

EXECUTIVE SUMMARY

EXHIBIT 1

**Final Acceptance / Release of Retainage
Johnson Controls, Inc.
Heating Ventilation and Air Conditioning System Additions and Alterations
(IAQ Repairs HVAC)
Boyd Anderson High School
Project No. P.000331 (f.k.a. 1741-99-05)**

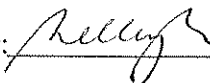
PROJECT OVERVIEW:

Type of Contract:	Hard Bid
Architect:	Dyanki, Inc.
Contractor:	Johnson Controls, Inc.
Notice to Proceed Date:	3/7/2007
Bid Amount (Original Contract Amount):	\$ 3,347,578.00

GENERAL OVERVIEW:	The project at Boyd Anderson High School was a complete HVAC replacement project. The project was awarded January 16, 2007 and completed June 26, 2011. The contract was delayed due to reasons beyond the contractor's control which included numerous unforeseen existing conditions and the dissolution of the architect. The contract has achieved final completion and the Office of Facilities & Construction is recommending project acceptance. Attached are the OEF Forms 110b and 209. Request is to accept project and release retainage in the amount of \$179,644.04.
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Typed by: G.Boardman/4-4-14

Written by: Gregory T. Boardman/4-4-14

Approved by:  Date: 5/30/14



The School Board of Broward County
Division of Facilities and Construction Management
1700 Southwest 14th Court
Fort Lauderdale, FL 33312-4110

Phone: (754) 321-1500

**Summary of Data Pertinent
To Final Acceptance of Construction Projects**

Facility Name: Boyd Anderson High School	Date: 4/14/2014
Project Title: HVAC Additions and Alterations	Project No: P000331 f.k.a 1741-99-05
Contractor: Johnson Controls, Inc.	
Contract Date: 3/12/2007	NTP Date: 3/7/2007
	Calendar Days: 229
Original Substantial Completion Date: 10/ 27/2007	Original Punch List Completion Date: 11/27/2007
Revised Substantial Completion Date: 5/26/2011	Revised Punch List Completion Date: 6/26/2011
Substantial Completion Date: 5/26/2011	Punch List Completion Date: 6/26/2011
Days Delay to Substantial Completion: 1307	Days Delay to Punch List Completion: 0

Reasons for Delay: Numerous unforeseen change orders delayed the timely completion of the project. These changes were beyond the control of the contractor. The delays included the following: Asbestos abatement, clearance and conflict issues, obsolete pneumatic control system and existing fresh air deficiencies noted by the test and balance report. The last change order approved by the School Board was October 2011 which addressed the deficiencies in the test and balance report.

Recommendations and Remarks: The Office of Facilities and Construction recommends Final Acceptance and closure of the Project.

Contract #79130027

**WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT**

THE UNDERSIGNED LIENOR, IN CONSIDERATION AND UPON RECEIPT OF THE FINAL
PAYMENT IN THE AMOUNT OF \$219,892.19, HEREBY WAIVES AND RELEASES ITS
LIEN AND RIGHT TO CLAIM A LIEN FOR LABOR, SERVICES, OR MATERIALS
FURNISHED TO:

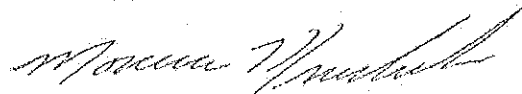
SCHOOL BOARD OF BOWARD COUNTY FLORIDA
FINANCIAL REPORTING DEPARTMENT
ATTN ACCOUNTS PAYABLE
1643 NORTH HARRISON PARKWAY BLDG H
SUNRISE, FL 33323

TO THE FOLLOWING DESCRIBED PROPERTY:

SCHOOL BOARD OF BOWARD COUNTY FLORIDA
HVAC RETROFITS @ BOYD ANDERSON HS

DATED: 9/13/13

JOHNSON CONTROLS INC.

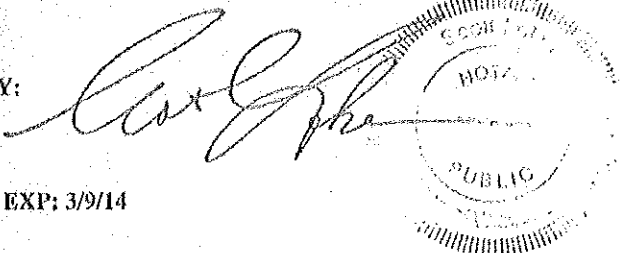


BY: MONICA L. KNISBECK
CREDIT ANALYST

STATE OF WISCONSIN
COUNTY OF MILWAUKEE

THIS DOCUMENT WAS SIGNED BEFORE ME BY MONICA L. KNISBECK ON THIS DATE OF
9/13/13.

NOTARY:



COMM. EXP: 3/9/14

**CONSENT OF SURETY
TO FINAL PAYMENT**

AIA Document G707

Bond No. 8206-80-26

OWNER	<input type="checkbox"/>
ARCHITECT	<input type="checkbox"/>
CONTRACTOR	<input type="checkbox"/>
SURETY	<input checked="" type="checkbox"/>
OTHER	<input type="checkbox"/>

TO OWNER:
(Name and address)

The School Board of Broward County, Florida Construction Management Division
1700 Southwest 14th Court
Fort Lauderdale, FL 33316

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: HVAC Additions and Alterations

PROJECT:
(Name and address)

Boyd Anderson HS

CONTRACT DATED: January 16, 2007

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

Federal Insurance Company
15 Mountain View Road
Warren, NJ 07059

, SURETY,

on bond of
(Insert name and address of Contractor)

Johnson Controls, Inc.
5757 North Green Bay Avenue
Milwaukee, WI 53209

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of
any of its obligations to
(Insert name and address of Owner)

The School Board of Broward County, Florida Construction Management Division
1700 Southwest 14th Court
Fort Lauderdale, FL 33316

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: May 16, 2014
(Insert in writing the month followed by the numeric date and year.)

Federal Insurance Company

(Surety)

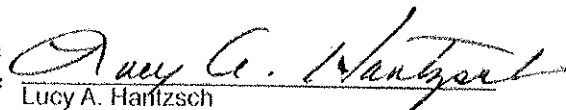

(Signature of authorized representative)

Cathy Hutson Attorney-in-Fact

(Printed name and title)

Surety Phone No. 908-903-2000

Attest:
(Seal):


Lucy A. Harfzsch



**Chubb
Surety**

**POWER
OF
ATTORNEY**

**Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company**

**Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059**

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Kathleen A. Cray, Cathy Hutson, Daniel J. Kwlecinski, Tracy K. Matthews, Wendy S. Miller, Daniel J. Sapiro and Lisa M. Slakes of Milwaukee, Wisconsin-----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this **24th** day of **July, 2007**

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
County of Somerset

ss.

On this **24th** day of **July, 2007**

before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



STEPHEN B. BRADT
Notary Public, State of New Jersey
No. 2321097
Commission Expires Oct. 25, 2009

Notary Public

CERTIFICATION

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this **May 16, 2011**



Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surely@chubb.com

70057005**PAYMENTS TO CONTRACTOR DURING CONSTRUCTION**

PER STATUTE F.S. 255.078, AND EXCEPT AS PROVIDED BELOW, CONSTRUCTION PAYMENTS ON PROJECTS UP TO FIFTY (50) PERCENT COMPLETION SHALL NOT EXCEED NINETY (90) PERCENT OF THE WORK COMPLETED OR MATERIALS PAID FOR AND PROPERLY STORED ON SITE, OR IN A BONDED WAREHOUSE.

PAYMENTS SHALL BE CONDITIONED UPON OWNER'S REPRESENTATIVE APPROVING PROGRESS OF WORK AND MATERIALS STORED, IN ACCORDANCE WITH THE EXECUTED CONSTRUCTION CONTRACT.

REDUCTION OF RETAINAGE:

PER STATUTE F.S. 255.078, RETAINAGE SHALL BE REDUCED TO FIVE (5) PERCENT AFTER THE PROJECT REACHES FIFTY (50) PERCENT COMPLETION. FURTHER REDUCTION OF RETAINAGE SHALL BE AUTHORIZED ONLY AFTER THE PROJECT ACHIEVES SUBSTANTIAL COMPLETION AND THE CERTIFICATE OF OCCUPANCY OR FORM OEF 110B HAS BEEN FULLY EXECUTED. THE RETAINAGE REDUCTION BELOW FIVE (5) PERCENT SHALL REQUIRE THE RECOMMENDATION OF THE SUPERINTENDENT OR DEPUTY SUPERINTENDENT OF FACILITIES AND CONSTRUCTION MANAGEMENT, AND BE AUTHORIZED BY BOARD ACTION.

REDUCTION OF RETAINAGE ON IDENTIFIABLE PHASED PROJECTS IS PERMITTED, PURSUANT TO THE RULES ABOVE. FOR PHASED PROJECTS, IF THE OVERALL CONTRACT VALUE EXCEEDS THE CONSTRUCTION COST LIMIT PER STATUTE F.S. 287.055; REDUCTION OF RETAINAGE ON INDIVIDUAL PHASES SHALL REQUIRE BOARD APPROVAL.

FINAL PAYMENT OF RETAINAGE:

THE CRITERIA AND CONDITIONS FOR FINAL PAYMENT OF THE RETAINAGE INCLUDE:

1. THE SCHOOL BOARD ACCEPTS THE FACILITY VIA AN EXECUTED FORM 110B.
2. ALL CONTRACTUAL OBLIGATIONS HAVE BEEN COMPLETED.
3. EXECUTED FORM OEF 209, OR WHEN AN OEF 209 IS NOT REQUIRED, CERTIFICATION OF COMPLETION BY THE ARCHITECT OR ENGINEER OF RECORD.

FINAL ACCEPTANCE AND RELEASE OF RETAINAGE ON PROJECTS WITH A CONSTRUCTION COST LIMIT PER F.S. 287.055 SHALL NOT REQUIRE BOARD APPROVAL. APPROVAL SHALL BE GRANTED BY THE DEPUTY SUPERINTENDENT OF FACILITIES AND CONSTRUCTION MANAGEMENT OR DESIGNEE, UPON RECEIPT OF THE EXECUTED CERTIFICATE OF FINAL INSPECTION OR CERTIFICATE OF COMPLETION NOTED ABOVE. FOR THE PURPOSES OF THIS RULE, CONSTRUCTION CONTRACTS THAT DO NOT REQUIRE A CERTIFICATE OF OCCUPANCY SHALL BE CERTIFIED AS SUBSTANTIALLY COMPLETE BY THE ARCHITECT OR ENGINEER OF RECORD.

AUTHORITY: F.S. 1001.41 (1) (2)
 F.S. 1013.50
 F.S. 218.735 (8)
 F.S. 255.078
 F.S. 287.055

POLICY ADOPTED: 1/21/82; 5/19/88; 1/16/07

Return completed form as needed to:
 Office of Educational Facilities
 325 West Gaines Street, Room 1054
 Tallahassee, Florida 32399-0400
 (850) 245-0494
 Fax (850) 245-9236 or (850) 245-9304

FLORIDA DEPARTMENT OF EDUCATION
 Office of Educational Facilities
CERTIFICATE OF OCCUPANCY

OFF USE ONLY

INSTRUCTIONS: Submit one copy of the completed form for each project over \$300,000. Reproduce this form in sufficient quantity for your use.

RE: Broward County School District
Boyd Anderson High School
HVAC Additions and Alterations
1741-9905 P 000331

School District Florida College
 School Name Campus)
 Description of Project
 EFIS Number (if applicable)

In accordance with Section 1013.37(2)(c), Florida Statutes, and upon recommendation of the project architect/engineer and the certified inspector, as stated below, the subject project is ready for occupancy.

Signature: Robert W. Runcie *Robert W. Runcie* Date: 3.25.14
 Superintendent President Designee

Intended Occupancy Date: _____

PROJECT ARCHITECT/ENGINEER AND CERTIFIED INSPECTOR I have inspected the subject project and, to the best of my knowledge and ability, I have determined that the safety systems* and the facility are in compliance with statutes, rules, and codes affecting the health and safety of its occupants; and that no asbestos-containing materials were specified for use in this building, nor to the best of my knowledge were asbestos containing materials used in the construction of this project.

Architect or Engineer of Record:

High Performance Green Building Standard Used [S. 255.2575(2), F.S.] _____ Rating Achieved _____

Roger G. Morse AR011209 2/28/2015
 Name (Type or Print) License # Expiration Date

Signature: _____
 Architect Engineer

Building Official:

Robert Hamburger B1112 11/30/15
 Name (Type or Print) License # Expiration Date

Signature: *Robert Hamburger* 3-13-14

Contractor:

Johnson Controls, Inc. CMC035453 Aug 31, 2014
 Name (Type or Print) License # Expiration Date

Threshold Inspector (if applicable):

Name (Type or Print) _____ License # _____ Expiration Date _____

Project Information

Code/Edition 2007 Occupancy Type(s) EDUCATIONAL Construction Type(s) _____ As-built lowest floor elevation (for new construction) _____ Occupant Lo _____

Automatic Sprinkler System Required X Y _____ N District/Florida College Permit Number 174106 PR 235 PRP

Special _____ Permit _____ Stipulations _____

*Safety systems include, but are not limited to: exiting; safety; rescue; fire rating; fire protection; means of egress; master valves; eye wash and dousing shower in science labs; emergency disconnects in shops; fume and dust collection systems; heat and smoke detectors, stage protection including curtain operation, smoke vent, sprinklers, etc.; kitchen hood; fire sprinklers; smoke venting; illumination of means of egress; emergency lighting; emergency power; exit lights; fire alarm systems with required incidental functions; fire extinguishers; fuel fired heaters; electrical illumination; electrical system required ventilation; toilet facilities; kitchen hot water supply; water supply; and sewage disposal as they apply to this project.

FLORIDA DEPARTMENT OF EDUCATION
Office of Educational Facilities

CERTIFICATE OF FINAL INSPECTION

TO: Office of Educational Facilities (OEF) 325 West Gaines Street, Room 1054 Tallahassee, Florida 32399-0400 (850) 245-0494 Fax (850) 245-9236 or (850) 245-9304	OEF USE ONLY
INSTRUCTIONS: Submit for OEF files one copy of the completed form for all projects with construction costs exceeding \$300,000. Mark the appropriate term within the parentheses. Reproduce this form in sufficient quantity for your use. Section 1013.37(2)(c), F.S.	

RE: 1741-9905 P 000331 OEF Assigned Project Number

Broward County School District (School District Florida College)

Boyd Anderson High School (School Name Campus)

_____ (School College) Code Number

HVAC Additions and Alterations Description of Project

SECTION A: BOARD'S ACCEPTANCE

Upon the recommendation of our Project (Architect Engineer) as certified in Section B below, in accordance with Chapter 1013, F.S., THE BOARD ACCEPTED the above-referenced project on _____

Name (Type or Print) Robert W. Runcie

Signature: *Robert W. Runcie* Date: June 30, 2014

(Superintendent President)

SECTION B: (ARCHITECT ENGINEER) CERTIFICATION

As PROJECT (ARCHITECT ENGINEER), I have inspected this project and, in my considered professional opinion, the work required by the contract for this project has been completed in accordance with approved contract documents; Chapter 1013, Florida Statutes; Rule 6A-2.0010, FAC; Chapter 553, F.S., and the Florida Building Code.

Signature: *[Signature]* Date: 2/26/14

Firm Name: Dranici, Inc. d/b/a Morse Zehnter Assoc.

Address: 165 Jordan Rd Troy NY 12180

Street/P.O. Box City State Zip

SECTION C: (Building Official Other (Specify) Certification

I have inspected the project, and in my considered opinion, it is complete and in accordance with applicable statutes, rules, and codes.

Name (Type or Print) Robert Hamberger

Signature: see attached signed inspection report Date: 3-13-14

Building Official Certified Inspector

SECTION D: FACILITY INFORMATION.

1. TYPE OF PROJECT: <input type="checkbox"/> New Plant <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Remodeling <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> _____	2. CORRECTED "SPACE INVENTORY REPORT" (land, building, room) HAS BEEN FILED WITH THE OEF: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A If "No," explain: _____
3. SOURCE OF FUNDS: <input checked="" type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> _____	4. ADJUSTED FINAL CONTRACT AMOUNT: \$ <u>3,592,880.80</u> 5. PROJECT GROSS SQUARE FOOTAGE: <u>N/A</u> SQ. FT. 6. COST PER GROSS SQUARE FOOT: \$ <u>N/A</u> 7. COST PER STUDENT STATION: \$ <u>N/A</u>

CERTIFICATE OF FINAL INSPECTION (CFI)

8. BUILDING CONTRACT DATE: 3/12/2007

COMPLETION DATE: 07/31/2013

9. CHANGE ORDERS - List of each Change Order and amount (excluding Direct Purchase amounts).

C.O. No. 1 \$0	C.O. No. 10. \$ 639
C.O. No. 3. \$7,748	C.O. No. 11. \$ 6,989
C.O. No. 4. \$5,205	C.O. No. 12. \$10,299
C.O. No. 6. \$6,299	C.O. No. 13. \$15,266
C.O. No. 7. \$24,894	C.O. No. 14. \$ 23,311
C.O. No. 9. \$4,652	

10. Date of Occupancy: Non Occupancy Project

11. Additional Information:

COLLABORATION

SIGN-OFF FORM

Title of Agenda Request Item:

**Final Acceptance / Release of Retainage
Johnson Controls, Inc.
Heating Ventilation and Air Conditioning System Additions and Alterations
(IAQ Repairs HVAC)
Boyd Anderson High School
Project No. P.000331 (f.k.a. 1741-99-05)**

School Board Meeting Date: 6-24-14

All projects have been appropriated in the Adopted District Educational Facilities Plan (September 10, 2013) and in the District's Capital Budget.

The following project(s) have not been appropriated in the Adopted District Educational Facilities Plan (September 10, 2013) and in the District's Capital Budget.

Comments:

Department Name

Department Head Name

Department Head Signature

Capital Budget

Omar Shim
Director

 6.12.14

Note: By signing this collaboration the Capital Budget Department is acknowledging that the budget impact as stated is correct. Other aspects of the agenda item are the responsibility of the department submitting the item.

CONTACT: Mickey Aviles