

**Los Angeles Unified School District  
Office of the Inspector General**

**Technical Evaluation**

**Eberhard and the Mulholland  
Middle School Roofing Project  
Contract No. 4400011944**

**25-0174-TE  
June 12, 2025**

**Sue Stengel  
Inspector General**





# Los Angeles Unified School District Office of the Inspector General

---

**Scott M. Schmerelson, President**  
**Sherlett Hendy Newbill**  
**Dr. Rocio Rivas**  
**Nick Melvoin**  
**Karla Griego**  
**Kelly Gonez**  
**Tanya Ortiz Franklin**  
*Members of the Board*

June 12, 2025

## VIA EMAIL

Ms. Krisztina Tokes, Chief Facilities Executive  
Facilities Services Division  
Los Angeles Unified School District  
333 South Beaudry Avenue, 23rd Floor  
Los Angeles, CA 90017

**Alberto M. Carvalho**  
*Superintendent*

**Sue Stengel**  
*Inspector General*

Subject: Technical Evaluation of Eberhard and the Roofing Project at Mulholland Middle School  
(Contract No. 4400011944)

Dear Ms. Tokes,

This is our final report on the technical evaluation of Eberhard and the Roofing Project at Mulholland Middle School (Contract No. 4400011944).

Please contact our office if you have any questions.

We appreciate your cooperation and continued support of our services.

Sincerely,

**Amy Long**

Digitally signed by Amy Long  
DN: cn=Amy Long, o=LAUSD, ou=Office  
of the Inspector General,  
email=amy.long@lausd.net, c=US  
Date: 2025.06.12 10:05:01 -07'00'

---

Amy Long, CPA, CFE, CIGI  
Assistant Inspector General

*Sue Stengel*

Digitally signed by Sue Stengel  
DN: cn=Sue Stengel, o=OIG, ou=OIG,  
email=susan.stengel1@lausd.net, c=US  
Date: 2025.06.12 10:09:57 -07'00'

---

Sue Stengel, Esq., CIG  
Inspector General

c: Matthew Friedman  
Andrea Reyes

Attachment

## TABLE OF CONTENTS

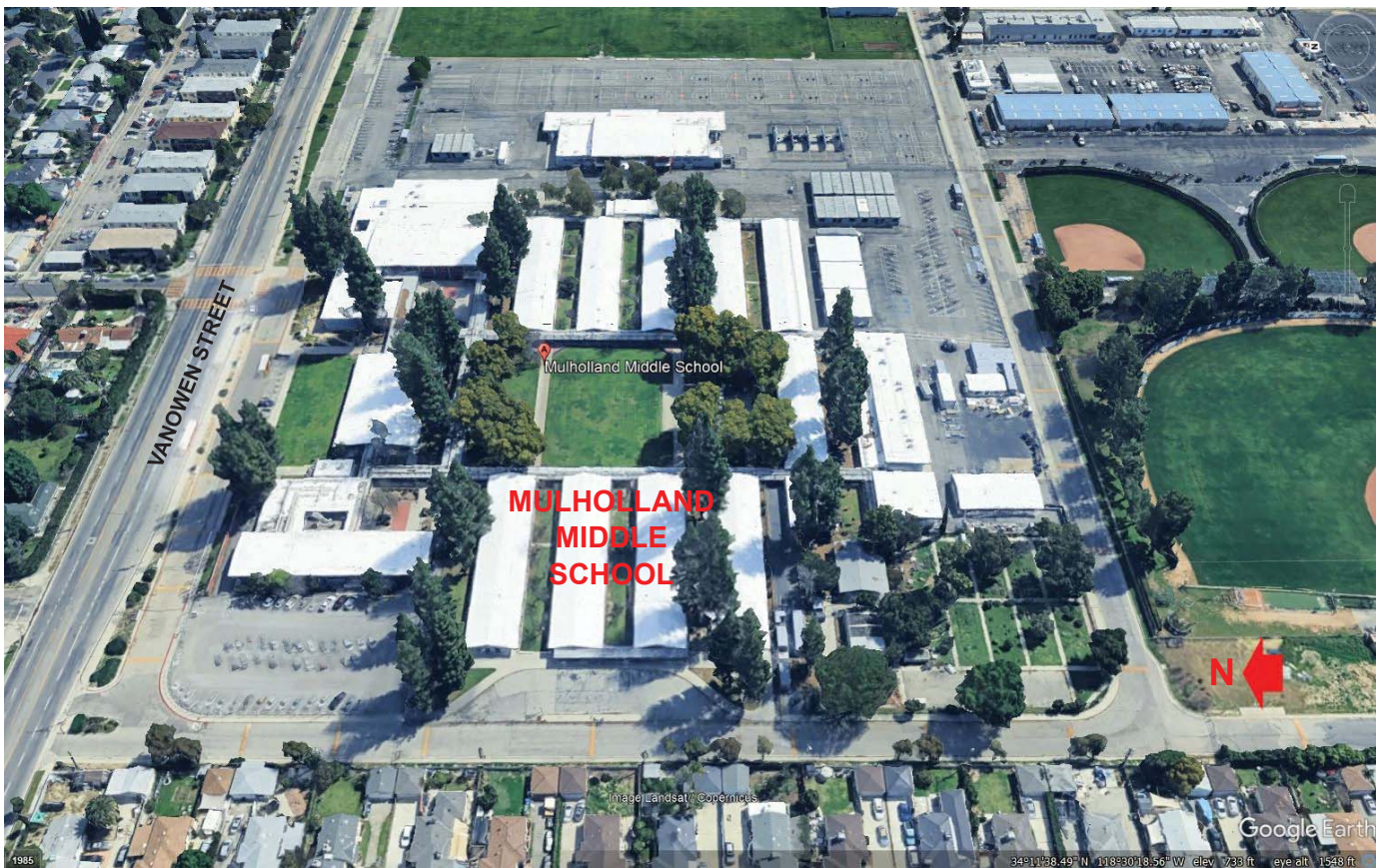
Introduction .....	2
Objectives. ....	3
Methodology.....	3
Evaluation Team.....	4
Executive Summary.....	5
Results of Technical Evaluation .....	7
Addendum .....	23
Attachment A – Glossary.....	27
Attachment B – Response from Eberhard to Draft Report.....	33
Attachment C – Response from LAUSD Facilities Services Division to Draft Report.....	36



## INTRODUCTION

The Office of the Inspector General (OIG) for the Los Angeles Unified School District (LAUSD) conducted a technical evaluation of the Mulholland Middle School (Mulholland MS) Roofing Project (Figure 1), awarded to Eberhard. On March 14, 2017, the Board of Education (BOE) approved an amendment to the LAUSD Facilities Services Division's (FSD) Strategic Execution Plan (SEP) to define and approve six projects that would address critical school repair needs with a budget of \$21,020,656. The Mulholland MS Roofing Project was among these projects with pressing critical school repair and safety conditions. The initial project budget was set at \$4,171,099. Construction activities were anticipated to begin in Q3-2017 and expected to be completed in Q1-2018.<sup>1</sup> This project was managed by the LAUSD Facilities Maintenance and Operations Execution unit (MOX).

**Figure 1. Mulholland MS Project Site - Aerial View (Google Earth Image 2025)**



<sup>1</sup> According to [LAUSD BOE Report Rep-402-16/17](#), on January 14, 2014, the LAUSD BOE approved the establishment of the School Upgrade Program (SUP) to modernize, build, and repair school facilities to improve student health, safety, and educational quality. The SUP includes a spending target to address critical school repairs and safety improvements to school building components. Projects developed under this category of need are included in the Facilities Services Division Strategic Execution Plan and are deemed necessary to improve student health, safety, and educational quality.

On August 11, 2023, Eberhard and the LAUSD entered a construction contract for the Mulholland MS–Roofing Project. The project replaced approximately 254,000 square feet of deteriorated roofing campus-wide with new polyvinyl chloride (PVC) material and metal flashing. The scope of work also included replacing damaged wood, installing new gutters and downspouts, and painting to match existing areas affected by the roof demolition. The existing roof-mounted heating, ventilation, and air conditioning (HVAC) units and ductwork would be protected in place.

The LAUSD issued a public Invitation to Bid on April 26, 2023, for the Mulholland MS Roofing Project under the Best Value Procurement process. Of the three teams that submitted qualifications and bid offers, Eberhard was announced as the successful proposer, and the LAUSD issued a Notice of Award to Eberhard on August 14, 2023.

According to Tecta America’s website (<https://www.tectaamerica.com/eberhard-acquisition/>), on January 23, 2024, Tecta America acquired Eberhard and the operation will be known as Eberhard, a Tecta America Company, LLC in the southern California market.

### **OBJECTIVES**

The objectives of this technical evaluation were to evaluate:

- (i) whether Eberhard completed the contracted work on time and complied with the scheduling requirements of the project;
- (ii) whether the project was completed within budget or if change orders were issued;
- (iii) whether Eberhard completed the project scope of work according to the contract documents comprised of the Division of the State Architect (DSA) approved drawings, specifications, and directives;
- (iv) Eberhard’s performance for job supervision, management of subcontractors, and health and safety requirements; and
- (v) whether the LAUSD’s project staff and consultants complied with the policies, procedures, and requirements of the District.

### **METHODOLOGY**

We conducted this technical evaluation by completing the following tasks:

- Review of Request for Qualifications (RFQ) and Request for Proposals (RFP) documentation.
- Review of the Construction Documents: Bid Requirements, Contract Forms, General and Supplementary Conditions of the Contract, Drawings, Specifications, and Addenda.
- Review of Construction Schedules: Baseline Schedule, Monthly Schedule updates, Four Weeks Rolling Schedules.
- Review of Inspection Documents: completed Inspection Requests, Non-Conformance Items Lists (NCIL), Substantial Completion Punch List (SCPL).
- Review of Request for Clarification (RFC), Construction Directive (CD), and Change Order (CO) documentation.
- Review of Budget Modification Request (BMR) and Estimate at Completion (EAC) budget documentation.
- Review of Facilities Environmental Technical Unit (FETU) reports.

- Interviews with LAUSD FSD personnel from the Maintenance and Operations branch (M&O).
- Interviews with Eberhard's project team personnel.
- School site visits.

A technical evaluation is not an audit and is therefore not required to comply with Generally Accepted Government Auditing Standards (GAGAS).

### **EVALUATION TEAM**

This evaluation was conducted by the Office of the Inspector General's Technical Evaluation Team:

- Jung Beum Kim, Facilities Project Manager II, MSCM, CIGE
- David Herrera, Architect, LEED AP BD+C, CCM

## **EXECUTIVE SUMMARY**

Our technical evaluation found that the scope of the Mulholland MS Roofing Project was successfully completed. However, we observed a few deficiencies in its planning and execution phases.

The following is a summary of our findings as they relate to the five objectives of our technical evaluation above:

### **Observation No. 1 – The Project Experienced a Delay of 95 Days.**

Although Substantial Completion was initially scheduled for May 27, 2024, it was not achieved until August 30, 2024, resulting in a delay of 95 days. The project delay was caused by unforeseen conditions and an owner's requested change.

**Observation No. 2 – The Project Experienced a Construction Cost Increase of 2.31%.** The contract amount for the project's construction was \$4,950,323. Change orders increased the project cost by \$114,315.11, or 2.31% of the contract amount.

### **Observation No. 3 – The Scope of Work was Completed.**

The Work was satisfactorily completed, and the project was issued a Notice of Completion and Acceptance from FSD on January 7, 2025.

### **Finding No. 1 – Deficiencies in the Installation of the Gymnasium Overflow Scuppers.**

The installation of new overflow roof scuppers in the Gymnasium Building was deficient. There were no approved shop drawings for this portion of the work.

### **Observation No. 4 – Eberhard's Overall Performance was Satisfactory.**

The Contractor Performance Evaluation comments from FSD's responsible personnel indicated that Eberhard met or exceeded expectations and performed exceptionally well in many categories during the project's construction.

### **Finding No. 2 – The Contractor Evaluation Form Was Not Fully Completed.**

FSD did not obtain the necessary input from the School Principal to ensure a comprehensive scoring evaluation of Eberhard.

### **Finding No. 3 – Project Planning Delay Issues.**

The project took over seven years and five months to be completed by FSD. The LAUSD BOE approved it on March 14, 2017. Construction did not start until September 1, 2023, and achieved Substantial Completion on August 30, 2024. The delay caused cost escalation and recurring maintenance issues.

### **Finding No. 4 – Unclear Requirements in the Summary of Work.**

The project requirements for removing and replacing roof downspouts for 15 of the 33 buildings on campus were not clearly specified. Although the specifications indicated that these damaged downspouts should be removed, they were not.

**Finding No. 5 – Lack of Clarity on Section 179D Tax Credit Requirements.**

The Bid Form requirement for Section 179D Tax Credits was not necessary, and there was no clear direction on how to obtain these credits if necessary.



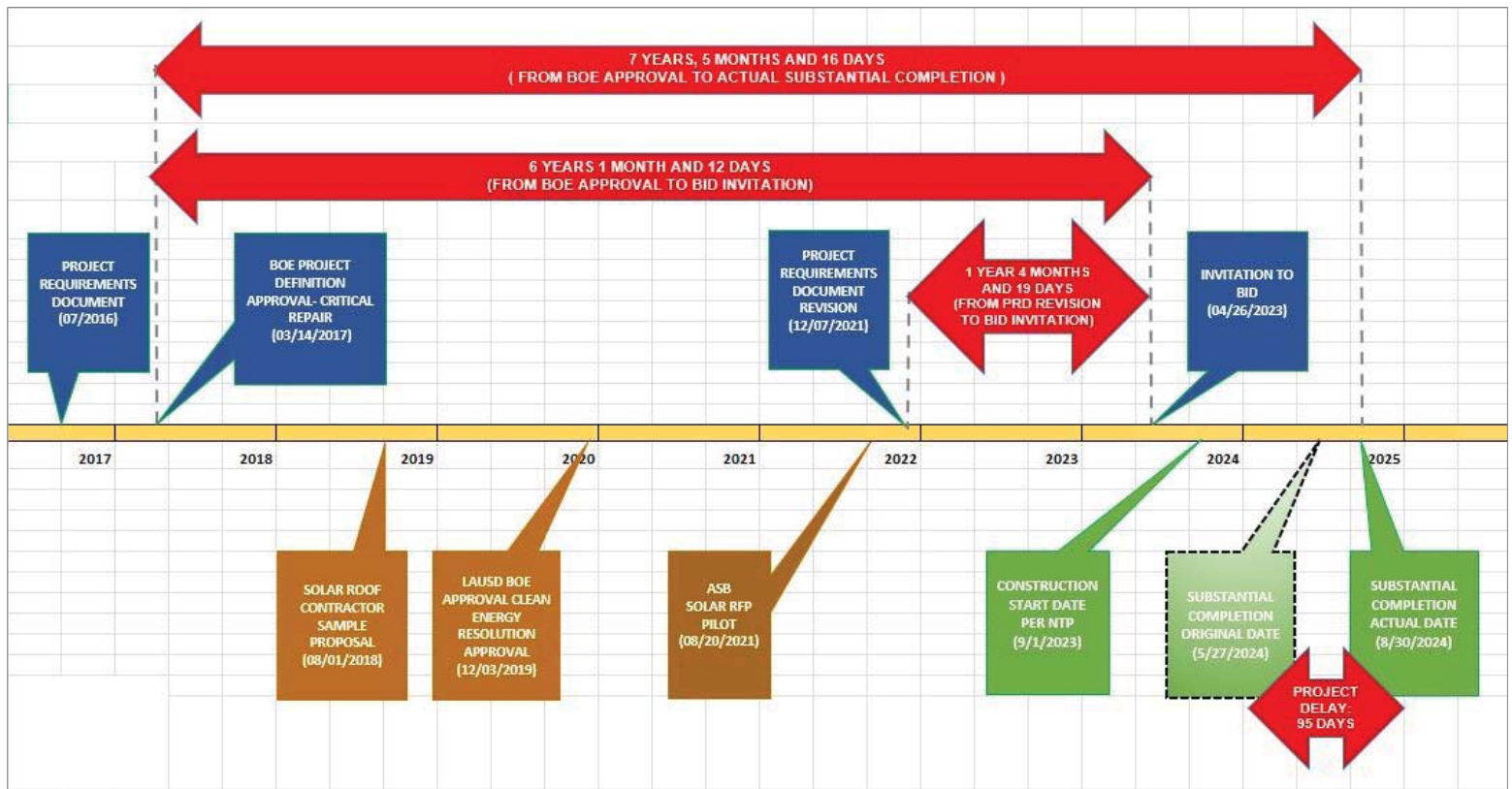
## RESULTS OF TECHNICAL EVALUATION

### **OBJECTIVE 1 EVALUATE WHETHER EBERHARD COMPLETED THE CONTRACTED WORK ON TIME AND COMPLIED WITH THE SCHEDULING REQUIREMENTS OF THE PROJECT**

The Mulholland MS Roofing Project took over seven years and five months to be completed by FSD since its approval by the LAUSD BOE on March 14, 2017, until its Substantial Completion date on August 30, 2024 (Figure 2).

See Finding No.2 for information on the general timeline for the overall project.

**Figure 2. Mulholland MS Roofing Project - Project Timeline**



#### **Observation No. 1 – The Project Experienced a Delay of 95 Days.**

Per LAUSD's Notice to Proceed (NTP) with the Project on August 28, 2023, the Contract Time was 300 calendar days from NTP to Project Completion on July 26, 2024. The original Substantial Completion date was May 27, 2024. However, the actual Substantial Completion was achieved on August 30, 2024, so the project experienced a delay of 95 days in construction.

Regarding the justification for the project delay, Change Order T-501 increased the contract time by 30 days; Change Order T-503 increased the contract time by 45 days, and Change Order T-504 increased the contract time by 20 days.

---

## OBJECTIVE 2

### EVALUATE WHETHER THE PROJECT WAS COMPLETED WITHIN BUDGET, OR IF CHANGE ORDERS WERE ISSUED

---

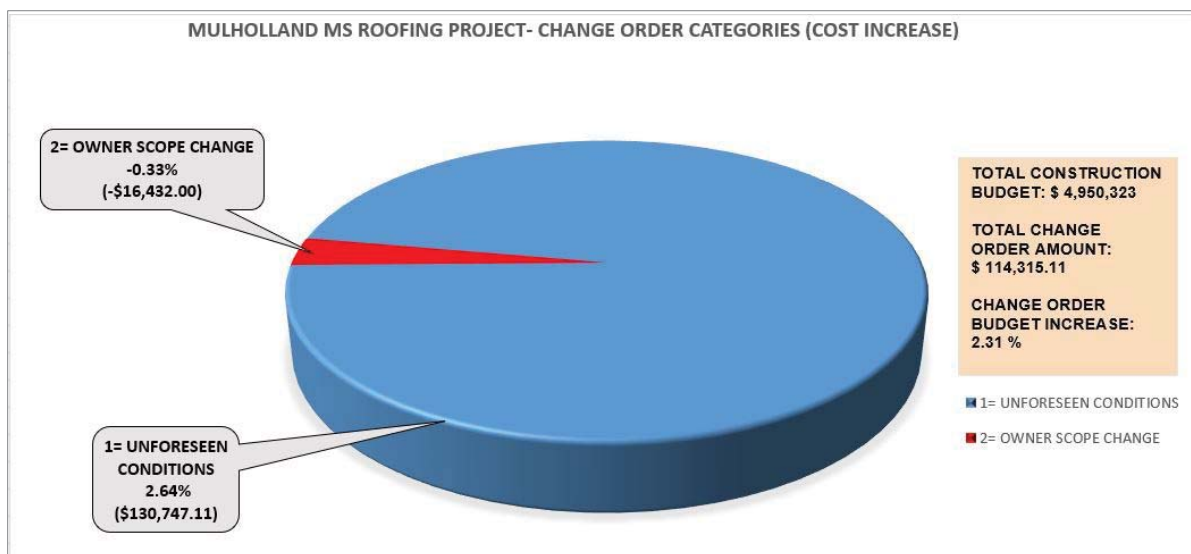
The original project budget approved by the BOE on March 14, 2017, was \$4,171,099. As of March 13, 2025, the final approved budget totaled \$6,431,123. This overall figure includes the construction contract amount of \$4,950,323 as well as the management costs incurred by FSD to plan, design, and execute the project.

#### **Observation No. 2 – The Project Experienced a Construction Cost Increase of 2.31%.**

The construction contract amount was \$4,950,323 based on the Best Value bid from Eberhard. The project experienced a \$114,315.11 (2.31% of the total construction budget) cost increase due to change orders. This overall increase in change orders fell below the FSD contingency threshold of 10-15%, the projected overall cost increase for change orders (Figure 3).

- Change orders for unforeseen conditions added a cost of \$130,747.11, or 2.64% of the total contract amount.
- Change orders for owner changes subtracted \$16,432.00, or 0.33% of the total contract amount.

**Figure 3. Mulholland MS Roofing Project – Change Orders Cost Increase**



Change Orders T-501, T-502, and T-503 were issued to address unforeseen conditions. Change Order T-504 was a deductive change order for owner changes. It added work to install 11 new overflow scupper drains at the gymnasium building and provided a credit to the LAUSD for not painting the roof gutters as initially specified.

The OIG reviewed and agreed with the FSD’s justification for the change orders.

---

**OBJECTIVE 3**  
**EVALUATE WHETHER EBERHARD COMPLETED THE PROJECT SCOPE OF**  
**WORK ACCORDING TO THE CONTRACT DOCUMENTS COMPRISING THE**  
**DIVISION OF THE STATE ARCHITECT (DSA) APPROVED DRAWINGS,**  
**SPECIFICATIONS, AND DIRECTIVES**

---


**Observation No. 3 – The Scope of Work was Completed.**

Substantial Completion was achieved on August 30, 2024, and a Notice of Completion and Acceptance was issued from FSD on January 7, 2025.

**Finding No. 1: Deficiencies in the Installation of the Gymnasium Overflow Scuppers.**

MOX requested Eberhard to perform additional work to install 11 new overflow scupper drains at the gymnasium building because they found that the gymnasium roofs did not meet drainage requirements per building codes (Figure 4).

**Figure 4. Change Order T-504 Justification Excerpt  
(July 30, 2024)**

	<b>Los Angeles Unified School District</b>		
	<b>Facilities Services Division - Internal Use Only</b>		
	<b>JUSTIFICATION FOR CONTRACT MODIFICATION</b>		
School Name :	Mulholland MS	Date:	July 30, 2024
Project Name:	Mulholland MS - Roofing	Collin ID / Scope ID:	10368675 / 215008
Project Description:	Mulholland Middle School - Roofing	Contract Number:	2310042 (4400011944)
Contractor Name:	EBERHARD	CO Number:	T-504
<b>AS A RESULT OF THIS CHANGE:</b>			
	Contract Amount due to this Change Order is <b>DECREASED</b> by:	<b>-\$16,432.00</b>	
	The Contract Time is <b>INCREASED</b> by:	<b>20 Days</b>	
<b>Enter reason for change here:</b> 2X - Owner Initiated Change (A/E Fee not justified)			
<b>JUSTIFICATION:</b>			
CURRENT GYMNASIUM ROOFS DO NOT MEET THE DRAINAGE REQUIREMENTS PER BUILDING CODES. CREDIT DUE TO THE DISTRICT FOR GUTTERS NOT PAINTED.			

On a site visit conducted on December 23, 2024, the OIG noticed that the overflow scupper installation showed an excessive amount of sealant in the joints between the scuppers and the walls (Figure 5). Per our discussion with the M&O Metal Technical Supervisor, they agreed with our assessment that the installation was deficient.

Sealants must be applied with a smooth, continuous bead and tooled or smoothed after application to ensure proper adhesion, prevent air entrapment, and achieve a consistent, clean, and professional finish.

**Figure 5. Gymnasium Building Overflow Scuppers  
(OIG Photo- December 23, 2024)**



At our exit conference with Eberhard, they indicated that the OAR and the roofing inspector had reviewed the work. They added that the project specifications could have required a metal escutcheon wall plate or beauty plate to provide a better finish quality for this retrofit work.

We found that shop drawings were not submitted for the overflow scuppers per the project specification requirements (Figure 6). Without shop drawings, it is not possible to ascertain the installation details of the overflow scuppers on the roof, the size of the joint between the metal scuppers and the concrete wall, or how the joint would be sealed.



**Figure 6. Contract Specifications-Section 01 3300 (Submittal Procedures )**

3.02	<b>SHOP DRAWINGS</b>
A.	Shop Drawings are original drawings prepared by CONTRACTOR, Sub-contractor, supplier, or distributor illustrating some portion of Work by showing fabrication, layout, setting, or erection and shall not be based on reproduced Contract Documents or copied standard information.
B.	Produce Shop Drawings to an accurate scale that is large enough to indicate all pertinent features and methods. Except for templates, patterns, and similar full-size drawings, submit Shop Drawings on sheets at least 8-1/2 by 11 inches but no larger than 24 by 36 inches.
C.	Shop Drawings shall include fabrication and installation drawings, setting diagrams, schedules, patterns, templates, and similar drawings. Include the following information: <ol style="list-style-type: none"><li>1. Dimensions.</li><li>2. Identification of products and materials included by sheet and detail number.</li><li>3. Compliance with specified standards.</li><li>4. Notation of coordination requirements.</li></ol>
<div>MULHOLLAND MS - ROOFING MULHOLLAND MIDDLE SCHOOL</div> <div>07/30/2018 SUBMITTAL PROCEDURES 01 3300-5</div>	

### **Recommendations for Finding No. 1**

1. We recommend that FSD MOX and Eberhard work out a solution to mitigate the deficiencies in the installation of the roof overflow scuppers.
2. We recommend that FSD MOX ensure that shop drawings are submitted and reviewed for all project components that require detailed information.

### **Eberhard's Response**

Eberhard responded that they did not submit shop drawings for the additional work and used the manufacturer's details for the scupper overflow installation. The location of the scupper overflows was determined by the roof slope toward low areas and the positions of existing scuppers and drains. The caulking, while not the most aesthetically pleasing, does seal the scuppers to the existing building substrate. Eberhard expressed willingness to return to the project and correct the rough caulking at the scupper conditions in the gym.

### **FSD's Response**

FSD M&O agreed with the OIG's finding and recommendations. Furthermore, FSD M&O stated that the OAR should have enforced the requirement for Eberhard to provide shop drawings for the overflow scuppers and related flashing, which would have provided a better fitting overflow scupper and reduced the excessive use of sealant. FSD M&O will revisit the school site for correction by September 30, 2025.

---

**OBJECTIVE 4**  
**EVALUATE EBERHARD'S PERFORMANCE FOR JOB SUPERVISION,  
MANAGEMENT OF SUBCONTRACTORS, AND HEALTH AND SAFETY  
REQUIREMENTS**

---

**Observation No. 4 – Eberhard's Overall Performance Was Satisfactory.**

The Contractor Performance Evaluation for LAUSD Projects provides the Procurement Services Division and the Facilities Contracts Department with the information necessary to assess the Contractors' overall work performance. Its scoring system addresses the following issues: timeliness and schedule; quality of the work, punch list, attention to corrections and deviations; COs, RFCs, RFPs, and CDs; project record documentation; project job-site safety; manpower, subcontractor coordination, and logistics; and a client satisfaction score from the School Principal. Eberhard scored 168 of 250 maximum total points. Most of the evaluation metrics reviewed by FSD's responsible personnel indicated that Eberhard met or exceeded expectations and performed exceptionally well in many categories. Except for the issues described in Finding No. 1 above regarding the installation of the overflow scuppers in the gymnasium building, the OIG agrees that Eberhard's overall performance was satisfactory.

**Finding No. 2 – The Contractor Evaluation Form Was Not Fully Completed.**

The total evaluation scoring did not include any points from the School Principal. The scoring from the School Principal had a maximum value of 25 points, which could have increased the total evaluation scoring for Eberhard.

**Recommendation for Finding No. 2**

We recommend that FSD MOX ensure that the Contractor Evaluation Form is reviewed, completed, and signed by all responsible personnel so that the Contractor receives a fair score for evaluation and consideration on future bid opportunities with the LAUSD.

**FSD's Response**

FSD M&O agreed with the recommendation and noted that there are challenges in receiving evaluation feedback from school principals, as their focus is on educating students. Furthermore, FSD M&O's OARs will encourage school staff to participate in the evaluation.

---

## OBJECTIVE 5

### EVALUATE WHETHER THE LAUSD'S PROJECT STAFF AND CONSULTANTS COMPLIED WITH THE POLICIES, PROCEDURES, AND REQUIREMENTS OF THE DISTRICT

---


We found several issues in the coordination and management of the Mulholland MS Roofing Project, which are noted below.

#### **Finding No. 3 – Project Planning Delay Issues.**

The Mulholland MS Roofing Project took over seven years and five months to be completed by FSD. It was approved by the LAUSD BOE on March 14, 2017, and achieved Substantial Completion on August 30, 2024 (Figure 2). According to the approved Board Report, the construction was anticipated to be completed in Q1 2018.

Before approval by the BOE, a Project Requirements Document (PRD) was prepared by the FSD M&O branch. This document stated that the existing roofing membrane on all buildings was in poor to deplorable condition and that the buildings suffered damage from water intrusions when it rains (Figure 7).

**Figure 7. Mulholland MS – FSD Project Requirements Document  
(July 2016)**

	<b>Los Angeles Unified School District</b>
<div style="display: flex; justify-content: space-between;"><span>Facilities Services Division – Existing Facilities</span><span>Maintenance &amp; Operations</span></div>	
<p><b>3. FINDING:</b> The existing roofing membrane (Hot Mop Cap Sheet and Sheet Metal Standing Seam) on all buildings are in poor to very poor condition and are beyond economical repair. When it rains, water intrusion occurs into the substrate and interior of these structure suffer damages.</p> <p><b>A. Condition of Equipment:</b> All equipment and electrical/plumbing conduit appears to be in fair to good condition.</p> <p><b>B. Reliability of Roof:</b> Poor to Very Poor, water intrusion occurs every time it rains.</p> <p><b>C. FCI:</b> (N/A %)</p> <p><b>D. Impact on Safety and Teaching Environment:</b> Disrupts class session every time it rains due to water intrusion.</p> <p><b>E. Health and Safety Concerns:</b> Chance of possible Mold growth as well as chance of ceiling tiles falling due to water intrusion.</p>	

Per our interviews with M&O management, we were informed that the LAUSD was engaged in implementing a Solar Photovoltaic (PV) Pilot Program in 2018. This program proposed installing a solar rooftop photovoltaic system in several LAUSD schools, including the Mulholland MS Eberhard, A Tecta America Company, LLC

building structures. One of its elements reviewed a “Solar Ready” integrated solution incorporating the roof assembly and a mounting system for a solar rooftop photovoltaic system. Upon resolution of the program objectives, M&O issued an ASB Information Report on August 20, 2021, which proposed installing a solar rooftop photovoltaic system in seven school sites, including Mulholland MS (Figures 8 and 9). The estimated construction schedule had a planned start date of Q3 2022 and a finish date of Q4 2022.

The coordination for the Solar Photovoltaic (PV) Pilot Program delayed the start of the Mulholland MS Roofing Project from approximately 2018 to 2021. The integrated solution of the roof assembly and the mounting system would eventually not be pursued. No solar panels were installed. Thereafter, the original Program Requirements Document for 2016 was revised and issued on December 7, 2021. However, the official invitation to bid for the project was not issued until April 26, 2023.

**Figure 8. Photovoltaic Installation (Solar RFP Pilot Program) – ASB Informative Report Excerpt (August 20, 2021)**

<b>ASB INFORMATIVE</b>										
<b>Photovoltaic Installation (Solar RFP Pilot) – 7 Schools</b>										
<b>08/20/2021</b>										
<b>ACTION REQUESTED:</b>										
<ul style="list-style-type: none"> <li>Daylighting, Project Definition and Procurement Method (Steps 1, 2, 3 &amp; 4)</li> <li>Approval for authorization to take to BOE to approve an energy efficiency pilot project to install solar photovoltaic (PV) systems at the 7 schools listed below</li> <li>Approval to proceed with the development of project requirements and implementation</li> <li>Delivery Method: Turnkey</li> </ul>										
<b>PROJECT INFORMATION:</b>										
<ul style="list-style-type: none"> <li>COLIN #: TBD</li> <li>Project Type: Photovoltaic Installation</li> <li>Managed Program: School Upgrade Program</li> <li>Program Type: Renewable Energy Solar Initiative</li> <li>Funding: Energy Service Agreement &amp; Energy as a Service Agreement. District soft cost will be funded by PermaCity Construction Corporation and D'Alfonso/Morgner JV. The team will develop a separate budget with program controls to manage the project soft costs.</li> </ul>										
<b>SCOPE:</b>										
Install a total of 14.9 MW of solar photovoltaic (PV) systems at 7 schools listed below. The proposed system will consist of roof top, carport and /canopy systems.										
North west	3	Mulholland MS	PermaCity	Y	Y	ESA	4,300	\$1,758,320	Q3 2022	Q4 2022
North west	6	Noble MS	PermaCity	N	N	ESA	4,100	\$1,374,764	Q3 2022	Q4 2022



**Figure 9. Photovoltaic Installation (Solar RFP Pilot Program) – ASB Informative Report Excerpt  
(August 20, 2021)**

**Mulholland Middle School - 17120 Vanowen St, Lkae Balboa, CA 91406**


The proposed project will provide 4300 kW of solar power and 1000W/2000kWh of lithium ion battery storage. PV systems are proposed to be installed on school rooftops and solar canopy structures. These proposed locations are pending design review and finalization. 200,000 SF of roofing of will be replaced with a Sika Sarnafil roofing system on the buildings with proposed PV systems. The location of the battery system will be determined after design. The project soft costs are \$1,758,320.



The delay in the planning of the project affected its cost and caused additional maintenance costs to the school. FSD's Budget Modification Request (BMR) No. 101 issued on May 22, 2023, acknowledged that the project was on hold for six years and that this delay contributed to cost escalation and inflation (Figure 10). The total estimated construction cost was increased from \$3,740,785 to \$6,419,123 (Figure 11).



Figure 10. Budget Modification Request Form Excerpt (August 20, 2021)



**Los Angeles Unified School District**  
*Facilities Services Division*

**PROJECT/BUDGET MODIFICATION FORM**

Date: **05/22/2023**

Project ID: <b>10368675</b>	Initiated by: <b>Mark Fairhurst</b>
Project Name: <b>Mulholland MS - Roofing</b>	Cost Center: <b>1825901</b>
School Name: <b>Mulholland MS</b>	BMR#: <b>101</b>
BMR Type: <b>BMR - Net Increase or Decrease</b>	Branch: <b>Maintenance and Operations</b>
Mgd Prog/Prog Type: <b>SUP/CR</b>	Dept/Region: <b>Program Management/ M&amp;O Execution</b>

**BACKGROUND**

A budget modification is required in order to award the construction contract with a 15% change order contingency. This project has been on hold for six years; this delay has contributed to cost escalation and inflation, let alone Covid's impact on materials and pricing has increased significantly. Also, during this time, further deterioration occurred to the roof structure which requires additional demolition and repairs. Additionally, complexity involving roofing of the Arcades is another key cost impact to the project. Piping running along the length of this area has created unsafe conditions and challenges for the General Contractor to properly reroof under them while remaining compliant with safety regulations.

Lastly, new environmental requirements for lead and asbestos have changed since 2017, which have also affected costs. Lead based paints must be abated which requires observation by an environmental consulting firm. Disposal, as well as transport of hazardous waste of lead-based paints and asbestos, has more restrictions and requirements per the EPA and other regulatory sites, causing additional cost implications.

All other costs have been adjusted based on the needs of the project. M&O support will be needed to help execute the project.

PROJECT BUDGET PLAN			
Budget Category	Current Budget Plan	Budget Plan	Projected Budget Plan
(02) PLANS	\$66,719	(\$64,719)	\$2,000
(03) CONSTRUCTION	\$3,740,785	\$2,678,338	\$6,419,123
(04) MANAGEMENT	\$30,000	(\$20,000)	\$10,000
(05) OTHER COSTS & RESERVE	\$333,595	(\$333,595)	\$0
<b>*TOTAL</b>	<b>\$4,171,099</b>	<b>\$2,260,024</b>	<b>\$6,431,123</b>

Figure 11. Budget Modification Request Form Excerpt (August 20, 2021)

Print Date: Jun 8, 2023 11:54 AM

EAC Report

Project Information

Colin ID:	10368675	Branch:	Maintenance and Operations	Program Status:	Active
WBS1:	F309257	Department:	Program Management	Design Status:	Design Not Required
School Name:	Mulholland MS	Region:	M&O Execution	Construction Status:	Pre-Bid
Project Name:	Mulholland MS - Roofing	Managed Prog:	School Upgrade Program	NTP Construction:	01/17/2024
Board District:	3	Program Type:	CR	Substantial Comp:	08/29/2024
Local District:	Northwest	Program Mgr:		Dev Mgr:	
OAR:		Closeout OAR:			

Cost Bucket WBS3	Cost Bucket Description	(A) Current Budget Plan	(B) Pending Revisions	(C)=A+B Projected	(D) Expended	(E) Committed	(F) Pending Labor	(G)=H-E-F Estimate to Complete	(H) EAC	(I)=H-C EAC vs. Projected
02	Plans	66,719	(64,719)	2,000	0	0	0	2,000	2,000	0
03	Construction	3,740,785	2,678,338	6,419,123	17,234	17,234	0	6,401,889	6,419,123	0
04	Management	30,000	(20,000)	10,000	0	0	0	10,000	10,000	0
05	Other Costs & Reserve	333,595	(333,595)	0	0	0	0	0	0	0
Total		4,171,099	2,260,024	6,431,123	17,234	17,234	0	6,413,889	6,431,123	0

The BMR document also acknowledged that further deterioration occurred to the roof structure, which required additional demolition and repairs. We obtained records of service calls for roof leaks at the Mulholland MS site, with 30 service calls between April 15, 2020, and August 21, 2023 (Figure 12).

**Figure 12. Mulholland MS- Roof Leaks Service Calls Log  
M&O (February 14, 2024)**

SUPERSITE	SITE_NAME	LOCATION	COSTCENTER	RESPAREA	WONUM	WO_DESCRIPTION	CATCODE	ROUTECD	STATUS	WOPRIORITY	REPORTDATE	COMP_DATE
S-15184	MULHOLLAND MS	S-15184	1825902	AREA-N1	30547770	ARCADE BY ROOM 40 WATER LEAK@ARCADE BY ROOM 4C	ROOFER	CS-ZO-03	CLOSE	3	4/15/2020 11:37	6/4/2020 8:55
S-15184	MULHOLLAND MS	Z-1350	1825901	AREA-N1	31456666	KITCHEN ROOF LEAK@KITCHEN	ROOFER	CS-ZO-01	CLOSE	3	3/3/2021 7:53	3/9/2021 14:00
S-15184	MULHOLLAND MS	B-15747	1825901	AREA-N1	32183999	ROOF LEAK@BOYS RESTROOMS BY 4C	ROOFER	CS-ZO-01	CLOSE	3	10/14/2021 9:20	10/22/2021 13:06
S-15184	MULHOLLAND MS	B-28493	1825901	AREA-N1	32245023	WATER LEAK CORRECTIVE ROOM @GYM	ROOFER	CS-ZO-01	CLOSE	3	10/26/2021 14:26	12/8/2021 12:19
S-15184	MULHOLLAND MS	B-28493	1825901	AREA-N1	32407372	ROOF LEAK @WEIGHT ROOM	ROOFER	CS-ZO-01	CLOSE	3	12/14/2021 8:11	2/11/2022 13:26
S-15184	MULHOLLAND MS	Z-1350	1825901	AREA-N1	32443925	WATER STANDING ON TOP OF ARCADE @ROOF TOP BY 4C	ROOFER	CS-ZO-01	CLOSE	3	12/22/2021 11:42	2/8/2022 14:24
S-15184	MULHOLLAND MS	B-16956	1825901	AREA-N1	32443934	**WATER LEAKING INTO LIGHT FIXTURE@ROOFTOP OF STUDENT STORE	ROOFER	CS-ZO-01	CLOSE	3	12/22/2021 11:51	2/14/2022 14:25
S-15184	MULHOLLAND MS	B-20157	1825901	AREA-N1	32479291	ARCADE WATER STANDING LEAKAGE@MAIN OFFICE ARCADE	ROOFER	CS-ZO-01	CLOSE	3	12/28/2021 8:54	2/8/2022 14:25
S-15184	MULHOLLAND MS	B-15747	1825901	AREA-N1	32481046	ROOF LEAK @BOYS & GIRLS' RESTROOM BY 4C	ROOFER	CS-ZO-01	CLOSE	3	12/29/2021 8:17	2/14/2022 14:25
S-15184	MULHOLLAND MS	R-189302	1825901	AREA-N1	32495795	WATER LEAKING IN BOILER ROOM BY THE GYM@BOILER ROOM	ROOFER	CS-ZO-01	CLOSE	3	1/4/2022 13:18	2/8/2022 14:23
S-15184	MULHOLLAND MS	B-28493	1825901	AREA-N1	32749041	ROOF LEAK BOILER ROOM@BOILER ROOM	ROOFER	CS-ZO-01	CLOSE	3	3/8/2022 7:45	5/13/2022 13:00
S-15184	MULHOLLAND MS	S-15184	1825901	AREA-N1	35004348	MAIN OFFICE BUILDING - ROOF REPAIR / GENERAL SERVICE	ROOFER	CS-ZO-01	CLOSE	3	9/28/2022	9/29/2022 15:38
S-15184	MULHOLLAND MS	S-15184	1825901	AREA-N1	36125211	ARCADE CEILING LEAKING LOOKS LIKE ITS CAVING IN @ARCADE BY ROOM 21	ROOFER	CS-ZO-02	CLOSE	3	12/12/2022 12:48	2/15/2023 13:07
S-15184	MULHOLLAND MS	B-16637	1825901	AREA-N1	36150151	HAS A ROOF LEAK @ROOM 30	ROOFER	CS-ZO-03	CLOSE	3	1/5/2023 11:34	2/15/2023 13:08
S-15184	MULHOLLAND MS	B-16898	1825901	AREA-N1	36150186	HAS A ROOF LEAK @ROOM 68	ROOFER	CS-ZO-03	CLOSE	3	1/5/2023 11:44	2/15/2023 10:23
S-15184	MULHOLLAND MS	B-16910	1825901	AREA-N1	36205642	CEILING LEAKING @ROOM 68	ROOFER	CS-ZO-01	CLOSE	3	1/9/2023 9:22	2/15/2023 10:37
S-15184	MULHOLLAND MS	B-28502	1825901	AREA-N1	36215430	CEILING LEAKING IN SUPPLY ROOM BY TEXTBOOK ROOM@SUPPLY ROOM NEXT TO TEXTBOOK RC	ROOFER	CS-ZO-01	CLOSE	3	1/10/2023 6:38	2/15/2023 14:35
S-15184	MULHOLLAND MS	B-28493	1825901	AREA-N1	36215464	CEILING LEAKING NEXT TO LOCKER ROOMS@NEXT TO BOYS LOCKER ROOM	ROOFER	CS-ZO-01	CLOSE	3	1/10/2023 6:45	3/30/2023 13:48
S-15184	MULHOLLAND MS	B-28493	1825901	AREA-N1	36217248	CEILING LEAKING IN WEIGHT ROOM@WEIGHT ROOM	ROOFER	CS-ZO-01	CLOSE	3	1/10/2023 10:37	3/30/2023 13:49
S-15184	MULHOLLAND MS	Z-1355	1825901	AREA-N1	36493222	ROOF LEAK ARCADE BY ROOM 24 LIGHT FULL OF WATER@ARCADE BY ROOM 24	ROOFER	CS-ZO-01	CLOSE	3	3/22/2023 13:03	4/4/2023 14:08
S-15184	MULHOLLAND MS	Z-1355	1825901	AREA-N1	36493229	ROOF LEAKING LIGHT FIXTURE FULL OF WATER IN ARCADE@ARCADE BY ROOM 45	ROOFER	CS-ZO-01	CLOSE	3	3/22/2023 13:05	4/4/2023 14:09
S-15184	MULHOLLAND MS	Z-1354	1825901	AREA-N1	36493234	ROOF LEAKING LIGHT FIXTURE FULL OF WATER IN ARCADE@ARCADE BY ROOM 44	ROOFER	CS-ZO-01	CLOSE	3	3/22/2023 13:06	4/4/2023 14:10
S-15184	MULHOLLAND MS	Z-1354	1825901	AREA-N1	36493241	ROOF LEAKING LIGHT FIXTURE FULL OF WATER IN ARCADE@ARCADE BY ROOM 34	ROOFER	CS-ZO-01	CLOSE	3	3/22/2023 13:08	4/4/2023 14:09
S-15184	MULHOLLAND MS	Z-1354	1825901	AREA-N1	36493253	ROOF LEAKING LIGHT FIXTURE FULL OF WATER IN ARCADE@ARCADE BY ROOM 37	ROOFER	CS-ZO-01	CLOSE	3	3/22/2023 13:11	4/4/2023 14:10
S-15184	MULHOLLAND MS	Z-1363	1825901	AREA-N1	36493804	ROOF LEAKING LIGHT FIXTURE FULL OF WATER IN ARCADE@ARCADE IN FRONT OF ROOM 101	ROOFER	CS-ZO-01	CLOSE	3	3/22/2023 15:25	4/4/2023 14:08
S-15184	MULHOLLAND MS	Z-1363	1825901	AREA-N1	36493805	ROOF LEAKING LIGHT FIXTURE FULL OF WATER IN ARCADE@ARCADE IN FRONT OF ROOM 1	ROOFER	CS-ZO-01	CLOSE	3	3/22/2023 15:26	4/4/2023 14:09
S-15184	MULHOLLAND MS	Z-1358	1825901	AREA-N1	36493807	ROOF LEAKING LIGHT FIXTURE FULL OF WATER IN ARCADE@ARCADE BEHIND ADMIN BLDG CLC	ROOFER	CS-ZO-01	CLOSE	3	3/22/2023 15:28	4/3/2023 14:09
S-15184	MULHOLLAND MS	R-188845	1825901	AREA-N1	36533714	ROOM 2 ROOF LEAK@ROOM 2	ROOFER	CS-ZO-01	CLOSE	3	3/29/2023 8:28	4/3/2023 14:10
S-15184	MULHOLLAND MS	R-189166	1825901	AREA-N1	37044941	LEAK IN ROOF ALL DOWN THROUGH WALL INSIDE RM 31@INSIDE ROOM 31 LEFT WALL	ROOFER	CS-ZO-01	CLOSE	3	8/21/2023 13:54	11/7/2023 13:59

### **Recommendations for Finding No. 3**

1. We recommend that FSD MOX prioritize the execution of BOE-approved critical repair projects to prevent the additional financial impact of delayed repairs, cost escalation issues, safety issues, and operational efficiency. We would suggest that FSD MOX create and distribute a live project calendar, detailing the planned start and end dates of construction projects approved by the BOE, alongside the actual construction schedule. This will facilitate better assessment and tracking of project progress by the BOE.
2. We recommend that FSD avoid delaying essential critical repair projects for years at a time while awaiting the outcome of uncertain project studies and initiatives. For future projects, FSD should implement a parallel planning approach, allowing critical repair projects to move forward on an independent track while pilot or exploratory programs are still being evaluated. Additionally, FSD should establish clear decision-making timelines and contingency plans to minimize the risk of further deterioration and added costs.

### **FSD's Response**

FSD M&O agreed with the finding and recommendations. Furthermore, FSD M&O shared that they are prioritizing projects based on Board approval date and will continue striving to execute repair projects in a timely manner.



#### **Finding No. 4 – Unclear Requirements in the Summary of Work.**

The Summary of Work in the contract’s project specifications required that damaged downspouts be removed and replaced on 15 of the 33 building structures on campus (Figure 13). However, according to FSD MOX’s assessment, most of these damaged downspouts were not removed and replaced because they were in good condition or difficult to remove.

The Shop Drawings submittal by Eberhard on July 31, 2023, indicated that “it was ok to use all downspouts in ok condition.” At our Exit Conference meeting conducted on March 6, 2025, Eberhard indicated that several downspouts did not need to be replaced and that approximately 55% of them were removed and replaced. They also explained that many existing downspouts were tied into the storm drain system and could not be replaced without significant disruption.

**Figure 13. Mulholland MS Roof Downspout  
(OIG Photo- January 5, 2025)**



Eberhard indicated they planned to remove and replace all downspouts for their bid proposal. The OIG also interpreted that all downspouts had to be removed and replaced, and that the adjective “damaged” described the general condition of all downspouts (Figure 14). However, the definition of a “damaged” downspout was not clear. If the project requirements had been clear, then LAUSD could have obtained a cost credit.

**Figure 14. Contract Specifications-Summary of Work Excerpt – April 2023**

16.	BLDG 020DAP-(CLASSROOM BUILDING #6) REMOVE AND REPLACE DETERIORATED ROOFING DOWN TO SUBSTRATE. INSTALL NEW (PVC) POLYVINYL-CHLORIDE ROOFING SYSTEM (MECHANICALLY ATTACHED) PER LAUSD SPECIFICATION 07 5413. REMOVE GUTTERS AND DAMAGED DOWNSPOUTS, INSTALL A STAINLESS-STEEL MICRO-MESH SCREEN GUTTER GARD, SUBMIT DRAWINGS FOR APPROVAL OF DESIGN AND ATTACHMENT AND PAINT TO MATCH AREA. REMOVE AND REPLACE ANY WATER ROT OR DAMAGED WOOD FOUND AFTER ROOF REMOVAL. PAINT ALL VENT PIPES, CONDUITS AND METAL VENTS WITH AN ELASTOMERIC ROOF COATING IN 2 COATS. INSTALL AN 80 MIL TEXTURED PVC AROUND ALL SERVICEABLE EQUIPMENT. INSTALL 1 PVC PRESSURE RELEASE VENT FOR EVERY 2,000 SQUARE FEET OF ROOFING.
17.	BLDG 018DAP-(CLASSROOM BUILDING #7) REMOVE AND REPLACE DETERIORATED ROOFING DOWN TO SUBSTRATE. INSTALL NEW (PVC) POLYVINYL-CHLORIDE ROOFING SYSTEM (MECHANICALLY ATTACHED) PER LAUSD SPECIFICATION 07 5413. REMOVE GUTTERS AND DAMAGED DOWNSPOUTS, INSTALL A STAINLESS-STEEL MICRO-MESH SCREEN GUTTER GARD, SUBMIT DRAWINGS FOR APPROVAL OF DESIGN AND ATTACHMENT AND PAINT TO MATCH AREA. REMOVE AND REPLACE ANY WATER ROT OR DAMAGED WOOD FOUND AFTER ROOF REMOVAL. PAINT ALL VENT PIPES, CONDUITS AND METAL VENTS WITH AN ELASTOMERIC ROOF COATING IN 2 COATS. INSTALL AN 80 MIL TEXTURED PVC AROUND ALL SERVICEABLE EQUIPMENT. INSTALL 1 PVC PRESSURE RELEASE VENT FOR EVERY 2,000 SQUARE FEET OF ROOFING.
18.	BLDG 017DAP-(CLASSROOM BUILDING #8) REMOVE AND REPLACE DETERIORATED ROOFING DOWN TO SUBSTRATE. INSTALL NEW (PVC) POLYVINYL-CHLORIDE ROOFING SYSTEM (MECHANICALLY ATTACHED) PER LAUSD SPECIFICATION 07 5413. REMOVE & REPLACE GUTTERS AND DAMAGED DOWNSPOUTS, INSTALL A STAINLESS-STEEL MICRO-MESH SCREEN GUTTER GARD, SUBMIT DRAWINGS FOR APPROVAL OF DESIGN AND ATTACHMENT AND PAINT TO MATCH AREA. REMOVE AND REPLACE ANY WATER ROT OR DAMAGED WOOD FOUND AFTER ROOF REMOVAL. PAINT ALL VENT PIPES, CONDUITS AND METAL VENTS WITH AN ELASTOMERIC ROOF COATING IN 2
REPLACE ROOFING & SHEET METAL ITEMS MULHOLLAND MIDDLE SCHOOL	
10/01/2011 SUMMARY OF WORK 01 1100-8	

Additionally, to state the specific scope of work, the word “remove and replace” should have been used instead of just “remove” (Figure 14).

#### **Recommendation for Finding No. 4**

We recommend that the FSD MOX review the use of clear language in the Summary of Work for the project specifications on all projects. Additionally, if the scope of work is uncertain, it should indicate that some of this work be noted as an allowance.

### **FSD's Response**

FSD M&O agreed with the finding and recommendation. Furthermore, FSD M&O shared that utilizing an allowance for certain scope of work that may be uncertain, like the condition of existing gutters or downspouts and roofing substrates, can minimize project budget overruns. FSD M&O will add the allowance for the unforeseen event in the future.

### **Eberhard's Response**

Although the recommendation for Finding No. 4 was not addressed to Eberhard, a response was provided to the OIG. Eberhard agreed with the lack of clarity on what defines a “damaged” downspout for replacement. Eberhard also shared that they did replace all the clearly deteriorated downspouts and added downspouts as needed per the specification and that these downspouts were painted to match the existing downspouts.

### **Finding No. 5 – Lack of Clarity on Section 179D Tax Credits Requirements.**

Per the Energy Policy Act of 2005, Section 179D of the Internal Revenue Code allows tax deductions for energy-efficient improvements to commercial buildings, such as the installation of cool roofs. The Bid Documents provided by the LAUSD to all bidders included this information in Article 9 of the Bid and Acceptance Form (Figure 15).

However, Eberhard was not informed of any criteria or procedures on how to address this requirement. Upon inquiry from the OIG, the LAUSD Facilities Legislation, Grants and Funding (FLGF) informed Eberhard that Section 179D is a transferable tax deduction from government building owners to qualifying “Designers” of new construction and retrofits of lighting, HVAC, or building envelope systems. Designers include architects, engineers, contractors in a Design-Build role, and manufacturers that create the technical specifications for the systems in question. More importantly, parties that merely install the systems do not qualify as “Designers.” Based on this clarification, this Bid Form requirement was not necessary.



**Figure 15. Bid and Acceptance Form Excerpt – April 26, 2023**

**Article 9 - Internal Revenue Code Section 179D**

For the purposes of this section, the term "CONTRACTOR" shall refer to the Architect-Engineer or other entity with whom the OWNER has entered into the Contract and that would qualify as the entity primarily responsible for designing certain energy efficient improvements for property owned by a Federal, State, or local government or a political subdivision as defined by Internal Revenue Code Section 179D, as amended ("Section 179D").

If this contract pertains to a project that includes energy-efficiency improvements to (a) the interior lighting systems, (b) the heating, cooling, ventilation, and hot water systems, or (c) the building envelope, and CONTRACTOR qualifies as a "Designer" of these improvements, CONTRACTOR may opt to be treated as the taxpayer for the purposes of Section 179D, and if so, shall coordinate the allocation of that deduction as follows:

1. LAUSD has retained an Energy Policy Act ("EPAct") Coordinator to act on its behalf in connection with the allocation of the Section 179D tax deduction. No other companies or individuals are authorized to represent LAUSD in relation to this allocation; only the District's EPAct Coordinator is authorized.

MULHOLLAND MS - ROOFING  
MULHOLLAND MIDDLE SCHOOL

REVISED 2/7/2023  
BID AND ACCEPTANCE FORM  
00 4100-3

ocuSign Envelope ID: 7056795F-0A5D-4881-B839-1B528AA78754

2. LAUSD intends to allocate a portion of the tax deduction to CONTRACTOR, following third-party certification of the required energy savings under Section 179D. In exchange, CONTRACTOR shall provide cash compensation (sometimes referred to as a "rebate") to LAUSD in an amount calculated to yield equal net values for both parties, where net value is defined as the value of the benefit remaining after relevant adjustments are made. (See paragraph 5 below.) The form of the rebate will be a check payable to Los Angeles Unified School District issued within 45 days of CONTRACTOR's receipt of the tax refund or other realization of the tax savings generated by CONTRACTOR's claim of the Section 179D deduction on CONTRACTOR's federal tax return for the year the energy efficiency improvements were placed in service.

### **Recommendation for Finding No. 5**

We recommend that the FSD MOX review the bidding documents to ensure that clear, actionable requirements are provided to all bidders to obtain a more predictable course of action and estimated price.

### **FSD's Response**

FSD M&O agreed with the recommendation but noted that the "Bid and Acceptance Form" was inserted into the contract documents by the Facilities Construction Contracts (FCC) - Procurement at the time of bidding. FSD M&O indicated that they would share the recommendation with the FCC.

### **Eberhard's Response**

Although the recommendation for Finding No. 5 was not addressed to Eberhard, a response was provided to the OIG. In summary, Eberhard confirmed that they are the installer for roofing projects and not the designer, and that Article 9, Internal Revenue Code Section 179D, is standard boiler plate for new construction projects that does not apply to the scope of this roofing project.

## **ADDENDUM**

## Section I – Contractor Performance Evaluation

### Contractor/Consultant Performance Evaluation for LAUSD Projects

Project ID	10368675
Project Name	Mulholland MS - Roofing
School Name	Mulholland MS
Contract Type	Formal
Contract Number	4400011944
Facilities Blanket	2310042
Construction NTP	09/01/2023
Substantial Completion	08/30/2024
Award Amount	\$4,950,323
Vendor Number	100006283
Vendor Name	EBERHARD
Project Owner	
Owner's Email	
Score	168
Project Description	Mulholland Middle School - Roofing

#### INTENT AND PURPOSE

The intent and purpose of this form is to provide Procurement Services Division, Facilities Contracts with information necessary to adequately assess a Contractor's overall work performance. Your input is vital and a required component of the Prequalification process.

#### INSTRUCTIONS

For each of the following questions, the designated rater shall score the contractor on a range of "Unsatisfactory" to "Exceptional", with the "Exceptional" being the highest score or shall represent no compliance deficiencies. A rating of "Unsatisfactory" or "Needs Improvement" shall require a written explanation or supporting documentation, such as meeting minutes, conversation records, photographs, emails, telephone records, written notices, incidence reports, letters, etc. A question that does not apply shall be scored as "Exceptional".

##### 1. Timeliness/Schedule: (50)

a. Did the Contractor timely demonstrate capability to develop a detailed construction baseline schedule in compliance with the contract schedule specification?

☐ Unsatisfactory (0) ☐ Improvement needed (3) ☐ Meets Expectations (5) ☒ Exceeds Expectations (8) ☐ Exceptional (10)  
Modified by [ ] on 12/12/2024

b. Did the contractor consistently provide a detailed three-week rolling schedule at the weekly progress meetings and engage in strategic schedule decisions?

☐ Unsatisfactory (0) ☐ Improvement needed (3) ☐ Meets Expectations (5) ☒ Exceeds Expectations (8) ☐ Exceptional (10)  
Modified by [ ] on 12/12/2024

c. Did the contractor consistently and accurately update the schedule? This includes submitting the required reports with each monthly pay application. Were activities organized by early start, critical path, total float, cost loading by Construction Specifications Institute (CSI) section with a written narrative?

☐ Unsatisfactory (0) ☐ Improvement needed (3) ☒ Meets Expectations (5) ☐ Exceeds Expectations (8) ☐ Exceptional (10)  
Modified by [ ] on 12/12/2024

d. Were proper and timely notices of events for schedule impacts and pre-delay versus post-delay fragments submitted with written narrative justifying the impact into a time settlement?

☐ Unsatisfactory (0) ☐ Improvement needed (3) ☒ Meets Expectations (5) ☐ Exceeds Expectations (8) ☐ Exceptional (10)  
Modified by [ ] on 12/12/2024

e. Were the substantial completion and interim/final completion milestones (including excusable time extension settlements) achieved within the contractual obligation?

☐ Unsatisfactory (0) ☐ Improvement needed (3) ☐ Meets Expectations (5) ☒ Exceeds Expectations (8) ☐ Exceptional (10)  
Modified by [ ] on 12/12/2024

##### 2. Quality of Work, Punchlist, Corrections and Deviations: (Scored by Inspector of Record (IOR)): (75)

a. Did the contractor provide timely notice for inspection?

☐ Unsatisfactory (0) ☐ Improvement needed (4) ☒ Meets Expectations (8) ☐ Exceeds Expectations (11) ☐ Exceptional (15)  
Modified by [ ] on 12/26/2024

b. What is the IOR's overall assessment of the contractor's quality of work?

☐ Unsatisfactory (0) ☐ Improvement needed (4) ☒ Meets Expectations (8) ☐ Exceeds Expectations (11) ☐ Exceptional (15)  
Modified by [ ] on 12/26/2024

c. Did the contractor substitute materials or vary from the specification without approval?



☐ Unsatisfactory (0)    ☐ Improvement needed (4)    ☒ Meets Expectations (8)    ☐ Exceeds Expectations (11)    ☐ Exceptional (15)  
 Modified by [ ] on 12/26/2024

d. Did the contractor address correction and deviation notices timely during construction?

☐ Unsatisfactory (0)    ☐ Improvement needed (4)    ☒ Meets Expectations (8)    ☐ Exceeds Expectations (11)    ☐ Exceptional (15)  
 Modified by [ ] on 12/26/2024

e. At final completion or 60 days after substantial completion: how efficient was the contractor in completing all (100%) of their contractual punch-list items?

☐ Unsatisfactory (0)    ☐ Improvement needed (4)    ☒ Meets Expectations (8)    ☐ Exceeds Expectations (11)    ☐ Exceptional (15)  
 Modified by [ ] on 12/26/2024

3. Change Orders (CO), Requests for Clarification (RFCs), Requests for Proposals (RFPs), Construction Directives (CDs): (25)

a. Did the contractor submit frivolous or untimely RFCs? Were answers to the RFCs clearly marked on the drawings or contained in the specifications? (Contractor is not penalized for unclear documents.)

☐ Unsatisfactory (0)    ☐ Improvement needed (3)    ☐ Meets Expectations (5)    ☐ Exceeds Expectations (8)    ☒ Exceptional (10)  
 Modified by [ ] on 12/12/2024

b. Did the contractor respond timely to RFPs, COs and CDs? Average of Initial response to RFPs, COs and CDs.

☐ Unsatisfactory (0)    ☐ Improvement needed (4)    ☐ Meets Expectations (8)    ☐ Exceeds Expectations (11)    ☒ Exceptional (15)  
 Modified by [ ] on 12/12/2024

4. Project Record Documentation: (30)

a. Did the Contractor follow the Submittal Process?

☐ Unsatisfactory (0)    ☐ Improvement needed (2)    ☐ Meets Expectations (3)    ☒ Exceeds Expectations (5)    ☐ Exceptional (6)  
 Modified by [ ] on 12/12/2024

b. Did the contractor submit all required warranties?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (2)    ☐ Exceeds Expectations (3)    ☒ Exceptional (4)  
 Modified by [ ] on 12/12/2024

c. Did the contractor submit all required owner's manuals?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (2)    ☒ Exceeds Expectations (3)    ☐ Exceptional (4)  
 Modified by [ ] on 12/12/2024

d. Did the contractor submit all required as-built drawings?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (2)    ☐ Exceeds Expectations (3)    ☒ Exceptional (4)  
 Modified by [ ] on 12/12/2024

e. Did the contractor submit timely Daily Reports?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (2)    ☒ Exceeds Expectations (3)    ☐ Exceptional (4)  
 Modified by [ ] on 12/12/2024

f. Did the contractor provide complete and accurate Invoices?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (2)    ☐ Exceeds Expectations (3)    ☒ Exceptional (4)  
 Modified by [ ] on 12/12/2024

g. Did the contractor keep accurate and timely Certified Payroll?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (2)    ☐ Exceeds Expectations (3)    ☒ Exceptional (4)  
 Modified by [ ] on 12/12/2024

5. Project Job-Site Safety: (20)

a. Did the contractor keep the jobsite clean and quickly address safety concerns?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (3)    ☒ Exceeds Expectations (4)    ☐ Exceptional (5)  
 Modified by [ ] on 12/12/2024

b. Did the contractor conduct weekly safety meetings?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (3)    ☒ Exceeds Expectations (4)    ☐ Exceptional (5)  
 Modified by [ ] on 12/12/2024

c. Did the contractor properly manage the jobsite hazard analysis program and take adequate precautions with hazardous materials and clean up to alleviate any exposure to students, staff, faculty or public?

☐ Unsatisfactory (0)    ☐ Improvement needed (1)    ☐ Meets Expectations (3)    ☐ Exceeds Expectations (4)    ☒ Exceptional (5)  
 Modified by [ ] on 12/12/2024

d. Did the contractor immediately report incidents of property damage or injuries?

☐ Unsatisfactory (0) ☐ Improvement needed (1) ☐ Meets Expectations (3) ☒ Exceeds Expectations (4) ☐ Exceptional (5)  
Modified by [ ] on 12/12/2024

**6. Manpower, Subcontractor Coordination and Logistics: (25)**

a. Did the contractor provide adequate supervision?

☐ Unsatisfactory (0) ☐ Improvement needed (1) ☐ Meets Expectations (3) ☐ Exceeds Expectations (4) ☒ Exceptional (5)  
Modified by [ ] on 12/12/2024

b. Did the contractor consistently maintain sufficient forces and appropriate trades on the job? Did subcontractors have to accelerate due to a lack of planning or coordination by the contractor?

☐ Unsatisfactory (0) ☐ Improvement needed (1) ☐ Meets Expectations (3) ☐ Exceeds Expectations (4) ☒ Exceptional (5)  
Modified by [ ] on 12/12/2024

c. Did the contractor adhere to the requirements of section 4107 of the Public Contract Code when substituting subcontractors not listed in the original bid?

☐ Unsatisfactory (0) ☐ Improvement needed (1) ☐ Meets Expectations (3) ☐ Exceeds Expectations (4) ☒ Exceptional (5)  
Modified by [ ] on 12/12/2024

d. Did the contractor coordinate with suppliers and manufactures to ensure timely delivery of supplies and materials?

☐ Unsatisfactory (0) ☐ Improvement needed (1) ☐ Meets Expectations (3) ☐ Exceeds Expectations (4) ☒ Exceptional (5)  
Modified by [ ] on 12/12/2024

e. Did the contractor provide and proactively manage the logistics of the site (for example, cleanliness, security, sanitary facilities, stock piling and storage of materials)?

☐ Unsatisfactory (0) ☐ Improvement needed (1) ☐ Meets Expectations (3) ☐ Exceeds Expectations (4) ☒ Exceptional (5)  
Modified by [ ] on 12/12/2024

**7. Client Satisfaction (Scored by School Principal or appointee): (25)**

a. Was the contractor reasonable in minimizing the impacts on day-to-day operations?

☐ Unsatisfactory (0) ☐ Improvement needed (3) ☐ Meets Expectations (5) ☐ Exceeds Expectations (8) ☐ Exceptional (10)

b. Did M&O staff at the school believe the contractor was courteous, available, and responsive to the needs of the school, did quality work and kept the worksite clean?

☐ Unsatisfactory (0) ☐ Improvement needed (3) ☐ Meets Expectations (5) ☐ Exceeds Expectations (8) ☐ Exceptional (10)

c. Would you want to work with the contractor again?

☐ Unsatisfactory (0) ☐ Improvement needed (1) ☐ Meets Expectations (3) ☐ Exceeds Expectations (4) ☐ Exceptional (5)

**CERTIFICATION**

I understand that the LAUSD has a legitimate interest in the contractor's ability to perform work on public works projects. This reference is to be used solely for the LAUSD prequalification process for public works projects. I certify that the following evaluation is truthful, supported by written documentation and based on evaluations of the contractor pursuant to California Civil Code 47, subd. (c).

OAR Certification: Electronically Completed by [ ] (UID: 8016) on 12/12/2024 11:13:38 AM



# **ATTACHMENT A**

## **Glossary**

- Addenda – Additional written or graphical instructions issued prior to the opening of bids, which clarify, modify, correct, amend, add, delete, and/or otherwise change the Division 0 – Bidding Requirements or other Contract Documents.
- Administrative Closeout – Administrative Closeout shall be the duration allowed for completion of all Contract requirements after Substantial Completion such as Punch List items, submittal of final warranties and guaranties, and record documents.
- Architect of Record (AOR) – A licensed design professional by the Division of the State Architect in General Responsible Charge for the Project.
- As-Builts – Plans and specifications received from the contractor following Substantial Completion that document field changes, additions, or deletions to the work (as defined in the original Contract Documents) that occurred during construction and reflect existing field conditions upon completion of the work.
- Baseline Schedule – The planned schedule of a project used to measure and monitor the performance of a project.
- Beneficial Occupancy – A term that means that the District has assumed physical occupancy and use of all or some portions of the Work.
- Bidding Documents – All documents made available to bidders.
- Change Order (CO) – A written instrument confirming a change or adjustment to the contract amount, milestones and/or contract time and/or an addition, deletion, or revision in the work.
- Change Order Proposal (COP) – A written instrument prepared and issued by the contractor, setting forth proposed adjustments to the contract amount, milestones and/or contract time, and/or an addition, deletion, or revision in the work.
- Commissioning – A quality management process designed to ensure that buildings and building systems are installed, functionally tested, and capable of being operated and maintained in conformance with the Owner's Design Intent and Project Requirements
- Commissioning Report – It includes comprehensive project documentation, energy performance analysis, test results, and systems and training manuals for operations and maintenance personnel.
- Construction Directive (CD) – A written directive issued by the Owner Authorized Representative (OAR), on or after the effective date of the contract, directing the contractor to proceed regarding an issue of dispute, or requiring the contractor to take a specified action regarding the work, project, and/or contract.

- Contract Completion – When the owner determines all contract requirements of the contractor have been met or when the Administrative Closeout Period has expired, and a Notice of Contract Completion is issued by the owner to the contractor.
- Contract Amount – The dollar amount stated in the contract payable by owner to contractor. The contract amount may be increased or decreased only by a Change Order.
- Contract Documents – The Bid and Acceptance Form, Addenda, bid (including documentation accompanying the bid and any post bid documentation submitted after the Notice of Intent to Award) when attached as an exhibit to the Bid and Acceptance Form, the Notice to Proceed, the bonds, these General Conditions, the Supplementary Conditions, the Insurance Manual as further described in Article 5.1, the Safety Standards Manual, the Specifications and the Drawings, together with all Change Orders, Construction Directives, and architect written interpretations and clarifications issued pursuant to General Condition Article 9.4. of the Contract
- Contract Time – The duration in calendar days from the date in the Notice to Proceed to the contract completion, plus Change Order adjustments.
- Contractor – The person, firm, corporation, or entity with whom the owner has entered into the Contract.
- Day – Means calendar day in every case.
- Defective – When preceding the term “work,” it references work deemed to be unacceptable, faulty, unsuitable, unsightly, or otherwise not in compliance with the Contract Documents, including any inspection, standard, test, submittal, and/or approvals required by the Contract Documents.
- Drawings – Pictorial or graphical portions of the Contract Documents, prepared by or on behalf of the architect, denoting the scope, design, extent, location, character, and dimensions of the work to be performed and may include plans, elevations, sections, details, schedules, and diagrams, etc.
- Division of the State Architect (DSA) – Provides design and construction oversight for K-12 schools, community colleges, and various other state-owned and leased facilities.
- End User – A person or other entity that consumes or makes use of the goods or services produced by businesses. In school construction, the school is the end user.
- Facilities Environmental Technical Unit (FETU) – It manages environmental project activities related to site investigations of existing LAUSD properties and new acquisitions such as performing preliminary environmental assessments, supplemental site investigations, developing remedial action work plans and preparing removal action completion reports.

- General Conditions (GC) – All references to GC shall refer to Contract Documents Section 00 7000. This is the portion of the Contract in which the rights, responsibilities, and relationships of the parties involved are itemized.
- Inspector of Record (IOR) – The IOR is the same as the Project Inspector.
- Internet Protocol (IP) Convergence – Use of IP as the standard platform for transmitting all information such as voice and data. Music, video, TV, teleconferencing, etc.
- Non-Conformance Items List (NCIL) – A list generated by the Project Inspectors during construction prior to substantial completion to record all items that are not in conformance with the approved plans and specifications.
- Notice of Event (NOE) – Written notice provided by the contractor to the Owner Authorized Representative (OAR) if the contractor and/or its subcontractors encounter any issue, event, condition, circumstance and/or cause of a perceived and/or actual delay, disruption, interference, hindrance, and/or acceleration to the work, or any portion thereof.
- Notice of Award – Notice by the owner advising the successful bidder that the owner has signed the contract.
- Notice to Proceed (NTP) – Written notice issued by the owner to the contractor establishing the date of commencement of the contract time and authorizing the contractor to proceed with the work.
- Owner – The Los Angeles Unified School District (LAUSD).
- Owner Authorized Representative (OAR) – The designated authorized representative of the owner who administers the Contract.
- Partial Use or Occupancy – Use or occupancy by the owner of a partially completed portion, part, space, or area of the work, prior to Substantial Completion of the work.
- Product Data – Contractor furnished literature, illustrations, standard schedules, performance charts, instructions, brochures, diagrams, catalog cuts, color charts, templates, installation and maintenance instructions, test data, agency or regulatory approvals, or other required product information furnished by the contractor relative to the work.
- Project – The public works approved by the owner's governing board, and for which the work is being performed.
- Project Inspector – The person approved by the Division of the State Architect (DSA) and employed by the owner in accordance with the requirements of Title 24 of the California Code of Regulations, also known as the California Building Standards Code. The Project Inspector performs continuous inspection of contract school construction for compliance with plans, specifications, and contract documents.



- Punch List – A list of minor corrective items, which does not include uncompleted work.
- Request for Clarification (RFC) – A written instrument prepared by the contractor and issued to the architect and the OAR requesting clarification of the contract documents.
- Request for Proposal (RFP) – A written instrument issued by the OAR directing contractor submission of a written estimate detailing the proposed changes to the contract amount, milestones, and/or contract time in response to the proposed work contained therein.
- Retention – The monies withheld from a Contractor’s progress payments to assure the timely and satisfactory completion of the Contract Work. Per Public Contract Code, the amount of retention can never be less than 5% of the most current approved Contract value.
- School Design Guidelines - LAUSD's set of guidelines that incorporate the District's principles and goals for the design of a school and comply with the California Department of Education (CDE) statewide standards. This set of guidelines includes the District's School Design Guide, Educational Specifications, Guide Specifications, Standard Technical Drawings and Space Program
- Standard Technical Drawings - Construction detail drawings that provide District-wide consistent operational and safety standards.
- Shop Drawings – Contractor furnished original drawings such as illustrations, diagrams, schedules, fabrications, erection, coordination, layout, setting, details, standards, performance charts or curves, installation, routing, iso-metrics, wiring, control, piping, or other required shop drawings necessary for the execution of the Work.
- Specifications – Those portions of the Contract Documents consisting of the written technical and/or administrative descriptions of materials, equipment, systems, codes, regulations, procedures, standards, workmanship, services, facilities, supplies, instructions, transportation, quality, etc., as applied to the work.
- Subcontractor – The person, firm, corporation, or entity executing a direct contract with the contractor or with any subcontractor for the performance of a portion of the work.
- Substantial Completion – The stage in the progress of the work when all requirements of the contract are completed, except Punch List items, final warranties and guaranties, and record documents submittals.
- Transition Task Team (TTT) – TTT is part of LAUSD’s Maintenance and Operations and oversees the construction process from design to closeout with a particular focus on commissioning direction, evaluation of design drawings, construction compliance with District specifications and design standards, and provision for ongoing site operations.
- Withholds – Monies retained from Contractor payment pending resolution of an issue. District withholds monies for incomplete contractual requirements (Punch List) and

various statutory obligations regarding payments of subcontractors (Stop Notices) and Contractor workers (Labor Compliance).

- Work – All of the terms and conditions set forth in the Contract Documents, including the various separately identifiable parts thereof to be furnished thereunder. The work must include, without limitation, all labor, materials, apparatus, supplies, services, facilities, utilities, transportation, manuals, warranties, training, and the like, necessary for the contractor to faithfully perform and complete all obligations under the contract.

**ATTACHMENT B**  
**Response to Draft Report  
from Eberhard**



## LAUSD OIG Evaluation Report – Eberhard Response

Date: 6/2/25

To: Jung Beum (JB) Kim, MSCM, CIGE  
Facilities Project Manager II  
333 South Beaudry Avenue 12<sup>th</sup> Floor  
Los Angeles, CA 90017

RE: LAUSD OIG Evaluation Report - Mulholland Middle School Project Contract No. 4400011944

Mr. Kim,

In response to the Technical Evaluation of Eberhard and the Mulholland Middle School Roofing Project Contract Number 4400011944 Report, Eberhard has the following response per the Observations regarding the performance in **BOLD** below.

Observation No. 1 – The Project Experienced a Delay of 95 Days.  
Although Substantial Completion was initially scheduled for May 27, 2024, it was not achieved until August 30, 2024, resulting in a delay of 95 days. The project delay was caused by unforeseen conditions and an owner's requested change. **Eberhard agrees with justification for the delay with Change Order T-501 extending the contract time by 30 days, Change Order T-503 increasing the contract time by 45 days and Change Order T504 increasing the contract time by 20 days.**

Observation No. 2 – The Project Experienced a Construction Cost Increase of 2.31%. The contract amount for the project's construction was \$4,950,323. Change orders increased the project cost by \$114,315.11, or 2.31% of the contract amount. **Confirmed.**

Observation No. 3 – The Scope of Work was Completed.  
The Work was satisfactorily completed, and the project was issued a Notice of Completion and Acceptance from FSD on January 7, 2025. – **Confirmed.**

Finding No. 1 – Deficiencies in the Installation of the Gymnasium Overflow Scuppers.  
The installation of new overflow roof scuppers in the Gymnasium Building was deficient. There were no approved shop drawings for this portion of the work. **Eberhard did not submit shop drawings for this additional work and used the manufacturers' details for the scupper overflow installation. The location of the scupper overflows was determined by the slope of the roof to the low areas and existing scuppers and drains. The caulking, while not the most aesthetically pleasing, do seal the scuppers to the existing building substrate. Eberhard is willing to return to the project and correct the rough caulking at the scupper conditions on the gym.**

Observation No. 4 – Eberhard's Overall Performance was Satisfactory.  
The Contractor Performance Evaluation comments from FSD's responsible personnel indicated that Eberhard met or exceeded expectations and performed exceptionally well in many categories during the project's construction. – N/A

Finding No. 2 – The Contractor Evaluation Form Was Not Fully Completed.  
FSD did not obtain the necessary input from the School Principal to ensure a comprehensive scoring evaluation of Eberhard. N/A

Finding No. 3 – Project Planning Delay Issues.  
The project took over seven years and five months to be completed by FSD. The LAUSD BOE approved it on March 14, 2017. Construction did not start until September 1, 2023, and achieved Substantial Completion on August 30, 2024. The delay caused cost escalation and recurring maintenance issues. N/A

Finding No. 4 – Unclear Requirements in the Summary of Work.  
The project requirements for removing and replacing roof downspouts for 15 of the 33 buildings on campus were not clearly specified. Although the specifications indicated that these damaged

License No. 1114949  
DIR# 1001137828

15220 Raymer Street, Van Nuys, CA 91405~1016  
818~782-4604 818~782-5099 fax eberhardco.com





downspouts should be removed, they were not. **Confirmed, Eberhard agrees the lack of clarity on what defines a “damaged” downspout for replacement. Eberhard did replace all the clearly deteriorated downspouts and added downspouts as needed per the specification. These downspouts were painted to match existing.**

Finding No. 5 – Lack of Clarity on Section 179D Tax Credit Requirements.

The bid form requirement for Section 179D Tax Credit was not necessary, and there was no clear direction on how to obtain this credit if necessary. **Eberhard went back and reviewed the contract and the invitation to bid and both documents refer to the 179D Allocation. Article 9 designates the “Contractor” as the “Designer” and that would be acceptable if Eberhard were actually designing a new building roof, but this is a roof replacement. The invitation to bid clearly calls out LAUSD Specifications to reference the material types and roof installation process with the latter application of dens-deck and roofing membrane type. Eberhard is not designing anything for the project. Shop drawings are provided with per the project guidelines for LAUSD approval. The AOR and inspection team supervising the job for LAUSD confirm the installation meet the criteria and guidelines of the LAUSD Specifications provided. Eberhard is clearly an installer and not a designer for these projects and Article 9 would be a standard boiler plate for new construction that does not apply to this scope.**

Let me know if there are any questions or further clarification on Eberhard’s responses listed above for the LAUSD OIG Evaluation Report for Mulholland Middle School Contract No. 4400011944.

Sincerely,

  
Russell Olinger  
Senior Vice President

License No. 1114949  
DIR# 1001137828

15220 Raymer Street, Van Nuys, CA 91405~1016  
818~782-4604 818~782~5099 fax eberhardco.com

**ATTACHMENT C**  
**Response to Draft Report**  
**from LAUSD Facilities Services Division.**



**LOS ANGELES UNIFIED SCHOOL DISTRICT**  
Facilities Services Division

**DATE:** June 06, 2025

**TO:** Amy Long, Assistant Inspector General  
Office of the Inspector General

Jung Beum (JB) Kim, MSCM, CIGE, Facilities Project Manager II  
Office of the Inspector General

**FROM:** Krisztina Tokes, Chief Facilities Executive  
Facilities Services Division

**Krisztina Tokes**

Digitally signed by Krisztina Tokes  
DN: cn=Krisztina Tokes, o=Los Angeles  
Unified School District, ou=Chief Facilities  
Executive, email=krisztina.tokes@lausd.net,  
c=US  
Date: 2025.06.06 13:44:17 -07'00'

**SUBJECT: Draft Technical Evaluation of Eberhard and the Mulholland Middle School Roofing Project (Contract No. 4400011944)**

Please find below Facilities Services Division's (FSD) response to recommendations provided in the Office of the Inspector General's (OIG) Draft Report of Eberhard, A Tecta America Company, Inc. and the Roofing Project at Mulholland Middle School (Contract No. 4400011944).

**Objective 1:** Evaluate whether Eberhard completed the contracted work on time and complied with the scheduling requirements of the project.

**Observation No. 1 - The Project Experienced a Minor Delay of 95 Days.**

Although Substantial Completion was initially scheduled for May 27, 2024, it was not achieved until August 30, 2024, resulting in a delay of 95 days. The project delay was caused by unforeseen conditions and an owner's requested change.

**Objective 2:** Evaluate whether the project was completed within budget or if change orders were issued.

**Observation No. 2 – The Project Experienced a Minor Construction Cost Increase of 2.31%.**

The contract amount for the project's construction was \$4,950,323. Change orders increased the project cost by \$114,315.11, or 2.31% of the contract amount.

Page 1 of 4

Los Angeles Unified School District - Facilities Services Division  
333 S. Beaudry Ave., 23rd Floor, Los Angeles, CA 90017  
Telephone (213) 241-4811 • Fax (213) 241-8384

**Objective 3:** Evaluate whether Eberhard completed the project scope of work according to the contract documents comprised of the Division of the State Architect (DSA) approved drawings, specifications, and directives.

**Observation No. 3 – The Scope of Work was Completed.**

The Work was satisfactorily completed, and the project was issued a Notice of Completion and Acceptance from FSD on January 7, 2025.

**Finding No. 1 – Deficiencies in the Installation of the Gymnasium Overflow Scuppers.**

The installation of new overflow roof scuppers in the Gymnasium Building was deficient. There were no approved shop drawings for this portion of the work.

**Recommendations for Finding No. 1**

OIG recommends that:

1. FSD MOX and Eberhard work out a solution to mitigate the deficiencies in the installation of the roof overflow scuppers.
2. FSD MOX ensures that shop drawings are submitted and reviewed for all project components that require detailed information.

**Facilities Response to Recommendation for Finding No. 1.1 & 1.2:**

- i. **Response:** FSD M&O agrees with the OIG's findings and recommendations. The OAR should have enforced the requirement for the contractor to provide shop drawings for the overflow scuppers and related flashing. This would have provided a better fitting overflow scupper and reduced the excessive use of sealant.
- ii. **Action:** M&O will revisit the site for correction.
- iii. **Target:** Q3 2025.

**Objective 4:** Evaluate Eberhard's performance for job supervision, management of subcontractors, and health and safety requirements.

**Observation No. 4 – Eberhard's Overall Performance was Satisfactory.**

The Contractor Performance Evaluation comments from FSD's responsible personnel indicated that Eberhard met or exceeded expectations and performed exceptionally well in many categories during the project's construction.

**Finding No. 2 – The Contractor Evaluation Form Was Not Fully Completed.**

FSD did not obtain the necessary input from the School Principal to ensure a comprehensive scoring evaluation of Eberhard.

### **Recommendations for Finding No. 2**

OIG recommends that FSD MOX ensures that the Contractor Evaluation Form is reviewed, completed, and signed by all responsible personnel so that the Contractor receives a fair score for evaluation and consideration on future bid opportunities with the LAUSD.

#### **Facilities Response to Recommendation for Finding No. 2:**

- i. **Response:** FSD M&O agrees with the recommendation. There are challenges receiving evaluation feedback from school Principals as their focus is on educating students.
- ii. **Action:** Our OARs will encourage school staff to participate in the evaluation.
- iii. **Target:** Not Applicable.

**Objective 5:** Evaluate whether the LAUSD's project staff and consultants complied with the policies, procedures, and requirements of the District.

### **Finding No. 3 – Project Planning Delay Issues.**

The project took over seven years and five months to be completed by FSD. The LAUSD BOE approved it on March 14, 2017. Construction did not start until September 1, 2023, and achieved Substantial Completion on August 30, 2024. The delay caused cost escalation and recurring maintenance issues.

### **Recommendations for Finding No. 3**

- 1. OIG recommends that FSD prioritize the execution of approved critical repair projects to prevent the additional financial impact of delayed repairs, cost escalation issues, safety issues, and operational efficiency.
- 2. OIG recommends that FSD avoid putting critical repair projects on hold for years at a time, pending the resolution of uncertain project initiatives.

#### **Facilities Response to Recommendation for Finding No. 3.1 & 3.2:**

- i. **Response:** FSD M&O agrees with the findings and recommendations.
- ii. **Action:** M&O is prioritizing projects based upon Board approval date and will continue striving to execute repair projects in a timely manner.
- iii. **Target:** Ongoing.

### **Finding No. 4 – Unclear Requirements in the Summary of Work.**

The project requirements for removing and replacing roof downspouts for 15 of the 33 buildings on campus were not clearly specified. Although the specifications indicated that these damaged downspouts should be removed, they were not.



**Recommendations for Finding No. 4**

1. OIG recommends that the FSD MOX review the use of clear language in the summary of work for the project specifications on all projects. Additionally, if the scope of work is uncertain, it would be better to indicate that some of this work should be noted as an allowance.

**Facilities Response to Recommendations of Finding No. 4.1:**

- i. **Response:** FSD M&O agrees with the findings and recommendations. Utilizing an allowance for certain scope of work that may be uncertain like the condition of existing gutters or downspouts and roofing substrates can minimize project budget overruns.
- ii. **Action:** We will ensure we add the allowance for the unforeseen event in the future.
- iii. **Target:** Ongoing.

**Finding No. 5 – Lack of Clarity on Section 179D Tax Credit Requirements.**

The Bid Form requirement for Section 179D Tax Credits was not necessary as parties that merely install the systems do not qualify as “Designers,” and there was no clear direction on how to obtain these credits if necessary.

**Recommendations for Finding No. 5**

OIG recommends that the FSD MOX reviews the bidding documents to ensure that clear, actionable requirements are provided to all bidders to obtain a more predictable course of action and estimated price.

**Facilities Response to Recommendation for Finding No. 5:**

- i. **Response:** FSD M&O agrees with the recommendation. However, the “Bid and Acceptance Form” is inserted into the contract documents by Facilities Construction Contracts (FCC) - Procurement at the time of bidding.
- ii. **Action:** We will share the recommendation with the FCC.
- iii. **Target:** Upon issuance of the OIG report.

C: Sue Stengel  
Alix O'Brien  
Dennis Bradburn  
Mark Cho  
Jorge Ballardo  
Chris Alejo  
Rachel Chua

Page 4 of 4

Los Angeles Unified School District - Facilities Services Division:  
333 S. Beaudry Ave., 23rd Floor, Los Angeles, CA 90017  
Telephone (213) 241-4811 • Fax (213) 241-8384

## **Know about fraud, waste or abuse?**

### **Tell us about it.**

Maybe you are a school district employee, a parent or just a concerned citizen. Regardless, you can make a difference!

Maybe you know something about fraud, waste, or some other type of abuse in the school district.

The Office of the Inspector General has a hotline for you to call. You can also email or write to us.

If you wish, we will keep your identity confidential. You can remain anonymous, if you prefer. And you are protected by law from reprisal by your employer.

## **Whistleblower Protection**

The Board approved the Whistleblower Protection Policy on February 12, 2002. This policy protects LAUSD employees who make allegations of improper governmental activity from retaliation or reprisal. To assure the reporting of any activity that threatens the efficient administration of the LAUSD, reports that disclose improper governmental activities shall be kept confidential.

### **General Contact Information**

Office of the Inspector General  
333 S. Beaudry Avenue, 12th Floor  
Los Angeles, CA 90017  
Phone: (213) 241-7700  
Fax: (213) 241-6826  
<https://achieve.lausd.net/oig>

**Fraud, Waste and Abuse Hotline**  
**(866) 528-7364 or (213) 241-7778**  
inspector.general@lausd.net