

**MTU Rosza Center for the Performing Arts - Houghton, Michigan - Gundlach  
Champion, General Contractors**

**I. General information**

**A. Date and time of meeting - Tuesday April 27, 1999 - 07:30 A.M.**

**B. Location - Gundlach Champion office - Houghton, Michigan**

**C. Those attending**

1. Harold Filpus - Gundlach Champion, Inc. - Field superintendent
2. Paul Jurmu - Gundlach Champion, Inc.
3. Kenneth Johnson - Gundlach Champion, Inc. - Chief Estimator
4. Steve Alexa - Gundlach Champion, Inc. - Project Manager/Estimator
5. Dan LeVeque - President - Gundlach Champion, Inc.
6. Ralph J. Stephenson, P.E. - Consulting Engineer

**D. Project construction charter - for reference - underlined items are basis for reference**

1. Charter for construction of the MTU Rozsa Center for the Performing Arts - Houghton, Michigan

**Mission of the MTU Rozsa Center Project Team**

**It is our mission as MTU Rozsa Center Partners, to provide a facility that is a source of pride to the community. We are committed to construct this facility in a team atmosphere that promotes long term business relationships, with the mutual goals of safety, quality, profitability, timeliness and within the project budget.**

**Objectives of the project team**

**In recognition of the importance of achieving their mission all MTU Rozsa Center Partners, as a team, will commit to:**

1. promote good morale and positive partnering participation at all levels of the MTU Rozsa Center project team.
2. maintain a clean, accessible, safe, and well-planned work place.
3. communicate effectively in an open, honest, and timely manner with all appropriate stakeholders.
4. \*solicit all team members' input to develop, maintain and update a realistic plan of work and project schedule, and honor it.  
(General contractor & partnering team)
5. prepare, package, and process submittals in a timely, fair, and considerate manner consistent with the priorities of the contractors, designers, and owner.
6. \*prepare, publish, and keep current a chart of channels for communication, responsibility, and authority. (Architect/engineer, Owner and prime contractors, with help from the partners)

7. appreciate how the documents were interpreted in the bidding process.
8. know and understand the contract documents.
9. recognize that project conditions and decisions affect other partners in achieving the overall design intent.
10. recognize that project activities affect the surrounding university community.
11. respect and treat others and their work as you wish you and your work to be treated. Take responsibility for damage to other's work.
12. \*provide required pricing, documentation and approvals of revisions within the mutually agreed upon time frame.  
(Stakeholder task force to establish time frame parameters for items not covered by the contract documents)
13. control revisions being considered for the project to maintain the planned budget and schedule.
14. **minimize disputes and resolve conflicts quickly and at the lowest possible level.**
15. **\*prepare and publish an issue resolution policy which stresses the timely resolution of conflict at the originating or lowest possible management level and seeks to avoid litigation. (Task force of Architect, Engineer, Prime Contractors Owner and other partners as they desire)**
16. \*prepare, publish, and implement a partnering evaluation system by which the effectiveness of the system is regularly monitored.  
(stakeholders task force)
17. **promptly and properly prepare and respond to requests for information, substitutions, and clarifications of project documents.**
18. \*preplan specified close-out guidelines that provide clearly understood direction for punching out the job, issuing Certificates of Substantial Completion, establishing intermediate occupancy dates, and maintaining and transmitting contract record documents. (All partners)
19. do it right the first time and strive to achieve a minimal punch list.
20. promptly and properly prepare, submit, and process all payment requests.
21. maintain a close relationship between expectations and reality.
22. have fun and celebrate project successes!

\* indicates objective requiring special preparation by MTU Rozsa Center Partners.

( ) indicates who is to primarily responsible for preparing special materials

**II. Points for potential discussion in meeting on April 27, 1999**

- A. Consider how best to show the impact of dimensional conflicts and soil problems on overall job costs, time and resource use.**
- B. Identify all current and potential conflicts in respect to the charter provisions**
- C. Identify all current and potential conflicts in respect to contract documents**
- D. Use decision tree analysis to show the various alternative courses of action that might be applied to this resolution process.**

**III. Agenda**

- A. Identify and write out a strategy and tactic to show the impact of dimensional, soil, and other correctional problems.**
- B. ✓ Identify and classify major problem impacts.**
- C. ✓ Identify areas of increased costs to GCI - laundry list of problems**
- D. ✓ Narrow the general comments into very specific statements**
- E. ✓ What is needed and how do we prepare the documents required for lower level resolution (level #1)**

**IV. Major problem identification**

- A. Goal of GCI in resolving the current impacts of problems on the project**
  - 1. To reach a fair and valid agreement on the fact that the problems identified did occur and did affect the project cost of maintaining progress in light of the unusual magnitude and nature of the problems.
- B. Major classes of problem and impacts that have occurred on the project to date**
  - 1. Dimensional problem impacts.
    - a) Past and current problems
      - (1) Large amount of review time required by GCI project manager for checking, revising, updating, confirming the problem nature, magnitude & solution. This in comparison to other institutional projects upon which GCI has been involved.
      - (2) Abnormal amount of layout time required due to dimensional and elevation changes, discussions, and the large amount of resolution time needed to reach agreement and approval of a buildable component.
      - (3) GCI had to hire additional engineering staff in the field office to assist the project manager to document, review and implement resolution of the dimensional problems.
      - (4) GCI required above normal time to resolve problems caused to their vendors relative to fabrication of materials affected by the

difficulty encountered. This impacted especially on Daul, Spancrete and the restl supplier.

- (5) GCI experienced loss in continuity (need to work around a problem in an out-of-order sequence) and in productivity, particularly in sequencing and placement of concrete and resteel, and in detailing, erection and trimming out structural steel.

b) Potential future problems

- (1) Refer to charter meeting notes for stage and other interior design components of project. These notes and comments can be used to avoid the potential future problems.

2. Foundation problem impacts.

a) Clay strata problems to reach proper bearing elevation.

b) Encountered unexpected cobbles which could not be used for backfill, and reduced the ability to reuse excavation. This, in turn, resulted in a need to purchase additional backfill material to replace the cobbles which could not be used.

c) Disruption of restl fabrication sequence.

- (1) Resteel was ordered and shop drawings were prepared to allow sequencing concrete foundations starting from the deep southwest corner of the new building on to the eastern and northern sector of the new building.

- (2) Sequencing of footings had to be changed which resulted in more costly fabrication and use of foundation concrete forms.

- (3) Shut down project while foundation restl sequence was being revised.

d) Additional costs required to research and resolve excavation problems along east wall of existing Walker Building.

e) Additional cost required for providing and placing temporary backfill at east wall of existing Walker Building.

f) Cost of future pressure grouting of existing Walker Building floor slab on grade at areas of escaped subbase material.

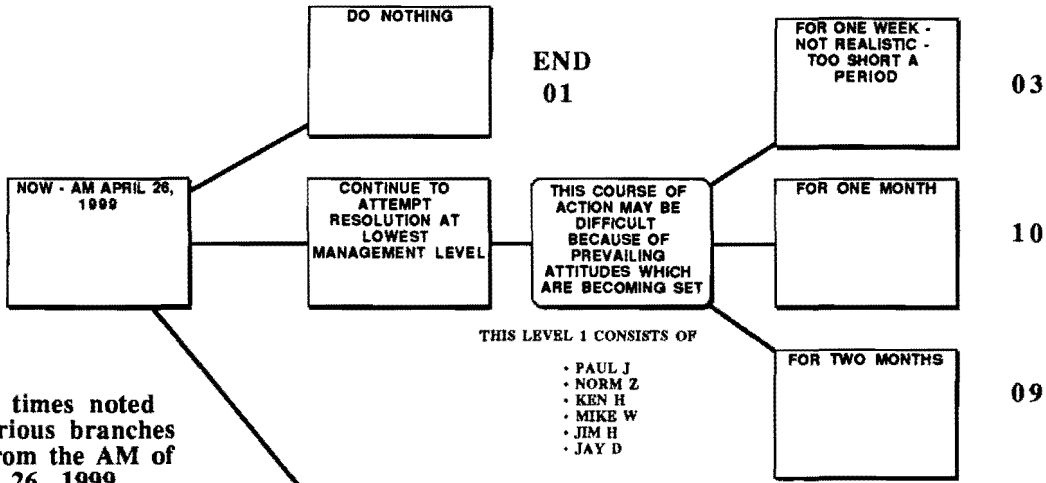
g) GCI experienced loss in continuity (need to work around a problem in an out-of-order sequence) and in productivity, particularly in sequencing and placement of concrete and resteel, and in detailing, erection and trimming out structural steel.

h) Shut down project while decision was being made on excavation method to be used at east wall of existing Walker Building.

3. Schedule impacts

a) Increased general condition costs due to work-around (a need to work around a problem in an out-of-order sequence) efforts to maintain the current plan of work and project schedule.

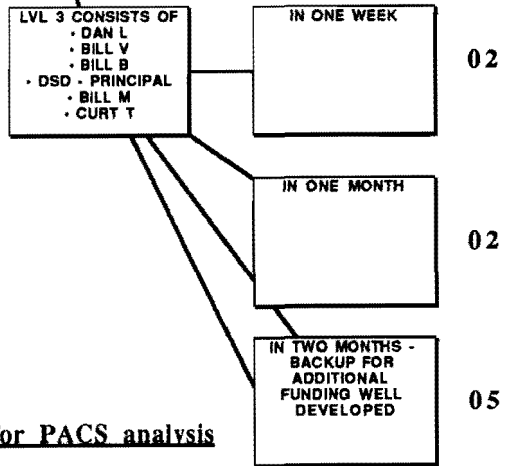
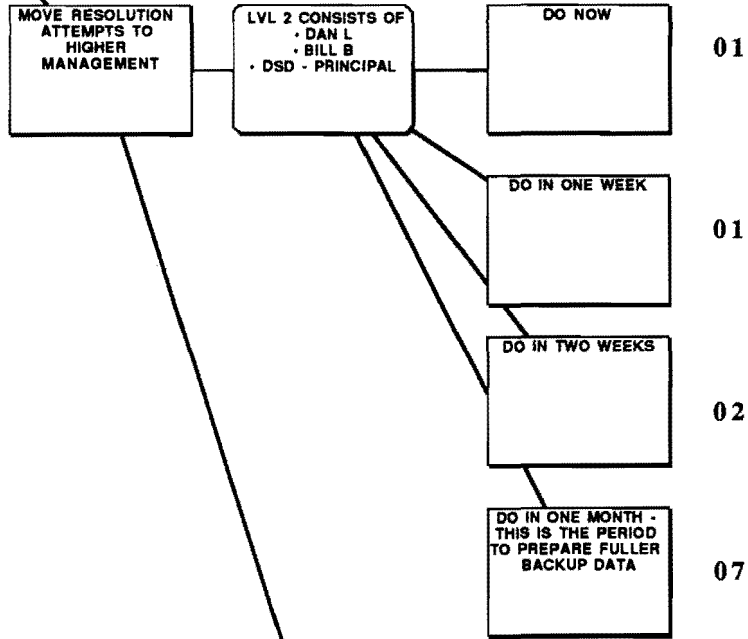
- b) Were forced to extend time required for concrete work further than planned and into record winter weather, thus increasing general conditions costs.
  - c) Were forced to pay premium costs to other suppliers to obtain concrete on winter days when resequencing did not allow the original GCI pour schedule to be followed.
  - d) Overtime costs incurred by need to work outside normal working hours in order to maintain adherence to the current plan of work and project schedule.
- V. **Suggested solutions that have been, and are being implemented to resolve the major problems.**
- A. **Develop and articulate why each of these problems are not expected on projects to the extent they have been experienced on this project**
- VI. **Discussion of other prime contractor considerations**
- VII. **Discussion of subcontractor considerations**
- VIII. **What are the potential future problems?**
- IX. **What discussion format should be used to resolve problems and achieve the goal?**



Note: times noted in various branches are from the AM of April 26, 1999

THIS LEVEL 1 CONSISTS OF

- PAUL J
- NORM Z
- KEN H
- MIKE W
- JIM H
- JAY D



**Decision Tree for PACS analysis**

Ralph J. Stephenson, P.E.  
 Consulting Engineer  
 323 Hiawatha Drive  
 Mt. Pleasant, Michigan 48858  
 phone - 517 772 2537

Issue #1 - April 27, 1999  
 I1 abt #1 pacs declalon tree

## MTU Rozsa Center for the Performing Arts - Houghton, Michigan - Project analysis meeting #1

These notes are for the most part anecdotal and are designed to show the flow of discussion during the meetings. They are not to be used for hard information. They are not intended and do not purport to be a formal project record.

### I. General notes

#### A. Glossary of terms

##### 1. Mediation

An attempt to effect a settlement between disputing parties through the unbiased efforts of an objective third party, usually well known to those in dispute and acceptable to them. Mediation differs from arbitration in that it generally involves a single individual as the ruling party, is less formal, and is generally not binding.

#### B. Abbreviations

1. aja - Aaron Janke (AJA) - Gundlach Champion
2. bmc - Bill McKilligan (BMC) - MTU FM
3. dle - Dan LeVeque (DLE) - Gundlach Champion, Inc.
4. dsc - DiClemente Siegel Design - architect engineer of record
5. dsd - DiClemente Siegel Design - architect engineer of record
6. gci - Gundlach Champion, Inc. - general contractor
7. jhe - Jim Heikkinen (JHE) - MTU
8. kha - Ken Hafer (KHA) - DiClemente Siegel Design
9. kjo - Ken Johnson (KJO) - Gundlach Champion
10. lta - Lou Trama (LTA) - DiClemente Siegel Design
11. mtu - Michigan Technological University
12. mwi - Mike Wilmers (MWI) - MTU
13. nasr - Athancios Nasr (Nasr)- Desai/Nasr Consulting Engineers
14. nza - Norm Zabik (NZA) - DiClemente Siegel Design
15. pju - Paul Jurmu (PJU) - Gundlach Champion
16. rda - Roger R. Daul (RDA) - Daul Industries
17. rde - Richard L. DeLisle (RDE) - Richard L. DeLisle, Inc.
18. rfi - Request for information
19. rjs - Ralph J. Stephenson, P.E. - chair and mediator
20. sal - Steve Alexa (SAL) - Gundlach Champion - estimator
21. sda - Scott Daul (SDA) - Daul Industries
22. sei - Sherry Eisberner (SEI) - Daul Industries
23. tpu - Tim Purdy (TPU) - Gundlach Champion
24. wbl - William Blumhardt, P.E. (WBL) - Facilities Management - in meeting part time.

## II. Meeting #1 - Monday, Tuesday and Wednesday May 24, 25 & 26, 1999

### A. Glossary of terms

#### 1. Mediation

An attempt to effect a settlement between disputing parties through the unbiased efforts of an objective third party, usually well known to those in dispute and acceptable to them. Mediation differs from arbitration in that it generally involves a single individual as the ruling party, is less formal, and is generally not binding.

### B. Abbreviations

1. gci - Gundlach Champion, Inc. - general contractor
2. dsc - DiClemente Siegel - architect engineer of record

### C. Preliminary mission statements of the level one resolution team

1. To determine what has actually caused the perceived current job problems.
2. To determine the impact of these perceived current job problems on project progress, cost and quality.
3. To propose solutions to the perceived problems that exist or are considered to exist on the job currently.
4. To establish what steps and actions should be taken to keep the job moving toward an on-time, within-budget, and to a contract-quality-standards completion, turn over and close out.
5. To keep any job problems, perceived or actual, from escalating.
6. To determine the criteria by which the participants and the mediator will use to determine the validity of any resolution decisions made.
7. To establish how best to adhere to the partnering agreement.
8. To establish the key elements of the resolution.

### D. Meeting notes - Monday May 24, 1999 - unedited

#### 1. Those attending - Monday May 24, 1999

##### a) Level One Resolution Team

- (1) Norm Zabik - DiClemente Siegel Design
- (2) Athancios Nasr - Jay Desai Consulting Engineers
- (3) Ken Hafer - DiClemente Siegel Design
- (4) Paul Jurmu - Gundlach Champion
- (5) Harold Filpus - Gundlach Champion
- (6) Tim Purdy - Gundlach Champion
- (7) Jim Heikkinen - MTU
- (8) Mike Wilmers - MTU
- (9) Aaron Janke - Gundlach Champion

##### b) Principals of organizations involved

- (1) William Blumhardt - MTU - in meeting part time



- c) Others attending
  - (1) Steve Alexa - Gundlach Champion - estimator
  - (2) Ralph J. Stephenson - Consultant and mediator
- 2. Started meeting at about 08:15 A.M.
- 3. Bill Blumhardt introduced participants and purposes of the meeting.
- 4. Ralph Stephenson introduced the project discussion.
  - a) Read meeting missions
  - b) Read issue resolution process
  - c) Confirmed that all parties understood resolution process
- 5. Mike Wilmers presented what he thought was the desired outcome of the meeting as defined by the parties involved.
- 6. Jim Heikkinen reviewed what the principals of the firms involved appeared to desire to happen in these meetings.
- 7. Paul outlined the perspective of gci
  - a) Wants to be totally open with everyone.
  - b) Realized how important it is to be open.
  - c) Problems seemed to have started with dimensional problems related to the structure.
  - d) Outlined what he thought might be the best way to go through the problem as seen by gci.
  - e) How to proceed from here on is a key issue.
    - (1) Bring drawings up to date with bulletins covering changes?
    - (2) This may be too complex to do effectively.
  - f) Jim Heikkinen
    - (1) Need an up-to-date list of discrepancies in the drawings to review and make decisions.
    - (2) Must find a way to define the problems we are coping with on the job.
  - g) Tim Purdy
    - (1) The list of problems tabulated to date is not complete and may not be possible to complete quickly.
  - h) Paul selected several items from a list of problems encountered to discuss as specific problem types
    - (1) Items 17, 18 and 30 - dimensional difficulties, clarification, etc.
- 8. Norm Zabik re structural steel detailing.
  - a) Detailer is running out of current funds on the project
  - b) Problem is that any stopping of the detailing process may stop the job.
  - c) Must look at the review of the project status by the owner. What % of the problem is the detailer's and what % is someone else's.

9. Paul - Item #2 from agenda - Clay removal and subsequent fill, backfill material,
  - a) Walker as-built condition - additional costs incurred to remove clay along existing east wall of Walker Building -
  - b) Additional cost incurred to accommodate lack of correspondence between what was shown on drawings for the Walker Building and what was actually found. (?\$9,000)
  - c) Did the borings show existing conditions accurately?
  - d) How were the clay status profiles determined? How were they used?
  - e) Steve Alexa (gci estimator) should be brought in to explain the clay surface profile plot.
10. Paul - Item #3 from agenda - Backfill material. Discussed later in detail.
11. Paul - Item #4 from agenda - Excavation retention along existing east wall of Walker Building. Discussed later in detail.
12. Questions to be answered from discussion.
  - a) Paul - What is the best way to bring the documents up to a point where they can be used with confidence to complete the project in accordance with the contract documents?
  - b) Paul - What is the status of updating as-builts and of preparing a list of problems.
13. Adjourned at 12:05 P.M. for lunch
14. Reassembled at 01:10 P.M.
15. Paul - Item #2 & #4 - Steve Alexa joined the meeting to discuss the clay profile and soil conditions and how information was derived.
  - a) Depression shown as an automatic result of the data
  - b) Mike Wilmers asked Steve Alexa to explain how the derivation from the profile was determined.
  - c) Fair amount of discussion about how the shots were taken and how the extrapolations were made.
  - d) Decided we had enough data for determining the degree of impact the clay problem had on the job, and to continue further discussions.
  - e) Some discussion about the question of Hitch's involvement as a member of the design team and their involvement as a consultant to gci.
  - f) Reviewed the retention system design and the ultimate construction of the area adjacent to the Walker Building.
  - g) May also have to review all potential problems with the Walker Building elevation above grade facing the Rozsa Center

16. Paul - Item #3 - Backfill material
    - a) Concerns the amount of purchased fill needed that was not figured in the original estimate.
    - b) How did the clay problem affect the amount of fill needed?
    - c) Will bring Steve Alexa back in to discuss how estimated.
  17. Jim Heikkinen - Item #5 - communications
    - a) May have been intended as the discussion of how we avoid the problems of the past as they are beginning to appear in the future
      - (1) Paul mentioned that there should be discussions of actual and potential problems from the contractors and subcontractors to set the agenda for the intensive design conferences intended?
      - (2) Is bringing Ken and Norm up here the full answer to getting difficulties resolved?
      - (3) Need to zero in on what the actual problems are to be solved. Owner is willing to help make it possible for the design team to resolve the problems.
      - (4) The communications network must be improved so the participants can be aware of the needs for their involvement.
  18. Adjourned meeting about 4:50 P.M.
- E. Meeting notes - Tuesday May 25, 1999 - unedited
1. A.M. meeting started at about 08:04 A.M.
  2. Those attending
    - a) Level One Resolution Team
      - (1) Norm Zabik - DiClemente Siegel Design
      - (2) Athancios Nasr - Jay Desai Consulting Engineers
      - (3) Ken Hafer - DiClemente Siegel Design
      - (4) Paul Jurmu - Gundlach Champion
      - (5) Harold Filpus - Gundlach Champion
      - (6) Tim Purdy - Gundlach Champion
      - (7) Jim Heikkinen - MTU
      - (8) Mike Wilmers - MTU
      - (9) Aaron Janke - Gundlach Champion
    - b) Principals of organizations involved
      - (1) William Blumhardt - MTU - in meeting part time
    - c) Others attending
      - (1) Steve Alexa - Gundlach Champion - estimator
      - (2) Ralph J. Stephenson - Consultant and mediator
  3. Agenda
    - a) Agenda items as outlined in proposed draft agenda from principals
      - (1) Project Issues

- (a) Contract document inconsistencies and dimensional problems
- (b) Clay removal and subsequent fill
- (c) Backfill material
- (d) Excavation retention along existing wall of Walker Building
- (e) Communication, progress
- (2) First Meeting Level 1 - Monday and Tuesday - May 24 and 25, 1999
  - (a) Documentation of project issues (presentation by contracting team)
    - i) All dimensional problems and contract document inconsistencies.
    - ii) Clay removed.
    - iii) Backfill material
    - iv) Excavation retention along existing east wall of Walker.
    - v) Communication, progress
- (3) Activity between meetings #1 and #2
  - (a) Distribution of project issue documentation
  - (b) Professional team preparation and distribution of contract interpretations and responsibilities relative to documented issues.
- (4) Second meeting Level 2 - date to be set
  - (a) Review of contract document interpretation to documented issues.
  - (b) Team solution of actual or perceived problems'
    - i) What steps and action should we take to keep the job moving and see that these and other problems do not escalate?
    - ii) In subsequent partnering meetings, see that these steps and actions are working. Revise as necessary.
    - iii) Triage of issues or items:
      - (1) Items agreed to not warrant further consideration (dropped).
      - (2) Items agreed that contract claim(s) is warranted.
      - (3) Items the team was unable to resolve.
- (5) Activity between meetings #2 and #3
  - (a) Contractor to prepare cost proposal for items above that warrant a claim. (Subsequent handle as bulletin item).
  - (b) Document positions on unresolved items for presentation to level 2 team.
- (6) Level 2 team meeting to handle unresolved issues - date to be set
  - (a) Level 2 team members

- i) William Blumhardt, MTU
    - ii) Lou Trama, DiClemente Siegel Design
    - iii) Dan LeVeque, Gundlach Champion, Inc.
  - b) Tentative agenda for Tuesday May 25, 1999
    - (1) ✓ Review Daul Industries letters of February 22, 1999 and March 17, 1999.
    - (2) DiClemente Siegel review their observations memo.
    - (3) Complete analysis of Monday and Tuesday agenda items as outlined in the issues to be addressed section of notes
    - (4) Set agenda for Tuesday PM and Wednesday.
    - (5) Establish method of analyzing information to be presented at meeting #2
- 4. Notes - Paul lead review of Daul Industries letters of February 22, 1999
  - a) Began reading letter from Daul.
  - b) Norm Zabik reviewed his research into standard and special detailing costs. Has written notes on this and will provide these to the level one group. Considerable discussion around this point.
  - c) Considerable peripheral discussion
  - d) Mentioned potential need to stop detailing if their cost overruns continue.
  - e) Discussed responsibility of the detailer as outlined in the contract documents.
  - f) Had comprehensive discussion from construction documents and the as-built marked up drawings about the points covered in the letter of February 22, 1999 from Daul Industries. Good discussion.
  - g) Took coffee break at 10:12 A.M.
  - h) Resumed meeting at 10:17 A.M.
    - i) Completed reviewing Daul letter of February 22, 1999
    - j) Some discussion about the small scale drawings. No major decisions reached.
    - k) Again, the team agreed that an updating of the contract documents is of great importance. Should be done as quickly as possible.
    - l) Reviewed Daul's comments about non standard connections due, in part, beams coming into the columns off-center.
  - m) With skewed angle connections you are going to have many special connections. What is the detailer's responsibility?
  - n) Flush out what is real and what is not real in terms of the claim?
  - o) Team level 1 will go through 2nd after lunch break.
- 5. Nasr comment - Must revisit the lines of communication
- 6. A.M. meeting adjourned at 12:00 noon

**F. Issues to be addressed - unedited**

1. Agenda items as outlined in early letter from principals.
  - a) Contract document inconsistencies and dimensional problems.
    - (1) Objectives to be accomplished
      - (a) **Cause** - To determine what has actually caused the perceived current job problems.
        - i) Continuous need to check the impact of the perceived document inconsistencies and dimensional problems on the job management and continuity of work.
        - ii) Lack of showing official changes that have been made to the construction documents in a set of documents that can be used with confidence to guide future work on project for all trades
      - (b) **Impact on project** - To determine the impact of these perceived current job problems on project progress, cost and quality.
        - i) See item a(1) and item a(2) above.
      - (c) **Solutions** - To propose solutions to the perceived problems that exist or are considered to exist on the job currently.
        - i) To have the design team spend a concentrated period of time on the job site to record the changes made to date to the contract documents and incorporate them into a set of tracings that can be used as the basis of a bulletin to be issued as soon as possible for quoting.
        - ii) Receive a quote of the bulletin work which will be used as a partial basis for determining the validity of any extra costs that may have been incurred due to dimensional problems.
        - iii) Issue a change order for the work to be done or the work already done, after evaluating the quoted cost of the work.
        - iv) Maintain a continuing and intense effort to anticipate future problems and correct them promptly and in a timely fashion.
        - v) For problems that may require immediate action, (such as continued detailing of structural steel) to find funding methods that will keep the job moving and will not unduly penalize correct payment for work properly within the contract and extra work as authorized by the official changes to the contract documents.
      - (d) **How to keep the job moving** - To establish what steps and actions should be taken to keep the job moving toward an

on-time, within-budget, and to a contract-quality-standards completion, turn over and close out.

- i) Track potential changes closely to allow proper processing of these in a timely fashion
  - (e) To keep any job problems, perceived or actual, from escalating.
  - (f) To determine the criteria by which the participants and the mediator will use to determine the validity of any resolution decisions made.
  - (g) To establish how best to adhere to the partnering agreement.
  - (h) To establish the key elements of the resolution.
  - b) Clay removal and subsequent fill
  - c) Backfill material
  - d) Excavation retention along existing wall of Walker Building
  - e) Communication, progress
2. What are some of the major pending items that are going to appear in the near future? The most help that could be given to help resolve these would be the attention that Norm, Nasr and Ken could give on-site as the problems are discussed and presented for resolution.
- a) Protech's rfi re additional rigging beams in the auditorium.
  - b) Protech's rfi for the hinge arrangement for the stage wall modulation area (the pivot point for the wall swing).
  - c) Protech's rfi concerning a potential interference with some ductwork.
  - d) Bulletin 1, 2 and 3 discussion to provide closure of the preparation of the bulletins.
  - e) Shim issue at the precast roof plank - not totally resolved - how should the drawings be interpreted?
    - (1) What size shimming?
    - (2) What is required?
    - (3) No gap.
    - (4) What thickness?
    - (5) When do we start shimming?
    - (6) Teflon?
    - (7) Who is to decide what is to be done
    - (8) The precast is welded to the trusses?
    - (9) The precast is shimmed to the purlins for stability?
    - (10) What was approved? By whom?
  - f) Eyebrow area - sloped precast roof plank - how to shim or how to support.
    - (1) Epoxy shim will work - how to do it?

3. Impacts on schedule (?) - how have the perceived problems impacted on the schedule for construction of the project?
  - a) Concern and anxiety over existing conditions at the Walker Building foundations, late issue of for-construction design drawings and a series of dimensional discrepancies have had several impacts on the project progress particularly:
    - (1) Foundation sequence and formwork use.
    - (2) Fabrication of reinforcing steel sequence and procurement schedule.
    - (3) Continuity of manpower and equipment use.
    - (4) Backfilling operations.
    - (5) Impacted work that was forced into winter weather conditions.
    - (6) Later than expected activities that may have required more overtime than anticipated.
    - (7) Productivity planning and maintaining.
    - (8) To be noted - the dimensional discrepancies and the problems that resulted from them have required excessive project management time in order to maintain effective field operations.
4. What is the best time frame for issuing the Bulletin bringing the project documents up to date?
  - a) Determine which issues are to be considered unresolved.
  - b) Must get to the monetary issues as quickly as possible.
  - c) Get to the bulletin issue immediately -
5. What items should the meeting notes for meeting #1 contain to guide the immediate future activities of the level #1 group? These items should cover the following:
  - a) A detailed description of the timeline for issuing the bulletin documents.
  - b) Contract document inconsistencies and dimensional problems (including the structural steel issues)
  - c) Clay removal and subsequent fill
  - d) Backfill material
  - e) Excavation retention along existing wall of Walker Building
  - f) Communication, progress
  - g) What steps should be taken now to keep the job running and healthy?
    - (1) Applies to all contract parties to the project.
    - (2) Increased manning of the project with resources that can add value to the project effort.



**III. Meeting #2 - Wednesday and Thursday September 1 & 2, 1999 - preliminary - to be edited**

**A. Wednesday September 1, 1999 A.M.**

1. Those attending - Wednesday September 1, 1999
  - a) Level One Resolution Team attending
    - (1) Norm Zabik (NZA) - DiClemente Siegel Design
    - (2) Athancios Nasr (Nasr)- Desai/ Nasr Consulting Engineers
    - (3) Ken Johnson (KJO) - Gundlach Champion
    - (4) Ken Hafer (KHA) - DiClemente Siegel Design
    - (5) Paul Jurmu (PJU) - Gundlach Champion
    - (6) Tim Purdy (TPU) - Gundlach Champion
    - (7) Jim Heikkinen (JHE) - MTU
    - (8) Mike Wilmers (MWI) - MTU
    - (9) Aaron Janke (AJA) - Gundlach Champion
    - (10) Roger R. Daul (RDA) - Daul Industries
    - (11) Scott Daul (SDA) - Daul Industries
    - (12) Sherry Eisberner (SEI) - Daul Industries
    - (13) Bill McKilligan (BMC) - MTU FM
    - (14) Richard L. DeLisle (RDE) - Richard L. DeLisle, Inc.
  - b) Principals of organizations involved attending
    - (1) William Blumhardt, P.E. (WBL) - Facilities Management - in meeting part time.
  - c) Others attending
    - (1) Ralph J. Stephenson - consultant and mediator
    - (2) Steve Alexa (SAL) - Gundlach Champion - estimator - at pm session
2. Agenda for meeting #2 - level 1 team - Wednesday September 1, 1999
  - a) Review letter dated July 12, 1999 to Paul Jurmu, project manager for Gundlach Champion, Inc. (or Tim Purdy) from Jim Heikkinen, Manager, Planning, Engineering and Construction. Letter included following attachments:
    - (1) DSD RFI log as of June 15, 1999, in which all RFI issues are categorized relative to potential cost impact
    - (2) DSD letter dated June 18, 1999, summarizing DSD's and MTU's position on the following items:
      - (a) Bulletins 4 & 5.
      - (b) Daul/ JL Lewis issues which are explained by DSD's letter of June 16, 1999 and Desai/ Nasr letter of May 15, 1999.
      - (c) Clay removal and subsequent fill/ backfill material.
      - (d) Excavation at east wall of Walker Building.
      - (e) Communication and job progress for the future.

- b) From original approach to resolution of contested issues
  - (1) Review of contract document interpretation relative to documented issues. (presentation by professional team and discussion)
  - (2) Team solution of actual or perceived problems
    - (a) What steps should we take to keep the job moving and see that these and other problems do not escalate and prevent the project from being completed in accordance with our partnering agreement (contract documents?).
    - (b) In subsequent partnering meetings, see that these steps and actions are working. Revise as necessary.
    - (c) Triage of issues or items:
      - i) Items agreed to do not warrant further consideration (dropped).
      - ii) Item agreed that contract claim is warranted (go forward).
      - iii) Items that team was unable to resolve.
  - (3) Activities between meetings #2 and #3
    - (a) Contractor to prepare cost proposal for items above that warrant a claim (subsequently handle as typical bulletin item.)
    - (b) Document position on unresolved items for presentation to level 2 team
- 3. Level 2 team consists of:
  - a) William Blumhardt, MTU
  - b) Lou Trama, DiClemente Siegel Design
  - c) Dan LeVeque, Gundlach Champion, Inc.
- 4. Jim Heikkinen started meeting at 08:05 AM by having each participant introduce themselves.
- 5. JHE outlined the history of the project and of MTU's experience with major participants on the project team.
- 6. JHE said they are trying to identify the issues that have their root in the contract documents. Want to be objective about the problems that have their roots in the contract documents so the University can resolve the issues fairly and accurately.
- 7. JHE gave each member attending copy of the proposed draft agenda from meetings of May 24, 25, 26, 1999.
- 8. Started review of agenda items from DSD memo of August 30, 1999 - Norm Zabik of DSD chaired discussion.
  - a) Reviewed items of issue from the contract documents
  - b) Bulletins/Change Orders
  - c) Daul Industries: Refer to specifications section - structural steel

- d) Tim asked if gci were expected to have a price for bulletin 4 and 5. gci received these bulletins about July 6, 1999. Not today.
  - e) Nasr reviewed structural drawings and revisions (updating?) as proposed in Bulletin No. 5.
  - f) Some questions from gci about the format of bulletin #4 in relation to the original drawings.
  - g) All at the meeting agreed that the intent as stated in the action program of dcs and gci were understood as the drawings were brought up to date to reflect the as built conditions. However gci felt that the effort was completed up to about 90% of the full number of rfi's and other differences that must be clarified.
  - h) Paul wanted to clarify what as-built means.
  - i) Now discussing changes as covered in bulletin #4.
  - j) Took a short break at 09:00 AM to get bulletin #4 architectural documents from which to discuss the efforts of the project team.
  - k) Ken Hafer continued reviewing bulletin #4 revisions from the bulletin #4 changes.
  - l) Jim Heikkinen reviewed the rfi log as of June 15, 1999
    - (1) gci has not completed their analysis of the cost impact relative to issue #4 & #5.
    - (2) Trying to identify legitimate cost impacts from which we can all agree to allocate costs to the various parties to the contract.
  - m) What else can be discussed that will be of help in keeping the job running.
  - n) Paul requested before we leave this time to go to the trailer and review changes that may have been made to the documents since the current lists were prepared.
9. Nasr led a review and discussion of the changes resulting from the study of the structural drawing revisions in bulletin #5 (or #4). General comments are given below:
- a) From sheet S1.2
    - (1) Considerable numbers of constructive comments flowed between Paul Jurmu and Athancios Nasr. Some disagreement but most comments positive.
    - (2) Paul Jurmu outlined how some of the items involved were discussed and the revisions to the structural drawings decided upon.
    - (3) Jim Heikkinen commented on the need for the people involved in constructing the structural frame elements to apply their

- interpretations to the working drawings and from that to determine how the elements of the structure should be determined.
- (4) Paul J. feels the contractor should be able to determine how to build a structural element from the construction design drawings.
- b) From sheet S1.3
    - (1) Some discussion between kjo and nasr about the location of openings on the bid documents as opposed to the final location of the openings.
  - c) From sheet S1.4
    - (1) Sections are being reviewed for changes to be made to the geometry of the roof steel. The changes here affect sizable number of other details - composite panels, etc.
  - d) From sheet S1.5
  - e) From sheet S2.1
    - (1) Discussion of pier dimensioning
  - f) From sheet S2.2
    - (1) Dimensional change discussed from the original (1' 6"). The detailer used this dimension to prepare shop drawings. Affects some details. How did this change affect the detailing process. sda will follow and provide more information about the impact on other structural steel details.
    - (2) sda will get the letter of clarification to determine the impact of the discrepancy. Cost will be reflected in the pricing of the bulletin.
  - g) From sheet S2.3
    - (1) Amount of weldments as required by the inspector who came to the shop - STS hired by MTU.
    - (2) What authority did the inspector have to make this change? sda will check this.
    - (3) Consider finding out more about how this particular problem evolved.
    - (4) Welding or bolting was a contractor option so long as the design was approved by nasr
  - h) From sheet S3.1
    - (1) Discussion between sda, nasr and pju about dimensional discrepancy. sda will have an answer for tomorrow's session.
  - i) From sheet S3.2
  - j) From sheet S3.3
  - k) From sheet S4.1

- l) From sheet S4.3
    - (1) Discussed elevations of precast and of steel. Should be checked - no one was certain of the problem details.
  - m) From sheet S4.4
  - n) From sheet S4.5
    - (1) Some clarification needed relative to reinforcing steel and precast units.
  - o) From sheet S4.6
    - (1) pju asked why we are using such thick checkered plate. Auditorium catwalks very heavy. nasr mentioned loads came from stage equipment contractor.
    - (2) sda mentioned the items excluded from the structural steel proposal - rail and checkered plate.
  - p) From sheet S4.7
10. Jim H asked what we can say in relation to the overall evaluation of the structural changes (?) in bulletin #5. Do you (the level 1 resolution team) feel there is presently a common understanding of the information contained in bulletin #4 and bulletin #5. If not, must arrive at a common understanding. If ok the project team must now cast the information into a format by which everyone can complete an appropriate analysis of the cost allocation. The level 1 resolution team is trying to identify legitimate cost impacts from which all can agree to allocate appropriate costs to the various parties to the contract.
  11. pju commented on philosophy of the structural steel review and how to base the cost impacts.
  12. Jim H. reviewed the cost analyses process he feels we will all benefit from using.
  13. Took break at about 11:10 AM - back at 11:30 AM
  14. Norm Zabik introduced agenda for the session.
    - a) Dick DeLisle reviewed the framework of the steel issue.
      - (1) Connection design.
      - (2) Detailing practices in various parts of the country.
      - (3) DDE asked some questions of Roger R. Daul
      - (4) RRD asked what he was to bid if he was bidding a job (any job?)
      - (5) Considerable discussion about what the steel fabricator was required to do in relation to design of connections.
        - (a) Used detail on sheet S3.3 to provide a topic base from which the estimate would be prepared.

- (b) Team discussed the various methods by which an estimator can price a connection.
  - (c) In spec DSD specified experienced installer and fabricator of structural steel.
  - (6) What is the result expected from this discussion?
15. Adjourned for lunch at 12:35 PM.
- B. Wednesday September 1, 1999 P.M.**
- 1. Started afternoon session at 1:57 PM
  - 2. Jim Heikkinen opened session by saying that there seems to be a clear understanding as to what effect bulletins #4 and #5 have had on the job.
  - 3. Have to put the information re the rfi log into a format that all the level 1 team can draw conclusions relative to the type of cost impact that it produced.
  - 4. Clay removal.
    - a) Norm Zabik reviewed the clay removal situation
    - b) Steve Alexa discussed the conclusions reached on the clay soil conditions.
    - c) STS made projections to help clarify the clay soil conditions.
    - d) Tim Purdy said their analysis was based on 7 soil borings
    - e) Jim Heikkinen will provide information obtained from the MTU analysis.
    - f) Will compare gci analysis with that of STS
    - g) After comparison of the two analyses an action can be set for resolution of the cost.
  - 5. Excavation at the east wall of the Walker Building.
    - a) Paul said the specs said installation of sheeting, shoring and bracing as may be required.
    - b) gci's option should be reviewed.
    - c) Dick DeLisle reviewed performance requirements of the specifications.
    - d) Temporary lagging system was designed but not used.
    - e) Jim Heikkinen asked - What did what gci actually do that was different from the installation as it was estimated? Paul answered the question. Will try to present the answer in an understandable form in the detailed discussion.
    - f) Paul said gci did take some shots of the clay(?) layer.
    - g) Photos were taken of the excavation process.
    - h) May be some disagreement about the opinion expressed in document 2 by Norm Zabik.
    - i) tpu described the relation of the clay layer to the Walker excavation.

- j) Do the design document clearly show what the condition at the site actually was. Answer seems to be no.
  - k) Jim Heikkinen paraphrased how gci might have planned their approach to the problem.
  - l) Paul said the information re the foundation approach is available. Both parties, mtu and gci, will probably have to review the facts in detail.
  - m) Where did Paul get the drawings of the Walker Building? From Hitch? Jim Heikkinen felt it might be a recollection by Hitch.
  - n) Mike asked where mtu misled gci on the Walker Building.
  - o) Jim Heikkinen paraphrased gci - when gci got to a point where there was a question about the Walker foundation they went directly to Hitch (?).
  - p) Hitch's invoice to gci was for information about lagging attached to the piles for the sheeting and shoring
6. Must compare the gci and the mtu soil profiles to determine which is correct.
  7. Jim H. paraphrased situation - the doing of the work twice is the rub of the situation.
  8. Will discuss the description of the resolution process before it is sent out officially.
  9. gci is shooting for have pricing on bulletin #4 and #5 by September 27, 1999. Should plan on going through the pricing with those concerned prior to September 27, 1999.
  10. Reviewed communication and job progress for the future in DSD letter of June 18, 1999. Item #5
    - a) Item #1 - ok
    - b) Item #2 - ok
    - c) Item #3 - ok
    - d) Item #4 - ok
    - e) Item #5 - ok
    - f) Item #6 - ok
    - g) Item #7 - ok
    - h) Item #8 - ok
    - i) Item #9 - ok
  11. Printed afternoon notes and distributed to those attending.
  12. Meeting adjourned at 4:08 PM.
- C. **Thursday September 2, 1999 A. M.**
1. Those attending - Thursday September 2, 1999
    - a) Level One Resolution Team attending
      - (1) Norm Zabik (NZA) - DiClemente Siegel Design

- (2) Athancios Nasr (Nasr)- Desai/ Nasr Consulting Engineers
- (3) Ken Hafer (KHA) - DiClemente Siegel Design
- (4) Paul Jurmu (PJU) - Gundlach Champion
- (5) Tim Purdy (TPU) - Gundlach Champion
- (6) Jim Heikkinen (JHE) - MTU
- (7) Mike Wilmers (MWI) - MTU
- (8) Aaron Janke (AJA) - Gundlach Champion
- (9) Roger R. Daul (RDA) - Daul Industries
- (10) Bill McKilligan (BMC) - MTU FM
- (11) Richard L. DeLisle (RDE) - Richard L. DeLisle, Inc.
- (12) Scott Daul (SDA) - Daul Industries
- (13) Sherry Eisberner (SEI) - Daul Industries
- b) Principals of organizations involved attending
  - (1) William Blumhardt, P.E. (WBL) - Facilities Management - in meeting part time.
- c) Others attending
  - (1) Ralph J. Stephenson - consultant and mediator
- d) Those not attending
  - (1) Ken Johnson (KJO) - Gundlach Champion
  - (2) Steve Alexa (SAL) - Gundlach Champion - estimator ~~at pm session~~
2. Before meeting had informal discussion re plywood
3. Started official meeting at 08:15 A.M.
4. Agenda for AM meeting
  - a) Review notes from September 1, 1999 and make suggested revisions.
  - b) Discuss and approve strategies for resolving bulletin #4 and #5
  - c) Consider going through a typical change simulation
  - d) Discussion of Daul Industries - Jim H. feels the relation of the relief of problem rests with the contractors. Looking for suggestions as to the resolution of the issue from gci.
  - e) Clay issue
  - f) Should we start a things that work file?
5. Bulletin #4 & #5
  - a) Jim H. paraphrased the situation
    - (1) Use format as shown in the rfi log as of June 15, 1999 updated to reflect revisions and new items to keep the log current.
    - (2) Should we go through a typical change simulate the process.
  - b) Will provide cost estimates for bulletin #4 and #5 by September 20, 1999 to September 27, 1999 for informal review by those affected.
  - c) Tim Purdy described the format of the cost proposal.



6. How to resolve the structural steel issues - Tim Purdy
  - a) gci and Daul are working on this matter today on the Daul issues.
  - b) gci will support Daul if gci agrees.
7. Clay profiles - Jim H.
  - a) Seems we have reduced the clay problem down to a comparison of the soil profiles.
  - b) Jim Heikkinen and Tim Purdy said MTU and gci will have to get together and review data - Steve Alexa will be in charge of the analysis. Will start soon.
8. Walker Building - Jim H.
  - a) Jim outlined what steps gci took to moderate the impact of the Walker Building foundations on construction progress for the Performing Arts project.
  - b) Tim Purdy and Jim H. agreed to meet and talk through the Walker Building difficulties in respect to the discussion in our level 1 resolution meeting of September 1, 1999.
9. Jim H. - asked about problem - top of steel elevations at lobby entrance area. Paul J. suggested an approach he will use to help resolve the problem.
  - a) Is critical to close in of the lobby by early December, 1999.
  - b) Paul J. and Ken H. will work together to solve the approach.
10. Briefly reviewed the early theater performances in the building
11. Took break at 08:55 A.M.
12. Restarted meeting at 09:15 A.M.
13. Reviewed and discussed notes for meeting #2.
14. Began discussion of structural steel decisions relative to proceeding on detailing.
  - a) Roger Daul reviewed process of resolving problems with triangular areas at the lobby canopy.
  - b) Ken H. has not received a shop drawing of the area under discussion.
  - c) Ken H. and the detailer for Daul should meet and work out the problems under discussion.
  - d) gci must be involved in getting the problem properly identified.
15. Agenda items to be included in the next level #1 resolution team meeting - September 27, 1999.
  - a) Will be prepared as the resolution meetings continue.

## V. Meeting #3 - Tuesday December 21, 1999

### A. Those attending

#### 1. Those attending

##### a) Level One Resolution Team attending

- (1) Norm Zabik (NZA) - DiClemente Siegel Design
- (2) Athancios Nasr (Nasr)- Desai/Nasr Consulting Engineers
- (3) Ken Hafer (KHA) - DiClemente Siegel Design
- (4) Paul Jurmu (PJU) - Gundlach Champion
- (5) Tim Purdy (TPU) - Gundlach Champion
- (6) Jim Heikkinen (JHE) - MTU
- (7) Mike Wilmers (MWI) - MTU
- (8) Aaron Janke (AJA) - Gundlach Champion
- (9) Roger R. Daul (RDA) - Daul Industries
- (10) Bill McKilligan (BMC) - MTU FM
- (11) Richard L. DeLisle (RDE) - Richard L. DeLisle, Inc.
- (12) Scott Daul (SDA) - Daul Industries
- (13) Sherry Eisberner (SEI) - Daul Industries

##### b) Principals of organizations involved attending

- (1) William Blumhardt, P.E. (WBL) - Facilities Management -  
in meeting part time.

##### c) Others attending

- (1) Ralph J. Stephenson - consultant and mediator
- (2) Tim -

##### d) Those not attending

- (1) Ken Johnson (KJO) - Gundlach Champion
- (2) Steve Alexa (SAL) - Gundlach Champion - estimator - at  
pm session

### B. Proposed agenda

1. Participants summarize what has happened since our meetings  
on September 2, 1999

### C. General comments

1. Started meeting at ?.
2. Those attending
  - a) Level One Resolution Team
    - (1) Norm Zabik - DiClemente Siegel Design

- (2) Athancios Nasr - Jay Desai Consulting Engineers
- (3) Ken Hafer - DiClemente Siegel Design
- (4) Paul Jurmu - Gundlach Champion
- (5) Harold Filpus - Gundlach Champion
- (6) Tim Purdy - Gundlach Champion
- (7) Jim Heikkinen - MTU
- (8) Mike Wilmers - MTU
- (9) Aaron Janke - Gundlach Champion
- b) Principals of organizations involved
  - (1) William Blumhardt - MTU - in meeting part time
- c) Others attending
  - (1) Steve Alexa - Gundlach Champion - estimator
  - (2) Ralph J. Stephenson - Consultant and mediator

**D. To do prior to the meeting**

**E. Preliminary mission statements of the level one resolution team**

1. To determine what has actually caused the perceived current job problems.
2. To determine the impact of these perceived current job problems on project progress, cost and quality.
3. To propose solutions to the perceived problems that exist or are considered to exist on the job currently.
4. To establish what steps and actions should be taken to keep the job moving toward an on-time, within-budget, and to a contract-quality-standards completion, turn over and close out.
5. To keep any job problems, perceived or actual, from escalating.
6. To determine the criteria by which the participants and the mediator will use to determine the validity of any resolution decisions made.
7. To establish how best to adhere to the partnering agreement.
8. To establish the key elements of the resolution.

#### IV. Meeting #3 - Tuesday December 21, 1999 - unedited

##### A. Proposed agenda

1. ✓ Tim Calvey present Buric's analysis of the project
2. Bill B, Dan L. and Lou T. review near future steps to be taken by the level 1 and level 2 groups.
3. Review preliminary mission statements of the level one resolution team - from Meeting #1.
4. Participants summarize what has happened since our meetings on September 2, 1999
5. Principals review the immediate future steps to be taken.
6. Consider preparing network model of work yet to be accomplished in future meetings.

##### B. Preliminary mission statements of the level one resolution team from Meeting #1 (passed out to the attendees).

1. To determine what has actually caused the perceived current job problems.
2. To determine the impact of these perceived current job problems on project progress, cost and quality.
3. To propose solutions to the perceived problems that exist or are considered to exist on the job currently.
4. To establish what steps and actions should be taken to keep the job moving toward an on-time, within-budget, and to a contract-quality-standards completion, turn over and close out.
5. To keep any job problems, perceived or actual, from escalating.
6. To determine the criteria by which the participants and the mediator will use to determine the validity of any resolution decisions made.
7. To establish how best to adhere to the partnering agreement.
8. To establish the key elements of the resolution.

##### C. Not attending

1. Ken Hafer (KHA) - DiClemente Siegel Design
2. Roger R. Daul (RDA) - Daul Industries
3. Richard L. DeLisle (RDE) - Richard L. DeLisle, Inc.
4. Scott Daul (SDA) - Daul Industries
5. Sherry Eisberner (SEI) - Daul Industries
6. Ken Johnson (KJO) - Gundlach Champion
7. Steve Alexa (SAL) - Gundlach Champion - estimator

##### D. General meeting notes

1. A.M. meeting
  - a) Started meeting at 8:35 A.M
  - b) Those attending
    - (1) Level One Resolution Team

- (a) Norm Zabik - DiClemente Siegel Design
- (b) Athancios Nasr - Jay Desai Consulting Engineers
- (c) Paul Jurmu - Gundlach Champion
- (d) Harold Filpus - Gundlach Champion
- (e) Tim Purdy - Gundlach Champion
- (f) Paul Aneshansel - MTU
- (g) Jim Heikkinen - MTU
- (h) Bill McKilligan - MTU
- (i) Mike Wilmers - MTU
- (j) Aaron Janke - Gundlach Champion
- (2) Principals of organizations involved
  - (a) William Blumhardt - MTU - in meeting part time
  - (b) Dan LeVeque (DLV) - President - Gundlach Champion, Inc.
  - (c) Lou Trama (LTR) - President - DiClemente, Siegel
- (3) Others attending
  - (a) Ralph J. Stephenson - Consultant and mediator
  - (b) Tim Calvey (TCA) - Vice President - R.V. Buric - Construction Management Consultants, Inc.
- c) Dan Leveque started discussion at 08:37 A.M.
  - (1) Introduced purpose of having Tim Calvey make a presentation.
- d) Tim Calvey of Buric took over meeting at 8:39 A.M.
  - (1) Introduction to report
    - (a) Made some preliminary comments.
    - (b) Ask questions as desired.
    - (c) R.V.Buric just celebrated their 30th anniversary
    - (d) Claims analysis
    - (e) Network modeling
    - (f) Forensics
    - (g) Surety work
  - (2) Review of his work - Tim Calvey
    - (a) Has looked at most of the documents being used on the project.
    - (b) Decided to come up with what issues he would study.
      - i) Contract documents
      - ii) The general scope and history of the project
      - iii) Construction drawing changes and modifications
      - iv) Schedule modifications and changes
      - v) Budgeted and actual expenditures
    - (c) Conditions of general conditions and special requirements.
    - (d) Implied warranty - owner has to warrant the drawings

- (e) Section VII - Attachments
  - i) Drawing revisions chronology
    - (1) Included all drawings that were affected.
    - (2) Stressed that by the date of the construction contract all drawing should have been complete and the project buildable from the contract documents.
    - (3) Several questions asked about what the various parts of the conclusions drawn by TTC did have an effect upon the use of the drawings.
    - (4) What is the definition of a *complete set of construction* documents used to evaluate the completeness of the contract documents.
    - (5) What is the base document from which the target dates were set?
    - (6) Did the fact that all subcontracts were not let by May 27, 1998 affect the perception completeness of the documents.
    - (7) Focussed on the delays to submittal and approval of structural elements of the facility.
    - (8) Some disagreement about the number of days between approval delays of structural steel in September and October 1998. (Tim will check)
    - (9) Discussed Attachment B - Structural Design Development.
    - (10) Bulletin #4 and #5
      - (a) Showed foundation plan with changes highlighted in yellow.
      - (b) Showed other structural drawing with dimensional changes primarily.
    - (11) Bill asked about assumptions made in completeness of contract documents.
    - (12) Bill asked what schedule was used as a base from which the Attachment F was derived. Answer from GCI was the original schedule (?)
    - (13) Jim asked the basis of the summary network in relation to the base schedule.
    - (14) Jim asked how the metal siding and the curtain wall were related. Paul tried to give answer in relation to changes required.

- (15) Moved to cost estimates for damages shown on pages 28 to 35. Tim reviewed these in summary.
- (16) Loss of productivity based on ? (didn't get the details of the methods used)
- (17) Tim finished presentation at 9:58 A.M.
- (3) Discussion of report
  - (a) Bill wants to see back up for the estimates.
  - (b) Tim Calvey asked what is the actual issue here.
    - i) Has GCI been impacted here?
  - (c) Tim asked if they could see the third party review of the design.
  - (d) What schedules were used? Paul said the schedules were updated once per month.
  - (e) Discussed whether we are using a phased occupancy as compared to using a fixed dated for total completion.
  - (f) Phased completion
    - i) Considerable discussion about the status of a phased completion date.
- e) Dan, Lou and Bill and rjs met to discuss the agenda for the remainder of the day.
- f) Ended main A.M. meeting about 10:30 A.M.
- g) Adjourned for morning at about 11:30 A.M.
- 2. P.M. meeting
  - a) Those attending
    - (1) Level One Resolution Team
      - (a) Norm Zabik - DiClemente Siegel Design
      - (b) Paul Jurmu - Gundlach Champion
      - (c) Tim Purdy - Gundlach Champion
      - (d) Paul Aneshansel - MTU
      - (e) Jim Heikkinen - MTU
      - (f) Mike Wilmers - MTU
      - (g) Aaron Janke - Gundlach Champion
      - (h) Bill McKilligan (BMC) - MTU FM
    - (2) Principals of organizations involved
      - (a) William Blumhardt - MTU - in meeting part time
      - (b) Dan LeVeque (DLV) - President - Gundlach Champion, Inc.
      - (c) Lou Trama (LTR) - President - DiClemente, Siegel
    - (3) Others attending
      - (a) Ralph J. Stephenson - Consultant and mediator
  - b) Started meeting at 01:32 P.M.

- c) Bill B. started out with statement about the current status of our work.
  - (1) Bulletins #4 and #5 and their relation to the financial and time aspects of the claim.
  - (2) Must review the summary report.
  - (3) Need to review the considerations of phased construction.
- d) Asked for comments
- e) Paul said he feels we have closure on the rfi's
- f) How has the project team mitigated some of the impacts on the project?
- g) Tim Calvey - discussed some of the claim comments regarding the contract documents.
  - (1) Pg. 12 - Soil at clay layer
    - (a) Attachment D - Change of condition delay 43 calendar days
    - (b) Reuse of soil as backfill - tried to establish difference between engineered fill and backfill
    - (c) How much additional fill was required to meet the conditions of the contract?
    - (d) Jim H. - all we want to know is the amount of fill that was used as backfill for the inside of the building?
    - (e) Jim H. - how much of the fill was used as backfill for the outside of the building?
    - (f) Were the soil borings in error?
    - (g) Where do the specs say that we could not use the excavation material for interior backfill under slabs?
    - (h)
- h) The level 1 group discussed the project and asked several questions.
- i) The Buric claim book is a negotiating tool.
- j) Bill doesn't want to have recurring claims made as the problems unfold.
- k) Tim Purdy wants someone to work on and provide a suggested phased occupancy schedule.
  - (1) We need something on which to build the phased occupancy schedule.
  - (2) Bill B and the other level 2 managers want to provide the resources to study and schedule a possible phased occupancy.
- l) Partnering not posturing is important.



*Issue Resolution Policy for  
The MTU Rozsa Center Partners*

PAEC  
#3

*It* is the goal of the participants of this project to first and foremost avoid unnecessary conflict. To achieve this, we will maintain open lines of communications as stated in the Partnering Charter. Further, it is our goal to resolve an issue at the lowest possible level. If this is not possible, the issue will be referred promptly to the next highest level for resolution. *In* all cases, individuals who are involved in a difference should be businesslike and not resort to personal attack. The principles outlined in the Partnering Charter Objectives should be followed at all times in resolving differences. *If* necessary, involved parties should meet to discuss any unresolved issue in an attempt to reach resolution. Any issue presented should be clearly defined and alternative solutions considered. The resolution process is to work through open communication and looking at the other side's point of view. In addition, issues are to be kept in the forefront to ensure resolution in a timely manner. A record of unresolved issues will be maintained and reviewed at each progress and partnering meeting. An unbiased partner will be selected to facilitate resolution of issues prior to the next meeting. *If* resolution cannot be reached at the jobsite, or through the issue resolution procedure, then the principles of the involved firms or agencies should attempt to reach resolution through informal discussion before the formal process outlined in the Contract Documents is used.

*In seeking resolution to an issue, involved parties will attempt to:*

- Thoroughly understand the issue
- Maintain empathy for the other point of view
- Communicate thoughts openly and clearly
- Clearly document resolution