



**Bovis Lend Lease, Inc.**

767 Warren Road  
Ithaca, NY 14850

Telephone  
607 266 3000  
Facsimile  
607 266 3009  
[www.bovistendlease.com](http://www.bovistendlease.com)

Regional Headquarters:  
London  
New York  
Sydney  
A Lend Lease Company

August 5, 2004

Mr. Frank T. Murray, Esq., County Attorney  
Ulster County Office Building, 6<sup>th</sup> Floor  
244 Fair Street  
PO Box 1800  
Kingston, NY 12402

**Re: Ulster County Jail Project**

Dear Mr. Murray:

We are becoming increasingly concerned over lack of payment for additional services rendered to Ulster County over the last several months, which is contrary to our previous agreement. In particular, invoices totaling \$57,400 for an additional site superintendent have never been paid which covers the timeframe of 1/1/04 – 6/30/04. Given that Bovis was assured by several County representatives that this additional service would be paid (see attached correspondence), we fail to see why payment is still lacking. We request your assurance that these invoices will be processed in the near term to avoid future conflicts with regards to Bovis staff on site.

In a separate matter, I spoke with Harvey Sleight this past Tuesday regarding correspondence between Richard Scaife and Christa Construction that occurred in June. From what I understand, this correspondence was provided to Hill International with a memo that expressed frustration that Bovis would place pressure on Christa to increase manpower when we should have known structural steel changes were holding up portions of the work, as indicated by Christa's response. While sharing information with Hill International in support of the project is a benefit, we find it troubling that Bovis would be accused of poor management when it has been proven that Christa excels at giving excuses for non-performance. Bovis instead properly represented the County's interests by placing pressure on Christa for additional manpower when the project demanded it. While we all know structural steel changes in particular have caused us to lose much needed leverage to push the schedule, this doesn't mean we should not continue to try and pressure the root cause of multiple delays that have no basis in design changes. Richard responded to Christa's letter that was referenced above and we have attached a copy for your information.

Thank you for your consideration on these matters. If there should be any questions on the past due invoices please do not hesitate to call.

Very truly yours,  
Bovis Lend Lease LMB, Inc.

Mark P. Balling  
Vice President

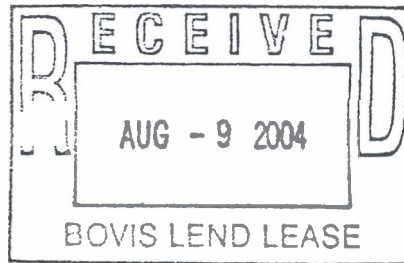
c: Harvey Sleight – Ulster County  
Jim O'Neil – Hill International  
Mark Melson – Bovis Lend Lease  
Joe Portela – Bovis Lend Lease  
Richard Scaife – Bovis Lend Lease  
Charlie Rocca – Bovis Lend Lease

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August 9, 2004

Mr. Harvey J. Sleight, Commissioner  
Ulster County Department of Buildings and Grounds  
313 Shamrock Lane  
Kingston, NY 12401

Re: Ulster County Jail Project

Dear Mr. Sleight:

We are in receipt of your correspondence of August 3<sup>rd</sup> and its' request for updated schedule information. First of all, let me state that the schedule logic for which the completion of the project is based is only as good as the performance of the contractors driving the critical path. As we discussed last week, it is the recommendation of Bovis that all necessary pressure is placed on Christa Construction to perform since they possess most activities on the critical path, whereas the other prime contractors are follow-on trades. Although we share your frustration over the lack of overall progress, requesting completion schedules from follow-on trades will only result in animosity over an effort that is only as good as what the general contractor can deliver.

With regards to the performance of Christa, we recommend increased involvement from their surety under the terms and conditions of the performance bond. Although termination for performance is unlikely at this stage of the project, a concerned surety will generally watch progress closely and provide the team with a measurable benefit in Christa's performance. Please refer to the attached correspondence as an example of the pressure that has, and will be, applied in an effort to improve Christa's schedule performance while documenting responsibility for delays. Although we are all aware of Christa's list of excuses as to why they can't meet a schedule, they remain the root cause for delay, which is not lost on the other prime contractors.

Although this correspondence does not answer your request for a new schedule, we trust it explains why the schedule is slipping and what we need to do to control further delays. We still feel that most of the prime contractors will step up and perform when there are enough areas available to work, but we need to focus directly on Christa Construction to make it happen.

Very truly yours,  
Bovis Lend Lease LMB, Inc.

A handwritten signature in black ink, appearing to read "Mark P. Balling".

Mark P. Balling  
Vice President

c: Jim O'Neil - Hill International  
Richard White - Bovis Lend Lease  
Richard Scaife - Bovis Lend Lease  
Charlie Rocca - Bovis Lend Lease  
Brian Cunningham - Ulster County

# COUNTY OF ULSTER

*Department of Buildings and Grounds*

KINGSTON, NEW YORK 12401

DEPT. OF BUILDING AND GROUNDS  
313 Shamrock Lane  
Kingston, N.Y. 12401



HARVEY J. SLEIGHT  
*Commissioner*  
845-340-3138  
Fax #845-340-3115

August 18, 2004

Bovis Lend Lease LMB, Inc.  
382 Main Street  
East Aurora, NY 14052

Att: Mark P. Balling, V.P.

Dear Mark:

Your August 9<sup>th</sup> response to my August 3<sup>rd</sup> letter, while setting forth our general agreement regarding Christa's lack of performance and overall delay causes, did not satisfactorily address the great concern of the Legislature regarding the current unrealistic completion schedule nor my request that Bovis Lend Lease require prompt submission of schedules from each prime contractor and that Bovis Lend Lease provide this office by September 6, 2004, a revised completion schedule incorporating the data provided by the primes. Obviously the first and most important of those prime contractor schedules should be from Christa. Should any prime fail to comply in a timely manner, Bovis Lend Lease shall immediately notify this office with an appropriate recommendation for the owner's action. Our Contract Sections 2.3.2, 2.3.5 and 2.3.7 among others, are applicable.

Additionally, it is requested that Bovis Lend Lease immediately provide to the County (Brian Cunningham) an electronic copy of all schedules developed for this Project, which includes the Pre-construction schedule through the latest updated schedule. These schedules should be provided to the County in Primavera P3 Concentric format with full read-write access.

This clearly brings me back to a meeting you and I had several months ago whereby I requested that Richard Scaife be replaced on your team to run this project. It was felt that moving the project ahead to improve the completion schedule was not being accomplished, and that Bovis needed a more dynamic and forceful supervisor. In light of where the project currently is, and that serious erosion of the schedule has occurred, we are again asking for Richard Scaife to be replaced, as well as Charlie Rocca, who appears to be frustrated in his inability to motivate Christa Construction and progress the work. It is with the strongest recommendation from my project coordinator Brian Cunningham, that a meeting be scheduled with you, Mark Melson, Richard White, our County Attorneys' and County Chairman, to convince Bovis Lend Lease that retaining Richard Scaife did nothing to improve the serious lack of measurable progress

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003007

BOVIS Lend Lease  
AUG 21 2004  
RECEIVED

Mark Balling  
Bovis Lend Lease

8-18-04  
page 2

in UCLEC's schedule. We strongly believe that Bovis Lend Lease's huge pool of construction professionals can produce a team that can advance this project. I will have Brian Cunningham set a date for this meeting.

If you have any questions, please call me.

Very truly yours,



Harvey J. Sleight  
Commissioner

HJS:cmp

- c.c. James M. O'Neill, Hill International
- Mark Melson, Exec. V.P., Bovis Lend Lease
- Richard White, V.P., Bovis Lend Lease
- Frank Murray, County Attorney
- Mark Sweeney, Esq.
- Brian Cunningham

# COUNTY OF ULSTER

*Department of Buildings and Grounds*

KINGSTON, NEW YORK 12401



DEPT. OF BUILDINGS AND GROUNDS  
13 Shamrock Lane  
Kingston, N.Y. 12401

HARVEY J. SLEIGHT  
Commissioner  
845-340-3138  
Fax # 845-340-3115

**RECEIVED**

September 3, 2004

SEP - 8 2004

ULSTER COUNTY LEGISLATURE

Bovis Lend Lease, LMB Inc.  
12 Corporate Drive  
Clifton Park, New York 12065  
Attn: Richard White

Dear Richard:

The County has become aware of a dispute between the Prime Contractors and your firm regarding the reliability of the master schedule as a constructive tool. Since such a revised master schedule must be generated by Bovis with the input from Prime Contractors, a meeting has been scheduled with several of the Prime contractors for September 9, 2004 at 9AM at the County Transition Trailer.

Bovis pursuant to its Construction Management contract should conduct this schedule development meeting with the Prime Contractors to develop a sufficiently detailed schedule reflecting necessary construction coordination, building enclosure date, substantial completion date and project completion date. This meeting and future development meeting for the master schedule will facilitate a proactive coordination effort by all parties and will provide the parties with agreed upon completion dates.

The Prime Contractors have been notified of the meeting by separate letter (copy attached) and have been requested to provide schedules of their remaining contract work at the meeting and to have management or owner representatives in attendance.

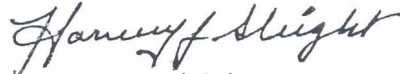
It is requested that Bovis will coordinate with the contractors by integrating their schedules into the master schedule and that the contractors will be given the opportunity to review and comment on the revised master schedule prior to submission to the Owner and Architect no later than September 16, 2004.

If a Prime Contractor fails to provide the requested schedule input, Bovis will provide the Owner with immediate recommended action to ensure expeditious completion of the revised master schedule.

Bovis is and will be required to update the master schedule contemporaneously to show current conditions. If an update indicates that completion dates can not be met, Bovis shall recommend corrective action to the Owner and Architect, pursuant to Contract Section 2.3.5.

ditionally, a meeting with Owner's Representatives and Christa Construction has been scheduled for September 9, 2004 at 2:00 PM to discuss the pending change orders and to develop procedures and a timetable for review and resolution. In order to begin to resolve the issue of the pending change orders, the County expects Bovis to be prepared to discuss in detail the following change orders: 102, 107, 108, 188, 103, 136, 145, 156, 161, 168 and 173. Bovis is requested to conduct this meeting with Christa construction and to provide the necessary staff to expedite the processing and finalization of all changes orders.

Sincerely yours,



Harvey J. Sleight  
Commissioner, Buildings & Grounds

cc: Richard Gerentine, Chairman  
Frank Murray, County Attorney  
Brian Cunningham, Sr. Project Manager  
Timothy Ronan, Hill International Inc.  
Mark Sweeney, Esq.





BOVIS LEND LEASE  
DEC 15 2004

41 State Street  
Albany, NY 12207  
Phone (518) 463-1950  
Fax (518) 463-1951

RECEIVED  
December 15, 2004

Rochester  
Albany  
Buffalo  
Ithaca

**VIA FACSIMILE (845) 331-0648 & Regular Mail**

Mr. Charlie Rocca, Sr.  
Senior Project Manager  
Bovis Lend Lease  
767 Warren Road  
Ithaca, New York 14850

**Re: Ulster County Law Enforcement Project**

Dear Charlie:

Pursuant to our meeting of December 9, 2004, enclosed is Christa's analysis of the schedule issued by Bovis on November 22, 2004. As we understand Bovis' request, you have asked that we identify any concerns we have concerning the sequence of work (schedule logic) or work item durations as indicated on the Bovis schedule. Enclosed is an annotated version of the November 22, 2004 schedule identifying any logic or scheduling concerns we have at this time. It has also come to our attention that Bovis is communicating to the other prime contractors that we have agreed to all aspects of the Bovis schedule. While we do not take much stock in rumors, it is significant to note that we absolutely said no such thing. We agreed to review the schedule for logic and durations and get our comments back to Bovis. Those comments are enclosed here. We also specifically noted that the most recent Bovis schedule was totally inaccurate and showed work completion far in excess of the actual conditions in the field. We will reserve comment on the overall all completion date when we see the schedule incorporating our comments and the comments of the other primes.

In addition to providing the information you have requested, it is important to note that we strongly disagree with Bovis' assertion that the durations listed were presented by Christa. It remains our position that we have submitted detailed scheduling data on numerous occasions and that very little of our input was ever included in the Project schedules. The durations we have enclosed in our current schedule revisions represent our best estimates based upon currently available data. Christa will endeavor to complete our work in connection with whatever schedule Bovis issues after reviewing the enclosed data as well as the data from the other primes, but if our durations are compressed to accommodate a forced completion date, Christa is unwilling to absorb the costs of acceleration necessitated by compressing our durations.

Please note that we have not provided start dates for incomplete items. As was discussed during the meeting, we cannot provide start dates where we are dependent on the completion of work by other prime contractors. Similarly, we cannot provide accurate dates for Project completion without detailed input from the rest of the prime contractors. As recently as December 14, 2004, the electrical prime

issued a letter to Bovis indicating that the June completion date is unrealistic. Those types of discussions must be incorporated into the final schedule if it is going to be a useful tool on the Project. As the Owner's representative, only Bovis is in a position to collect and incorporate scheduling data from all the primes and must take the lead in generating the master schedule.

Finally, we note that much of the data incorporated in Bovis' schedule distributed on November 22, 2004 is inaccurate. In almost every instance, items that have been identified as complete are still under construction and the schedule does not appear to take into account any actual completion data from the field. We will highlight the most glaring inaccuracies in this schedule under a separate letter. However, we bring this to your attention now so that you do not simply tack on our durations onto unrealistic work start dates to generate a schedule that meets your needs. The schedule logic only works if successor activities start after the predecessor items are complete. For example, the November 22 schedule indicates several areas where casework will begin in November and December of 2004. Currently, there are no areas ready for casework and none is underway. If our casework durations start to run before rooms are watertight, the permanent HVAC systems are in place, the MEP's are complete, walls and ceilings are finished, etc., then the schedule will be inaccurate and we will have disputes before the work even begins. Therefore, please incorporate actual project field conditions into the new master schedule before it is issued to the primes.

We look forward to reviewing your final master schedule. Please feel free to call with any questions.

Sincerely,



---

Scott Bulriss/Sr. Project Manager

cc: D. White, BLL  
M. Dehmler, DCCI  
M. George, DCCI  
D. Adams, Esq.

File #2-138



# ULSTER COUNTY LEGISLATURE

PO BOX 1800, Kingston, NY 12402

RICHARD A. GERENTINE, Chairman  
MICHAEL L. STOCK, Majority Leader  
DAVID DONALDSON, Minority Leader  
RANDALL V. ROTH, Clerk  
GERARD DeFELICIS, Deputy Clerk



Telephone: 845 340-3900  
Fax: 845 340-3651

March 14, 2005

Mr. Richard White, Vice President  
Bovis Lend Lease LMB, Inc.  
12 Corporate Drive  
Clifton Park, NY 12065

Re: Ulster County Law Enforcement Center

Dear Mr. White:

As we look toward the completion of the Project, I have some concerns regarding the development and the reporting of the newly established Substantial and Final Completion dates and the ability of the project to be completed on schedule.

The history of this project shows that completion dates have been consistently extended without explanation. For example, on November 23, 2004, you sent me a memorandum regarding the Project schedule dates, which reported the Substantial and Prisoner Population dates of June 10 and August 12, 2005, respectively. I have attached a copy of this memorandum for your reference. In January, you reported to the Oversight Committee that you had a new schedule based on contractor information that showed a late August substantial completion date. Your recent directive to the contractors is based on a schedule containing Substantial and Final Completion dates of August 17 and September 21, 2005, respectively. To date, no explanation of the cause for this two month delay has been provided which would enable the Oversight Committee to evaluate the contracts' performance or Bovis' efforts to make those contractors perform during this period. As Chairman of the Oversight Committee, I cannot allow these delays to continue without explanation. Therefore, I am requesting you to explain to Oversight Committee what physically changed with the contractors' information to extend the schedule by two additional months at the next Oversight Committee meeting on March 17, 2005.

Next, the Owner and the Committee are concerned about the current pace of work on the project. Since October the average monthly pay requisitions are approximately \$700,000, which are well below the expected pace of \$1.1 million per month. It appears that a significantly higher pace of work must be achieved to meet the August 2005 date. Therefore, I am also requesting you to explain what you are doing to insure the pace of work will be sufficient to deliver the Project by the newly established completion dates at the next Oversight Meeting.

Very truly yours,

Michael Stock, Chairman  
UCLEC Oversight Committee

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**COUNTY OF ULSTER**  
*Department of Buildings and Grounds*  
KINGSTON, NEW YORK 12401

AUG 16 2005

**Bovis Lend Lease**

DEPT. OF BUILDING AND GROUNDS  
313 Shamrock Lane  
Kingston, N.Y. 12401



HARVEY J. SLEIGHT  
*Commissioner*  
845-340-3138  
Fax #845-340-3115

August 16, 2005

AUG 16 2005

Mr. Shibel Jabaji, Vice President  
Bovis Lend Lease LMB, Inc.  
767 Warrant Road  
Ithaca, New York 14850

Re: Ulster County Law Enforcement Center

Dear Mr. Jabaji:

Following Bovis' disclosure of a delayed project completion date, we are requesting Bovis to provide updated schedules for July and August 2005, a brief narrative identifying the particular activity or activities that caused a change to the previously scheduled completion date, and any recommendations Bovis may have for the Owner. Please provide this information no later than August 22, 2005.

We look forward to your response and assure you that the County stands ready to render responses to any recommendations you may have to achieve the scheduled completion.

Very truly yours,

Harvey J. Sleight  
Commissioner

HJS:cmp

c.c. Hon. Michael Stock  
Frank Murray, Esq.  
Mark Sweeney, Esq.  
Timothy Ronan, Hill International  
Richard White, Bovis Lend Lease

COUNTY OF ULSTER  
Department of Buildings and Grounds  
KINGSTON, NEW YORK 12401

*hr*

DEPT. OF BUILDINGS AND GROUNDS  
313 Shamrock Lane  
Kingston, N.Y. 12401



HARVEY J. SLEIGHT  
Commissioner  
845-340-3138  
Fax # 845-340-3115

November 29, 2005

Dick White, Vice President  
Bovis Lend Lease LMB, Inc.  
12 Corporate Drive  
Clifton Park, NY 12065

Re: UC Law Enforcement Center

Dear Mr. White:

This letter is to confirm Ulster County Law Enforcement Center Oversight Committee's request made to Bovis Lend Lease to establish, prepare and enforce a Project completion schedule at the OACM meeting on November 17, 2005.

The creation of a schedule that establishes a coordinated flow of work will expedite completion of the work. The status of work has progressed sufficiently to allow a room by room assessment of work to complete. Contractors must identify remaining work, when it will be completed and the approximate value of work remaining. If Contractors neglect or decline to provide such information within a timely manner, Bovis with the assistance of Crandell and the Owner shall develop a completion schedule based on the best available information.

Equally critical is enforcement of this schedule. Daily coordination meetings should be held to measure progress and identify road blocks and allow a coordinated response to be prepared. Failure to progress the work must be immediately handled with all contractual means available.

Bovis is requested to prepare and distribute the completion schedule by no later than December 5, 2005 to the County and the Prime Contractors.

Very truly yours,

*Harvey J. Sleight*

Harvey J. Sleight  
Commissioner  
UC Buildings & Grounds

cc: Shibel Jabaji, Bovis Lend Lease  
Legislator Michael Stock  
Frank Murray, County Attorney  
Mark Sweeney, Esq.



**Bovis**  
Lend Lease

A Lend Lease Company

December 1, 2005 .

Ulster County Dept. of Building & Grounds  
Mr. Harvey Sleight, Commissioner  
313 Shamrock Lane  
Kingston, N.Y. 12401

Re: **Ulster County Law Enforcement Center**  
**County Letter of 11/29/05**

Dear Mr. Sleight;

I'm in receipt of your letter of 11/29/05 relative to a County request for Bovis to "establish, prepare and enforce a Project completion schedule" for the UCLEC project. It is your opinion that at some point during the 11/17/05 OACM meeting, Bovis was directed to provide this schedule and by virtue of your letter, you believe we may be remiss in our response to date. I would like to correct the issue and provide **what we believe the status to be**.

With your written approval, we issued letters to all Primes on November 11<sup>th</sup>, which formally requested that they provide various items that we felt were necessary to both protect the County and complete the project. The Primes were alerted in this letter that Bovis would not sign and/or certify any applications for payment until this documentation was received. Those items included the following;

1. Affidavit & Waiver of Lien from the Prime Contractor
2. Certified list of all subcontractors and suppliers for each Prime Contractor
3. Release of lien from all subcontractors and suppliers and a waiver of rights for any claims
4. Updated progress and delivery schedule for each Prime Contractor's work

I should note that we again this week (11/30/05) reinforced our intent to not process any requisitions for payment unless the required information was in hand. Based upon the Prime Contractors response, it appears that no one thought that we (County) **was finally serious**:

What was further noted at the OACM meeting was that to date (11/17/05), only one Prime provided any of the requested information. JD Parrella Electric provided a detailed work to complete list, as well as assigned values and completion dates. It is interesting to note that they once again failed to achieve their own dates for completion and that little of their work appears delayed by other Primes. We have received similar information from CB Strain and MSP, however neither Prime has significant contract work remaining.

During the Oversight Meeting, Shibel and I both noted that without the detailed work to complete lists and updated schedules provided by the Primes, Bovis would not be in a position to produce any schedule for completion, yet alone a schedule that the Primes would comply with. Please remember that the same process was utilized with the CCD issued 2/7/05 and the Project remains incomplete.



**Bovis**  
Lend Lease

A Lend Lease Company

Your letter clearly states what should be obvious to all relative to the intent and result of a coordinated Project schedule. Unfortunately your letter may also assume that the Prime Contractors have the desire and ability to actually complete the project. This response is flawed from the point that simply writing something on paper typically doesn't make it so. As you note, enforcement is critical to the development and completion of the Project. That simple theme is one that we wanted on the table from the very early days of our involvement. Historically support of this was lacking from the critical players until we reached the very latter stages of the project.

The Oversight Committee's recent decree that things will now happen "or else", is refreshing, but probably too late to have any significant impact. In follow up to the last Oversight Meeting, we did issue Five (5) Day Notices to Comply and we in fact have taken steps to take over that work which was not completed as required by the Notices. By the close of business today, we will have issued another Notice relative to interior painting. DCCI stated that they have no intent to repaint any surfaces that were damaged and that they would only complete their contract work. As such, we anticipate the re-assignment of their painting following the expected expiration of this Five (5) Day Notice to Comply next Friday. Our plan is to handle interior caulking and potentially fire rated expansion joints and exterior precast in the same manner.

We have issues that the "re-assignment" of work will not solve i.e. roofing and electrical work. In the cases of these two Primes, they continue to fail at progressing their work and the option to reassign does not appear a viable solution. We will continue to issue the Notices from a perspective that the documentation will aid the County in its later claims efforts. As noted, we feel that we are way too far down the pike to see major improvements from either firm and we must simply stick with the Primes and push for the best we can get.

With all this being said, I must respectfully report that we will be unable to provide any form of coordinated completion schedule by the December 5<sup>th</sup> date that you requested in your letter. Please be advised that your request is warranted and in normal situations, reasonable, but now is unrealistic given the repeated failure to perform by critical prime contractors on the project. I plan to be on site next Thursday and Friday and would be happy to discuss this issue further and in advance of the OACM and Oversight Meetings scheduled for December 15<sup>th</sup>.

Very truly yours,  
**BOVIS LEND LEASE LMB, INC.**  
As Agent for Ulster County



Richard S. White  
Vice President

RSW/m

Cc: Shibel Jabaji, Bovis Lend Lease  
file