Supreme Court (prior to the enactment of the federal rules) in *Johnson v. Manhattan Ry.*, 289 U.S. 479, 53 S.Ct. 721, 77 L.Ed. 1331 which stated:

“Under the statute, U.S.C. title 28, §734, **consolidation is permitted as a matter of convenience and economy in administration, but does not merge the suits into a single cause, or change the rights of the parties, or make those who are parties in one suit parties in another.**” at 496-7. (Emphasis added).

We determine that Civ. R. 42(A) must be interpreted in a like manner.

[Bold emphasis added.] *Id.*, *3-*4 (select internal citations omitted).

Thus, consolidation of these cases for trial does not merge the cases or, in any way, change the status or rights of the parties. Indeed, the Court of Claims will still decide OSU’s liability and a jury will still determine the liability of the remaining Defendants. Consequently, there is no merit to any suggestion that consolidation conflicts with R.C. 2743.

Defendants may argue that the cases cannot be consolidated because they are pending before two different courts. This argument also fails. In *Clark v. McCauley*, 2010 WL 4157267 (Ohio App. 5 Dist.), the court considered a similar issue and ruled that consolidation was still proper. There, the defendant moved to consolidate two cases, one pending in the probate court and one pending in the general division of the common pleas court. *Id.*, ¶ 6. The trial court granted the motion and transferred the case to the probate court. The Fifth District Court of Appeals upheld the trial court’s ruling. Interestingly enough, the Court explained:

In *Goldberg v. Maloney*, 111 Ohio St.3d 211, 2006-Ohio-5485, 855 N.E.2d 856, the Ohio Supreme Court stated:

The cases permitting probate courts to determine the validity of preguardianship or predeath transactions have been held to be “consonant with the modern and prevailing view that **the ends of justice are expedited and best served by the disposition of as many issues as is possible in a single proceeding.**”

...In the interests of judicial economy and to ensure consistency in the results of the case as espoused by the Ohio Supreme Court in *Goldberg*, supra, we find the trial court did not abuse its discretion in transferring the declaratory judgment action to the Probate Division and consolidating it with the pending action in the Probate Division.

[Emphasis added.] *Id.*, ¶¶ 22, 23, 25 (internal citations omitted).

As in *Clark*, judicial economy and consistency in the results will be served if Plaintiffs' Common Pleas and Court of Claims cases are tried together. And, if any of the Defendants had formally asserted the claims against the other Defendant that they have consistently asserted on an informal basis, those claims would have already been before this Court. Moreover, R.C. 2743.11 provides as follows:

Jury trials shall be conducted at the court of claims, the court of common pleas of Franklin county, or the court of common pleas of the county in which a removed case is tried. Juries shall be drawn from the common pleas list of qualified jurors, and empaneled in the same manner as in cases that originate in the court of common pleas. The state shall pay all expenses incidental to a jury trial, except that juror costs shall be taxed to the losing party.

Thus, the jury pool for a consolidated trial is the same pool from which the jurors would be selected if the cases are tried separately. As a result, there is truly no reason for denying Plaintiffs' request for consolidation.

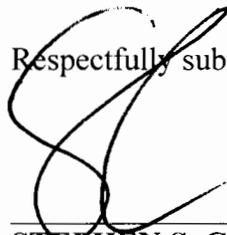
IV. CONCLUSION

Based upon the foregoing, Plaintiffs' Motion to Order Joinder of Parties or, in the alternative, to Consolidate Case No.: 13 CV 004435 in the Court of Common Pleas and Case No.: 2012-09059 in the Court of Claims should be granted and the trials of these cases should be conducted as one.

The logic behind this decision is simple and straightforward. Justice is often served by a choice of what is right and over what is wrong. It is wrong for OSU to legally blame other

Defendants for horrendous injuries caused to one of their own students on their own campus, and then to refuse to add these same parties to this litigation in a self-serving attempt to avoid liability. It would be just and right for this Court to use the logic, power and wisdom it possesses to add all parties to this action to allow a fair trial to all parties involved and conserve judicial resources in the process. This Motion simply asks this Court to make the right decision that OSU/State would not.

Respectfully submitted,



STEPHEN S. CRANDALL #0063810

MARC G. PERA #0069231

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Chagrin Falls, OH 44022

(216) 538-1981

(440) 338-8286- Facsimile

steve@cmpwlaw.com

marc@cmpwlaw.com

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent via E-Mail on the 6th day of December, 2013

upon:

Peter E. DeMarco, Esq.
Court of Claims Defense
150 East Gay Street, 18th Floor
Columbus, OH 43215
Peter.demarco@ohioattorneygeneral.gov
Counsel for the Ohio State University

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Construction, Inc.*

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Gilbane Development Co., and Gilbane, Inc.*



STEPHEN S. CRANDALL #0063810



FILED
COURT OF CLAIMS
OF OHIO
2013 DEC -9 AM 11:25

December 6, 2013

Sent via Federal Express

Court of Claims of Ohio-Clerk of Courts
The Ohio Judicial Center
65 South Front Street
Columbus, OH 43215

Re: *James D. Hughes, et al. v. The Ohio State University*
Case No.: 2012-09059

Dear Clerk:

Enclosed is the original and one copy of the following:

- Plaintiff's Motion to Order Joinder of Parties or in the Alternative, to Consolidate Cases for Purposes of Trial (with 1 copy of the Exhibits attached to the original only)

Would you please:

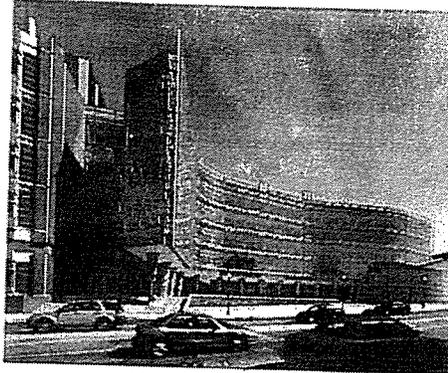
- File accordingly,
- Return a time stamped copy of the Motion in the self-addressed, stamped envelope provided.

Thank you in advance for your assistance with this filing.

Sincerely,

Stephen S. Crandall, Esq.

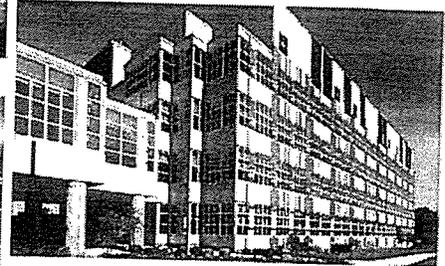
Enc.



University of Michigan



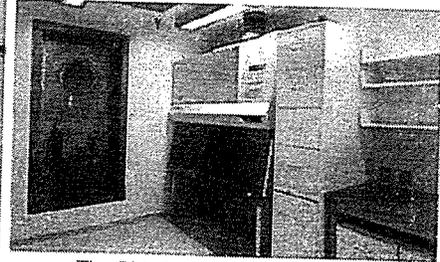
Battelle Memorial Institute
Center for Life Sciences Research



University of Kentucky



University of Louisville



The Ohio State University OARDC

Proposal

PROPOSAL FOR CONSTRUCTION MANAGER AT-RISK SERVICES

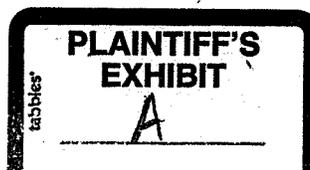
The Ohio State University
Chemical and Biomolecular Engineering and Chemistry Building
OSU-090581

COLUMBUS, OHIO

February 24, 2012

The Ohio State University

Gilbane



OSU001133



February 24, 2012

The Ohio State University
Facilities Operations and Construction
Attention: Faye Bodyke
2009 Millikin Road, Room 400
Columbus, Ohio 43210

RE: Proposal for Construction Manager At-Risk Services
Chemical and Biomolecular Engineering and Chemistry Building
OSU-090581

Dear Ms. Bodyke,

Gilbane is uniquely qualified to perform as your Construction Manager At-Risk for the CBEC project. Defined by our following proposal, we possess the differentiators that offer you the most compelling team that is dedicated and already committed to completing this project on schedule, with quality and cost savings.

▶ **Unique Understanding of the Importance of Project**

Gilbane is committed to provide the best value to OSU on the CBEC project. We have worked closely with you throughout the planning and design phase. We understand the unique "why, what, and how" aspects of the program. In addition, we also know how important the success of the CM At-Risk delivery method is to OSU. We know the entire state will be focusing on the success of this project. We understand the great lengths to which OSU has worked to have the ability to utilize CM At-Risk. We will not be satisfied unless we exceed your expectations.

▶ **Collaborative Approach to the Project**

As an industry pioneer in the Construction Manager At-Risk delivery method, Gilbane knows that working as a team is the key to any successful project and is a fundamental component of our CM At-Risk management philosophy. Construction projects are known to have day-to-day challenges such as aggressive schedules, weather issues, etc. Gilbane's teaming approach is designed to overcome these challenges. We will bring a team-focused attitude to the project and work to build the trust of OSU and Pelli/Burt Hill throughout the project. This type of partnering / teambuilding relationship offers multiple benefits to OSU, the design team and Gilbane, as well as other stakeholders in the relationship.

Gilbane will work as your advocate to see that the best, most cost effective solutions are provided in your completed project. We will communicate openly and share all information with you without exception.

▶ **Unmatched Knowledge of the CBEC Program**

Gilbane is honored to have been originally selected in 2010 to be your CM on the CBEC project. Our entire staff, especially our preconstruction team, is proud of the services provided and the relationships which have been created. We, the entire Gilbane team, commit to an on budget, on schedule project where we will work every day to exceed your expectations.

This intimate understanding of the project will allow the team to immediately start the bid and award process for trade contracts and maintain the schedule milestones and budget already committed by OSU, Pelli/Burt Hill, and Gilbane.



Ms. Faye Bodyke
Page 2

▶ **Full-Time, On-Site Executive Leadership**

Brett Meyer, will be your full-time, on-site Senior Project Executive. Brett is a seasoned leader who has been with Gilbane for more than 12 years and has worked on multiple complex building programs in Ohio. He is currently serving as Project Executive on the \$75 million Center for Life Sciences Research at Battelle Memorial Institute in West Jefferson, Ohio. Previously, Brett completed the \$100 million addition to the Grange Mutual Insurance corporate headquarters building, which included a custom, unitized curtain wall system, similar to CBEC. Brett was also engaged on site on OSU's \$152 million Recreation & Physical Activity Center and successfully led the on-site Gilbane team through Phase 2 of the project. He understands the University's and the State of Ohio's processes and procedures and is committed to being an extension of the OSU staff to ensure the success of the program.

Gilbane understands the need for success on this project and is committing the best team to you.

▶ **Maintaining the Curtainwall Integrity**

We recognize the expansive curtainwall system designed by Pelli/Burt Hill is critical to the success of this project. We have worked on many programs with similar systems and will bring best practices to OSU to ensure quality installation. Gilbane understands the significance of CBEC's curtainwall system from both an aesthetic and performance standpoint, and is already working with the team to ensure the quality of this critical building element.

▶ **Dedication to Campus Safety**

Gilbane understands the challenges and requirements of working in an operational campus environment. We have communication systems and project websites that are focused on the students and faculty during construction. Recent experience on 65 campuses nationwide including major projects for Kent State University, The Ohio State University, Bowling Green State University, Penn State University, University of Kentucky, University of Louisville, University of Michigan, and many more.

Safety will be our No. 1 priority. The new CBEC site is located in the heart of campus and in an active area of the science and engineering neighborhood where parking is already at a premium and main student thoroughfares are nearby. Our experience on the OSU campus, as well as higher education work nationally, provides valuable lessons learned and ensures best practices are implemented throughout to minimize disruption on the campus and maintain a safe learning environment. Gilbane is sensitive to the active campus operations and will schedule construction activities in order to accommodate the academic calendar and other special events.

Gilbane's Emergency Modification Rating (EMR) is 0.42 which is less than half the industry average.

Gilbane is committed to your success and we look forward to working with you and your team to make your vision a reality. Thank you for your consideration.

Sincerely,

Thomas M. Laird
Sr. Vice President, Regional Manager

Brett C. Meyer
Senior Project Executive

Larry E. Mastella
Vice President

C O N T E N T S

Section 1

Pricing Criteria

Section 2

Technical Approach

Section 3

Project Organization, Personnel Experience and Qualifications

Section 4

Experience

Section 5

Project Approach

Section 6

Risk Management

Section 7

Other Requirements

1. PRICING CRITERIA

- a. Preconstruction Fee
- b. Construction Fee
- c. At-Risk Fee
- d. General Conditions Cost (refer to Exhibit A)
- e. Contingency
- f. Provide a list of key personnel for the Project and corresponding billing rates that will work on this project.

Please see the following pages for all fee information, including:

- ▶ Exhibit B - Estimate of Cost Form for Construction Manager at Risk
- ▶ Exhibit A - General Conditions Matrix
- ▶ Key Personnel Billing Rates

In addition to the exhibits on the following pages, we are providing an alternate breakdown of our Estimate of Cost to better demonstrate our proposed costs:

Pre-Construction Fee	\$ 49,990
Construction Phase Personnel	\$ 2,735,473
Field Office & Support	\$ 614,924
General Requirements	\$ 2,341,450
Sub-total	\$ 5,741,837
CM Fee at 1.3%	\$ 1,238,042
CM Contingency	\$ 2,685,990
Total	\$ 9,665,869

Please note that the above Field Office & Support and General Requirements costs may seem significantly higher than a traditional CM Agency proposal. However, as indicated on the following pages, we have included a substantial amount of the "general condition" type costs in our proposal that would typically be passed down to the trade contractors. Many of these costs were previously included in our last estimate under trade costs, but can now be removed from trade costs as they are included in our CM At-Risk proposal. This shift in cost benefits the University in several ways:

- ▶ Decreases the overall project cost by eliminating 2nd and 3rd tier subcontractor mark-ups on the general condition items.
- ▶ Reduces cost as Gilbane can utilize our national agreements with vendors to provide these services at a lower cost.
- ▶ Promotes EDGE participation as Gilbane can now procure these services directly from the vendors.
- ▶ Ultimately, all savings are returned to the University, rather than increase the profits of the subcontractors.

Exhibit B

Estimate of Cost Form for Construction Manager at Risk

Project Name: Chemical Biomolecular Engineering and Chemistry Building

Project Number: OSU-090581

Item no.	Description	Cost proposals Amounts	
		Percentage (%) (as applicable)	Dollars (\$) (as applicable)
1.0	Pre-Construction Fee (refer to General Conditions Matrix – Item No 1.0)	N/A	\$ 49,990 Lump Sum
2.0	Construction Fee	1.3%	\$ 1,238,042 Amount
3.0	General Conditions (refer to General Conditions Matrix – Item No 2-5)	N/A	\$ 5,691,847 Lump Sum
4.0	Contingency	3.0%	\$ 2,685,990 Lump Sum

Total **\$ 9,665,869**

At-Risk Fee (for definition refer to best value selection of a construction manager at risk Section A.4)	% <u>Varies</u> Percent	\$ <u>To be mutually determined</u> Amount
---	--	---

Our suggested incentive plan provides benefits to both OSU and Gilbane – Safety, Quality, Schedule, and Savings. There are a multitude of incentive plans we have participated in on CM at-risk projects. We look forward to discussing the options available to OSU and mutually agreeing to a plan which benefits both parties.

We propose to structure language within the Agreement that incorporates shared goals. Rather than place a percentage of our base fee at risk, we have reduced our base fixed fee percentage to reflect an immediate savings to OSU. We would like an opportunity to increase our total project fee by creating an incentive pool, funded entirely by the CM Contingency. We suggest establishing a mutually agreeable, performance-based rating system to coincide with major milestones on the project. A percentage-based or fixed incentive could be paid at the established intervals, only if earned and if the funds are available in the CM Contingency. All remaining contingency reverts back to OSU.

Item No.	Description	Included in Fee (Insert "X" as needed)	Included in General Conditions (Insert Cost \$)	Hours (Insert "#" of hours allocated)	By Owner (Insert "X" as needed)
2.0	Construction Manager at Risk Main Office Staff				
2.1	Corporate Executives	X		included	
2.2	Principal in Charge	X		included	
2.3	Project Executive	X		included	
2.4	Cost Estimating	X		included	
2.5	Scheduling	X		included	
2.6	Purchasing and Contracts	X		included	
2.7	Accounting	X		included	
3.0	Construction Manager at Risk Construction Staff (cannot be passed down to Trade Contractors)				
3.1	Project Executive (Brett Meyer)		\$478,008	3,511	
3.2	Senior Project Manager(s)			incl. w/ PX	
3.3	Project Manager(s)			incl. w/ PX	
3.4	Assistant Project Manager(s) (Steve Pawuk & John Gibson)		\$610,718	9,881	
3.5	Project Superintendent(s) (Steve Jarrells & John Lambert)		\$597,487	8,839	
3.6	Foreman				
3.7	Project Engineer(s) (Juan Medina & Jessica McClory)		\$306,321	7,453	
3.8	Project Assistant(s)		\$146,016	4,680	
3.9	MEP Specialist(s) (John Pearson)		\$325,511	3,813	
3.10	Laboratory Specialist(s)		\$25,000	included	
3.11	Quality Control		\$68,775	560	
3.12	Safety		\$15,800	160	
3.13	Construction Scheduler		\$11,759	120	
3.14	Cost Estimator(s)				
3.15	Administration Assistant				
3.16	Purchasing		\$36,064	454	
3.17	Accountant		\$94,447	1,592	
3.18	BIM Staff		\$57,547	905	
3.19	Intern(s) (from OSU)		\$52,020	2,079	

Item No.	Description	Included in Fee (Insert "X" as needed)	Included in General Conditions (Insert Cost \$)	Included in Construction Trade (Insert Estimated Cost)	By Owner (insert "X" as needed)
4.0	Temporary Support Facilities & Controls				
4.1	Trailer Complex set-up and Removal (includes utility connections and consumption)		\$91,260		
4.2	Trailer Complex		\$66,500		
4.3	Field Office Furniture		\$2,700		
4.4	Field Office Supplies		\$22,400		
4.5	Field Office Equipment		\$3,600		
4.6	Owners/Architect Field Office		incl. in 4.2		
4.7	Postage/UPS/FedEx & Shipping		\$7,000		
4.8	Field Office Computer Equipment and Telephone Equipment		\$33,400		
4.9	Field Office Fax Machine/Scanner		incl. in 4.10		
4.10	Field Photocopying		\$20,160		
4.11	Field Office Water		\$2,800		
4.12	Office, Phone & PC Service for CMR, Architect, Engineer and Owners Representatives		\$42,000		
4.13	Field First Aid Supplies/Fire Extinguishers		\$8,450		
4.14	Field Office Maintenance and Repair		\$2,100		
4.15	Field Office Security System		\$3,000		
4.16	Field Office monthly telephone charges, including long distance		incl. in 4.12		
4.17	Field Office Network connections and associated monthly cost		\$20,400		
4.18	Dumpsters		\$412,500		
4.19	Field Communications (cell phones and/or Radios)		\$15,960		
4.20	Contractor Trailer Area – Utility Connections (phone, electric, heating, cooling)			\$64,170	
4.21	Temporary Storage Facilities			as required by contractors	
4.22	Traffic Control			as required by contractors	
4.23	Temporary Roads			\$56,654	
4.24	Temporary Lighting			\$144,000	
4.25	Temporary Lay Down Area			incl. in 4.23	
4.26	Elevator Operator			\$172,800	
4.27	Temporary Labor		\$140,000		

Key Personnel Billing Rates

Key Personnel	Hourly Rate (\$)
Brett Meyer, Full-time, on-site Project Executive	136.11
Steve Pawuk, LEED AP, Assistant Project Manager	63.10
John Gibson, Assistant Project Manager	60.74
Steve Jarrells, Senior General Superintendent	87.62
John Lambert, Area Superintendent	46.76
John Pearson, Senior MEP Supt/Commissioning	85.36
Juan Medina, Project Engineer	37.24
Jessica McClory, Project Engineer	50.00
Pat McMillen, Safety Manager	98.78
Mike Giuliani, LEED AP, Sr. Preconstruction Executive	138.05
Alice Dean, Chief Mechanical Estimator	124.38
Jon Dawson, LEED AP, Estimating Executive	128.00
Todd Gerber, LEED AP, Regional Quality Manager	94.32
Dave Pully, PMP, Scheduling Manager	97.95
Amy Hwang, LEED AP, BIM Manager	65.37
Administrative Assistant	31.20
Intern	25.01
Accounting	59.33
Purchasing Manager	109.76
Purchasing Assistant	36.81

2. TECHNICAL APPROACH

- a. The approach to the project includes, but is not limited to, the following: communication with the project team, cost control during preconstruction, mechanical and electrical cost management, cost control during construction, preconstruction phase administration, construction phase administration, BIM, final start-up, testing, prefunctional and functional commissioning, safety management, quality control, project turnover, occupancy, and warranty

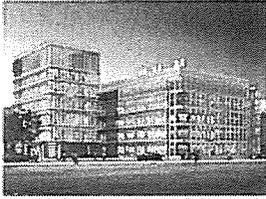
Gilbane is uniquely qualified to perform as your Construction Manager At-Risk for the CBEC project. We possess the differentiators that offer you the most compelling team that is dedicated and already committed to completing this project on schedule, with the highest level of quality and at the most cost effective price.

Unmatched Knowledge of the CBEC Program

Gilbane is honored to have been originally selected in 2010 to be your CM on the CBEC project. Our entire staff, especially our preconstruction team, is proud of the services provided and the relationships which have been created. We, the entire Gilbane team, commit to an on budget, on schedule, high quality project where we will work every day to exceed your expectations. Below is a timeline of the work product Gilbane has created on the CBEC project to date:

DATE	DELIVERABLE
August 2010	Cost Model Estimate – Program/ Concept Estimate
January 2010	Liquid Nitrogen Study
February 2010	SD Estimate w/ Reconciliation with Architect, along with Value Engineering
February 2011	Energy Comments / Study by Gilbane COE
April 2011	Chilled Water Woodruff Study and Gravity Process Chilled Water Study
May 2011	Raceway vs. Wiremold study and Civic Structure (Hardscapes & Landscapes) estimate for areas surrounding the CBEC Project
June/July 2011	DD Estimate w/ Reconciliation & Value Engineering
August 2011	Koffolt Tunnel Study & Program Estimate for new tunnel
September 2011	Generator Location Study; OSU Metering – Chilled Water & Steam and Condensate Study/budgeting; and OSU Metering – Electrical
December 2011 / January 2012	CD Estimate / Reconciliation; and VE and Constructability Review

This intimate understanding of the project will allow the team to immediately start the bid and award process for trade contracts and maintain the schedule milestones and budget already committed by OSU, Pelli/Burt Hill, and Gilbane.



Collaborative Approach to the Project

As an industry pioneer in the Construction Manager At-Risk delivery method, Gilbane knows that working as a team is the key to any successful project and is a fundamental component of our CM At-Risk management philosophy. Construction projects are known to have day-to-day challenges such as aggressive schedules, weather issues, etc. Gilbane's teaming transparent approach is designed to overcome these challenges. We will bring a team-focused attitude to the project and work to build the trust of OSU and Pelli/Burt Hill throughout the project. This type of partnering / teambuilding relationship offers multiple benefits to OSU, the design team and Gilbane, as well as other stakeholders in the relationship.

Gilbane will work as your advocate to see that the best, most cost effective solutions are provided in your completed project. We will communicate openly and share all information with you without exception.

"PCPA is very pleased with Gilbane's professionalism and teamwork. They have been a great partner in our collaboration on the OSU CBEC design and add high value and quality to the team. Gilbane's preconstruction services, including cost estimating, scheduling, and constructability review have benefited the project immensely enabling the project to remain on budget and on schedule. We look forward to a positive and productive working relationship with them during construction."

*- Mr. Darin C. Cook, Senior Associate
Pelli Clarke Pelli Architects*



COMMUNICATION WITH PROJECT TEAM

We recognize that a project's success is largely dependent on the project team's ability to communicate effectively. Throughout the preconstruction effort during the last 18 months, our team has demonstrated our dedication to open, honest and timely communication with the entire project team through face-to-face meetings, webinars and frequent conference calls. We will continue this communication with the project team during construction, commissioning and turnover, utilizing similar means, and will also implement our interactive web-based project control system, iBuild.

We understand that this communication is not limited to the immediate project team involved with the project on a daily basis, but extends to the entire campus community as well. We will utilize a variety of means to effectively communicate with all entities including students, faculty, adjacent building users and coordinators, OSU Traffic and Parking, OSU Facilities and adjacent construction projects and their teams. Proven communication methods include regularly scheduled face-to-face meetings, project websites, newsletters, Facebook and Twitter, coordination meetings with the Academic Core North team, town hall meetings and any other means necessary to ensure effective communication throughout the project.

PRECONSTRUCTION PHASE ADMINISTRATION

Early planning and thorough research must be done in order to establish the viability of any design/construction project. Through the preconstruction phase of the project, our team provided OSU with the following services:

- ▶ Schedule development
- ▶ Estimating services
- ▶ Cost management and value engineering
- ▶ Constructability reviews

As the project moves forward under the CM At-Risk delivery method, Gilbane will continue with the above services and perform the following additional services:

- ▶ Interdisciplinary Document Coordination (IDC) review
- ▶ Purchasing strategy
- ▶ Trade contract bid and award

Schedule Development

The project schedule is perhaps the most important project control mechanism because labor costs, paid for on a time basis, are the largest, single project cost factor. A practical project schedule must be attainable and agreed upon by those responsible for its attainment. Built-in capability must also exist to be flexible and to provide for rapid changes in the schedule to accommodate events that are not under direct control of the project team.

Card Scheduling Session

With the CM At-Risk delivery method, the opportunity exists to streamline the remaining preconstruction phase and expedite the bid and award process for the trade contracts. Gilbane will orchestrate a unique teambuilding/project planning/scheduling technique, which we refer to as a card scheduling session. This is an interactive team planning session and process facilitated by the project executive, and includes project management representatives from OSU, Pelli/Burt Hill, and user groups. It is an informal and interactive process utilizing multiple color cards allocated to each project team member. We will work closely with the team to identify the most efficient path forward, resulting in a well-developed master schedule with input from the entire team.

The information obtained from this card scheduling session will be synthesized into a CPM schedule, using Primavera scheduling software. Gilbane will prepare, maintain, and administer a complete, coordinated master schedule for design and construction consistent with Pelli/Burt Hill and OSU's approved completion and occupancy dates.

Estimating Services

The project estimate defines the probable cost of the facility, and how the cost is allocated among the facility's functions and components. This establishes the baseline against which all future decisions are based. All estimating, value engineering analysis, life cycle costing, and cost analysis is completed in-house by our full-time professionals, experienced with estimating laboratory and research facilities.



Card Scheduling Session Benefits:

- ▶ Project team and user group buy-in to mutual commitments in order to achieve critical path milestones
- ▶ Mutual understanding of concerns and interdependencies among team members
- ▶ Clear identification of complex, interactive scheduling issues
- ▶ Best resources are allocated
- ▶ Sequencing of work is established with team input
- ▶ Balanced resource capacity
- ▶ Conduct what-if analysis and analyze alternative project plans



Since Gilbane performed preconstruction services throughout the design phase, our effort as the CM At-Risk will begin by reviewing the completed contract documents and confirming that the overall project cost is within our estimate performed at the 65% CD document stage. If any discrepancies exist, we will present a revised estimate to the team and lead the effort of reconciling the project to meet the budget. With our experience throughout the design phase and intimate knowledge of the project, Gilbane is uniquely qualified to quickly assess the budget upon contract award, and provide instant feedback regarding components that may require further evaluation.

Cost Management and Value Engineering

Gilbane has participated in extensive value engineering sessions at the schematic, design development and construction document phases to ensure the overall project budget is achieved. We have evaluated many systems and building components as part of a comprehensive value engineering effort.

Our preconstruction team worked closely with Pelli/Burt Hill and both ChBE and Chemistry to identify components of the project that could be reduced in cost or where alternate systems are available at a lesser cost, without sacrificing the functionality or design intent of the facility. Our vast experience with laboratory and research facilities and our knowledge of the mechanical and electrical systems incorporated into these facilities, allowed our team to provide continuous feedback on alternative options, enabling the team to select the most cost efficient systems. Some examples include:

- ▶ Proposed substituting galvanized ductwork for stainless steel ductwork for exhaust mains (approximate savings \$3M)
- ▶ Proposed revising the stainless steel ductwork specification to eliminate polished seams and joints which are not required for this type of facility (approximate savings \$1M)
- ▶ Proposed utilizing Pro-Press fittings for all copper piping systems (\$250,000 savings)
- ▶ Cost studies for emergency generator location and review of campus emergency power capacity (\$400,000 savings)
- ▶ Cost studies for campus chilled water loop (approximate \$175,000 savings)
- ▶ Proposed revision to curtain wall system specification to revise interior paint systems and adjust terra cotta panel thickness (\$230,000 savings)
- ▶ Cost studies to reduce thickness of structural concrete slabs (\$200,000 savings)
- ▶ Cost studies to raise basement slab elevation and adjust floor to floor heights (approximate \$400,000 savings)

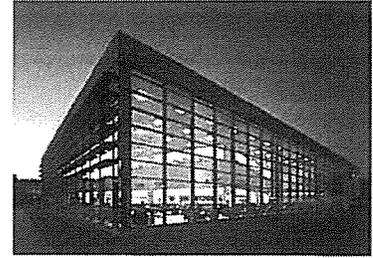
Through the value engineering process, the team identified specific scope items that could be adjusted to decrease the overall project cost. We assisted the team in developing bid alternates that can be selected to add some of these components back to the project, if the final budget allows. This process kept the project within budget, but allowed the users the flexibility to select specific features that could still be incorporated into the project if the subcontractor bid results are favorable.

Constructability Reviews

Reviews are conducted by experienced field personnel to assess the constructability of the preferred design. Design details that have been shown to be difficult, impossible to execute, or that have not worked in practice will be noted for consideration by OSU and Pelli/Burt Hill. We propose to facilitate a final constructability review of the 95% construction documents, to address any remaining constructability issues.

Gilbane will:

- ▶ Review drawings and specifications for inconsistencies, errors and omissions, and adherence to code.
- ▶ Make recommendations for the use of alternative materials or design details when the preferred design is seen as a higher cost option.
- ▶ Make recommendations for specification changes when preferred specifications are likely to limit competition or cause delays in delivery.
- ▶ Assess the construction cost and schedule impacts of alternative materials and equipment.
- ▶ Assess the ease and difficulty of constructing the proposed design and make recommendations for practical changes.



BRYANT UNIVERSITY
GEORGE E. BELLO CENTER FOR
INFORMATION TECHNOLOGY

New, 72,000 SF technology building featuring the college library, multiple classrooms, study/seminar rooms, and an Academic Center for Excellence

Interdisciplinary Document Coordination (IDC)

IDC is a deliberate, methodical process of examining a project's documentation from the builder's perspective in order to identify potential coordination issues prior to construction. Separate and distinct from other design phase services, it is another resource Gilbane seeks to provide for the benefit of its clients and design colleagues. IDC takes document analysis to the next level, providing precise and detailed information gathered by experienced and specially trained construction professionals.

IDC Service Goals

1. To minimize the detriment caused to a project's program, schedule, and budget by document coordination issues.
2. To provide thorough construction document analysis and reporting in a team-oriented manner.
3. To understand our clients' document review needs to assure complete customer satisfaction.

What is IDC?

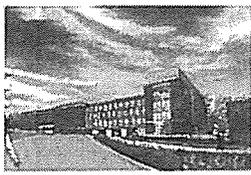
IDC is a process by which the construction disciplines within the complete, or nearly complete, project documentation are compared and contrasted to one another with the goal of identifying coordination issues. Reviewed construction disciplines include demolition, site utilities, communications, structural, architectural, furnishings, mechanical, plumbing, hazardous materials, electrical, landscaping, technology/security, fire protection, and food service equipment.

Examples of typical coordination issues may include:

- ▶ Concrete slab depressions not shown for specialized flooring systems or equipment.
- ▶ Sizes and locations of utilities not consistent with site plan sheets and respective mechanical, electrical, plumbing, and fire protection sheets.
- ▶ Missing structural steel supports for roof mounted equipment.

IDC reviews contribute to better construction document coordination, resulting in consistent, competitive bidding practices.

IDC significantly reduces the number of change orders and requests for information for all types of projects.



IDC Case Study

UNIVERSITY OF MARYLAND COLLEGE PARK, PHYSICAL SCIENCE COMPLEX

New, \$85 million, six-story, 142,000 SF academic research building, central plant expansion, and extensive infrastructure upgrades; project targeting LEED Silver certification.

- ▶ Phased full review totaling four weeks
- ▶ Identified 1,077 issues
- ▶ Performed three compliance checks and one life safety review
- ▶ Avoided approximately \$1.3 million of change order costs

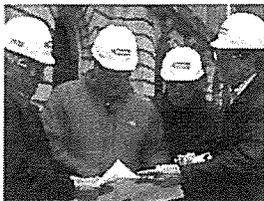
By identifying typical coordination issues prior to bidding and construction, IDC distinguishes itself from other design phase services. IDC is not a constructability review, estimate, value engineering session, or scope review. It is a documentation analysis where reviewers perform 500 tasks that require resources far exceeding other standard construction management practices. With defined strategies developed to achieve specific objectives, IDC ultimately demonstrates several key attributes that make it distinctive.

Purchasing Strategy

A well-planned, well-coordinated purchasing approach is essential to the overall success of this project. Gilbane will provide the following procurement tasks:

- ▶ Include site-specific requirements for safety and security.
- ▶ Orchestrate bid timing to optimize competition and achieve the most competitive bid prices.
- ▶ Procure long-lead or critical delivery items with sufficient lead time to avoid construction delay.
- ▶ Prepare detailed and coordinated trade scopes of work.
- ▶ Include EDGE participation requirements and ensure project goal is achieved.
- ▶ Identify interface work items to ensure no gaps or overlaps in the trade contract scopes of work.
- ▶ Identify alternative or substitute materials, equipment, or services that may result in lower cost purchases while maintaining quality.
- ▶ Review OSU contract terms and conditions for inclusion in all contracts.
- ▶ Stimulate interest in bidding.
- ▶ Package and distribute bid packages.
- ▶ Coordinate and hold pre-bid conferences.
- ▶ Review bids for completeness and exceptions and evaluate them.
- ▶ Make recommendations on trades contract awards.
- ▶ Prepare the subcontract agreements.

Aggressive and controlled purchasing saves both construction costs and management time. Our team will perform all functions necessary for purchasing construction materials, equipment, and services while keeping OSU informed and making documented recommendations for decisions on purchasing matters.



Bid & Award Strategy

Effective subcontractor procurement will directly affect the project cost, schedule, and quality. Gilbane's subcontractor procurement process is geared towards obtaining the best price in the marketplace, while using local subcontractors with the necessary expertise to provide a quality product while adhering to the schedule. In order to procure the right subcontractors at the best prices for your project, one of the most important strategies Gilbane will employ is to write detailed and coordinated scopes of work for each bid package, including the schedule requirements. When contracts are awarded, they will include the anticipated start and completion dates, and any critical milestone dates to ensure the project remains on schedule. Through many successful projects in the central Ohio market, contractors know a Gilbane run project will be well coordinated to ensure success.

CONSTRUCTION PHASE ADMINISTRATION

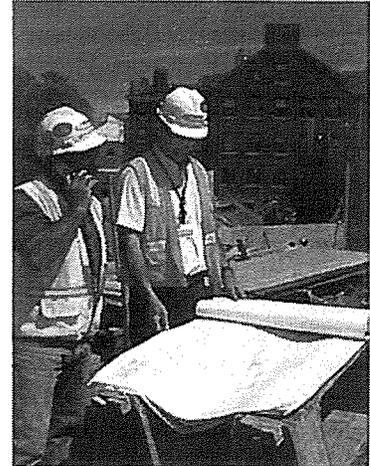
The entire field management staff, led by Gilbane's on-site Project Executive, Brett Meyer, will ensure that the construction progresses according to plan. Our project team will oversee the following:

- ▶ Cost management and control
- ▶ Change order management
- ▶ Quality control
- ▶ Safety management
- ▶ Schedule management
- ▶ Building Information Modeling (BIM)
- ▶ Final start-up, testing, prefunctional and functional commissioning
- ▶ Project turnover and occupancy
- ▶ Warranty assistance

The objective of the construction phase is to initiate and maintain construction operations in accordance with the plans, and to modify those plans as necessary in response to changing conditions. In the event that unforeseen circumstances force changes, Gilbane has the resources to make rapid, coordinated changes and disseminate new plans to all parties affected.

The onsite field staff will ensure the work progresses according to plan by:

- ▶ Working with OSU Traffic & Parking to develop vehicular and pedestrian traffic management plans
- ▶ Coordinating effective communication plans
- ▶ Administering and managing construction contracts
- ▶ Assisting in obtaining building permits
- ▶ Implementing a quality program
- ▶ Implementing the Gilbane Cares safety program
- ▶ Developing and managing the master construction schedule
- ▶ Managing and coordinating scheduled activities for construction
- ▶ Developing cash flow reports and forecasts for project
- ▶ Maintaining project accounting records
- ▶ Developing and implementing progress payment procedures
- ▶ Reviewing and certifying contractors applications for payment
- ▶ Scheduling and conducting regular meetings with OSU, Pelli/Burt Hill, user groups, and superintendents of each trade
- ▶ Providing monthly written progress reports to OSU
- ▶ Meet with OSU's executive on a quarterly basis (or more frequent if required) to provide project updates and review critical issues
- ▶ Transmitting requests for information/interpretation to Pelli/Burt Hill and assisting in resolution of questions by contractors
- ▶ Reviewing and negotiating request for changes by contractors
- ▶ Arranging for delivery, storage, protection, and security of owner-purchased materials/systems/equipment
- ▶ Providing digital/electronic documentation of project closeout documentation
- ▶ Managing contractors testing/start-up of utilities, systems, and equipment
- ▶ Developing and administering project completion list
- ▶ Conducting final inspection
- ▶ Securing and transmitting all warranties and similar closeout submittals



iBuild Client Benefits:

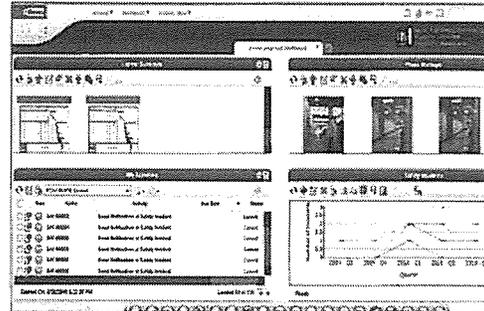
- ▶ Single web-based platform provides customized dashboard view for critical project data
- ▶ Collaboration between all project team members
- ▶ Ensures integrity of data to allow clients to make informed decisions
- ▶ Cross-project visibility on multiple, simultaneous projects
- ▶ Intuitive design: reduces the need for extensive training (easy to learn, easy to use)

iBuild Web-Based Project Controls

We will implement project control systems that will enhance schedule, cost, and quality control. Our systems are collaborative, web-based and provide real-time information to facilitate quick and effective team solutions. i.Build is a propriety system that focuses on collaborative team communication, quality, data and electronic workflow management that can be customized to meet OSU’s reporting and communication needs.

Innovative Collaboration

As a leader in delivering construction management services in an integrated team approach, Gilbane has developed a one-stop project management application that is capable of sharing project information between systems and project team members. iBuild focuses on collaborative team communication, quality, data and electronic workflow management. Our clients and project partners have experienced increased efficiency, improved communications and centralized document management solutions with iBuild. This system can be customized to meet OSU’s reporting and communication needs.



With iBuild, project data can be communicated through one global web-based secure platform and available in real time to all team members through a customized dashboard.

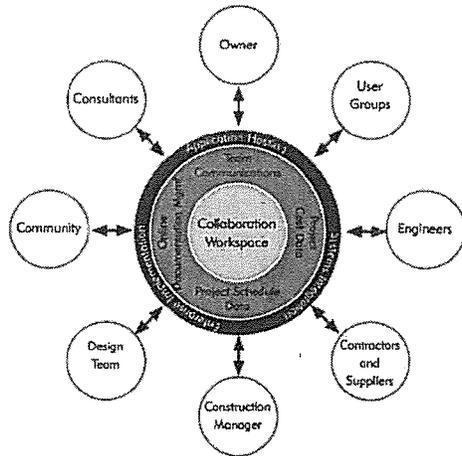
Increased Team Productivity and Communications for our Clients

iBuild changes the entire landscape for construction management while improving team productivity and communications for our clients. Project team members can now enter up to 40 different types of information through portable tablets in the field. Real-time reporting of safety and quality information; RFIs and change requests, punch lists and drawing markups allow our teams to streamline communications. Critical project information is automatically uploaded to a single centralized database. This data is then shared throughout the project team, from owners to architects and trade contractors to project managers.

All users can see activity reports, action items, issues, dates and pertinent job information on one screen using a web-based computer. This activity and workflow application reduces paper, compresses time and increases efficiency for all of our project team members.

iBuild SmartApps at a Glance

Multiple “smart applications” are easily adapted for each particular project to provide owners with flexible reporting options and informative dashboard views relaying critical project data. Each SmartApp captures the appropriate data and follows a user-defined workflow designed specifically for each project team. iBuild SmartApps provide superior document control and communication for each phase of the project. The chart below summarizes and identifies how each SmartApp contributes to the power of iBuild technology. Critical iBuild SmartApps used in the construction phase provide our team with enhanced field management functionality.

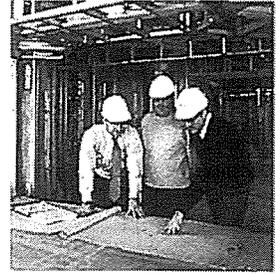


iBuild Process Fosters Team Collaboration

Cost Management and Control

Gilbane will:

- ▶ Develop and manage an effective system of project cost control. Revise and refine the initially approved project construction budget, incorporate approved changes as they occur, and develop cash flow reports and forecasts as needed. Identify variances between actual and budgeted or estimated costs.
- ▶ Maintain cost accounting records on authorized work performed under unit costs, actual costs for labor and material, or other bases requiring accounting records, and provide OSU with these records.
- ▶ Develop and implement a procedure for the review, processing, and payment of applications by contractors for progress and final payments.



Gilbane will establish a chart of accounts to track expenditures against cost line items. The chart will include provision for approved changes in the work. Monthly cost reporting will be compared with the plan and forecast future and final costs.

Change Order Management

Gilbane will:

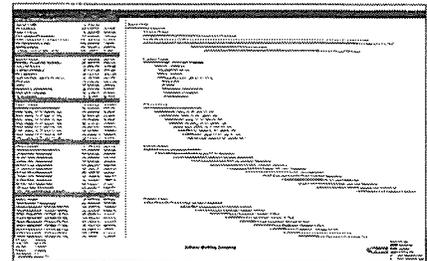
- ▶ Evaluate OSU and Pelli/Burt Hill change requests for impact on project budget and schedule.
- ▶ Review proposed changes and provide sufficient information for determination of the cost effectiveness of accepting the changes.
- ▶ Evaluate cost of change order requests and recommend approval levels.
- ▶ Determine the validity of change order pricing submitted by the trade contractors.
- ▶ Prepare appropriate change order agreement for OSU's approval.
- ▶ Make changes to the project budget and schedule as directed by approved change orders.
- ▶ Maintain a change order log.

Changes to the project must be controlled carefully to ensure their necessity and to evaluate their appropriate cost and their impact on the project budget and schedule. Gilbane will work with the team to maintain stringent control over changes and to advise OSU of the potential impact of those changes on overall project objectives.

Schedule Control

Gilbane will:

- ▶ Take ownership of the project schedule to lead the progress of construction to an on-time completion.
- ▶ Schedule and conduct progress meetings at which the contractors, OSU, Pelli/Burt Hill, and Gilbane can jointly discuss such matters as procedures, progress, work sequencing, utility shutdowns, challenges and overall project scheduling.
- ▶ Work with the trade contractors to develop weekly lookahead schedules which will be used in the weekly management meetings.
- ▶ Implement LEAN scheduling techniques to ensure trade contractors are held accountable for the scheduling and performance of their work.



Our CPM scheduling software, P6, better facilitates the planning process by using graphical tools and techniques in an interactive fashion to create a consensus plan.



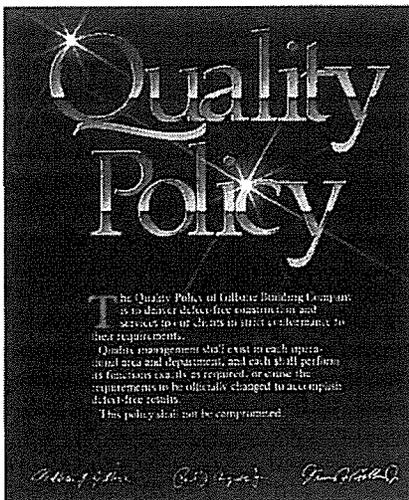
- ▶ Manage the schedule as construction progresses, identify potential variances between scheduled and probable completion dates, review the schedule for work which has not been started or which is incomplete, and recommend adjustments in the schedule to OSU and contractors to meet the probable completion date, provide summary reports of each monitoring, and document all changes in the schedule.
- ▶ Determine the adequacy of the contractor personnel, equipment, and the availability of materials and supplies to meet the schedule.

Gilbane has the capability to perform schedule analysis related to difficulties that may arise from weather conditions, supplier defaults, labor crises, or other factors not under OSU and Gilbane’s control. Reports can be sorted by several parameters. Particularly useful are 30- and 60-day “look aheads” that are used in regular coordination and planning meetings to ensure that contractors will meet their obligations.

Quality Control

Quality control is one of the CM’s primary responsibilities during construction; one which Gilbane does not take lightly. Quality must be the output of each function of the building program and, in order to achieve quality, Gilbane has developed specific criteria which are subscribed to in meeting our clients’ needs. These include:

- ▶ Conformance to Requirements: we will work to establish a clearly defined and mutually agreed upon understanding of the objectives of your building program and what is required to meet them. The project must start out right to finish right.
- ▶ Pro-Active Performance: we strive to see that problems are averted and not corrected after the fact.
- ▶ Zero Defects: “that’s close enough” or “that’s good enough” are never satisfactory.
- ▶ Nonconformance Costs: we realize failure to fully meet quality performance standards is a cost to our clients and damages Gilbane’s reputation and we will not permit either to occur.



Gilbane’s quality management process is a preemptive program designed to assure quality construction. Through the continuous monitoring of craftsmanship and materials, the highest achievable levels of quality are maintained throughout all our construction projects. It is evidenced in not only the visual elements of our work but in all the components of a Gilbane project. Each of the construction disciplines is monitored including structural systems, mechanical systems, electrical systems, exterior enclosure and moisture protection, roofing, laboratory casework and equipment, finishes and building / lab controls systems.

From start to finish, the contractor is monitored to ensure compliance with quality standards, contract drawings, and specifications. Not only is this strict attention reflected in the completed project, but it is evidenced by the project schedule. Our quality control efforts eliminate time consuming re-work, and increase productivity and physical progress. The program benefits derived from our quality management approach include:

- ▶ Owner satisfaction
- ▶ Heightened awareness of quality expectations
- ▶ Historical documentation, and a permanent record of deficiencies/resolutions
- ▶ Elimination/reduction of punch list
- ▶ Elimination of re-work
- ▶ Reduced inefficiency of the contractor, craftsmen and labor

The foundation of Gilbane’s quality management program is based on prevention rather than correction. Every step possible is taken to avert errors, omissions, discrepancies, and deficiencies. All shop drawing, specifications, and bid documents are carefully reviewed.

The performance histories and bid submittals of contractors are examined, and the importance of quality is underscored at both pre-bid conferences and pre-award meetings.

Gilbane will work with OSU and Pelli/Burt Hill to develop a quality plan for the project that addresses the entire team’s concerns. We will identify specific quality requirements, mock-ups or special testing and include those requirements in the trade contracts. We will include quality activities and inspections in the project schedule to allow sufficient time for planning quality activities and to manage their completion. We will apply a proactive approach to quality control to avoid or eliminate the need for any remedial work, eliminating the possibility of increasing project costs. Our proactive approach includes productivity measurements, benchmarking, mock-ups, and client evaluations.

Mock-Ups

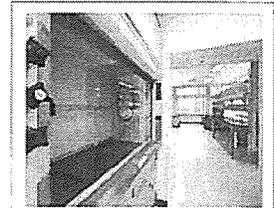
One of the critical tools for quality planning is a mock-up. The mock-up allows Gilbane to evaluate adjacencies, material transitions, functions, aesthetics and subcontractor means and methods. Additionally, OSU’s users can critique the installation—although drawings have been discussed and approved, many people cannot visualize a building space until they are standing in it. At this stage, we can often make minor, inexpensive adjustments based on user suggestions. This invaluable input helps to prevent significant re-work and change orders later in construction.

The CBEC project contains a custom unitized curtain wall system that will require an extensive mock-up and 3rd party testing to ensure the system’s integrity. Gilbane has experience managing these types of offsite mock-ups and understands the importance of engaging experienced partners to ensure success. Gilbane will work closely with Pelli/Burt Hill and their consultants to establish a plan for engineering, constructing and testing this mock-up to produce a high quality curtain wall system. In addition, we have included costs for our own independent exterior envelope consultant to ensure the curtain wall, metal panel, roofing, and other building enclosure systems are properly constructed and tested.

First Delivery Inspections

Gilbane’s project team will examine the first delivery of materials and equipment to ensure its conformance with the established project requirements. Non-compliant materials and equipment are rejected before installation.

Once the equipment is determined as corresponding to the project’s standards, we will examine its initial installation. When approved, this setup serves as the benchmark, eliminating repeated errors in subsequent installations.

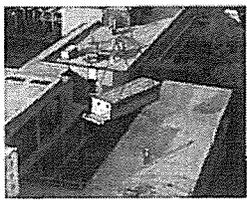


Best Practices: Fume Hoods

UNIVERSITY OF MICHIGAN
BIOMEDICAL SCIENCE
RESEARCH BUILDING

- ▶ Consider purchasing fume hoods that are pre-wired and pre-piped to minimize field installation costs
- ▶ Consider installing additional vertical exhaust risers during initial construction, at one third the cost of being added later

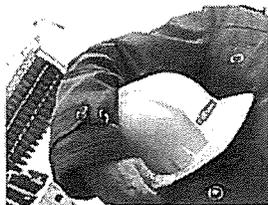




Best Practice: Indoor Air Quality

RICE UNIVERSITY
BROCKMAN HALL
FOR PHYSICS

- ▶ The 40-ton AHUs provide the ultra-clean environment for the sensitive equipment within. The units will save the university up to \$65,000 a year in energy costs



"Working safely is good business, but, more important, it's the right thing to do."

- Thomas F. Gilbane Jr.
Chairman and
CEO of Gilbane

Benchmarking

A benchmark is an evaluation of the first installation of any new work that is a permanent part of construction. It establishes a reference for all future work and acceptability of means and methods, effectively eliminating defective construction patterns.

We will construct numerous benchmarks throughout the project for repetitious installations including: architectural concrete, curtain wall and exterior enclosure systems, interior finishes, laboratory casework, fume hoods, plumbing, mechanical and electrical systems and other critical components of the building. We will initiate a discussion during an early planning session with the entire project team to review which benchmarks will be beneficial for the project.

Client Evaluations

A one-on-one performance evaluation will be conducted with Gilbane, OSU, and the design team. This feedback tool will be used to identify areas of strength and improvement. A formal action plan will be put in place to address the areas needing improvement.

Safety Management

Gilbane is adamant about safety. It is our policy to provide a safe place to work at all times. All employees and trades are expected to conduct their work in a safe manner. In concert, every contractor on the project site is obligated to conform to the requirements of all federal, state, and local safety standards and regulations, including the Occupational Safety and Health Act, as well as Gilbane's own vigorous project safety program.

Our management team accepts the responsibility for the prevention of accidents and the safety of work under their direction. Gilbane's project executive, project manager and general superintendent are directly responsible for managing and enforcing elements of our safety program and for taking steps to ensure the applicable safety work standards are met. Steps include:

- ▶ Developing a jobsite specific Gilbane Cares safety program for the project.
- ▶ Implementing safety supervisory skills training for trade contractors' superintendents and foremen.
- ▶ Working with trade contractors to develop Job Hazard Analysis (JHA's) and daily Safety Task Analysis (STA's) to ensure each contractor is properly and safely planning their work.
- ▶ Creating alliances with OSHA and the Ohio Bureau of Worker's Compensation to obtain their support and/or recommendations regarding the project.
- ▶ Notice that corrective work will be performed by others and charged to the offending contractor's account if safety deficiencies are not addressed promptly.
- ▶ Direction to "stop work" immediately where serious exposure is evident.
- ▶ Demand for removal of habitual violators and/or uncooperative employees from the job site.

The effectiveness of safety programs can be measured against the insurance industry's standard: the Experience Modification Rate (EMR), which is calculated by the National Council of Compensation Insurance, as well as the OSHA-devised Incidence Rate. The success of our program is reflected in Gilbane's EMR of .42, which is well below the industry average of 1.0 - *the lower the better*.

At the onset of the project, the project executive, project manager and general superintendent will conduct a Job Start Safety Conference with each trade contractor. During the conference, the team will review the contractor's scope of work, Gilbane's expectations regarding safety management, the project safety program and the contractor's plan to ensure their work is completed in the safest manner possible. This conference is mandatory and a contractor will not start work onsite until this meeting is conducted.

Prior to working on the project site, all contractor personnel are required to attend a project specific safety orientation conducted by Gilbane's general superintendent. Gilbane's superintendent will discuss expectations and safety goals for the project, project specific safety rules and each worker's responsibility for creating a safe work environment to ensure everyone goes home safely. The orientation is mandatory for all personnel on the project including Gilbane, OSU, the design team, contractors, vendors and any other personnel stepping foot onto the project site.

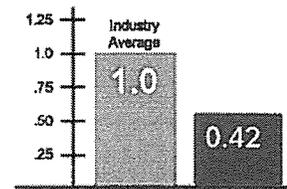
Gilbane's safety plan and statistics are unparalleled in the construction industry. We have been recognized by construction and safety associations for safety excellence and accomplishing stellar company-wide accident statistics.

The noted benefits to OSU in maintaining a strong safety program will be:

- ▶ A safe job is a productive job. It produces a positive feeling among the trades that the construction management team cares about them and their personal safety.
- ▶ A safe job costs less money. These savings are measured in insurance costs, lost-time costs, and productivity.
- ▶ A safe job does not draw negative publicity. Rather, safe projects present good opportunities for positive media coverage.



Gilbane was awarded the BX of Central Ohio Safety Excellence Award for 12 consecutive years.



Our safety program's success is reflected in our EMR of .42, well below the industry average of 1.0 - *the lower the better!*

A Commitment to Caring

The Gilbane Cares program combines our award winning safety systems with dedication to caring about the well being of all the people that work on our projects.

Gilbane has been honored by the Associated General Contractors, Construction Users Roundtable and others as one of the safest companies in the construction industry. Our systems and procedures for keeping people out of harm's way are second to none. But, we're committed to doing even better and becoming Incident and Injury Free.

In addition to the safety audits, checklists and other tools that we use, we are training our employees and project partners to embrace a new safety culture based upon people, not on statistics. We call the program Gilbane Cares and we're creating a safety philosophy built on the belief that every person on our projects is a member of our family.

Gilbane Cares means the safety of everyone on our project sites is always our number one priority. Gilbane has made a significant investment in training our employees and partners in JMJ Associate's Incident and Injury Free methods. More than 300 Gilbane employees (including our executive team) have participated in two day, in-depth commitment workshops. It is mandatory that all Gilbane employees participate in a half-day training session. We require that all of our subcontractors participate in a two hour session as well.



Building Information Modeling/Virtual Construction

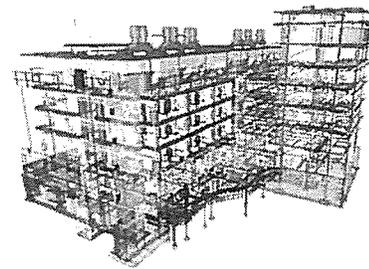
Gilbane will develop a BIM Execution Plan as we will bring together key members from OSU, the construction teams, and the design teams in order to establish goals for usage of the models, responsibilities of each party, standards and protocols, required levels of detail, as well as other items. We will review the current model exchange procedures and guides set up by the design teams and incorporate the appropriate workflow. We have baseline and best practice documents to guide these discussions and ensure logistical items such as software interoperability, hardware requirements, and file-sharing procedures are resolved.

Visual Scheduling

We have the ability to integrate the schedule into the model, either in Navisworks or Synchro. Linkage will be maintained as the schedule is updated, allowing for accurate progress tracking and look-aheads at upcoming activities. These visual simulations can be incorporated into the regular project updates.

Site Logistics Model

Gilbane will establish site logistic models to address concerns of access and construction in a tight site. The model will demonstrate the location of major construction equipment, major temporary structures and construction traffic patterns, which will allow for better planning and organization of the site activities. The model will also promote a safer and more efficient construction process. Imagery and 4D simulations from the model can also serve as a communication tool for both the construction team and the larger OSU community on construction site activities.



The Ohio State University
CBEC BIM

Submittals

Gilbane will establish a project server or FTP site to allow for the electronic transfer of submittals, and will maintain archives and secure backups of all model versions submitted from the design team and subcontractors. This record of model development will be turned over to OSU at the completion of the project.

Construction Phase Virtual Coordination

Gilbane will require all major subcontractors to provide fabrication level models for use in the virtual trade coordination process as well as to provide an accurate as-built BIM deliverable to OSU upon completion of construction. Gilbane will qualify subcontractors early in the bidding and procurement process to ensure all selected subcontractors are capable of providing the required models and expertise required for a project of this complexity.

Maintenance Requirements

As part of project turnover, Gilbane can integrate necessary facilities management documents, such as O&M manuals for major equipment, into BIM.

Start-up, Testing and Commissioning

Commissioning Support

Gilbane's integrated approach to construction management allows building owners to meet the challenges of efficiently bringing facilities online in a strict regulatory environment. Our commissioning and validation support services ensure that clients benefit from proper up front planning and scheduling, resulting in a timely transition from mechanically complete systems to a fully operating building and/or successfully validated process system. Gilbane's program consists of a facility type specific five-level approach tailored to the complexity of a building and its process systems.

Approach to Commissioning Support

Gilbane strongly believes that the commissioning process is one of the most important aspects of delivering a completed building and that properly planned commissioning begins during the preconstruction phase of a project. Gilbane worked with OSU and Four Seasons Environmental in determining the level of commissioning during the preconstruction phase and will continue these discussions as we move towards construction. We will act as your advocate when assisting and managing the commissioning program. For the process to be successful, commissioning requirements must be identified at the beginning of a project so that the scope of work will be properly reflected in bid packages in the purchasing stage. It is equally important that the project budget and schedule can accommodate the commissioning program.

From Design to Completion

Commissioning is not a single event. It is an ongoing process requiring continuous commitment to making sure a job ends with successful occupancy in a building that performs as designed. Depending on the level of involvement that best suits the owner's and project's needs, Gilbane's involvement may include:

Design Phase/Preconstruction

- ▶ Collaborate with the design team to collectively determine the extent of commissioning warranted for the building
- ▶ Assist the Cx in developing the commissioning plan
- ▶ Review documents for compliance and conformity to the owner's standards; establish maintenance requirements and access; and foster discussion on the design approach
- ▶ Assist in preparing commissioning protocols
- ▶ Identify equipment modules

Construction Phase

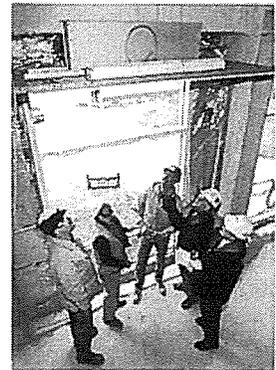
- ▶ Assist with commissioning protocol approval
- ▶ Procure commissioning support from the trade contractors
- ▶ Ensure compliance of submittals with contract requirements
- ▶ Utilize Gilbane's proactive Quality Inspection Program (i.e. first delivery inspections, benchmarking, etc.)
- ▶ Manage activation and start-up of the equipment and or service

Start-up Phase

- ▶ Manage the installation of equipment and preparation for the testing phase
- ▶ Manage TAB as an extension of the Quality in Construction (QIC) program
- ▶ Advise on the impacts of owner phasing to start-up, occupancy and commissioning
- ▶ Plan for the warranty period

Inspection, Testing and Documentation Phase

- ▶ Manage the commissioning/functional performance testing as called for in the commissioning specifications
- ▶ Oversee deliverables and the development of the final commissioning report

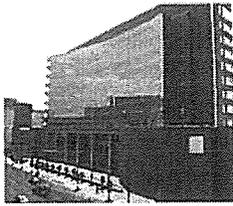


Successful Commissioning

The period of visible focus for commissioning is typically between substantial completion and move-in. Since the owner undertakes a major effort during this period in organizing their personnel, and implementing their logistics plan, the timely completion of the commissioning process with the least amount of disruptions is of the utmost importance. The key to ensuring that commissioning is efficiently handled begins with establishing expectations and priorities early in the design phase. The end result of a well planned approach to commissioning is a seamless turnover.

Project Turnover and Occupancy

Gilbane understands that as the construction process nears completion, the Owner's work is really just starting. Project turnover and occupancy can be extremely challenging if the transition is not properly planned and coordinated. Gilbane recognizes that a project can only be successful if this transition occurs smoothly. Our project team will implement the following procedures to ensure the turnover and occupancy phase is seamless:



TEMPLE UNIVERSITY
MULTI-PURPOSE HEALTH
SCIENCE CENTER

New, \$160 million,
487,000 SF teaching
and research building

- ▶ Identify the end user's expectations and implement specific plans to address.
- ▶ Identify criteria that establish substantial and final completion.
- ▶ Engage Gilbane's Transition Planning and Management (TPM) team to manage the planning and relocation of the existing laboratory equipment
- ▶ Prepare a Gilbane Punch List when notified by the contractors of substantial completion. This list will be reviewed and "backchecked" prior to requesting the punch list inspection from Pelli/Burt Hill.
- ▶ Team with OSU's maintenance and operational personnel during the checkout and start-up phase of the project to allow OSU personnel to participate in this process if desired.
- ▶ Organize periodic jobsite walk-thru's with OSU's maintenance and operational personnel during construction to familiarize the staff with the new facility and systems.
- ▶ Schedule formal training sessions for building systems with OSU's maintenance and operational personnel prior to turnover to ensure proper operation and maintenance.
- ▶ Receive and review all documents, warranties, manuals, and maintenance information for OSU, check them for completeness, assemble, and turn them over.
- ▶ Work directly with the commissioning agent and contractors to ensure all functional testing is completed prior to turnover.
- ▶ Aid OSU in the final inspection.
- ▶ Conduct post-occupancy evaluations.

Warranty

Gilbane will purchase all general and extended warranties from the trade contractors as required by the contract documents. We will request and review draft copies of each warranty during the submittal process, review the final warranties to ensure compliance with the contract requirements and ensure these documents are included in the final closeout documents.

To ensure OSU receives complete value of the provided warranties, Gilbane will conduct a 11-month walk-thru of the project with OSU prior to expiration of the general warranty. This process will help identify any deficient work prior to the warranty expiration and allow sufficient time for trade contractors to complete the deficient work items.

3. PROJECT ORGANIZATION, PERSONNEL EXPERIENCE AND QUALIFICATIONS

- a. **Submit professional and personnel staff qualifications that can demonstrate successful related experience; with evaluation emphasis placed on the technical expertise and credential of the proposed project staff**

Gilbane is a leader in higher education CM At-Risk, especially science-related facilities such as CBEC. We committed an industry-leading staff to you two years ago and we have delivered on this promise. Our team qualifications have been maintained throughout our preconstruction services and have been supported by the resources of a national firm with more than 2,400 professionals. We are honored to have been a part of the team. We believe we are the best team to work in partnership with OSU to make this program an example of success for the University.

Our team organization chart and resumes of our team follow for your review.

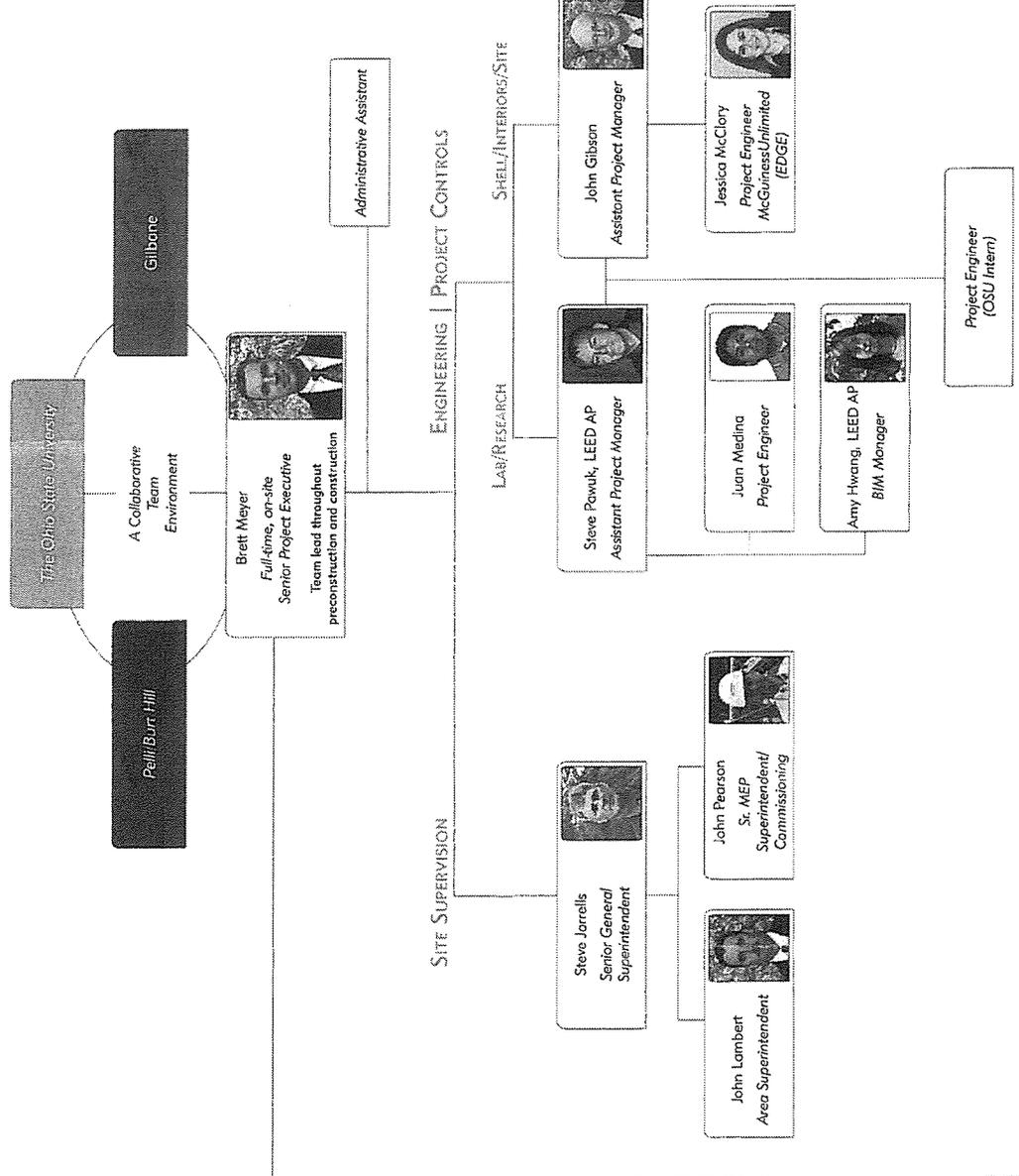
SECTION 3

Project Organization, Personnel Experience and Qualifications

**Technical Support Staff
Preconstruction/Construction**

- Mike Giuliani, LEED AP Senior Preconstruction Executive**
The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building
Preconstruction services for the new, 235,000 SF CBEC Building.
The Ohio State University, Ohio Agricultural Research & Development Center (OARDC)
New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility.
Battelle Memorial Institute, Center for Life Sciences Research
New, \$75 million, 200,000 SF research and development laboratory and office.
- Bill Lefebvre, Lifesciences Center of Excellence/Technical Advisor**
Battelle Memorial Institute, BSL-3 Laboratory
New, \$22 million, two-story, 40,000 SF BSL3 laboratory.
The College of William & Mary, Integrated Science Center
New, \$4 million, 11,000 SF biology, chemistry, and psychology teaching/research facility.
University of Kentucky, College of Engineering
New, \$6 million, 180,000 SF facility housing research and graduate education labs.
- Alice Deon, Chief Mechanical Estimator**
The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building
Preconstruction services for the new, 235,000 SF CBEC Building.
The Ohio State University, Ohio Agricultural Research & Development Center (OARDC)
New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility.
Battelle Memorial Institute, Center for Life Sciences Research
New, \$75 million, 200,000 SF research and development laboratory and office.
- Jon Dawson, LEED AP Estimating Executive**
The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building
Preconstruction services for the new, 235,000 SF CBEC Building.
The Ohio State University, Ohio Agricultural Research & Development Center (OARDC)
New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility.
Battelle Memorial Institute, Center for Life Sciences Research
New, \$75 million, 200,000 SF research and development laboratory and office.
- Todd Gerber, LEED AP Regional Quality Manager**
The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building
New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility.
Riverside Building, LLC, Columbus, Ohio, Education Building, high-visibility research facility.
New, 16,000 SF animal vivarium addition to an existing, high-visibility research facility.
University Hospitals, Memorial Inpatient Care Unit
NICU renovation of 77,000 SF of the Rainbow Babies & Children's Hospital building.
- Dave Faull, PMP, Scheduling Manager**
The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building
Preconstruction services for the new, 235,000 SF CBEC Building.
The Ohio State University, Ohio Agricultural Research & Development Center (OARDC)
New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility.
Battelle Memorial Institute, Center for Life Sciences Research
New, \$75 million, 200,000 SF research and development laboratory and office.
- Pat McMillan, CHST, Safety Manager**
The Ohio State University, Ohio Agricultural Research & Development Center (OARDC)
New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility.
Battelle Memorial Institute, Center for Life Sciences Research
New, \$75 million, 200,000 SF research and development laboratory and office.
University of Kentucky, College of Engineering
New, \$6 million, 180,000 SF facility housing research and graduate education labs.
- Amy Hwang, LEED AP, BIM Manager**
The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building
Preconstruction services for the new, 235,000 SF CBEC Building.
Cleveland Clinic, Arnold & Strybel Miller Family Pavilion
A 985,000 SF, 10-story heart center with diagnostic and treatment suites, ORs, and imaging suites.
Providence Park Hospital
495,000 SF full-service, tertiary-care center's over six stories tall.

PROVEN LARGE RESEARCH EXPERIENCE



Proposal for Construction Manager at Risk Services
The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building, OSU-090581



Brett Meyer

FULL-TIME, ON-SITE SENIOR PROJECT EXECUTIVE

The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building, Columbus, OH

Preconstruction services for the new, 235,000 SF CBEC Building including estimating, cost studies for value engineering, cost management, constructability reviews, and schedule development. The CBEC building will feature laboratory space for chemical sciences and engineering research and will pursue LEED Silver certification.

Battelle Memorial Institute, Center for Life Sciences Research, West Jefferson, OH

New, 200,000 SF, research and development laboratory and office facility housing research spaces, three mechanical penthouses, administrative office space, a cafeteria, on-site parking for 200 vehicles, shipping and receiving docks, and room for future expansion.

Grange Mutual Insurance, Corporate Headquarters Expansion, Columbus, OH
\$100 million addition, expansion, and enhancement of the campus including a new, 10-story, 225,000 SF office building attached to two parking garages and two pedestrian bridges. Major upgrades to the existing building included integrating systems, renovating the elevator lobby and all restrooms, and replacing the curtainwall system and window shades.

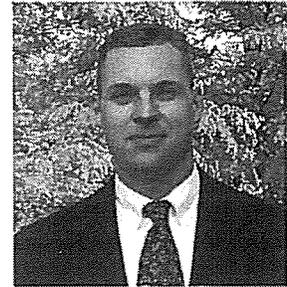
University of Kentucky, Biomedical/Biological Sciences Research Building, Lexington, KY

New, \$97.2 million, five-story, 220,000 SF, state-of-the-art facility with multi-disciplinary laboratories, vivariums, and support spaces for the collaboration in research and graduate education in biological chemistry, genetics, molecular and cellular biology, neuroscience, and related fields. Also included a new, two-story, 11,000 SF central utility plant.

The Ohio State University, Recreation & Physical Activity Center, Columbus, OH
New recreation center totaling 650,000 SF. Includes an aquatic center; basketball, volleyball, badminton, racquetball, and squash courts; 25,000 SF of fitness and condition space; student wellness center; turf gymnasium suited for indoor soccer, lacrosse, and batting practice; a climbing wall; an outdoor adventure center; and a six-level, 312,000 SF, 1,000-car parking garage.

The Ohio State University, McCracken Power Plant, Columbus, OH
\$73 million power plant emissions compliance project included the replacement of four industrial boilers and a new, 27,000 SF, three-story substation. New piping system primarily tied into existing systems; major hazardous material abatement; upgraded high-voltage electrical system; and installed new ductbanks and cabling.

Huntington National Bank Rebranding Program, Columbus, OH
Oversight of Huntington's rebranding and renovation efforts at 592 branch banks and 611 remote ATM sites across their six-state footprint (OH, IN, KY, WV, PA, MI.) Includes new, monumental building and ATM signage, branded entrances, refreshed paint, flooring and teller lines, new logo soffits, furniture, electronic merchandising monitors and miscellaneous interior merchandising. Gilbane serves as an extension of the Huntington staff.



BRETT BRINGS OSU

- ▶ Extensive knowledge of OSU and State of Ohio processes and procedures
- ▶ On-site executive leadership and owner advocate
- ▶ Understands working on tight, operational campuses
- ▶ Proven success working with Steve Pawuk, John Gibson, John Pearson, and John Lambert

Qualifications | Education

- ▶ BS/Construction Management/ University of Cincinnati
- ▶ Joined Gilbane in 2000
- ▶ Began Construction Career in 1992

Licenses | Certifications

- ▶ OSHA 30 Hour Certification

Affiliations

- ▶ The Builders Exchange of Central Ohio

Community Service

- ▶ ACE Mentor Program Columbus Chapter

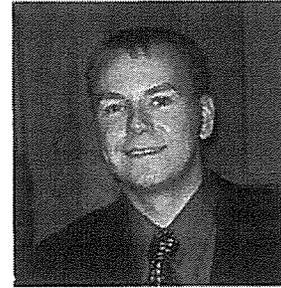
Awards

- ▶ *Lessons Learned Champion*, Battelle Center for Life Sciences Research
- ▶ *Sustainability Recognition* (recycled over 75% of waste), Grange Insurance
- ▶ *Chairman's Award for Excellence, Individual Excellence Award*, and *Group Safety Award*, OSU Recreation & Physical Activity Center

Gilbane Building Company

Steve Pawuk, LEED AP

ASSISTANT PROJECT MANAGER



Battelle Memorial Institute, Center for Life Sciences Research,
West Jefferson, OH

New, 200,000 SF, research and development laboratory and office facility housing research spaces, three mechanical penthouses, administrative office space, a cafeteria, on-site parking for 200 vehicles, shipping and receiving docks, and room for future expansion.

Mid Ohio Oncology/Hematology, Mark H. Zangmeister Cancer Treatment Center, Columbus, OH

New, 110,000 SF cancer care treatment center includes an 18-physician oncology clinic, a state-of-the-art imaging center including CT, PET CT, a radiation oncology center with two linear accelerators, and a 90-chair infusion center. A full-service pharmacy and lab, patient education, library with research staff and social workers are available for patients and families.

The Ohio State University, Recreation & Physical Activity Center, Columbus, OH

New recreation center totaling 650,000 SF. Includes an aquatic center; basketball, volleyball, badminton, racquetball, and squash courts; 25,000 SF of fitness and condition space; student wellness center; turf gymnasium suited for indoor soccer, lacrosse, and batting practice; a climbing wall; an outdoor adventure center; and a six-level, 312,000 SF, 1,000-car parking garage.

Children's Hospital Medical Center of Akron, Akron, OH

Two new additions and renovations to the existing building complex totaling 189,657 SF and 84 patient beds. Additions included medical areas for burn center, pediatric intensive care unit, and hematology/oncology. Heliport was constructed on the roof of new addition with enclosed walkway. Scope also included extensive mechanical and electrical upgrades.

KeyBank, Operations Center, Cleveland, OH

New operations center facility is a single-story structure consisting of 43,800 SF of data center and raised flooring, 10,000 SF of office space/expansion area, and 43,000 SF of infrastructure support space. Building is constructed of insulated, precast wall panels with a structural steel roof and columns. Extensive underground utilities support the mechanical and electrical systems.

Cleveland State University Recreation Center, Cleveland, OH

New, 137,000 SF recreation center with MEP upgrades to the adjacent facility. Scope included demolition of the existing facility, a 30,000 SF geodesic dome, and the facility features a 19,000 SF fitness area/weight room, basketball courts, racquetball and squash courts, running track, multi-purpose rooms, juice bar, administrative areas, and a 50-space underground parking garage. This project achieved LEED Silver certification.

Kent State University Stopher/Johnson Residence Hall Replacement, Kent, OH

Abatement and demolition of Stopher and Johnson Residence Halls and construction of two, new, three-story residence halls totaling 145,900 SF and 400 beds on the site connected by a pedestrian bridge.

STEVE BRINGS OSU

- ▶ Recent similar experience will allow him to apply best practices to ensure the day-to-day construction activities are in strict accordance with the plans and specifications
- ▶ Experience working with Brett Meyer, John Gibson, John Pearson, and John Lambert

Qualifications | Education

- ▶ BS/Construction Management Technology/ Bowling Green State University
- ▶ Joined Gilbane in 2001
- ▶ Began Construction Career in 2001

Licenses | Certifications

- ▶ LEED Accredited Professional
- ▶ OSHA 30 Hour Certification

Awards

- ▶ *Lessons Learned Champion*, Battelle Center for Life Sciences Research
- ▶ *Builders of the Year Regional Award and Excellence Award*, Mid Ohio Oncology/ Hematology
- ▶ *Builders of the Year Regional Award and Excellence Award*, KeyBank
- ▶ Graduate of Rising Leaders Institute, The Builders Exchange of Central Ohio

John Gibson

ASSISTANT PROJECT MANAGER

Franklin County, New Courthouse, Columbus, OH

New, seven-story, 325,000 SF courthouse in downtown Columbus including 32 court sets, with 20 reserved for the common pleas courts; each includes a court room, jury box, judge's chamber, holding cell, bailiff's office, and jury deliberation rooms. The building's exterior curtainwall system includes 47,000 SF of custom-manufactured unitized panels and 35,000 SF of traditional, "stick built" curtainwall. Energy-efficient building elements include climate control systems, high ceilings for natural lighting, and a "living" green roof to help cool the building and control runoff rainwater. Achieved LEED Gold certification and is the first "green" courthouse in Ohio.

The Ohio State University, Recreation & Physical Activity Center, Columbus, OH

New recreation center totaling 650,000 SF. Includes an aquatic center; basketball, volleyball, badminton, racquetball, and squash courts; 25,000 SF of fitness and condition space; student wellness center; turf gymnasium suited for indoor soccer, lacrosse, and batting practice; a climbing wall; an outdoor adventure center; and a six-level, 312,000 SF, 1,000-car parking garage. The new facility was located adjacent to considerable flows of vehicular and pedestrian traffic, just south of Ohio Stadium. The project team coordinated extensively with Traffic & Parking, the adjacent building occupants, and University personnel to ensure the safety of students at all times.

Ohio School Facilities Commission, Pickerington Schools, Pickerington, OH

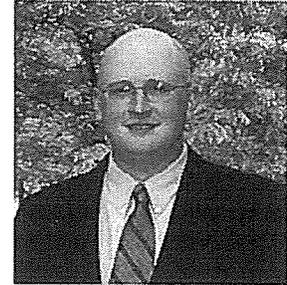
The overall \$54 million program includes renovations and multiple additions to five occupied school buildings and totals more than 443,000 SF. All projects are phased renovations with aggressive schedules to coordinate with the school schedule. On average, Gilbane will coordinate five separate phases of renovations within each occupied building with strict safety measures to protect the students, faculty, and visitors working in adjacent spaces. The project is targeting LEED Silver certification.

Ohio School Facilities Commission, Pickaway Ross/Pike County Joint Vocational Schools, Chillicothe, OH

Additions/renovations to two, existing joint vocational schools totaling 181,000 SF of administrative, low-bay, and high-bay vocational spaces. Space constraints required that all renovations take place while facility was occupied. Gilbane provided construction supervision and on-site support to Resource International for this project.

Cenentary United Methodist Church, Granville, OH

\$2.1 million, 35,000 SF church.



JOHN BRINGS OSU

- ▶ Familiar with OSU and State of Ohio processes and procedures
- ▶ Responsible for managing day-to-day construction in strict accordance with the plans and specifications
- ▶ Experience working with Brett Meyer, Steve Pawuk, John Pearson, and John Lambert

Qualifications | Education

- ▶ BS/Industrial Technology/ The Ohio State University
- ▶ Joined Gilbane in 2003
- ▶ Began Construction Career in 1996

Licenses | Certifications

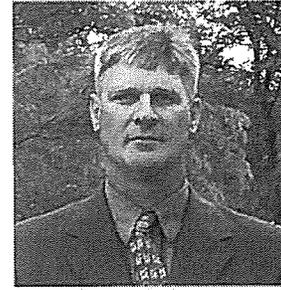
- ▶ OSHA 30 Hour Certification

Awards

- ▶ *Group Safety Award, SafetyNet Recognition, and Construction Waste Management Award* (2,747 tons of construction waste diverted from landfill - 97%), Franklin County Courthouse
- ▶ *Individual Excellence Award and Group Safety Award*, OSU Recreation & Physical Activity Center

Steve Jarrells

SENIOR GENERAL SUPERINTENDENT



The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building, Columbus, OH
Preconstruction services for the new, 235,000 SF CBEC Building including estimating, cost studies for value engineering, cost management, constructability reviews, and schedule development. The CBEC building will feature laboratory space for chemical sciences and engineering research and will pursue LEED Silver certification.

The Ohio State University, Ohio Agricultural Research & Development Center (OARDC), Wooster, OH
New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility for the research of biological agents and pathogens in animals. The facility will serve the Food and Animal Research Department in the Ohio Agricultural Research and Development Center located at The Ohio State University Wooster Campus.

University of Louisville, Cardiovascular Innovation Research Institute, Louisville, KY
New, \$29.1 million, five-level, 84,750 SF facility featuring biomedical research labs, bioengineering, fabrication facilities, operating and recovery rooms, training facilities, mock circulation labs, a surgical research facility, large-animal vivarium, wet and dry lab area, and medical imaging areas. Facility is a partnership between UL and the Jewish Hospital.

University of Kentucky, Biomedical/Biological Sciences Research Building, Lexington, KY
New, \$97.2 million, five-story, 220,000 SF, state-of-the-art facility with multi-disciplinary laboratories, vivariums, and support spaces for the collaboration in research and graduate education in biological chemistry, genetics, molecular and cellular biology, neuroscience, and related fields. Also included a new, two-story, 11,000 SF central utility plant.

Grange Mutual Insurance, Corporate Headquarters Expansion, Columbus, OH
\$100 million addition, expansion, and enhancement of the campus including a new, 10-story, 225,000 SF office building attached to two parking garages and two pedestrian bridges. Major upgrades to the existing building included integrating systems, renovating the elevator lobby and all restrooms, and replacing the curtainwall system and window shades.

Scioto Downs Slots Casino, Columbus, OH
Construction of a 90,000 SF prefabricated-metal building (Phase 1A), and a 36,500 SF connector building (Phase 1B) between Phase 1A building and existing race-track facility. Facility will include a Class II casino, buffet/kitchen, beverage stations, center show bar, and front and back of house support facilities. Renovations on 7,000 SF of the existing race facility.

Houston Healthcare Medical Center Northwest Tower Expansion & Central Energy Plant, Warner Robins, GA
Phase I of Houston Healthcare Master Plan ultimately replacing the existing hospital. Consisted of a new Central Energy Plant (CEP), new, four-story bed tower, and miscellaneous renovations to the existing 186-bed facility totaling 134,000 SF that includes a 30,000 SF basement.

STEVE BRINGS OSU

- ▶ Lead superintendent for OSU's research laboratory facility in Wooster
- ▶ Steadfast commitment to safety and quality
- ▶ Proven success with John Pearson, John Lambert, and Todd Gerber

Qualifications | Education

- ▶ Joined Gilbane in 2000
- ▶ Began Construction Career in 1987

Licenses | Certifications

- ▶ OSHA 30 Hour Certification
- ▶ OSHA 10 Hour Certification
- ▶ OSHA 8-Hour Scaffolding and 4-Hour Fall Protection Training
- ▶ State Certified Welder
- ▶ Aerial Lift Operator

Awards

- ▶ *Group Safety Award*, University of Louisville, Cardiovascular Innovation Research Institute
- ▶ *Group Class A Safety Award*, University of Kentucky, Biomedical/Biological Sciences Research Building

John Pearson

SENIOR MECHANICAL SUPERINTENDENT

Battelle Memorial Institute, New Laboratory, Columbus, OH

New, 135,000 SF laboratory building consisting of wet laboratories and office space. The lab portion of the building included structurally supported mechanical/electrical interstitial levels. Renovations to Building 7 consisted of 87,000 SF of mechanical and electrical systems, infrastructure, underground tunnel, and site improvements.

Nationwide Children's Hospital, Central Energy Plant & Distribution System Expansion, Columbus, OH

\$65 million project includes a new central energy plant (CEP), three underground utility tunnels, a renovation of the existing loading dock, and demolition of two buildings. The CEP supplies power, chilled water, domestic water, and high pressure steam to the existing hospital facility through underground utility tunnels. Project achieved LEED Gold certification.

The Ohio State University, McCracken Power Plant, Columbus, OH

\$73 million power plant emissions compliance project included the replacement of four industrial boilers and a new, 27,000 SF, three-story substation. New piping system primarily tied into existing systems; major hazardous material abatement; upgraded high-voltage electrical system; and installed new ductbanks and cabling.

The Ohio State University, Recreation & Physical Activity Center, Columbus, OH

New recreation center totaling 650,000 SF. Includes an aquatic center; basketball, volleyball, badminton, racquetball, and squash courts; 25,000 SF of fitness and condition space; student wellness center; turf gymnasium suited for indoor soccer, lacrosse, and batting practice; a climbing wall; an outdoor adventure center; and a six-level, 312,000 SF, 1,000-car parking garage.

The Ohio State University, Max M. Fisher College of Business, Columbus, OH

Phases I and II construction management for a five-building College of Business campus totaling 369,907 SF including a 10-story college administration building, four-story graduate/career building, four-story undergraduate building, 1,000-seat lecture hall, business library, computer center, and four-story executive education center.

Ohio Public Employees Retirement System (OPERS), Columbus, OH

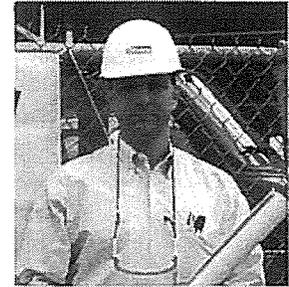
New, 270,000 SF, mid-block, 12-story office tower including mechanical penthouse, three-story daycare center, new data center, fitness center, cafeteria and high-density storage system. Also includes a 228,000 SF, seven-level, 600-car parking garage with two levels of the parking garage below grade, and a 50,000 SF, three-story, main-entry plaza.

Abercrombie & Fitch Headquarters and Distribution Center, New Albany, OH

Fast-track construction of new 699,840 SF distribution center and 301,375 SF, two-story office headquarters connecting 11 buildings by underground tunnels and surface-decked street and related site work on a 310-acre site.

OhioHealth, Dublin Methodist Hospital, Dublin, OH

New, 325,400 SF community hospital and healthcare facility with 94 patient beds, an emergency department, inpatient and outpatient services, LDRs, intensive-care rooms, and general medical/surgical services situated on an 89-acre greenfield site. A new central utility plant with boilers, fuel oil tank, chillers, cooling towers, and generators was also included.



JOHN BRINGS OSU

- ▶ More than 35 years specializing in mechanical systems
- ▶ Expert in utility systems and permitting
- ▶ Intimately familiar with OSU campus utilities
- ▶ Proven success with Brett Meyer, Steve Pawuk, John Gibson, Steve Jarrells, and John Lambert

Qualifications | Education

- ▶ Credit hours in Principles of Refrigeration, Load Calculation, Graphics
- ▶ Joined Gilbane in 1997
- ▶ Began Construction Career in 1977

Licenses | Certifications

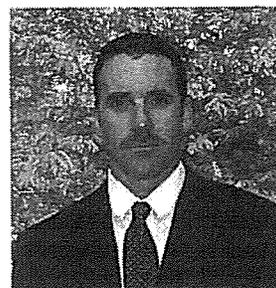
- ▶ OSHA 30 Hour Certification
- ▶ OSHA 10 Hour Certification
- ▶ EPA Certified, Technician Type Universal
- ▶ Asbestos Hazard Evaluation Specialist
- ▶ Third Class Stationary Engineers License

Awards

- ▶ *Friends of the Department Award, presented to John from OSU Recreational Sports for his continued dedication, Above and Beyond Award, and Group Safety Award, OSU Recreation & Physical Activity Center*

John Lambert

AREA SUPERINTENDENT



Mid Ohio Oncology/Hematology, Mark H. Zangmeister Cancer Treatment Center, Columbus, OH

New, 110,000 SF cancer care treatment center includes an 18-physician oncology clinic, a state-of-the-art imaging center including CT, PET CT, a radiation oncology center with two linear accelerators, and a 90-chair infusion center. A full-service pharmacy and lab, patient education, library with research staff and social workers are available for patients and families.

The Ohio State University, Recreation & Physical Activity Center, Columbus, OH
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Franklin County, New Courthouse, Columbus, OH
 New, seven-story, 325,000 SF courthouse in downtown Columbus including 32 court sets, with 20 reserved for the common pleas courts; each includes a court room, jury box, judge's chamber, holding cell, bailiff's office, and jury deliberation rooms. Achieved LEED Gold certification and is the first "green" courthouse in Ohio.

Grange Mutual Insurance, Corporate Headquarters Expansion, Columbus, OH
 \$100 million addition, expansion, and enhancement of the campus including a new, 10-story, 225,000 SF office building attached to two parking garages and two pedestrian bridges. Major upgrades to the existing building included integrating systems, renovating the elevator lobby and all restrooms, and replacing the curtainwall system and window shades.

The Ohio State University, McCracken Power Plant, Columbus, OH
 \$73 million power plant emissions compliance project included the replacement of four industrial boilers and a new, 27,000 SF, three-story substation. New piping system primarily tied into existing systems; major hazardous material abatement; upgraded high-voltage electrical system; and installed new ductbanks and cabling.

Ethicon Endo-Surgery, Inc., Cincinnati, OH
 Expansions and modifications totaling 100,000 SF on four areas of Ethicon's facility. Projects included renovation and reconfiguration of offices, R&D, fitness facilities, and employee entrance.

Ohio Public Employees Retirement System (OPERS), Columbus, OH
 New, 270,000 SF, mid-block, 12-story office tower including mechanical penthouse, three-story daycare center, new data center, fitness center, cafeteria and high-density storage system. Also includes a 228,000 SF, seven-level, 600-car parking garage with two levels of the parking garage below grade, and a 50,000 SF, three-story, main-entry plaza.

Abercrombie & Fitch Headquarters and Distribution Center, New Albany, OH
 Fast-track construction of new 699,840 SF distribution center and 301,375 SF, two-story office headquarters connecting 11 buildings by underground tunnels and surface-decked street and related site work on a 310-acre site.

JOHN BRINGS OSU

- ▶ Responsible for planning and supervising all field construction and general conditions activities
- ▶ Understands working on tight, operational campuses
- ▶ Proven success with Brett Meyer, Steve Pawuk, John Gibson, and John Pearson

Qualifications | Education

- ▶ AS/Accounting/Ohio University
- ▶ Joined Gilbane in 1999
- ▶ Began Construction Career in 1988

Licenses | Certifications

- ▶ OSHA 30 Hour Certification
- ▶ OSHA 10 Hour Certification

Awards

- ▶ Group Safety Award and SafetyNet Recognition, Franklin County Courthouse
- ▶ Sustainability Recognition (recycled over 75% of waste), Grange Insurance
- ▶ Group Safety Award, OSU Recreation & Physical Activity Center
- ▶ Builders of the Year Regional Award, Mid Ohio Oncology/Hematology Cancer Treatment Center

Juan Medina

PROJECT ENGINEER

University of Michigan, Biomedical Science Research Building, Ann Arbor, MI
New, six-level, 502,000 SF Biomedical Science Research Building that houses faculty and scientists in a flexible environment for multi-disciplinary research, project collaboration, and intellectual innovation. Facility contains 240 laboratory modules that each house up to four researchers. Five main structures make up the facility including the east tower, west tower, auditorium, vivarium, and office ribbon. Approximately 420,000 SF was designed for wet research laboratories, laboratory support spaces, principal investigator offices, interaction spaces, and conference/auditory facilities. One very visible aspect of this interaction space is the 300-seat auditorium, featured in front of the building. In addition, a 82,000 SF animal research facility located two levels below grade.

University of Michigan, Eye Center Expansion and Diabetes Research Analysis Center, Ann Arbor, MI
New, 222,000 SF academic medical center dedicated to ophthalmology. The eight-story building contains patient care, surgical and clinical research space to support the acceleration of the cure for Type 1 diabetes, six operating rooms, procedure support, clinical research, library, conference space, and wet bench laboratories.

University of Chicago, New Residence Hall and Dining Facility, Chicago, IL
New, 366,000 SF residence hall and dining facility. The project comprises a 800-bed residence hall with single-, double-, and apartment-style suites in one high-rise and two mid-rise buildings; a 539-seat dining facility; and a study commons providing computer facilities and study space.

University of Michigan, Stephen M. Ross School of Business, Ann Arbor, MI
\$125 million project included demolishing 182,000 SF of multiple buildings and constructing a new, 270,000-square-foot signature structure, which incorporates a spiral form in its shape, large glass winter garden, ascending copper roof, terra cotta/glass exterior skin, roof terraces and gardens. Project is targeting LEED Silver certification.

Sparrow Hospital, Renovation/Addition, Lansing, MI
\$25 million renovation of existing patient floors and new support services. Project consisted of the demolition of floors and new construction of pediatrics, PICU, and perinatal spaces, a cart washer, MRI addition, emergency trauma rooms, ICU, radiology, open heart surgery rooms, oncology, pharmacy, medical offices, parking, labor and delivery rooms, and MEP systems.

Hutzel Hospital Renovation, Detroit, MI
152,000 SF renovation of patient floors which consisted the demotion of five floors and construction of new labor and delivery rooms. This included architectural finishes, pneumatic tube, plumbing, fire protection, HVAC, fire alarm, security and data/communication systems and electrical systems along with a new pedestrian walkway.

GM Global Headquarters, Detroit, MI
2.3 million SF renovation of an office building for the GM Global headquarters. The project involved the renovation of 104 tenant floors including new MEP systems, fire alarms, security and data/communication systems. In addition, modernization of 52 elevator cars, mechanical air handling equipment upgrades, new electrical back bone system, four high-rise stair extension work, and two high-end executive floor build-outs.



JUAN BRINGS OSU

- ▶ Proven recent success with similar research laboratory facility
- ▶ Responsible project controls and documentation including RFIs, cost estimate log and execution, planning and schedule analysis and contractor pay applications

Qualifications | Education

- ▶ BS/Building Construction Management/Michigan State University
- ▶ Joined Gilbane in 2002
- ▶ Began Construction Career in 1986

Licenses | Certifications

- ▶ OSHA 30 Hour Certification

Jessica McClory

PROJECT ENGINEER

Nationwide Children's Hospital, Columbus, OH

Worked as part of the CM Team to build Nationwide Children's Hospital. Completed three rotations and gained experience in cost estimating and field engineering. Responsibilities included MEP rough-in wall inspections; design stage estimates for a landscape park and underground garage; core & shell and build-out estimates on an addition; worked with subcontractors and assisted design team on pricing for various build-out design schemes; and prepared progressive estimates and presented these estimates to the client.

Milton Union School District, West Milton, OH

New, \$33 million, 200,000 SF K-12 school is scheduled to be LEED Silver certified. The school will be utilizing a geothermal system. Responsibilities include review and processing of all RFIs, submittals and changes orders, preparation of meeting minutes, LEED submittals, LEED documentation, and financial reconciliation with the School Treasurer.

Franklin Monroe School District, Arcanum, OH

New, \$22 million, 130,000 SF K-12 school is scheduled to be LEED Silver certified. Responsibilities include review and processing of RFIs, submittals, and changes orders, preparation of meeting minutes, LEED submittals, LEED documentation, financial reconciliation with the School Treasurer, and constructability and bidder review of the Loose Furniture bid package.

The Ohio State University, Universal Design Living Laboratory, Academic Project, Columbus, OH

As part of Jessica's Academic Project, she worked with a homeowner who was designing a Universal Home for his recently wheelchair bonded wife with the goal of achieving LEED Gold certification. She proposed a rainwater and graywater recycling system for the home's landscaping and researched HVAC systems for possible additional points.



JESSICA BRINGS OSU

- ▶ Will ensure proper information is furnished continually to project team to ensure the construction schedule is maintained
- ▶ Recent project experience with Nationwide Children's Hospital and The Ohio State University

Qualifications | Education

- ▶ BS/Civil Engineering/ The Ohio State University
- ▶ Joined McGuinessUnlimited in 2009
- ▶ Began Construction Career in 2006

Affiliations

- ▶ Women in Engineering
- ▶ American Society of Professional Engineers

Todd Gerber

REGIONAL QUALITY MANAGER

The Ohio State University, Ohio Agricultural Research & Development Center (OARDC), Wooster, OH

New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility for the research of biological agents and pathogens in animals. The facility will serve the Food and Animal Research Department in the Ohio Agricultural Research and Development Center located at The Ohio State University Wooster Campus.

Ricerca Biosciences, LLC Comparative Medicine Expansion Project, Concord, OH

New, 16,000 SF animal vivarium addition to an existing, highly-sensitive research facility. Building included 10 animal holding rooms, auto-clave, cage washer, and a second story interstitial space to house the mechanical systems. The project was completed on an accelerated and compressed 145-day schedule.

University Hospitals, Neonatal Intensive Care Unit, Cleveland, OH

The neonatal intensive care unit (NICU) project comprised the renovation of 27,000 SF of the Rainbow Babies & Children's Hospital building, installation of a new elevator to connect the second level of labor and delivery to the fourth floor future home of the NICU, and private patient rooms accommodation.

Firelands Regional Medical Center Campus Expansion and Renovation, Sandusky, OH

Major expansion and phased renovation to the existing, operational hospital campus totaling 400,000 SF. Included a physician office building, a five-story patient tower addition, central plant expansion, and a new, six-story parking garage. Multiple renovations included laboratory, dietary and conference spaces, pediatrics, nursing units, and sterile processing.

Ohio School Facilities Commission, Pickerington Schools, Pickerington, OH

The overall program includes renovations and multiple additions to five occupied school buildings and totals more than 443,000 SF. The project is targeting LEED Silver certification.

Huntington National Bank Rebranding Program, Columbus, OH

Oversight of Huntington's rebranding and renovation efforts at 592 branch banks and 611 remote ATM sites across their six-state footprint (OH, IN, KY, WV, PA, MI.) Includes new, monumental building and ATM signage, branded entrances, refreshed paint, flooring and teller lines, new logo soffits, furniture, electronic merchandising monitors and miscellaneous interior merchandising. Gilbane serves as an extension of the Huntington staff.

Cleveland Clinic Foundation Data Center, Brecksville, OH

New, two-story, 165,000 SF data center for the Cleveland Clinic to be constructed on a greenfield site. The Tier III facility will include 40,000 SF of white space and is being designed to LEED v3 Silver certification.



TODD BRINGS OSU

- ▶ Best practices from OSU's research laboratory facility in Wooster
- ▶ Offers a wealth of best practices and lessons learned from extremely relevant laboratory construction projects

Qualifications | Education

- ▶ BS/Architecture/
The Ohio State University
- ▶ Joined Gilbane in 2006
- ▶ Began Construction Career in 1993

Licenses | Certifications

- ▶ OSHA 30 Hour
Certification

Awards

- ▶ *Individual Excellence Award and Safety Excellence Award*, Ricerca Bioscience Comparative Medicine Expansion

Mike Giuliani, LEED AP
 SENIOR PRECONSTRUCTION EXECUTIVE



The Ohio State University, Chemical and Biomolecular Engineering and Chemistry Building, Columbus, OH
 Preconstruction services for the new, 235,000 SF CBEC Building including estimating, cost studies for value engineering, cost management, constructability reviews, and schedule development. The CBEC building will feature laboratory space for chemical sciences and engineering research and will pursue LEED Silver certification.

Battelle Memorial Institute, Center for Life Sciences Research, West Jefferson, OH
 New, 200,000 SF, research and development laboratory and office facility housing research spaces, three mechanical penthouses, administrative office space, a cafeteria, on-site parking for 200 vehicles, shipping and receiving docks, and room for future expansion.

University of Kentucky, Biomedical/Biological Sciences Research Building, Lexington, KY
 New, \$97.2 million, five-story, 220,000 SF, state-of-the-art facility with multi-disciplinary laboratories, vivariums, and support spaces for the collaboration in research and graduate education in biological chemistry, genetics, molecular and cellular biology, neuroscience, and related fields. Also included a new, two-story, 11,000 SF central utility plant.

The Ohio State University, Ohio Agricultural Research & Development Center (OARDC), Wooster, OH
 New, \$15 million, 23,000 SF, BSL-3Ag research laboratory facility for the research of biological agents and pathogens in animals. The facility will serve the Food and Animal Research Department in the Ohio Agricultural Research and Development Center located at The Ohio State University Wooster Campus.

Battelle Memorial Institute, New Laboratory, Columbus, OH
 New, 135,000 SF laboratory building consisting of wet laboratories and office space. The lab portion of the building included structurally supported mechanical/electrical interstitial levels. Renovations to Building 7 consisted of 87,000 SF of mechanical and electrical systems, infrastructure, underground tunnel, and site improvements.

Franklin County, New Courthouse, Columbus, OH
 New, seven-story, 325,000 SF courthouse in downtown Columbus including 32 court sets, with 20 reserved for the common pleas courts; each includes a court room, jury box, judge's chamber, holding cell, bailiff's office, and jury deliberation rooms. Achieved LEED Gold certification and is the first "green" courthouse in Ohio.

Grange Mutual Insurance, Corporate Headquarters Expansion, Columbus, OH
 \$100 million addition, expansion, and enhancement of the campus including a new, 10-story, 225,000 SF office building attached to two parking garages and two pedestrian bridges. Major upgrades to the existing building included integrating systems, renovating the elevator lobby and all restrooms, and replacing the curtainwall system and window shades.

MIKE BRINGS OSU

- ▶ Provides the necessary direction and support for project planning, phasing, budget validation, value engineering, estimates, and constructibility reviews
- ▶ Extensive knowledge in Green Building practices and standards as a LEED AP

Qualifications | Education

- ▶ BAR/Architecture/ The Ohio State University
- ▶ Joined Gilbane in 1996
- ▶ Began Construction Career in 1987

Licenses | Certifications

- ▶ LEED Accredited Professional

Affiliations

- ▶ The Builders Exchange of Central Ohio

Awards

- ▶ Employee Excellence Award
- ▶ Group Safety Award, Huntington Bank, Branch Rebranding project in Columbus, Ohio