THE BOARD OF PUBLIC EDUCATION
OF THE SCHOOL DISTRICT OF PITTSBURGH, PENNSYLVANIA

MINUTES

Meeting of: July 6, 2010

Call of the Meeting: Special Legislative Meeting

Members Present: Mark Brentley, Theresa Colaizzi, Jean Fink, Sherry Hazuda, William Isler, Floyd McCrea, Sharene Shealey, Thomas Sumpter and Dr. Dara Ware Allen

The following matters were received and acted upon.

Actions taken are recorded following the reports.

We are an equal rights and opportunity school district.
ROLL CALL

1. Committee on Business/Finance [Roll Call]

That the following addition to a construction contract previously approved be adopted. (Report No. REP 1032A-1)

We are an equal rights and opportunity school district.
<table>
<thead>
<tr>
<th>SCHOOL NAME</th>
<th>CHANGE ORDER DESCRIPTION</th>
<th>ADD $</th>
<th>DEDUCT $</th>
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</thead>
<tbody>
<tr>
<td>CUPPLES STADIUM</td>
<td>Additional excavation, underground piping and new tap</td>
<td>$171,395.00</td>
<td></td>
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<tr>
<td>OF0604</td>
<td>After the project was started, Pittsburgh Water and Sewer Authority (PWSA) required additional modifications to correct existing non-conforming conditions and to meet all current sanitary and storm water disposal standards, thus requiring extensive excavation, underground piping and a new tap connected into the 72&quot; brick public sewer line.</td>
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<td></td>
<td><strong>Unforeseen additional repairs</strong></td>
<td>$180,000.00</td>
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<td>Additional costs for unforeseen emergency repairs, including premium time labor, that may be encountered at the 72&quot; brick sewer/tap connecton. This is to authorize the PPS Solicitor and the COO/CFO to approve these costs on an emergency basis if needed.</td>
<td></td>
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<tr>
<td>CUPPLES STADIUM</td>
<td>Replace deteriorated conduits.</td>
<td>$35,000.00</td>
<td></td>
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<tr>
<td>OF0605</td>
<td>Existing below-grade conduits are clogged, damaged and deteriorated, thus requiring installation of new conduits.</td>
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<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td>$386,395.00</td>
<td>$</td>
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TRANSCRIPT OF PROCEEDINGS

PITTSBURGH BOARD OF PUBLIC EDUCATION
SPECIAL LEGISLATIVE MEETING
TUESDAY, JULY 6, 2010
5:30 P.M.
ADMINISTRATION BUILDING - BOARD COMMITTEE ROOM

BEFORE:

THERESA COLAIZZI, BOARD PRESIDENT
THOMAS SUMPTER, FIRST VICE PRESIDENT
WILLIAM ISLER, SECOND VICE PRESIDENT
DR. DARA WARE ALLEN
MARK BRENTLEY
JEAN FINK
SHERRY HAZUDA
FLOYD McCREA
SHARENE SHEALEY

ALSO PRESENT:

MR. IRA WEISS
MR. PETER J. CAMARDA
MR. CHRISTOPHER M. BERDNIK
MS. LISA FISCHETTI
MR. VIDYAHAR PATIL
MR. MONTY TUCKWILLER

REPORTED BY: EUGENE C. FORCIER
PROFESSIONAL COURT REPORTER

COMPUTER-AIDED TRANSCRIPTION BY
MORSE, GANTVERG & HODGE, INC.
PITTSBURGH, PENNSYLVANIA
412-281-0189

ORIGINAL
MS. COLAIZZI: Good evening, ladies and gentlemen, I would like to welcome you to the July 6th, 2010 special legislative meeting. Would we please all rise to salute the flag.

(Salute to the flag.)

MS. COLAIZZI: If I could please ask everyone to make sure their cell phones are either off or on vibrate.

Mr. Weiss, may we have a roll call, please.

MR. WEISS: Dr. Allen?

DR. ALLEN: Present.

MR. WEISS: Mr. Brentley?

MR. BRENTLEY: Here.

MR. WEISS: Mrs. Fink?

MS. FINK: Here.

MR. WEISS: Mrs. Hazuda?

MS. HAZUDA: Here.

MR. WEISS: Mr. Isler?

Mr. McCrea?

MR. McCREA: Here.

MR. WEISS: Miss Shealey?

MS. SHEALEY: Here.

MR. WEISS: Mr. Sumpter?
There is only one item in front of us this evening, it comes to us by the Committee on Business and Finance, which is chaired by Mr. McCrea. This is an item -- several items, actually, three items of additional work that needs to be done at Cupples Stadium. Does anybody have any questions or comments?

I understand that we are -- I don't know if this is the correct term, but applying for an abatement or something to be able to recoup a portion of these costs; is that correct? And if so, how much is that?

MR. WEISS: It's not an abatement. We intend to pursue the design consultant whom we believe is principally responsible for much of the cost overruns on this project. They have been placed on notice. Initially, they were given a specific letter last
week, when this was discussed, and we intend to pursue them quickly, upon completion of the project, to recover as much of the additional cost as possible; which includes some costs that accrued before and these costs as well.

Now, some of this is not their doing, but we believe a lot of what's occurring there is their doing.

So, it's really not an abatement, it is pursuing a design professional for what we believe is inadequate work.

DR. ALLEN: Is there a range for how much we think we could get back?

MR. WEISS: I hate to put a number on it, but I would think in excess of $300,000, or more.

DR. ALLEN: Okay. Thank you.

MS. COLAIZZI: Thank you.

Mr. Brentley.

MR. BRENTLEY: Yes. I have just some questions.

Was there a construction manager on this job?

MR. BERDNIK: Yes, and we actually have him with us tonight, Monty Tuckwiller from Turner Construction.
If there are any detailed questions on the project, he is certainly with us and available to answer.

MR. BRENTLEY: You know, my question would be directed to staff.

Chris, I mean, we have been here before, this is a huge dollar amount, and I'm just asking, where are our checks and balances, to allow something like this to slip by?

I mean, we see the 50,000's, hundred thousands here, you know, it's close to a half million dollars, and it's -- you know, we vote on it, pass it, just like that.

Who's -- where are the checks and balances, who monitors, and who is responsible for this in the beginning?

MR. BERDNIK: I think I would answer the question on several different levels.

The first, it might be helpful for everyone to take a step back and remember that the actual budget in the capital budget for this project was $2.12 million.

After the change orders in July are approved, we would be at 2.148. So we are -- I mean, for everything terrible that has gone on in our
dealings with another public entity, and what they put us through, and the design -- what we believe to be design errors by the consultant, like in terms of the District's planning and overall resource allocation, you are actually not yet worse off than what was planned for it.

That being said, we -- we deliberately, because we really only have one true competition stadium, and it is wonderful, it is very efficient, it really means when you do this work, you have to do this work, and you really have a time constraint on the back end, we selected a high end construction manager, Turner, and he is -- Turner's representative is onsite every single day at Cupples Stadium.

MR. BRENTLEY: Okay.

Now, you mentioned that the whole job is under budget. But if we are ever going to experience the savings of those dollars, ticket items like this would easily wipe out what possible savings we could save at the end of that job, and say, "Hey, look, we were able to do it under budget, and we are saving."

Who is the design company?

MR. BERDNIK: The design firm was Pashek Architects.

MR. BRENTLEY: This is a -- we have used
this company before?

MR. BERDNIK: Yes.

MR. BRENTLEY: Okay. Are they involved with other sites in the District?

MR. BERDNIK: I don't think we have any other current contracts with them.

MR. BRENTLEY: Okay. Is this the first large project for them?

MR. BERDNIK: I don't think this is the first large project this firm has ever done.

MR. BRENTLEY: Okay.

I mean, you have to agree this is not just a small ticket item that somebody just overlooked. I mean, usually at your first construction meeting, somebody is meeting up with all of the utilities, and all of the little -- somebody's talking, and made those kinds of views of those maps, and so on. I just don't see it this large, at so late in the project, so -- you know, I -- I won't be supporting. I'm sorry, I won't be supporting it. I want to be helpful, very supportive of the stadium project, but -- and not to you, Mr. Berdnik, don't take it personal, about it's just -- just the atmosphere here, which is, "No
problem, it's money, we just spend," I mean, you know what I mean.

And look, understand, that's me, let me vent, you know what I mean, so -- it's huge, and I have raised questions before.

Have we checked with any patterns with any particular companies always submitting change orders? The dollars continue to mount, and to add up and, you know, it's kind of -- I thought, when we approved these -- these -- these -- these sites, that when you say to the construction manager, I thought that was his or her job to kind of monitor the dollars, and monitor that everything is onsite, and on time, "If you need something, I'm here, I'm working with you," but whoops, you are not supposed to have an oversight of close to half a million dollars, and then we come back, and we are paying again.

And the second item here, this is just $180,000, you just want to put on the side just in case we run into anything else?

MR. BERDNIK: Sure.

Let me do my best to, in 30 seconds or less, explain what this is.

We have to tie into a 72 inch brick main that runs alongside Carson Street. And basically you
are going underneath part of your stadium, on a major thorofare.

I certainly hope that we don't spend a single penny of the $180,000, but once that work starts going on, if something goes wrong, I sure don't want to have to wait a week, or two weeks in order to -- in order to take immediate corrective action.

And so what we are asking for, is in advance to ask the Board if something goes terribly wrong, and we have to take measures to protect our property on this project, that we can do so.

MR. BRENTLEY: And my final question is: Because this involves PWSA, are there still costs that we have to pay as well; do they work with us at all? How does that work, when you deal with two governmental agencies?

MR. BERDNIK: Not very well on this project.

But I think at this point, on June 30th we received the final sign off from PWSA, on this work, to tie-in.

And the reality is, if you were to go to Cupples Stadium, you could actually see the conduit that has deteriorated in the ground.

You can see some of the pipes, where there
was supposed to be a 12 inch, there is only a six inch, and because it is actually trenched out, you can visibly see the unforeseen conditions that have to be dealt with.

MR. BRENTLEY: So with the two governmental agencies, I mean, there is nothing that PWSA would do, that would bring this cost down at all?

MR. BERDNIK: This is us tying into them.
MR. BRENTLEY: Oh. Wow.
Okay. Thank you, very much.

MS. COLAIZZI: Thank you, Mr. Brentley.
Mrs. -- before we go on Mrs. Fink, Mr. Weiss, do you need to record the other members that just walked in?
MR. WEISS: Mr. Sumpter and Mr. Isler have arrived, so it is nine present.

MS. COLAIZZI: Thank you.
Mrs. Fink, do you have any questions?
MS. FINK: I guess, just the -- a question about when the design firm looked at this project, and didn't they realize at that point that some of the pipes were below the acceptable size that -- that -- I mean, you would think that a design firm would look at all of the conditions, and make sure that what they were designing was going to be up to code and, you
know, did they not do that?

MR. WEISS: Well, that's the background for
the response I gave Dr. Allen.

There have been a series of events here
that, in my mind, lead to culpability on the part of
this firm.

I would rather not get into them in detail
here at a public meeting, but suffice it to say, that
the management team, the District folks, and Turner,
are working very closely together, and once this
project is over, because you practically can't do it
during the project, there are going to be steps taken
to hold them accountable.

MS. FINK: Okay.

MS. COLAIZZI: Mrs. Hazuda.

MS. HAZUDA: Is this the same base issue
that we already approved additional money for, or is
this a second issue from that issue?

MR. BERDNIK: The second and third issue.

MS. HAZUDA: So can you give me a Reader's
Digest, uninformed construction person -- what?

MR. ISLER: (Inaudible.)

MS. HAZUDA: Yeah.

MR. BERDNIK: I would invite Mr. Tuckwiller
to briefly describe the Reader's Digest version.
MS. COLAIZZI: All three.

MR. TUCKWILLER: Hello. Hi, my name is Monty Tuckwiller. As Chris previously said, I'm the everyday construction manager.

Just a real quick synopsis of what happened.

The previous change order, and this change order, are results of PWSA review, while ongoing construction was in the process.

A lot of the constraint would be that we have to complete this by August, to play football, and makes -- make some emergency meetings, and premium time, and guys working Saturdays, more than eight hours a day, to fulfill and deliver the promise and the guarantee, that we want to hold, and we will hold them to, as a completion date, so football can continue.

MS. HAZUDA: Okay. So I get that's what that extra money is for. I get that.

But could you tell me what the issues are for all three.

MR. TUCKWILLER: Sure. Sure.

The first issue, is -- is what I will call a real cost. These are hard numbers that we have solicited from our subcontractors, to revise, and to
move forward with work that PWSA is asking us to do, to comply with local regulations and jurisdictions.

The second item --

MS. HAZUDA: Wait a minute. I -- not these counting three. When I asked if it was related to the first one, he said this is the second and the third. So I'm asking you, could you please go back to the first issue that we already approved, so that my head can get --

MR. ISLER: And amounts.

MS. HAZUDA: And the amounts -- so my head can get, okay, this happened, and then we found out this, so we need to do, and then we found out this.

MR. TUCKWILLER: Okay.

I think I understand. From basically how we went from the $250,000 we approved, to today.

MS. HAZUDA: Right.

MR. TUCKWILLER: The $250,000 to approve the original plans that were bid, and contracts were awarded, never went through a preliminary review with PWSA.

So, when we proceeded with the work, and as Mr. Brentley suggested, at the first meeting we called local governing bodies, and that's when the flag went up.
And, the design documents were wrong.
And, we designed new design documents, based on the PWSA, and to comply with local regulations and restrictions.
When we applied for this -- when we applied for this permit, we found that record documents, and as Chris elaborated, pipe size was incorrect, once we excavated, and uncovered pipe that was in excess of 12 feet underground, underneath the turf, underneath the track.

Upon that realization, we brought this up to PWSA, and we had to go through a second review process, which altered the plans yet again.
And that's how we got to where we are now.
And the third -- the third process is just the possibility of unforeseen conditions of making this tap into a 72 inch brick sewer, that is probably over a hundred years old.

MS. HAZUDA: So, with what was already in my head, and what you just said, am I right in that once we started the work, it was discovered that there was a drainage problem, and that wasn't correct, and now we are approved to get that corrected, and now what we are doing is looking to tie into a main sewer, and it's two different sizes, so now it's going to
cost us extra money to tie-in?

MR. TUCKWILLER: That's right along the

same lines.

What we had, the original plans, and the
original idea with PWSA, was we didn't want to touch
this 72 inch sewer, obviously, because of a lot of
unforeseen conditions.

We wanted to tap into an intermediate line
that was going into the sewer, but upon reviewing it,
and finding in the field, and verifying pipe sizes,
that would have been incorrect, and wouldn't have been
allowed per Allegheny County Health Department and
Pittsburgh Water and Sewer Authority.

So we had to go through a reapplication for
plans and permits.

MS. HAZUDA: And so if we do this, barring
any unforeseen water explosions, which we have a lot
of in Pittsburgh, this puts us on track, for all
intents and purposes?

MR. TUCKWILLER: Yes, ma'am.

MS. HAZUDA: Okay.

What -- I lost my train.

Oh, if we don't approve it, what happens?

MR. BERDNIK: We will probably be

scheduling football games at Oliver and Westinghouse
I don't -- I am not trying to be dramatic, I'm trying to give you the honest answer.

Even with our back time, with the time constraints, one -- I mean, the only give we have on sequencing, is that the track, the rubberized track surface outside of the turf, does not necessarily need to be finished as soon as football season starts, we can give a little bit on the schedule there, to not have to pay premium time for that but, frankly, beyond that we don't have much give, other than looking to play football somewhere else.

MS. HAZUDA: Oh, I know what my other question was.

If we started out with 2.12 million, and even with these, it comes to 2.148 -- am I right, what you said, did I write it down right?

MR. BERDNIK: Yes.

MS. HAZUDA: Isn't that addition already covered in our last change? Isn't it minute enough? Or is it because of the way it is broken down, we have to look at it again?

MR. BERDNIK: We don't have -- the items in front of you, like when you adopt a budget, that never authorizes the spending per se. There is always like
individual Board actions, or other -- if it's below a
certain dollar amounts, like there is administrative
decisions, but the actual spending of money is a
separate vote from the adopting of a capital budget.

MS. HAZUDA: Let me try this a different
way.

MR. CAMARDA: You are within budget,
because what you originally --

MS. HAZUDA: That's what I am saying.

MR. CAMARDA: You are within, you are very
close to the budget, a skinny $28,000 difference,
because of what the original bids came in at.

So, you have the original bid, and then you
have the series of change orders, and that's -- and
the combination of original, and the change orders, is
just slightly over what the budget was.

MS. HAZUDA: So, why do we need to do this?

MR. CAMARDA: As Chris said, you have to
approve every step of all processes.

The budget doesn't --

MS. HAZUDA: Because of the way it's
funded?

MR. CAMARDA: It's because of you award a
bid, the work's requiring you to have expenses higher
than what the bid award was, so it has nothing to do
with the relationship of the budget, that was just letting you know that the results were in line with what you originally anticipated back in November and December, when you adopted the capital plan.

MS. HAZUDA: Okay. Just, thank you.

Okay.

Not with what the original bid was, but with what the budget was prior to getting the bids.

Okay. Thank you. Go it.

MS. COLAIZZI: Mr. Isler.

MR. ISLER: Excuse me, and the fact that these are change orders.

MR. CAMARDA: Correct.

MR. ISLER: And they are above the threshold that they need Board approval.

All right?

MS. HAZUDA: I'll tell you later.

MR. ISLER: Okay.

How long has the construction been going on at Cupples; how many years?

MR. TUCKWILLER: Construction started the first of April.

MR. ISLER: Of this year?

MR. TUCKWILLER: Yes, sir.

MR. ISLER: So if I may go back -- because
you are with Turner; right?

MR. TUCKWILLER: Yes, sir.

MR. ISLER: Okay. Good. Thank you.

Mr. Berdnik, how long have the renovations been going on at Cupples Stadium, how many years have we been working on this place?

MR. BERDNIK: I guess it would depend upon what date.

The renovations have certainly been in phases. There was like the press box and the concession stand on one side.

I mean, even looking forward, there is another phase, which is the visitor side, which is an 8 -- which is not 88 compliant right now.

MR. ISLER: Right.

MR. BERDNIK: So, probably from when this first set of bleachers and the stands went up, you are eight years, I would say, someone said.

MR. ISLER: I have been on the Board ten, I think it is probably more like ten or 11.

I mean, what I'm getting at here is, is the cost effectiveness of what we are doing, how many days is Cupples Stadium used; do we know; out of the year?

MR. BERDNIK: Boy, I don't -- I don't have a schedule with me. We can certainly get that
information to the Board. It's used for -- it is used for football, for soccer, there is also community usages, it's used for track.

MR. ISLER: We rent the facility.

MR. BERDNIK: If you look at it a different way, that we have a whole lot of high schools that play at one stadium, as opposed to some of our counterparts.

MR. ISLER: Right, I'm with you on that. I'm just trying to figure out the usage, and the cost effectiveness of all of the stuff that we are going into, and now we are getting into a situation, and I understand the sensitive nature of what we can ask within this room, because of what Mr. Weiss has said but, again, you can't ask Turner to pull out their crystal ball and to say, is this it, because once you start tapping in, you don't know what's going to happen. Right?

I mean, I want to be very, very realistic here.

This -- you may be back to this table.

MR. BERDNIK: I would hope not but, yes, if things go terribly wrong.

MR. ISLER: I mean, because what you are really asking us for is 171,395, with the contingency
of 180, in case anything happens.

So I -- I mean, literally, we know we are going to spend the 171,395, there is a very good chance we are going to spend the 180.

So -- well, I'm not -- again, there is unforeseeable circumstances here. Again, you know, I would love to crystal ball this, too, but budgets are incredibly tight, we know that, $180,000 is a lot of money, now more than ever, and of this 386, $206,000 is going to be -- 205,000, $201,000 is going to be spent immediately, right? I mean that is a given, 206 something --

MR. BERDNIK: Yes.

MR. ISLER: -- we know is going out the door, and then you are asking us to give you the right to potentially spend another 180, if everything doesn't go right, or if there is additional overtime or anything else, all because of the design flaw; right? Human error.

I just want to get that out on the table again. This is -- a lot of this is do due to human error.

MR. BERDNIK: Yes.

MR. ISLER: Again, I am not putting the blame on anybody, please, understand that, and I'm
trying to be sensitive to Mr. Weiss's sort of
guidelines.

Mr. McCrea, has your committee reviewed all
of this, or is this the first time you are seeing
this, too?

MR. McCREA: We had just a telephone
conversation on it, at least, I think Gail's office
did.

MR. ISLER: What's your sense of this, if I
can ask? I know this is a legislative meeting, and I
hate to ask it as a Business Affairs meeting, but I am
interested.

MR. McCREA: It is more or less a necessary
evil, as far as getting everything going on time, but
I agree with you, we have to watch for human error.
I was going to bring that up, when it comes
my turn.

MR. ISLER: You can please bring it up
again.

Mr. Berdnik, is any of this related to
anything dealing with the fact that at one time we had
three parcels of land there, on three different
blocks? Are they all tied in? Or is this purely a
Cuppes Stadium issue?

I mean, are we paying for anything other
than what the Pittsburgh Public School District is

going to utilize?

MR. BERDNIK: This has absolutely nothing
to do with the Annex, or the old South Vocational
building, if that's -- I think I get your question.

MR. ISLER: That's guaranteed.

MR. BERDNIK: Absolutely nothing.

MR. ISLER: This is only for Pittsburgh
Public School usage, this has nothing to do with
anybody else?

MR. BERDNIK: This is our property line,
which is sort of the field, and we have the storage
building up above.

MR. ISLER: But if there is anything else
that has to be done by which any of the other
buildings, including any of our sales agreements, or
anything else, we have no liability; correct?

MR. WEISS: That's correct.

MR. BERDNIK: Yes.

MR. ISLER: The only thing I would like to
ask, is -- and I know that this is a timing issue, is
that the 180, I think if any of that is going to be
expended at any time, a memo, e-mail should go to the
Board immediately.

I mean, I will defer to the committee
chair, but I think the Board must know immediately how
much, and why.

And also, that there is a very --
difference between what this School District and its
employees do, what the construction manager does, and
what the design is, and I think that has to be laid
out, too.

But this is an issue purely on design.

Have we learned anything from it, so that it won't
happen again, when we have other construction
projects?

MR. BERDKNIK: Yes. It's probably a longer
conversation than we can entertain during this
legislative meeting.

MR. ISLER: I am not asking it to be smart,
I am picking up on Mrs. Hazuda's comment, which is we
know we have an aging infrastructure in this city, we
know we have an aging infrastructure with our
buildings, I mean, we know Cupples Stadium has been
around -- for how long, 60 years, 70 years?

MR. BERDKNIK: I have no idea.

MR. ISLER: I mean, before you were born
they were playing football in there, I can guarantee
you of that, and it was an oil field, at best.

So I just think that we have to be very
realistic going forward, what we might have learned,
whenever we get into these big projects, so that it
doesn't come back, and we have to nail the taxpayer
after the fact.
And I think Mr. Weiss also has to keep us
informed of where you are going, because I think it is
something that the Board is going to continually ask
you about.

MR. WEISS: I think once we move forward,
the Board will be kept in regular -- with regular
updates.

MR. ISLER: Thank you.
Thank you, Mrs. Colaizzi.

MS. COLAIZZI: Thank you.

Mr. McCrea.

Mr. McCrea. Thank you.

Mr. Isler, it is a great idea, we get
e-mail notice.

MS. COLAIZZI: Through you.

MR. McCREA: Through me? okay.

MS. COLAIZZI: Through you.

MR. McCREA: I just have a few things.

Why was there no preliminary review done?

You mentioned there was no preliminary review.

Mr. Tuckwiller, I'm sorry.
MR. TUCKWILLER: No, that's okay.

But no preliminary review, it seems that PWSA -- in a normal construction progress of a major project, you will get a collaboration with utilities, Duquesne Light, PWSA, et cetera.

I believe there was a misunderstanding, or a misleading, prior to these documents being published, to what kind of work was being pursued.

They -- from -- maybe Vidya can speak to this better than I can, but PWSA never saw the plans until we submitted them for a permit. They only had a phone conversation with the architect, which led them to believe nothing was going to be revised.

MR. CAMARDA: Ira, at some point we are going to cause ourselves trouble, with the questions.

MS. COLAIZZI: Ira, he is seeking advice from you.

MR. WEISS: Well, as I said before, much of this deals with various actions, or failure to act on the part of the design professional.

I think the Board needs to know that, and I think the details can best be dealt with in a more appropriate setting.

MR. McCREA: Okay.

I didn't want to get too specific, but does
this deal with storm water, or sanitary water, or
both?

MR. TUCKWILLER: Both.

MR. McCREA: Both.

I didn't think we sent them both down the
same tube.

MR. TUCKWILLER: That's the --

MR. WEISS: We don't.

MR. TUCKWILLER: That's the issue.

MR. McCREA: Okay.

I'm just really concerned about the 72 inch
brick line, and I spoke with Mr. Berdnik about this, I
can see half of Carson Street collapsing, when you do
this thing. This is why that 180 is in there, and why
you said we might need more, but just, I'm wanting to
take every precaution necessary, is my advice.

And then, in further review, we may discuss
it in other Business meetings in the future, is the
need for consultants to start doing site surveys a
little more efficiently.

Thank you.

MS. COLAIZZI: Miss Sharene Shealey.

MS. SHEALEY: Thank you.

Just, for the third item, that's the
replacing the deteriorating conduits, could you have
known about that without -- before digging, that those conduits were bad?

MR. TUCKWILLER: No, ma'am.

MS. SHEALEY: So that is a change that we will be facing to matter what happens.

MR. TUCKWILLER: Yes, ma'am.

MS. SHEALEY: Okay. thank you.

You made a comment that the record documents were wrong.

Does that mean that our drawings of that site had the incorrect piping?

MR. TUCKWILLER: I don't know who the drawings were, if they were your drawings, or just an old record set from work done 30, 40 years ago, but, yes.

MS. SHEALEY: (Inaudible.).

MR. TUCKWILLER: Yes, ma'am.

MS. SHEALEY: That's it.

Thank you, Mrs. Colaizzi.

MS. COLAIZZI: Mr. Sumpter.

MR. SUMPTER: Thank you, Mrs. Colaizzi.

Do we have the right protocols in place, to avoid this circumstance?

And I guess it's back to THE why PWSA didn't get the preliminary review, or how do projects
happen, or how do things get tied together, is there a sequential -- sequencing of events, such that the permits are done, the designs are reviewed, the area teams have gotten together on the management plan, or whatever?

I'm just -- it's like -- it sounds like we know something went wrong, but is it a fix for future projects, and can it lead to the point where we can distinctly say, what should have been done on this project?

MR. BERDNIK: I would suggest, just to give the short answer to the question on -- I think from me, one lesson learned that I would suggest to the Board, and this is why we have taken to you, you have seen, was it on Northview, I think we took a preconstruction manager, so you actually have another -- so you have somebody like Turner on the front end, so their being another set of eyes on the architect, and the engineer, so you can offer again some independent, or third party verification, that -- on the scheduling, and the activities that have occurred.

And the one lesson learned, if -- if -- on major projects, we should probably do more preconstruction management, so that the person that is
ultimately the construction manager, owns the project on the front end, as well as on the back end.

MR. SUMPTER: Well, thank you, for that response.

And I am kind of getting at to know that the right governmental entities are contacted in the proper manner.

I mean, if they go to either zoning, or PWSA, or it is the utilities, or it's -- all of those ducks have to be lined up in the front.

Other than that, you are hoping things work out right, rather than being assured that things are going to work out right.

If you are going to tap into a sewer, you have to know whether it has the capacity, the right size piping, whether it can handle it or not, whether it is going to cause any problems, impacts in the area, or things of that nature.

So I just again, it's just a little disconcerting to be hearing this, and not know that either the right procedures were, or were not followed, and whether the right procedures are in place for future projects, so that you don't come up with a "Whoops, we should have had this looked at on the front end, but we didn't," we tried to get by, and
then it came on afterwards.

So I guess that's a conversation for a later date, because it doesn't -- it won't get at the problem we have here, but I'm just looking as it relates to other projects, in similar situations, to avoid this situation in the future.

So I guess it goes -- it comes back -- it comes back to the sequencing of events, and whether they were done in a proper manner, and done before dirt was removed, to the extent.

But then sometimes you can't. Sometimes you have to move the dirt to see, and you run into a problem with that situation.

But again, it's something that's just trying to get at the root, without exposing any faults, but to make sure it doesn't happen again.

Thank you.

MS. COLAIZZI: Mr. Patil, if I could ask a few questions and, Mr. Weiss, please stop me if I go too far.

I'm asking you, because I assume that you have been following this project from the beginning, until at least this point; am I correct?

MR. PATIL: Yes, ma'am.

MS. COLAIZZI: Okay.
So when we first started the project, we have plans that are given to us from some design company.

Am I correct to assume that's the first step?

MR. PATIL: Right. Correct.

MS. COLAIZZI: You have asked us for approval to get a design company to come in and make designs; right?

MR. PATIL: Correct.

MS. COLAIZZI: Okay. What's the next step?

MR. PATIL: The plans are presented to staff for review, the staff asks them pertinent questions, in this particular case representation was made by the consultant that everything was reviewed by the agencies that were to be -- to have an oversight. That representation was made, and then after that, the plans are then put to bid, through our office.

MS. COLAIZZI: Okay.

MR. PATIL: Once they are bid, then the contractors then -- after approval by the Board, the contractors then proceed to get their respective permits.

And that's the time when this started,
we brought the construction manager on, and they had their first meeting, a hard question obviously was asked, you know, did we go through the review process, and then I think things came into light. Yes.

MS. COLAIZZI: Okay. So when does the construction manager come on in the middle of this whole process; is it after the designing, before, when does the project manager come on?

MR. PATIL: In this case, it was after the design, and that's why I think a good lesson learned for us, is to bring the construction manager or another set of eyes in either at the time of design, or before bid.

MS. COLAIZZI: Okay.

So, when the project -- or, I'm sorry, when the design company comes forward, that they are going to do this work for you, what do they request from us, that -- like for example, those designs that I keep hearing, the drawings, where do they get them? Do they ask from -- for those from us, do they get them from the city?

Where do they get them?

MR. PATIL: A combination of both.

Our office maintains all of the records that we have since probably the building of the
Cupples Stadium, we have got a set of records. We have asked the consultants to review those records. We also ask consultants to review any other records as available with the City of Pittsburgh, of any other agency that may have records. It is part of their due diligence.

MS. COLAIZZI: Okay. So in other words, when they -- when they decided to take on the project -- okay -- we have hired them, in other words, it is truly their responsibility at that point, then, to find any form of designs anywhere there is; or is it our responsibility to make sure they get it?

MR. PATIL: It is the consultant's responsibility.

MS. COLAIZZI: Okay. So I take it, then, that after that step, and the project manager was brought in, we realized there was some misunderstandings, or whatever you want to call them, at that point in time. Okay.

The amount of money that we approved the last time which, if I remember correctly, and I'm -- I'm not sure I do, is that they ran into a problem, as they were working.
Was that in the same sort of way they ran into a problem, or was it a problem, unforeseen in --

MR. PATIL: I think Mr. Tuckwiller can explain that better than I can, but my -- our best understanding is the first 250 was for the redesign of the drainage of the entire field. That's for the drainage, because of, in order to comply with PWSA's requirements.

MS. COLAIIZZI: So that -- was that the same design company?

MR. PATIL: Yes. It is the same company.

The second requirement that we are coming to, is we have what is called a storage building and parking at the upper level, if I'm -- at the stadium stands, that has -- those drains ultimately come through the field and tie into the city system.

Those drains, as they were excavating, they discovered those about the first week of June, and that's what, again, they brought, what the record drawings showed, what they discovered were two different things.

That's when this came to light, and that's when they went back to the PWSA, and said, "We got this now," and then PWSA, said, "Well, now you have got" -- "now you are required to have a separate tap,
because you can't combine storm and sanitary sewers."

MS. COLAIZZI: Okay.

I think what I really would like to know at some point, Mr. Berdnik, or Mr. Weiss, is who at PWSA is in charge of, at least providing information for us, and working -- I mean, I'm not asking you to answer that specifically.

MR. WEISS: I would like to give the Board in an appropriate setting kind of a detailed narrative of this, and I would say that Mr. Berdnik's comments, about getting construction management -- onsite construction management involved earlier is a good one.

Because, typically, the earlier they are involved, the more coordinated it is.

But I'll give the Board a summary of all of this, plus the information you seek, in executive session, where it belongs.

MS. COLAIZZI: Thank you, Mr. Weiss.

Okay.

I have no more questions, but I did get Miss Sharene and Mr. Sumpter, so I am going to do back around this way.

So, Mr. Sumpter.

MR. SUMPTER: I'm going to try to
capsulize, or bottom line this.

The whole matter is related to the timing
of when PWSA was involved in the project; is that
correct?

MR. PATIL: Yes.

I think the review process by PWSA -- PWSA,
they have been very cooperative with us, but they are
again -- it's impossible to rush them. We have got to
give them adequate time for review.

And, then, yes, these should have been
brought to their attention well in advance, by a
consultant.

MR. SUMPTER: Okay.

And then you mentioned one comment about
agencies reviewing plans and drawings. Was PWSA
involved at that juncture, or not?

MR. PATIL: We were led to believe, through
the consultants, through staff, that this was done.

MR. SUMPTER: Okay. Thank you.

MS. COLAIIZZI: Miss Shealey.

MS. SHEALEY: Just with the amount of these
changes, specifically the first and the third, are
these -- and I think this is a question that would be
generalized construction, are these bid out, or are
they just add-ons to the contract, or the person, or
the entity that won the original contract?

MR. PATIL: These are add-ons to the original -- to the contracts that are already in place. The construction manager and our staff reviews the cost breakout prior to bringing it forward.

MS. SHEALEY: So that if the -- let's say the electrical subcontractor, you thought that -- if you thought that that cost was out of whack, you would not bring it forward?

MR. PATIL: That's correct. We would negotiate that with them, and if they do not bring it forward, we have, depending on the situation, brought in other contractors.

Mr. McCrea: Thank you, very much. And thank you, Mrs. Colaizzi, that's it for me.

MS. COLAIZZI: Thank you.

Mr. McCrea, anything else?

Mr. Isler.

MR. ISLER: I just want to ask a point of order of the solicitor.

Do I need to make a motion on the 180, that before it is expended we are informed, as a Board?

MR. WEISS: Well, the meeting is being transcribed, I think the direction of the Board is
clear, so I don't think you need a motion.

MR. ISLER: So it is very clear that none of that 180 will be spent until we are informed?

MR. WEISS: Yes.

MR. ISLER: Thank you. Thank you, Mrs Colaizzi.

MS. COLAIZZI: Mrs. Hazuda?

MS. FINK: I --

MS. HAZUDA: Yes, please, may I say something?

The reason he asked that was because I had leaned over and said to him, we have been trying to ask the administration not to take action based on something one person says. And if, in fact, that's what we are doing, then he needed to make a motion. That was my suggestion, that's where that came from.

And so, I don't know if there is -- like you can poll us for consensus, or something.

But other than that, if we are trying to ask the administration not to react on something one person says, then we need to live by that ourselves.

MR. ISLER: I'm very happy to make sure that there is a consensus of the Board at that. I
didn't want to put that forward, for that reason. I was checking on my own, for the legality of it, more so than what is your reason was.

Is there anybody that is opposed to it?

MS. COLAIIZZI: I'm not opposed, I was just going to say, to just give you a different view of that, it was requested it goes through the chair, which means only one person then would get it, and distribute it, it doesn't necessarily need to go -- do you see what I am saying, there doesn't need to be a motion for that reason.

But whatever you guys want to do, is fine.

You want a motion on the floor? Make a motion.

MR. ISLER: I really, I was asking more from a procedural point of view. Mrs. Hazuda is asking for another point of view.

I'm satisfied. I just want to make sure that the money -- that there is not a -- and I don't mean this to the negative, this is -- you know, there is a lot of human error involved in all of the work we do, and all of us make mistakes, and I just don't want a blank check of $180,000 sitting there.

I think we should be informed of that.

That's why we passed the policy about
change orders. We used to have a blank check on those, and we are way down, I think because of the Board's action, and because of the work of the staff.

MS. COLAIZZI: I suggest you make it a motion. Truly.

MR. ISLER: I move that before any of the $180,000 contingency amount in this budget is expended, that the chair of the Business and Finance Committee be informed, and he inform all other Board members.

MS. COLAIZZI: Second?

MS. HAZUDA: Second.

MS. COLAIZZI: There is a motion on the floor. There is a second.

Does anybody have any questions or comments on the motion itself?

On the motion.

I'm sorry, Dr. Allen, did you have your hand up, too?

DR. ALLEN: No.

MS. COLAIZZI: Okay. Mr. Brentley.

MR. BRENTLEY: I will support it.

Meaningless. We know that rarely does this kind of thing ever return any dollars. Let's stop kidding ourselves here.
This is a step that has been used by most contractors in the past. You get into the jobs, you bid low, and then all of a sudden, "Oops, I opened the wall, and we found some additional things."

I am not suggesting if this is going on, but we know it happens.

And so I mean, I'll support it.

Secondly, it doesn't make any sense to send the information to the chair, then the chair -- that is complicating it.

If you are spending it, you spending it, you send a little note out letting us know, keeping us on a tab of what it is.

It is an open check for $180,000, and it is something we have been doing in the past, you have -- you have accepted it in the past, and so what's the big deal.

So, go ahead, I'll support it.

MS. COLAIuzzi: Thank you, Mr. Brentley.

Anybody else on the motion?

Seeing none, Mr. Weiss, may we have a roll call on the motion, please.

MR. WEISS: Dr. Allen?

DR. ALLEN: Yes.

MR. WEISS: Mr. Brentley?
MR. BRENTLEY: Yes.

MR. WEISS: Mrs. Fink?

MS. FINK: Yes.

MR. WEISS: Mrs. Hazuda?

MS. HAZUDA: Yes.

MR. WEISS: Mr. Isler?

MR. ISLER: Yes.

MR. WEISS: Mr. McCrea?

MR. McCREA: Yes.

MR. WEISS: Miss Shealey?

MS. SHEALEY: Yes.

MR. WEISS: Mr. Sumpter?

MR. SUMPTER: Yes.

MS. COLAIZZI: Mrs. Colaizzi?

MS. COLAIZZI: Yes.

MR. WEISS: Motion carries.

MS. COLAIZZI: Thank you. Okay.

Getting back to the actual item itself, if there are any more questions or comments on the item. Mr. Brentley?

I'm sorry, Mrs. Fink, I apologize, we did stop at you.

MS. FINK: Okay.

I just, maybe to our construction manager, or whoever, before South Stadium ever existed, that
piece of property was barracks, during the depression,
I believe they were standing there yet, and the whole
field. And I have seen pictures of this, in old
books, guys, I'm not that old.

There were rows, and rows, the whole length
of that field.

Now, one would assume that all of those
buildings had indoor plumbing, by that point in time.
So, now you have got pipes under there.

Now, whenever South Stadium was built, late
'40's, '50's, whatever, there was a tendency just to
bulldoze everything and, you know, just cover it up,
and put down new, and dah, dah, dah, and I'm thinking,
if we are going, digging around under there, we may
find more stuff than we knew was ever there, once
again.

So, you know, somebody needs to bear in
mind that there have been other things on that site,
which would have required sewer tappings, and there
may be more pipes down there, leading to more taps
than we ever thought was necessary, and so just take
the -- you may want to do a little research on that.

I'm sure if you looked on the Internet, you
might find something on that.

But just be aware that there could be more
stuff there.

MS. COLAIuzzi: Mr. Brentley.

Mr. Brentley: Yes. I just want to mention that this is the company that is a general company, general contractor, the one that is before us? Is there a general?

Mr. Patil: Vidya Patil, director for facilities operations.

Yes, there is the general contractor, and there is an electrical contractor, there are two primes on this project. This contractor, at least from my having been here for 15 years, I think the first time that we are working with this contractor.

Mr. Brentley: Okay.

So there were other contractors who were involved with this change order as well?

Mr. Patil: Just two prime. Just two prime contractors.

Mr. Brentley: Just two prime.

Mr. Patil: Yes, sir.

Mr. Brentley: Okay.

Well, one of the things, too, that I think would have been helpful, the way -- not necessarily you, Vidya, directly to staff, but when we got this
information, we got it as a special legislative, we
never had an opportunity to ask those kinds of
questions, that -- some of the questions that were
suggested that we not talk about in the public forum
here, and that's the unfortunate part about it,
because probably some of these questions would answer
a lot of things that's going on in our mind.

But here we are, it is thrown before us, at
a public setting, for a special legislation.

When I got it yesterday -- I got this, by
the way, today, in the mail. My mail actually came,
dated the 2nd, but I got this today. Prior to that it
just said special legislation, Cupples Stadium. That
was it, I had no idea what was going on.

And so that's part of the problem, when
things are thrown before us.

But it has been a pattern of this
administration, that has put us in this position.

Now, what would happen to us now, if
something strange happens, and this doesn't pass, and
those games would have to be played at the other
fields, here we are, public forum, forced to make a
vote right now, and we become the bad guys if those
students have to be forced to play in another area.

That's my frustration.
And it's the way the administration presents it, throws it to us, the same kind of thing, "House on fire, house on fire, do it now, do it now," and that's what puts us in a bad situation.

But there is a similar pattern here that has taken place, that we voted on last month at Concord, and so somewhere we have to get a hold of this. Change orders, change orders, cost runs, and then it just continues, continues to mount, and it seems like there is nobody really checking.

And my final comment is, the reason why I'm not supporting it, is that here we have additional dollars, we could have been standing at the top of the mountain at the end of this jobsite, saying we came in under budget, but we are close to getting to that amount.

And just two or three months ago, which still hurts me, the fact that this administration laid off librarians, nothing with you guys, librarians, we're closing some of our libraries in our schools.

So I can't do -- I will not support that.

And I would ask again, for what it's worth, for this administration, something like this should come prior to us being put on front street, and allow us to ask the kind of questions, before we have to
1 make these kinds of decisions.
2 Thank you.
3 MS. COLAIZZI: Thank you, Mr. Brentley.
4 Dr. Allen? No?
5 Okay. Seeing no more questions, Mr. Weiss, may we have a roll call, please.
6 MR. WEISS: Dr. Allen?
7 DR. ALLEN: Yes.
8 MR. WEISS: Mr. Brentley?
9 MR. BRENTLEY: No.
10 MR. WEISS: Mrs. Fink?
11 MS. FINK: Yes.
12 MR. WEISS: Mrs. Hazuda?
13 MS. HAZUDA: Yes.
14 MR. WEISS: Mr. Isler.
15 MR. ISLER: In the words of Dr. Allen, yes.
16 MR. WEISS: Mr. McCrea?
17 MR. McCREA: Yes.
18 MR. WEISS: Miss Shealey?
19 MS. SHEALEY: Yes.
20 MR. WEISS: Mr. Sumpter?
21 MR. SUMPTER: Yes.
22 MR. WEISS: Mrs. Colaizzi?
23 MS. COLAIZZI: Yes.
24 MR. WEISS: The motion passes, 8-1.
MS. COLAIZZI: Thank you.

MR. WEISS: That's the last item of business.

MS. COLAIZZI: Seeing no more questions, this meeting is adjourned.

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(Thereupon, at 6:22 p.m., the Special Legislative Meeting was concluded.)

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C-E-R-T-I-F-I-C-A-T-E

I, Eugene C. Forcier, the undersigned, do hereby certify that the foregoing forty-nine (49) pages are a true and correct transcript of my stenotypy notes taken of the Special Legislative Meeting held in the Pittsburgh Board of Public Education, Administration Building, Board Committee Room, on Tuesday, June 6, 2010.

Eugene C. Forcier, Court Reporter