

THE RENOVATION OF THE STATE OFFICE BUILDING

House of Representatives Joint Subcommittee

Governmental Operations
State Departments Division/Appropriations

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REPORT ON THE RENOVATION OF THE STATE OFFICE BUILDING

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PREFACE

The following report is based on numerous hearings held since early February by the Joint House Subcommittee on the Remodeling of the State Office Building. During the hearings testimony was given in greater and lesser detail on a number of subjects relating to the process, cost and status of the remodeling of the State Office Building. This report is a summary of the testimony and information provided during the hearings and does not represent a detailed investigation of fact, nor is it the intent of this Subcommittee to take a position or attempt to influence the outcome of any ongoing litigation between the State and its contractors.

SUMMARY OF FINDINGS

A. Construction Process

1. Major contracts for remodeling of the building were bid and awarded in February, March and early April of 1984. The contract with the general contractor called for completion of the building within 270 calendar days, and contained standard provisions for time extensions due to delays beyond the control of the contractor.
2. There were four separate prime contracts on the project: demolition, elevators, windows and general construction. The ability to complete the various contracts on time was dependent to a certain extent on completion of the other contracts on time. The general contractor claims that delays in completion of the demolition and window contracts meant that the general contractor's work could not proceed on schedule.
3. The Building Code Division in the Department of Administration finished its plan review and sent comments to affected parties on April 4, 1984. The plan review identified numerous possible problems with code compliance, including the roof design.
4. The demolition contractor and the general contractor were given notice to proceed with work during the first half of April, 1984.
5. The consulting architect submitted a second roof design to the State Building Code Division, and the Division approved the design on June 17, 1984.
6. By mid-summer, 1984 it was becoming obvious that at the then existing construction pace, work could not be completed by the January 4, 1985 deadline required by the contract.
7. On September 4, 1984, the consulting architect authorized the redesigned roof to the general contractor.
8. In early September, 1984, lengthy meetings between the contractor, House personnel and the consulting architect led to a decision to accelerate work on floors 5, 4, 3, 2, and part of 1, to complete them in time for the 1985 legislative session. Other areas of the building were delayed.

An accelerated schedule was necessary to complete these portions of the building by January, 1985. The accelerated schedule meant that additional workers had to be added to the project and that they had to work substantial amounts of overtime.

9. Throughout the construction process the state, through the consulting architect, issued numerous change orders to the general contractor.

10. In September, 1984, the state, the consulting architect and the general contractor established two task forces to review and resolve disputed change orders. The task forces insured that construction proceeded without interruption by setting aside for later resolution items disputed by either side.
11. In January of 1985, the Legislature moved back into the State Office Building, although the project was unfinished.
12. By July, 1985, the entire State Office Building was "substantially completed."

B. Cost

1. The Legislature originally appropriated \$19 million for remodeling of the State Office Building.
2. At the time of the legislative appropriation, the total cost of remodeling, according to an architect's estimate, was \$19.5 million.
3. The Legislature enacted a "percent for art" bill, providing that up to one percent of the total cost of a building project could be spent on artwork. Amounts spent for artwork would come out of the \$19 million appropriation.
4. The 1984 State departments bill appropriated \$1.24 million to reimburse the House of Representatives for expenses related to the State Office Building.
5. The 1985 bonding bill reappropriated unencumbered balances from previously appropriated building projects, and made additional money available for the State Office Building. By April, 1986, approximately \$660,000 had been reappropriated for the State Office Building.
6. The general contractor testified that the cost of change orders approved as part of the contract are over \$2 million. In addition to these costs, there are a number of other areas of unresolved costs. The biggest item is who is responsible for the cost overruns resulting from accelerated work activity. The contractor estimated the costs of acceleration and delay to be approximately \$3 million. The State contends that the contractor is not entitled to additional compensation due to acceleration and delay. If the state and the contractor cannot agree on disputed costs, the dispute will be submitted to arbitration.

C. Building Code Compliance

1. Minnesota Statutes, section 16B.31 provides that the Commissioner of Administration must approve plans and specifications for construction or alteration of State buildings and must approve changes in plans and specifications after the contract for an improvement is let.

2. Minnesota Statutes, section 16B.61 states that construction or remodeling may not begin on a public building owned by the State until the plans and specifications of the building have been approved by the Commissioner.
3. The original plans for the State Office Building were submitted to the Building Code Division of the Department of Administration for review.
4. The Building Code Division reviewed the January 31, 1984 construction drawings. From their review, completed in early April, 1984, the Division compiled a lengthy list of changes that they thought were needed to comply with the code.
5. There were some differences of opinion on code interpretation. Some people felt that some of the problems pointed out by the Building Code Division in their plan review were not violations of the code.
6. General practice is for any major redesigns based on comments made by the Building Code Division to be resubmitted to the Building Code Division. It is not normal for the Division to "approve" plans, but rather just to point out any problems.
7. Unlike the usual process, redesigned plans for the State Office Building were not submitted to the Building Code Division. There was no official document review by the Building Code Division subsequent to the initial plan check (although the Building Code Division did work with the architect on some of the major redesign problems, such as an additional stair tower and redesign of the roof).
8. Many change orders were not sent to the Building Code Division for their review and approval.
9. The City of St. Paul was responsible for issuing a building permit for the State Office Building remodeling. The City had the Building Code Division's initial plan check (with the list of changes needed to comply with code). The City did not receive anything from the Building Code Division indicating that modifications necessary to comply with code had been made. City officials were apparently under the impression that the State Building Code Division, having issued recommendations for change, would be involved in a continuing process of reviewing revised plans to assure code compliance. Similarly the city apparently assumed that the State had approved change order plans.
10. Many of the code deficiencies listed in the Building Code Division's April, 1984 plan review were eventually built into the remodeled building. Many had to be corrected later. Some of the change orders that were not sent through the Building Code Division contained code violations that were built into the building and had to be corrected later.

TIMELINE OF BUILDING RENOVATION

1975-1978: Designer Selection Board retains Rafferty and Lundgren to preliminary designs for work on State Office Building.

October 1982: House Administrator, Jim Pederson's report to House leadership leads to the appointment of a four-member legislative committee to consider options for the State Office Building.

Early 1983: Legislative committee recommends remodeling, but does not recommend scope of remodeling.

Winter, 1983: Designer Selection Board requests that the Rafferty and Lundgren firm update earlier design plans; estimates total cost of remodeling at \$19.75 million.

May, 1983: Legislature appropriates \$19 million for State Office Building project. It also passes the Percent for Art Bill, providing that up to one percent of the total cost of the building renovation to be spent on artwork. This reduces the amount available for the project by \$190,000. Result was that project began with \$940,000 less money than the estimate.

September, 1983: Staff building committee meets with architect and decides that the House can tolerate major disruptions during the 1985 session, possibly going through the session without the use of the State Office Building.

December, 1983: Jim Pederson writes letter to House leadership indicating that it would be possible to get the project done in one interim.

January, 1984: Plan review approved by State Architect, Max Fowler and Jim Pederson.

February 1, 1984: Window Contract is bid and subsequently awarded to the W. L. Hall Company.

February 9, 1984: State Building Code Division receives plans and designs for the State Office Building remodeling project. Arne Olson assigned to review design plan.

February 17, 1984: Jim Pederson letter recommends moving the entire Legislature out of the State Office Building.

February 24, 1984: Demolition Contract is bid and subsequently awarded to the George F. Cook firm.

March 14, 1984: Elevator Contract is bid.

March 14, 1984: General Contract is bid and subsequently awarded to the M. A. Mortenson Company.

March 22, 1984: A rough draft of the plan review is finished by the State Building Code Division, Department of Administration.

April 4, 1984: Elevator Contract is rebid and subsequently awarded to S & N Elevator Company.

April 4, 1984: Building Code Division finishes its plan review and sends comments to the consulting architect, Lou Lundgren, State Architect's Office, and City of St. Paul Building Code Division, concerning code issues. The problems with the roof design are noted.

April 6, 1984: M.A. Mortenson Company is given notice to proceed with general construction.

April 12, 1984: George F. Cook Company is given notice to proceed with the demolition.

April, 1984: Accessibility Specialist with Minnesota Council for the Handicapped meets with State Building Code Division and signs off on the design plan.

May 11, 1984: S & N Elevator Company is given notice to proceed with the elevator construction.

June 15, 1984: Lou Lundgren submits second roof design to the State Building Code Division.

June 17, 1984: The State Building Code Division and St. Paul Building Code Division approve second roof design.

June 18, 1984: W. L. Hall Company is given the notice to proceed with the window construction.

Mid Summer, 1984: Jim Pederson acknowledges that at the then existing construction pace, work could not be completed by the January 4, 1985 deadline required by the contract.

September 4, 1984: Lou Lundgren authorizes the redesigned roof to the General contractor.

Early September, 1984: Marathon meetings between M.A. Mortenson, House personnel, and Lou Lundgren. Decision is made to prioritize areas that were most important for the 1985 session to function and attempt to complete those by January 4, 1985. General contractor directed to accelerate work on floors 5, 4, 3, 2 and part of 1. Other areas of the building, such as the sixth and seventh floors and part of the basement were delayed.

September, 1984: The State, represented by Lou Lundgren, and M.A. Mortenson Company, establish two Task Forces, A & B, to review and resolve disputes in the change orders. Task Force A insured the construction proceeded without interruptions, setting aside items disputed by either side. These disputes were then to be resolved at a later date by Task Force B.

January, 1985: The Legislature moves back into the State Office Building, although the project is unfinished.

June, 1985: In the 1985 State Departments bill, \$1.24 million is appropriated to reimburse the House for expenses related to the State Office Building.

End of July, 1985: Entire State Office Building is "substantially completed."

Middle of May, 1986: Estimated final completion date.

CONTRACTS FOR THE BUILDING RENOVATION

Jonathan Morgan, Vice President and General Counsel, M.A. Mortenson Company, testified that there were four separate prime contracts with the State of Minnesota on the State Office Building renovation project. One for demolition; one for windows; one for elevators; and one contract for the general construction work, which was by far the largest contract. The ability to maintain the schedule was greatly dependent upon the other prime contracts. The contract schedule called for completion of the building within 270 calendar days and contained standard provisions for time extensions for delays that were beyond the control of the contractor.

Although the project schedule plan provided that the other prime contracts would be awarded on March 5, 1984, due to various reasons, these contracts were not awarded until weeks later, with the window contract not being awarded until June 18. There was a delay in the completion of the demolition work, which delayed commencement of the general construction work at the outset, since the general construction had to follow the demolition. Also, the award of the window contract was delayed, which meant the completion of window installation did not occur until four weeks after the planned date.

The early delays in the project meant that the work could not proceed for the first several months at the pace originally scheduled, regardless of the number of workers which might have been added. All of the delays from the three other prime contractors resulted in an additional 60 days being required for the general contractor, M. A. Mortenson, to do its work.

In early September, 1984, the Mortenson Company was directed to accelerate the work to enable the Legislature to move into the building

in early January, 1985. The direction was to complete the 5th, 4th, 3rd, 2nd, half of 1st, and half of the ground floor, by January 4, 1985, with the remaining floors to follow. This caused the work on the 5th through ground floors to be compressed or accelerated within the original completion date, with the remainder of the work then being delayed by many months thereafter.

The Mortenson Company and its subcontractors proceeded, without hesitation, to accelerate the work in early September 1984. Work proceeded on all accelerated floors at once, instead of sequentially as planned. The working hours extended to 6 day, 60 hour work weeks and, with some trades, 7 days per week. The number of workers increased from an average of 90 to more than 250. Additional equipment, tools, supervisory personnel, and other staff were added to support the enormous increase in manpower and hours. Suppliers were directed to accelerate procurement of materials. The contractors expended a substantial amount of uncompensated additional dollars in accomplishing the task. In addition, change orders continued to be issued throughout the accelerated construction activity. However, by January 4, 1985, the necessary floors were completed and the Legislature was able to move into the building.

The work on the remaining floors, together with the continuous flow of changes to the entire building, continued at a brisk pace during the 1985 Session, and the work on all floors was substantially completed in the summer of 1985.

CURRENT STATUS OF BUILDING AND COST ISSUES

I. Current Status

The consulting architect, Mr. Lou Lundgren, testified that the final inspection had been done by the State Building Code Office and the City of St. Paul inspectors and the Occupancy Permit had been applied for. According to Lou Lundgren, the Department of Administration and representatives of the Handicapped Council have met and agreed upon, in most cases, what needs to be done for the building to meet the handicapped code.

Both the M.A. Mortenson Company and Lou Lundgren estimate that by mid-May, 1986, the remaining punch list and code compliance items should be taken care of, and that the remodeling should be completed. (Lou Lundgren, 4-9-86, Tape 1 and Jonathan Morgan, 4-9-86, Tape 2)

II. Project Funding

In May, 1983 the Legislature appropriated \$19 million for the remodeling of the State Office Building. Jim Pederson testified that the Legislature appropriated less than the original estimate, and combined with the percent for arts law, resulted in the project beginning with \$940,000 less than what the estimate said was needed. (Pederson, 2-4-86, Tape 1)

Some of the furniture for the building was purchased from the House budget, not from the amount appropriated for the building. (Pederson, 2-4-86, Tape 1)

The 1985 bonding bill reappropriated the unspent balances of a number of previously appropriated projects to the State Office Building project. Thus far, \$660,594 has been reappropriated.

III. Cost Overruns

According to the general contractor, the immediate costs of the changes

approved to the present date as part of the contract are in excess of \$2 million, or approximately 15 percent of the original contract. In addition, there remain the following categories of unresolved costs:

1. Costs which have not been agreed upon as part of the changes incorporated into the contract;
2. Cost proposals for approved changes which are still under review;
3. Cost proposals for completed changes which remain to be submitted;
4. Costs of additional items of directed work which are not agreed upon as being compensable changes; in other words, it has not been agreed whether the items were in the original contract or were added at a later date.

The general contractor further stated that in addition to the remaining costs of performing changes, there are the substantial additional costs incurred by the contractors for the acceleration of work in the fall of 1984, and in continuing with the remaining work at full pace for an additional seven months after the originally scheduled completion date of January 4, 1985. He said, however, that all of these cost issues are being addressed with the State in an orderly manner. (1-27-86)

Regarding the cost overruns resulting from the accelerated activity, the general contractor stated that there was no agreement on who had the responsibility or who was to bear the additional cost. The contractor was told the first mission was to "do it" and the financial aspects would be worked out later.

The M.A. Mortenson Company claims that because of delays in the demolition work, window contract, changes in the roof design, and the hundreds of change orders, it was impossible to complete the remodeling by January, 1985 without a massive acceleration of the work. They estimate that the

costs of this acceleration and delay to be approximately \$3 million.

(Jonathan Morgan, 4-9-86, Tapes 2 and 3)

"Acceleration and Delay" is something the State has insisted from the beginning that the contractor is not entitled to. In response to a question about the maximum State financial responsibility, Pederson stated that "we could be talking about many hundreds of thousands of dollars. The disputed things that are not acceleration and delay, we are not talking about millions of dollars, probably many, many hundreds of thousands. If we are talking about acceleration and delay, I don't know what the prime contractor thinks he is entitled to. We maintain he is not entitled to anything." (Pederson, 2-4-86, Tape 1)

The consulting architect maintains that the project should have been finished by January 1985 as contracted. Mr. Lundgren stated that, "they (the Mortenson Company) caused all the delays and extra costs they have because they did not handle the job in the proper fashion." (Lou Lundgren, 4-9-86, Tape 3)

There were several processes set up for resolving disputes with the contractor over costs. These included sitting down in task forces, arbitration, and possibly litigation.

IV. Miscellaneous Cost Issues

The cost of the building permit for the State Office Building project was approximately \$30,000. (Jonathan Morgan and Jeff Sheriff, 4-10-86, Tape 3)

The window, elevator, and demolition contracts contained no time penalty clauses for not fulfilling their contracts as scheduled. The M.A. Mortenson Contract, however, contained a \$1,000/day time penalty clause. (Lou Lundgren, 4-10-86, Tape 1)

CODE COMPLIANCE

I. Original Plan Design

The original plans for the building were submitted to the Building Code Division of the Department of Administration for their review.

Prior to being submitted to the Code Division, the original plans of January, 1984 had been approved by the consulting architect, Lou Lundgren, Max Fowler of the State Building Construction Division, and the House. (Jim Pederson, 2-4-86, Tape 1)

The Building Code Division reviewed the January 31, 1984 construction drawings. Their review was completed in early April, 1984. From that review, the Division compiled a lengthy list of changes that they thought were needed to comply with code. The Building Code Division worked with the architect on several major changes that were needed, such as the additional stair tower, redesign of the roof, and the sprinkler system. The Division never "approved" the plans. It is not normal for the Division to approve plans. Rather, they review and comment on deficiencies. Generally, the Division requests that any major redesigns be resubmitted to them for their review. On the State Office Building, unlike the usual process, redesigned plans were not resubmitted to the Building Code Division. They did not receive addenda or drawings for changes. There was no official document review by the Building Code Division subsequent to the review of the initial plan check (although as noted above, the Building Code Division did work with the architect on some of the major redesign problems). It is normal process for the Division to send its comments to the architect, and then sit down with the architect to discuss the comments, but that did not happen in this case. (Dick Brooks, 2-4-86, Tape 3)

Arne Olson of the State Building Code Division, referred to 34 pages of requested changes and 71 pages of comments that he sent in response to the original drawings for the building. Olson testified that normal procedure is for the Division to try to get its comments on the plans done in time so that addenda can be incorporated into the bidding process. Often, if the Division has lengthy suggestions, bidding is extended. The architect almost always responds item for item to comments made by the Division, but that didn't happen in this case. (Olson, 2-4-86, Tape 3)

Arne Olson also testified that approximately 50% of the code deficiencies listed in the plan review on April 4, 1984 were eventually built in the remodeling, and are now being addressed through the punch list process. (Arne Olson, 4-10-86, Tape 2)

Jim Pederson stated that the original plans did not contain "violations" of the code, but rather that there were differences of opinion code interpretation. Some additional costs, such as the cost of the third stairway, were incurred as a result of settling these differences of opinion over code interpretation.

Regarding the plan review, Jim Pederson stated that he "was assuming that the appropriate mechanisms for plan review were in place and occurring. Improved communication all along the way would have reduced the number of changes that had to be made." (1-27-86)

According to Lou Lundgren, there is no explanation why the consulting architect and the Department of Administration did not resolve certain violations noted in the plan review before construction began. He said, "we received approval for the plans from about 20 to 25 different sources. Yes, we did start construction before we received written approval for the plans from the State Code Office". (2-14-86, Tape 1)

In addition, Mr. Lundgren said that he did not have adequate time to complete the design before it was put out for bids. But he did say he had adequate time and staff to handle the changes, requests and other demands made upon him during the job. (2-14-86)

II. Change Orders

Counsel from M. A. Mortenson Company testified that the consulting architect directed them to make numerous changes to their work. These changes came in an unending flow, with many of the changes occurring in such a manner as to alter the planned sequence of work and require constant resequencing. The changes occurred throughout 1984, and all of 1985, with changes continuing up into 1986.

When changes are made, there is often a resulting delay in preparation of shop drawings, fabrication of materials, and installation. Many areas of the work had to be put on hold until the changes in design could be made.

The general contractor testified that Lou Lundgren issued more than 350 separate change proposal requests to them during construction, contraining several thousand individual changes. All of these changes have been incorporated in the work, upon issuance of written directives. In virtually every case of directed change, the contractor agreed to proceed with the work without waiting for any agreement on price. The contractors agreed to resolve the cost issues after the changed work was done, in order to minimize the delays. To illustrate the magnitude of the changes, the acknowledged dollar amount of the electrical work to date, for example, has increased by more than 35 percent.

The general contractor also said the drawings issued by Lou Lundgren increased from the 189 drawings included in the original bid package, to

more than 2,000 individual drawings containing the changes. These revisions to the drawings were spread throughout the entire course of the project.

The Mortenson Company described the four basic categories into which the several thousand individual changes fall. First, there were changes necessary to fill out the information required in the contract documents. Second, there were changes which added work pursuant to requirements of the State for proper function of the building. Third, there were changes needed to overcome conditions which were not known at the time of bid, and were not known until the construction work in the building revealed the conditions. Finally, there were numerous changes necessary to bring the design into compliance with the applicable building codes and inspection department requirements.

Of the several thousand changes, nearly one-half have been issued after January 4, 1985, or in other words after the originally scheduled completion date.

During the testimony there seemed to be some confusion concerning the process for dealing with change orders. Some change orders were apparently just changes in the contract between the State and the contractor, and did not implicate the building code. Other changes were more substantial redesigns and had building code implications.

Jim Pederson testified, from the perspective of a House employee, that when the committee of legislative staff working with the project approved changes, the consulting architect was instructed to proceed with the changes and communicate them to the contractor. Pederson said that there was room for differences of opinion on code interpretation. He also stated that Max Fowler laid down the law very early. Being a public building, code had to be met. If a code question came up, in some cases

it wasn't a matter of approval, it simply had to be done. (Pederson, 2-4-86, Tape 1)

In response to a question concerning the channel of authority for approving original plans and change orders, Pederson concurred that the channel was to have plans submitted by the consulting architect and approved by the Building Code Division before being implemented, if the changes had to do with code. (Pederson, 2-4-86, Tape 2)

On an issue related to handicapped access code, Pederson stated that they had decided to use old hardware of ornate brass from the old building. This old hardware, in the judgment of the Council for the Handicapped (a judgment the State then concurred in) was not sufficient for handicapped accessibility, so it was modified. (Pederson, 2-4-86, Tape 2)

Jan Gasterland from the City of St. Paul Building Inspector's Office, stated that the City originally did a plan check for code compliance, apparently duplicating some of the work that the State Building Code Division did, (although it is not clear from his testimony exactly what the City did.) The City had the State Building Code Division's initial plan check with the corrections needed. The City never received anything from the Building Code Division stating that modifications necessary to comply with code had been made. Gasterland stated that it was their understanding that updated documents were in response to the initial plan check done by the State Building Code Division. They were under the assumption that changes that were instituted were in response to the Building Code Division's original plan check document. In response to a question as to whether the City compared plans and changes with what was being done in the building, Gasterland responded that the City assumed that was being done at the State level. They had only done a review of the original plans on this building. (Gasterland, 2-4-86, Tape 2)

Tate Halvorson, also from the City of St. Paul Inspector's Office, testified that the City issued the original building permit based on the original plans and the State Building Code Division plan review, with the understanding that there would be a continuing process of plan review of revisions. Halvorson stated that the State Building Code Division plan review was very thorough and that he did not recall anything major or additional that the City plan review had turned up. Although the statement is not totally clear, Halvorson testified that the City's assumption all along was the changes in plans had been approved properly by the correct State agency. It appears, although this is not stated explicitly, that the City assumed that since the State Building Code Division had pointed out numerous changes that were needed to comply with code, these changes would be made without further action by the City. (Halvorson, 2-4-86, Tape 2)

Dick Brooks, State Building Code Division, testified that they did not review any formal documents after the initial plan review. He stated that the fast-track process addenda and redesigns went to the City of St. Paul and the City assumed that the State had reviewed and approved them, which it had not. Brooks repeated that there was no official document approval by his Division subsequent to the initial plan review -- redesigns were not submitted to the Building Code Division prior to inclusion in the contract; instead they were included in the contract, and if a problem arose with code it was resolved at a later date.

In response to the question of whether Brooks had requested that change orders be sent through his Division, he testified that for the change orders that they became aware of, they requested to see them, and they did get some addenda after incorporation into the contract. (Brooks, 2-4-86, Tape 3)

Lou Lundgren testified that to the degree that there were errors in procedure dealing with change orders it was because they tried to do things too fast and too well. According to him, to prepare new sets of plans for all of these change orders would have cost the State, probably, an extra four or five million dollars and three or four years. When a decision was made, such as that a door was swinging the wrong way, they didn't do drawings. Instead, he issued a suggested change order to the contractor, who did it directly or priced it. Many changes of this nature were done in this fashion. He stated that it was not a question of not trying to comply with the system, but of trying to get from A to Z properly.

In response to a question, Lou Lundgren testified that it was not correct to say that nothing was submitted to the Building Code Division. Some things were sent there. He referred to nine instances of things that the Division reviewed and approved, but stated that nine was an example, not a limiting number.

Lundgren also testified that he did not remember discussing with Jim Pederson the issue of whether certain changes should be sent to the Building Code Division. When asked if Pederson was aware that detailed drawings for changes were not being sent to the Building Code Division, Lundgren stated that he didn't know what Pederson was aware of; he (Pederson) knew more about this job than any job he has ever worked on. Lundgren testified that he did not specifically tell Pederson that some things were not being sent through the Code Division.

III. Handicap Code

Mary O'Hara, Chair, Minnesota Council for the Handicapped, stated that the Council for the Handicapped has an Accessibility Specialist who met with the Building Code people in April of 1984. At that time, the accessibility plans were correct. (1-27-86 meeting, Tape 1)

Much testimony centered around the many violations of the handicapped code and how, if the original plans were correct, so many blatant code violations were built into the building.

In response to a question concerning handicapped accessibility code issues and whether these problems might have been prevented if the change orders had been sent to the Building Code Division, Lou Lundgren stated that he may have errored in that case. He also stated that they prepared drawings, that were signed by the Building Code Division, which the Division says they didn't receive. When asked if some of the code violations listed on the March 15 report were some of the change orders that did not get sent to the Building Code Division, Lundgren replied that he was sure there were some. (Lundgren, 2-4-86, Tape 1)

Regarding the current handicap code violations, even though the original plans were in compliance, Lou Lundgren testified that he interpreted the code one way and the Handicap Council interpreted it another way. He stated that in one instance, "we were convinced, after some conversation, that in truth, we could do better and we did try to improve the facility and get the ramp in". Regarding the problems with the Handicap Code in the auditorium, he maintained that he was under tremendous time and cost pressure and pressure to get as many seats as possible into the hearing rooms. He said, "some of these pressures were in conflict with one another... we've done a less than satisfactory job here". (2-4-86 meeting, Tape 1)

IV. Code Enforcement Responsibility

A number of people testified on the issue of which government agencies were responsible for enforcing the building code.

In response to a question on who was responsible for making final decisions on code, Jim Pederson answered that the responsibility was divided between the State Building Code Division and the City of St. Paul with the City having primary responsibility. On this project things came

up that were subject to interpretation by those who had to make the final sign-off. There had to have been a meeting of the minds between the State, City code people and the consulting architect. (Pederson, 2-4-86, Tape 1)

Jan Gasterland explained that the City of St. Paul issues the original building permit, inspects for code, and issues a certificate of occupancy, the same for State-owned buildings as it does for any other building in St. Paul. However, in State-owned buildings, the State Building Code Division is also required to do a plan review. The City enforces the plan review done by the State. The statutory requirement for the State Building Code Division to do a plan check does not erase the requirement for City plan check. (Gasterland, 2-4-86, Tape 2)

On the issue of enforcement of the fire code, the question was asked who was ultimately responsible, -- the State fire marshal or the City fire marshal. Jan Gasterland answered that in the case of this building it was unclear. The State fire marshal has the responsibility for State-owned buildings, but may have signed a contract with the City fire marshal to do inspections within the City of St. Paul. (Gasterland, 2-4-86, Tape 3)

Dick Brooks stated that his Division is responsible for doing the original plan check for compliance with code for all publicly funded buildings. If a municipality is competent to do this review, the Division will let them do it. Otherwise, the Building Code Division does it, and the municipality does the inspection. In the case of the State Office Building, enforcement, based on the State Building Code Division plan review, was passed on to the City of St. Paul. No one at the State level is responsible for enforcement. In this building, given the contracted time frame, communications between the Building Code Division and the

City of St. Paul was lax. The municipality has total control; the Building Code Division does not have control. The local government reviews plans for code compliance and requires corrections in order for the permit to be issued. The State can't control things through the permit process (since the State doesn't issue permits). The Division does plan review; local officials take plan review and follow up on inspection. The Building Code Division does not inspect buildings, except possibly for their own information. (Brooks, 2-4-86, Tape 3)

SPECIFIC MEMBER COMPLAINTS ABOUT THE STATE OFFICE BUILDING

Throughout the five hearings of this Subcommittee, members emphasized the following design problems or dissatisfaction with the quality of materials or workmanship used for this renovation. As of the date of this report, none of the problems noted have been resolved.

- Large cracks in the plaster
- Buckling of wood panelling in hearing rooms
- Inadequate lighting in hallways and corners
- Dangerous stringing of electrical wires in secretarial stations
- Poor quality of wall paint
- Lack of floor numbers in stairwells
- Need for more electrical outlets in certain rooms
- Poor ventilation, temperature fluctuations and high humidity in offices

HOUSE SUBCOMMITTEE MEMBERSHIP

Dennis Ozment, Chair
Dave Bishop
Dale Clausnitzer
Richard Cohen
Galin DenOuden
Mary Forsythe

Phyllis Kahn
Randy Kelly
Jerry Knickerbocker
Howard Miller
Don Valento, ex officio

PAST HEARING DATES

January 27, 1986 - 10:15 a.m.
February 4, 1986 - 3:12 p.m.
February 14, 1986 - 10:20 a.m.
April 9, 1986 - 9:15 a.m.
April 10, 1986 - 9:17 a.m.

PUBLIC TESTIMONY

Mary O'Hara, Chairperson of Minnesota State Council for the Handicapped
Representative Don Valento, District 54A, contractor & certified building
official
Jonathan Morgan, Vice-President, M.A. Mortenson Company
Jim Pederson, Assistant Commissioner, Department of Administration
Jan Gasterland, Building official, Housing & Building Code Enforcement
Department, City of St. Paul
Richard J. (Tate) Halvorson, Inspector, Housing & Building Code Enforcement
Department, City of St. Paul
Richard Brooks, Director of State Building Code Division, Department of
Administration
Arnold Olson, Building Code Division, Department of Administration
Louis Lundgren, Architect; President, Rafferty, Rafferty, Mikutowski
and Lundgren
Gerald Robinson, State Architect, Department of Administration
Sandra Hale, Commissioner of the Department of Administration
Thomas E. Donnelly, Donnelly Stucco Company