

**WESTLAKE CITY SCHOOLS  
BOARD OF EDUCATION MINUTES**

**Monday, December 5, 2011 – Special Session – 5:30 PM  
Westlake Board of Education – 27200 Hilliard Blvd.**

Call to Order: Time: 5:45 p.m.

Roll Call Vote:

Mr. Mays	<u>Present</u>
Ms. Winter	<u>Present</u>
Mr. Cross	<u>Present</u>
Ms. Rocco	<u>Present</u>
Mr. Sullivan	<u>Absent</u>

Mr. Cross noted that Mr. Sullivan was unable to attend due to a work obligation.

Pledge of Allegiance: President Mays led the assembly in the Pledge of Allegiance.

Acknowledgment of Visitors: President Mays thanked all in attendance.

Approval of Agenda

Motion by	<u>Ms. Rocco</u>
Seconded by	<u>Ms. Winter</u>

Roll Call Vote:

Mr. Mays	<u>AYE</u>
Ms. Winter	<u>AYE</u>
Mr. Cross	<u>AYE</u>
Ms. Rocco	<u>AYE</u>

\*Hearing of Public (Agenda Items - 15 Minutes) – None.

**A. Action Items**

- |   |             |
|---|-------------|
| 1. Resolution to Award Contract for New Middle School Foundation and Masonry    | Exhibit A-1 |
| 2. Resolution to Award Contract for New Middle School General Trades            | Exhibit A-2 |
| 3. Resolution to Award Contract for New Middle School Roofing                   | Exhibit A-3 |
| 4. Resolution to Award Contract for New Middle School Plumbing                  | Exhibit A-4 |
| 5. Resolution to Award Contract for New Middle School HVAC                      | Exhibit A-5 |
| 6. Resolution to Award Contract for New Middle School Fire Protection           | Exhibit A-6 |
| 7. Resolution to Award Contract for New Middle School Technology Infrastructure | Exhibit A-7 |
| 8. Resolution to Award Contract for New Middle School Food Service              | Exhibit A-8 |

Equipment

9. Resolution Opposing H.B. 136

Exhibit A-9

\*Hearing of Public (15 Minutes) – None.

B. Adjournment

Motion by \_\_\_\_\_ Ms. Winter

Seconded by \_\_\_\_\_ Ms. Rocco

Roll Call Vote:

Mr. Mays \_\_\_\_\_ AYE

Ms. Winter \_\_\_\_\_ AYE

Mr. Cross \_\_\_\_\_ AYE

Ms. Rocco \_\_\_\_\_ AYE

President Mays adjourned the meeting at 5:55 p.m.

\_\_\_\_\_  
President

\_\_\_\_\_  
Treasurer

The public may address the Board during the periods of the meeting designated for public participation. Each person addressing the Board shall give his/her name and address. If several people wish to speak, each person is allotted three minutes until the total time allotted is used. During that period, no person may speak twice until all who desire to speak have had the opportunity to do so. The period of public participation may be extended by a vote of the majority of the Board present and voting.

EXHIBIT A-1  
RES. #11-308

RESOLUTION TO AWARD CONTRACT FOR  
NEW MIDDLE SCHOOL FOUNDATION AND MASONRY

MS-02 FOUNDATION AND MASONRY

<u>Contractor</u>	<u>Base Bid</u>
Foti Contracting LLC	\$3,736,000
Giambrone Masonry	\$4,063,000
21 <sup>st</sup> Century	\$4,095,000
Dunlop/Johnston	\$4,230,000
Metropolitan Builders	\$4,239,000
Cold Harbor	\$4,296,000
CT Taylor	\$4,600,000

WHEREAS, bids were received on September 29, 2011, for the MS-02 Foundation and Masonry contract for the new middle school project, and the apparent low bid was submitted by Foti Contracting LLC, Wickliffe, Ohio in the base bid amount of \$3,736,000.00; and

WHEREAS, the Construction Manager, together with the Architect, reviewed the apparent low bid submitted for the work, met with a representative of the apparent low bidder to determine that the specified work was included in the bid amount and that the bidder had the experience and qualifications to perform the work, and recommend that the contract for the MS-02 Foundation and Masonry awarded to Foti Contracting LLC in the amount of \$3,736,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District as follows:

- 1) Based upon the recommendation of the Construction Manager, made with the concurrence of the Architect, the Board awards the MS-02 Foundation and Masonry contract to Foti Contracting LLC in the amount of \$3,736,000.00, as the lowest responsible bidder for the work specified for the contract.
- 2) The Director of Business Affairs, working with the Superintendent and Treasurer, is authorized to work with the Construction Manager to prepare the contract and to proceed with the signing of the contract for the work.

Motion by           Ms. Rocco          

Seconded by           Ms. Winter          

Roll Call Vote:

Mr. Mays	<u>          AYE          </u>
Ms. Winter	<u>          AYE          </u>
Mr. Cross	<u>          AYE          </u>
Ms. Rocco	<u>          AYE          </u>

RESOLUTION TO AWARD CONTRACT FOR  
NEW MIDDLE SCHOOL GENERAL TRADES

MS-03 GENERAL TRADES

<u>Contractor</u>	<u>Base Bid</u>
Capstone Construction Company, LLC	\$4,550,000
Giambrone Construction	\$4,610,500
Cold Harbor	\$4,692,000
Dunlop/Johnston	\$4,717,000
Mid American	\$4,758,000
John G. Johnson	\$5,039,300
Meridian	\$5,578,000
C.T. Taylor	\$5,590,000

WHEREAS, bids were received on September 29, 2011, for the MS-03 General Trades contract for the new middle school project, and the apparent low bid was submitted by Capstone Construction Company, LLC, Chardon, Ohio in the base bid amount of \$4,550,000.00; and

WHEREAS, the Construction Manager, together with the Architect, reviewed the apparent low bid submitted for the work, met with a representative of the apparent low bidder to determine that the specified work was included in the bid amount and that the bidder had the experience and qualifications to perform the work, and recommend that the contract for the MS-03 General Trades awarded to Capstone Construction Company, LLC in the amount of \$4,550,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District as follows:

1. Based upon the recommendation of the Construction Manager, made with the concurrence of the Architect, the Board awards the MS-03 General Trades contract to Capstone Construction Company, LLC in the amount of \$4,550,000.00, as the lowest responsible bidder for the work specified for the contract.
2. The Director of Business Affairs, working with the Superintendent and Treasurer, is authorized to work with the Construction Manager to prepare the contract and to proceed with the signing of the contract for the work.

Motion by Ms. Rocco

Seconded by Ms. Winter

Roll Call Vote:

Mr. Mays	<u>AYE</u>
Ms. Winter	<u>AYE</u>
Mr. Cross	<u>AYE</u>
Ms. Rocco	<u>AYE</u>

EXHIBIT A-3  
RES. #11-310

RESOLUTION TO AWARD CONTRACT FOR  
NEW MIDDLE SCHOOL ROOFING

MS-04 ROOFING

<u>Contractor</u>	<u>Base Bid</u>
Architectural Siding, Trim & Roofing, Inc.	\$1,867,342.61
USA Roofing	\$1,869,500.00
Dunlop/Johnston	\$1,895,000.00

WHEREAS, bids were received on September 29, 2011, for the MS-04 Roofing contract for the new middle school project, and the apparent low bid was submitted by Architectural Siding, Trim & Roofing, Inc., Oakwood, Ohio in the base bid amount of \$1,867,342.61; and

WHEREAS, the Construction Manager, together with the Architect, reviewed the apparent low bid submitted for the work, met with a representative of the apparent low bidder to determine that the specified work was included in the bid amount and that the bidder had the experience and qualifications to perform the work, and recommend that the contract for the MS-04 Roofing awarded to Architectural Siding, Trim & Roofing, Inc. in the amount of \$1,867,342.61;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District as follows:

1. Based upon the recommendation of the Construction Manager, made with the concurrence of the Architect, the Board awards the MS-04 Roofing contract to Architectural Siding, Trim & Roofing, Inc. in the amount of \$1,867,342.61, as the lowest responsible bidder for the work specified for the contract.
2. The Director of Business Affairs, working with the Superintendent and Treasurer, is authorized to work with the Construction Manager to prepare the contract and to proceed with the signing of the contract for the work.

Motion by \_\_\_\_\_ Ms. Rocco

Seconded by \_\_\_\_\_ Ms. Winter

Roll Call Vote:

Mr. Mays	_____ AYE
Ms. Winter	_____ AYE
Mr. Cross	_____ AYE
Ms. Rocco	_____ AYE

RESOLUTION TO AWARD CONTRACT FOR  
NEW MIDDLE SCHOOL PLUMBING

MS-05 PLUMBING

<u>Contractor</u>	<u>Base Bid</u>
E. B. Katz, Inc.	\$ 998,000
Miller Plumbing Heating	\$1,119,000
Gorman Lavelle	\$1,120,000
John Gallagher Plumbing	\$1,171,000

WHEREAS, bids were received on September 29, 2011, for the MS-05 Plumbing contract for the new middle school project, and the apparent low bid was submitted by E. B. Katz, Inc., Cleveland, Ohio in the base bid amount of \$998,000.00; and

WHEREAS, the Construction Manager, together with the Architect, reviewed the apparent low bid submitted for the work, met with a representative of the apparent low bidder to determine that the specified work was included in the bid amount and that the bidder had the experience and qualifications to perform the work, and recommend that the contract for the MS-05 Plumbing awarded to E. B. Katz, Inc. in the amount of \$998,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District as follows:

1. Based upon the recommendation of the Construction Manager, made with the concurrence of the Architect, the Board awards the MS-05 Plumbing contract to E. B. Katz, Inc. in the amount of \$998,000.00, as the lowest responsible bidder for the work specified for the contract.
2. The Director of Business Affairs, working with the Superintendent and Treasurer, is authorized to work with the Construction Manager to prepare the contract and to proceed with the signing of the contract for the work.

Motion by \_\_\_\_\_ Ms. Rocco

Seconded by \_\_\_\_\_ Ms. Winter

Roll Call Vote:

Mr. Mays	_____ AYE
Ms. Winter	_____ AYE
Mr. Cross	_____ AYE
Ms. Rocco	_____ AYE

EXHIBIT A-5  
RES. #11-312

RESOLUTION TO AWARD CONTRACT FOR  
NEW MIDDLE SCHOOL HVAC

MS-06 HVAC

<u>Contractor</u>	<u>Base Bid</u>
Castle Heating & Air, Inc.	\$1,288,000
Miles Mechanical	\$1,399,000
Cinergy	\$1,495,000
E. B. Katz	\$1,498,000
T.H. Martin	\$1,550,000
J.F. Gallagher	\$1,619,400
Bay Mechanical	\$1,664,000

WHEREAS, bids were received on September 29, 2011, for the MS-06 HVAC contract for the new middle school project, and the apparent low bid was submitted by Castle Heating & Air, Inc., Cleveland, Ohio in the base bid amount of \$1,288,000.00; and

WHEREAS, the Construction Manager, together with the Architect, reviewed the apparent low bid submitted for the work, met with a representative of the apparent low bidder to determine that the specified work was included in the bid amount and that the bidder had the experience and qualifications to perform the work, and recommend that the contract for the MS-06 HVAC be awarded to Castle Heating & Air, Inc. in the amount of \$1,288,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District as follows:

1. Based upon the recommendation of the Construction Manager, made with the concurrence of the Architect, the Board awards the MS-06 HVAC contract to Castle Heating & Air, Inc. in the amount of \$1,288,000.00, as the lowest responsible bidder for the work specified for the contract.
2. The Director of Business Affairs, working with the Superintendent and Treasurer, is authorized to work with the Construction Manager to prepare the contract and to proceed with the signing of the contract for the work.

Motion by Ms. Rocco

Seconded by Ms. Winter

Roll Call Vote:

Mr. Mays	<u>AYE</u>
Ms. Winter	<u>AYE</u>
Mr. Cross	<u>AYE</u>
Ms. Rocco	<u>AYE</u>

RESOLUTION TO AWARD CONTRACT FOR  
NEW MIDDLE SCHOOL FIRE PROTECTION

MS-07 FIRE PROTECTION

<u>Contractor</u>	<u>Base Bid</u>
S.A. Comunale Company, Inc.	\$256,489
R & M Heating/AC	\$282,800
R. M. Riggle	\$287,000
ABC Piping	\$314,000

WHEREAS, bids were received on September 29, 2011, for the MS-07 Fire Protection contract for the new middle school project, and the apparent low bid was submitted by S. A. Comunale Company, Inc. Barberton, Ohio in the base bid amount of \$256,489.00; and

WHEREAS, the Construction Manager, together with the Architect, reviewed the apparent low bid submitted for the work, met with a representative of the apparent low bidder to determine that the specified work was included in the bid amount and that the bidder had the experience and qualifications to perform the work, and recommend that the contract for the MS-07 Fire Protection be awarded to S. A. Comunale Company, Inc. in the amount of \$256,489.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District as follows:

1. Based upon the recommendation of the Construction Manager, made with the concurrence of the Architect, the Board awards the MS-07 Fire Protection contract to S. A. Comunale Company, Inc. in the amount of \$256,489.00, as the lowest responsible bidder for the work specified for the contract.
2. The Director of Business Affairs, working with the Superintendent and Treasurer, is authorized to work with the Construction Manager to prepare the contract and to proceed with the signing of the contract for the work.

Motion by           Ms. Rocco          

Seconded by           Ms. Winter          

Roll Call Vote:

Mr. Mays	<u>          AYE          </u>
Ms. Winter	<u>          AYE          </u>
Mr. Cross	<u>          AYE          </u>
Ms. Rocco	<u>          AYE          </u>



EXHIBIT A-7  
RES. #11-314

RESOLUTION TO AWARD CONTRACT FOR  
NEW MIDDLE SCHOOL TECHNOLOGY INFRASTRUCTURE

MS-09 TECHNOLOGY INFRASTRUCTURE

<u>Contractor</u>	<u>Base Bid</u>
Zenith Systems, LLC.	\$201,385
R. J. Martin	\$235,700
Midwest Telephone	\$388,130

WHEREAS, bids were received on September 29, 2011, for the MS-09 Technology Infrastructure contract for the new middle school project, and the apparent low bid was submitted by Zenith Systems, LLC, Bedford, Ohio in the base bid amount of \$201,385.00; and

WHEREAS, the Construction Manager, together with the Architect, reviewed the apparent low bid submitted for the work, met with a representative of the apparent low bidder to determine that the specified work was included in the bid amount and that the bidder had the experience and qualifications to perform the work, and recommend that the contract for the MS-09 Technology Infrastructure be awarded to Zenith Systems, LLC in the amount of \$201,385.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District as follows:

1. Based upon the recommendation of the Construction Manager, made with the concurrence of the Architect, the Board awards the MS-09 Technology Infrastructure contract to Zenith Systems, LLC in the amount of \$201,385.00, as the lowest responsible bidder for the work specified for the contract.
2. The Director of Business Affairs, working with the Superintendent and Treasurer, is authorized to work with the Construction Manager to prepare the contract and to proceed with the signing of the contract for the work.

Motion by \_\_\_\_\_ Ms. Rocco

Seconded by \_\_\_\_\_ Ms. Winter

Roll Call Vote:

Mr. Mays	_____ AYE
Ms. Winter	_____ AYE
Mr. Cross	_____ AYE
Ms. Rocco	_____ AYE

RESOLUTION TO AWARD CONTRACT FOR  
NEW MIDDLE SCHOOL FOOD SERVICE EQUIPMENT

MS-10 FOOD SERVICE EQUIPMENT

<u>Contractor</u>	<u>Base Bid</u>
Stafford Smith, Inc.	\$251,000
Wasserstrom	\$252,957
Great Lakes Hotel Supply	\$258,696
SS Kemp	\$263,916
Burkett	\$269,000
Breckenridge	\$274,117
Rizzi	\$282,000

WHEREAS, bids were received on September 29, 2011, for the MS-10 Food Service Equipment contract for the new middle school project, and the apparent low bid was submitted by Stafford Smith, Inc., Kalamazoo, Michigan, in the base bid amount of \$251,000.00; and

WHEREAS, the Construction Manager, together with the Architect, reviewed the apparent low bid submitted for the work, met with a representative of the apparent low bidder to determine that the specified work was included in the bid amount and that the bidder had the experience and qualifications to perform the work, and recommend that the contract for the MS-10 Food Service Equipment be awarded to Stafford Smith, Inc. in the amount of \$251,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District as follows:

1. Based upon the recommendation of the Construction Manager, made with the concurrence of the Architect, the Board awards the MS-10 Food Service Equipment contract to Stafford Smith, Inc. in the amount of \$251,000.00, as the lowest responsible bidder for the work specified for the contract.
2. The Director of Business Affairs, working with the Superintendent and Treasurer, is authorized to work with the Construction Manager to prepare the contract and to proceed with the signing of the contract for the work.

Board Discussion:

Mr. Cross expressed a concern about the lack of information and timeliness of the bid information being approved. Dr. Keenan indicated he had previously communicated to the Board the Lee Burneson Middle School bids were higher than expected, and therefore the District opted to wait to award those bids until the High School bids were received. Mr. Cross then inquired as to why the middle school electrical bid was thrown out. Dr. Keenan noted the contractor requested the withdrawal due to a clerical error. Mr. Cross wanted to know why the second lowest contractor wasn't awarded the bid. Dr. Keenan explained the District has a right to reject a bid, but if it does, it

must then reject all the bids for that particular trade and rebid the work. Mr. Cross wanted to know why the contractors wouldn't rebid with the same numbers. Mr. Teitenberg explained that the District was hoping for better coverage from contractors thereby creating a more competitive environment.

Motion by \_\_\_\_\_ Ms. Rocco \_\_\_\_\_

Seconded by \_\_\_\_\_ Ms. Winter \_\_\_\_\_

Roll Call Vote:

Mr. Mays	_____ AYE _____
Ms. Winter	_____ AYE _____
Mr. Cross	_____ AYE _____
Ms. Rocco	_____ AYE _____

RESOLUTION OPPOSING H.B. 136

WHEREAS, the Ohio House of Representative is currently considering legislation that would significantly expand the availability of vouchers for students to attend private or parochial schools; and

WHEREAS, this legislation would grant vouchers to any public school student in Ohio to request and be granted a voucher, subject only to a family income standard of \$95,000 or less; and

WHEREAS, such vouchers would be granted without regard to the academic performance of the public school that the student is assigned to attend; and

WHEREAS, the bill provides that students already enrolled in private or parochial schools would be eligible for such vouchers; and

WHEREAS, students receiving vouchers would be able to retain any excess funds in those instances where the cost of tuition is less than the value of the voucher for use in any private school or college in Ohio; and

WHEREAS, the operation of the proposed program would take dollars directly from the already financially beleaguered local public school districts resulting in fewer resources for the education of the remaining students;

NOW THEREFORE BE IT RESOLVED, that the Westlake Board of Education does hereby express its opposition to this legislation, HB 136 School Choice; and

BE IT FURTHER RESOLVED that the Westlake Board of Education expresses its opposition to any legislation that seeks to transfer public dollars to support private education; and

BE IT FURTHER RESOLVED that the Treasurer be directed to spread this resolution upon the minutes of the Board of Education and that copies of the resolution be forwarded to members of the Ohio House of Representatives.

Board Discussion:

Treasurer Pepera briefed the Board on the issues surrounding language contained in HB136 and the negative impact it would have on the District. Mr. Cross asked Mr. Pepera what the total dollar impact to our District would be if the bill were to pass today. Mr. Pepera estimated just under \$2m. Mr. Cross stated that despite his personal belief in free market and free choice, he will support this resolution. He further stated he believes it's hypocritical to vote on this resolution and send this to the Columbus while members on the Board have children in private or parochial schools. Ms. Winter stated that regardless of belief in choice, it is bad legislation to create two systems for taxpayers to fund, and the District needs to protect its resources. She stated there are flaws with this bill and fully

supports the resolution. Ms. Rocco stated that private schools already receive more money on a per pupil basis than public schools and aren't held to the same standards. She stated she will support the resolution. Mr. Mays indicated he will also support the resolution for the same reasons as stated.

Motion by \_\_\_\_\_ Ms. Rocco

Seconded by \_\_\_\_\_ Ms. Winter

Roll Call Vote:

Mr. Mays	_____ AYE
Ms. Winter	_____ AYE
Mr. Cross	_____ AYE
Ms. Rocco	_____ AYE

#### **TREASURER'S CERTIFICATION**

I certify that this is a true and complete copy of the Resolution adopted by a majority of the full membership of the Westlake City School District Board of Education at its meeting held on December 5, 2011 as was recorded by me in the official proceedings of the Board.

Dated: December 6, 2011

\_\_\_\_\_  
Treasurer, Board of Education  
Westlake City School District, Ohio

December 5, 2011  
11-538

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