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**From:** Westerman, Matthew <Matt.Westerman@ofcc.ohio.gov>  
**Sent:** Tuesday, November 11, 2014 9:59 AM  
**To:** Madigan, Michael  
**Subject:** RE: OSDB Dorm roofing Notification

Mike,

There is no replacement contractor. Most of the communications, if not all, with Mays Consulting were by me. I will look to see if there are any emails regarding the subject.

Matt

**Matthew L. Westerman**  
**Senior Legal Counsel**

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
ofcc.ohio.gov osfc.ohio.gov

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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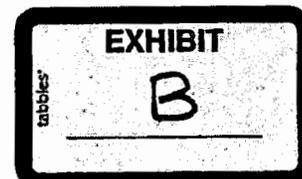
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**From:** Madigan, Michael [mailto:MMadigan@keglerbrown.com]  
**Sent:** Tuesday, November 11, 2014 9:14 AM  
**To:** Westerman, Matthew; Savors, Richard  
**Cc:** William C. Becker; Gregory, Don; Berg, Peter; Tackett, Tamara  
**Subject:** FW: OSDB Dorm roofing Notification

Matt and Rick:

With this email, I am again requesting the documents that TransAmerica requested back in August. At that time, you indicated there were no such documents (see below).

In particular, we want to see all correspondence (including emails) with any possible replacement contractor. We particularly want to review any document outlining the scope of work that was given to the replacement contractor, any corresponding quote, and the agreement between the OFCC and replacement contractor. Additionally, we want all correspondence exchanged (including emails) between the OFCC and Mays Consulting regarding this Project.



Unless I hear otherwise, I presume the documents subject to this request will be provided within a reasonable period of time.

Mike

**From:** Westerman, Matthew [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Wednesday, August 6, 2014 4:15 PM  
**To:** Josh Wilhelm; Keith, Clayton; Bill Koniewich  
**Cc:** Dowlen, Madison; Chris Simonson; Patrick Hayden ([hayden@osdb.oh.gov](mailto:hayden@osdb.oh.gov)); Josh Predovich ([jpredovich@shp.com](mailto:jpredovich@shp.com)); Swartzmiller, Jim; Madigan, Michael; Alan Starr; Brad Koniewich; Gregory, Don  
**Subject:** RE: OSDB Dorm roofing Notification

Josh,

As of right now there are no documents which would be considered responsive to your public records request. I will be talking to Mike Madigan in the morning.

Matt

**Matthew L. Westerman**  
Senior Legal Counsel

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
[ofcc.ohio.gov](http://ofcc.ohio.gov) [osfc.ohio.gov](http://osfc.ohio.gov)

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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---

**From:** Josh Wilhelm [<mailto:JWilhelm@tabuilding.com>]  
**Sent:** Wednesday, August 06, 2014 3:48 PM  
**To:** Keith, Clayton; Bill Koniewich  
**Cc:** Westerman, Matthew; Dowlen, Madison; Chris Simonson; Patrick Hayden ([hayden@osdb.oh.gov](mailto:hayden@osdb.oh.gov)); Josh Predovich ([jpredovich@shp.com](mailto:jpredovich@shp.com)); Swartzmiller, Jim; Madigan, Michael; Alan Starr; Brad Koniewich; Gregory, Don  
**Subject:** RE: OSDB Dorm roofing Notification

Clay:

In response to your 96 hour notice, TransAmerica is not in a position to provide a more detailed response until its counsel discusses this issue with counsel for the OFCC in light of the upcoming mediation scheduled for August 18<sup>th</sup>. To date, TransAmerica's counsel has not heard from Mr.

Westerman after inquiring on Friday (Aug. 1). With that said, TransAmerica believes nothing further should be done on the roof until after the August 18<sup>th</sup> mediation concludes.

If that is not an acceptable response and the OFCC intends to proceed with another contractor prior to the August 18<sup>th</sup> mediation, please consider this email a public records request for all correspondence (including emails) with any possible replacement contractor. We particularly want to review any document outlining the scope of work that was given to the replacement contractor, any corresponding quote, and the agreement between the OFCC and replacement contractor. Additionally, TransAmerica requests access as to when the replacement contractor will be onsite so that it can observe the work.

Joshua Wilhelm - PM  
TransAmerica Building Company, Inc.  
[jwilhelm@TAbuilding.com](mailto:jwilhelm@TAbuilding.com)

---

**From:** Keith, Clayton [<mailto:Clayton.Keith@lendlease.com>]  
**Sent:** Friday, August 01, 2014 10:19 AM  
**To:** Bill Koniewich; Josh Wilhelm  
**Cc:** Westerman, Matt ([Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov)); Madison Dowlen ([Madison.Dowlen@ofcc.ohio.gov](mailto:Madison.Dowlen@ofcc.ohio.gov)); Chris Simonson; Patrick Hayden ([hayden@osdb.oh.gov](mailto:hayden@osdb.oh.gov)); Josh Predovich ([jpredovich@shp.com](mailto:jpredovich@shp.com)); Swartzmiller, Jim  
**Subject:** OSDB Dorm roofing Notification

Bill and Josh

Please consider this email notification regarding the Defective/Non-conforming roofing work at the Ohio State School for the Blind and Ohio School for the Deaf Dorm project.

As was discussed at the last mediation session, the Owner has engaged with a third part consultant, Mays Roofing Consultants, to review existing conditions of the roofing installation for this project. Per the report and findings issued by Mays Roofing Consultants it has been confirmed that the existing roofing work is not in compliance with the plans and specifications and must be replaced.

This email is to serve as the required 96 hour notification that the Owner is moving forward with the roof replacements to correct the deficient work installed. TransAmerica has the opportunity, per contract, to correct the work per the Mays Recommendation. If TransAmerica intends to do this work, a firm commitment and plan of action with proposed schedule must be submitted to the Owner within 96 hours. If no response is received the Owner will move forward with the work at TransAmerica's expense.

Please notify us of your intentions by Thursday August 7, 2014 by 12:00 P.M.

Thank You

Clay Keith

**Clayton Keith | Senior Project Manager | Project Management & Construction | Lend Lease**  
250 Civic Center Drive, Suite 280, Columbus, Ohio 43215  
T 614 621 1374 | F 614 621 4149 | M 614 374 4857  
[clayton.keith@lendlease.com](mailto:clayton.keith@lendlease.com) | [www.lendlease.com](http://www.lendlease.com)

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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](#).



**MIKE DEWINE**

★ OHIO ATTORNEY GENERAL ★

Court of Claims Defense Section  
Office 614-466-7447  
Fax 614-644-9185

150 East Gay Street, 18<sup>th</sup> Floor  
Columbus, OH 43215  
[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)

January 15, 2015

Michael Madigan  
Kegler, Brown, Hill & Ritter  
65 East State Street, 18<sup>th</sup> Floor  
Columbus, OH 43215

*Via Email and Regular Mail*

Re: Deaf & Blind School Project  
Public Records Request

Dear Mike:

This is in response to the public records request you made to the Ohio Facilities Construction Commission on November 11, 2014, regarding the Deaf & Blind School Project. Please find attached documents bates stamped TA-PRR-000001 to TA-PRR-000040 in response to the public records request. This represents all documents responsive to your request.

Thank you for attention to this matter.

Sincerely yours,

Jerry K. Kasai  
Assistant Attorney General  
(614) 644-8551



**Westerman, Matthew**

---

**From:** Jim Mays <JMays@mces.com>  
**Sent:** Friday, November 07, 2014 1:57 PM  
**To:** Westerman, Matthew  
**Subject:** RE: OSSB & OSD  
**Attachments:** Mays Consulting Invoice # 201410002 - OSSB & OSD.PDF

**Importance:** High

Matt,

Attached is our invoice for the OSSB and OSD matter. Please process for payment.

Let me know if you have any questions.

Thanks,

Jim Mays  
Operations Manager  
Mays Consulting & Evaluation Services, Inc.  
Phone (740) 363-9511  
Fax (740) 363-3050  
[jmays@mces.com](mailto:jmays@mces.com)  
[www.mces.com](http://www.mces.com)

**From:** Westerman, Matthew [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Friday, October 10, 2014 8:59 AM  
**To:** Jim Mays  
**Cc:** Gary Mays  
**Subject:** RE: OSSB & OSD

Jim,

Submit the invoice to me and I will take it from there.

Matt

**Matthew L. Westerman**  
Senior Legal Counsel

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
[ofcc.ohio.gov](http://ofcc.ohio.gov) [osfc.ohio.gov](http://osfc.ohio.gov)

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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dissemination, distribution or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please notify us by telephone (614-466-6290), or by electronic mail ([matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)) and promptly destroy the original transmission. Thank you for your assistance.

**From:** Jim Mays [<mailto:JMays@mces.com>]  
**Sent:** Friday, October 10, 2014 8:58 AM  
**To:** Westerman, Matthew  
**Cc:** Gary Mays  
**Subject:** FW: OSSB & OSD  
**Importance:** High

Matt,

I would like to submit an invoice for our consulting services to date at OSSB and OSD. Total costs are about \$18,200. Please let me know what we need to do so I can submit an invoice.

Thanks,

Jim Mays  
Operations Manager  
Mays Consulting & Evaluation Services, Inc.  
Phone (740) 363-9511  
Fax (740) 363-3050  
[jmays@mces.com](mailto:jmays@mces.com)  
[www.mces.com](http://www.mces.com)

**From:** Jim Mays  
**Sent:** Thursday, August 14, 2014 9:10 AM  
**To:** Matt Westerman ([matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov))  
**Cc:** Gary Mays  
**Subject:** OSSB & OSD

Matt,

Per your request, attached is our proposal for the shingle roof replacement design and quote phase services at OSSB and OSD.

Also, I have finished tallying up our costs for consulting services provided to date and total is about \$18,200. We do not have any official agreement in place and I would like to get something going so we can submit an invoice. Please work on getting funding mechanism in place so we can submit our billing.

Please contact Gary Mays or myself if you have any questions.

Thanks,

Jim Mays  
Operations Manager  
Mays Consulting & Evaluation Services, Inc.  
Phone (740) 363-9511  
Fax (740) 363-3050  
[jmays@mces.com](mailto:jmays@mces.com)  
[www.mces.com](http://www.mces.com)



**Mays Consulting & Evaluation Services, Inc.**  
 PO Box 1020  
 Delaware, OH 43015  
 Phone 740-363-9511

**INVOICE**

Matt Westerman  
 Ohio Facilities Construction Commission  
 30 West Spring Street, 4th floor  
 Columbus, OH 43215

Invoice Date: November 07, 2014  
 Invoice No.: 201410002  
 Period: April - October  
 P.O. No.:  
 Terms: Net 15 Days

MAYS Project No.: OOH32-001  
 In Reference To: **Roof Consulting & Expert Witness Services**  
 Transamerica Building Company v. Ohio School Facilities Commission  
 Ohio Court of Claims Case No. 2013-00349  
 RE: Ohio State School for the Blind & Ohio School for the Deaf

		<u>Hrs/Rate</u>	<u>Amount</u>
<u>Senior Consultant / Professional Engineer</u>			
4/7/2014	GSM Conduct preliminary site visit to review project with CM, architect and owner personnel	2.00 130.00/hr	260.00
5/22/2014	GSM Conduct site visit to observe and document destructive test cuts	8.00 130.00/hr	1,040.00
5/27/2014	GSM Correspondence with Matt Westerman	1.00 130.00/hr	130.00
6/3/2014	GSM Prepare for and participate in conference call with Matt Westerman, Bill Becker, Jerry Kasai and Craig Barclay	2.00 130.00/hr	260.00
6/16/2014	GSM Conduct site visit to observe and document additional destructive test cuts	8.00 130.00/hr	1,040.00
6/17/2014	GSM Conduct site visit to observe and document additional destructive test cuts	8.00 130.00/hr	1,040.00
6/25/2014	GSM Review destructive testing photos and notes; review project documents	3.00 130.00/hr	390.00
6/26/2014	GSM Review project documents and code information for report	3.00 130.00/hr	390.00
6/27/2014	GSM Prepare summary of findings report and forward to Bill Becker	6.25 130.00/hr	812.50
7/1/2014	GSM Prepare roof investigation report	6.00 130.00/hr	780.00
7/3/2014	GSM Correspondence with Bill Becker; prepare revisions to summary of findings report and forward to Bill Becker; prepare roof investigation report and mediation presentation	9.00 130.00/hr	1,170.00
7/7/2014	GSM Correspondence with Bill Becker; prepare response to Mike Madigan questions	1.00 130.00/hr	130.00
7/10/2014	GSM Prepare for and attend mediation	7.00 175.00/hr	1,225.00
<b>SUBTOTAL:</b>		[ 64.25	8,667.50]
<u>Consultant</u>			
5/22/2014	AFR Conduct site visit to observe and document destructive test cuts	8.00 100.00/hr	800.00
6/2/2014	AFR Prepare preliminary remediation cost estimates	2.00 100.00/hr	200.00



**Mays Consulting & Evaluation Services, Inc.**  
 PO Box 1020  
 Delaware, OH 43015  
 Phone 740-363-9511

Ohio Facilities Construction Commission  
 MAYS Project No.: OOH32-001

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
6/3/2014 AFR Prepare preliminary remediation cost estimates; participate in conference call with state personnel	4.00 100.00/hr	400.00
6/11/2014 AFR Correspondence with all parties regarding arrangements and scheduling for additional test cuts	2.00 100.00/hr	200.00
6/16/2014 AFR Conduct site visit to observe and document additional destructive test cuts	8.00 100.00/hr	800.00
6/17/2014 AFR Conduct site visit to observe and document additional destructive test cuts	8.00 100.00/hr	800.00
6/30/2014 AFR Prepare roof investigation report	2.00 100.00/hr	200.00
7/2/2014 AFR Prepare roof investigation report	7.00 100.00/hr	700.00
7/3/2014 AFR Prepare roof investigation report	7.00 100.00/hr	700.00
<b>SUBTOTAL:</b>	[ 48.00	4,800.00]
<u>Administrative Assistant</u>		
7/3/2014 RRG Type/format roof investigation report	5.50 55.00/hr	302.50
7/6/2014 RRG Type/format roof investigation report; type/format mediation presentation	4.00 55.00/hr	220.00
7/7/2014 RRG Type/format roof investigation report; type/format mediation presentation; forward documents to AG personnel	2.00 55.00/hr	110.00
<b>SUBTOTAL:</b>	[ 11.50	632.50]
<b>Total professional services fees</b>	<b>123.75</b>	<b>\$14,100.00</b>
<b>Additional Charges :</b>		
Mileage		143.00
Parking/Tolls		7.00
Roofing Contractor (Test Cuts)		3,816.59
<b>Total costs</b>		<b>\$3,966.59</b>
<b>Total amount of this bill</b>		<b>\$18,066.59</b>

If you have any questions regarding this invoice, please contact accounts receivable at (740) 363-9511. Thank you for your prompt attention.

Federal Tax Identification Number:  
**31-1359732**



**Mays Consulting & Evaluation Services, Inc.**  
PO Box 1020  
Delaware, OH 43015  
Phone 740-363-9511

Ohio Facilities Construction Commission  
MAYS Project No.: OOH32-001

Page 3

Remit to:  
Mays Consulting & Evaluation Services Inc.  
PO Box 1020  
Delaware, Ohio 43015

**Westerman, Matthew**

---

**From:** Jim Mays <JMays@mces.com>  
**Sent:** Thursday, August 14, 2014 9:10 AM  
**To:** Westerman, Matthew  
**Cc:** Gary Mays  
**Subject:** OSSB & OSD  
**Attachments:** 2014-08-14 OSSB - OSD Roof Replacement.pdf

Matt,

Per your request, attached is our proposal for the shingle roof replacement design and quote phase services at OSSB and OSD.

Also, I have finished tallying up our costs for consulting services provided to date and total is about \$18,200. We do not have any official agreement in place and I would like to get something going so we can submit an invoice. Please work on getting funding mechanism in place so we can submit our billing.

Please contact Gary Mays or myself if you have any questions.

Thanks,

Jim Mays  
Operations Manager  
Mays Consulting & Evaluation Services, Inc.  
Phone (740) 363-9511  
Fax (740) 363-3050  
[jmays@mces.com](mailto:jmays@mces.com)  
[www.mces.com](http://www.mces.com)



# Mays Consulting & Evaluation Services, Inc.

A Professional Consulting & Evaluation Organization

August 14, 2014

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

Sent Via Email:  
matt.westerman@ofcc.ohio.gov

RE: Roof Replacement Professional Services Proposal – Design & Quote Phase  
Ohio State School for the Blind / Ohio School for the Deaf

Dear Mr. Westerman:

Mays Consulting & Evaluation Services, Inc. ("Consultant") is pleased to submit this proposal to provide Roof Replacement Professional Services (Design & Quote Phase) for the dormitory shingle roof areas at the Ohio State School for the Blind (OSSB) and Ohio School for the Deaf (OSD).

The intent of our proposal is to provide the specifications and construction drawings for the roof replacement of the existing shingle roof areas on each of the twelve (12) dormitory buildings located on the OSSB and OSD campuses. In addition, we will assist the Client in obtaining contractor quotes from select contractors. Our proposal is based on the following Scope and Cost of Services:

## SCOPE OF SERVICES

### A. Design Phase

1. Conduct site visits to obtain measurements and other information necessary for development of construction documents.
2. Based on the mutually agreed-upon schedule and construction budget requirements, the Consultant shall prepare, for approval by the Client, construction plans, specifications, and bid documents necessary for permitting and construction and setting forth in detail the requirements for the replacement of the roof system. Following approval by the Client, construction documents will be finalized and prepared for obtaining quotes from contractors.

Note: Construction documents will set up with "Base Quote" scope of work to include three (3) of the dormitory buildings with the worst roof leak conditions. In addition, an "Alternate Quote" scope of work will be provided for to obtain pricing for the remaining nine (9) dormitory buildings.

P.O. Box 1020 • Delaware, Ohio 43015 • (740)363-9511 • Fax (740)363-3050

E-Mail: [info@mces.com](mailto:info@mces.com)

[www.mces.com](http://www.mces.com)

TA-PRR-000007



**Roof Replacement Professional Services Proposal**  
Ohio State School for the Blind / Ohio School for the Deaf  
Dormitory Buildings - Shingle Roof Areas  
Page 2

**B. Quote Phase**

It is our understanding that due to urgent necessity normal competitive bidding processes are not being utilized and select contractors will be invited to submit quotes for the work. The Consultant, following the Client's approval of the construction documents, shall:

1. Assist the Client in identifying and inviting qualified contractors to submit quotes to perform the work.
2. Schedule and conduct a pre-quote meeting to familiarize contractors with the scope of work. Written minutes of the pre-quote meeting will be prepared and distributed.
3. Review and respond to contractor requests for information during the quote process.
4. Evaluate contractor quotes and qualifications and prepare summary of quotes letter to Client with contractor recommendation.

**COST OF SERVICES**

The cost of our services, including expenses, to complete the aforementioned services is estimated to not exceed **\$16,950.00**, as outlined below.

A. Design Phase Fee	\$ 11,500.00
B. Quote Phase Fee	\$ 5,200.00
Subtotal - Base Fees	\$ 16,700.00
*Document Reproduction Allowance	\$ 250.00
<b>Total Estimated Costs</b>	<b>\$ 16,950.00</b>

\*Document Reproduction Allowance = estimated costs for specification and drawing reproduction and distribution to contractors providing quotes.

Invoices will be submitted monthly and in proportion to services performed. Payment will be due and payable thirty (30) days from the date of the Consultant's invoice or per current State of Ohio payment guidelines.

It is our understanding that the Consultant will not be required to utilize OAKS for this project nor will the Consultant be subject to EDGE requirements. The terms and conditions on the following page(s) are part of this proposal.



**Roof Replacement Professional Services Proposal**  
Ohio State School for the Blind / Ohio School for the Deaf  
Dormitory Buildings - Shingle Roof Areas  
Page 3

Mays Consulting & Evaluation Services, Inc. appreciates the opportunity to submit this proposal, and we look forward to working with you on this project. If you would like to proceed, please have the appropriate party issue an appropriate agreement with our proposal included as reference.

If you have any questions, please contact Gary Mays or myself.

Best Regards,

Jim Mays  
Operations Manager  
Mays Consulting & Evaluation Services, Inc.  
PO Box 1020  
Delaware, Ohio 43015  
Phone: (740) 363-9511  
Email: [jmays@mces.com](mailto:jmays@mces.com)



**Roof Replacement Professional Services Proposal**  
**Ohio State School for the Blind / Ohio School for the Deaf**  
**Dormitory Buildings - Shingle Roof Areas**  
Page 4

**TERMS AND CONDITIONS**

- Scope of work changes requested by the Client and/or changes caused by unforeseen hidden conditions will be billed in addition.
- In providing services under this agreement the Consultant will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. The Consultant will perform its services as expeditiously as is consistent with professional skill and care and the orderly progress of Consultant's part of the Project. Regardless of any other term or condition of this Agreement, Consultant makes no express or implied warranty of any sort. All warranties, including warranty of merchantability or warranty of fitness for a particular purpose, are expressly disclaimed.
- For all construction projects, the Consultant shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Project, since these are solely the Contractor's rights and responsibilities. The Consultant shall not be responsible for the performance by the Architect and Construction Manager of the services required by the Architect's and Construction Manager's agreement with the Owner. The Consultant shall be responsible for the Consultant's negligent acts or omissions, but shall not have control over or charge of and shall not be responsible for acts or omissions of the Architect, Construction Manager, Contractor, Subcontractors, or their agents or employees, or of any other persons or entities performing portions of the Project.
- Notwithstanding any other provision to the contrary, and to the fullest extent permitted by law, neither the Client nor the Consultant shall be liable to the other for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or this Agreement. This mutual waiver of consequential damages shall include, but not be limited to, loss of use, loss of profit, loss of business or income or any other consequential damages that either party may have incurred from any cause of action whatsoever.
- The Consultant shall have no responsibility for the discovery, presence, handling, removal, disposal or exposure of persons to hazardous materials of any form including mold. The existing or constructed building may, as a result of post-construction, use, maintenance, operation or occupation, contain or be caused to contain mold substances which can present health hazards and result in bodily injury, property damage and/or necessary remedial measures and costs for which the Consultant shall have no responsibility.
- The Client agrees, to the fullest extent permitted by law, to indemnify and hold Consultant and its subcontractors harmless from and against any and all damage, losses or cost (including reasonable attorneys' fees and defense costs) caused in whole or in part by the Client's acts, errors or omissions and those of anyone for whom they are legally liable. Furthermore, the Consultant agrees, to the fullest extent permitted by law, to indemnify and hold Client and its subcontractors harmless from and against any and all damage, losses or cost caused in whole or in part by the Consultant's negligent acts, errors or omissions and those of anyone for whom they are legally liable.
- The Client agrees, to the fullest extent permitted by law, to limit the Consultant's total liability to the Client or anyone making claims through the Client, for any and all damages or claim expenses (including attorney's fees) arising out of this Agreement, from any and all causes, to the total amount of the Consultant's fee under this agreement.
- This agreement may be terminated upon ten (10) days written notice by either party should the other fail to perform their obligations hereunder. In the event of termination, the Client shall pay the Consultant for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.
- Any claim or dispute between the Client and the Consultant shall be submitted to non-binding mediation, subject to the parties agreeing to a mediator(s). If the Parties cannot agree upon a mediator the claim or dispute shall be submitted to the American Arbitration Association (AAA) for mediation in accordance with the Construction Arbitration and Mediation Rules of the AAA then in effect. Unless otherwise specified, the laws of the State of Ohio shall govern this agreement.
- All documents produced by the Consultant under this agreement, including electronic files, shall remain the property of the Consultant and may not be used by this Client for any other purpose without the written consent of the Consultant. Any such use or reuse shall be at the sole risk of Client who shall defend, indemnify and hold the Consultant and its subconsultants harmless from any and all claims and/or damages arising therefrom. Electronic files are not contract documents and cannot be relied upon as identical to contract documents because of changes or errors induced by translation, transmission, or alterations while under the control of others. Use of information contained in the electronic files is at the user's sole risk and without liability to the Consultant and its subconsultants.
- Execution of this agreement by the Client, issuance of a retainer, or issuance of a purchase order by Client, will constitute acceptance of the terms and condition of this agreement. Any additional terms or conditions stated in Client's purchase order, or other written communication accepting this agreement, or contained in any general or special conditions issued by Client, or by alteration by Client of this contract form, shall not be valid under any circumstances unless specifically adopted or approved by written response of Consultant. Failure to respond by Consultant shall be deemed a denial of any additional terms or conditions stated in Client's acceptance or counter-proposal of Client.

**Westerman, Matthew**

---

**From:** Gary Mays <GMays@mces.com>  
**Sent:** Thursday, June 12, 2014 2:10 PM  
**To:** Westerman, Matt; William C. Becker (william.becker@ohioattorneygeneral.gov)  
**Cc:** Andy Raile  
**Subject:** RE: T/A

Matt and Bill,

My cell number is listed below. In regards to start time the contractor should be there at 9:00 AM each of the three days. I recommend that you call me in advance of coming to the site as this work is weather dependent.

Best regards,

*Gary S. Mays*  
President/Professional Roof Consultant  
Mays Consulting & Evaluation Services, Inc.  
(740) 363-9511 Ph.  
(740) 272-3290 Cell  
(740) 363-3050 Fax

**From:** Westerman, Matt [mailto:Matt.Westerman@ofcc.ohio.gov]  
**Sent:** Thursday, June 12, 2014 8:23 AM  
**To:** Gary Mays  
**Subject:** FW: T/A

FYI, can you provide this information?

**Matthew L. Westerman**  
Senior Legal Counsel

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
ofcc.ohio.gov osfc.ohio.gov

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [mailto:william.becker@ohioattorneygeneral.gov]  
**Sent:** Thursday, June 12, 2014 8:18 AM  
**To:** Westerman, Matt

**Cc:** Craig Barclay; Jerry K. Kasai; Margie Welsheimer  
**Subject:** Re: T/A

Thanks Matt. I'd like to stop by 1st thing Tues. Do any advance arrangements need to be made? Can you get Gary's start time and cell.

William C. Becker  
Ohio Attorney General's Office  
Phone: 614.466.7447

\*Sent from my wireless BlackBerry

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Thursday, June 12, 2014 08:07 AM  
**To:** William C. Becker; Craig Barclay; Jerry K. Kasai  
**Subject:** FW: T/A

FYI, see below

**Matthew L. Westerman**  
Senior Legal Counsel

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
[ofcc.ohio.gov](http://ofcc.ohio.gov) [osfc.ohio.gov](http://osfc.ohio.gov)

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** Gary Mays [<mailto:GMays@mces.com>]  
**Sent:** Wednesday, June 11, 2014 4:46 PM  
**To:** Westerman, Matt  
**Cc:** Andy Raile  
**Subject:** RE: T/A

Matt,

We have coordinated with Chris Simonson, Buildings Maintenance Superintendent OSSB/OSD to perform the additional test cuts. We have scheduled to be on site Monday June 16<sup>th</sup>, Tuesday June 17 and Friday June 20 if needed. We will start at 9am on Monday at Building #7 OSSB. In addition we will review the interior insulation at Building #2 where we previously performed the test cuts at OSSB. At the OSD campus we will perform test cuts on Buildings #3 and #5.

Please notify all required parties of this schedule.

Best regards,

*Gary S. Mays*

President/Professional Roof Consultant  
Mays Consulting & Evaluation Services, Inc.  
(740) 363-9511 Ph.  
(740) 272-3290 Cell  
(740) 363-3050 Fax

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Tuesday, June 10, 2014 11:27 AM  
**To:** Gary Mays  
**Subject:** FW: T/A

Lets see if you can get a contractor to do this on June 20<sup>th</sup>., see below., thanks

**Matthew L. Westerman**  
Senior Legal Counsel

Ohio Facilities Construction Commission  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
[ofcc.ohio.gov](http://ofcc.ohio.gov) [osfc.ohio.gov](http://osfc.ohio.gov)

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [<mailto:william.becker@ohioattorneygeneral.gov>]  
**Sent:** Tuesday, June 10, 2014 9:36 AM  
**To:** Westerman, Matt  
**Cc:** Craig Barclay; Jerry K. Kasai; Margie Welsheimer  
**Subject:** RE: T/A

Let us know the date. We may want to be with him for part of the inspection. We currently have the greatest flexibility on Fri. the 20<sup>th</sup>.

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Tuesday, June 10, 2014 8:38 AM  
**To:** William C. Becker  
**Cc:** Craig Barclay; Jerry K. Kasai; Margie Welsheimer  
**Subject:** RE: T/A

Early next week

**Matthew L. Westerman**  
Senior Legal Counsel

Ohio Facilities Construction Commission  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
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[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [<mailto:william.becker@ohioattorneygeneral.gov>]  
**Sent:** Monday, June 09, 2014 2:06 PM  
**To:** Westerman, Matt  
**Cc:** Craig Barclay; Jerry K. Kasai; Margie Welsheimer  
**Subject:** T/A

Matt - does Mays have a go back date yet?

*William C. Becker*  
William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**Westerman, Matthew**

---

**From:** Gary Mays <GMays@mces.com>  
**Sent:** Monday, June 09, 2014 4:10 PM  
**To:** Westerman, Matt  
**Cc:** Jim Mays; Andy Raile  
**Subject:** RE: T/A  
**Attachments:** RE: T/A tomorrow

Matt,

We had not yet received a response to our proposal submitted on June 3<sup>rd</sup> (copy attached). I take it we have approval to proceed? If so, depending on contractor availability we may be able to start the first of next week. Please let me know if we are to proceed and when you will need verbal and written reports. Thank you.

Best regards,

*Gary S. Mays*

President/Professional Roof Consultant  
Mays Consulting & Evaluation Services, Inc.  
(740) 363-9511 Ph.  
(740) 272-3290 Cell  
(740) 363-3050 Fax

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Monday, June 9, 2014 2:07 PM  
**To:** Gary Mays  
**Subject:** FW: T/A

See below

**Matthew L. Westerman**  
**Senior Legal Counsel**

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
[ofcc.ohio.gov](http://ofcc.ohio.gov) [osfc.ohio.gov](http://osfc.ohio.gov)

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [<mailto:william.becker@ohioattorneygeneral.gov>]  
**Sent:** Monday, June 09, 2014 2:06 PM  
**To:** Westerman, Matt  
**Cc:** Craig Barclay; Jerry K. Kasai; Margie Welsheimer  
**Subject:** T/A

Matt - does Mays have a go back date yet?

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
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[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**Westerman, Matthew**

---

**From:** Jim Mays <JMays@mces.com>  
**Sent:** Tuesday, June 03, 2014 10:50 AM  
**To:** Westerman, Matt  
**Cc:** Gary Mays; Andy Raile  
**Subject:** FW: T/A tomorrow

Matt,

I made an error in the prior email with the roof replacement construction cost estimates. The correct estimates are as follows:

One (1) dormitory we investigated = \$14,924  
All twelve (12) dormitories = \$243,756

Sorry for confusion.

Jim Mays  
Operations Manager  
Mays Consulting & Evaluation Services, Inc.  
Phone (740) 363-9511  
Fax (740) 363-3050  
[jmays@mces.com](mailto:jmays@mces.com)  
[www.mces.com](http://www.mces.com)

**From:** Jim Mays  
**Sent:** Tuesday, June 03, 2014 10:17 AM  
**To:** Westerman, Matt  
**Cc:** Gary Mays; Andy Raile  
**Subject:** RE: T/A tomorrow

Matt,

Per your request, our current cost for work performed to date is approximately \$4,500. This includes our fees and roofer costs for test cuts at 1 dormitory plus preliminary shingle roof replacement cost estimates.

Attached is our proposal for test cut investigations at three (3) additional dormitories. Our estimate is \$20,900, which includes roofing contractor costs. This estimate is in addition to our cost to date listed above.

To replace the shingle roof at the one (1) dormitory we investigated, our preliminary construction cost estimate is \$40,680.00. Our preliminary construction cost estimate to replace the shingle roofs at all twelve (12) dormitories is \$243,756.00.

Please contact us if you have any questions.

Thanks,

Jim Mays  
Operations Manager  
Mays Consulting & Evaluation Services, Inc.  
Phone (740) 363-9511  
Fax (740) 363-3050  
[jmays@mces.com](mailto:jmays@mces.com)  
[www.mces.com](http://www.mces.com)

**From:** Gary Mays  
**Sent:** Monday, June 02, 2014 1:13 PM  
**To:** Westerman, Matt  
**Cc:** Jim Mays  
**Subject:** RE: T/A tomorrow

Matt,

I can be available for the conference call at 11:00 AM tomorrow. Jim is assembling the quote to show current cost to date plus future cost to evaluate the building roofs we discussed. Please let me know the call in information. Thank you.

Best regards,

*Gary S. Mays*  
President/Professional Roof Consultant  
Mays Consulting & Evaluation Services, Inc.  
(740) 363-9511 Ph.  
(740) 272-3290 Cell  
(740) 363-3050 Fax

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Monday, June 2, 2014 8:52 AM  
**To:** Gary Mays  
**Subject:** FW: T/A tomorrow

Gary,

See below, is there any way that you can make yourself available for a call tomorrow at 11:00, to discuss the roof issue at OSDOSSB. I also think I need an updated quote from you for the testing for the rest of the building.

Thanks,

Matt

**Matthew L. Westerman**  
**Senior Legal Counsel**

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
[ofcc.ohio.gov](http://ofcc.ohio.gov) [osfc.ohio.gov](http://osfc.ohio.gov)

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [<mailto:william.becker@ohioattorneygeneral.gov>]  
**Sent:** Monday, June 02, 2014 8:35 AM  
**To:** Westerman, Matt; Margie Welsheimer; Craig Barclay; Jerry K. Kasal  
**Subject:** RE: T/A tomorrow

Matt - can you see if we can talk to Gary Mays tomorrow @ 11 (before our 11:30 with Applebaum.)

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Tuesday, May 20, 2014 8:48 AM  
**To:** William C. Becker; Margie Welsheimer; Craig Barclay; Jerry K. Kasal  
**Cc:** Tonda Meadows  
**Subject:** RE: Thursday TA Call

Gary is not going out until Thursday.

**Matthew L. Westerman**  
Senior Legal Counsel

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
[ofcc.ohio.gov](http://ofcc.ohio.gov) [osfc.ohio.gov](http://osfc.ohio.gov)

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [<mailto:william.becker@ohioattorneygeneral.gov>]  
**Sent:** Tuesday, May 20, 2014 8:47 AM

**To:** Margie Welsheimer; Craig Barclay; Jerry K. Kasai  
**Cc:** Meadows, Tonda; Westerman, Matt  
**Subject:** RE: Thursday TA Call

Matt - pls come with update on water infiltration investigation.

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** William C. Becker  
**Sent:** Tuesday, May 20, 2014 8:26 AM  
**To:** Margie Welsheimer; Craig Barclay; Jerry K. Kasai; Mike Madigan ([MMadigan@keglerbrown.com](mailto:MMadigan@keglerbrown.com))  
**Cc:** Tonda Meadows; Westerman, Matt <[Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov)> ([Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov))  
**Subject:** RE: Thursday TA Call

Mike - see below. We'll dial you in.

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** Margie Welsheimer  
**Sent:** Monday, May 19, 2014 4:42 PM  
**To:** Craig Barclay; William C. Becker; Jerry K. Kasai  
**Cc:** Tonda Meadows; Westerman, Matt <[Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov)> ([Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov))  
**Subject:** Thursday TA Call after St. Mary's TSR

I talked to Chris at Jeff Appelbaum's office, and she will be ready to receive a call from us on Thursday at around 9 or 9:15 re: scheduling a mediation for TransAmerica. She said she may also have Jeff on the phone. (I have a doctor's

appointment on Thursday morning, and I'll probably be in right around 9:15 am.) If I'm not here when you all are ready, the number for Chris is 216-566-5548.

Thanks,



*Margie Weisheimer*

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](mailto:margie.w@ohioattorneygeneral.gov)

**Westerman, Matthew**

---

**From:** Jim Mays <JMays@mces.com>  
**Sent:** Tuesday, June 03, 2014 10:17 AM  
**To:** Westerman, Matt  
**Cc:** Gary Mays; Andy Raile  
**Subject:** RE: T/A tomorrow  
**Attachments:** 2014-06-03 OSSB - OSD Roof Evaluation.pdf

Matt,

Per your request, our current cost for work performed to date is approximately \$4,500. This includes our fees and roofer costs for test cuts at 1 dormitory plus preliminary shingle roof replacement cost estimates.

Attached is our proposal for test cut investigations at three (3) additional dormitories. Our estimate is \$20,900, which includes roofing contractor costs. This estimate is in addition to our cost to date listed above.

To replace the shingle roof at the one (1) dormitory we investigated, our preliminary construction cost estimate is \$40,680.00. Our preliminary construction cost estimate to replace the shingle roofs at all twelve (12) dormitories is \$243,756.00.

Please contact us if you have any questions.

Thanks,

Jim Mays  
Operations Manager  
Mays Consulting & Evaluation Services, Inc.  
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Fax (740) 363-3050  
[jmays@mces.com](mailto:jmays@mces.com)  
[www.mces.com](http://www.mces.com)

**From:** Gary Mays  
**Sent:** Monday, June 02, 2014 1:13 PM  
**To:** Westerman, Matt  
**Cc:** Jim Mays  
**Subject:** RE: T/A tomorrow

Matt,

I can be available for the conference call at 11:00 AM tomorrow. Jim is assembling the quote to show current cost to date plus future cost to evaluate the building roofs we discussed. Please let me know the call in information. Thank you.

Best regards,

*Gary S. Mays*  
President/Professional Roof Consultant  
Mays Consulting & Evaluation Services, Inc.  
(740) 363-9511 Ph.  
(740) 272-3290 Cell  
(740) 363-3050 Fax

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Monday, June 2, 2014 8:52 AM

**To:** Gary Mays  
**Subject:** FW: T/A tomorrow

Gary,

See below, is there any way that you can make yourself available for a call tomorrow at 11:00, to discuss the roof issue at OSDOSSB. I also think I need an updated quote from you for the testing for the rest of the building.

Thanks,

Matt

**Matthew L. Westerman**  
**Senior Legal Counsel**

**Ohio Facilities Construction Commission**  
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[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [<mailto:william.becker@ohioattorneygeneral.gov>]  
**Sent:** Monday, June 02, 2014 8:35 AM  
**To:** Westerman, Matt; Margie Welsheimer; Craig Barclay; Jerry K. Kasai  
**Subject:** RE: T/A tomorrow

Matt - can you see if we can talk to Gary Mays tomorrow @ 11 (before our 11:30 with Applebaum.)

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Tuesday, May 20, 2014 8:48 AM  
**To:** William C. Becker; Margie Welsheimer; Craig Barclay; Jerry K. Kasai  
**Cc:** Tonda Meadows  
**Subject:** RE: Thursday TA Call

Gary is not going out until Thursday.

**Matthew L. Westerman**  
Senior Legal Counsel

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
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Direct: 614-466-5742  
Main: 614-466-6290  
[ofcc.ohio.gov](http://ofcc.ohio.gov) [osfc.ohio.gov](http://osfc.ohio.gov)

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [<mailto:william.becker@ohioattorneygeneral.gov>]  
**Sent:** Tuesday, May 20, 2014 8:47 AM  
**To:** Margie Welsheimer; Craig Barclay; Jerry K. Kasai  
**Cc:** Meadows, Tonda; Westerman, Matt  
**Subject:** RE: Thursday TA Call

Matt - pls come with update on water infiltration investigation.

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** William C. Becker  
**Sent:** Tuesday, May 20, 2014 8:26 AM  
**To:** Margie Welsheimer; Craig Barclay; Jerry K. Kasai; Mike Madigan (MMadigan@keglerbrown.com)  
**Cc:** Tonda Meadows; Westerman, Matt <Matt.Westerman@ofcc.ohio.gov> (Matt.Westerman@ofcc.ohio.gov)  
**Subject:** RE: Thursday TA Call

Mike - see below. We'll dial you in.

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** Margie Welsheimer  
**Sent:** Monday, May 19, 2014 4:42 PM  
**To:** Craig Barclay; William C. Becker; Jerry K. Kasai  
**Cc:** Tonda Meadows; Westerman, Matt <Matt.Westerman@ofcc.ohio.gov> (Matt.Westerman@ofcc.ohio.gov)  
**Subject:** Thursday TA Call after St. Mary's TSR

I talked to Chris at Jeff Appelbaum's office, and she will be ready to receive a call from us on Thursday at around 9 or 9:15 re: scheduling a mediation for TransAmerica. She said she may also have Jeff on the phone. (I have a doctor's appointment on Thursday morning, and I'll probably be in right around 9:15 am.) If I'm not here when you all are ready, the number for Chris is 216-566-5548.

Thanks,



*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](mailto:margie.w@ohioattorneygeneral.gov)



# Mays Consulting & Evaluation Services, Inc.

A Professional Consulting & Evaluation Organization

June 3, 2014

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

Sent Via Email:  
matt.westerman@ofcc.ohio.gov

RE: Proposal for Roof System Evaluation  
Ohio State School for the Blind / Ohio School for the Deaf

Dear Mr. Westerman:

Mays Consulting & Evaluation Services, Inc. ("Consultant") is pleased to submit this proposal to conduct a Roof System Evaluation at the Ohio State School for the Blind (OSSB) and Ohio School for the Deaf (OSD).

The intent of the Roof System Evaluation is to perform visual and destructive testing inspections at three (3) dormitory buildings to investigate moisture intrusion and other deficiency issues and provide recommendations for corrective action. We anticipate one (1) building at OSSB and two (2) buildings at OSD will be subject to investigation.

Our services will be performed in accordance with the following proposed Scope and Cost of Services.

## **SCOPE OF SERVICES**

### **A. Roof System Evaluation**

1. Review contract documents for an understanding of the construction requirements. These documents may include drawings, specifications, bulletins, submittals, RFI's, CO's, work reports, etc. pertaining to roof system construction. *Note: Available contract documents to be provided by the Client prior to on-site work.*
2. Conduct a visual inspection of the existing roof system and related components (roof-to-wall flashings, etc.) at three (3) dormitory buildings to identify visual deficiencies, review known leak areas and to identify deconstructive testing areas. While on-site, we will also conduct a visual review of insulation and ventilation conditions at one (1) dormitory building where interior finishes are currently removed. During the inspection, we will need access to interior areas where necessary.

P.O. Box 1020 • Delaware, Ohio 43015 • (740)363-9511 • Fax (740)363-3050  
E-Mail: [info@mces.com](mailto:info@mces.com)  
[www.mces.com](http://www.mces.com)

TA-PRR-000027



3. Conduct site visits to direct, observe and document deconstructive testing at select locations (areas to be determined). At selected locations, roof system components will be disassembled to visually inspect and document the installation and condition of underlayments, substrate, clips/fasteners, flashings and other concealed components.

*Note: Roof system deconstructive test cut openings and associated repairs will be performed by a qualified contractor retained by the Consultant. It is our understanding that "attic stock" shingles left over from original construction will be made available for repairs to shingle roof area test cuts.*

4. Provide a written report, including photographic documentation, detailing our evaluation findings and recommendations for corrective action and/or additional testing (if necessary). In addition, the report will identify, in our opinion, the party accountable for identified deficiencies (where applicable). Roof replacement cost estimates will also be provided for all twelve (12) dormitory buildings. The final report will be submitted in electronic format (PDF).
5. Attend a meeting with the Client to review findings and recommendations.

**NOTE:**

- On-site work will be performed on roof areas safely accessible via portable extension ladder and/or permanent roof access points (fixed ladder, roof hatch, etc).

**B. Additional Requested Services**

1. As requested, conduct additional investigations, attend additional project meetings, provide construction documents, attend depositions, provide expert witness testimony, provide technical support and/or provide other miscellaneous services not listed above. Note: These services are considered additional and will be billed in addition, on an as-incurred basis, in accordance with the rates set forward in the attached fee schedule.



**COST OF SERVICES**

The cost of our services to complete the aforementioned scope of work is estimated to not exceed \$20,900.00, as detailed below. To account for potential additional requested services, in total we request \$30,000.00 be authorized for our services.

	<u>HRS</u>	<u>RATE</u>	<u>COST</u>
<b><u>Document Review / Investigation Prep</u></b>			
Senior Consultant / Engineer	8 @	\$ 130.00	\$ 1,040.00
<b><u>Visual &amp; Deconstructive Testing Investigation</u></b>			
Senior Consultant / Engineer	30 @	\$ 130.00	\$ 3,900.00
Consultant	30 @	\$ 100.00	\$ 3,000.00
<b><u>Report Preparation</u></b>			
Senior Consultant / Engineer	20 @	\$ 130.00	\$ 2,600.00
Consultant	40 @	\$ 100.00	\$ 4,000.00
Administrative Assistant	4 @	\$ 55.00	\$ 220.00
<b><u>Report Review Meeting / Misc Follow-up</u></b>			
Senior Consultant / Engineer	8 @	\$ 130.00	\$ 1,040.00
		Subtotal - Fees	\$ 15,800.00
<b><u>Reimbursables</u></b>			
Misc. Expense (Photo, Reproduction, Travel, Etc.)			\$ 100.00
		Subtotal - Expenses	\$ 100.00
<hr/>			
Total Estimated Costs - Mays Consulting			\$ 15,900.00
Roofing Contractor Allowance (test cuts)			\$ 5,000.00
<b>Total Estimated Costs</b>			<b>\$ 20,900.00</b>

The above is an estimated cost. Only actual fees and expenses will be invoiced in accordance with the rates set forth in the attached Unit Fee Schedule. Payment will be due and payable thirty (30) days from the date of the Consultant's invoice or per current State of Ohio payment guidelines.

Mays Consulting & Evaluation Services, Inc. appreciates the opportunity to submit this proposal, and we look forward to working with you on this project. If you would like to proceed, please have the appropriate party issue an appropriate agreement with our proposal included as reference.

If you have any questions, please contact Gary Mays or myself.

Best Regards,

Jim Mays  
 Operations Manager  
 Mays Consulting & Evaluation Services, Inc.  
 PO Box 1020  
 Delaware, Ohio 43015  
 Phone: (740) 363-9511; Email: jmays@mces.com



**FEE SCHEDULE AND PAYMENT TERMS**

**Engineering Services (Hourly Rate)**

Senior Consultant / Professional Engineer	\$ 130.00
Consultant	\$ 100.00
Senior Technician	\$ 85.00
Technician	\$ 70.00
CADD / Drafter	\$ 65.00
Administrative Assistant	\$ 55.00
All Staff Positions >40 hours/week, nights, weekends and/or holidays	Engineering Rate x 1.5

**Legal Services (Hourly Rate)**

Preparation for and during Deposition, Arbitration, Mediation, Trial and/or other Legal Proceedings	
Senior Consultant / Professional Engineer	\$ 175.00
All Other Staff Positions	Engineering Rate x 1.5

**Direct Expenses**

Administrative (Reproduction, Postage, etc)	Cost
*Travel	Cost
Mileage (Current IRS Rate in effect at time of service)	\$.56 / mile
Per Diem	Quoted on per project basis
Subcontractor Services	Cost + 10%

\*It is Mays Consulting's policy to select the method of travel to each job site that will be least expensive to our client (i.e., company vehicle vs. commercial air travel). Travel expenses will be billed in accordance with State of Ohio Travel Policy guidelines.

**Testing and Laboratory Analysis**

Infrared Thermographic Scan	Quoted on per project basis
Testing and Laboratory Analysis	Cost + 10%

**Payment Terms**

Invoices will be submitted periodically and payments for properly submitted invoices will be due and payable in accordance with State of Ohio payment guidelines.

**Westerman, Matthew**

---

**From:** Gary Mays <GMays@mces.com>  
**Sent:** Monday, June 02, 2014 1:13 PM  
**To:** Westerman, Matt  
**Cc:** Jim Mays  
**Subject:** RE: T/A tomorrow

Matt,

I can be available for the conference call at 11:00 AM tomorrow. Jim is assembling the quote to show current cost to date plus future cost to evaluate the building roofs we discussed. Please let me know the call in information. Thank you.

Best regards,

*Gary S. Mays*

President/Professional Roof Consultant  
Mays Consulting & Evaluation Services, Inc.  
(740) 363-9511 Ph.  
(740) 272-3290 Cell  
(740) 363-3050 Fax

**From:** Westerman, Matt [mailto:Matt.Westerman@ofcc.ohio.gov]  
**Sent:** Monday, June 2, 2014 8:52 AM  
**To:** Gary Mays  
**Subject:** FW: T/A tomorrow

Gary,

See below, is there any way that you can make yourself available for a call tomorrow at 11:00, to discuss the roof issue at OSDOSSB. I also think I need an updated quote from you for the testing for the rest of the building.

Thanks,

Matt

**Matthew L. Westerman**  
Senior Legal Counsel

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
ofcc.ohio.gov osfc.ohio.gov

[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**From:** William C. Becker [<mailto:william.becker@ohioattorneygeneral.gov>]  
**Sent:** Monday, June 02, 2014 8:35 AM  
**To:** Westerman, Matt; Margie Welsheimer; Craig Barclay; Jerry K. Kasai  
**Subject:** RE: T/A tomorrow

Matt - can you see if we can talk to Gary Mays tomorrow @ 11 (before our 11:30 with Applebaum.)

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** Westerman, Matt [<mailto:Matt.Westerman@ofcc.ohio.gov>]  
**Sent:** Tuesday, May 20, 2014 8:48 AM  
**To:** William C. Becker; Margie Welsheimer; Craig Barclay; Jerry K. Kasai  
**Cc:** Tonda Meadows  
**Subject:** RE: Thursday TA Call

Gary is not going out until Thursday.

**Matthew L. Westerman**  
Senior Legal Counsel

**Ohio Facilities Construction Commission**  
30 West Spring Street, 4th floor  
Columbus, OH 43215  
Direct: 614-466-5742  
Main: 614-466-6290  
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[matt.westerman@ofcc.ohio.gov](mailto:matt.westerman@ofcc.ohio.gov)

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**Sent:** Tuesday, May 20, 2014 8:47 AM  
**To:** Margie Welsheimer; Craig Barclay; Jerry K. Kasai  
**Cc:** Meadows, Tonda; Westerman, Matt  
**Subject:** RE: Thursday TA Call

Matt - pls come with update on water infiltration investigation.

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
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[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** William C. Becker  
**Sent:** Tuesday, May 20, 2014 8:26 AM  
**To:** Margie Welsheimer; Craig Barclay; Jerry K. Kasai; Mike Madigan ([MMadigan@keglerbrown.com](mailto:MMadigan@keglerbrown.com))  
**Cc:** Tonda Meadows; Westerman, Matt <[Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov)> ([Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov))  
**Subject:** RE: Thursday TA Call

Mike - see below. We'll dial you in.

*William C. Becker*

William C. Becker  
Principal Attorney, Court of Claims Defense  
Ohio Attorney General Mike DeWine  
PHONE 614.466.7447  
FAX 614.644.9185  
EMAIL [william.becker@ohioattorneygeneral.gov](mailto:william.becker@ohioattorneygeneral.gov)

150 East Gay Street, Floor 18  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**From:** Margie Welsheimer  
**Sent:** Monday, May 19, 2014 4:42 PM  
**To:** Craig Barclay; William C. Becker; Jerry K. Kasai

**Cc:** Tonda Meadows; Westerman, Matt <[Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov)> ([Matt.Westerman@ofcc.ohio.gov](mailto:Matt.Westerman@ofcc.ohio.gov))  
**Subject:** Thursday TA Call after St. Mary's TSR

I talked to Chris at Jeff Appelbaum's office, and she will be ready to receive a call from us on Thursday at around 9 or 9:15 re: scheduling a mediation for TransAmerica. She said she may also have Jeff on the phone. (I have a doctor's appointment on Thursday morning, and I'll probably be in right around 9:15 am.) If I'm not here when you all are ready, the number for Chris is 216-566-5548.

Thanks,

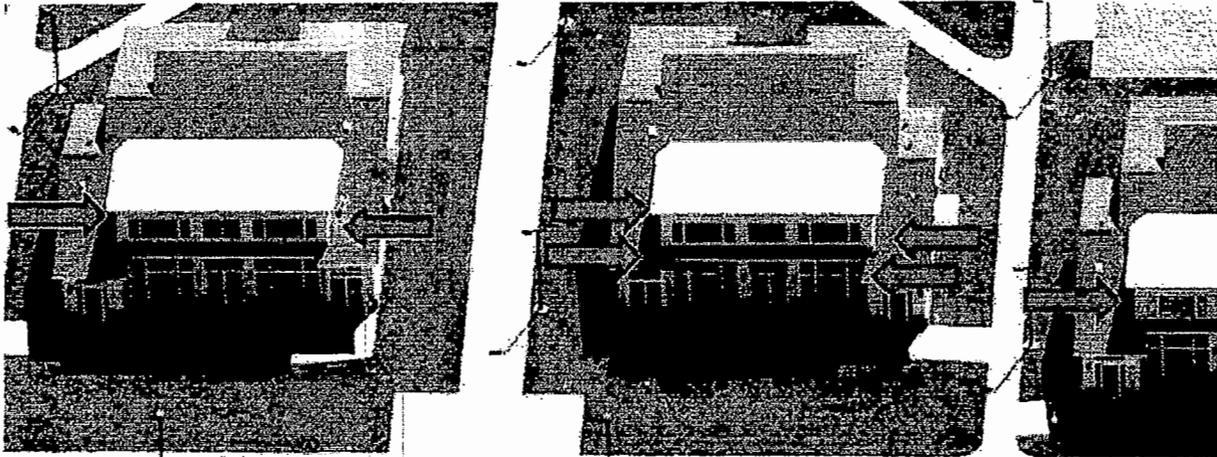


*Margie Westerman*

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](mailto:margie.w@ohioattorneygeneral.gov)

**Westerman, Matthew**

**From:** Keith, Clayton <Clayton.Keith@lendlease.com>  
**Sent:** Monday, March 31, 2014 4:18 PM  
**To:** gmays@MCES.com  
**Cc:** Josh Predovich (jpredovich@shp.com); Dowlen, Madison; Westerman, Matt  
**Subject:** OSSB Roof pictures and report  
**Attachments:** IMG\_1077.JPG; IMG\_1078.JPG; IMG\_1080.JPG; IMG\_1082.JPG; photo.jpg; 032414-Sch. for the Blind-mold.pdf



Gary

Here is a view of the dorms in question as well as some shots above ceiling of the areas leaking.

Thanks  
Clay

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**Westerman, Matthew**

---

**From:** Keith, Clayton <Clayton.Keith@lendlease.com>  
**Sent:** Monday, March 31, 2014 3:37 PM  
**To:** gmays@MCES.com  
**Cc:** Josh Predovich (jpredovich@shp.com); Dowlen, Madison; Westerman, Matt  
**Subject:** FW: OSSB ES partila set for Mays  
**Attachments:** 201020773-OSSB ES partial set for roofing review.pdf; 03-OSDB dorm re-bid Vol\_6 (from orig bid).pdf

Gary

Thanks for taking the time to talk on Friday regarding the roof issues at The Ohio State School for the Blind. I have attached some drawings of the dorms that are in question. It appears that most of the leaks are centered at the front of the buildings, in particular where the low roof meets the sidewall of the higher dormer roof. Please submit a proposal for this investigative work as to the cause of the roof leaks and I will coordinate of OFCC to get something in place. I would also like to know your availability to get out on site and start with this work also. Due to size I will send the photos and Mold report separately

Thanks

Clay Keith

**From:** Josh Predovich [<mailto:jpredovich@shp.com>]  
**Sent:** Monday, March 31, 2014 1:41 PM  
**To:** Keith, Clayton  
**Subject:** OSSB ES partila set for Mays

Let me know if any questions.  
Thanks,  
Josh

\*\*\*\*\*

Joshua L. Predovich, AIA, LEED AP

Project Manager

SHP Leading Design

250 Civic Center Dr., Suite 200

Columbus, OH 43215

TEL: 614-223-2124

FAX: 614-223-2130



**Westerman, Matthew**

---

**From:** Patrick Hayden <hayden@osdb.oh.gov>  
**Sent:** Monday, January 05, 2015 10:04 AM  
**To:** Westerman, Matthew  
**Subject:** FW: OSSB roof project

**From:** Hammen, Brian [mailto:Brian.Hammen@das.ohio.gov]  
**Sent:** Tuesday, November 25, 2014 4:26 PM  
**To:** Patrick Hayden  
**Subject:** RE: OSSB roof project

Patrick,  
I have calculated the costs associated with re-roofing the one OSSB dormitory unit. I have shown everything in comparison to the original worst case scenario numbers I provided before the start of the project. The costs broke out as follows:

	<u>Budget</u>	<u>Actual</u>
Materials	\$5,590	\$5,729.97
	<u>Variance</u>	
+\$139.97		
Labor	\$11,400 (600 hrs)	\$6,879.27 (344.1
hrs)	<u>-\$4,520.73</u>	
<b>Total</b>	<b>\$16,990</b>	<b>\$12,609.24</b>
	<b>- \$4,380.76</b>	

There are a couple of things to keep in mind with these costs. The material overage was caused by having to purchase new trim to replace that which broke when removed to access the old shingles underneath. The cost of the roofing nailers that OSSB purchased and the trash dumpster are not included. The labor costs are approximate because there are still a few hours for my staff today to go out and trim the edges of a few shingles and install the new trim. I included an estimate of that time in these numbers. Mays Services had budgeted between \$6.00 and \$6.50 per square foot and our cost came in at about \$5.58 per square foot.

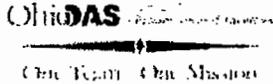
We would be willing to do the other units however we would looking at late March to start the next one. The weather this time of year is too cold and unpredictable. Shingles seal to each other once they warm up and cold weather prevents that process and makes them susceptible to lifting in heavy wind. I would expect the costs of the next unit to be slightly less because you already own the tools and equipment required and the guys already know the required method and processes.

We appreciate your allowing us the opportunity to do this project for OSSB and if you have any questions, please feel free to contact me.

Thanks, Brian

**Brian K. Hammen**  
*Senior Facilities Manager*  
*Vern Riffe Center for Government and the Arts*  
*Office of Properties & Facilities*  
*Department of Administrative Services*  
*77 South High Street*  
*Columbus, OH 43215*

Ph: (614) 644-9854  
Mobile: (614) 554-9408



**From:** Patrick Hayden [<mailto:hayden@osdb.oh.gov>]  
**Sent:** Monday, November 24, 2014 4:42 PM  
**To:** Hammen, Brian  
**Subject:** RE: OSSB roof project

Brian,

The short version is that everything went very well and we would like to start on roof number two soonest pending the final cost analysis.

According to Chris, the project lead communicated his desires very well and he did not have any concerns or problems on site. I think we both agreed that the first roof would be the more difficult one to do because you need to figure out how the process is going to go. I'm hoping the second and third roofs are more efficient for them especially with the weather setting in like it is.

That said, I know weather is an issue. Once you have your numbers, send them my way and then we can schedule the second roof. I will defer to your team as to how they want to play the weather.

When you get a chance need to speak to you another matter that I hope you have some insight.

Thanks.

Patrick

**Patrick Hayden**

*Chief Operating Officer*

OSD / OSSB

500 Morse Road | Columbus, OH 43214

5220 N. High Street | Columbus, OH 43214

Ph. 614-728-4052

Email: [hayden@osdb.oh.gov](mailto:hayden@osdb.oh.gov)



**From:** Hammen, Brian [<mailto:Brian.Hammen@das.ohio.gov>]  
**Sent:** Thursday, November 20, 2014 11:18 AM  
**To:** Patrick Hayden  
**Subject:** OSSB roof project

Good morning Patrick,

I wanted to bring you up to date with the OSSB roof replacement project. I am happy to report the roof was completed last Friday. They really went after it last week because I wanted it under full roof before the pending snowfall over the weekend. That turned out to be a benefit as they finished the project about 4 days ahead of schedule which will reflect a savings of about 80 labor hours to OSSB. Overall we only ran into a few unexpected surprises, the largest being replacement of a section of plywood damaged by last winter's leaks and having to close a large gap along the gutter line where the plywood roof deck didn't meet the gutter fascia board. Otherwise, conditions were as expected and noted in the Mays report. I am currently putting together a final cost report that I will send over to you that outlines the total material costs, labor costs and miscellaneous costs associated with the project as a whole.

There are a few little touch up things one of our guys has to do yet. There are some shingles that need the edges trimmed off that we won't be able to do until this coming Monday, after the snow melts off the roof. They also had to remove a couple of the corner trim pieces in order to get the ice guard all the way over and up the wall. Unfortunately, the corner trim broke when being removed so they've had to order new ones. The cost is about \$177 for those materials and he'll replace them when he comes out next week to trim the shingles. Both the interior and exterior have been cleaned up and the dumpster can be pulled from the site. My guys also turned over all of the tools and attic stock materials that were purchased for the job over to your maintenance staff this past Monday.

I wanted to get some input from you on how you felt our staff did with the project. I'm interested in your thoughts on their performance, how they conducted themselves, if they were communicating with your staff, how their interactions went with both students and staff at OSSB and such. I would also like to know if you or Chris had any concerns or problems with the work itself or the crew we had on site. Everything that was reported back to me, from our crew, was positive but that is only half of the story. In addition, I wanted to get an idea of your future plans for the other two units in regard to replacement of the roofing on those units. My staff checked them out while they were on site and felt they have the same conditions as the unit they just completed.

I'll send the report over to you as soon as I have it finished. If you could let me know your thoughts and comments in regards to the project, I would appreciate it. Thank you for allowing us the opportunity to do the work and to your staff for all of their assistance.

Brian

**Brian K. Hammen**  
*Senior Facilities Manager*  
*Vern Riffe Center for Government and the Arts*  
*Office of Properties & Facilities*  
*Department of Administrative Services*  
*77 South High Street*  
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*Mobile: (614) 554-9408*

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IN THE COURT OF CLAIMS OF OHIO

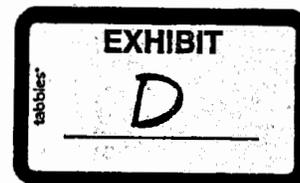
TRANSAMERICA BUILDING COMPANY, INC.,	:	Case No. 2013-00349
	:	
Plaintiff,	:	Judge McGrath
	:	
v.	:	Referee Wampler
	:	
OHIO SCHOOL FACILITIES COMMISSION, nka Ohio Facilities Construction Commission,	:	
	:	
Defendant.	:	

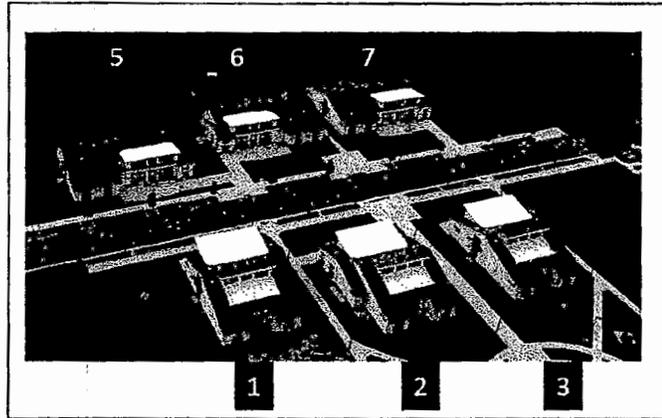
AFFIDAVIT OF JAMES S. LUCKINO

State of Ohio :  
: SS  
County of Franklin :

Upon being first duly sworn and cautioned, I, James S. Luckino, state that I have personal knowledge of the facts set forth below:

1. I am a principal of Archatas, Inc., a professional architectural company, and a licensed architect in the state of Ohio.
2. I was retained by TransAmerica Building Company, Inc. ("TransAmerica") to review various documents and field installation of certain roofing components that were installed by TransAmerica on the Ohio School for the Blind and Ohio School for the Deaf projects.
3. I observed certain roofs relating to the Blind portion of the Project, including when the OSFC performed destructive testing performed in the summer of 2014. Below is my understanding of the configuration of the Blind Roofs.





4. I have learned that certain remedial work was performed in November 2014 to Blind Roof 1, which was not a Roof where I observed destructive testing in the summer of 2014.

5. I did not observe the remedial work performed in November 2014 because I was not notified the work was going on and thus was precluded from observing the installation of the remedial work and any possible betterments that may have been incorporated.

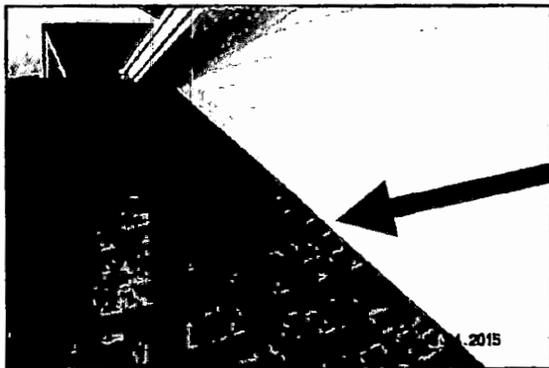
6. I was permitted access to Blind Roof 1 on April 15, 2015 and portions of the attic's underside, at which time I observed that the entire shingle roof had been replaced in its entirety.

7. I believe complete replacement of the shingle roof at Blind Roof 1 was not necessitated by the work performed by TransAmerica.

8. I believe complaints about bulk water infiltration are primarily caused by an improper design of the roofs resulting in ice damming.

9. During my review of Blind Roof 1 on April 15, 2015, I identified the following, which suggests changes were made to the previous roof configuration:

- a. Raising of shingles at the rake portion as illustrated by the picture below:



Raising of shingles along rake

- b. Possible changes to the insulation support in the attic that I am uncertain existed prior to November 2014.



Insulation supported by hangers rather than just being attached to roof joists, which could affect the compression of the insulation and the creation of ice damming.

10. Without having access at the time the November 2014 remedial work was performed, I am unable to determine if in fact these were changes and if so, when these changes were made from what I observed in the summer of 2014.

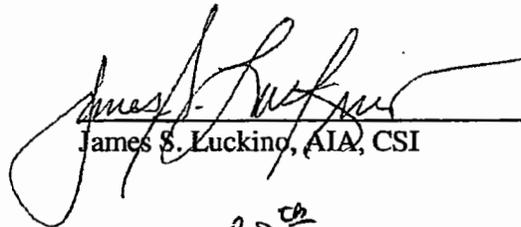
11. In addition, without having access at the time the November 2014 remedial work was performed, I was unable to determine the following:

- a. Whether additional ice shield was installed beyond that identified in the Contract Documents at bid time;
- b. Whether TransAmerica did or did not complete the work in accordance with the construction documents;
- c. The condition of the plywood sheathing and whether any water stains existed. As a result, I was further limited in determining the path of the water that has been the source of the end user complaints; and
- d. The condition of the flashing and whether any modifications were made to the original design.

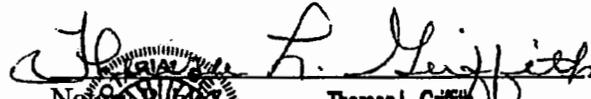
12. I have not been provided any pictures of the remedial work and I am unable to determine the specific scope of work that was performed in November of 2014.

13. Without performing additional invasive testing, I am unable to determine the specifics of the remedial work and whether any design changes, including betterments, were implemented.

FURTHER AFFIANT SAYETH NAUGHT

  
James S. Luckino, AIA, CSI

The foregoing affidavit was acknowledged before me this 20<sup>th</sup> day of April, 2015, by James S. Luckino, who is personally known to me and who did take an oath.

  
Theresa L. Griffith  
Notary Public, State of Ohio  
My Commission Expires 10-01-2015

