



Board of Trustees Special Meeting
Monday, September 29, 2008 5:30 p.m.

MINUTES

President Burtch called the meeting to order at 5:35 p.m.

IN ATTENDANCE

BOARD MEMBERS: John Burtch, Bryce Kurfees, John Magill, Charles Motil, Brian Perera, Amy Sharpe

ALSO PRESENT: Ann Moore, Director; Terri McKeown, Fiscal Officer; Kate Porter, Assistant Director; Sylvia Gillis, Legal Counsel; Nancy Roth, Administrative Secretary

OPERATIONS/FINANCE JOINT MEETING REPORT

Magill reviewed the notes from the joint Operations/Finance Committee meeting. Those notes are included here.

JOINT OPERATIONS/FINANCE COMMITTEE MEETING
Tuesday, September 23, 2008 5:00 p.m.

Meeting Notes

The meeting was called to order at 5:05 p.m.

IN ATTENDANCE: Charles Motil, John Magill, Amy Sharpe, Brian Perera, Ann Moore, Terri McKeown, Kate Porter, John Forgos, Sylvia Gillis, Becky Princehorn and Nancy Roth

ITEM #1 – PROPOSAL FOR AGREEMENT WITH JOHN FORGOS

Moore said that over the past few months, Forgos has put in hours beyond the work contracted as part of the planning study. She said that the work was a result of looking into the possibility of doing some immediate work in the Adult Services area to improve the lighting. Moore noted that this arose from comments at the June Board meeting.

Forgos said that he had discussed the work with Board President Burtch, but that their conversation had not been completed about how to bill the work. He said that the nature and scope of the work changed because initially the request was to look at what could be done for \$100,000 and that amount was then raised to \$800,000 and then to \$1,500,000. He said that when he raised the issue with Burtch he had put in over seventy-one hours on this and that the total may now be closer to one hundred hours. Forgos said that the work grew out of the planning study, but was not part of the study and that the intent was to budget and contract for his services in one hundred hour increments.

Magill asked Forgos to clarify what work was completed and if there was an end product available for the Board. Forgos said that he has developed cost estimates and supporting documentation as a result of his study that would be made available to the Board.

Magill said that Forgos does great work for the library, but that no more work should be undertaken by Forgos or any other consultant without Board approval and a contract in place. Forgos was asked to submit his proposal for the work under discussion prior to the regular Board meeting for discussion at the full Board meeting. Magill said that he would like input from Burtch who had the initial conversation with Forgos.

Moore noted that the work was undertaken at a time when it appeared that the planning study was not likely to go forward into a renovation project and the goal was to address a serious deficiency in the Adult Services area in a timely manner. She said that expert advice from Forgos was needed in order to do this. After some discussion, the joint committee reached consensus that the work should not be considered as an amendment to the planning study.

ITEM #2 – RFQ FOR ARCHITECT FOR TREMONT EXPANSION

Discussion of Process:

Moore noted that McKeown and Porter had met with Sylvia Gillis to prepare the draft documents for the RFQ which were distributed at the meeting. McKeown said that the packet of information contained information the Gillis had developed along with material from the Youngstown Public Library which was used as a template for some of the material. She noted that Youngstown Library has had numerous building projects in recent years.

McKeown said the first item is the Notice of Available Contract. She said that Gillis has advised the use of a shortened form for this announcement in order to cut down on advertising costs. She noted that additional materials would be provided to the bidders upon their request. There was discussion at this point about the various advertising venues that could be utilized. Gillis suggested that in addition to the Columbus Dispatch, the notice be submitted to the Dodge Reports, which architects utilize to see what public projects are available.

Magill said he would like to see if there are library-based publications that would be available to attract architects with library experience. He said that ideally candidates would have robust library experience. McKeown said that OLC had hosted a recent expo that included architects and that staff members who had attended had submitted information to Administration about firms that had been at the Expo. She also noted that if the notice appears in the Columbus Dispatch for one day, it will remain on their website for the following sixty days, so additional exposure is assured.

Forgos stated strongly that trying to prepare for a May ballot initiative was extremely difficult and that the library was behind schedule. He expressed concerns that an architect would not have sufficient time to develop a product by the deadline imposed by the Board. McKeown asked Princehorn to explain the timeline she had developed.

Princehorn presented a timeline to the group that she compiled working backward from the May 5, 2009 election date. She noted that she assumed that the UA City Council meeting schedule for the city would remain the same, but that the city does not set their schedule until later in the year. She said that there are two separate but parallel timelines involved in the process. One is the timeline for getting the issue on the May ballot and the other timeline is for gathering and compiling the information needed to support the various steps of getting the issue on the ballot.

Princehorn said levy actions require two resolutions from the library Board of Trustees and one resolution from the city. For bond issues, the Board of Trustees only has to pass one resolution – the Resolution Requesting Submission of Questions of Bond Issue. She noted that Bond issues necessitate the taxing authority – the City of Upper Arlington – pass two resolutions, each requiring three readings. The first resolution from the city is a Resolution of Necessity and the second is a Resolution to Proceed. It was noted that under current circumstances, the city would be unlikely to take any action outside of regular meetings.

Forgos said that an architect will need eight weeks to prepare preliminary plans. He said that the schedule is extremely ambitious and that any delays could make it impossible to meeting the deadline for the May ballot. He asked about the possibility of issuing an RFP rather than an RFQ in order to consolidate some of the process. Gillis said that in order to issue an RFP, the library would have to have an established procedure and file of architecture firms that is regularly and routinely updated to invite firms to submit proposals. She said this is more applicable to larger institutions that have frequent need of this type of service, but it is not appropriate for this situation.

Princehorn said that the Franklin County Board of Elections is currently in conflict with the Ohio Secretary of State's office over the length of the ballot. She said Franklin County wanted to permit condensed purpose clauses for bond issues, but the Secretary of State will not allow that. She said that the Board will need to take this into consideration when preparing the purpose clause. Princehorn said that bonds can be issued for the following reasons:

- Land acquisition
- Construction/renovation costs
- Site improvements
- Furnishings and equipment.

Any possible uses in those categories have to be considered when describing the bond usage. For example, a bond issued for construction/renovation costs and land acquisition only, cannot then have funds used for furnishings and equipment. She advised that the description be as inclusive as possible and cover all eventualities.

There was extensive, general discussion among the group about the concerns of the tight schedule as it might affect the architects submitting proposals, City Council and the library. However, the committees present did agree that the effort should be made to move ahead and continue to plan for a bond issue on the May 5, 2009 ballot.

Princehorn noted Boards of Election are now passing along the costs of the elections to the entities whose issues appear on the ballot. She said that in all likelihood, both the May and August elections would be considered as "special elections" and the library's cost would be about the same. The group agreed that it was appropriate to continue to

plan for the May election, but that a special election in August would be a fallback position.

Magill said that having a special Board meeting to approve the RFQ could save two weeks in the process. After additional discussion the following tentative schedule was proposed and agreed to by the Board members present. Moore did attempt to contact President Burtch to elicit his opinion, but was unable to reach him during the meeting. The tentative schedule is as follows:

- 1. Monday, September 29, 2008 5:30 p.m. – Special Board Meeting to approve RFQ.*
- 2. Wednesday, October 1, 2008 – RFQ is put out for responses.*
- 3. Wednesday, October 15, 2008 – proposals due from candidates*
- 4. Saturday, October 18, 2008 10:00 a.m. – Special Board Meeting to discuss and rank proposals. Board members will be provided with copies of the proposals in advance and are will be asked to have read them and done a preliminary personal ranking with the materials provided.*
- 5. Monday, October 20, 2008 – Selected Board members may conduct interviews with top candidates, either by phone or in person.*
- 6. Tuesday, October 21, 2008 5:30 p.m. – Special Board Meeting to select a winning candidate and authorize immediate contract.*
- 7. Tuesday, November 11, 2008 5:00 p.m. – Regular Board Meeting at which time the initial plans from the architect will be reviewed.*
- 8. Thursday, November 20, 2007, 5:30 p.m. – Special Board meeting to finalize scope, bond estimate, etc. to pass a Resolution Requesting Submission of Questions of Bond Issue.*

Princehorn said that rough conceptual drawings would be all that is necessary for the initial resolution. She said that the presentation of more detailed drawings comes later in the process. Princehorn said the items to be included in the resolution sent to City Council were the dollar amount being requested, the purpose statement for the bond issue and an estimated interest rate.

Magill said that the procedure would need to be followed carefully and tightly. Sharpe urged the members to move forward as quickly as possible. Motil said that attracting the best firm to do the project was very important but that proper procedures must be followed. Moore noted that if the Board is of one mind to publish the RFQ, other information can be gathered and other steps can be taken while the RFQ is pending.

Princehorn said that the city has recently received AAA bond rating and that there is no problem with the city's bonding capacity. Motil noted that he had had a conversation with Cathe Armstrong, Upper Arlington City Finance Director. He said that she indicated that the city has \$50,000,000 in bonding capacity.

McKeown said that discussion was needed about Forgos' role in the project. Motil asked Forgos if he was interested in serving as owner's representative for the project. Forgos said that he was interested and that his detailed knowledge of the library could assist the selected architect in developing plans more quickly than might otherwise be the case. Moore said that she does not want to approach this project without an owner's representative under contract.

Forgos asked to be excused from the meeting at this point.

After some discussion, it was determined that due to the scope of the project, an RFQ for an owner's representative should be issued along with the RFQ for the architect/design services. It was also agreed that Forgos should be invited to submit his information and that the period of submission would be shorter than that of the architect/design RFQ.

Princehorn said that if the bond issue passes, the funds could be in the bank by mid-June of 2009

Magill said that at the Special meeting the Board will need to discuss the RFQ and what it contains; to discuss the issue of the owner's rep and to agree on a review process so that bidders will know what to expect.

It was noted that the plan would be to suspend construction pending funding.

Forgos said that a two-phase agreement with the architect would be the norm in this situation. Phase one would be the development of conceptual drawings and design. If the bond issue passes, more detailed drawings and plans would then be undertaken.

Princehorn left the meeting at this point.

Discussion of RFQ Documents

Magill asked if improvements at Lane Road were a part of the project package. McKeown said that Lane Road was included as a part of a complete improvement package in order to allow bond funds to be used for other improvements as identified. She said this inclusion would allow the library to keep options open. The group agreed that this was a sensible course of action.

Magill noted that the architect will have to provide the library with a product by the end of November. He noted that this would be a challenging timeframe. He suggested that the expanded RFQ statement include the provision to ask for specific library design experience. He said that the RFQ acknowledges that the library will be utilizing an owner's representative. He said that the issue of an RFQ for an owner's rep should be dealt with at the September 29, 2008 Special Board meeting and then a contract for those services should be offered at the October 14th regular Board meeting.

Magill noted that the need to issue an RFQ for the owner's rep was in no way a reflection upon Forgos' prior service. He said that the size of the project demands extra prudence in procedural matters such as the owner's rep contract. He said that Forgos should be invited to make a submission and the plan would be for the owner's rep to assist in the evaluation of the architecture firm candidates.

There was discussion about the review process for the submitted qualifications. The group determined that the whole Board should be involved and the submissions should be discussed at a Special Board meeting on October 18, 2008. Magill suggested that each member should have made their initial ranking of the candidates prior to the meeting. It was agreed that following the selection of the top two or three candidates,

selected Board members would conduct interviews via phone or in person and the final selection made and approved at a Special Board meeting on October 21, 2008.

The group discussed the Project Background document. It was noted that information about the recent renovation to Miller Park needed to be added to the document along with a specific reference to inclusion of a coffee shop area. The inclusion of a description of the Lane Road Branch was also recommended. There was discussion about changing the word "schematic" to "conceptual" in the document. A number of other revisions were also recommended.

McKeown noted that the Architect Expectations document was based on a similar document used by Youngstown Library. It was determined that the supporting documents to be reviewed by the architect should include the 2002 DesignGroup study. Perera asked that the impact on operational costs be included in the design portion of the document.

The review and ranking mechanisms were discussed. After some discussion, it was agreed that the samples provided were appropriate. Magill said that the Board will need to see the revised documents prior to the September 29th meeting so that the full Board can engage in further discussion about the weighting of each section of the evaluation worksheet. It was agreed that the full Board would need to come to consensus on the evaluation mechanics of the selection process at the September 29th meeting.

The group reviewed the proposed timetable of Special and Regular Board meetings and noted that the Board will need to determine how the final interviews will be handled and who will be involved. It was agreed that decision could be made later with input from the whole Board.

The meeting adjourned at 6:55 p.m.

Regarding the work done by John Forgos to look at lighting alternatives for the Adult Services area, Burtch said that he does not specifically recall the meeting. He said that he did not anticipate a project that would have resulted in nearly 100 billable hours. Moore noted that there had been several meetings with Forgos following the June Board meeting. She said that at the time, it was questionable whether the library would move forward with a plan to renovate or expand the Tremont facility. The review of the lighting issue in Adult Services was a response to Board members expressed concern about mediating that situation, even temporarily, as a priority. Moore noted that the scope of Forgos' work kept changing as the library changed the financial limit variable given to him.

Moore said that there is no doubt that Forgos did do work on the library's behalf, figuring various shelving options for the number of books in the department, layout variations and other calculations. Burtch noted that he did not have an expectation that he was authorizing a work order, per se. He said that the issue is not so much about the payment to Forgos as it is about establishing a policy.

Magill said that it has proven cost effective for the library to have separate contracts for each definitive piece of library construction projects. He said that Forgos would be submitting an end product for consideration of payment at the October regular Board

meeting. He noted that going forward; the library should engage Forgos for a specific project before he does work on the project.

Magill continued with his review of the joint meeting notes. He said that there were two proposals included in the Board packet – a proposed RFQ for Architect/Design services and an RFP for an Owner's Rep for the Tremont Project. Magill said that the library learned from the Miller Park renovation that large projects move along more efficiently and cost-effectively with an owner's rep. He said that the plan would be for the owner's rep to assist in the evaluation of the RFQ submissions, so that it was important to engage an owner's rep in a timely manner. He said that the Board would be asked to approve an owner's rep contract at the regular October Board meeting.

Kurfees expressed concern that the compressed timeline might filter out some architect firms who would otherwise like to make a submission. Magill agreed that the timeline would necessitate that the project be considered by a large firm with a robust bench of staff to prepare a submission quickly. He indicated that this was not a bad outcome.

Burtch said that he was concerned that the timetable might affect the quality of the product produced. He said that he wants to undertake a good project in the best way possible. Perera noted that if the library is not satisfied with the submission, the Board could then consider changing the timetable or making another RFQ request. He said that the library is not committed to selecting one of the submissions if it is felt that none are appropriate.

Burtch inquired about the cost of a re-bid. McKeown said that the cost of the advertisement is minimal. Motil said that what a firm may present will not be the absolutely final project. He said that they would provide information to convince the library to engage them, along with a cost estimate.

An inquiry was made as to whether the passage of a bond issue locks the library into a specific design. Magill said that the bond language would be written in broader terms and would not obligate the library to a specific design. Passage of a bond issue does not obligate the library or city to sell all the bonds if the project ends up needing less funding than originally estimated.

Gillis said that the architect would provide a conceptual drawing and a cost estimate based on the square footage involved. She said the drawings would give the library an idea of what the end product **might** look like. She said that architects are skilled at preparing these types of conceptual drawings. She noted that the project would develop and change over the course of time. She said that the library has already done much of the groundwork for an architect from which they can draw information. She agreed with Magill that if a firm is robust with some depth to their staff, they should be able to submit a response even in a compressed timeframe.

Magill said that the rougher conceptual drawings could be used for the first three readings of the necessary resolutions by the city, which would allow additional time for the architect to prepare more finished drawings for the second set of readings by the city. It was noted that the whole process stops until financing is secured and then architectural drawings would be refined over time.

Kurfees asked if it were feasible to select two designs and allow the public to select their favorite. Magill said the challenge would be in having time to do that prior to the selection of an architect. He said that process is called a Charrette and that the selected firm could conduct a Charrette later in the process if the Board would choose to do so. Motil said it would be costly to have this done by two different firms and that the decision does not have to be made now.

Kurfees asked if item #5 on the Evaluation Worksheet would tend to filter out some firms. Gillis said that it was a legitimate concern. Magill said that experience with the library does matter, but that he would suggest keeping item #5 and adding an additional item that would reference experience with other libraries.

The Board discussed the weighting of the various items on the RFP for an owner's rep. Gillis noted that the evaluation could be as subjective as the Board wishes. Sharpe said that she would like the items listed in order of importance. It was agreed that Item # 1 and # 5 should be reversed and that #2 and #4 be reversed. It was also agreed that the Prism marketing study should be added the list of documents for review to be consistent with the Architect Expectation document. The Board also agreed that the RFP should indicate that further services from the owner's rep would be contingent upon funding of the project.

Perera made a motion to approve issuing an RFP for an owner's representative based on the document provided as amended at the meeting. Sharpe seconded the motion. Voting Aye: Burtch, Kurfees, Magill, Motil, Perera and Sharpe. Voting Nay: None.

Burtch asked what the difference was between an RFP and an RFQ. Gillis responded that in an RFP, a cost for services could be solicited. In an RFQ, a cost cannot be considered.

Magill requested that the Board members be informed of what firms are sent the RFQ information. Moore indicated that she would do so.

Perera made a motion to approve issuing an RFQ for Architect/Design services based on the documents presented and edited at the meeting. Motil seconded the motion. Voting Aye: Burtch, Kurfees, Magill, Motil, Perera and Sharpe. Voting Nay: None.

Magill noted that the RFQ should include a reference to the final space of the library being approximately 100,000 square feet in order to keep the proposals in line with what seems reasonable. **Motil made a motion to amend the RFQ for Architect/Design Services to include a final space limitation of approximately 100,000 square feet. Kurfees seconded the motion. Voting Aye: Burtch, Kurfees, Magill, Motil, Perera and Sharpe. Voting Nay: None.**

Motil said that he wanted to offer a clarification of his comments made at the joint Operations/Finance meeting. He said that in relaying his conversation with Cathe Armstrong, City Finance Director, he did not want to give the impression that the conversation was anything other than brief and informational. He noted that no commitments were made by the city and requested that his comments as reflected in the

meeting notes be amended. It was agreed to make that amendment. (NOTE: The meeting notes as included in these minutes reflect the requested change.)

REVIEW OF CALENDAR

Moore reviewed the proposed schedule of special meeting dates and times. She noted that the Administration Office would deliver the RFQ submissions as soon as possible for the members to peruse in advance of the October 18th meeting.

McKeown noted that the architect evaluation form was developed by Gillis and is for each member's individual use as a mechanism to make notes as the individual submissions are reviewed. She said that the evaluation worksheet is the actual ranking mechanism, which will be completed at the October 18th meeting. Magill suggested that the Board take time at the October 14th meeting to review the various ranking forms and how to use them.

No Board members indicated that they had any issues with the proposed meeting dates. Perera noted that if the entire building has to come up to ADA code, it would have an impact on the cost of the project. Motil noted that architects are able to factor this in to their planning and proposals. Burtch noted that when voters are approached for bond approval, the library should be able to use ADA compliance as one reason for the need for the project, so that it might help pass the initiative.

The Board agreed to change the weight of the number of years in business from 1 to 3 on the evaluation worksheet.

ADJOURNMENT

Perera made a motion to adjourn the meeting. Magill seconded the motion. Voting Aye: Burtch, Kurfees, Magill, Motil, Perera and Sharpe. Voting Nay: None. The meeting was adjourned at 6:30 p.m.

John V. Burtch, President

Amy P. Sharpe, Secretary