

February 26, 2013

William Gronseth, Superintendent  
Tom Kasper, Chairperson School Board  
Independent School District 709  
215 N. 1<sup>st</sup>. Av.  
Duluth, MN 55802

The following data is being requested per the Minnesota Government Data Practices Act.

1. **Cost increases to the Red Plan.** The following table can be used as a guide to the information being requested. This table compares the Minnesota Department of Education Review and Comment approvals and the 5-27-2008 Johnson Control contract with the actual costs of the building as obtained in the Summary Cost Status Report, most recently dated September 7, 2012.

The following are the data being requested:

- a. A complete listing of all the items that were added that increased the cost over the stated amount in column 2 in the following table;
- b. The costs of such items;
- c. Under what bid did they occur;
- d. When was the cost items initiated and when was it completed;
- e. When and by who did the program manager, construction manager, the district administration, and the school board approve said items.

Building	Cost from MDE + Amendments as of 2010	Total Project Budget, Summary Cost Status Report, JCI 9-7-2012	Cost Increase
Lakewood	\$2,755,468	\$3,051,699	\$ 296,231
Laura Mac	\$22,982,810	\$23,391,422	\$ 408,612
Lester Park	\$20,327,751	\$21,314,978	\$ 987,227
Stowe	\$4,304,790	\$4,504,768	\$ 199,978
Piedmont	\$19,348,297	\$19,963,333	\$ 615,036
East HS	\$58,686,956	\$63,656,803	\$ 4,969,847
East Ordean MS	\$27,511,257	\$29,262,362	\$ 1,751,105
Denfeld HS	\$44,361,878	\$45,714,356	\$ 1,352,478
Lincoln Park MS	\$49,020,688	\$50,640,669	\$ 1,619,981
		Total	\$ 12, 200,494

2. **Soft cost increases on the Red Plan.** The following table can be used as a guide to the information being requested. This table compares the soft costs per the 5-27-2008 Johnson Control, Inc. (JCI) contract with the Red Plan construction soft costs as per the School District’s September 5, 2012 “LRFP Contractor Supplier Report” and the change orders summarized by the District on October 5, 2012.

The following are the data being requested:

- a. A complete listing of all items that increased the cost over the contract amounts in the May 27, 2008 JCI/ISD 709 contract;
- b. Costs of all such items;
- c. Under what contract or subcontract did such increases occur;
- d. Who approved such cost increases;
- e. When did the cost increase occur;
- f. When was said cost increase completed;
- g. When and by whom were said cost increases approved by the program manager, construction manager, the district administration, and the school board;
- h. Also requested are all the contracts between JCI and any and all of their subcontractors.

Building	Est. Soft Costs, JCI contract 5-27-2008	Actual soft costs [Contractor Supplier Report, Change Order Report]	Unexplained soft cost increase
Homecroft	\$ 1,376,455	\$ 2,083,687	\$ 707,232
Lakewood	\$ 453,735	\$ 910,587	\$ 456,852
Laura Mac	\$ 3,348,683	\$ 5,458,833	\$ 2,110,150
Lester Park	\$ 2,866,633	\$ 5,063,763	\$ 2,197,130
Lowell	\$ 1,244,463	\$ 1,912,274	\$ 667,811
Stowe	\$ 649,671	\$ 1,348,867	\$ 699,196
Piedmont	\$ 2,473,463	\$ 3,803,790	\$ 1,330,327
East HS	\$ 8,073,116	\$ 15,978,142	\$ 7,905,026
East Ordean MS	\$ 4,614,304	\$ 8,350,682	\$ 3,736,378
Denfeld HS	\$ 6,309,823	\$ 13,323,952	\$ 7,014,129
Lincoln Park MS	\$ 6,494,182	\$ 12,555,696	\$ 6,061,514
Planning	\$ 855,041	na	na
Totals:			\$ 32,885,745

Note that Congdon and Myers-Wilkins are not yet completed, so aren't included

3. **Red Plan change orders.** The following table can be used as a guide to the information being requested. This table is a summary of the change orders supplied by ISD 709 on October 5, 2012.

The following are the data being requested:

- a. A complete listing of all change orders and what they were for;
- b. Itemized cost of all change orders;
- c. Under what contract did such change orders occur;
- d. When did the change orders occur, when was the said change orders initiated, and when was it completed;
- e. When and by whom were said change orders approved by the program manager, construction manager, the district administration, and the school board?

Building	Change orders per ISD 709 as of 10-5-2012
Congdon*	\$ 6,250
Myers-Wilkins*	\$ 369,360
Homecroft	\$ 896,125
Laura Mac	\$ 1,271,100
Lester Park	\$ 718,869
Lowell	\$ 200,106
Stowe	\$ 129,778
Piedmont	\$ 1,037,913
East HS	\$ 3,323,040
East Ordean MS	\$ 2,113,871
Denfeld HS	\$ 2,653,245
Lincoln Park MS	\$ 475,822
Total	\$ 13,195,479

Note that Congdon and Myers-Wilkins are not yet completed

**4. JCI/ISD 709 Contract of May 27, 2008.**

The following are the data being requested:

- a. A complete listing and copy of all changes orders and an explanation what they were for;
- b. Itemized cost of any such change orders;
- c. When and by whom were said change orders approved by the district administration, and the school board;
- d. A complete list and copy for all the JCI subcontracts that are involved with the Red Plan.
- e. Copies of any and all contracts between ISD 709 and Johnson Controls, Inc.

**5. Energy and Sustainability Design compliance with Board resolutions and Review and Comment documents.** A guide to this information request is what was stated the several Review and Comment's Sustainable Design documents that were approved by Minnesota Department of Education; and in board Resolution B-2-09-2606.

The following are the data being requested:

- a. Specific information on compliance with all the prerequisites and credits for the LEED for School Rating system as laid out in the Review and Comment's Sustainable Design documents;
- b. Specific information on how all the building projects comply with the prerequisites and credits of the United States Green Building Council's LEED Silver Rating system;
- c. If there was not compliance, when and who approved such non-compliance as the program manager, construction manager, the school administration, and the school board?

It is recommended that before answering these question that consultation be conducted with the requestor to assure thorough and proper data is released and avoid future action.

Truly,

Art Johnston  
ISD 709 School Board Member  
37 N. 93<sup>rd</sup> Av. W.  
Duluth, MN 55808 715 360 6629