Minutes
Board Meeting – June 15, 2020

The Board of Trustees of School District Five of Lexington and Richland Counties conducted an in-person meeting at The Center for Advanced Technical Studies with the following members present:

Mr. Michael Cates, Chairman
Ms. Beth Hutchison, Vice Chairman
Mr. Robert Gantt, Secretary (via video/phone conference call)
Mrs. Nikki Gardner (via phone/conference call)
Mrs. Jan Hammond
Mr. Ken Loveless
Mr. Ed White
Dr. Christina Melton, District Superintendent

The following staff members attended in person or virtually via video/phone conference call:

Mrs. Katrina Goggins, Director, Office of Communications
Mr. Michael Guliano, Chief Instructional Officer
Dr. Michael Harris, Chief Planning and Administrative Officer
Dr. Allison Jacques, Chief Human Resources Officer
Mr. Len Richardson, Chief Finance Officer

A livestream video link was provided to the public for the meeting.

Chairman Cates called the meeting to order at 7:03 p.m. and offered welcoming remarks.

The Invocation and Pledge of Allegiance were given by Jan Hammond, Board of Trustees.

During the Superintendent's Report, Dr. Christina Melton reported on the successful graduation ceremonies that took place during the week of June 1, 2020. Dr. Melton provided information regarding the start of summer feeding sites. Mr. Greg Hughes and Mr. Dan Neal provided an update on Elementary School 13. Following the Elementary School 13 update, Board of Trustees member, Mr. Ed White, submitted items for the record that include: a letter (dated March 24, 2020) from Board of Trustees member, Mr. Ken Loveless (Attachment #1); response letters (dated April 20, 2020) from Mr. Dan Neal (Attachment #2) and Contract Construction (Attachment #3); a letter (dated March 31, 2020) from ADC Engineering (Attachment #4); and FOIA documentation regarding board members' roles in construction (Attachment #5).

The minutes from both the May 18, 2020 board meeting, and the May 28, 2020 special-called board meeting were approved.

This meeting marked the return to unmodified, in-person public participation. During public participation: Eleanor Howe spoke regarding CDC guidelines; Kim Murphy spoke regarding budget transparency; Deana Berley spoke regarding what the 2020-2021 school year may look like, as well as construction taking place at Nursery Road and Harbison West elementary schools; and, Albert Jones spoke regarding social injustice and Black Lives Matter.

Action Agenda – the following items were presented:

Action was taken as necessary or appropriate on matters discussed in Executive Session: a. Selected employment items (*Exhibit A*) (Action); b. Selected employment items (*Exhibit B*) (Information Only).

Rescind Emergency Resolution Re: 2019 Novel Coronavirus Response, Adopted April 6, 2020.

Proposed revisions to board policy IHBF "Homebound Instruction" (*Exhibit C*) were presented for approval.

Proposed revisions to board policy EF "Food Services" were presented for approval (*Exhibit D*).

A request to Suspend board policy JFABB "Admission of Foreign Exchange Students" due to COVID-19 Mandated Closure (*Exhibit E*) was presented for approval.

DISCUSSION AGENDA

The FY2020-21 General Fund Budget was presented for discussion by Len Richardson (*Exhibit F).*

The meeting was adjourned at 8:48 p.m.

INFORMATION AGENDA

Administrative Rule GDBC-R "Support Staff Supplementary Pay/Overtime" was provided with revisions.

Administrative Rule JFABB-R "Admission of Foreign Exchange Students" was provided with Exhibit E.

Title I, Title II, and Title IV Programs for 2020-2021 was provided.

The next regular scheduled board meeting will be July 13, 2020 at a location to be determined.

Record of Voting

School District Five
of
Lexington and Richland Counties

Meeting of June 15, 2020

	Cates	Gantt	Gardner	Hammond	Hutchison	Loveless	White
1. M. Hutchison S. Hammond Approve the agenda	X	A	A	X	X	X	A
2. M. Hutchison S. Loveless Return to unmodified Board Policy BEDH "Public Participation"	X	A	A	X	X	X	A
3. M. Loveless S. Hammond Enter executive session to consider the following: a. Selected employment items (*Exhibit A*) (Action); b. Selected employment items (*Exhibit B*) (Information Only)	X	A	A	X	X	X	A
4. M. -- S. -- (*consent approval of minutes as presented*) Approve the minutes of the May 18, 2020 board meeting	X	X	X	X	X	X	X
5. M. -- S. -- (*consent approval of minutes as presented*) Approve the minutes of the May 28, 2020 special-called board meeting	X	X	X	X	X	X	X
6. M. Loveless S. Hammond Approve selected employment items shown in Exhibit A	X	X	X	X	X	X	X
7. M. Hammond S. Hutchison Rescind Emergency Resolution Re: 2019 Novel Coronavirus Response, adopted April 6, 2020	X	X	X	X	X	X	X

A = Absent
AB = Abstain
N = No
X = Yes
R = Recuse

	Cates	Gantt	Gardner	Hammond	Hutchison	Loveless	White
8. M. Hutchison S. Hammond Second reading approval of proposed revisions to board policy IHBF "Homebound Instruction" as shown in Exhibit C	X	X	X	X	X	X	X
9. M. Hutchison S. Hammond Second reading approval of proposed revisions to board policy EF "Food Services" as shown in Exhibit D	X	X	X	X	X	X	X
10. M. Hutchison S. Hammond Suspend board policy JFABB "Admission of Foreign Exchange Students" due to COVID-19 Mandated Closure as shown in Exhibit E	X	X	X	X	X	X	X
11. M. White S. Hammond Adjourn the meeting at 8:48 p.m.	X	X	X	X	X	X	X

A = Absent
AB = Abstain
N = No
X = Yes
R = Recuse

Questions Raised about Construction on Amicks Ferry Road

Kenneth B. Loveless

228 Lookout Pointes Drive

Chapin, SC 29036

March 24, 2020

Attachment #1, pg. 1 is included with the minutes of the 6/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Dr. Christina Melton

Superintendent Lexington-Richland School District 5

1020 Dutch Fork Road

Irmo, SC 29063

Re: Elementary School # 13 Amicks Ferry Road

Dear Dr. Melton:

First, I am aware that district administration has had its hands full with the COVID-19 Pandemic. Yet, construction at the site continues and items within the body of this report have bearing upon contractor safety and quality of construction. As such, each should have relative equal gravity as compared to the present geopolitical occurrences. I believe that I had no choice but to report the situation.

As general notes, any item marked as CONFIDENTIAL is no longer so (and should never have been because this is public project) because the construction documents after approval of the GMP are for public knowledge. Likewise, passages to which I refer marked DRAFT were unchanged during contract negotiations and are also in the public domain.

All correspondence via district email concerning this matter is included. (See attachment #1) I initially requested that the Project Representative Dan Neal investigate by providing Daily Progress reports, photos, concrete delivery tickets for each batch (truckload), Field Density test reports, cut sheets and submittals for select fill and by class of concrete used on site. We also need to review all dates of mobilizations of each contractor or subcontractor, concrete tests reports, soils test reports and electrical conduit submittals from the period interval from the inception of the project until and including progress on December 9, 2019. The initial soils information given indicated an Erosion and Sedimentation Observation Report from Terracon dated 9/25/2019. So, the inception of the project had to have occurred before that date.

At the December 9, 2019 school board meeting, Mrs. Susan Baker made know her observations (see attachment # 2) and requested explanations for actions taken by the Contractor on the night of December 6, 2019. Mrs. Baker has never received an answer to her inquiry. Under school board policy BEDH (see attachment #3) a school board trustee may request an official oral answer to the information

at the next board meeting. Since I was unaware that Mrs. Baker had not received an answer until today, I am hereby requesting such for the next board meeting.

At the January 27 board meeting, we received letters (see attachments #4, 5 and 6) from engineers and a letter from the project architect (see attachment #7) orchestrated by and presented through the district's Project Representative, Mr. Dan Neal. After reviewing the letters, I have the following to offer:

1) In general, the letters attempt to limit Mrs. Baker's request by filtering out potential causative effects other than concrete materials and testing. Mrs. Baker's inquiry did not exclude any other areas of concern which might have been and are: design, construction, materials utilized, inspections and safety. Mr. Neal choose to make concrete and material testing his focus since his witness, Mr. Greg Hughes, President of Contract Construction, Inc., later stated in the board meeting that electrical duct bank concrete materials did not need to be tested. I asked Mr. Neal in your office December 9, 2019, the afternoon before the meeting, about the matter. He told me that he was confident that the work had been done correctly since Contract Construction's project superintendent had personally supervised the work.

2) As in any construction related endeavor, it's Safety First. Many of our students in mock and real life interviews tout the fact that they have earned through study the OSHA 10 Hour Certification. Yet, we as adults, are allowing unsafe conditions on our district's work site. Think how disillusioned students will be when they become aware of this situation. Our highly regarded general contractor was supervising work performed under tractor lights. I reference you to 29 CFR OSHA 1926 Construction Industry Regulations Section 1926.56 Illumination. (See attachment #8) The Final Geotechnical Engineering Report Item 6.5 General Construction Considerations on page 20 warn bidders about Excavation Safety. OSHA Section 1926.32 deals with the Competent Person who was to have supervised excavations on site. Subpart P deals with excavations. On March 12, 2020 at 9:16 a.m. and again at March 13, 2020 at 3:25 p.m. contractor's employees were observed in open excavations over 5 feet depth without trench boxes, trench shoring, ladders or other equipment. The occurrence on March 12 was observed at the water main tie-in location in the right-of-way at the extreme northeastern corner of the property. After a period of almost continual rain for weeks, exceedingly wet soil conditions existed. Yet, a vertically walled excavation (one without sloped banks) was observed. To make matters worse, a track hoe with its surcharge loading was on the leading edge of the excavation directly above and adjacent to the employee. (See attachment #9). There is no evidence that the contractor has complied with either the OSHA illumination section or the trenching section. These minimum standards were brought into question with workers observed in open trenches at night. Please see also the thumb drive with video of a similar occurrence made from Amick's Ferry Road December 10, 2020. (see attachment #10) Contrary to statements made, the safety violations continued after the December 9, 2020 school board meeting.

3) Letters from RB Todd dated December 18, 2019 and Terracon dated January 8, 2020 (see attachments #4 and 5) were sent. The letters are in error by stating that concrete testing

#1, pg. 2 Attachment ____ is included with the minutes of the 2/16/2020 meeting, at the request of Board member Ex Officio pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

is not a requirement of Project Specification Section 321313 Concrete Walks, Curb and Pavement. In response, the specifications reference SCDOT 2007 Standard Specifications for Highway Construction (see attachment #11) page 6 101.3.14 defines The SCDOT Construction Manual as the "criteria and procedures used by engineering personnel in the administration of construction contracts". The SCDOT Construction Manual as revised 01/11/2019 (see attachment # 12) includes the Quality Assurance and Testing Guide which is an amendment to Figures 106B and 106C of the SCDOT Construction Manual. The guide is also known as SC-50-T.

As a consequence, the SCDOT further defines material classifications not by their use such as conduit encasement but by rather strengths of materials. The Project Manual for Elementary School # 13 states under Specification Section 321313 Concrete Walks and Curbs page 321313-2 paragraph 2.5 A. 1. (see attachment #13) "Concrete Walks and Curbs and Gutters: Class 3000 per SCDOT Table 701.2.12.2."

Referring to SC-50-T (attachment # 14) the concrete is defined as structural Class 3000 and requires 1 each set of concrete cylinder tests per and up to 50 CY on small pours as well as Slump, Air Content, Temperature and Thickness Verification for each batch (truckload).

4) The letter from Sims Engineering dated December 19, 2019 addressed to Barb Haller and Clay Cannon states that testing of concrete at concrete encased conduits is not required. (see attachment #6) The Project Manual for Elementary School #13 Electrical Basic Materials and Methods states under Specification Section on page 260500-15 article 3-03 Raceways Underground Feeder Conduit, Communications Conduit, and Duct Banks: "3.) Where required concrete encasement shall be either 2000psi or 3000psi." (see attachment #15) But, on December 6, 2019 Specification Section 260500 was not part of the Project Manual because the Early Site Work contract which was the only contract at the time. Specification Section 260500 was not part of the Early Site Work Bid Set. The building GMP had not yet been approved nor with it other specification sections. Further, there is no evidence that a highly non-standard 2000 psi design mix had been submitted and approved by the Engineer of Record. In all likelihood, the more standard Class 3000 mix design was used. In any case, testing was required under SC-50-T. I have asked that the district obtain from the construction manager at risk all the delivery tickets from the concrete suppliers so that we can determine the mixes actually incorporated into the work. It was stated that no concrete tests were performed and no test data has been received to date.

5) Under Specification Section 260500 page 15 3.03 Raceways Underground Feeder Conduit, Communications Conduit and Duct Banks: it states "1) Use GRC and PVC schedule 40 for underground and duct bank installations." NFPA 70 National Electric Code 2017 page 70-88 states Section 230.50 (A) (1) Service Entry Cables (3) Schedule 80 PVC conduit.' (see attachment # 16) If installed in accordance with Specification Section 260500 of the Project Manual for Elementary School # 13, the installation may not meet code.(see attachment #17)

Attachment #1, pg. 3 is included with the minutes of the 1/15/2020 meeting, at the request of Board member Ed White

pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

6) Underground duct banks under NFPA 70 of that National Electric Code must be carefully installed by skilled workmen. Under section 230.6 (4) pages 70-84 and 85 it requires cables be "in conduit and installed with no less than 18"of earth beneath buildings and other structures". Section 230.32 on page 70-86 requires protection against damage. Section 230.53 on page 70-88 requires raceways to drain. Section 300.5 on pages 70-136 and 137 has requirements for wet locations, backfill and compaction and minimum concrete coverage over conduits and other requirements. Section 300.7 on page 70-139 has expansion and expansion deflection and deflection fittings requirements. Section 310.2 on page 70-145 has round cross sectional requirements. Section 310.15, on pages 70-146,147 and 148, shows spacing using PVC spacers and mounts between raceways as requirements. Article 352 Rigid Polyvinyl Chloride Conduit: Type PVC on pages 70-202 and 203 shows 352.3 Securing and Supporting requirements.

Clearly the intent of these requirements as shown in paragraph 110.12 page 70-44 which notes that acceptable industry practices are described in reference specification ANSI/NECA 1-2015. These references have at their cores describe the intent that all installations be carefully inspected prior to concrete placement. (see attachment #16)

7) Of 15 each Field Density Soils Reports from Terracon provided, none are noted as occurring at electrical duct bank locations. (see attachment #18) All nine performed at trench locations were at storm drain pipe locations. None of those reports indicates the existence of a required mud slab or support anchoring slabs for conduit or duct bank construction. None indicates testing of Class 1 or 2 "Select Fill" for pipe bedding as required in Specification Section 312333 Trenching, Backfilling, Compacting for Utility Systems Embedment Materials paragraph 2.6.1 and.2 on page 312333-5 for storm drain piping (see attachment #19) and NFPA 70 300.5 (F) on page 70-136 Backfill for Underground Conduit Installations. (see attachment #16) In fact, Specification Section 312333 2.6 A.4.(see attachment #20) indicates that all the trench backfill as noted in the Terracon reports is the least desirable material listed, Class IV. So, instead of select fill soils which are listed in the specifications, unsatisfactory were utilized.

8) Because the work was supervised as indicated by the general contractor in the January 27, 2020 board meeting and Mr. Neal on December 9, 2019 there are indications that the work was performed by forces not licensed to do this work. The electrical subcontractor probably had not been mobilized since to do so he would have been working without a subcontract. The work on the building contract had not yet been approved because the Guaranteed Maximum Price had not yet been submitted. Electrical specifications were not included under the Early Site Work Bid Set. To know for certain we need to know the date that the electrical subcontractor mobilized. I have requested that the district ask the construction manager at risk for this information. (see attachment #21)

9) 3 each Laboratory Services Reports, i.e., # 73191119.0023, # 73191119.0030 and # 73191119.0032 are soils classifications reports which are identified as unsatisfactory soils

#1, pg. 4

Attachment ____ is included with the minutes of the 01/15/2020 meeting, at the request of Board member Ed Winn

pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

for use as listed in Section 312000 1.7 C. page 312000-5 of Project Manual for Elementary School #13. These soils were used on this project anyway. (see attachment #22)

One of the soils used shown on Laboratory Services Report # 73191119.0011 dated 10/14/2020 has a maximum dry density weight less than the 95 PCF as specified in Section 312000 1.7 B Soils Materials which should have also rendered it unsatisfactory for use. (see attachment #23)

It should be noted that I brought it to the attention of Mr. Neal and attorney Michael Montgomery during contract negotiations with the construction manager at risk that unclassified excavation should have been included in the Contract for Construction. At the time, we were told that it would have been cost prohibitive to include unclassified excavation in the requirements. But, we have already agreed to pay up to an additional $175,000.00 for the Soils Plasticity Remediation Allowance which is allowance # 2 Exhibit C Allowances in the BUILDING GMP approved December 9, 2019 even though each bidder possessed the soils reports at time of bid. Incredibly, this work is related to site paving not buildings but was approved as an allowance under the Building GMP. (see attachment # 24) It certainly appears that the Owner is taking on and paying for the contractor's risk here because all of this was known at the time of the bid.

Of the 15 each Field Density Reports nine each relate to tests in confined trenches and six each relate to general fill soils installed in large unconfined areas. The site is approximately 24 acres which is 1,045,440 square feet. If one third of it was compacted fill that would require 104 tests per 8" lift of fill soils installed. There are embankments noted where at least 48"of fill soils have been installed. That makes the approximate order of magnitude number of soils compaction tests required (35 times 6 each 8" lifts) equal to 210 tests. Yet, in the general fill areas which are not the trench areas through and including November 11, 2019, there were only 11 individual Field Density Tests made. I cannot say for certain but for a project this large where 1 test is to be done in 8" lifts of fill soils placed per 10,000 sf of surface area in pavement areas and 1 test per 2,500 sf under building footprint area is required per 8' lift (see page 18 Fill Compaction requirements of the Final Geotechnical Engineering report Lex 5/Amicks Ferry Site by ECS Southeast, LLP dated June18, 2019,) (see attachment #25) the number of 11 each tests seems inordinately low. It appears that only approximately 5% of the required number of tests may have been performed.

The 9 each trench tests reported above were on storm drain lines. None were done on Electrical Duct Bank Construction and none were done on the day which Susan Baker observed the work being placed on the night of 12/6/2019.

10) There is correspondence from the previous board chair which states that access to the site and documents under the control of the construction manager at risk are somehow not obtainable by the Owner.(See attachment # 1) Please refer to the General Conditions to the Contract for Construction A 201 -2007 article 3.16 on page 18. "The Contractor shall

Attachment #1, pg. 5 is included with the minutes of the 12/15/2020 meeting, at the request of Board member Ed Ward pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

provide the Owner and Architect access to the Work in preparation and progress wherever located." (see attachment #26)

Under article 13.5.2 page 37 should the "Architect, Owner or public authorities having jurisdiction determine that portions of the Work require additional testing inspection or approval under 13.5.1, the Architect will, upon written authorization from the Owner, instruct the Contractor to make arrangements for such additional testing , inspection or approval by an entity acceptable to the Owner...."(see attachment #27)

Article 13.5.4 states "Required certificates of testing, inspection and approval shall, unless otherwise required by the Contract Documents, be secured and promptly delivered to the Architect." (see attachment #27)

Further, the Project Manual under 14000 1.8 A. Contractor's Quality Control Plan states that within 10 days of the Notice to Proceed and not less than five days prior to the preconstruction conference that the Contractor is to submit a comprehensive plan of quality control to include a schedule of testing and inspection. It also requires continuous inspection of workmanship. (see attachment # 28)

Under 013300 pages 5, 6 and 7 of the Project Manual H 3. And 5. Material Test Reports and Product Test Reports are to be submitted to the Architect for review. This includes design mixes for concrete, select backfill embedment and pipe bed material and PVC electrical conduit. (see attachment # 29). By contract these are to be made available to the Owner upon request.

Under AIA Document A 201-2007 article 3.11 page 16 Documents and Samples at the Site The Contractor is to maintain for the Owner one of submittals. This includes the requested items in the paragraphs above. (see attachment #30)

Under article 3.12.7 the Contractor is to perform no portion of the work on site which require submittals until the submittals have been approved by the Architect. (see attachment # 31) This includes the requested items in the paragraphs above.

Finally, under A 133 -2009 page 8 article 2.3.8.8, it states" The construction Manager shall also keep, and make available to the Owner and Architect, a daily log containing a record each day of weather, portions of the Work in progress, number of workers on site, identification of equipment on site, problems that might affect the progress of the work, accidents, injuries, and other information required by the Owner." (see attachment #32)

In addition to the documents requested in paragraph one of this letter, I ask that you as district superintendent also provide the answers to the following questions for the period from the inception of the project until December 9, 2019:

Attachment #1, 19.6 is included with the minutes of the 6/15/2020 meeting, at the request of Board member Bowers pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

A) Were safety protocols noted in # 2) above followed in regard to illumination and trench safety? If not, what is being done about it?
B) Were concrete mix designs submitted by the general contractor and each subcontractor for each type mix used or to be used on the project? Provide a copy of each approved mix design.
C) Were the specified mixes placed at each location as required? Provide a copy of the material delivery tickets and location of each batched placed.
D) Was a schedule of required tests submitted and approved as in 14000 1.8 A. for concrete and earthwork provided? Provide a copy of the schedule. Which contractor or subcontractor was responsible for coordination and scheduling of the testing agency? Were the tests performed per the schedule?
E) Were the tests performed in proper number and locations as specified? If not, what will be done about it?
F) When was each contractor or subcontractor mobilized? Who was on the site each day? What problems were reported? Provide copies of contractor and subcontractor daily reports. Provide a listing the other information required by the owner as above under A 133-2009 page 8 article 2.3.2.7.
G) Was schedule 80 PVC conduit with proper spacers and supports used at duct bank construction? Was select fill pipe bedding and embedment material installed at storm drain and duct bank locations. Was a concrete mud slab or anchoring slab used at duct bank locations? Was the installation inspected? If so, provide the inspection report. If not, what will be done to insure the installation was done properly?
H) Has the district taken on and paid for the contractor's risk as in #9 above? If so, how will that be rectified?

In summary, applicable building codes and/or the Project Manual may not have been followed. As you can see, the district through its paid consultants must require the contractors follow the contract documents. We, as the board, must act accordingly by overseeing and insisting that our administrative group investigate and rework as necessary for quality assurance.

Please keep in mind that only the Architect may change project specification requirements issued after the contract has been signed. He or she may only do so a change order executed by the Owner (the board).

I hope that we are good stewards for future citizens. We teach our children the scientific method. Carl Sagan said: "Something my father dearly loved is the scientific method, and it's founded in this element of humility. The idea is that you pursue truth wherever it goes; you need to evidence, and if you can –you see if it's repeatable." Why would we teach our children this and then not want to know? Ronald Reagan said it best when he said, "Trust but verify."

I request action and a reply on these matters within the next two weeks.

#1, pg. 7
Attachment ___ is included with the minutes of the 9/15/2020 meeting, at the request of Board member Ed Ward, pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Please act accordingly.

Respectfully submitted,

Kenneth B. Loveless, Trustee

Attachment #1, pg. 8 is included with the minutes of the 4/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Response By District Consultant

Dan Neal, PE (ret)
165 Golf View Bend
Elgin, SC 29045

April 20, 2020

Dr. Christina Melton, Ed. D.
Superintendent,
School District Five of Lexington and Richland Counties
1020 Dutch Fork Road
Irmo, SC 29063

Dear Dr. Melton,

Please find attached a letter, with enclosures, from Mr. Greg Hughes, President of Contract Construction, Inc. Mr. Hughes answers in detail the concerns raised by Trustee Ken Loveless in his letter dated March 24, 2020. I agree with Mr. Hughes letter in its entirety. In my opinion, Contract Construction, Inc. is one of the premiere K-12 construction firms in the state and we are fortunate to have them working on this project for District 5. Please let me know if you have any additional questions.

Sincerely,

Dan Neal

Dan Neal, PE (ret)

Attachment #2, pg.1 is included with the minutes of the 6/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

CONTRACT
CONSTRUCTION

4/20/20

Responses to Questions Raised by Ken Loveless

Dan Neal, PE (ret)
165 Golf View Bend
Elgin, SC 29045

Attachment #3, pg. 1 is included with the minutes of the 6/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

RE: Letter Dated 3/24/20 from Ken Loveless

Dear Dan:

I am writing in response to the above-referenced correspondence (which I enclose for reference purposes) and will respond to items that I feel require a response from us in the order in which issues were identified. Before I begin, I want to make it clear that I take immediate exception to Mr. Loveless' inference that we should not be currently working on the school during the "present geopolitical occurrences". Construction has been deemed essential and we are taking each day with a newly elevated level of caution to protect the workers on our project. The safety of our workers is our top priority and I am disappointed that Mr. Loveless would attempt to portray otherwise.

Regarding Mrs. Susan Baker's observation:

As you may be aware, we had record-breaking quantities of rainfall in the latter part of 2019 so we did then and still do now take advantage of every single opportunity to get work completed so our project can remain on schedule, and that includes nights and weekends. Proper illumination has been questioned based on a video taken from across the street, the illumination provided was deemed safe by our project superintendent for the task at hand and the work was completed under our direct supervision in accordance with the contract documents.

Item 2:

safety record

I would like to start by stating that Contract Construction has a 35-year impeccable safety record and enjoys a very good relationship with OSHA, who has commented on a number of occasions that we are in fact "highly regarded" in the OSHA organization. We are also an active participant in OSHA's Office of Voluntary Programs and invite them regularly to all of our jobsites. We have constructed over a billion dollars worth of educational facilities across the state of South Carolina with very few OSHA violations. Furthermore, our Experience Modification Rate (MOD) has been 0.75 for the past three years, we are a member of the National Safety Council, and have been awarded the highest safety award offered by our 180-member General Contractor's Captive Insurance Group 8 years in a row. So, with all that said, the students in LR5 have the rare opportunity to experience the process in real life, from one of the top school-builders in the state, and we would welcome the chance to go into the classrooms to enhance their learning experience.

#3,pg. 2

This document is included with the minutes of the ___ meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

CONTRACT CONSTRUCTION

1. As noted above, illumination for the curb and gutter pour was adequate and appropriate and no one was put at any risk during this placement. However, since illumination levels have been questioned from hundreds of yards away, we have rented light towers, which hopefully will not disturb surrounding neighbors. If documentation of illumination levels is going to be deemed necessary by LR5, please let us know and we will begin to record this information.
2. We take exception to Mr. Loveless' guestimate on the depth of the trench. The trench was 40" deep and at no point has any worker been endangered by entering excavations over 60" without proper benching or use of trench boxes. Regarding the proximity of the excavation equipment, there was and has not been any displacement of trench walls caused by the weight of excavation equipment and any statement to the contrary is simply a supposition.

Item 3:

Please see attached letter from Bruce Todd of ADC Engineers, the civil engineer of record, explaining the strength of the concrete curb and gutter. In addition, it should be noted that the curb installed will be in place for approximately 18 months prior to turning over to the Owner and any damaged or compromised curb will be replaced accordingly.

Item 4:

Chris Patrick of the Simms Group, Electrical Engineer of record offers the following:

> "The electrical specifications state that concrete encasement shall be either 2000 psi or 3000 psi. The electrical specifications do not specifically require testing of the concrete encasement. The company that provided the concrete should provide written confirmation of the compressive strength of the concrete delivered and used for concrete encasement of conduit."

Attached are the delivery tickets for the concrete placed in the electrical duct bank, substantiating that a 3000psi mix design was used. One should note that this concrete was in-fact sold to West Electric, a properly licensed electrician. This also provides substantiation to our response to item 8.

Item 5:

Chris Patrick of the Simms Group, Electrical Engineer of record, explaining the erroneous interpretation of the electrical code as it relates to the activity in question:

> "NEC 230-50(A) addresses "*Protection Against Physical Damage*" of "*Underground Service-Entrance Conductors*", which is the application addressed in 260500, 3-03 where PVC Schedule 40 is permitted for this project. NEC 230-50(A) references NEC 300.5, where the use of PVC Schedule 40 is permitted for underground installations of service-entrance conductors. NEC 230-50(B)(3), the section referenced in the March 24 letter, addresses "*Protection Against Physical Damage*" of "*All Other Service-Entrance Conductors*" (i.e. not underground). 260500, 3-03 does not permit PVC Schedule 40 in these cases, and in fact, specifically states, "*PVC is not permitted above grade.*" The electrical specifications require Galvanized Rigid Metal Conduit (RMC) or Intermediate Metal Conduit (IMC) for the condition described in

Attachment #3, 17.3 included with the minutes of the 6/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

CONTRACT CONSTRUCTION

NEC 230-50(B), which is permitted in 230-50(B)(1) and 230-50(B)(2). The installation as specified in 260500 complies with the requirements of NEC 230-50."

Item 6:

Terracon report number 73191119.0037 states clearly, "the installation of the schedule 40 conduits are installed in accordance with the plans."

Item 7:

I am not sure I follow this question. The electrical duct bank was excavated into virgin soils and is not a structural component of the building, so compaction testing was not required nor necessary. The duct bank being questioned is also concrete encased so I cannot fathom why there would be a concern with settlement of this utility.

Item 8:

In order to maintain the early sitework schedule, Contract Construction proceeded at risk to get the conduits installed so sitework would not be interrupted. We did so with the clear understanding that we would not be paid for this work if the GMP was not approved. West Electric, a properly licensed electrical contractor, performed this work. By Contract Construction doing this, the Owner gained the benefit of accelerating the project with no risk. To be clear, the GMP documents were complete at the time of installation and used for this construction.

Item 9:

The reason that it is fiscally irresponsible to put the risk of unclassified excavations on the CMR / Site Contractor is that the numbers will be unnecessarily padded to cover unknown quantities of unsuitable materials, and then the subcontractor will reap all the rewards of savings. It is true that we included an allowance in the GMP for soils plasticity remediation in the amount of $170,000. However, through many discussions with our site contractor, geotechnical engineer, civil engineer, and special inspector we were able to improve the in-place soils using soil cement, were able to do so within the early sitework GMP, and have not had to use one cent of the $170,000 allowance to date. In this scenario, all allowance savings will be returned to the Owner and not kept by a subcontractor that was asked to bid an unclassified site.

7 Firms Addressed

Regarding the suitability of the soils, Terracon notified the project team on or about Oct. 4th that the onsite soils did not meet the project specifications for structural fill. Terracon was directed to do additional onsite soil classification in multiple areas across the project area. The project team, consisting of the Owner,[1] Terracon,[2] ECS Southeast (geotechnical engineer of record),[3] Contract Construction,[4] Coogler Construction (site contractor),[5] Quackenbush, ADC (Civil)[6] and Johnson and King (Structural)[7] had multiple discussions about how to mitigate and move forward with the onsite soils, which are natural and typical for this area. These methods included a stone base for the building area and modified soil cement subgrade for the pavement subgrades. To be very clear, there are no subsurface conditions beneath in-place construction that have been deemed unsatisfactory.

CONTRACT
CONSTRUCTION

Attachment #3, pg. 4 is included with the minutes of the 6/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Item 10:

a. Documents and site access have been made available to our Owner Representative on site. We are not obligated to provide information or access to anyone other than those named in our contract.
b. No additional testing has been deemed necessary by the designers of record. In addition, Contract Construction will provide warranties and guarantees as specified in the contract documents at the conclusion of the project.
c. The testing company works for Lexington-Richland School District Five, so these reports are provided directly from Terracon to LR5.
d. We did conduct a pre-construction conference on 9/12/19 with Terracon and Lexington County. It was at that meeting that our Quality Control Plan was reviewed, as well as, the Schedule of Special Inspections which dictates exactly what is required to be tested.
e. All of these items have been submitted and approved by the design team and have been made available to our Owner Representative.
f. All items are being maintained at the project site and are readily available for our Owner Representative to review.
g. Daily reports have and continue to be maintained since the inception of this project and are readily available to our Owner Representative.

Answers to questions posed:

a. Yes, and we continue to monitor worker safety every single day.
b. Yes. Approved mix designs are maintained in our submittals folder on site.
c. Yes. Terracon can confirm this as fact. If material delivery tickets are to be matched to locations placed, that would be an additional service for Terracon and should be negotiated with them.
d. The Schedule of Special Inspections is clearly listed in section 14000 and is being strictly adhered to. Contract Construction arranges for all inspections. Terracon will confirm that inspections have been conducted in accordance with the schedule of special inspections.
e. Terracon can confirm that tests have been performed in proper number and locations.
f. Subcontractor mobilizations and any issues encountered are documented in our daily reports by our site superintendent.
g. 1. Schedule 40 was specified, installed and signed off on by Terracon as being in accordance with the contract documents. 2. Where utilities were installed in fill locations, such fill was deemed appropriate for use by Terracon. Waterlines and Sanitary Sewer were bedded with 57 stone per the Town of Chapin requirements. 3. No mud slab or anchoring slab was used or deemed necessary by Terracon during the installation of the electrical duct bank. See attached report as requested.
h. The District gained all the benefit regarding the scenario mentioned in item 9.

CONTRACT
CONSTRUCTION

I conclude by stating that we are not perfect and never will be, but every single day we strive to do things better than the day before and to be more like a thermostat affecting our surroundings, instead of a thermometer that merely reacts to them. When we encounter issues, we work with the project team to resolve them. In addition to Contract Construction's very high level of daily quality control, LR5 has hired trust-worthy individuals and firms that include a dedicated Owner Representative, Architect, Professional Engineers, and Special Inspectors to verify our work. I believe that everyone on this project team will confirm that this project is being managed very professionally and with very few deficiencies for this size project.

Please do not hesitate to let me know if I have not adequately responded to any of the issues presented by Ken Loveless.

Sincerely,

Greg Hughes
President

Attachment #3, pg. 5 is included with the minutes of the 10/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

ADC ENGINEERING
7436 Broad River Rd– Suite 212
Irmo S.C. 29063

March 31, 2020

Quackenbush Architects + Planners
1217 Hampton Street
Columbia, SC 29201

Attn: Barb Haller, AIA, LEED AP

Re: Amicks Ferry Road Elementary School – Curb and Gutter Testing

Dear Barb:

This letter is in response to item #3 of a correspondence between Ken Loveless (Trustee – LRSD5) and Dr. Christina Melton (Superintendent- LRSD5) dated March 24, 2020. The item is in reference to testing for structural strength of concrete poured for curb and gutters.

The SCDOT testing standards referenced in the letter are correct. However, it was never the intent on this project, or any project, to test the structural strength of concrete being used in a non-structural application like curb and gutter.

It is my professional opinion as the Engineer of Record, that even though the concrete strength specified for curb and gutters is 3000 psi, that they are not considered a structural element. Therefore, testing of concrete in the construction of curb and gutter sections is an unnecessary expense.

However, if it is desired to confirm the structural strength of concrete previously poured, it is suggested that the testing firm propose a plan for non-destructive testing of poured in place curb and gutter.

Sincerely,

Bruce Todd, P.E., LEED AP BD+C
803-781-3141 x.306
brucet@adcengineering.com

Attachment #4, pg.1 is included with the minutes of the 6/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

OFFICE:
PO BOX 3408
SUMMERVILLE, SC 29484
PHONE: 843-821-7600
FAX: 843-821-7627

MIDLANDS DISPATCH
803-754-8633

No. 713598

PLANT LOCATIONS

PLANT 6	BLYTHEWOOD
PLANT 7	IRMO, SC
PLANT 8	LUGOFF, SC
PLANT 9	WINNSBORO, SC

Attachment #4 pg. 2 is included with the minutes of the 6/23/2020 meeting, at the request of Board member Ed Winkler

pursuant to South Carolina Code Ann. Section 30-4-90(d)(1) and Board Policy BEDG, the Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

UNLOADING

Drivers are not permitted to add water to the mix to exceed the maximum slump. Drivers are prohibited from delivering concrete except under the truck's own power, and where site conditions permit the safe and proper operation of this equipment. Drivers are not permitted to go beyond the curb line, except upon the authorization of the customer and his acceptance of risk for any loss or damage to the property or our equipment. This includes any wrecker or towing charges for getting out of the location.
Water added.

RECEIPT AND RELEASE:

_____ Gallons

Customer's representative

RECEIVED SUBJECT TO CONDITIONS ON REVERSE SIDE

CAUTION

May cause eye or skin injury. Contains Portland cement. Fresh cement, mortar, concrete, or grout may cause skin injury.

TAKE THESE PRECAUTIONS:

1. Avoid all contact with eyes.
2. Wear rubber boots and gloves, and avoid prolonged contact directly with skin or through porous materials.
3. In case of contact with skin or eyes, FLUSH THOROUGHLY WITH WATER.
4. If irritation persists, get medical attention promptly.
5. Keep children away.

TERMS: Net 30 Days

CUSTOMER ID	P.O. NUMBER	ZONE	ORDERED BY	TIME	DATE	TICKET
001269				11:19 AM	11/14/19	14667

SOLD TO	DELIVER TO	Leave Plant	Arrive Job Site
WEST ELEC CONT OF NEWBERRY	314 AMICKS FERRY ROAD 314 AMICKS FERRY ROAD CHAPIN	1140	1230
		Leave Job Site 1245	Arrive Plant 105

QUANTITY THIS LOAD	QUANTITY ORDERED	QUANTITY DELIVERED	PRODUCT CODE	PRODUCT DESCRIPTION	UNIT OF MEASURE	UNIT PRICE	EXTENDED PRICE
5.00	5.00	5.00	F30M	F30M - 3000 ASH RES MI			
1.00	1.00	1.00	ENVFEEM	ENVIRONMENTAL FEE MIDL			
1.00	1.00	1.00	FUELM	FUEL SURCHARGE MIDLAND			

TRUCK	DRIVER	SLUMP	DUE AT JOB	USE OF CONCRETE	SUB TOTAL
82	DALE,	4.00	11:44 AM	FOOTINGS	

CALCIUM	WATER REDUCER	AIR ENTRAIN	PHONE	GALS/CY MAY BE ADDED NOT TO EXCEED W/C RATIO	TAX
					TOTAL

DELIVERY INSTRUCTIONS LING UP A DITCH

10 MINUTES PER YARD ALLOWANCE

OFFICE:
PO BOX 3408
SUMMERVILLE, SC 29484
PHONE: 843-821-7600
FAX: 843-821-7627

MIDLANDS DISPATCH
803-754-8633

No. 713599

PLANT LOCATIONS:
PLANT 6 BLYTHEWOOD, SC
PLANT 7 IRMO, SC
PLANT 8 LUGOFF, SC
PLANT 9 WINNSBORO, SC

Attachment #4) 14.3 is included with the minutes of the 6/15/2020 meeting, at the request of Board member Eaddy.

pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

UNLOADING

Drivers are not permitted to add water to the mix to exceed the maximum slump. Drivers are prohibited from delivering concrete except under the truck's own power, and where site conditions permit the safe and proper operation of this equipment. Drivers are not permitted to go beyond the curb line, except upon the authorization of the customer and his acceptance of risk for any loss or damage to the property or our equipment. This includes any wrecker or towing charges for getting out of the location.
Water added.

RECEIPT AND RELEASE:

Gallons

Customer's representative

RECEIVED SUBJECT TO CONDITIONS ON REVERSE SIDE

CAUTION

May cause eye or skin injury. Contains Portland cement. Freshly mixed cement, mortar, concrete, or grout may cause skin injury.

TAKE THESE PRECAUTIONS:
1. Avoid all contact with eyes.
2. Wear rubber boots and gloves, and avoid prolonged contact directly with skin or through porous materials.
3. In case of contact with skin or eyes, FLUSH THOROUGHLY WITH WATER.
4. If irritation persists, get medical attention promptly.
5. Keep children away.

TERMS: Net 30 Days

CUSTOMER ID	P.O. NUMBER	ZONE	ORDERED BY	TIME	DATE	TICKET
001269				12:45 PM	11/14/19	14668

SOLD TO	DELIVER TO	Leave Plant	Arrive Job Site
WEST ELEC CONT OF NEWBERRY	AMICKS FERRY ROAD / LAKE TIDE AMICKS FERRY ROAD / LAKE TID CHAPIN	100	145
		Leave Job Site 154	Arrive Plant

QUANTITY THIS LOAD	QUANTITY ORDERED	QUANTITY DELIVERED	PRODUCT CODE	PRODUCT DESCRIPTION	UNIT OF MEASURE	UNIT PRICE	EXTENDED PRICE
2.00	7.00	7.00	F30M	F30M - 3000 ASH RES MI			
1.00	1.00	2.00	ENVFEEM	ENVIRONMENTAL FEE MIDL			
1.00	1.00	2.00	FUELM	FUEL SURCHARGE MIDLAND			
1.00	1.00	1.00	MIN LOAD	MINIMUM LOAD CHARGE MI			

TRUCK	DRIVER	SLUMP	DUE AT JOB	USE OF CONCRETE		
94	HIPPS,	4.00	1:23 PM	FOOTINGS		
CALCIUM	WATER REDUCER	AIR ENTRAIN	PHONE	GALS/CY MAY BE ADDED NOT TO EXCEED W/C RATIO	SUB TOTAL	
					TAX	
					TOTAL	

DELIVERY INSTRUCTIONS: FILLING UP A DITCH

10 MINUTES PER YARD ALLOWANCE
$60.00 PER HOUR OVERTIME

Proper Board Role in Construction

the South Carolina Freedom of Information Act. Please see the following link for exemptions provided for in SC FOIA: https://www.scstatehouse.gov/code/t30c004.php

3) How can some board members deny other board members access to LR5 building sites? How or why does one have that power? Shouldn't all building have oversight by all board members? Construction contracts give control of construction sites to the general contractor. Managing the construction contractor is an administrative function. The District, with Board approval, contracted for Contract Construction to serve as the District's Construction Manager at Risk for Elementary School 13. The terms of the contract give Contract Construction the responsibility to maintain a safe and secure job site. The District's administration is responsible for the day to day management of the District's operations. Board Policy BBA describes the Board's Powers and Duties, including Visits to Schools. Oversight is the responsibility of the Board collectively. Board Policy BB notes that "All powers of the board lie in its action as a body." Board members acting as individuals have no authority over personnel or school affairs. Board Policy BCA notes that board members basic function is policymaking, not administration.

   The Superintendent and the administration operate and supervise the day to day functions of the District including construction projects.

   The District retains a consultant to represent the District's interest and ensure the terms of the contract are being met. This professional acts as the owner's representative on the project. In addition to Contract Construction and the District's consultant, the District also engages the services of a third-party inspection company that is paid by and answers to School District Five.

   Michael Cates
   School Board Chairman
   School District Five of Lexington & Richland Counties

4) When can we expect the redistricting information? Withholding this information (which should have been completed before deciding where to build #13) is very inconsiderate to LR5 families with school age children. No official timeline has been provided for the Milone & MacBroom report, but one will be provided publicly to the school board at the appropriate time.

5) And 5) When will the Amicks Ferry /#13 traffic patterns be resolved? There are no traffic pattern issues to resolve. The District is complying with all elements of a traffic study, which has been accepted and approved by SCDOT.

Your questions and comments were shared with all members of the Board of Trustees and posted publicly on the District's website.

Attachment #5, pg. 1 is included with the minutes of the 10/15/2020 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.