

• **Poorly Constructed Building-By-Building Schedule Logic/Flow**

A review of the individual activities for each “building” shows that the number of activities, the relationship to one another, the activity descriptions, activity type and activity duration for all construction activities by building are identical in their make-up. It is evident that Lend Lease developed a set of construction activities for a singular building and then copied and renumbered that set of activities so they had unique activity identifiers, copied the incomplete logic, and then coded or classified this chain of activities for a given building (Deaf 5, Blind 6, Deaf 3, etc.).

Previously it was noted that the graphic presentation of the Project Schedule included with the bid documents showed that work activities would flow in sequential order, trade by trade, and building-by-building. This was confirmed at the Pre-Bid Meeting on October 19, 2010 where this topic was questioned and the answer previously noted was provided.

The graphic below shows the expectation for the flow of work for several of the work activities under TransAmerica’s scope of work from the Project Schedule included in the Project Manual.

This sort of CMU Foundation Walls activities below is from the Bid Schedule which shows the building-by-building work flow. Note that TransAmerica was not required to work on multiple buildings at any point in time as defined on the Bid Schedule for this work.

Ohio School for the Deaf/Blind Dorms -Bid- Baseline before Contractors Changes						2011				
Activity ID	Activity Name	Start	Finish	Original Duration	Total Float	Mar	Apr	May	Jun	Jul
A11358	CMU Foundation Walls	29-Mar-11	05-Apr-11	6	80		■			
A3200	CMU Foundation Walls	12-Apr-11	18-Apr-11	6	87		■			
A11414	CMU Foundation Walls	19-Apr-11	26-Apr-11	6	65		■			
A10986	CMU Foundation Walls	26-Apr-11	03-May-11	6	80		■			
A11470	CMU Foundation Walls	03-May-11	10-May-11	6	55		■			
A11022	CMU Foundation Walls	10-May-11	17-May-11	6	50		■			
A11526	CMU Foundation Walls	17-May-11	24-May-11	6	45		■			
A11078	CMU Foundation Walls	24-May-11	01-Jun-11	6	40		■			
A11582	CMU Foundation Walls	01-Jun-11	08-Jun-11	6	35		■			
A11134	CMU Foundation Walls	08-Jun-11	15-Jun-11	6	27		■			
A11638	CMU Foundation Walls	15-Jun-11	22-Jun-11	6	25		■			
A11180	CMU Foundation Walls	22-Jun-11	29-Jun-11	6	20		■			

This sort of activities below is also from the Bid Schedule and shows the building-by-building work flow for the Exterior/Bearing Framing activities. Note that TransAmerica was only required to work on multiple buildings towards the end of these work activities and only for a several days overlap.

Ohio School for the Deaf/Blind Dams - Bid- Baseline before Contractors Changes						2011				
Activity ID	Activity Name	Start	Finish	Original Duration	Total Float	Apr	May	Jun	Jul	Aug
A11366	Exterior/Bearing Framing	27-Apr-11	05-May-11	7	80	Exterior/Bearing Framing				
A3270	Exterior/Bearing Framing	11-May-11	19-May-11	7	67		Exterior/Bearing Framing			
A11422	Exterior/Bearing Framing	18-May-11	26-May-11	7	65		Exterior/Bearing Framing			
A10974	Exterior/Bearing Framing	25-May-11	03-Jun-11	7	60		Exterior/Bearing Framing			
A11478	Exterior/Bearing Framing	02-Jun-11	10-Jun-11	7	55		Exterior/Bearing Framing			
A11030	Exterior/Bearing Framing	09-Jun-11	17-Jun-11	7	50		Exterior/Bearing Framing			
A11534	Exterior/Bearing Framing	16-Jun-11	24-Jun-11	7	45		Exterior/Bearing Framing			
A11066	Exterior/Bearing Framing	23-Jun-11	01-Jul-11	7	40		Exterior/Bearing Framing			
A11590	Exterior/Bearing Framing	30-Jun-11	11-Jul-11	7	35		Exterior/Bearing Framing			
A11142	Exterior/Bearing Framing	06-Jul-11	16-Jul-11	7	27		Exterior/Bearing Framing			
A11646	Exterior/Bearing Framing	15-Jul-11	25-Jul-11	7	25		Exterior/Bearing Framing			
A11198	Exterior/Bearing Framing	22-Jul-11	01-Aug-11	7	20		Exterior/Bearing Framing			

An important point to reinforce is that the Bid Schedule “graphically” showed a sequential flow of similar work activities from building to building, but these activities were not linked together by building. Each building within the network constructed by Lend Lease was a stand-alone series of identical activities that had no relationship to the next set of work activities of another building on the same site or a similar building on another site. In other words, each building was treated as its own sub-project within the context of the overall Project. This critical flaw in the schedule would have otherwise not been an issue as long as there were no delays associated with getting work started as planned, completed per the time frames established, had no weather impacts, and had no fundamental coordination issues such as laying out the buildings.

Another way to look at how this schedule was constructed is to look at how a singular building with multiple floors of similar or identical work scope is structured. The work flows from one floor to the next and similar work/trade activities are linked between floors. Drywall finishing goes from floor #3 to floor #4 to floor #5 and these activities are logically tied together in an overall CPM network for the entire project. Each floor is not treated as its own separate project with distinct or exclusive trades working only on that floor. If each floor were its own separate and independent set of work activities the work on other floors could easily be accelerated, compressed or have built in inefficiency issues resulting in a stacking of trades or dilution of available trades people required to work on multiple floors. Given the staggered, sequential flow shown in the Bid Schedule, the expectation is clear that the workforce for a given task (drywall finishing, rough carpentry, masonry, etc.) moves from building to building.

This issue created the very real possibility of schedule compression, stacking of trades, dilution of available workers, and working on multiple buildings on two sites should anything be delayed at the start, middle or end of a building (Deaf 5, Blind 6, Deaf 3, etc.). As this report will later demonstrate, schedule compression, stacking of trades, work force demands on multiple buildings, and working out of sequence at both sites all became a reality for all of the Prime Contractors working on this Project.

- **Linking Project Schedule To Approved Schedule of Values**

At the outset of the Project, Lend Lease required that each activity listed in the Project Schedule have an identical line item in the approved Schedule Of Values (SOV) breakdown that was part of the Application for Payment. This is defined in Specification Section 012900 Payment Procedures.

OSDB Residential Building Package Ohio School for the Deaf Ohio State School for the Blind Ohio School Facilities Commission	2007022.00	Bid: October 10 th , 2010
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SECTION 012900 PAYMENT PROCEDURES

PART 1 - GENERAL

1.01 RELATED DOCUMENTS

A. Drawings and general provisions of Contract, including General and Special Conditions and other Division-1 Specification Sections, apply to this Section.

1.02 SUMMARY

A. This Section specifies administrative and procedural requirements governing each prime Contractor's Applications for Payment.

1. Coordinate the Schedule of Values and Applications for Payment with the Contractor's Construction Schedule. List of Subcontracts, and Submittal Schedule.
2. ~~The project construction schedule will be the basis of the schedule of values. Each line item in the construction schedule will correspond to a line item in the approved schedule of values. A contractor will submit a separate schedule of values for each building regardless of the number of contracts issued or as the Construction Manager requests.~~

This simplistic practice of tying the SOV line items directly to the construction activity line items attempts to use a singular management tool for multiple purposes. The P6 CPM schedule is about time, not accounting. A properly constructed cost/resource loaded P6 CPM schedule can be used to analyze the earned value of a given task or schedule activity. Aside from the previously mentioned logic issues within the Lend Lease Project Schedule, the Project Schedule created by Lend Lease did not have any data included in the "resource" tab within the individual activity details. The resource tab is where an experienced scheduling person would have inserted all relevant work force and resource values that would be tied directly to various schedule activities. Lend Lease did not use this feature of P6. Instead, Lend Lease used the percent complete of an activity to allow for a corresponding line item on the approved SOV to be billed against. If the CMU Foundation Walls activity for Deaf 5 was agreed to be 32% complete, then the corresponding line item on the approved SOV would be allowed to be billed to 32%. Conversely when a real or perceived problem was encountered on the "administrative" side, Lend Lease did not permit the schedule activity percent complete to be accurately statused beyond a certain point even though the remaining duration of the work had progressed to a greater percent complete or in many instances was 100% complete. As shown below with the sampling of activities from the Deaf 7 building this practice can easily distort the Project Schedule record.

Ohio School for the Deaf/Blind Dorms Renovation		Sample Activities					2011												2012			
Activity ID	Activity Name	Start	Finish	Original Duration	Actual Duration	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr					
A3430	Plumbing Rough-In in Wall and Ceiling	01-Jun-11 A	28-Aug-11 A	10	81																	
A3390	Install Fire Protection Piping and Heads	07-Jul-11 A	06-Oct-11 A	4	64																	
A3290	Install Roofing (Requires 3 separate roof materials)	19-Jul-11 A	10-Apr-12 A	10	288																	
A3350	Install Furnace Intakes/Vents	08-Aug-11 A	25-Jan-12 A	1	115																	
A3310	Set Door Frames	06-Sep-11 A	23-Dec-11 A	2	108																	
A3440	Plumbing Pipe Insulation	14-Sep-11 A	18-Jan-12 A	3	84																	
A3870	FP-Trim	23-Nov-11 A	07-Mar-12 A	1	71																	

Blue = 10JUN12 Update
Yellow = Approved Baseline

Forcing a one-to-one integration of a CPM Schedule to the approved SOV creates the real potential for future problems as a project progresses. Adding additional detail to the schedule for a given area or building to work through some project related issues is severely constrained because it will directly affect the approved SOV and subsequent billing process. This practice also creates the likelihood that the Construction Manager will refuse to close out schedule work activities that are truly complete because there is an open "administrative" issue. It also creates the possibility that the billing for a SOV line item is denied because of an interpretation of the status of the line item within the schedule. For a Project Schedule that lacks detail, this practice creates the opportunity for the Construction Manager to "interpret" a schedule line item in a narrower or broader perspective to fit their motives with respect to a particular Prime Contractor.

As shown in the examples from above, a schedule line item that had a specific duration stays open for days, weeks or even months when it would otherwise have been properly statused per the remaining duration of the physical work. This gives the false appearance that the work indicated by the activity description went uncompleted for weeks or months and forces the Scheduler on the job to continually modify interrelated logic and relationships. Finish to start relationships must be frequently changed to finish to finish and/or start to start in order to status follow on activities while attempting to maintain the integrity of the CPM schedule. This practice also creates situations where negative float becomes prevalent within a CPM schedule which creates additional complexity in using the schedule as a management tool assuming all is tied correctly to begin with. This practice obviously complicates the schedule update process and increases the likelihood of errors and logic problems.

Below is the relevant SOV section for the Deaf 7 building from the approved TransAmerica Application for Payment #7 dated September 10, 2011. You will note that the work associated with activity A3290 from the schedule above was allowed to be 100% billed for material and 95% billed for labor during this period in August/September 2011. However, the remaining 5% of the value

associated with this labor line item was not allowed to be 100% billed until nearly 7 months later. The work was 100% complete but would not be allowed by Lend Lease to be shown as complete. This was a result of an “administrative” issue between Lend Lease and TransAmerica for which Lend Lease and the OSFC was already holding retainage as leverage.

ITEM NUMBER	DESCRIPTION OF WORK	MATERIAL	SCHEDULED VALUE	WORK COMPLETED		VALS DTLY COMPLETED	TOTAL COMPLETED & STORED TO DATE	%	BALANCE TO FINISH	RETAINAGE	CREW SIZE
				PREVIOUS APPS.	THIS PERIOD						
A3180	Excavate & Pour Footer and Column Peds	MATERIAL	3,878.00	3,878.00	0.00	0.00	3,878.00	100.00%	0.00	0.00	0.00
A3780	Pin Footers	LABOR	842.00	842.00	0.00	0.00	842.00	100.00%	0.00	67.36	2.00
A3780	Pin Footers	MATERIAL	73.00	73.00	0.00	0.00	73.00	100.00%	0.00	0.00	0.00
A3200	CMU Foundation Walls	LABOR	9,910.00	9,910.00	0.00	0.00	9,910.00	100.00%	0.00	792.80	5.00
A3200	CMU Foundation Walls	MATERIAL	5,338.00	5,338.00	0.00	0.00	5,338.00	100.00%	0.00	0.00	0.00
A3770	Foundation Drains	LABOR	887.00	887.00	0.00	0.00	887.00	100.00%	0.00	56.76	1.00
A3770	Foundation Drains	MATERIAL	486.00	486.00	0.00	0.00	486.00	100.00%	0.00	0.00	0.00
A3780	Perimeter Rigid Insulation	LABOR	1,384.00	1,384.00	0.00	0.00	1,384.00	100.00%	0.00	111.82	2.00
A3780	Perimeter Rigid Insulation	MATERIAL	930.00	930.00	0.00	0.00	930.00	100.00%	0.00	0.00	0.00
A3280	Backfill Walls	LABOR	887.00	887.00	0.00	0.00	887.00	100.00%	0.00	56.76	1.00
A3280	Backfill Walls	MATERIAL	486.00	486.00	0.00	0.00	486.00	100.00%	0.00	0.00	0.00
A10487	Slab Prep	LABOR	2,208.00	2,208.00	0.00	0.00	2,208.00	100.00%	0.00	176.84	2.00
A10487	Slab Prep	MATERIAL	3,312.00	3,312.00	0.00	0.00	3,312.00	100.00%	0.00	0.00	0.00
A3240	Pour Slab-On-Grade (4" thickness)	LABOR	3,831.00	3,831.00	0.00	0.00	3,831.00	100.00%	0.00	290.48	5.00
A3240	Pour Slab-On-Grade (4" thickness)	MATERIAL	10,884.00	10,884.00	0.00	0.00	10,884.00	100.00%	0.00	0.00	0.00
A3780	Form Foot Grills	LABOR	338.00	338.00	0.00	0.00	338.00	100.00%	0.00	27.12	1.00
A3780	Form Foot Grills	MATERIAL	1,017.00	1,017.00	0.00	0.00	1,017.00	100.00%	0.00	0.00	0.00
A3210	Concrete Curing	LABOR	858.00	858.00	0.00	0.00	858.00	100.00%	0.00	52.84	1.00
A3210	Concrete Curing	MATERIAL	988.00	988.00	0.00	0.00	988.00	100.00%	0.00	0.00	0.00
A3280	Steel Columns (4 total)	LABOR	328.00	328.00	0.00	0.00	328.00	100.00%	0.00	28.32	1.00
A3280	Steel Columns (4 total)	MATERIAL	988.00	988.00	0.00	0.00	988.00	100.00%	0.00	0.00	0.00
A3270	Exterior Bearing Framing	LABOR	8,818.00	8,818.00	0.00	0.00	8,818.00	100.00%	0.00	645.28	3.00
A3270	Exterior Bearing Framing	MATERIAL	8,331.00	8,331.00	0.00	0.00	8,331.00	100.00%	0.00	0.00	0.00
A3320	Interior Framing	LABOR	3,280.00	3,280.00	0.00	0.00	3,280.00	100.00%	0.00	280.80	2.00
A3320	Interior Framing	MATERIAL	3,884.00	3,884.00	0.00	0.00	3,884.00	100.00%	0.00	0.00	0.08
A10802	Install Roof Trusses and Sheathing	LABOR	13,188.00	13,188.00	0.00	0.00	13,188.00	100.00%	0.00	1,052.84	4.00
A10802	Install Roof Trusses and Sheathing	MATERIAL	19,737.00	19,737.00	0.00	0.00	19,737.00	100.00%	0.00	0.00	0.08
A10829	Install Ice, Water Shield and Roofing Felt	LABOR	2,884.00	2,884.00	0.00	0.00	2,884.00	100.00%	0.00	237.12	2.00
A10829	Install Ice, Water Shield and Roofing Felt	MATERIAL	1,888.00	1,888.00	0.00	0.00	1,888.00	100.00%	0.00	0.00	0.08
#####	Install Roofing (Req 3 sep roof mats)	#####	16,807.00	11,830.25	3,888.00	0.00	14,718.25	#####	788.88	1,178.53	5.00
#####	Install Roofing (Req 3 sep roof mats)	#####	7,287.00	5,472.75	1,814.25	364.85	7,287.00	#####	0.00	29.19	0.00
A3280	Exterior Masonry	LABOR	10,111.00	0.00	1,011.10	0.00	1,011.10	10.00%	9,099.90	80.88	6.00
A3280	Exterior Masonry	MATERIAL	6,741.00	0.00	674.10	4,718.70	6,382.80	80.00%	1,348.20	377.50	0.00

Pay Application #7
September 10, 2011

IV. Causes

a. Flawed/Confusing Plans

The crux of this dispute centers on a Project that was poorly designed and managed from the very beginning. The inadequate oversight and deficient management by the Project Team (OSFC, Lend Lease, SHP and Berardi) started in the design phase, continued through the initial bid period, proceeded through the second bidding period, through the lengthy plans examination/permitting period, through the early shop drawing/submittal period, and boldly showed itself immediately after TransAmerica mobilized on site to begin their lay out work. The resulting problems, disputes and claims that ensued on this Project were entirely predictable. If a Project wants to have a chance at finishing correctly, it must start correctly. This Project was flawed from the very beginning. The proof of this can be found in the resulting design documents which were full of errors, omissions, contradictions, and disregarded the contractual requirements that the design “shall be complete and unambiguous, and in accordance with all applicable codes, ordinances, statutes, laws and regulations”.

Once work commenced on site the lack of a permittable and buildable design became unavoidable despite significant efforts by the Project Team to mask this baseline problem. The Project Schedule dictated an efficient, fast paced, organized and repetitive construction process in order to meet the schedule expectations defined at the outset. In actuality the

Project was "designed on the fly" using a variety of conventional, unconventional and informal methods to document problems/issues that the Prime Contractors ran into on virtually a daily basis. For TransAmerica their questions began before mobilizing on site and became all too real when their surveying crew showed up to lay out the first building footprint.

The OSFC was required per the Ohio Revised Code to provide "full and accurate plans, suitable for the use of mechanics and other builders." In addition to this requirement the OSFC was obligated to provide "details to scale and full-sized so drawn and represented as to be easily understood."

R.C. § 153.01

Baldwin's Ohio Revised Code Annotated Currentness
Title I. State Government

Chapter 153. Public Improvements (Refs & Annos)

State Buildings and Public Institutions

153.01 Architect must submit accurate plans, estimates, bills of materials, and details to scale.

Whenever any building or structure for the use of the state or any institution supported in whole or in part by the state or in or upon the public works of the state that is administered by the director of administrative services or by any other state officer or state agency authorized by law to administer a project, including an educational institution listed in section 3345.50 of the Revised Code, is to be erected or constructed, whenever additions, alterations, or structural or other improvements are to be made, or whenever heating, cooling, or ventilating plants or other equipment is to be installed or material supplied therefor, the aggregate cost of which amounts to fifty thousand dollars or more, each officer, board, or other authority upon which devolves the duty of constructing, erecting, altering, or installing the same, referred to in sections 153.01 to 153.60 of the Revised Code as the owner, shall cause to be made, by an architect or engineer whose contract of employment shall be prepared and approved by the governing board, the following:

(A) Full and accurate plans, suitable for the use of mechanics and other builders in the construction, improvement, addition, alteration, or installation;

(B) Details to scale and full-sized, so drawn and represented as to be easily understood;

(C) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(D) Bills and complete specifications of the work to be performed, together with drawings, to be used by the mechanic or other builder to carry them out and direct others or assign instructions;

(E) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;

The Project Team (OSFC, Lend Lease, SHP, Berardi and Winter) knew that the plans provided were flawed and went to considerable efforts to camouflage the failure of SHP, Berardi and

Winter to provide permittable and buildable plans. Ultimately the efforts to disguise the true problem with the Project led to Lend Lease creating a series of circumstances on site where the ability of the Prime Contractors to react to the ever changing needs and intensified management focus to stay on top of the information flow crippled the Prime Contractors and especially TransAmerica.

A sampling of the documentation on this topic is presented below. But in order to fully grasp how severe and pervasive the problems were with the flawed plans one must read the entire record on this topic. A sampling of important topics and key highlights are presented below.

The Project Manager for the OSFC understood the risk associated with the flawed plans that had been allowed to be issued for the second round of bidding in October 2010 and stated his concerns regarding this fact in the e-mail noted below:

From: Grinch, Rob [mailto:Rob.Grinch@osfc.ohio.gov]
Sent: Wednesday, October 06, 2010 10:38 AM
To: Joshua Predovich
Cc: Andrew Maletz
Subject: D&B 10-06-10 OSD/OSSB Flawed Bid Sets

**Re: The Ohio School for the Deaf
Ohio State School for the Blind**
Dormitories (only) Re-Bid
SHP Leading Design / Berardi +Partners Coordination
DIC Plan Review - Correction Letter Status

Josh –

I spent a considerable amount of my time looking through (simple) drawing errors that should have been corrected back in June or July.

I am perplexed the documents were issued in such a state when a lead architect, consulting architect, and Construction Management firm all reviewed the documents in advance of being disseminated to the public. I made a phone call to Rolando, yesterday, to hear directly from him what he thought happened when the documents were originally issued (his firm stamped the drawings). He didn't understand my question and actually seemed surprised, regarding something you should have reviewed with him weeks ago, which told me communication between your two offices is poor.

On a related topic, I have still not been provided with recommendations from SHP regarding DIC plan review comments and responses. Clay tells me you recently responded to DIC and there will be modifications required to the dormitory drawings, adding cost to the project, in response to DIC's comments.

Please recall, I made a decision, at risk to OSFC, to bid the Project without having the DIC Plan Review and Correction Letter process completed in July. The project team was behind the bid opening, in part, hoping DIC issues would be resolved prior to bid opening. At this time, the process is still not complete.

I look forward to reviewing the project status on Thursday with you and Clay.

Robert P. Grinch
Senior Project Administrator
Ohio School Facilities Commission
(614) 995-4551

At the same time the OSFC Project Manager was voicing his continued concerns over the quality and completeness of the revised design documents issued for bidding, the OSFC was putting additional pressure on the design team to meet the revised dormitory budget

expectations. This round of bidding had to come in "insanely good" so that the follow on Project elements (Academic Buildings and Campus-wide Bid Packages) would not have their scope affected. This is clearly stated in the attached e-mail from the SHP Project Architect.

From: Joshua Predovich [mailto:jpredovich@shp.com]
Sent: Wednesday, October 27, 2010 11:46 AM
To: Rolando Matias
Subject: RE: OSDB dorm re-bid tomorrow at 1pm

If the dorm project comes in over the budget (PLA or no PLA), the money comes out of the academic buildings. There is no other pot of money to draw from.

It was clearly expected by all parties after bids were received that SHP, Berardi and Winter would produce a revised Construction Set of plans so that the current flawed elements of the plans and related addendums used for bidding would be fixed. This would give the Prime Contractors and Project Team a reliable set of design documents that would be used for construction. The revised Construction Set of plans would also be used to answer the significant number questions posed by the State of Ohio Plans Examiner during the permitting process.

There was no doubt that the Project Team (OSFC, Lend Lease, SHP, Berardi and Winter) committed to provide the revised Construction Set of Plans. This is noted in the attached e-mail from the Berardi Project Architect to the Lend Lease Project Manager.

From: Rolando Matias [mailto:rmatias@berardipartners.com]
Sent: Monday, November 22, 2010 08:49 AM
To: Keith, Clayton
Cc: Kirilangitis, Karin; Joshua Predovich <jpredovich@shp.com>; Dave Schoen <dschoen@dynamix-ltd.com>; Anna R. Milligan <amilligan@smbhinc.com>
Subject: RE: D&B Dorm Drawings

Clay:

~~I am providing an update on changes incorporated into the documents by mid December. SMBH and Dynamics will need to revised their portion of the documents accordingly also.~~

Please send me an itemized list, consolidating all changes posted on all addendums-drawings and specifications.

Thanks:

Rolando

From: Keith, Clayton [mailto:Clayton.Keith@bovislendlease.com]
Sent: Friday, November 19, 2010 4:38 PM
To: Rolando Matias
Cc: Kirilangitis, Karin; Joshua Predovich
Subject: D&B Dorm Drawings

Rolando

~~We are providing an update on changes incorporated into the documents by mid December. SMBH and Dynamics will need to revised their portion of the documents accordingly also.~~
Please let me know when this is expected as we are issuing the notice of intent Monday the 22nd and will be issuing the Notice To Proceed on December 10th and the contractors will be requesting their additional sets of drawings to start the submittal process.

I also wanted to know if we are going to be issuing the bid sets or if we are going to go back and update the permit sets and distribute those to the contractors.

Please let me know

Clay

As the Prime Contractors began to get into the details of their respective work and follow the requirements for submitting certain shop drawings per the approved Project Schedule, questions began to mount regarding conflicts, errors, omissions and general questions about the plans used for bidding. Lend Lease tried to get SHP and Berardi to focus on answering the ever growing list of questions being issued by all firms. TransAmerica was front and center in asking questions as their work was the starting point for all of the building at both sites.



To - SHP

January 14, 2012

Josh Pedrick
SHP Leading Design
200 Civic Center Drive
Suite 300
Columbus, OH 43215

To: OMBD - Residential Dome
Columbus, OH

Dear Mr. Pedrick:

The following questions are being submitted for your review. Please answer these questions ASAP in order to maintain a smooth flow of construction progress.

Number	Description	Date Sent	Date Received
R0001	Position WASH (Sheet AMB vs. Sheet 2001)	1/12/2012	1/12/2012
R0002	Using LWB vs. approved for roof and wall	1/12/2012	1/12/2012
R0003	Wood Joist with 2.0 spacing @ southern pine	1/12/2012	1/12/2012
R0004	Do header above door window	1/12/2012	1/12/2012
R0005	Clear Joists	1/12/2012	1/12/2012
R0006	2 x 8 rafter system (R000)	1/12/2012	1/12/2012
R0007	Clearly labeled with new kitchen appliances	1/12/2012	1/12/2012
R0008	Detail at pocket door jamb	1/12/2012	1/12/2012
R0009	Paint Finish on exterior walls	1/12/2012	1/12/2012
R0010	Wood ASP, Top finish on Top Details	1/12/2012	1/12/2012
R0011	Vertical Construction Floor Sill	1/12/2012	1/12/2012
R0012	AMP, Sheet Entry Roof	1/12/2012	1/12/2012
R0013	AMP - entrance location	1/12/2012	1/12/2012
R0014	A AMP, Double Crosses of Gable	1/12/2012	1/12/2012
R0015	A AMP, System instead of Sill	1/12/2012	1/12/2012
R0016	D AMP, Finish?	1/12/2012	1/12/2012
R0017	After Ventilation	1/12/2012	1/12/2012
R0018	Full height vent at Living Area	1/12/2012	1/12/2012
R0019	Ventilate Roof Vent	1/12/2012	1/12/2012
R0020	Roofing system above beam	1/12/2012	1/12/2012
R0021	Supporter beam above in window header?	1/12/2012	1/12/2012
R0022	Double ceiling recesses	1/12/2012	1/12/2012
R0023	Header Placement	1/12/2012	1/12/2012

Davis Lead Letter, Inc.
14000 North Street
Suite 300
Columbus, OH 43240
Telephone: 614-725-8275
Facsimile: 614-725-8275
www.davislead.com

R0024	Flu Treatment Materials Location	1/12/2012	1/12/2012
R0025	Open Ceiling, Chord	1/12/2012	1/12/2012
R0026	Header on exterior wall of mechanical room?	1/12/2012	1/12/2012
R0027	Wall between mechanical room and dorm.	1/12/2012	1/12/2012
R0028	Therm Insuring panel?	1/12/2012	1/12/2012
R0029	Tab Wall	1/12/2012	1/12/2012
R0030	Classification for drywall ceiling assemblies	1/12/2012	1/12/2012
R0031	Drinking Water	1/12/2012	1/12/2012
R0032	Access Panel for kitchen header?	1/12/2012	1/12/2012
R0033	Common Living Specifications	1/12/2012	1/12/2012
R0034	Complete Sequence of Operation (V0 42)	1/12/2012	1/12/2012
R0035	Pipe Rerun Proposal	1/12/2012	1/12/2012
R0036	Plumbing drawings	1/12/2012	1/12/2012
R0037	Partition 1 gips	1/12/2012	1/12/2012
R0038	Sheet A-10, Partition joint	1/12/2012	1/12/2012
R0039	Sheet A-10, Condition part of concrete control	1/12/2012	1/12/2012
R0040	Window elevation	1/12/2012	1/12/2012
R0041	Identify materials from window sill to top of bench	1/12/2012	1/12/2012
R0042	Direction for installation of door door details	1/12/2012	1/12/2012
R0043	Finish door jamb and casing details	1/12/2012	1/12/2012
R0044	Frame and window/door header?	1/12/2012	1/12/2012
R0045	Are the millie individual beams or cut beam details?	1/12/2012	1/12/2012
R0046	Show beam/door detail and right location on drawings	1/12/2012	1/12/2012
R0047	Detail 1/2" on bottom of the substrate	1/12/2012	1/12/2012
R0048	Two beams of overhang	1/12/2012	1/12/2012
R0049	Thermal break required?	1/12/2012	1/12/2012
R0050	Roofing roof drain system	1/12/2012	1/12/2012
R0051	Chairs, Sheet 2002	1/12/2012	1/12/2012
R0052	Window sill and board details	1/12/2012	1/12/2012
R0053	Sheet Beam building, Sheet detail ?	1/12/2012	1/12/2012
R0054	Callout height in order room	1/12/2012	1/12/2012
R0055	Foundation beam column location	1/12/2012	1/12/2012
R0056	Block 1/2" (1/2" spacing) of Spur ?	1/12/2012	1/12/2012
R0057	Access the roofwalk to H&H dome	1/12/2012	1/12/2012
R0058	Ballroom Accessories dimensional location	1/12/2012	1/12/2012
R0059	Header type or need for more details	1/12/2012	1/12/2012
R0060	Define material for single/double cantilever	1/12/2012	1/12/2012
R0061	Construction method under center	1/12/2012	1/12/2012
R0062	Detail elevation in Section?	1/12/2012	1/12/2012
R0063	Horizontal window	1/12/2012	1/12/2012

If you have any questions regarding the above list, please contact the undersigned at 614-725-8275 to avoid future problems.

Yours sincerely,

Clayton J. Smith
Davis Lead Letter, Inc.
14000 North Street
Suite 300
Columbus, OH 43240
Telephone: 614-725-8275
Facsimile: 614-725-8275
www.davislead.com

SHP and their team of consultants were having significant communication issues that exacerbated the confusion within the design team and further hampered the timely issuance of the promised revised Construction Set of plans.

Joshua L. Predovich

From: Joe Noser <jnoser@ambhinc.com>
Sent: Monday, January 24, 2011 9:43 AM
To: Josh Predovich
Subject: RE: OSSB Dorm: LVL Callout

Exactly. Joe called me directly, so this was my first opportunity to bring you into it. I can see there being a lot of communication issues. Even if I don't have an additional thought like this, I will still shoot you an e-mail if they call me.

Thanks,

Joe Noser

Shelley Metz Saumann Hawk, Inc.
T 614 481-9800
www.smbhinc.com



From: Josh Predovich [mailto:jpredovich@shp.com]
Sent: Monday, January 24, 2011 9:41 AM
To: Joe Noser
Subject: Re: OSSB Dorm: LVL Callout

Joe-
Thanks for copying me on this. Please make sure any corresponding between you and Bovis ends up in an e-mail or notes. ~~It is important to have a record of all communications, including all emails, since you have so many communications between you and Bovis.~~
Thanks,
Josh

Key dimensional and lay-out questions had come up. SHP and their consultants could not figure out how to resolve these critical questions nor get the correct information to TransAmerica who required this in order to commence work on site. The lack of critical dimensional and lay-out information that could be relied upon was the cornerstone problem that TransAmerica chased from building to building throughout the entire construction phase.

Joshua L. Predovich

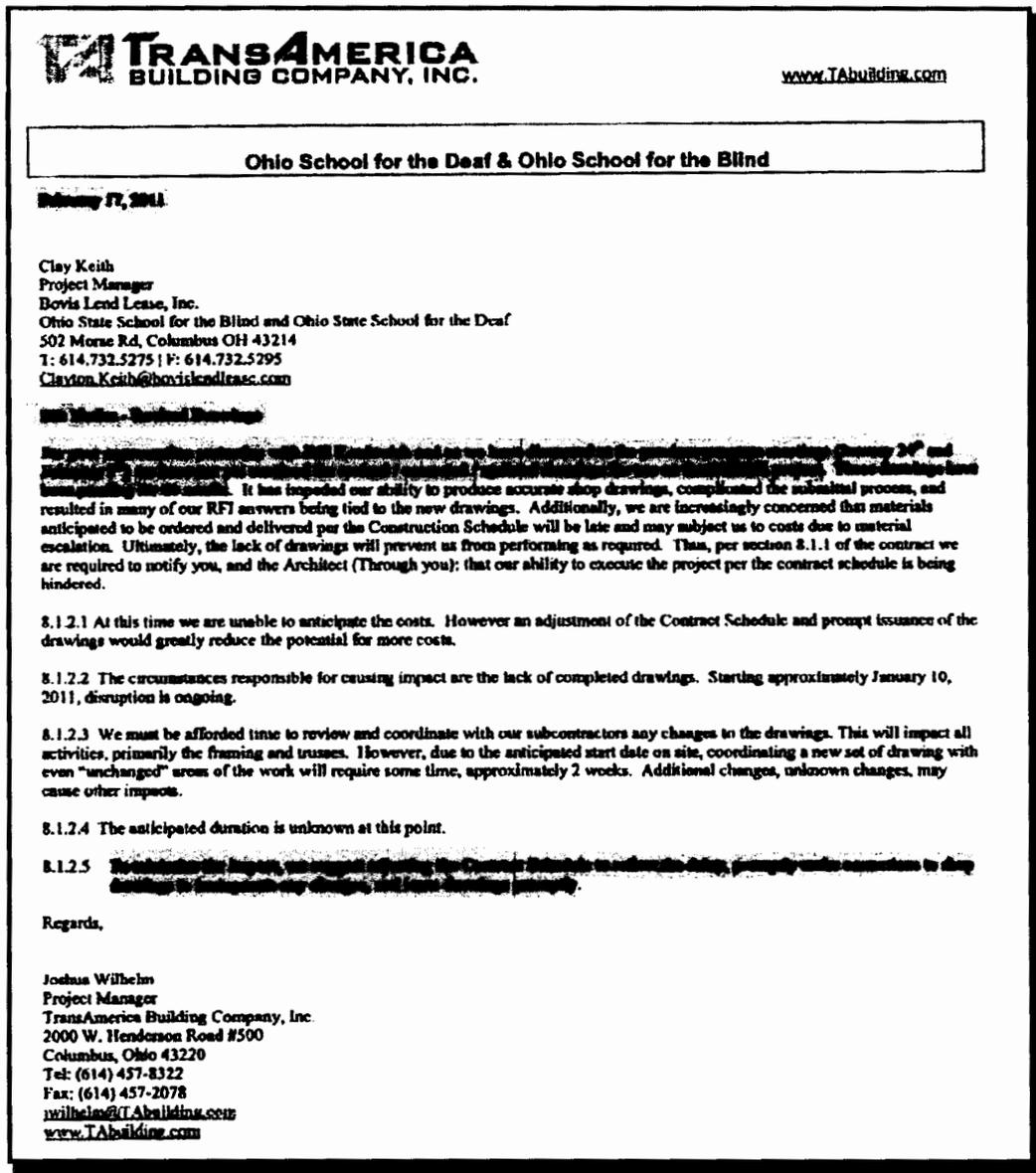
From: Josh Predovich <jpredovich@shp.com>
Sent: Tuesday, January 25, 2011 8:51 AM
To: Clayton. Keith; Joe.Rice@bovislendlease.com
Subject: OSDB OSD ES sheets A101 versus A103 in Bid and Construction sets

Guys-

I need to confirm something. I am reviewing overall dims versus foundation plan versus truss plan today. I started with OSD ES Dorm Building 1. I began looking at A101 and realized I need to be using A103 (Exterior Dimension Plan). ~~I was comparing A101 to A103 in the Bid to Construction sets. The difference Clay showed me yesterday in the trailer was comparing A101 to A103, not Bid to Construction. I have not yet checked against the rest of the Dorm sets, but I will bet I find the same thing. If dimensions do not change, I will compare A101 to A103 in the Bid to Construction sets.~~

Joe, just to confirm with you, ~~the difference between A101 and A103 is in the Bid to Construction sets.~~ Let me know if you have any issue with this strategy.
Thanks,
Josh

TransAmerica recognized the problems they were having preparing critical path shop drawings and ordering critical path materials needed to support the Project Schedule. TransAmerica realized that the logical start of their work was going to be impacted before they ever mobilized on site. TransAmerica was forced to issue a Notice Letter on February 17, 2011 to Lend Lease.



TransAmerica followed up their initial Notice letter with another Notice letter on February 23, 2011.

Ohio School for the Deaf & Ohio School for the Blind

February 26, 2011

Clay Keith
Project Manager
Bovis Lend Lease, Inc.
Ohio State School for the Blind and Ohio State School for the Deaf
502 Morse Rd, Columbus OH 43214
T: 614.732.5275 | F: 614.732.5295
Clayton.Keith@bovislendlease.com

RE: Notice - Revised Drawings

Attention: This document and its contents are classified as the "Public" version. I am re-issuing this notice originally sent February 17, 2011 via email. As of today February 23, 2011, we are not in receipt of drawings. A duplicate will also be sent via U.S. Mail.

Per your conversation yesterday (2-16-11) with Bill Koniewich and as we have discussed at the previous progress meetings (January 24th and February 7th) we have not yet received the revised / corrected / updated drawings for use on the OSD&B project. These drawings have been pending for 6+ weeks. It has impeded our ability to produce accurate shop drawings, complicated the submittal process, and resulted in many of our RFI answers being tied to the new drawings. Additionally, we are increasingly concerned that materials anticipated to be ordered and delivered per the Construction Schedule will be late and may subject us to costs due to material escalation. Ultimately, the lack of drawings will prevent us from performing as required. Thus, per section 8.1.1 of the contract we are required to notify you, and the Architect (Through you); that our ability to execute the project per the contract schedule is being hindered.

8.1.2.1 At this time we are unable to anticipate the costs. However an adjustment of the Contract Schedule and prompt issuance of the drawings would greatly reduce the potential for more costs.

8.1.2.2 The circumstances responsible for causing impact are the lack of completed drawings. Starting approximately January 10, 2011, disruption is ongoing.

8.1.2.3 We must be afforded time to review and coordinate with our sub-contractors any changes in the drawings. This will impact all activities, primarily the framing and trusses. However, due to the anticipated start date on site, coordinating a new set of drawing with even "unchanged" areas of the work will require some time, approximately 2 weeks. Additional changes, unknowns changes, may cause other impacts.

8.1.2.4 The anticipated duration is unknown at this point.

8.1.2.5 To minimize the impact, we suggest adjusting the Contract Schedule to reflect the delay, promptly make corrections to shop drawings to incorporate any changes, and issue drawings promptly.

Regards,


Joshua Withem
Project Manager
TransAmerica Building Company, Inc.
2000 W. Henderson Road #500
Columbus, Ohio 43220
Tel: (614) 457-8322
Fax: (614) 457-2078
jwithem@TAbuilding.com
www.TAbuilding.com

The receipt of these Notice letters forced Lend Lease to again request that the revised Construction Sets of plans be issued by SHP. TransAmerica and the other Prime Contractors were repeatedly told that revised Construction Sets of plans would be forthcoming. TransAmerica was unable to prepare its claim per Article 8 of the General Conditions because the exact nature, scope and full impact of their claim could not be determined without the promised revised Construction Set of plans. In fact, it was not until many months later that the complete impact of the lack of buildable plans and resulting schedule impacts could begin to be truly assessed by TransAmerica.

SHP
LEADING DESIGN

February 28, 2011

Mr. Clay Keith
Project Manager
Bovis Lend Lease, Inc.
Ohio State School for the Blind and Ohio School for the Deaf
502 Morse Road
Columbus, Ohio 43214

Re: OSDB Letter from TransAmerica

Dear Clay,

We are in receipt of TransAmerica's letter dated February 28th, 2011 in regards to schedule impacts due to the delay in re-issuance of the Construction Set of drawings. As you are aware, there is no contractual obligation in the specifications for the issuance of a revised set of drawings containing addendum items and post bid request for information. All of the items that are part of the revised issuance of the Construction set have already been issued to the contractors as either part of the bidding set or as response to RFI's. SHP believes that the issuance of this set will help to alleviate contractors to that end, we are willing to complete the set as soon as possible.

I do appreciate the team's need to have this set issued as quickly as possible. We will do our best to expedite the issuance of this set as soon as possible. We will be available for review of this set as soon as possible. Please inform all dorm contractors that this set will be kept on file at Key. Please let me know if you have any questions in regards to the information above.

Sincerely,

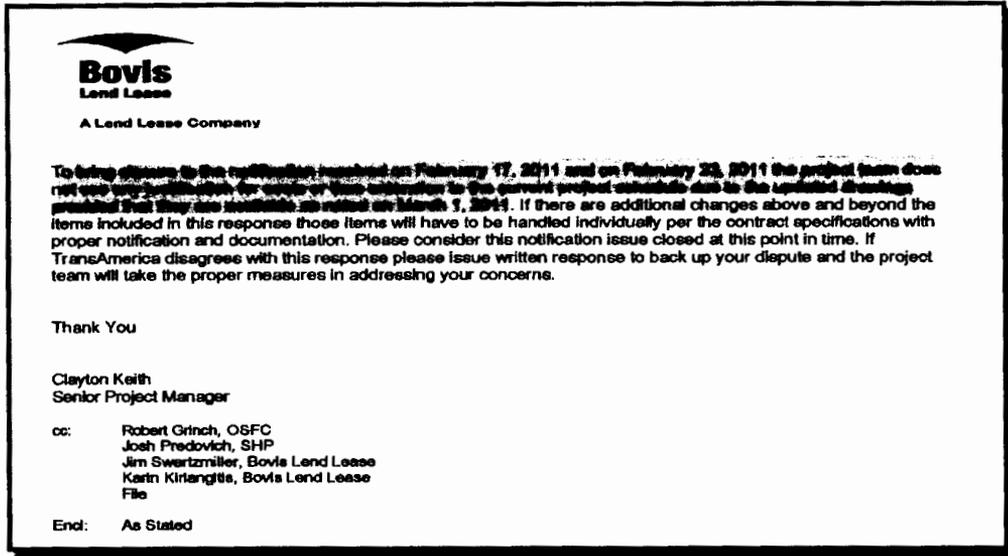
SHP LEADING DESIGN



Joshua L. Predovich, Assoc. AIA, LEED AP

Cc: Andrew Maletz, SHP
file

In a Notice response letter issued by Lend Lease dated March 1, 2011, Lend Lease responded to TransAmerica by stating that the revised Construction Sets of plans would be available later that day and that there would be no justification for costs or a time extension.



However, the revised Construction Sets of plans were never provided to TransAmerica at any point in the Project.

The record is clear and voluminous that the Project Team intended to issue the revised Construction Set of plans to the Prime Contractors. The revised Construction Set of plans was never provided to the Prime Contractors even though they existed and were being used by the Project Team.

b. Plans Examination/Permitting/Inspection Delays

In June of 2010 SHP submitted the sixteen (16) OSSB/OSD Buildings to the State of Ohio, Department of Commerce, Division of Industrial Compliance, Bureau of Building Code Compliance to commence the plans examination process. Each building was assigned a specific Certificate of Plan Approval (CPA) number for tracking purposes. Note that OSSB and OSD Dorms #4 and #8 were included in the initial submission.

Building	State of Ohio Permit CPA #
Deaf 1	201020765
Deaf 2	201020766
Deaf 3	201020767
<i>Deaf 4</i>	<i>201020768</i>
Deaf 5	201020769
Deaf 6	201020770
Deaf 7	201020771
<i>Deaf 8</i>	<i>201020772</i>
Blind 1	201020773
Blind 2	201020774
Blind 3	201020775
<i>Blind 4</i>	<i>201020776</i>
Blind 5	201020777
Blind 6	201020778
Blind 7	201020779
<i>Blind 8</i>	<i>201020780</i>

On June 22, 2010 when the submission was made and the required fees paid for each building, the State of Ohio assigned the specific Plans Examiner to the Project.

ID: PSACTRP1		PLANS & SPECS / CONSTRUCTION COMPLIANCE SYSTEM
		CPA Activity Summary for CPA Number: [REDACTED]
		Project Name: OHIO SCHOOL FOR THE [REDACTED]
Date	Event	Description
03/30/2012	Cert - Partial Plan	Partial Plan Approval #1; Examiner: Sudhir Jindal; Approval Date: 07/29/2010, Date Printed: 03/30/2012
07/29/2010	Addendum - Partial	Addendum to Partial Approval #1, Sent To: Owner; Date Printed: 07/29/2010
07/29/2010	Letter - Correction	Correction Letter #1, Sent To: Owner; Date Printed: 07/29/2010
07/29/2010	Plan Loc Chg	Before: State Examiners Desk; After: Waiting Response Shelf
07/29/2010	Plan Loc Chg	Before: State Examiners Desk; After: Waiting Response Shelf
07/29/2010	Category Status Chg	Before: Data Entry; After: Partial Plan Approval Issued
07/29/2010	Category Status Chg	Before: Data Entry; After: Waiting Letter Response
07/29/2010	Plan Loc Chg	Before: State Examiners Desk; After: Waiting Response Shelf
07/29/2010	Overall CPA Status Chg	Before: PLIP; After: PLCRC
07/29/2010	Category Status Chg	Before: Data Entry; After: Partial Plan Approval Issued
07/26/2010	Invoice	Invoice #: PS102998; Type: CUST; Tot Amt: 388.00; Tot Late: 0.00; Pay Amt: 388.00; Balance: 0.00
[REDACTED]	[REDACTED]	Category: Electrical assigned to Sudhir Jindal
[REDACTED]	[REDACTED]	Category: Structural/Mechanical assigned to Sudhir Jindal
[REDACTED]	[REDACTED]	Category: Sprinkler assigned to Sudhir Jindal
[REDACTED]	[REDACTED]	Invoice #: PS102357; Type: CUST; Tot Amt: 1635.25; Tot Late: 0.00; Pay Amt: 1635.25; Balance: 0.00

Bids were received for the initial round of bidding July 22, 2010. These bids were rejected because the Project was significantly over budget.

During the initial bidding period Lend Lease sent the e-mail below to the OSFC noting that receipt of bids in advance of having the Division of Industrial Compliance plan approval carries risk for potential delays and costs to the OSFC. The decision was to proceed with taking bids on July 22, 2010.

From: Grinch, Rob
To: Keith, Clayton; Swartzmiller, Jim
CC: Murray, Richard; Eufinger, John; Roush, Erik; Berezansky, Steven; Mendenhall, Mike; Savors, Rick; Andrew Malotz; Joshua Predovich; Edward Corbett; Cynthia Johnson; Gerard Marcom; Schaller, Scott J.
Sent: 7/20/2010 5:15:54 PM
Subject: D&B 07-20-10 (Revised) Bid Date Dialog

Re: The Ohio School for the Deaf
Ohio State School for the Blind
Bid Opening Date
Follow-up to:
Core Team Meeting of July 15, 2010
and
Phone Call Conversation (RC, CK, & JP) of July 19, 2010

Clay / Jim -

Thank you for your summary memo. Yes, the Project Team will maintain (revised) bid opening date of Thursday, July 22, 2010 unless OSFC, School Officials, Bovis Lend Lease, and/or SHP learn of any new, substantial issue, that would merit delaying the bid opening.

Rob G.

Robert P. Grinch
Senior Project Administrator
Ohio School Facilities Construction
(614) 895-4501

From: Keith, Clayton [mailto:Clayton.Keith@bovislendlease.com]
Sent: Tuesday, July 20, 2010 4:44 PM
To: Grinch, Rob
Cc: Swartzmiller, Jim
Subject: D&B Bid Date

Rob

I just want to confirm our conversation that we had yesterday, Monday July 19th regarding bid date. We are going to proceed with bidding the project on Thursday July 22, 2010 as planned. Per the conversation SHP is very confident that they will have a building permit prior to August 20, 2010 when we are scheduled to issue Notice to Proceed to the apparent low bidders, provided there are no issues in the review process with apparent low contractors. Per SHP they expect to hear back from DIC on the dorms the first part of next week and then on the academic buildings the week after that, which would make it the week of August 2nd. SHP will take any DIC comments and respond within 5 business days making it the week of August 9th. Per SHP it is DIC's responsibility to have a response to correction letters within 5 business days making our first opportunity to receive permit the week of August 16th. The last resort that SHP has offered is to request a footer permit to prevent any delays in proceeding with work on site. The obvious downside to this process is that we will have to handle any corrections to the drawings as change orders to the contractors.

Rob, this is my understanding of our conversation and after all the information was presented you were in agreement to move forward with the bid date on July 22nd. I do want to make sure that we have an understanding that Bovis Lend Lease cannot be held responsible for any delays or any costs that might be incurred as a result of bidding without a building permit when work is scheduled to commence, if that should occur. We have been pushing to accept bids and move forward but all involved need to be aware of the risk involved in this strategy. Please call me with any questions, or if any of the above information is not accurate in your interpretation of our conversation.

On July 29, 2010 the State of Ohio sent out Correction Letter #1 for all of the buildings/CPS #'s assigned in June 2010. The Correction Letter #1 noted the plans were incomplete and additional information was required in order to proceed with the plans examination process.

From: Joshua Predovich [mailto:jpredovich@shp.com]
Sent: Thursday, December 09, 2010 12:06 PM
To: Rolando Matias
Subject: RE: OSDB Dorm response to DIC - OUT OF TIME

Rolando-

You are always dealing with another team. We are on the verge of the contractor starting work, which could occur at any time they feel they are ready. If they do launch their permit to get started, we are open to a delay claim. When it is possible that we can launch the permit and get contractors in July and the ability to turn them around in 5 months, we will be paying the money. And by way, I mean BPI.

You promised the contractor the construction set by mid December (they have since asked if it could be finished any earlier). In order to meet that goal, you need to send the set to me so I can review against the outstanding RFI's and get it printed. My fear is that you are going to wait until the 20th to have and send the set to the printer since I won't have time to review any more. I would like to start looking into our meeting on Wednesday the 15th and have the first question from the contractor be "What's my set?" in light of our contract.

Everything with BPI feels last minute. I now have a string of e-mails through the months of November into December (and even before Nov.) where I have request that the DIC responses be completed and your series of responses: "next week", "tomorrow" or "end of the day". I've been a great sport. I've keep the fact that this is been going on for months to myself. It's the end of the year. I am tired. I am burnt out. I need a vacation. And I need this finished.

Look at your schedule. Pick a morning. Finish the comments. Everyone else gets a hold for 4 hours. Look at James's schedule. Pick a morning. Get the construction set reviewed and printed. If the set is reviewed by next week, I have to turn it in to the contractor. I can't allow this to be outstanding any longer.

Josh

This begins a process of resubmission and reissuance of Correction Letters that goes on through most of 2011. Below are some of the interactions between SHP and the State of Ohio Plans Examiner.

In May 2011 the State of Ohio Plans Examiner is looking for the Construction Sets of plans that will provide the answers to his questions from months earlier. Work is progressing on site and inspections are starting to be called in for foundation and under-slab related work. It should be important to note that Lend Lease controlled the entire inspection process for the Project. Each time a Prime Contractor stated they were ready for an inspection Lend Lease would review the work in the field and determine if a call should be made for an inspection. If a call was placed to schedule and inspection, Lend Lease controlled that process.

The OSFC, SHP and Lend Lease discussed at their May 19, 2011 Core Team Meeting that not having the permit approval for the Project and submission of the fire alarm design documents would impact the Project and Prime Contractors.

PERMIT STATUS

Update

- **Need final permit approval. Currently the Fire Protection and the Truss Drawings have been reviewed and we received comments back that are being responded to. Fire Alarm will be open until Campus Wide bids are completed.**

The lack of building permits is affecting work in the field. Lend Lease is demanding action from SHP on July 22, 2010.

Joshua L. Predovich

From: Keith, Clayton <Clayton.Keith@lendlease.com>
Sent: Friday, July 22, 2011 4:29 PM
To: 'predovich@shpinc.com'
Subject: Fw: PR18 Questions

Here you go, we have to make the drawing, I am scheduling the inspector for Tuesday
Clayton Keith
Sr. Project Manager
Bovis Lend Lease

From: Josh Wilhelm [mailto:jwilhelm@tabuilding.com]
Sent: Friday, July 22, 2011 02:45 PM
To: Kiriangitis, Karin; Keith, Clayton
Cc: Smith, Jr., Jim; Steve Morley <smorley@tabuilding.com>; bmillier@tabuilding.com <bmillier@tabuilding.com>
Subject: PR18 Questions

As we discussed earlier today, We need some additional information in order to price PR18, some of which will come from the state building inspector which you plan to have on site Tuesday 7-20-11.

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

I am holding off on pricing until we review with the inspector then get direction from SHP.

Joshua Wilhelm
Project Manager
TransAmerica Building Company, Inc.
2000 W. Henderson Road #500
Columbus, Ohio 43220
Tel: (614) 457-8322
Fax: (614) 457-2078
jwilhelm@TABuilding.com
www.TABuilding.com

The State of Ohio Structural Inspector refused to sign off on any further inspections because the only approvals from the State of Ohio are for "building shell" related work.

From: Keith, Clayton <Clayton.Keith@lendlease.com>
Sent: Wednesday, July 27, 2011 4:21 PM
To: 'jpredovich@shpinc.com'
Cc: Swartzmiller, Jim; Smith, Jr., Jim; Kiriangitis, Karin
Subject: OSDB inspections

Josh

I left you a VM this afternoon while we were meeting with the structural inspector. He is not going to sign off or approve any further inspection requests until revised/updated/stamped drawings are available for review. He started with our stamped drawings and then went to our construction set and then the RFI/PR response in trying to get his hands around what we are doing on site versus what we have approval for. ~~Finally he called Sadir and was told that we do not have approved drawings past that.~~ Sadir also told him he has requested fire dampers after we told him it was not needed based on your conversations. ~~Needless to say the inspection did not go well and it was very embarrassing!~~
~~This needs to be resolved ASAP or work will stop in OSDB 5, OSDB 3, OSDB 7 and OSDB 1 including all interior non-load bearing framing and MEP work.~~

We just agreed to a 15 day no cost co and I just sent emails to TA regarding manpower and pushing them to get work completed. ~~This will blow up in our face very quickly and will not be dealt with lightly.~~

Please let me know your plan to resolve. The inspector did say that we could call Jeff Eaton at DIC and schedule a meeting on site with Jeff Eaton, Sadir and the structural inspector if we need to get resolution.

Clayton Keith
Sr. Project Manager
Bovis Lend Lease

The fact that the Project had not received full plan approval on any of the buildings was not shared with the Prime Contractors. Lend Lease had just issued Recovery Schedule #2 and all of the Prime Contractors had signed off on it as being approved on August 1, 2011. Recovery Schedule #2 was then put in a Change Order #13 and was fully executed on September 25, 2011.

The confusion by the State of Ohio Plans Examiner continued into August 2011 and requests for clarification by the Plans Examiner to SHP went unanswered. The Plans Examiner was requesting the very same revised Construction Sets of plans that TransAmerica and the other Prime Contractors had been requesting for months. The lack of permissible and buildable plans had reached the critical stage for SHP and Lend Lease.

From: Josh Prodovich [mailto:jprodovich@snp.com]
Sent: Friday, August 12, 2011 9:04 AM
To: Jindal, Sudhir
Subject: OSDB Donn project - DIC Ref# 201020765

Sudhir-

I response to our conference call yesterday, I have reviewed the following.

1 Please see attached H403 drawing sheet showing typical fire stopping details. I have included (2) sheets, one OSD, one OSSB, to be folded into the perspective drawing sets. Please let me know if this is acceptable.

2. I have reviewed the Ice/Water shield perimeter and valley underlayment requirements. I agree that the notes on the Roof Plans do not conflict with the requirements of 073113 Asphalt Shingles. We do, however, have the requirements covered in spec. section 073113 Asphalt Shingles, Part 3.2 Installation, Item C, which reads:

C. Perimeter Underlayment: Apply minimum 24-inch-wide layer of perimeter underlayment at eaves

Extend perimeter underlayment at eaves a minimum of 24 inches inside exterior wall line.

1. In addition to eaves, apply perimeter underlayment at entire perimeter of surfaces to receive asphalt shingles, including ridges, valleys, and rakes.

I will be working with the construction manager to confirm that this was carried out on the buildings that are under roof and all the remaining buildings to be roofed.

Per my understanding, the contractor is providing the information on the required underlayment to the contractor. I expect that we will have this information to you early next week.

Please let me know if you have any questions on the above.

Thank you for time,

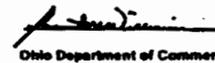
Josh

TransAmerica was being pushed to accelerate work that the OSFC, Lend Lease and SHP knew would soon reach a point where aspects of the work could not be inspected to support the aggressive Recovery Schedule #2. If this came to light it would expose the OSFC to acceleration and delay claims as foreshadowed by Lend Lease in their earlier e-mail to the OSFC on July 20, 2010.

Approval by the State of Ohio for "partial" building permits for all outstanding buildings was not provided until August 24, 2011. This approval included only the footings, foundations, slab, shell interior finishes, electrical and mechanical. This "partial" building permit did not include any fire alarm approvals. This scope had yet to be designed and submitted for permit because it had yet to be purchased. This work was part of the Campus-wide Bid Package BP-032CW – Technology/Security/Fire Alarm. Without this work being designed, purchased and detailed

fire alarm system drawings submitted by the actual vendor selected, the ability to enclose ceiling and walls could not be accomplished. This work was not shown on the just issued and updated Recovery Schedule #2 included in Change Order #13.

OSD Deaf Dormitory #1 - 201020765

		Ohio Department of Commerce Division of Industrial Compliance & Labor		John R. Kasich Governor
		Certificate of Partial Plan Approval No. 1		David Goodman Director Geoffrey D. Eaton Chief Bureau of Building Code Compliance
Plan Number: 201020765	Property Address: 500 MORSE RD COLUMBUS OH 43214	County: FRANKLIN		
Date of Approval: Submitted	Type of Project: New Building	Governing Building Code: 2007 OBC		
Building / Business Name: OHIO SCHOOL FOR THE DEAF	Description of the Project: New Dorm Building			
Property Owner: OHIO SCHOOL FOR THE DEAF 500 MORSE RD COLUMBUS OH 43214	Submitter: JOSH PREDOVICH 280 CIVIC CENTER DR STE 200 COLUMBUS OH 43215	Design Professional: GEORGE BERARDI 388 LIVINGSTON AVE COLUMBUS OH 43215		
Approved Scope of Project: General Building Trade Mechanical Electrical Sprinklers	Authorized No. of Inspections: 0 0 0 0 0	Use Occupancy Groups: R-2 Construction Type: Type V B Number of Stories: 1 Building Occupant Load: 50		
Proper inspections shall be requested prior to pouring concrete footings and/or installation of interior finishes. This certificate shall remain posted in a conspicuous and safe place on the job site until the work is completed. Failure to meet these requirements may result in the refusal of services and/or the issuance of an adjudication order. The building/structure shall pass final inspection and a State of Ohio Certificate of Use and Occupancy shall be issued before the building/structure can be legally occupied. The owner is responsible for obtaining all local zoning and sewage permits. In order to schedule an inspection, contact the numbers listed on the bottom of this certificate between the hours of 8:15 am and 3:15 pm.				
Structural / Electrical / Plumbing 1-800-822-3208 8:15 am to 3:15 pm		State Fire Marshal 614-728-5480		All Other Inquiries 1-800-822-3681 8:00 am to 8:00 pm
State Inspector's Signature for Occupancy: _____			Building Official Signature: _____	
Final Structural Approval: _____ Date: _____			 Ohio Department of Commerce Division of Industrial Compliance and Labor 6806 Tunney Road, PO Box 4008 Reynoldsburg, Ohio 43068-8008 (614) 644-2822 Fax: (614) 644-3146	
Final Electrical Approval: _____ Date: _____				
Final Plumbing Approval: _____ Date: _____				
Final Fire Approval: _____ Date: _____				

Joshua L. Predovich

From: Josh Predovich <jpredovich@shp.com>
Sent: Wednesday, August 24, 2011 2:11 PM
To: Smith, Jr., Jim; Keith, Clayton
Subject: OSDB Dorm CA drawing release on ALL dorms

Guys-

I have partial on all dorms. You can call for inspection any time.

I am sending OSD HS on to Key today to have drawings printed and shipped to you for inspector's use. I will send OSSB ES and OSD ES later this week.

Let me know if any questions.

Thanks,
 Josh

On August 24, 2011, Lend Lease called in for a series of mechanical/plumbing rough-in inspections that had been being delayed from occurring as shown below. These inspections were delayed because Lend Lease and SHP knew if these inspections were called in prior to receipt of the "partial" plan approval, the Prime Contractors would all know that the ability to get inspections for this type of rough in work was not possible.

Ohio School for the Deaf/Blind Dorms - August Update Schedule

Activity ID	Activity Name	Start	Finish	Actual Duration	BL1 Duration	2011					
						May	Jun	Jul	Aug	Sep	Oct
A3430	Plumbing Rough-in in Wall and Ceiling	01-Jun-11 A	26-Aug-11 A	61	10						
A10977	Plumbing Rough-in in Wall and Ceiling	19-Jul-11 A	12-Sep-11	38	10						
A11033	Plumbing Rough-in in Wall and Ceiling	29-Jul-11 A	06-Sep-11 A	29	10						
A11481	Plumbing Rough-in in Wall and Ceiling	01-Aug-11 A	26-Aug-11 A	19	10						

Note: Project Schedule is from August 2011 Update with a data date of 10SEP11. The Base Line (BL1) Schedule comparison (the yellow bars beneath the blue bars) is from the original sign off schedule presented to the Prime Contractors in January 2011 with a data date of 13JAN11. Note the original duration for the plumbing rough in work compared to the actual duration.

- Deaf 7 Inspection per State of Ohio database occurred on August 25, 2011.
- Deaf 3 Inspection per State of Ohio database occurred on August 25, 2011.
- Deaf 6 Inspection per State of Ohio database occurred on August 25, 2011.
- Blind 6 Inspection per State of Ohio database occurred on August 25, 2011.

Item	Status	Start Date	End Date	Start Date	End Date	Inspector
Plan Resubmission r...	Permit App...	Aug 5, 2011	Sep 5, 2011	Aug 12, 2011	Aug 12, 2011	Stufile Jindal
Addendum Letter	Addendum...	Aug 12, 2011	Aug 12, 2011	Aug 12, 2011	Aug 12, 2011	Stufile Jindal
Correction Letter	Closed	Aug 12, 2011	Aug 12, 2011	Aug 12, 2011	Jun 27, 2012	Stufile Jindal
Correction Letter	Closed	Jun 27, 2012	Jul 27, 2012	Jun 27, 2012	Jul 20, 2012	Stufile Jindal
Issue Partial Permit	Permit Issu...	Aug 12, 2011	Aug 12, 2011	Aug 12, 2011	Aug 12, 2011	Stufile Jindal
Plan Resubmission r...	Closed	Nov 4, 2011	Dec 4, 2011	Nov 4, 2011	Nov 4, 2011	Larry Eisenh...
Plan Resubmission r...	Closed	Jun 27, 2012	Jul 27, 2012	Jun 27, 2012	Jun 27, 2012	Larry Eisenh...
Plan Resubmission r...	Full Approu...	Jul 26, 2012	Aug 16, 2012	Jul 26, 2012	Jul 26, 2012	Larry Eisenh...
Issue Full Permit	Issued	Jul 26, 2012	Jul 26, 2012	Jul 26, 2012	Jul 26, 2012	Stufile Jindal
Issue Final Certificate	Final COO...	Aug 16, 2012	Aug 16, 2012	Aug 24, 2012	Aug 24, 2012	Helton Woody
Inspection (IS)						
Structural Footing/F...	Transmitted	Apr 14, 2011	Apr 14, 2011	Apr 14, 2011	Apr 14, 2011	Donald Brown...
Structural Footing/F...	Passed	Apr 15, 2011	Apr 15, 2011	Apr 15, 2011	Apr 15, 2011	Dave Gallagher
Electrical Underground	Passed	May 18, 2011	May 18, 2011	May 18, 2011	May 18, 2011	Miko Thomps...
Electrical Underground	Passed	Jun 4, 2011	Jun 4, 2011	Jun 4, 2011	Jun 4, 2011	Miko Thomps...
Mechanical Roughin	Passed	Aug 25, 2011	Aug 25, 2011	Aug 25, 2011	Aug 25, 2011	Brend Howard
Structural Wire Rough	Passed	Nov 28, 2011	Nov 28, 2011	Nov 28, 2011	Nov 28, 2011	Miko Thomps...
Electrical Wire Rough	Passed	Nov 28, 2011	Nov 28, 2011	Nov 28, 2011	Nov 28, 2011	Miko Thomps...
Mechanical Above Cal.	Passed	Dec 13, 2011	Dec 13, 2011	Dec 13, 2011	Dec 13, 2011	Osny Masato
Structural Framing	Passed	Dec 13, 2011	Dec 13, 2011	Dec 13, 2011	Dec 13, 2011	Osny Masato
Electrical Wire Rough	Passed	Jun 19, 2012	Jun 19, 2012	Jun 19, 2012	Jun 19, 2012	Miko Thomps...
Fire Alarm Final	Passed	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Miko Thomps...
Electrical Final Inspe...	Passed	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Miko Thomps...
Splitter Final	Passed	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Osny Masato
Mechanical HVAC Final	Passed	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Osny Masato
Structural Final Inspe...	Passed	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Aug 16, 2012	Osny Masato

Electrical Underground	Passed	May 18, 2011	May 18, 2011	May 18, 2011	May 18, 2011	Miko Thomps...
Electrical Underground	Passed	Aug 4, 2011	Aug 4, 2011	Aug 4, 2011	Aug 4, 2011	Miko Thomps...
Mechanical Roughin	Passed	Aug 25, 2011	Aug 25, 2011	Aug 25, 2011	Aug 25, 2011	Brend Howard
Structural Wire Rough	Passed	Nov 28, 2011	Nov 28, 2011	Nov 28, 2011	Nov 28, 2011	Miko Thomps...
Electrical Wire Rough	Passed	Nov 28, 2011	Nov 28, 2011	Nov 28, 2011	Nov 28, 2011	Miko Thomps...

Between July 18, 2012 and July 20, 2012 the Project received its final Full Building Permits for all buildings. This was over two years after the original plans were submitted for plans examination. The problems, delays, and damages caused by this poorly managed process created situations on site where TransAmerica and the other Prime Contractors were directed to work inefficiently while the Project Team masked the true problems with the inability to get timely inspections to support an approved Recovery Schedule #2.

C. Wrongful Assessment Of Liquidated Damages

At the time TransAmerica received the December 6, 2011 notification letter from Lend Lease that the OSFC would be assessing liquidated damages alleging that TransAmerica had failed to meet the Roof and Window Enclosure Milestone milestones the Project Schedule in place was the November 2010 update with a data date of 10DEC11. A sort of the roofing activities from this schedule shows the following:

Ohio School for the Deaf/Blind Course Reflection - November Update					2011												
Activity ID	Activity Name	Start	Finish	Mile Post	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2012
A1029	Install Ice and Water Shield and Roofing Felt	12-Jul-11 A	13-Jul-11 A														
A1029	Install Roofing (Requires 3 separate roof materials)	16-Jul-11 A	19-Dec-11	-142													
A1079	Install Ice and Water Shield and Roofing Felt	16-Jul-11 A	19-Jul-11 A														
A1080	Install Roofing (Requires 3 separate roof materials)	23-Jul-11 A	19-Dec-11	-110													
A1028	Install Roofing (Requires 3 separate roof materials)	19-Aug-11 A	12-Dec-11	-117													
A1025	Install Ice and Water Shield and Roofing Felt	23-Aug-11 A	24-Aug-11 A														
A1091	Install Ice and Water Shield and Roofing Felt	27-Sep-11 A	30-Sep-11 A														
A1092	Install Roofing (Requires 3 separate roof materials)	03-Oct-11 A	15-Dec-11	-60													
A1047	Install Ice and Water Shield and Roofing Felt	20-Oct-11 A	24-Oct-11 A														
A1146	Install Roofing (Requires 3 separate roof materials)	16-Nov-11 A	17-Dec-11	-65													
A1120	Install Ice and Water Shield and Roofing Felt	21-Nov-11 A	23-Nov-11 A														
A1124	Install Roofing (Requires 3 separate roof materials)	25-Nov-11 A	16-Dec-11	-22													
A1121	Install Ice and Water Shield and Roofing Felt	30-Jun-11 A	06-Jul-11 A														
A1122	Install Roofing (Requires 3 separate roof materials)	01-Jul-11 A	12-Dec-11	-106													
A1147	Install Ice and Water Shield and Roofing Felt	21-Jul-11 A	22-Jul-11 A														
A1148	Install Roofing (Requires 3 separate roof materials)	29-Jul-11 A	12-Dec-11	-135													
A1143	Install Ice and Water Shield and Roofing Felt	11-Aug-11 A	12-Aug-11 A														
A1144	Install Roofing (Requires 3 separate roof materials)	15-Aug-11 A	12-Dec-11	-123													
A1129	Install Ice and Water Shield and Roofing Felt	23-Sep-11 A	24-Sep-11 A														
A1150	Install Roofing (Requires 3 separate roof materials)	04-Oct-11 A	15-Dec-11	-107													
A1126	Install Ice and Water Shield and Roofing Felt	30-Sep-11 A	15-Dec-11	-60													
A1130	Install Roofing (Requires 3 separate roof materials)	30-Sep-11 A	30-Sep-11 A														
A1091	Install Ice and Water Shield and Roofing Felt	04-Nov-11 A	07-Nov-11 A														
A1092	Install Roofing (Requires 3 separate roof materials)	05-Nov-11 A	15-Dec-11	-43													

The initial appearance given by this schedule is that the roofing work is months behind schedule. If the roofing work for all of these buildings was that far behind schedule the work in virtually of the buildings must be at a virtual standstill. The reality is that because the ice, water shield and roofing felt was installed as shown all of these buildings were dry and follow on work was progressing.

A review of the letter issued by Lend Lease shows that they state that the inability of TransAmerica to get their work 100% complete to meet the Roof and Window Enclosure Complete Milestone has forced this letter to be issued and thus the assessment of liquidated damages. Reading the letter further Lend Lease chooses to point out that in their opinion drywall work is not on schedule and that TransAmerica must come into schedule compliance with their drywall activities. Also noted at the conclusion of this letter is a statement about an open "administrative" issue with TransAmerica being required to "rectify the issues with the roofing warranty. "

It is clear from reading this letter that there are three (3) issues that Lend Lease is trying to get resolved that requires TransAmerica attention – 1) achieving the definition of the Roof and Window Enclosure Complete Milestone for the buildings noted, 2) bring the drywall activities back in alignment with the current Project Schedule, and 3) rectify the apparent roofing warranty issues.



December 8, 2011

Mr. Josh Wilhelm
TransAmerica Building Co., Inc.
2000 West Henderson Road
Columbus, OH 43220

RE: Ohio State School for the Blind and Ohio School for the Deaf – Residential Dorm Buildings
BP#023R – General Trades
Notification of Non-Conformance / Notice of Liquidated Damages / 5 Day Notification

Dear Josh:

This letter shall serve as your 5 Day Notification regarding the Ohio State School for the Blind and Ohio School for the Deaf Residential Dorms Project. ~~As a result of your failure to meet the schedule and TransAmerica's responsibility to work overtime, weekends and additional shifts per the Contract requirements in order to meet the Project Schedule.~~ Land Lease has also sent various e-mail correspondence regarding the schedule and TransAmerica's responsibility to work overtime, weekends and additional shifts per the Contract requirements in order to meet the Project Schedule.

Recovery Schedule 3 was issued and signed off by all Contractors on November 10, 2011. This Schedule was created with TransAmerica's input that was provided ~~to the project team.~~ The ten day duration was added due to additional work that was added to your scope via change order. Per Recovery Schedule 3, you are now significantly behind the schedule and are not meeting the dates agreed to. Consequently, per Article 3.3 of your Contract, money will be withheld until the Recovery Schedule dates are met and the Project is on schedule for all buildings to complete within the scheduled timeframe.

~~The following activities have not been completed due to existing activities being 00% complete, which is the primary cause of delay.~~

- A10402 OSSB Dorm 5 Roof and Window Enclosure Completion Date July 14, 2011
- A10403 OSSB Dorm 1 Roof and Window Enclosure Completion Date August 4, 2011
- A10404 OSSB Dorm 6 Roof and Window Enclosure Completion Date August 18, 2011
- A10405 OSSB Dorm 2 Roof and Window Enclosure Completion Date September 1, 2011
- A10406 OSSB Dorm 7 Roof and Window Enclosure Completion Date September 15, 2011
- A10407 OSSB Dorm 3 Roof and Window Enclosure Completion Date September 30, 2011
- A10427 OSD Dorm 7 Roof and Window Enclosure Completion Date July 28, 2011
- A10430 OSD Dorm 3 Roof and Window Enclosure Completion Date August 11, 2011
- A10433 OSD Dorm 6 Roof and Window Enclosure Completion Date August 25, 2011

Lend Lease (US) Construction Inc.
Ohio State School for the Blind and Ohio School for the Deaf
Project Site
502 Morse Road
Columbus, OH 43214

Telephone 614 732 5275
Facsimile 614 732 8285
www.lendlease.com



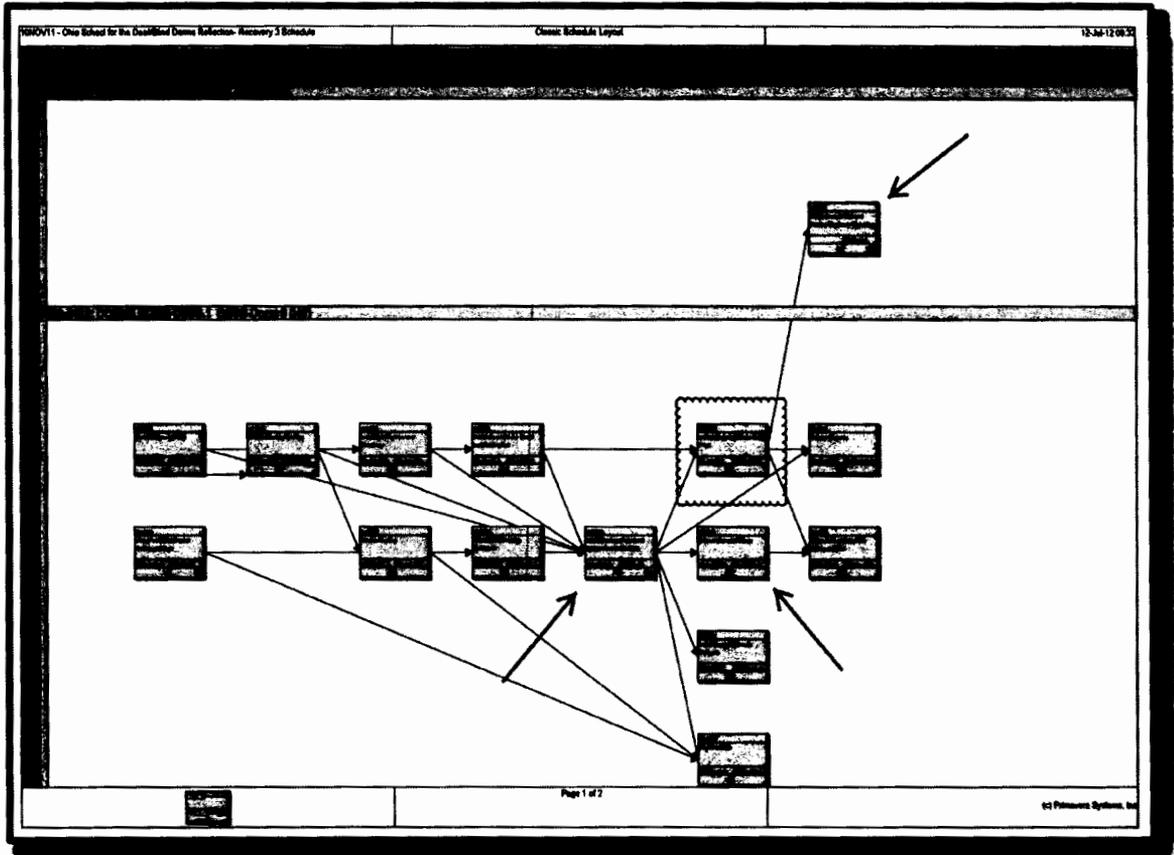
Lond Lease

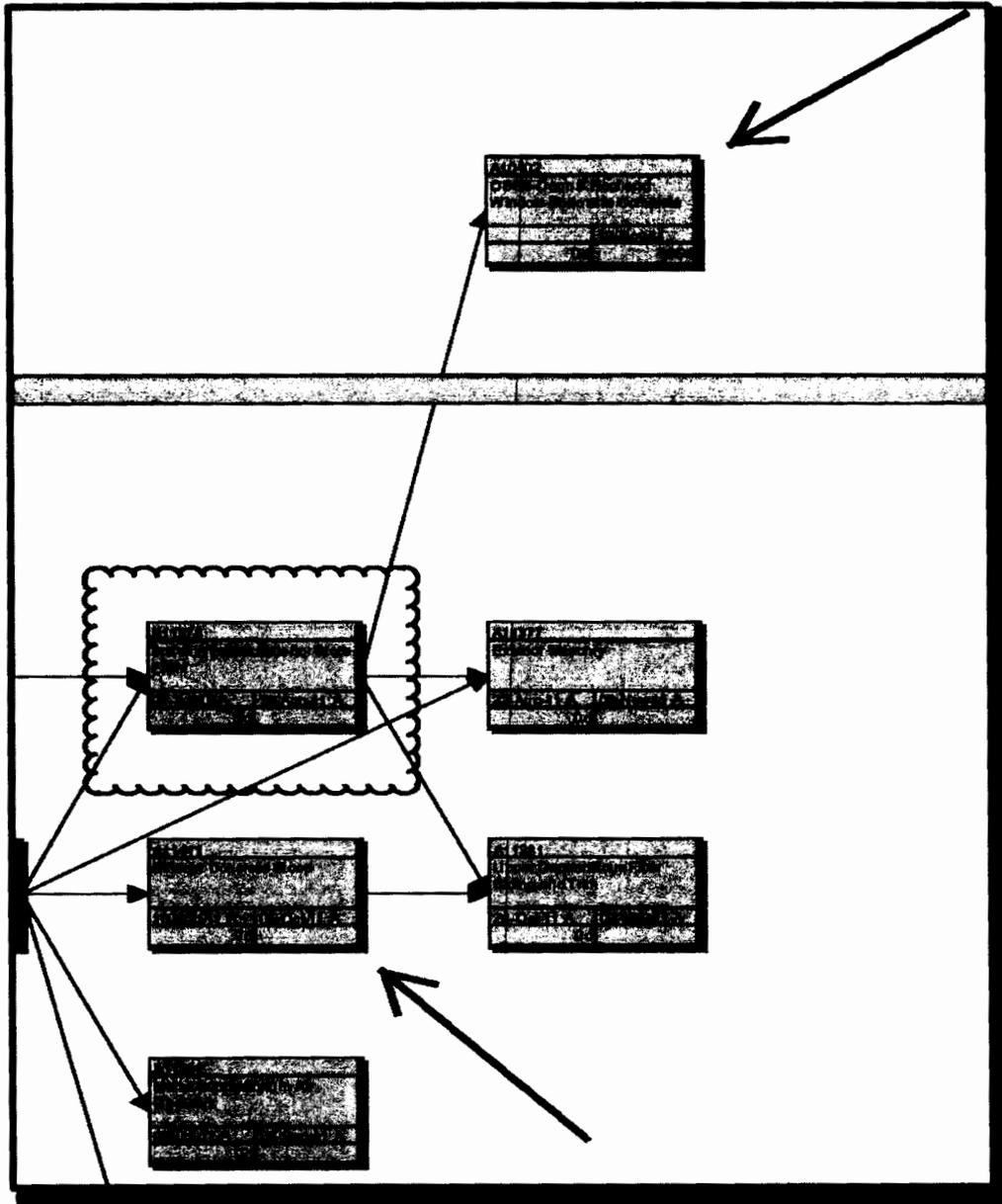
- A10437 OSD Dorm 2 Roof and Window Enclosure Completion Date September 8, 2011
- A10439 OSD Dorm 5 Roof and Window Enclosure Completion Date September 22, 2011
- A10442 OSD Dorm 1 Roof and Window Enclosure Completion Date October 7, 2011

Additional delays to Recovery Schedule 3 are causing impacts to the project due to drywall hanging and finishing that is falling behind schedule. Please keep in mind that drywall activities were used as the tool of measurement when we put Recovery Schedule 3 together.

The status of drywall activities are noted below:

- OSSB 5 Drywall Punchlist Scheduled Completion November 23, 2011
 - Actual Start December 5, 2011 (-10 days)
- OSSB 1 Finish Interior Drywall Scheduled start date November 22, 2011
 - Actual Start December 5, 2011 (-9 Days)
- OSSB 6 Hang Interior Drywall Scheduled Start November 28, 2011
 - Projected start December 8, 2011 (-8 days)
- OSSB 2 Framing closing inspection Scheduled start November 29, 2011
 - Projected start December 12, 2011 (-9 days)
- OSSB 7 Hang Interior Drywall Scheduled Start December 6, 2011
 - Projected start December 27, 2011 (-6 days)
- OSSB 3 Hang Interior Drywall Scheduled start December 29, 2011
 - Projected start January 10, 2011 (-8 days)
- OSD 7 Finish Interior Drywall Scheduled completion November 28, 2011
 - Projected Completion December 8, 2011 (-8 days)
- OSD 3 Finish Interior Drywall Scheduled Start November 29, 2011
 - Projected Start December 10, 2011 (-8 days)
- OSD 6 Hang Interior Drywall Scheduled Start December 1, 2011
 - Projected Start December 12, 2011 (-6 days)
- OSD 2 Hang Interior Drywall Scheduled Start December 14, 2011
 - Projected Start December 23, 2011 (-7 days)
- OSD 5 Hang Interior Drywall Scheduled Start December 22, 2011





- The Milestone activity A10402 has no successor and has 165 days of positive float.
- The predecessor activity to A10402 is A11374 – Install Windows/Exterior Store Front which is 100% complete.
- Activity A11374 has three (3) successor activities. Two of the are follow construction activities, A11377 – Exterior Masonry and A11381 – Upper Cementitious Fiber Siding and Trim which are both 100% complete.
- This logic applies to all buildings.
- A review of the Project Schedule logic clearly shows that there has been no delay as stipulated in the Lend Lease letter.

A review of the weekly Construction Meeting minutes for the weeks leading up to and after the letter was issued shows no mention of delays, impacts to other Prime Contractors, or impacts to the Project Schedule.

Coordination Two Week Look-Ahead

024-003

11/17/11

- TA needs to produce a 2 Week Look-Ahead by tomorrow. All other Trades have provided their 2 Week Look-Aheads.

OSHP:

- Furnaces to be up and running today
- Digital signatures approved and signed off
- Final sign-off report to be prepared

OSHP:

- Furnaces to be up and running today
- Digital signatures approved and signed off
- Final sign-off report to be prepared

OSHP:

- Contractors punchlists need by all trades ASAP
- Furnace to be set by 11/28
- Per TA, roof leaks have been fixed. Jim to verify.
- High ceiling repair in progress

Construction Delays, Concerns and Issues

024-004

11/17/11

- All information need to go through Lend Lease
- LL (Jim) to meet with SHP (Josh P) to determine if diffusers should be centered at front windows.
- There are concerns with the flashing over masonry stone.
- Vaughn (Chad) - PR #25 needs to be in before drywall is installed. -
Temporary heat is an issue with materials being delivered. MERV 8 still awaiting delivery.
- Windows re-work needs to be installed. Heat loss will be a problem when furnaces start up.
- Curtain rods size may be an issue. 60" rods and the openings are 58".

Background Checks & Orientation

624-662 12/01/11 No
- TA to have several workers early next week.

Old Business

Coordination Two Week Look-Ahead

624-663 12/01/11 No
OSB6F1:
- Furnaces done
- Vaughn to install dampers
- Punchlist still needed
OSD6E:
- Furnaces done
- Vaughn to install dampers
OSB6F6:
- Furnace start-up week of 12/5
OSD6E:
- MEP drywall and paint to be complete 12/6
OSB6F7:
- Technology, Laundry and Mechanical Rooms - MEP drywall to be done next week
OSD6E:
- Technology, Laundry and Mechanical Rooms - MEP drywall to be done next week

Construction Delays, Concerns and Issues

624-664 12/01/11 No
- Jim is concerned with TA laying veneer in cold weather. Veneer can only be laid when temperature is 40 degrees or higher.
- TP to pump out hydrostatic at both sites.
- Per TA (Josh W) PVC roofing cannot get a full system warranty.
- TA is installing R13 wall insulation in 6" walls which is incorrect. R19 is to be used. TA to correct ASAP.
- D7 is open again and full of dirt.
- Dust wall needs covered up on the East side of mechanical room at D8
- Vaughn (Chad) is concerned about the location of the diffusers set in gallery bulkheads. SIP to walk site today and provide and answer so they can proceed.
- From 2's on, there should not be plywood on any soffits. TP & Vaughn need to finish work before plywood is installed.
- D2 laundry and mechanical rooms need completed so that TP can finish rough-in work.
- When will dorm room mock-up be ready for inspection?
- Heaters are needed in water rooms ASAP. Water lines are in and need heat to avoid pipes bursting due to potential freezing.
- TP to complete all Fire Protection rough-in at B2, B3, B7, D1, D2

A review of the Application for Payment #10 approved for TransAmerica by Lend Lease on December 10, 2011 shows that the work in several of the Dorms noted in the letter had progressed to a point where all roofing line items (labor and materials) had been billed except a nominal amount (5%). The Payment status of being 95% billed for Pay Line Item A3290 – Install Roofing – Labor had been this way for over two months going back to Application for Payment #8.

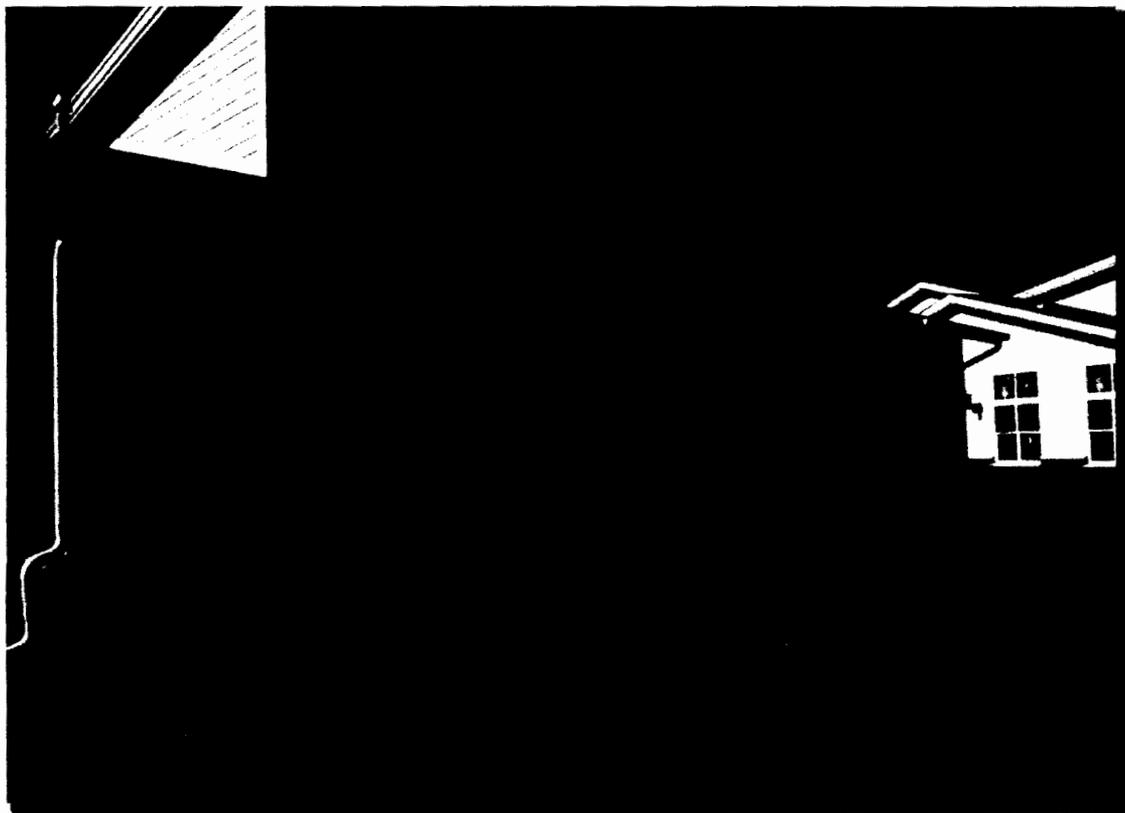
As discussed earlier in this report, the Roof and Window Enclosure Complete activity is not listed as a Milestone in Specification Section – 013200 Milestone Schedule, Section 1.12 Schedule of Milestones. This activity also involves two separate Prime Contractors, TransAmerica and Hall Aluminum. The letter states that TransAmerica is not 100% complete

with the work associated with the intent of this Milestone. As previously noted there is a definition provided for Building Enclosure is contained in Specification Section 015000 – Temporary Facilities And Controls which states the facility shall be considered enclosed when the permanent building is “essentially completed”.

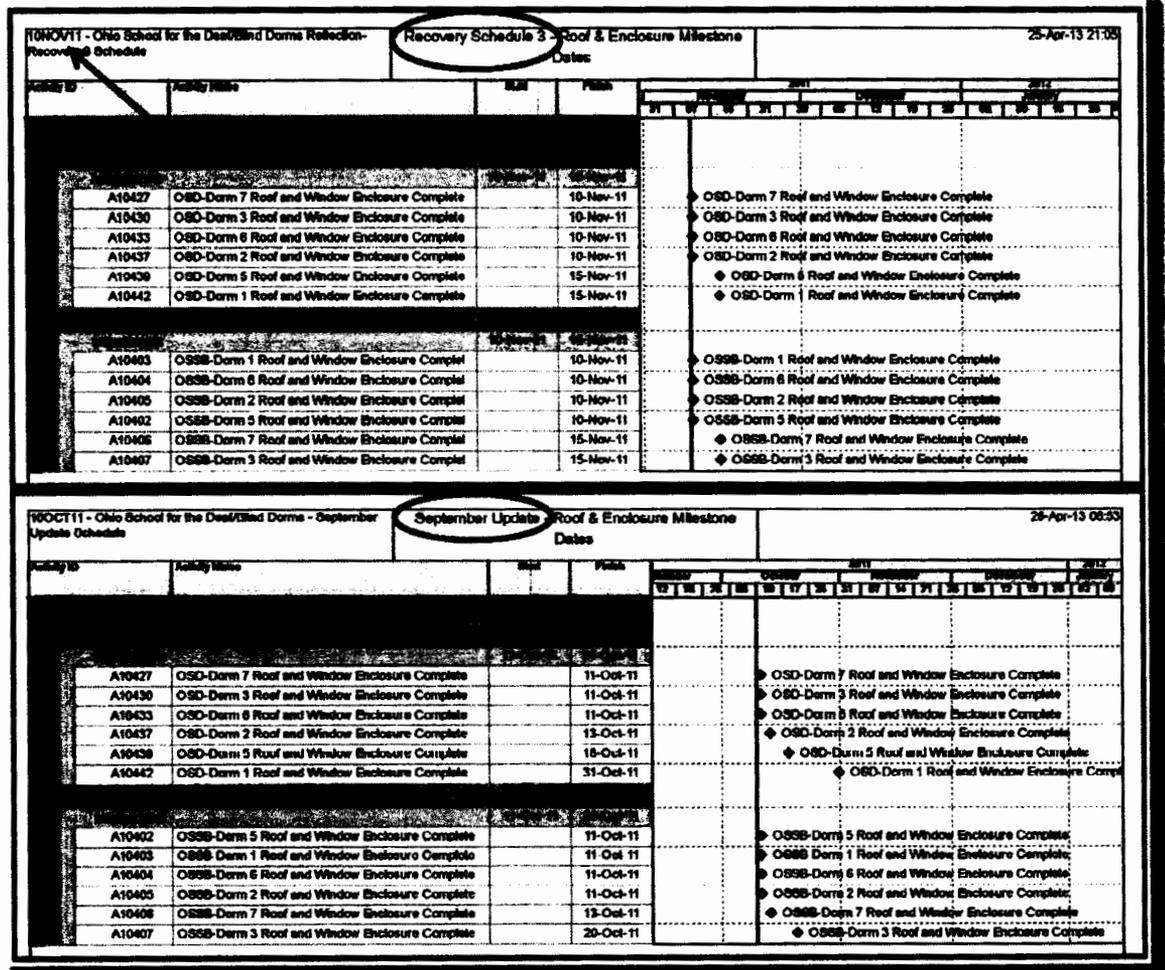
H. Temporary Heating / Cooling – After Building Enclosure

1. ~~The facility shall be considered enclosed when the permanent building shall be essentially completed with exterior openings, windows, and doors closed by permanent or temporary closures.~~
2. Temporary heating facilities shall have adequate capacity based upon the following:
 - a. When incorporating special materials into the construction, maintain space temperatures in strict accordance with the manufacturer’s instructions.
 - b. Maintain in heated area not less than 50 degrees Fahrenheit space temperature.
 - c. Maintain constantly in heated areas when the space temperature is once raised above 65 degrees Fahrenheit to prevent thermal shock to the structure.
 - d. Preheat materials in accordance with manufacturer’s instructions and accepted trade practice.

A review of photos taken on April 2012 clearly shows that the buildings remained in a less than 100% state of being enclosed.



A review of the Project Schedules looking purely at the Milestone activities referenced in the Lend Lease letter shows that the milestone activities start riding the data date in August 2011 through until February 2012.



However, in February 2012 all of the activities used as the basis of assessing liquidated damages to TransAmerica were retroactively adjusted back and given actual complete dates that preceded the notice letter sent on December 6, 2011.

10DEC11 - Ohio School for the Deaf/Blind Dorms Renovation - November Update		November Update - Roof & Enclosure Milestone Dates		26-Apr-13 09:48																					
Activity ID	Activity Name	Start	Finish	2011																					
				10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
A10403	OSSB-Dorm 1 Roof and Window Enclosure Complete		12-Dec-11																						
A10404	OSSB-Dorm 6 Roof and Window Enclosure Complete		12-Dec-11																						
A10405	OSSB-Dorm 2 Roof and Window Enclosure Complete		12-Dec-11																						
A10402	OSSB-Dorm 5 Roof and Window Enclosure Complete		12-Dec-11																						
A10406	OSSB-Dorm 7 Roof and Window Enclosure Complete		13-Dec-11																						
A10407	OSSB-Dorm 3 Roof and Window Enclosure Complete		13-Dec-11																						
A10427	OSD-Dorm 7 Roof and Window Enclosure Complete		12-Dec-11																						
A10430	OSD-Dorm 3 Roof and Window Enclosure Complete		12-Dec-11																						
A10433	OSD-Dorm 8 Roof and Window Enclosure Complete		12-Dec-11																						
A10437	OSD-Dorm 2 Roof and Window Enclosure Complete		12-Dec-11																						
A10439	OSD-Dorm 5 Roof and Window Enclosure Complete		13-Dec-11																						
A10442	OSD-Dorm 1 Roof and Window Enclosure Complete		13-Dec-11																						

10FEB12 - Ohio School for the Deaf/Blind Dorms Renovation - January Update		January 2012 Update - Roof & Enclosure Milestone Dates		26-Apr-13 09:52																														
Activity ID	Activity Name	Start	Finish	2012																														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
A10402	OSSB-Dorm 5 Roof and Window Enclosure Complete		09-Sep-11 A																															
A10403	OSSB-Dorm 1 Roof and Window Enclosure Complete		03-Oct-11 A																															
A10404	OSSB-Dorm 6 Roof and Window Enclosure Complete		31-Oct-11 A																															
A10405	OSSB-Dorm 2 Roof and Window Enclosure Complete		02-Nov-11 A																															
A10406	OSSB-Dorm 7 Roof and Window Enclosure Complete		10-Feb-12																															
A10407	OSSB-Dorm 3 Roof and Window Enclosure Complete		10-Feb-12																															
A10427	OSD-Dorm 7 Roof and Window Enclosure Complete		13-Sep-11 A																															
A10430	OSD-Dorm 3 Roof and Window Enclosure Complete		04-Oct-11 A																															
A10433	OSD-Dorm 8 Roof and Window Enclosure Complete		31-Oct-11 A																															
A10437	OSD-Dorm 2 Roof and Window Enclosure Complete		02-Nov-11 A																															
A10439	OSD-Dorm 5 Roof and Window Enclosure Complete		27-Dec-11 A																															
A10442	OSD-Dorm 1 Roof and Window Enclosure Complete		27-Dec-11 A																															

Based on a review of all the documents associated with this issue it is clear that Lend Lease took a very broad interpretation with the intent of the activities contained in the Project Schedule to provide them with the mechanism to get approval by the OSFC to assess liquidated damages against TransAmerica. The fact that the Project Schedule record was later manipulated to adjust backwards the official record the actual dates when Lend Lease stated that these milestones were achieved is proof that this issue was manufactured by Lend Lease. The motivation for this letter can be found in an e-mail between Lend Lease and the OSFC.

From: Keith, Clayton <Clayton.Keith@lendlease.com>
Sent: [REDACTED] 1:01 PM
To: Dowien, Madison
Cc: Josh Predovich; Smith, Jr., Jim
Subject: D&B TransAmerica

Madison

I have had several conversations with Transamerica regarding the roofing issues. To date they still do not know when the 2 roofers from their sub are going to show. As they put it in the meeting it is a bonus when they are there. The one guy that they were using had appendicitis last week and is not back yet. The roofing manufacturer still has not been on site to let us know if the rubber roof will be warranted. We have sent a previous 96 hour notification to them regarding roofing.

I have two questions for you:

1. [REDACTED]
2. Is there an avenue on this project to supplement the roofing work. Remember that we do not have a district to issue a PO. If we do urgent necessity or bid we will lose too much time.

Let me know your thoughts

Clayton Keith | Sr. Project Manager | Project Management & Construction | Lend Lease
Ohio State School for the Blind and Ohio School for the Deaf
502 Morse Road, Columbus, OH 43214
T 614 732 5275 | F 614 732 5295 | M 614 374 4857
clayton.keith@lendlease.com | www.lendlease.com

♻️ Please consider the environment before printing this e-mail.

Lend Lease wanted to “really get their attention.” They were frustrated with the delay in resolution with an outstanding “administrative” roofing warranty issue and wanted more effort from TransAmerica on drywall activities within certain buildings.

There is no question that TransAmerica did struggle with their roofing subcontractor. However, TransAmerica worked diligently with all the Prime Contractors on site to ensure that the struggles they were having with a subcontractor did not impact the follow on work activities in each building. The Project Schedule and weekly documentation clearly shows this to be the case.

d. Poor Architect/Construction Manager Oversight & Management

Contained within the SHP agreement are descriptions of services that SHP was to perform or assist the Construction Manager in performing. The successful implementation of the services defined in their agreement provides the cornerstone for the Project Team (Owner, Architect and Construction Manager) to successfully deliver a Project. A phase by phase review of the categories of services within the SHP agreement juxtaposed against the Project results provides a list of services that SHP did not meet the intent of the agreement.

Timeliness: Standard of Care (1.1.3)	Unsuccessful
Government Regulation (2.1.2)	Unsuccessful
SD Phase Preliminary Cost Estimates (2.3.5)	Unsuccessful
DD Phase Cost Estimate (2.4.3)	Unsuccessful
CD Phase Drawings & Specifications (2.5.1)	Unsuccessful
CD Phase Revisions to Cost Estimate (2.5.2)	Unsuccessful
CD Phase Governmental Approvals (2.5.4)	Unsuccessful
CD Phase Labor Recommendations (2.5.6)	Unsuccessful
Bidding Phase Over Budget Options (2.6.7)	Unsuccessful
Construction Phase Interpretations (2.7.2)	Unsuccessful
Construction Phase Site Visits/Inspections (2.7.4)	Unsuccessful
Construction Phase Submittal Review (2.7.9)	Unsuccessful
Construction Phase Bulletins; Change Orders (2.7.10)	Unsuccessful
Construction Phase Project Costs (2.7.11)	Unsuccessful
Construction Phase Partial Occupancy (2.7.13)	Unsuccessful
Construction Phase Contract Closeout (2.7.14)	Unsuccessful
Construction Phase Contractor Claims (2.7.15)	Unsuccessful

Contained within the Lend Lease agreement are descriptions of services that Lend Lease was to perform or assist the Architect in performing. The successful implementation of the services defined in their agreement provides the cornerstone for the Project Team (Owner, Architect and Construction Manager) to successfully deliver a Project. A phase by phase review of the categories of services within the Lend Lease agreement juxtaposed against the Project results provides a list of services that Lend Lease did not meet the intent of the agreement.

Timeliness: Standard of Care (1.1.3)	Unsuccessful
SD Phase Recommendations and Costs (2.3.2)	Unsuccessful
SD Phase Preliminary Cost Estimate (2.3.5)	Unsuccessful
DD Phase Cost Estimate and Project Schedule (2.4.3)	Unsuccessful
CD Phase Cost Estimate and Project Schedule (2.5.2)	Unsuccessful
CD Phase Governmental Approval (2.5.4)	Unsuccessful
Bidding Phase Obtaining Bids (2.6.1)	Unsuccessful
Bidding Phase Over Budget Options (2.6.8)	Unsuccessful
Bidding Phase Further Revisions to Cost/Schedule (2.6.9)	Unsuccessful
Construction Phase Duties Generally (2.7.2)	Unsuccessful
Construction Phase Inspections (2.7.4)	Unsuccessful
Construction Phase Progress and Records (2.7.5)	Unsuccessful
Construction Phase Construction Schedule (2.7.6)	Unsuccessful
Construction Phase Partial Occupancy (2.7.13)	Unsuccessful
Construction Phase Contract Closeout (2.7.14)	Unsuccessful
Construction Phase Contractor Claims (2.7.15)	Unsuccessful

The poor record on the performance of SHP, their consultants, and Lend Lease is significant. The Project was fraught with problems from the very outset. SHP and Lend Lease had ample opportunities to recommend to the OSFC that the Project needed to stop so that all aspects of the Project could be recalibrated. Instead of stopping the Project, SHP and Lend Lease chose to forge on and downplay the significance of the ever mounting design, bidding, budget, permitting, communication, schedule, quality and claim issues that the Project faced. The result is a Project that failed virtually all industry measurements for a successful job:

- | | |
|---|--------|
| • Responsible, buildable design | Failed |
| • Coordinated drawings and specifications | Failed |
| • Met the established budget requirements | Failed |
| • On time delivery of the Project | Failed |
| • Quality Control | Failed |
| • Zero claims | Failed |

Aside from the initial e-mail from Lend Lease warning the OSFC that moving forward without plan approval there is no information provided to date that demonstrates Lend Lease ever recommended to the OSFC that it suspend construction to adequately address the ever mounting problems on the Project. While admittedly a drastic measure with significant consequences, it is my belief Lend Lease should have recommended that construction be suspended until these issues were fully addressed instead of having TA work through them at a considerable cost.

e. Campus-wide Bid Package Delays

The Project Team understood that in order for the dormitories to be fully functional and receive a certificate of occupancy from the State of Ohio, certain Campus-wide Bid Packages needed to be awarded to support the construction activities of the dormitory Prime Contractors. These Campus-wide Bid Packages included:

Future Campus Wide Bid Packages



The Following Campus Wide Bid Packages to Bid at a Later Date:

- BP/Contract 030CW – Campus Wide Casework
- BP/Contract 031CW – Campus Wide Controls
- BP/Contract 032CW – Campus Wide Technology/Security/Fire Alarm
- BP/Contract 033CW – Campus Wide Kitchen Equipment
- BP/Contract 034CW – Campus Wide Landscape

All of these Bid Packages were integral components to the proper coordination of work activities in the dormitories. The dormitories could not be occupied without certain Life Safety Systems being designed, permitted, bid, awarded and installed. The Project Team knew these critical scopes of work were not designed and therefore would delay the dormitory contractors.

As work began on the dormitories, the Campus-wide Bid Packages were stalled due to contract negotiations between the OSFC and SHP. Below are notes taken from a May 19, 2011 Core & Executive Core Team Meeting (page 4).

Josh discussed the three potential packages that will be going out that will affect the academics.

CAMPUS WIDE SCHEDULE

These packages have been impacted due to delays in construction. This is delaying the design to July 1st. Redesigning was planned to be 4 weeks and we are now we are looking at 6 weeks of redesigning. *Due to ADDITIONAL TIME REQUESTED BY SHP*

Bid: May 27th to August 11th

NTP: July 5th to Sept 15th

Construction Start: Sept 26th to December 8th

Handwritten notes:
- HAVE
- BUREAU
- FROM
- PRIDE TO THE 1ST DORM COMPLETION DATE
- COMPLETION
- FROM ISSUES

OSD had no idea as to how to resolve this situation, and currently we don't have an answer. Josh noted that the potential of moving forward with underground conduit with one of the contractors currently on site will somehow expedite construction. However, drawings still need to be finished.

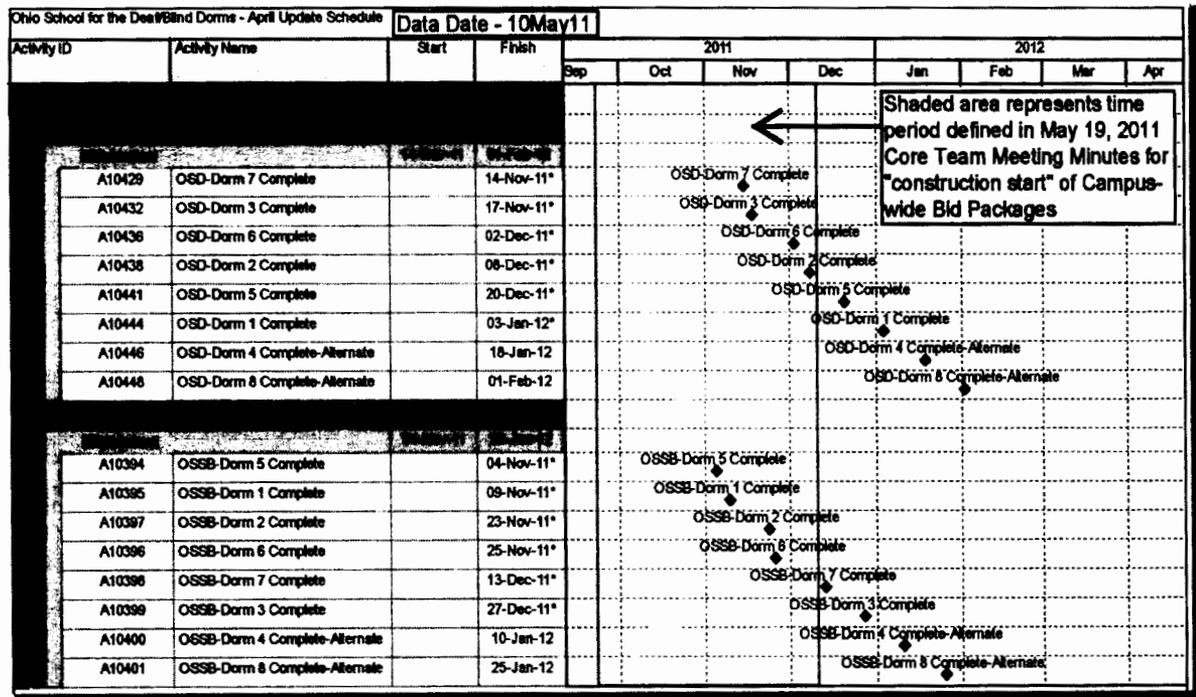
Scott asked if the team evaluated the cost of having the dorms sitting vacant. Clay noted LL had this discussion with SHP. OSSB site is in better situation than OSD due to the proximity of the dorm area to the academic buildings. There are 32 fiber ducts that need to run to the HS area at OSD; estimated cost is over \$100,000.

The Project Schedules being updated by Lend Lease did not show any of these design, plans examination & permitting, procurement, submittal/shop drawing, material delivery, and installation activities for these critical components. This work was omitted from the dormitory schedules and therefore the Prime Contractors had no visibility on the status of this work and when these essential Contractors would arrive on site. It is important to note that per the meeting minutes the construction start of these critical Campus-wide Bid Packages was between September 26, 2011 and December 8, 2011.

A review of the Project Schedule with a data date of May 10, 2011 shows that the Lend Lease schedule was predicting eight (8) of the dorms would be completed during this September to December period that the Project Team anticipated having construction start on site for the Campus-wide Bid Packages. What the Project Team failed to recognize was the absolute chaos these Bid Packages would be create for the existing dormitory Prime Contractors by inserting this work so late in the process.

The failure of Lend Lease to have a fully integrated, complete, and logical schedule allowed this situation to fester for months without the appropriate attention being focused on getting this work under contract and having these new Contractors begin the coordination process with the Project Team and the dormitory Prime Contractors. The resulting chaos, damage to

finished work, stacking of trades, inefficiency, and coordination problems were entirely predictable. Note that dormitories OSSB and OSD #4 and #8 continue to be shown on the Project Schedule.



In late May 2011, Lend Lease began to understand the critical importance of getting the casework Campus-wide Bid Package work awarded. But no information was inserted into the Project Schedule so a true assessment of the impact could be understood and planned for by the Project Team.

From: Keith, Clayton
To: Dowlen, Madison
CC: Swartzmiller, Jim; Kirangitis, Karin
Sent: 5/23/2011 9:24:55 AM
Subject: OSDB Questions

Madison

I have a couple questions I would like you to run by Jerry Kasai to get confirmation and/or direction on how to proceed.

1. Change orders – Per specification section General Conditions 7.6 it does not make a determination between added costs or credits. We have deductive change orders for the project and I am pushing to get at least the profit and bond extension credited. I also feel that depending on the situation there would be overhead credit. The specific issue is deleting the type 1 kitchen hoods at all dorm buildings and replacing them with residential style hoods. The material credit is approximately \$50,000. I understand the contractor did submittals but there should also be a portion of the overhead that can be credited. Is there precedents set on this issue from previous projects?
2. We are in a very urgent situation with the casework portion of the dorms projects. This was originally supposed to bid as part of a campus wide bid that has now been delayed. The casework for the dorms will have a direct impact on the completion of this project and could cause delay claims. Is it possible to declare urgent necessity and get three proposals for the work and make a deal with the General Trades contractor to do the work via change order?

Let me know what Jerry thinks on these two issues.

Thanks

Clay

While this drama was playing out behind the scenes, Lend Lease continued to push the Prime Contractors to stay on the published schedules knowing full well that the Campus-wide Bid Packages would cause schedule and coordination impacts once awarded. Lend Lease was demanding more manpower from TransAmerica and TransAmerica was complying. TransAmerica continued to request additional time due to SHP delays. Lend Lease was unwilling to grant such time extensions all the while knowing that future delays and impacts were on the horizon.

Joshua L. Predovich

From: Keith, Clayton <Clayton.Keith@lendlease.com>
Sent: Wednesday, June 01, 2011 4:02 PM
To: 'jpredovich@shp.com'
Cc: Kirilanglis, Karin; Smith, Jr., Jim
Subject: Re: OSD&B, Insulation - Old Discussion

Josh

If you can not get dates from Scott and Cynthia I will walk over tomorrow and find them to get availability. We have had all colors in except the Rockcast for a while now and we got the Rockcast a couple weeks ago. I am not willing to give TA ~~more time to get the schedule back. We had the schedule ready by Monday this morning and they are requesting that the schedule be moved back 30 days or so. We did grant everyone the 14 days they are requesting to get the schedule back.~~

We need roofing colors this week.

Clayton Keith
Sr. Project Manager
Bovis Lend Lease

The bids were finally received for the Campus-wide Bid Packages but they could not be awarded because SHP had not submitted the design documents to the State of Ohio for plans examination and permitting.

-----Original Message-----

From: Keith, Clayton
Sent: Wednesday, September 21, 2011 8:29 AM
To: 'jcdickinson@earthlink.net'
Subject: RE: OSD/OSSB

John

How are you doing? When are you coming in town, or do we have to go to New York to talk to you about future projects? I think you have abandoned us!

Here is the Power Point from the latest Core Team Meeting that happened on the 15th.

As far as a bid date, your guess is as good as mine. We reviewed the pricing for the Blind School and it came in well. We are reviewing Deaf Friday. Problem we have now is that the plans were never submitted for permit and the state has a rule to at least have the first construction taking in hand before we advertise. SHP is now taking a position that they are not submitting to the state for permit until estimates are complete and they are sure that we are in range with the estimate to bid. State review is 4 to 6 weeks!

Clayton Keith | Sr. Project Manager | Project Management & Construction | Lend Lease Ohio
State School for the Blind and Ohio School for the Deaf
502 Morse Road, Columbus, OH 43214
T 614 732 5275 | F 614 732 5295 | M 614 374 4857 clayton.keith@lendlease.com |
www.lendlease.com

These Campus-wide Bid Packages were finally awarded. Work commenced for the various Contractors associated with the Campus-wide Bid Packages in spaces/buildings that were substantially complete. TransAmerica provided yet another notice letter of delays and impacts as a result of the Campus-wide Bid Packages, and other items.

Ohio School for the Deaf & Ohio School for the Blind

January 6, 2011

← January 2012

Clay Keith
Project Manager
Berkus Lend Lease, Inc.
Ohio State School for the Blind and Ohio State School for the Deaf
503 Morse Rd, Columbus OH 43214
T: 614.732.5275 | F: 614.732.5295
Clayton.Keith@berkuslenco.com

RE: PR35, Additional Weather Days, On-Going Delays to Finishes

Clay,
Please see the below and attached that outline TransAmerica's requests for contract adjustment. Regarding PR35, additional weather days, and on-going delays to finishes.

PR35 - Extended General Conditions:
Recovery Schedule 2 - 7 Day extension (4 Weather)
Recovery Schedule 3 - 10 Day extension
Total General Conditions Extension: 17 Days
Cost for 17 Days (See Breakdown attached) = 39,533.84

Additional Weather Days (Since April Recovery 2):
Per NOAA, there have been 22 Total Days above normal precipitation for attached NOAA Weather Data Summary.

This additional weather has impacted the exterior activities such as:

1. Insull Roofing
2. Exterior Masonry
3. Upper Casework Fiber Siding Trim
4. Casework Fiber Siding and Trim
5. Downspouts
6. Exterior Painting
7. Downspout Details

Impacts extend to successor activities to these activities.
Restrictions: Extension of time for impacted activities

Current Ongoing Delays:
1. Finishes - Lack of Controlled Air
2. Finishes - Lack of Casework

Un-Controlled Air - Impacting Flooring, Wood Trim, Final Paint, Wood Doors, Hardware

1. Currently flooring and subsequent activities cannot proceed due to a high moisture content and low slab temperatures, due to unconditioned air (warm return air, 100% outside air)
2. The slab needs room temp +/-, prior readings have been in the 50's Deg F

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~~Contractor's Responsibility for Damage to Work~~
The Contractor shall be responsible for the protection, maintenance and preservation of work in the following activities:

- a. Ceramic Tile
- b. Wood Trim
- c. Finish Paint
- d. Appliances
- e. Final Clean

2. Overall Extension = 39 Work Days (5 day week). =72,040.29
3. Additionally, TA needs more time than shown in this schedule. We will need the 1 day per activity on Elementary buildings, 2 days for final clean. We will need 2 days per High School Building per each activity. The Ceramic Tile, and Wood trim can occur consecutively, the finish paint and appliances can occur consecutively. Finish paint and final clean must occur after all other contractors are complete. Thus we will require 4 days per Elementary and 6 days per High School.
4. There may be additional costs for Re-work, Extending Punch, Additional Drywall Damage, etc. due to this work occurring much later than drywall punch.
5. Price does not include any mixing of flooring and casework operations. This MAY occur due to when the humidity problem is resolved and the duration for any potential resolution.

The resulting coordination problems, delays to TransAmerica's contracted work such as installation of flooring and painting, damage to finished work, and the development and continuation of an exhaustive punchlist process that pinned TransAmerica with fixing work which was largely damaged by others or face being backcharged by Lend Lease, resulted in hundreds of hours of unnecessary rework by TransAmerica for drywall and painting repairs defined in the Damages Section of this report.



f. Excessive Damage To TransAmerica's Finished Work

As previously noted in Section e. above, the lack of coordination, planning and scheduling the work by Lend Lease created an on-going pattern of work being completed, damaged, reworked, damaged again, torn out because new work just contracted for had to be installed, change order work being approved after work in given areas was substantially complete and an assortment of other coordination issues.

The ability of TransAmerica to monitor the damage being done to their work was impossible. The photos below give a sampling of some of the damage being done on a regular basis. The general response by Lend Lease when these issues were pointed out to them was to remind TransAmerica that they had a responsibility to protect their finished work from being damaged and that they should speak to the offending Contractor. Below is a sampling of photos that show the complete disregard for the finished work of TransAmerica.

