



DEKALB COUNTY PUBLIC BUILDING COMMISSION

A MUNICIPAL CORPORATION AND BODY POLITIC ORGANIZED PURSUANT TO THE "PUBLIC BUILDING COMMISSION ACT." ILLINOIS REVISED STATUTES 1977 CHAPTER 85, SECTION 1031 THROUGH SECTION 1054 AND CURRENTLY UNDER ILLINOIS COMPILED STATUTES 50 ILCS 20/1 et seq.

MEETING OF TUESDAY, DECEMBER 1, 2020

Due to COVID-19, this Meeting was held as a Virtual Public Meeting

The Board of Commissioners of the DeKalb County Public Building Commission (hereinafter "Commission") met virtually in regular session through a cloud-based, peer-to-peer software platform called Zoom on Tuesday, December 1, 2020, at 8:30 a.m. pursuant to written notice to each Commissioner as required by the By-Laws.

ROLL CALL

Chairman Swanson called the meeting to order at 8:30 a.m. and requested the Secretary to call the roll. Those Commissioners virtually present were Vice-Chairman Larry Lundgren, Ms. Cheryl Nicholson, and Chairman Matt Swanson. Mr. Mike Larson and Mr. Chuck Shepard were absent. A quorum was established with three Commissioners virtually present and two absent at the time of roll call.

Others present via Zoom included: County Administrator/Commission Treasurer Gary Hanson, Mr. John Heimbach with Larson & Darby Group, Megan Simon, Lauren Spencer, Chrissy Vasquez, and Shawn Tsusaki with Ringland-Johnson Construction, County Facilities Management Office Director Jim Scheffers, Rehab & Nursing Center Maintenance Supervisor Steve O'Bryan, Vice President of Management Performance Associates Scott Gima, Deputy County Administrator Derek Hiland, DCRNC Operating Board Chairman and County Board Member Jeff Whelan, County Board Member Steve Faivre, County Finance Director Pete Stefan, Assistant State's Attorney David Berault, and Commission Secretary Tasha Sims.

APPROVAL OF AGENDA

Ms. Nicholson moved to approve the agenda as presented and Vice-Chair Lundgren seconded the motion. Those Commissioners voting yea were Vice-Chair Lundgren, Ms. Nicholson, and Chairman Swanson. The motion carried unanimously by roll call vote.

APPROVAL OF MINUTES

Ms. Nicholson moved to approve the minutes of the Tuesday, November 10, 2020 meeting. Vice-Chair Lundgren seconded the motion. Those Commissioners voting yea were Vice-Chair Lundgren, Ms. Nicholson, and Chairman Swanson. The motion carried unanimously by roll call vote.

PUBLIC COMMENTS

Mr. Jeff Whelan had questions about Ringland's retention request. It was noted that discussion would take place later in the meeting and his questions may be answered at that time.

NURSING HOME EXPANSION PROJECT

Project Update

Mr. Shawn Tsusaki from Ringland-Johnson Construction shared that they received all the shunt trip breakers that they have been waiting on which allowed them to clear out a lot of the punch list items. They have begun scheduling all of the start-ups which will begin taking place later in the week. He just made contact with an individual on the key pads and they are sending someone out to work on them. The shunt trip breakers will be followed with the exhaust hood system.

The new flooring going in the TCU Addition and Activity Center Corridors is looking really good, Mr. Tsusaki shared. The TCU is 95% complete. The only item left is the installation of weld rod. They have moved onto the Activity Center now and are laying the flooring out and letting it rest. The install should begin today with a hopeful completion by December 7th. They are not having any issues this time with any bubbling.

A cleaning crew is on-site going through all the patient rooms in the TCU Addition and all of the other rooms that can be done minus the corridors at this time.

A draft is being prepared in regards to the cracking issue. Brent Johnson of RJC has been working with a structural engineer and the hope is to have those findings in the next couple of days. Mr. Heimbach has an additional structural engineer coming on-site tomorrow. Mr. Tsusaki confirmed that there has not been any additional cracking since it was initially discovered.

Change Order Requests

The Commissioners were provided with the updated Change Order Proposal Log. Items in white are ongoing issues that are under review, the gray are items that have been previously discussed and approved, and items up for discussion currently are yellow.

The Commissioners were requested to approve the following Potential Change Order (PCO) requests:

PCO #121: The contract includes an allowance of \$34,000 for testing services occurring through the course of the construction activities. After reconciliation of all of the testing services performed on the project, an additional \$26.00 is required to cover the total amount of testing.
(Item #150)

PCO #122: PCO #106 was originally approved as a T&M not to exceed \$10,000. The actual amount required to complete this work was \$9,071.06. Costs for testing and balancing were excluded because they were included in the Base Bid scope. The credit on this item is a total of (\$928.94).
(Item #152)

PCO #98: Additional General Requirements for July and August: Due to several issues that have occurred through the course of this project, the project has been delayed from its original schedule, and the Construction Manager is requesting additional funds related to general requirements. They are requesting additional funds as related to expenses incurred during the months of July and August. The issues related to this request include early project delays relating to Zoning reviews, changes in project phasing, delays related to interpretations of regional plumbing inspector, delays related to COVID interruptions, and kitchen equipment manufacturing and delivery issues. These costs for July and August have already occurred and total \$81,923.54. The costs are requested to come out of the Schedule Contingency.
(Item #124)

Lauren Spencer, CFO, Ringland-Johnson provided a presentation to the Commission that reiterated what the additional general requirements cover and why they are a reimbursable cost as outlined in the contract for the project.

Ms. Nicholson reviewed the timeline of the project and why she thought the Commission should not have to pay for additional general requirements. It appears, from Ringland communications, that the time-frame for the project started in March, 2019. If that is the case, wouldn't any "extra" time needed for this project start no earlier than September, 2020, she questioned. Also, setting aside the time-frames, it was questioned that if July and August in PCO #98 are determined correct, why would this include any charges for June.

Additionally, the PCO includes charges for an hourly rate not on the schedule for professional services. Why should this employee's time be allowed to be charged? A specific example is the 104 hours charged for Thomas Poyer at \$116.21 per hour.

Vice-Chair Lundgren additionally expressed his discontent with all of the added costs and the requests to reduce retainage when issues are still on the forefront.

Mr. Gima with MPA commented from his perspective on the COVID-related issues and provided the Commission with all of precautions that have been put into place on the facility.

Mr. Heimbach and Mr. Gima additionally updated the Commission on the status of working with the regulatory bodies and getting an inspection done and how licensing will go if the project were to close-out as is. The correspondence with these bodies has begun to take place.

Going back to PCO #98, Ms. Spencer noted that the perspective is that the contract amount is changing with these change orders. She stated that the biggest thing is the contract amount is not changing. DeKalb County is not spending any more money than what was originally agree upon. RJC is just shifting dollars from the contingency to the project because it is a cost of work for the project.

Mr. Shepard concurred with Ms. Nicholson's comments about the project timeline and he believes July and August are a part of the original project timeframe and he just doesn't see why they should approve PCO #98.

Vice-Chair Lundgren questioned if they can shut this project down and complete it after COVID and it still be safe for the residents of the Nursing Home. Mr. Gima provided that yes, the Nurses could work around the incomplete areas and there would be no harm to the residents if the interiors work was not completed at this very time.

PCO #123: Additional General Requirements for November: Due to delays in the project, the
(Item #153) Construction Manager is requesting additional funds related to general requirements. The costs for November have already occurred and total \$23,882.50. The costs are requested to come out of the Schedule Contingency.

Ms. Nicholson moved to approve PCO #121 = \$26.00 and PCO #122 = (\$928.94). Mr. Shepard seconded the motion. Those Commissioners voting yea were Vice-Chair Lundgren, Ms. Nicholson, Mr. Shepard, and Chairman Swanson. The motion carried unanimously by roll call vote.

Mr. Hanson suggested the Commission delay any further decisions on PCO's #123 and #98 until later in the meeting following Executive Session. The Commission agreed.

UPCOMING CHANGE ORDERS

Mr. Heimbach informed the Commission that there aren't currently any specific outstanding change orders. There are some outstanding issues that are related to building cracking and potentially also with some modifications to the air handling units. Larson & Darby are reviewing those items now and there might be some change orders related to those issues next month but he currently did not have any specific ideas of what any additional costs would be, if any.

REQUEST FROM RINGLAND-JOHNSON TO REDUCE AMOUNT OF RETAINAGE

As first presented last month, Ringland-Johnson formally requested a reduction in retention on project, 217-139 Additions and Renovations for DeKalb County Nursing Center.

The current retention percentage held on the project is five (5) percent. RJC requested that the retention be dropped to zero (0), but RJC will withhold all punch list item work identified on the attached document to the request at 150%. Typically, industry standard for work remaining is the value of punch list item(s) to be complete shall be withheld at 150% the estimated cost to complete. Additionally, due to current

circumstances, RJC has withheld the credit amount for PCO #118 Credit for Remaining Work with each subcontractor and that PCO was just approved.

The Commission delayed their decision last month on the request because they had concerns with the cracks in the walls and with there still be some uncertainties with the punch list items.

Ms. Simon explained that they have met substantial completion. They have only nine items left on their punch list. RJC is now asking for a reduction in retention down to 2.5%. The 2.5% is enough to cover the 150% of the punch list items that remain.

Ms. Nicholson moved to reduce the retention on the entire project to 2.5%. Mr. Shepard seconded the motion. Those Commissioners voting yea were Ms. Nicholson, Mr. Shepard, and Chairman Swanson. Vice-Chair Lundgren opposed. The motion carried by a 3-1-1 roll call vote.

OLD BUSINESS / NEW BUSINESS

Chairman Swanson and the Commission congratulated Mr. Gary Hanson on his retirement from DeKalb County Government on December 31, 2020 after 37 years. Mr. Hanson will remain as Treasurer of the Public Building Commission.

NEXT MEETING DATE

The next regular Public Building Commission Meeting is scheduled for Tuesday, January 5, 2020, at 8:30 a.m. via Zoom.

EXECUTIVE SESSION

Mr. Shepard made a motion to go into Executive Session at 9:52 a.m. to discuss Pending, or Probable or Imminent Litigation provided for in 5 ILCS 120/2(c)(11). Ms. Nicholson seconded the motion and it was approved unanimously by a 4-0-1 roll call vote. Those Commissioners voting yea were Vice-Chair Lundgren, Ms. Nicholson, Mr. Shepard, and Chairman Swanson. None were opposed and Mr. Larson was absent.

The Commission returned to the Open Meeting at 11:02 a.m.

Change Order Requests...continued

Mr. Shepard moved to approve PCO #123 - \$23,882.50. Ms. Nicholson seconded the motion. Those Commissioners voting yea were Vice-Chair Lundgren, Ms. Nicholson, Mr. Shepard, and Chairman Swanson. The motion carried unanimously by roll call vote.

Mr. Shepard made a motion to instruct Chairman Swanson and Mr. Hanson to contact Ringland-Johnson Construction to discuss issues that the Commissioners have with PCO #98. Ms. Nicholson seconded the motion. Those Commissioners voting yea were Vice-Chair Lundgren, Ms. Nicholson, Mr. Shepard, and Chairman Swanson. The motion carried unanimously by roll call vote.

Mr. Hanson asked the Commission if they would consider making a motion to close-out this project as of December 15, 2020; at least as a way to express their desire to bring items to closure.

Vice-Chair Lundgren moved to close-out the Nursing Home Expansion Project as of December 15, 2020. Mr. Shepard seconded the motion. Those Commissioners voting yea were Vice-Chair Lundgren, Ms. Nicholson, Mr. Shepard, and Chairman Swanson. The motion carried unanimously by roll call vote.

ADJOURNMENT

A motion to adjourn was made by Vice-Chair Lundgren. Ms. Nicholson seconded. Those Commissioners voting yea were Vice-Chair Lundgren, Ms. Nicholson, Mr. Shepard, and Chairman Swanson. The motion carried unanimously by roll call vote. The meeting was adjourned at 11:07 a.m.

Matt Swanson, Chairman

Tasha Sims, Secretary

<u>Commissioners</u>	<u>Expiration of Term</u>	<u>Office</u>	<u>Original Appointment</u>
Mr. Mike Larson	September 30, 2025	Commissioner	November 17, 2010
Mr. Larry Lundgren	September 30, 2024	Vice-Chairman	April 2, 2010
Ms. Cheryl Nicholson	September 30, 2023	Commissioner	August 19, 2015
Mr. Charles Shepard	September 30, 2021	Commissioner	October 1, 2011
Mr. Matt Swanson	September 30, 2022	Chairman	September 19, 2007
<u>Non-Voting Officers</u>			
Ms. Tasha Sims	September 30, 2021	Secretary	October 4, 2016
Mr. Gary H. Hanson	September 30, 2021	Treasurer	February 18, 1984