

Fiscal Specialist

Ohio Facilities Construction Commission
30 West Spring Street, 4th floor
Columbus, OH 43215
Direct: 614-995-7519
Main: 614-466-6290
ofcc.ohio.gov osfc.ohio.gov

karen.kirk@ofcc.ohio.gov

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

From: Keith, Clayton [mailto:Clayton.Keith@lendlease.com]
Sent: Thursday, August 21, 2014 11:45 AM
To: Kirk, Karen
Subject: Re: TA last payment

Karen

Is it possible to run a paid to date report on Transamerica and send to me so I can make 100% sure we are aligned?

Thanks

Clay

Sent from my iPhone

On Aug 21, 2014, at 8:50 AM, "Kirk, Karen" <karen.kirk@ofcc.ohio.gov> wrote:

> We only paid \$240,000 for LD release on pay app 17.

>

> -----Original Message-----

> From: Keith, Clayton [mailto:Clayton.Keith@lendlease.com]

> Sent: Thursday, August 21, 2014 8:45 AM

> To: Kirk, Karen

> Cc: Dowlen, Madison; Westerman, Matthew; Swartzmiller, Jim

> Subject: Re: TA last payment

>

> Karen

> Just to make sure. We made the \$107,000 payment for pay ap 17 and also the 240,000 LD release payment.

>

> Sent from my iPhone

>

> On Aug 21, 2014, at 8:20 AM, "Kirk, Karen" <karen.kirk@ofcc.ohio.gov> wrote:

>

>> Good Morning,

>>

>> I can confirm that Pay App #17 (LD Release) was the last payment made by OFCC to TA.

>>

>> Please let me know if you need any further information.

>>

>> Thank you,

>>
>> Karen Kirk
>> Fiscal Specialist
>>
>> Ohio Facilities Construction Commission
>> 30 West Spring Street, 4th floor
>> Columbus, OH 43215
>> Direct: 614-995-7519
>> Main: 614-466-6290
>> ofcc.ohio.gov osfc.ohio.gov
>>
>> karen.kirk@ofcc.ohio.gov
>>
>>
>>
>>
>> -----Original Message-----
>> From: Dowlen, Madison
>> Sent: Wednesday, August 20, 2014 10:10 AM
>> To: Keith, Clayton
>> Cc: Westerman, Matthew; Swartzmiller, Jim; Kirk, Karen
>> Subject: RE: TA last payment
>>
>> Clay,
>>
>> According to my records, I believe that was the last pay application paid. I am copying Karen to see if she can confirm.
>>
>> Thank you,
>>
>> Mr. Madison Dowlen, PMP
>> Project Manager
>>
>> Ohio Facilities Construction Commission
>> 30 West Spring Street, 4th floor
>> Columbus, OH 43215
>> Direct: 614-387-1268
>> Main: 614-466-6290
>> Mobile: 614-204-1748
>> ofcc.ohio.gov osfc.ohio.gov
>>
>> madison.dowlen@ofcc.ohio.gov
>>
>>
>>
>> -----Original Message-----
>> From: Keith, Clayton [mailto:Clayton.Keith@lendlease.com]
>> Sent: Wednesday, August 20, 2014 7:18 AM
>> To: Dowlen, Madison
>> Cc: Westerman, Matthew; Swartzmiller, Jim
>> Subject: TA last payment
>>

>> Madison

>> Could you please confirm that pay application 17 was the last executed and paid to TA. I know after that we released partial LD's that were being held in excess.

>> Thanks

>> Clay

>>

>> Sent from my iPhone

>>

>>

>> This email and any attachments are confidential and may also contain copyright material of the Lend Lease Group. If you are not the intended recipient, please notify us immediately and delete all copies of this message. You must not copy, use, disclose, distribute or rely on the information contained in it. Copying or use of this communication or information in it is strictly prohibited and may be unlawful. Contracts cannot be concluded with the Lend Lease Group nor service effected by email. None of the staff of the Lend Lease Group are authorised to enter into contracts on behalf of any member of the Lend Lease Group in this manner. The fact that this communication is in electronic form does not constitute our consent to conduct transactions by electronic means or to use or accept electronic records or electronic signatures. Confidentiality and legal privilege attached to this communication are not waived or lost by reason of mistaken delivery to you. Lend Lease does not guarantee that this email or the attachment(s) are unaffected by computer virus, corruption or other defects and accepts no liability for any damage caused by this email or its attachments due to viruses, interception, corruption or unauthorised access. Lend Lease Group may monitor email traffic data and also the content of email for the purposes of security and staff training. Please note that our servers may not be located in your country. A list of Lend Lease Group entities can be found here<<http://www.lendlease.com/OperatingEntities>>.

>

>

> This email and any attachments are confidential and may also contain copyright material of the Lend Lease Group. If you are not the intended recipient, please notify us immediately and delete all copies of this message. You must not copy, use, disclose, distribute or rely on the information contained in it. Copying or use of this communication or information in it is strictly prohibited and may be unlawful. Contracts cannot be concluded with the Lend Lease Group nor service effected by email. None of the staff of the Lend Lease Group are authorised to enter into contracts on behalf of any member of the Lend Lease Group in this manner. The fact that this communication is in electronic form does not constitute our consent to conduct transactions by electronic means or to use or accept electronic records or electronic signatures. Confidentiality and legal privilege attached to this communication are not waived or lost by reason of mistaken delivery to you. Lend Lease does not guarantee that this email or the attachment(s) are unaffected by computer virus, corruption or other defects and accepts no liability for any damage caused by this email or its attachments due to viruses, interception, corruption or unauthorised access. Lend Lease Group may monitor email traffic data and also the content of email for the purposes of security and staff training. Please note that our servers may not be located in your country. A list of Lend Lease Group entities can be found here<<http://www.lendlease.com/OperatingEntities>>.

>

>

This email and any attachments are confidential and may also contain copyright material of the Lend Lease Group. If you are not the intended recipient, please notify us immediately and delete all copies of this message. You must not copy, use, disclose, distribute or rely on the information contained in it. Copying or use of this communication or information in it is strictly prohibited and may be unlawful. Contracts cannot be concluded with the Lend Lease Group nor service effected by email. None of the staff of the Lend Lease Group are authorised to enter into contracts on behalf of any member of the Lend Lease Group in this manner. The fact that this communication is in electronic form does not constitute our consent to conduct transactions by electronic means or to use or accept electronic records or electronic signatures. Confidentiality and legal privilege attached to this communication are not waived or lost by reason of

mistaken delivery to you. Lend Lease does not guarantee that this email or the attachment(s) are unaffected by computer virus, corruption or other defects and accepts no liability for any damage caused by this email or its attachments due to viruses, interception, corruption or unauthorised access. Lend Lease Group may monitor email traffic data and also the content of email for the purposes of security and staff training. Please note that our servers may not be located in your country. A list of Lend Lease Group entities can be found here<<http://www.lendlease.com/OperatingEntities>>.

This email and any attachments are confidential and may also contain copyright material of the Lend Lease Group. If you are not the intended recipient, please notify us immediately and delete all copies of this message. You must not copy, use, disclose, distribute or rely on the information contained in it. Copying or use of this communication or information in it is strictly prohibited and may be unlawful. Contracts cannot be concluded with the Lend Lease Group nor service effected by email. None of the staff of the Lend Lease Group are authorised to enter into contracts on behalf of any member of the Lend Lease Group in this manner. The fact that this communication is in electronic form does not constitute our consent to conduct transactions by electronic means or to use or accept electronic records or electronic signatures. Confidentiality and legal privilege attached to this communication are not waived or lost by reason of mistaken delivery to you. Lend Lease does not guarantee that this email or the attachment(s) are unaffected by computer virus, corruption or other defects and accepts no liability for any damage caused by this email or its attachments due to viruses, interception, corruption or unauthorised access. Lend Lease Group may monitor email traffic data and also the content of email for the purposes of security and staff training. Please note that our servers may not be located in your country. A list of Lend Lease Group entities can be found here<<http://www.lendlease.com/OperatingEntities>>.



VAP-0003 Voucher Accounting Detail Report

Data Dictionary

Business Unit: SFC01

For the period of: Between Jan 1, 2010 and Aug 21, 2014

08/21/14 12:58 PM

PO ID	Voucher ID	Fund	Account	Project	Voucher Name	Account	Accounting Date	Voucher Payment Date	Voucher Date	Payment Amount	Voucher Amount	Voucher	Voucher Origin Descr	Voucher Source Descr	Voucher ID	Budget Date	Department	Program
000001532	00015199	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	04/04/2011	Apr 7, 2011 12:00:00 AM		\$50,659.07	\$50,659.07	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000001532	00015243	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	05/18/2011	May 20, 2011 12:00:00 AM		\$64,403.52	\$64,403.52	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000001532	00015379	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	06/15/2011	Jun 17, 2011 12:00:00 AM		\$208,710.54	\$208,710.54	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000001532	00015514	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	07/19/2011	Jul 20, 2011 12:00:00 AM		\$383,079.76	\$383,079.76	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000001532	00014183	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	08/12/2011	Aug 17, 2011 12:00:00 AM		\$376,060.92	\$376,060.92	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000001532	00014424	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	09/16/2011	Sep 21, 2011 12:00:00 AM		\$250,460.60	\$250,460.60	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000001532	00014667	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	10/26/2011	Oct 31, 2011 12:00:00 AM		\$200,294.42	\$200,294.42	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000001532	00014786	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	11/16/2011	Nov 21, 2011 12:00:00 AM		\$230,334.33	\$230,334.33	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000001532	00015138	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	12/23/2011	Dec 29, 2011 11:58:00 AM		\$242,246.53	\$242,246.53	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000002072	00015837	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	04/11/2012	Apr 16, 2012 12:00:00 AM		\$46,597.65	\$46,597.65	1	1	SFC School Facilities	Online	0000189331	11/30/2009	SFC100000	89858
000002072	00015935	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	04/20/2012	Apr 25, 2012 12:00:00 AM		\$31,246.03	\$31,246.03	1	1	SFC School Facilities	Online	0000189331	07/01/2011	SFC100000	89858
000002072	00016115	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	05/24/2012	May 30, 2012 12:00:00 AM		\$40,008.72	\$40,008.72	1	1	SFC School Facilities	Online	0000189331	07/01/2011	SFC100000	89858
000002072	00016116	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	05/24/2012	May 30, 2012 12:00:00 AM		\$237,257.44	\$237,257.44	1	1	SFC School Facilities	Online	0000189331	07/01/2011	SFC100000	89858
000002668	00018563	7032	SFC-08130		TRANSAMERICA BUILDING CO INC 571018	03/21/2013	May 24, 2013 12:00:00 AM		\$240,000.00	\$240,000.00	2	2	SFC School Facilities	Online	0000189331	11/30/2012	SFC100000	89858
Summary										\$3,361,558.52	\$3,361,558.52							

Business Unit: SFC01
Department:
Date Type: Voucher Payment Date
Date Range: Between Jan 1, 2010 and Aug 21, 2014
Voucher ID:
PO ID: 0000001532, 0000002072, 0000002668
Origin:
Vendor: TRANSAMERICA BUILDING CO INC-0000189331
Approval Status:
Match Status:
Fund:
ALI:
Program:
Account:
Grant:
Project:
Operating Unit:
Service Location:
Reporting:
Agency Use:
Budget Reference:
Capital or Non-Capital:

From: Keith, Clayton <Clayton.Keith@lendlease.com>
Sent: Tuesday, May 07, 2013 2:46 PM
To: Dowien, Madison
Cc: Westerman, Matthew; Swartzmiller, Jim
Subject: TA LD's remaining balance

Madison

Per our conversation here is a summary of TA payment status
Per Pay application 17 (Last payment)

Balance to finish - \$199,693.87 Per pay ap 17
Retainage held - \$ 80,542.95 Per pay ap 17
Remaining funds \$280,236.82

Deduct change orders unresolved \$330,896.76 From change order log
Close-out line item per PA 17 \$ 10,000.00 Per pay ap 17
Unused allowance funds \$ 6,227.00 Per pay ap 17
Amounts to be deducted \$347,123.76

Remaining funds \$280,236.82 (from above calculation)
Amounts to be deducted \$347,123.76 (from above calculation)
Delta (\$66,886.94)

Liquidated Damages overage \$240,000.00
Less deducts above remaining balance in contract (\$66,886.94)
Amount to be released \$173,113.06

If we release the entire \$240,000 we can debate the \$66,886.94 out of the remaining LD's that we would continue to hold that would total \$686,000

Please call with questions

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.

This email and any attachments are confidential and may also contain copyright material of the Lend Lease Group. If you are not the intended recipient, please notify us immediately and delete all copies of this message. You must not copy, use, disclose, distribute or rely on the information contained in it. Copying or use of this communication or information in it is strictly prohibited and may be unlawful. Contracts cannot be concluded with the Lend Lease Group nor service effected by email. None of the staff of the Lend Lease Group are authorised to enter into contracts on behalf of any member of the Lend Lease Group in this manner. The fact that this communication is in electronic form does not constitute our consent to conduct transactions by electronic means or to use or accept electronic records or electronic signatures. Confidentiality and legal privilege attached to this communication are not waived or lost by reason of mistaken delivery to you. Lend Lease does not guarantee that this email or the attachment(s) are unaffected by computer virus, corruption or other defects and accepts no liability for any damage caused by this email or its attachments due to viruses, interception, corruption or unauthorised access. Lend Lease Group may monitor email traffic data and also the content of email for the purposes of security and staff training. Please note that our servers may not be located in your country. A list of Lend Lease Group entities can be found on our [website](#).

From: Westerman, Matthew <Matt.Westerman@ofcc.ohio.gov>
Sent: Monday, May 20, 2013 7:23 AM
To: Keith, Clayton
Cc: Swartzmiller, Jim; Dowlen, Madison; Cothorn, Samantha; Josh Predovich
Subject: RE: TA LD Summary form

Clay,

I need a pay app for release of the 240,000 dollars of liquidated damages. Attach a letter on Lendlease letterhead attached to the pay app with an explanation that the incorrect amount was withheld.

Thanks,

Matt

From: Keith, Clayton [mailto:Clayton.Keith@lendlease.com]
Sent: Friday, May 17, 2013 1:56 PM
To: Westerman, Matt
Cc: Swartzmiller, Jim; Dowlen, Madison; Cothorn, Samantha; Josh Predovich
Subject: TA LD Summary form

Matt

Here is the original form used for LD withholding showing the total amount of LD's held per pay application 17 from TA. (Last pay application received). I have also included the revised withholding form releasing \$240,000 per the agreed discussions from the mediation.

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.

From: CHIScanAdmin@lendlease.com [mailto:CHIScanAdmin@lendlease.com]
Sent: Friday, May 17, 2013 2:44 PM
To: Keith, Clayton
Subject: Attached Image

This email and any attachments are confidential and may also contain copyright material of the Lend Lease Group. If you are not the intended recipient, please notify us immediately and delete all copies of this message. You must not copy, use, disclose, distribute or rely on the information contained in it. Copying or use of this communication or information in it is strictly prohibited and may be unlawful. Contracts cannot be concluded with the Lend Lease Group nor service effected by email. None of the staff of the Lend Lease Group are authorised to enter into contracts on behalf of any member of the Lend Lease Group in this manner. The fact that this communication is in electronic form does not constitute our consent to conduct transactions by

electronic means or to use or accept electronic records or electronic signatures. Confidentiality and legal privilege attached to this communication are not waived or lost by reason of mistaken delivery to you. Lend Lease does not guarantee that this email or the attachment(s) are unaffected by computer virus, corruption or other defects and accepts no liability for any damage caused by this email or its attachments due to viruses, interception, corruption or unauthorised access. Lend Lease Group may monitor email traffic data and also the content of email for the purposes of security and staff training. Please note that our servers may not be located in your country. A list of Lend Lease Group entities can be found on our [website](#).

From: Keith, Clayton <Clayton.Keith@lendlease.com>
Sent: Friday, May 17, 2013 1:56 PM
To: Westerman, Matthew
Cc: Swartzmiller, Jim; Dowlen, Madison; Cothorn, Samantha; Josh Predovich
Subject: TA LD Summary form
Attachments: 3780_001.pdf

Matt

Here is the original form used for LD withholding showing the total amount of LD's held per pay application 17 from TA. (Last pay application received). I have also included the revised withholding form releasing \$240,000 per the agreed discussions from the mediation.

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.

From: CHIScanAdmin@lendlease.com [mailto:CHIScanAdmin@lendlease.com]
Sent: Friday, May 17, 2013 2:44 PM
To: Keith, Clayton
Subject: Attached Image

This email and any attachments are confidential and may also contain copyright material of the Lend Lease Group. If you are not the intended recipient, please notify us immediately and delete all copies of this message. You must not copy, use, disclose, distribute or rely on the information contained in it. Copying or use of this communication or information in it is strictly prohibited and may be unlawful. Contracts cannot be concluded with the Lend Lease Group nor service effected by email. None of the staff of the Lend Lease Group are authorised to enter into contracts on behalf of any member of the Lend Lease Group in this manner. The fact that this communication is in electronic form does not constitute our consent to conduct transactions by electronic means or to use or accept electronic records or electronic signatures. Confidentiality and legal privilege attached to this communication are not waived or lost by reason of mistaken delivery to you. Lend Lease does not guarantee that this email or the attachment(s) are unaffected by computer virus, corruption or other defects and accepts no liability for any damage caused by this email or its attachments due to viruses, interception, corruption or unauthorised access. Lend Lease Group may monitor email traffic data and also the content of email for the purposes of security and staff training. Please note that our servers may not be located in your country. A list of Lend Lease Group entities can be found on our [website](#).



The Ohio School Facilities Commission
 10 West Broad Street
 14th Floor
 Columbus, Ohio 43215

Contractor Pay Application Summary

Project Name Ohio State School for the Blind and Ohio School for the Deaf
Bid Package # BP023R - Residential General Trades / TransAmerica Building Company, Inc.
Date 7/10/2012 (PA#17)

1	Original Contract Amount	\$	3,975,000.00	
2	Net Changes to Date	\$	241,406.73	
3	Current Contract Amount	\$	4,216,406.73	
4	Labor Completed to Date	\$	1,704,087.98	
5	Material Completed to Date	\$	2,182,003.90	
	Change Orders Complete to date	\$	211,163.93	
6	Total Work Completed to Date	\$	4,097,255.81	
7	Stored Material to Date	\$	113,408.88	
8	Less Retained to Date	\$	80,542.95	
9	Total Amount Due	\$	4,016,712.86	
10	Less Previous Payments	\$	(3,300,381.80)	Actual TA Pmnts to date: \$ 3,121,558.42
11	Less amount retained to cover tax	\$		
12	Less amount assessed for Liquidated Damages	\$	190,000.00	From bid package \$ 15,000.00
13	Less other amounts withheld	\$		
14	Current Due	\$	17,331.06	
15	Balance to complete	\$	199,693.87	

* OSFC approval required for the following contract adjustments:

1. Assessment of liquidated damages
2. Other amounts withheld

Ohio School Facilities Commission _____ Date _____

Comments:
 Amount held on liquidated damages based on building completion milestones not being met - all buildings incomplete.
 Purch lists not completed by Contractor for any of the buildings to date. Multiple items remaining after Contractor allotted time frame per schedule for completion.



The Ohio School Facilities Commission
 10 West Broad Street
 14th Floor
 Columbus, Ohio 43215

Contractor Pay Application Summary

Project Name Ohio State School for the Blind and Ohio School for the Deaf
Bid Package # BP023R - Residential General Trades / TransAmerica Building Company, Inc.
Date 7/10/2012 (PA#17)

1	Original Contract Amount	\$	3,975,000.00	
2	Net Changes to Date	\$	241,406.73	
3	Current Contract Amount	\$	4,216,406.73	
4	Labor Completed to Date	\$	1,704,087.98	
5	Material Completed to Date	\$	2,182,003.90	
	Change Orders Complete to date	\$	211,163.93	
6	Total Work Completed to Date	\$	4,097,255.81	
7	Stored Material to Date	\$	113,408.88	
8	Less Retained to Date	\$	80,542.95	
9	Total Amount Due	\$	4,016,712.86	
10	Less Previous Payments	\$	(3,009,381.80)	Actual TA Pmnts to date: \$ 3,121,558.42
11	Less amount retained to cover lien	\$		
12	Less amount assessed for liquidated Damages	\$	(300,000.00)	For a total of \$ 925,140.31
13	Less other amounts withheld	\$		
14	Current Due	\$	217,331.06	\$240,000 of LD's to be released due to incorrect withholding of 3,000 per day in lieu of 2,000 per day. 8 months of 30,000 is equal to the 240,000
15	Balance to complete	\$	199,693.87	

* OSFC approval required for the following contract adjustments:

1. Assessment of liquidated damages
2. Other amounts withheld

Ohio School Facilities Commission _____ Date _____

Comments:
 Release of Liquidated Damages inadvertently held at a rate of \$3,000 per day in lieu of \$2,000 per day. The result is a release of \$240,000 out of the \$925,000 held to date. Remaining Liquidated Damages that will continue to be held are in the total of \$686,000. L.D.'s held due to late Roof and Window enclosure dates and punch list completion dates not being met on signed off schedule per contract requirements.

From: Dowlen, Madison <Madison.Dowlen@ofcc.ohio.gov>
Sent: Thursday, May 23, 2013 3:37 PM
To: Westerman, Matthew; Keith, Clayton; Kirk, Karen
Cc: Cothorn, Samantha
Subject: RE: TransAmerica
Attachments: Transamerica LD Release.pdf

Thank you.

Mr. Madison Dowlen, PMP
Project Manager

Ohio Facilities Construction Commission
30 West Spring Street, 4th floor
Columbus, OH 43215
Direct: 614-387-1268
Main: 614-466-6290
Mobile: 614-204-1748
ofcc.ohio.gov osfc.ohio.gov

madison.dowlen@ofcc.ohio.gov

Please note our new address

From: Westerman, Matt
Sent: Thursday, May 23, 2013 3:12 PM
To: Keith, Clayton; Dowlen, Madison
Subject: FW: TransAmerica

fyi

From: Kirk, Karen
Sent: Thursday, May 23, 2013 2:48 PM
To: Westerman, Matt
Subject: TransAmerica

Hi Matt,

FYI, TransAmerica received their release of funds on 5/24/13. The Payment Inquiry is attached should you need it for anything in the future.

Thank you,

Karen Kirk
Fiscal Specialist

Ohio Facilities Construction Commission
30 West Spring Street, 4th floor
Columbus, OH 43215
Direct: 614-995-7519

Main: 614-466-6290
ofcc.ohio.gov osfc.ohio.gov

karen.kirk@ofcc.ohio.gov



Vouchers For a Payment

[Back To Payment Inquiry](#)

Bank Name: KEY BANK

Pymnt Ref ID: 0003095203

Bank Account #: 000002072

Accounting Date: 05/24/2013

Pay Cycle: EFTREG Seq Num: 1446

Payment Date: 05/24/2013

Vendor Name: TRANSAMERICA BUILDING CO INC

Days Outstanding:

Address: 2000 W HENDERSON RD STE 500

Payment Clear Date:

Reconcile Date:

COLUMBUS OH 43220 USA

Value Date: 05/24/2013

Payment Amount: 240,000.00 USD Payment Method: EFT

Description:

Business Unit	Voucher ID	Advice Seq	Advice Date	Invoice Number	Gross Paid Amount	Paid Amount	Currency	Discount Taken	Late Charge	Source
SFC01	00018553	1	05/21/2013	PA #17 LD Release	240,000.00	240,000.00	USD			Accounts Payable Vouchers



www.TAbuilding.com

Ohio School for the Deaf & Ohio School for the Blind

October 10, 2012

Lend Lease
Attn: Clay Keith
502 Morse Road
Columbus, OH 43214

SHP Leading Design
Attn: Josh Predovich
250 Civic Center Drive, Suite 200
Columbus, OH 4315

Ohio School Facilities Commission
Attn: Madison Dowlen
10 West Broad Street, Suite 1400
Columbus, OH 43215

Re: TransAmerica's Additional Cost and Delay Claim for the Ohio School for the Deaf and Ohio State School for the Blind – Residential Dorm Buildings Project

Project Team:

As you know from our prior correspondence, TransAmerica had hoped to have issued its Supplemented Certified Claim by 10-5-12. But due to family health issues for key members of its team, TransAmerica is still processing the necessary information to complete its claim. Accordingly, TA intends to submit its Supplemented Certified Claim shortly so that it can be reviewed and discussed at the upcoming meeting with the Commission, which we are working to schedule per Mike Madigan's Conversation with OSFC Counsel yesterday.

Also, with this letter, TransAmerica continues to provide notice that it disputes the deduct change orders that been unilaterally issued by Lend Lease. These change orders include any prior change orders not executed by TA; as well as the deduct change orders sent recently from 9-28-12 through 10-8-12, which include the following, (CO#38-CO#52, Listed Below). This letter shall serve as TA's notice of dispute, which shall be another component of its previously certified claims. TA again notes the on-going failure by the OSFC to allow TA an opportunity to remedy/cure any alleged deficiency as provided for in article 5.2. Additionally, the below deduct change orders relate to issues which TransAmerica has previously provided notice and are known items of dispute. TransAmerica strongly rejects these claims of responsibility for these back charges and will emphatically defend its rights and position.

1. CO#38 = -8,501.30
2. CO#39 = -13,514.38
3. CO#40 = -2,993.57
4. CO#41 = -3,046.45
5. CO#42 = -68,631.48
6. CO#43 = -79,000.00
7. CO#44 = -27355.26

2000 W. Henderson Rd. #500 • Columbus, OH • 43220 • (614) 457-8322 • (614) 457-2078 fax

OSFC007208



www.TAbuilding.com

8. CO#45 = -13,855.87
9. CO#46 = -544.01
10. CO#47 = -8,698.39
11. CO#48 = -444.63
12. CO#49 = -12,324.10
13. CO#50 = -15,546.83
14. CO#51 = -546.16
15. CO#52 = -1,711.00

Should you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Koniewich', written over a horizontal line.

William J. N. Koniewich, President

cc: Don Gregory
Mike Madigan
Brad Koniewich
Alan Starr
Josh Wilhelm

Ohio School for the Deaf & Ohio School for the Blind

February 17, 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

Per your conversation yesterday with Bill Koniewieh 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 subcontractors any changes to 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, unknown 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 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

2000 W. Henderson Rd. #500 • Columbus, OH • 43220 • (614) 457-8322 • (614) 457-2078 fax



TA002479

Ohio School for the Deaf & Ohio School for the Blind

February 23, 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

As required in the contract and as discussed in the Kick-Off meeting, I am re-issuing this notice originally sent February 17, 2011 via e-mail. 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 subcontractors any changes to 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, unknown 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 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

2000 W. Henderson Rd. #500 • Columbus, OH • 43220 • (614) 457-8322 • (614) 457-2078 fax



Bovis
Lend Lease

A Lend Lease Company

March 1, 2011

Joshua Wilhelm
Transamerica Building Co., Inc.
2000 W. Henderson Road, Suite #500
Columbus, Ohio 43220

RE: Ohio State School for the Blind & Ohio School for the Deaf
Revised Drawings for the OSDB Residential Dorms

Mr. Wilhelm

This letter is in response to your notification received originally on February 17, 2011 and updated and received a second time on February 23, 2011 regarding the revised drawings for the Ohio State School for the Blind and the Ohio School for the Deaf Residential Buildings Package. I have also included as an attachment to this letter a response from SHP Leading Design regarding your notification.

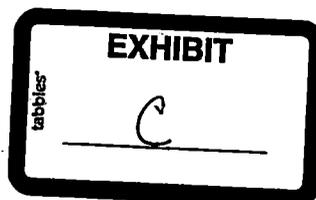
I must reiterate many contractual points that counter your claims in regards to the notification, with the first being that the Architect is not responsible or obligated to provide contractors updated or revised drawings to incorporate any addenda or RFI's associated with the project. SHP has committed to perform this additional service to help clarify questions that have come up regarding both the Addenda and post bid questions submitted by your company immediately after award of contract. These updated drawings, when received do not unconditionally expose the Owner to any additional costs, unless they can be identified and justified above and beyond the information provided on bid day. Additionally there are claims that the updated drawings are hindering your ability to execute the project per the approved contractors project schedule, again this would have to be justified above and beyond clarification of addenda and post bid RFI's that have been answered through verbiage by the architect.

Per specification section 8.1.2.1 it is noted that you are unable to anticipate costs at this time. Per documented RFI's the only items remaining that are not completely answered due to reference to the updated drawings are the following RFI's:

1. RFI #8 - Laundry room door casing - This is a clarification that could result in work being deducted or just clarification of installation, do not see a cost impact.
2. RFI #16 - Dimensions and control joint locations. This is also a clarification that is not adding scope to your work only clarifying locations.
3. RFI #21 - Sprinkler head shown in header. Noted in RFI response that sprinkler head will be removed. No cost impact to General Trades.

Bovis Lend Lease, Inc.
505 Morse Road
Columbus OH 43214

Telephone 614 732 6275
Facsimile 614 732 6295
www.bovislendlease.com



TA002404



Bovis
Lend Lease

A Lend Lease Company

4. RFI #22 – Item covered in addenda through verbiage. Updated drawings to assist in clarification, but scope should be covered in base bid.
5. RFI #31 – Updated drawing sets – Only cost impact would be for additional items added above and beyond addenda or RFI's, which is not the intent of these drawings.
6. RFI #48 – Frame wall at Kitchen Island. This wall was clarified in the RFI response as to location and type. Drawings for clarification only.
7. RFI #53 – Thermal break at exterior masonry wall and slab. This is also a clarification. Thermal break is shown, but modified in location.
8. RFI #59 – Column locations. Answered in RFI response that there will be 4 locations in lieu of 5. This could be a deduct in lieu of added cost.

It is also noted per specification 8.1.2.1 that the contract schedule should be adjusted and prompt issuance of the updated drawings would minimize the impact. Per the SHP letter the drawings will be available from Key Blueprint after 12:00 today, March 1, 2011. In regards to schedule adjustment mobilization is to commence today, March 1, 2011 and the first footer is not scheduled to start until March 22, 2011. Please explain or clarify how this is going to impact the schedule as it relates directly to your construction activities. If there are immediate submittal reviews that are needed to accommodate the schedule the project team will work with you to meet the dates needed.

Specification section 8.1.2.2. The disruption or concern is mitigated as of March 1, 2011 with the updated drawings available.

Specification section 8.1.2.3. TransAmerica is making assumptions that Additional changes, unknown changes, may cause other impacts. This cannot be considered as a potential claim. If there are additional changes associated with the updated drawings above and beyond the addenda items or RFI's noted then those issues need to be handled individually. TransAmerica has also noted that it could take up to two weeks to coordinate the updated drawings. Again, I will reference that these drawings are to incorporate addenda items that should have been coordinated at bid time and also RFI's as noted above with little to no impact to the project.

Specification section 8.1.2.4 states that duration is unknown. With the issuance of the updated drawings this is now clarified and must be evaluated immediately for any claims that have not been disputed as noted above.

Specification section 8.1.2.5 states to minimize the impact the suggestion is to adjust the contract schedule. As stated above the project team does not see where there has been an identified delay directly associated with the RFI responses that are associated with the items noted above or due to clarification of addenda that were issued prior to bid.

Bovis Lend Lease, Inc.
505 Morse Road
Columbus OH 43214

Telephone 614 732 6276
Facsimile 614 732 6295
www.bovislendlease.com



Bovis
Lend Lease

A Lend Lease Company

To bring closure to the notification received on February 17, 2011 and on February 23, 2011 the project team does not see any justification for costs or time extension to the current project schedule due to the updated drawings provided that they are available as noted on March 1, 2011. If there are additional changes above and beyond the items included in this response those items will have to be handled individually per the contract specifications with proper notification and documentation. Please consider this notification issue closed at this point in time. If TransAmerica disagrees with this response please issue written response to back up your dispute and the project team will take the proper measures in addressing your concerns.

Thank You

A handwritten signature in cursive script, appearing to read "Clayton Keith".

Clayton Keith
Senior Project Manager

cc: Robert Grinch, OSFC
Josh Predovlch, SHP
Jim Swartzmiller, Bovis Lend Lease
Karin Kiriangitis, Bovis Lend Lease
File

Encl: As Stated

Bovis Lend Lease, Inc.
505 Morse Road
Columbus OH 43214

Telephone 614 732 5276
Facsimile 614 732 5295
www.bovislendlease.com

TA002406



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 23rd, 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 of as response to RFI's. SHP feels that the issuance of this set will help to eliminate confusion; to that end, we are willing to complete this work at our cost.

I do appreciate the team's need to have this set issued as quickly as possible. With that in mind, the construction sets will be available for order from Key Blueprint on March 1st after 12pm; 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. Predovlch, Assoc. AIA, LEED AP

Cc: Andrew Maletz, SHP
file

www.shp.com	CHICAGO 400 N. Dearborn Street Suite 400 Chicago, IL 60610 312.381.2112 main 312.251.5121 fax	HAMILTON 225 High Street Hamilton, OH 45017 513.763.5441 main 513.852.5533 fax	COLUMBUS 280 Civic Center Drive Suite 200 Columbus, OH 43215 614.223.2124 main 614.223.2120 fax	DENVER 1675 Broadway Suite 1300 Denver, CO 80202 303.209.7856 main 303.209.7853 fax
-------------	---	--	---	---

Shelley Herring Rep. Inc.

Ohio School for the Deaf & Ohio School for the Blind

October 7, 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

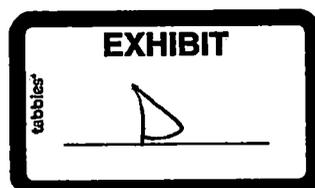
RE: Notice of Delay, All Buildings

8.1.1 - There have been and continue to be major changes in the scope, to which time is not being awarded / factored into the project schedule. Continuing with PR28 10-4-11, additional Carpentry work and Drywall work are again required prior to completion of the framing scope. This work is being added after the completion of contract work and is additional scope. Further, changes to the work are being added to punch list work, requiring TA to complete this work prior to proceeding; we are being told to proceed with these changes without the proper changes and often without proper drawings and from verbal direction. Completed and updated construction drawings have never been issued. We are also required to revise framing for the work of other Prime Contractors and the final inspections for MEP Prime Contractors are now pending the receipt of fire rated material in order to complete their work. An example for each trade: Revised Sprinkler drawings, Fire Rated Dampers, and Rated Caps for Lights. This work impacts all buildings and has been a steady drain to TA's manpower and considerable overtime spent to date.

8.1.2.1 - TA has properly requested time for changes associated with Pricing Requests; typically we are given direction to proceed ahead of final approval, however not on all parts. To date, TA has priced, re-priced, modified pricing and modified methods to meet the changing requirements. An Example of this is PR18; PR18 was issued originally on 7-22-11, and Reissued 8-9-11. PR28 an extension of the work of PR18 was issued 10-4-11, from a list of items in question from TA regarding PR18r starting 9-16-11. TA Priced PR18 & PR18r Four Times, on 8-22-11, 8-30-11, 9-21-11, and 9-27-11. Meanwhile work as directed in the field was being installed and re-worked as the design and information changed. These issues now span 55 working days and counting. TA is currently working on the pricing of PR28 (Issues from PR18r). To date, TA does not have final resolution of PR18 and several other Pricing Requests.

8.1.2.2 - The item with the largest impact has been the addition of Fire Rated wall systems, draft walls, Partitions, etc. This has impacted TA and the other Prime Contractors due to both the timing and the scope. Most of the framing work in buildings blind 5 and deaf 7 was nearing completion when this change was initiated. Fifty Five (55) Calendar working days later, the changes are still being issued. Also, the scope of this work required TA and TA's subs to modify work in place, add framing, rework framing and caused considerable amount of work to occur in the attic space, off the ground, working in and through the trusses and

2000 W. Henderson Rd. #500 • Columbus, OH • 43220 • (614) 457-8322 • (614) 457-2078 fax



TA001461

existing MEP piping and ductwork. It has also impacted scopes of work not originally anticipated. Lend Lease and TA had to revise the method for installing the Bulkheads to maintain a fire rated wall. This changed the sequence and added another un-anticipated step to the process of dry walling the corridor, completing the framing, and getting the MEP final inspections. Additionally, many places fire blocking (Not shown on any drawing or PR) has been added / required by the State inspector.

8.1.2.3 – The completion of framing and the MEP final inspections have been impacted; however the finish activities will need to be accelerated and may not be able to overcome the time already lost.

8.1.2.4 – TA will have to work multiple buildings concurrently, and work overtime. Contract dates will need to be revised (See attached estimates and schedule)

8.1.2.5 – Finalize all changes and resolve all open pricing & time. (See attached, Schedule)

Sincerely,


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

CERTIFICATION OF RECORD

I, William Koniewich, President of TransAmerica Building Company, Inc. ("TransAmerica"), certify that the attached document, the October 7, 2011 Article 8 Notice from TransAmerica, is a true and accurate copy of that notice as it appears in the project files for the Ohio School for the Deaf and Ohio State School for the Blind construction Project.



William Koniewich



VA

Ohio School for the Deaf & Ohio School for the Blind

February 7, 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

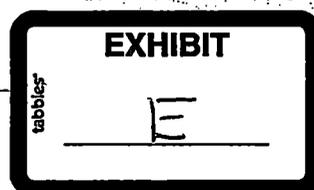
RE: Notice / Delays and Request for Extension of Time

With this letter, TransAmerica provides written notice of the significant delays currently being encountered regarding the environmental conditions of the buildings, including those relating to the conditions of the slabs. As you know, it is critical that these conditions be rectified so that our finish activities can proceed. TA also provides notice it will not be held responsible for liquidated damages as it is being delayed by these environmental conditions that greatly affect its ability to finish the project. The support for this notice and request of extension of time is provided below.

8.1.1 On January 27, 2012 TransAmerica had CPS Ohio, an independent testing agency on site to re-test / confirm prior conflicting results. PSI hired by Lend Lease obtained acceptable readings (Below 70% RH). Both our subcontractor (Spectra) and independent testing agency hired by TA (CPS Ohio) had high moisture, higher than the manufacturer's required relative humidity, and lower than required slab temperature (Typically 90 +/- % RH, 55-60 deg F.) TA had been advising in progress meeting since early December that there were likely to be issues with controlled conditions including temperature and humidity due to lack of return air and low temperature levels. Lend Lease responded in their January 17, 2012 letter that TA's claim was incorrect and cited their testing by PSI. However it has recently been determined by PSI (Bob Hiss) that Lend Lease requested a non-ASTM test from PSI, and a different testing protocol was used resulting in lower moisture readings. While the formal report is still pending, the testing by CPS Ohio which was witnessed by PSI, LL, and TA, indicated that the Deaf site slabs did in fact have a higher than recommended moisture content by any measure, which has prompted TA to submit this delay notice and request an extension of time. The results for the Blind site were mixed between the two test types (Rapid RH and Tramex). With the range being 89% RH to 79% RH. However, the Mannington VCT requires a 75% maximum RH. Spectra believes an alternate glue can get that to an allowable 85% RH, this determination is pending from the manufacturer. On January 27, 2012 it was determined further testing would be necessary and TA is currently seeking a determination on the testing the manufacturer will require and adhere to for warranty purposes. TA believes this is a result of non-controlled atmospheric conditions, not allowing the concrete to dry out. Currently return air is being turned on / enabled in these buildings. TA believes that this will improve the RH of these slabs and should be evident in subsequent testing. Currently LL has PSI retesting using the ASTM protocol (Set 1-27-12 pm).

8.1.2.1 TA will be impacted by extending our time on the project plus additional labor hours as further explained below. TA's general condition costs should follow the previous estimates, however the duration is not yet known due to the on-going nature of this delay. Currently, TA is pricing alternative remediation methods and has submitted an alternate adhesive product for carpet tile (Jan. 31, 2012). However, encapsulation may still be required at VCT areas at the Deaf site and potentially at the Blind site pending the manufacturer's and Architects input / determinations. Additionally, PSI (Lend Lease/Owner's Testing Agent) has tests set to be read today or tomorrow. If required by LL, overtime by the

2000 W. Henderson Rd. #500 • Columbus, OH • 43220 • (614) 457-8322 • (614) 457-2078 fax



LL044709



flooring contractor will be an additional cost. Depending on the solution, alternate materials and remediation will have additional costs, which may include increased labor costs due to slower, more deliberate installation requirements.

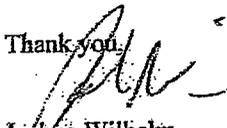
8.1.2.2 Lack of controlled conditions: Including constantly low interior temperatures and uncontrolled humidity levels (No return air, 100% outside air circulated in the buildings). Dates of Testing: Spectra Testing December 12, 2012, CPS Ohio Test 1 December 15, 2011; PSI Test 1 January 9, 2012, CPS Test 2, January 23, 2012 through January 27, 2012, PSI Test 2 January 27, 2012 through January 31, 2012 (Results unknown). It is TA's position that the high moisture content is result of the decision not to turn on the HVAC system / Return Air, which would reduce the moisture level in the buildings and help "dry" the slab out. Per the attached Mannington letter (2-6-12) there remain concerns regarding the moisture level of the slab. It is TA's position that the flooring should not proceed until the moisture levels come down to an acceptable level. If Lend/Lease & SHP disagree with TA's decision not to proceed, please provide written direction to proceed with the flooring despite concerns raised over the moisture content of the slabs. Furthermore, should the decision be made to install the floor TA and its flooring subcontractor will not be responsible should defects later arise due to this decision.

8.1.2.3 All flooring activities "VCT and Carpet" are impacted. Blind 5 and Deaf 7 proceeded under direction per the prior, errant PSI testing and have been completed. TA will not be responsible should this floor later experience problems caused by the adverse environmental conditions that TA believes has been and continues to be problematic. Flooring has been halted at all other buildings; B1, D3, B6, D6, B2, D2, B7, D5, B3, D1. TA has altered the finishes to make flooring last in order to proceed with as much work as possible.

8.1.2.4 TA anticipates extended duration on project for TA and all Other Primes. At a minimum, TA estimates the schedule will need to be extended at least another 30 days. TA reserves the right to adjust this extension request as additional information becomes available.

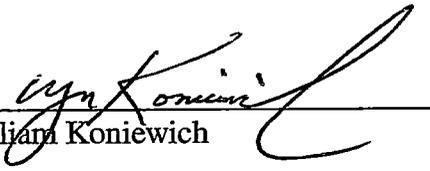
8.1.2.5 TA recommended that the owner / LL provide conditioned air and/or approve alternate materials where possible depending on manufacturer's requirements. Additionally, TA requests that its extension request be granted and that a realistic recovery schedule be issued that all of the prime contractors are in agreement with and can work towards. Should TA's extension request be denied or ignored, TA will be forced to constructively accelerate its activities, which further increases the cost impact for these delays.

Thank you,


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

CERTIFICATION OF RECORD

I, William Koniewich, President of TransAmerica Building Company, Inc. ("TransAmerica"), certify that the attached document, the February 7, 2012 Article 8 Notice from TransAmerica, is a true and accurate copy of that notice as it appears in the project files for the Ohio School for the Deaf and Ohio State School for the Blind construction Project.



William Koniewich

Madigan, Michael

From: Margie Welsheimer <Marjorie.Welsheimer@ohioattorneygeneral.gov>
Sent: Friday, January 17, 2014 4:53 PM
To: Madigan, Michael; William C. Becker
Cc: Jerry K. Kasai; Craig Barclay
Subject: TransAmerica v. OSFC - Counterclaim Report on Costs Incurred
Attachments: CMHMPC5503-25_Exchange_01-17-2014_11-43-52_1.pdf

Importance: High

Mike:

Attached please find the Report on Costs Incurred for OSFC's counterclaim in the above referenced litigation.

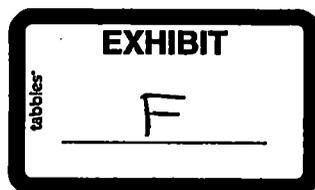
Please let me know if you have any questions.

Thank you,



Margie Welsheimer

Paralegal - Court of Claims Defense Section
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-7447
Direct Dial: 614-644-9356
Fax number: 866-757-7680
margie.w@ohioattorneygeneral.gov





Mathew L. Westerman
Senior Legal Counsel
Ohio Facilities Construction Commission
30 West Spring St., 4th Floor
Columbus, Ohio 43215

Confidential Information

Mr. Westerman,

This letter is in response to your request from the representative of the Attorney General's office for additional back up documentation regarding the issues that were incurred on the project that were the direct result or attributable to TransAmerica Building Company and resulted in additional costs to Lend Lease.

Specifically, this summary is limited in response to information regarding the recognized costs incurred on the Ohio State School for the Blind and Ohio School for the Deaf Residential Dorms Project by Lend Lease. Lend Lease incurred additional costs on the project as the direct result of the Project extending beyond the original completion date. Some of the areas where TransAmerica's failure to comply with the schedule or contract documents resulting in additional time being added to the project include, but are not limited to, the following items:

1. Contractual items removed from TransAmerica's contract and completed by others.
 - ✓ Flooring
 - ✓ Accessories
 - ✓ Door Hardware for storefront systems
2. Extremely large amounts of incomplete/incorrect work noted on the punch list.
 - ✓ See individual back punch done at each dorm building
3. Delay in completing the project.
 - ✓ TP Mechanical Claim
 - ✓ Vaughn Claim
4. Punch list items that were not completed by TransAmerica within the timelines and had to be coordinated and completed by others.
 - ✓ Outstanding items noted on each back punch for the dorm buildings

To assist in understanding the punch list scenario the following bullet points are added for clarification

- Per Recovery Schedule 3 it was suggested by TA to reduce punch list timeframes from 30 days per building to 10 days per building. This was agreed to by all contractors and incorporated into the schedule.
- Punch list submitted to all Contractors via email (See Table below)

	Lend Lease Issued Punchlist	Transamerica's Completion Date
B5	4/4/12	4/18/12
B1	5/2/12	5/18/12
B6	5/23/12	6/6/12

Lend Lease (US) Construction Inc.
111 West Rich Street
Suite 280
Columbus, OH 43215

Telephone 614 621 4148
Facsimile 614 621 4149

www.lendlease.com



B2	6/8/12	6/22/12
B7	6/22/12	7/6/12
B3	7/9/12	7/24/12

	Lend Lease Issued Punchlist	Transamerica's Completion Date
D7	4/24/12	5/8/12
D3	5/8/12	5/22/12
D6	6/7/12	6/21/12
D2	6/8/12	6/27/12
D5	7/2/12	7/19/12
D1	7/11/12	7/27/12

- Punchlist work completion and punchlist signoff by Contractor to be returned to Lend Lease within 10 days of punchlist issuance (See individual building back punch form)
- Building lock down and CM / Architectural back punch to be completed after 10 day period (per attached table above)
- Supplementation work was started due to multiple schedule delays, several incomplete punchlist items, lack of manpower and stacking of buildings (See change orders related to punch list with appropriate back-up from Contractors)

Lend Lease also incurred additional costs to our contract due to items noted above and those costs have been identified in the attached document.

Thank you

Clayton Keith

Cc: File
Madison Dowlen OFCC
William C Becker Attorney General

ITEM/ISSUE	Staff Impacted	Duration	Notes
Jutte Bankruptcy	Jim Swartzmiller - PX	X	Additional staff time to work with OSFC Chief Legal Counsel Jerry Kasai regarding the outcome of the Jutte bankruptcy. Attendance at bankruptcy court hearings in Toledo, OH, dealing with site specific delays regarding the lack of manpower and equipment needed to prosecute the work, working with Accurate Electric to provide supplementation to Jutte's workforce, working with and providing information to the receiver to salvage the project and minimize claims from other prime contractors, time for preparations and attendance for upcoming mediation, legal costs associated with production of e-mails for the duration of the dormitory project. All additional time and cost recoverable under article 3.1.8 of the CM Agreement.
	Clay Keith - SPM	X	
	Jim Smith - Sr. Supt.	X	
	Karin Kirlangitis - APM	X	
	Patrick Patillo - PE	X	
	Lisa LeMar - Admin	X	
	Steve Rice - Estimator	X	
TransAmerica	Jim Swartzmiller - PX	X	Additional staff time to work with TA through shop drawing submittal process, work with TA ever changing TA staff members through unprecedented field correction and coordination processes, work involved in the creation of several recovery schedules, helping under performing subcontractors coordinate work, vetting dozens upon dozens of ever changing TA employees through the specified BCI/FBI background checks and safety orientations, working to create and manage extremely excessive punchlist items, having to ultimately work to supplement TA when they were unable to complete the punchlists in a timely fashion, legal costs associated with production of e-mails and other documents, preparing for and participating in 2 mediations and time for preparation and participation in upcoming trial.
	Clay Keith - SPM	X	
	Jim Smith - Sr. Supt.	X	
	Karin Kirlangitis - APM	X	
	Patrick Patillo - PE	X	
	Lisa LeMar - Admin	X	
	Steve Rice - Estimator	X	
Project Budgetary Issues completed during the academic project schedule. Impacts to LL final Implementation Plan (Academic)	Jim Swartzmiller - PX	X	Additional staff time associated with extensive post-bid Value Engineering exercises to insure there were no cost overruns on the now 7 year old budget. Facilitated a significant project delay to carve out square footage to the academic buildings to reduce the area to fit the budget. Further need for post bid VE after bid and award of the academic buildings. All of the budget and schedule issues significantly impacted the final implementation plan agreed upon by OSFC and Lend Lease, several key personnel were required to be full time throughout the duration of the project in lieu of the anticipated (and agreed upon) percentages of time involvement. LL worked to limit the overall impact via the frugal use of resources to save wherever there was an opportunity.
	Clay Keith - SPM	X	
	Jim Smith - Sr. Supt.	X	
	Karin Kirlangitis - APM	X	
	Patrick Patillo - PE	X	
	Lisa LeMar - Admin	X	
	Steve Rice - Estimator	X	

Detailed Cost Summary

Actual Direct Personnel Expenses (DPE) Attributable to Delays vs.
Final Project Implementation Plan \$ 114,316.06

Total Costs \$ 114,316.06

Breakdown of Cost Exposure:

TransAmerica - 70% of total cost \$ 80,021.24

Jutte - 15% \$ 17,147.41

Academic Delay - 15% \$ 17,147.41

TOTAL COSTS COMPENSATED BY OFCC \$ **114,316.06**
(See attached Amendment 4)