

BERKELEY UNIFIED SCHOOL DISTRICT
Construction Bond Oversight Committee

AGENDA

January 9, 2014

6:00 – 7:30 PM

Small Conference Room

1720 Oregon Street

Berkeley, CA 94703

(510) 644-6066

1. Call to Order
2. Public Comments (limited to 10 minutes)
3. Approval of Meeting Minutes
4. Staff Report
5. Discussion of the Seismic Mitigation Program
6. Committee Member Comments
7. Monthly Report from Subcommittees
8. Schedule Future Meetings
9. Adjournment

Enclosures:

Minutes (Draft) including attachments

October 30, 2013

Facilities Modifications

December 11, 2013

Facilities Plan Update

December 11, 2013

Berkeley Unified School District

FACILITIES PLANNING DEPARTMENT

1720 Oregon Street, Berkeley, CA 94703 (510) 644-6066 Fax: (510) 644-8703

Draft Minutes of the Meeting of October 30, 2013

Members Present: Stephanie Allan Carl Bridgers Susi Marzuola
Nicolie Bolster-Ott David Goldin

Staff Present: Lew Jones, Director of Facilities
Chanita Stevenson, Administrative Coordinator

1. *Call to Order:* The meeting was called to order at 6:00 PM.
2. *Approval of Meeting Minutes:* A motion to approve the minutes was made by Member Bolster and seconded by Co-Chair Allan. The minutes were approved.
3. *Public Comments:* There were no public comments.
4. *Staff Report*

Project Updates

Current Construction

- **Jefferson:** This project is going well.
- **Berkeley High School Phase II/III:** This project is going well.
- **Hopkins:** This project has essentially been turned over.
- **King Field:** The track is open and the field is done, but closed because of the maintenance period.
- **West Campus Charter/Board Room:** This project is moving slowly. Staff is meeting with the Owner to discuss the schedule and completion date of this project. A portion of the Charter School is open, with the elevator remaining to be completed in the building. The second Charter School Building (Building E) is moving along. The Board Room is moving slowly. A recently submitted schedule shows the substantial completion date in the first week of December and final completion by the end of December. Member Bolster-Ott requested an update on the Mayor's request to utilize the Board Room. Staff noted that in the last 2x2 meeting that the Mayor expressed interest in doing this. However, the City Manager reminded the group that the City Council was on record stating that it would not happen. It would require City Council approval for this change to occur.

Projects in Design

- **Longfellow Cafeteria:** This project is going well. Co-Chair Allan asked about the Longfellow Community. Staff explained that the Community has been quiet. Staff met with the Principal. The PTA chair has been tasked with planning a meeting with the Community to discuss the exterior area of Longfellow (the area near California Street). Member Bolster-Ott hopes that the District considers removing some of the landscaping in this area. The garden

will be moved to the interior of the campus. A parent who is landscape architect has volunteered to work with the students at Longfellow to plan the garden space.

New Projects with the New Construction Notification Process

- **John Muir, Emerson, and Willard Grounds Improvement Projects:** All three sites had their first community meeting.
 - *John Muir:* 20 people (12 community members) attended the introductory meeting at John Muir. Feedback was provided from the Community on fencing and drop off. This issue may not be resolved in this project. The final Community meeting for John Muir will happen during the second week of November.
 - *Emerson:* 8 people (3 community members) attended the introductory meeting. Staff received feedback from the Community related to drop off. This issue may not be resolved in this project. The final meeting will take place in December.
 - *Willard:* 6 people (2 community members) attended the introductory meeting. Staff received feedback from the Community related to drop off. This issue may not be resolved in this project. The final meeting for Willard will take place in December.
- **Demographic Study:** Staff provided an item to the Board to explain the Cabinet's direction on how to proceed if the projections for Kindergarten and Transitional Kindergarten are too large. The Demographic Study will be completed by January and decisions for student housing will need to be made by February. The tentative plan is to house all Transitional K at Hopkins Preschool. Two Pre-K classrooms will be added at King CDC and Franklin Preschool.
- **Annual Facilities Plan:** Staff discussed the areas that Facilities is recommending for review:
 - *Educational Specifications:* The Board is interested in creating educational specifications.
 - *Longfellow:* Exterior painting
 - *Malcolm X:* Exterior painting and possible stucco replacement
- **Proposition 39:** The District applied for planning funds for energy projects at Berkeley Schools.
- **Washington Transformer:** The slats were put in the fence.

5. Committee Member Comments

- Members of the Design Review Committee will attend the upcoming Community meetings for John Muir, Emerson and Willard. Co-Chair Allan directed Staff to provide the dates of the upcoming meetings to the DRC members.

6. Reports from the Subcommittees

- There were no reports from the Committees.

7. Future Meeting Dates:

- The meeting for December 5th has been canceled. Our next meeting is scheduled for January 9, 2014.

8. Adjournment.

- The meeting adjourned at 6:46 PM.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Lew Jones, Director of Facilities
DATE: December 11, 2013
SUBJECT: Facilities Plan Modifications

BACKGROUND INFORMATION

It is time for our annual review of the Facilities Plan. The review is based on last year's Board approved plan and the last financial update. The Board approved the current Facilities Plan on March 13, 2013, and approved the last financial update on October 23, 2013. There are three steps to developing a new Facilities Plan. The first step is to determine what facility ideas are to be studied; the second step is to reallocate funds and/or modify project schedules; and the third step is the formal approval of the Facilities Plan. The Plan provides detailed project and schedule assumptions. The first step usually occurs in December, changes to the budget and schedules usually occur in January, and the new Plan is adopted in February or March.

This memo is the first step in creating a new Facilities Plan. Cabinet suggests that the following ideas be explored:

1. Consider adding a project to develop educational specifications;
2. Consider capital expenditures to improve campus safety (other improvements may be in the maintenance fund or in the General Fund);
3. Consider expanding the scope and accelerating the painting and stucco repair for two sites (Longfellow and Malcolm X);
4. Consider making some improvements to the BHS pool, including adding an ultraviolet filter;
5. Delay a few projects not ready (CTE planning) or not needed (John Muir roof) at this time;
6. Allocate inflation from the inflation reserve to the projects; and,
7. Recalculate the Risk Pool budget.

Any budget or schedule changes will affect not only the project itself, but will also change the inflation and risk pool budgets and will modify the presumed interest earnings.

DISTRICT GOAL

V-B – Parcel Tax and Bond Revenues: Provide the best possible education for all students by effectively utilizing local parcel tax and bond revenues.

POLICY/CODE

District practice to review the Facilities Plan yearly.

FISCAL IMPACT

None to study. Staff will need to return to the Board with a revised financial plan.

STAFF RECOMMENDATION

Approve the study and direct staff to prepare a recommendation on the items listed above.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: December 11, 2013
SUBJECT: Facilities Plan Update

BACKGROUND INFORMATION

This report is an update of the Facilities Construction Plan approved by the Board on March 13, 2013. Data in this report are current as of November 29, 2013. This report includes updates of all active construction projects. Maintenance projects are detailed in the Maintenance Quarterly Reports.

ELEMENTARY SCHOOLS

Emerson

<u>Project Type:</u>	<u>Grounds Improvement</u>
Date Approved by Board:	March 13, 2013
Funding Source:	Measure AA
Public Process:	Two Community meetings and three Site Committee Meetings are planned. The site was involved in architect selection.
Schematic Approval Date:	January 2014
Design Team:	To Be Determined
Project Manager:	To Be Determined
General Contractor:	To Be Determined
Current Project Budget:	\$425,000
Adjustment to Budget:	None
Schedule:	Fall 2013 Approve project manager and designer Winter 2013/14 Design finalize Spring 2014 Bid and award Summer 2014 Construction
Status:	Pre-Design
Issues:	None.
Completion Date:	October 2014
Changes since last report:	Two Site Committee Meetings were held and the mailing was sent for the Community Meeting to be held in the first week of December.
Lessons learned:	None.

John Muir

<u>Project Type:</u>	<u>Grounds Improvement</u>
Date Approved by Board:	March 13, 2013
Funding Source:	Measure AA

Public Process: Two Community meetings and three Site Committee Meetings are planned. The site was involved in architect selection.

Schematic Approval Date: January 2014

Design Team: To Be Determined

Project Manager: To Be Determined

General Contractor: To Be Determined

Current Project Budget: \$425,000

Adjustment to Budget: None

Schedule: Fall 2013 Approve project manager and designer
Winter 2013/14 Design finalize
Spring 2014 Bid and award
Summer 2014 Construction

Status: Pre-Design

Issues: None.

Completion Date: October 2014

Changes since last report: Two Site Committee Meetings were held, the mailing was sent for the Community Meeting. The Community meeting was held.

Lessons learned: None.

LeConte

Project Type: Grounds Improvement

Date Approved by Board: March 7, 2012

Funding Source: Measure AA

Public Process: Five Site Committee Meetings and one Community Meeting. The site was involved in architect selection.

Schematic Approval Date: January 2013

Design Team: Carducci & Associates

Project Manager: Turner

General Contractor: Cleary Brothers

Current Project Budget: \$425,000

Adjustment to Budget: \$9,000 Inflation adjustment on January 9, 2013.

Schedule: Fall 2012 Approve project manager and designer
Winter 2012/13 Design finalize
Spring 2013 Bid and award
Summer 2013 Construction

Status: Complete

Issues: There was concern over the proposed project.

Completion Date: December 2013

Changes since last report: The project is complete, and is being recommended for acceptance at this Board Meeting.

Lessons learned: Not all the stakeholders were included early in the process.

Washington and BAM

Project Type: Portable Replacement
Date Approved by Board: January 9, 2013
Funding Source: Measure AA
Public Process: Five Site Committee meetings at Washington and four at BAM. None are planned for King. Two Community Meetings at Washington and one at BAM. In addition, there were several informational meetings at Washington.
Schematic Approval Date: September 11, 2013
Design Team: HKIT Architects
Project Manager: Van Pelt
General Contractor: To Be Determined
Current Project Budget: \$2,658,000
Adjustment to Budget: \$145,000 on September 11, 2013.
Schedule: Winter 2012/13 Approve project manager and architect
Fall 2013 Complete Schematic design
Winter 2013/2014 Finalize design
Spring 2014 Bid and award
Summer 2014 Construction
Status: Design
Issues: Reconfiguration of portables, particularly at Washington and an interest in a more permanent solution to the street closure at Washington. The Board decided to consider the matter in September rather than June, which makes the schedule very tight.
Completion Date: October 2014
Changes since last report: The construction documents have gone from 25% complete to 90% complete. DSA submission is scheduled for the first week of December.
Lessons learned: None

Jefferson

Project Type: Expand Classes/Modernize.
Date Approved by Board: April 27, 2011
Funding Source: Measure I
Public Process: Seven Site Committee meetings and four Community Meetings were held. The site was involved in architect selection.

Schematic Approval Date: March 7, 2012
 Design Team: WLC Architects
 Project Manager: Turner
 General Contractor: BHM
 Current Project Budget: \$9,983,000
 Adjustment to Budget: \$2,747,000. Increased allocation and inflation adjustment on January 11, 2012 (\$472,000), approval for structural review (\$80,000) on September 12, 2012, approval of structural upgrade on October 24, 2012 (\$1,400,000), inflation adjustment on January 9, 2013 (\$184,000) and increase when the bids was awarded on May 8, 2013 (\$611,000) .

Schedule: Summer 2011 Architect Hired
 Winter 2011/12 Board approval of schematic design
 Fall 2012 Project submitted to DSA
 Winter 2012/13 DSA approval, project bid
 Late Spring 2013 Construction begins

Status: Construction
 Issues: Project started slowly due to competing pressures at the school.

Completion Date: October 2014
 Changes since last report: The steel has been erected for the administrative building. The slab has been poured in this area as well. Steel is being erected for the new classroom wing.

Lessons Learned: There has been some concern about outreach efforts. Regular updates may help alleviate this concern.

MIDDLE SCHOOLS

KING

Project Type: Upgrade the Large Field and Track
 Date Approved by Board: March 7, 2012
 Funding Source: Measure I
 Public Process: Site involved in architect selection. There were several Site Committee Meetings and two public meetings.

Schematic Approval Date: August 22, 2012
 Design Team: Baker Vilar Architects
 Project Manager: Turner
 General Contractor: Bothman
 Current Project Budget: \$1,158,000, includes \$7,000 in Measure AA
 Adjustment to Budget: \$222,000. The Board approved adding

\$114,000 from the balance and combining this project with a future landscape project (\$416,000) on October 10, 2012, inflation adjustment of January 9, 2013 (\$30,000), bid savings on May 22, 2013 (\$300,000) and an additional \$37,000 on September 11, 2013.

Schedule: Spring 2012 Architect hired
 Fall 2012 Design completed and submitted to DSA
 Spring 2013 Project bid
 Summer 2013 Construction begins

Status: Complete

Issues: None

Completion Date: November 2013

Changes since last report: The Board is being asked to approve the project at this Board Meeting.

Lessons learned: None

LONGFELLOW

Project Type: New Cafeteria

Date Approved by Board: January 9, 2013

Funding Source: Measure I

Public Process: There will be seven Site Committee meetings and two Community meetings.

Schematic Approval Date: Scheduled for June 26, 2013

Design Team: HKIT

Project Manager: Turner

General Contractor: To Be Determined

Current Project Budget: \$5,202,000

Adjustment to Budget: None.

Schedule: Spring 2013 Architect and project manager hired
 Summer 2013 schematic design
 Spring 2014 Project submitted to DSA
 Fall 2014 DSA approval, project bid
 Winter 2014/2015 Construction to begin

Status: Permit

Issues: Making the street crossing safer will be an issue. Coordination with the garden program is an issue.

Completion Date: January 2016

Changes since last report: The Construction Documents are now 90% complete and the project has been submitted to DSA. Both the PG&E and EBMUD applications are being completed.

Lessons Learned: To Be Determined.

Willard

Project Type: Grounds Improvement
Date Approved by Board: March 13, 2013
Funding Source: Measure I
Public Process: Two Community meetings and three Site Committee Meetings are planned. The site was involved in architect selection.
Schematic Approval Date: January 2014
Design Team: To Be Determined
Project Manager: To Be Determined
General Contractor: To Be Determined
Current Project Budget: \$425,000
Adjustment to Budget: None
Schedule: Fall 2013 Approve project manager and designer
Winter 2013/14 Design finalize
Spring 2014 Bid and award
Summer 2014 Construction
Status: Pre-Design
Issues: None.
Completion Date: October 2014
Changes since last report: Two Site Committee Meetings were held and the mailing was sent for the Community Meeting to be held in the first week of December.
Lessons learned: None.

HIGH SCHOOLS

BERKELEY HIGH

Project Type: New Building and Grounds
Date Approved by Board: Construction Phase 2 September 5, 2007,
Design Phase 3 January 9, 2008, Construction
Phase 3 April 27, 2011
Funding Source: Measure AA and Measure I
Public Process: Five Site Committee Meetings, one Community meeting and Board approval (shared with stadium project). Site Committee involved in architect selection. Earlier meetings were held in developing the master plan.
Schematic Approval Date: August 20, 2008
Design Team: Baker Vilar Architects
Project Manager: Van Pelt
General Contractor: Alten Construction
Current Project Budget: \$31,590,000, includes \$1,134,000 in Measure AA

Adjustment to Budget: \$28,089,000. Inflation adjustment of \$280,000 on January 9, 2008, adding design of Phase 3 of \$2,800,000 on January 9, 2008, inflation adjustment of \$302,000 on January 14, 2009, inflation and slight scope adjustment of \$918,000 on January 13, 2010, approval of Measure I construction phase and inflation adjustment of \$28,438,000 on April 27, 2011, inflation adjustment of \$351,000 on January 11, 2012, adjustment to decrease the budget by \$5,000,000 on April 11, 2012.

Schedule: Late Fall 2007 Architect Hired for Phase 2
Late Spring 2008 Architect hired for Phase 3
Early Spring 2009 and Summer 2010 Project submitted to DSA
Winter 2010/11 DSA approval, project bid
Late Spring 2012 Construction begins

Status: Construction

Issues: Coordination with Phase 1, combining the two phases into one project, portable removal and other logistical challenges.

Completion Date: November 2014

Changes since last report: The interior painting is now 80% complete and the exterior painting is 50% complete. The glazing is completed. The boiler is working. The electrical wiring is approximately 80% complete. The ceramic tile installation has begun and is complete on the 2nd and 3rd floors. Cabinet installation has begun.

Lessons Learned: Site communication on identifying and removing stored material was problematic.

Project Type: Science Labs

Date Approved by Board: April 27, 2011

Funding Source: Measure I

Public Process: There have been two Site Committee meetings.

Schematic Approval Date: June 27, 2012

Design Team: HMC Architects

Project Manager: Van Pelt

General Contractor: To Be Determined

Current Project Budget: \$840,000

Adjustment to Budget: (\$87,000). Inflation increase on January 11, 2012 (\$9,000), reducing the project to two classrooms on October 24, 2012 (\$236,000), inflation allocation on January 9, 2013)

Schedule: (\$15,000), and increase for fire sprinklers on September 11, 2013 (\$109,000).
 Spring 2012 Architect and project manager hired
 Spring 2012 schematic design
 Fall 2012 Project submitted to DSA
 Spring 2013 DSA approval, project bid
 Summer 2013 Construction begins.

Status: Permit

Issues: DSA's new interpretation that fire sprinklers are required will delay construction.

Completion Date: September 2014.

Changes since last report: DSA review is scheduled for early December.

Lessons Learned: Better communication between the High School and the Superintendent may have permitted the third classroom to be approved.

B-TECH

Project Type: Science Lab and Modernization

Date Approved by Board: January 9, 2013

Funding Source: Measure I

Public Process: There will be several Site Committee meetings.

Schematic Approval Date: Scheduled for June 12, 2013

Design Team: WLC Architects

Project Manager: Van Pelt

General Contractor: To Be Determined

Current Project Budget: \$755,000

Adjustment to Budget: \$48,000. Added funds to cover the estimate on September 11, 2013 (\$48,000)

Schedule: Spring 2013 Architect and project manager hired
 Summer 2013 schematic design
 Fall 2013 Project submitted to DSA
 Spring 2014 DSA approval, project bid
 Summer 2014 Construction begins.

Status: Permit

Issues: None

Completion Date: October 2014

Changes since last report: The Construction Documents are 90% complete and have been submitted to DSA.

Lessons Learned: None

OTHER SITES

HOPKINS PRE SCHOOL

Project Type: Modernization

Date Approved by Board: April 27, 2011

Funding Source:	Measure AA
Public Process:	There have been several Site Committee meetings and one Community meeting.
Schematic Approval Date:	June 27, 2012
Design Team:	HKIT Architects
Project Manager:	Turner
General Contractor:	Sausal
Current Project Budget:	\$1,760,000
Adjustment to Budget:	\$580,000. Inflation increase on January 11, 2012 (\$12,000), increase to add fire alarm on April 11, 2012 (\$54,000), project scope increased on June 27, 2012 (\$525,000), inflation adjustment on January 9, 2013 (\$35,000), release of some contingencies on September 11, 2013 (\$46,000).
Schedule:	Spring 2012 Architect and project manager hired Spring 2012 schematic design Fall 2012 Project submitted to DSA Spring 2013 DSA approval, project bid Summer 2013 Construction to begin
Status:	Punch List
Issues:	The scope was adjusted to account for code and programmatic issues.
Completion Date:	December 2013
Changes since last report:	Most of the punch list has been completed.
Lessons Learned:	To Be Determined.

KING AND FRANKLIN PRE SCHOOL

Project Type:	<u>Addition</u>
Date Approved by Board:	January 9, 2013
Funding Source:	Measure I
Public Process:	There will be three Site Committee meetings and two Community meetings.
Schematic Approval Date:	To Be Determined
Design Team:	WLC Architects
Project Manager:	Turner
General Contractor:	To Be Determined
Current Project Budget:	\$3,101,000
Adjustment to Budget:	None.
Schedule:	Spring 2013 Architect and project manager hired Summer 2013 schematic design Late Fall 2013 Project submitted to DSA

Status: Spring 2014 DSA approval, project bid
 Summer 2014 Construction to begin
 Design
 Issues: No decision has been made of which spaces will
 be used for transitional kindergarten and which
 will be used for pre-school.
 Completion Date: October 2014
 Changes since last report: King has been submitted to DSA and approved
 for bidding. Franklin will be submitted to DSA
 in a few weeks.
 Lessons Learned: To Be Determined.

WEST CAMPUS

Project Type: District Office Project
Date Approved by Board: August 20, 2008
Funding Source: Measure AA and Measure I
Public Process: Two Site Committee Meetings, one Community
 Meeting, approval by BUSD Board, approval by
 Design Review (City), approval by Zoning (City).
 Earlier Community Meetings were held on earlier
 project scopes.
Schematic Approval Date: August 20, 2008 and September 10, 2008
Design Team: Baker Vilar Architects.
Project Manager: Parsons
General Contractor: Angotti and Reilly
Current Project Budget: \$14,750,000, includes \$4,846,000 from Measure
 AA
Adjustment to Budget: (\$237,000). Inflation adjustment of \$1,200,000
 on January 14, 2009, inflation adjustment of
 \$1,028,000 on January 13, 2010, adjustment
 after bid approval of (\$2,715,000) on September
 22, 2010, adjustment at 2012 Plan adoption to
 account for change orders (\$250,000).
Schedule: Fall 2008 Architect Hired
 Summer 2009 Project submitted to DSA
 Spring 2010 DSA approval, project bid
 Summer 2010 Construction begins
Status: Construction
Issues: The project detailed does not include earlier
 design proposals. There were problems with the
 installation of temporary power. The contractor
 was uncooperative.
Completion Date: December 2013
Changes since last report: The windows were installed. One lighting
 control training was held and a second one is

Lessons Learned: scheduled.
The project manager requiring monthly schedule updates may have highlighted problems earlier.

Project Type: Board Room
Date Approved by Board: August 20, 2008
Funding Source: Measure AA
Public Process: Two Site Committee Meetings, one Community Meeting, approval by BUSD Board, approval by Design Review (City), approval by Zoning (City). Earlier Community Meetings were held on earlier project scopes.
Schematic Approval Date: No one date.
Design Team: Baker Vilar Architects
Project Manager: Turner
General Contractor: D.L. Falk
Current Project Budget: \$3,334,000
Adjustment to Budget: \$2,984,000. Significant scope adjustment, including adding City into project (\$1,258,000) on September 22, 2010, inflation adjustment (\$142,000) on April 27, 2011, recognition that the City will not partner and inflation adjustment on January 11, 2012 (\$241,000), inflation adjustment and to account for a re-estimated project on January 9, 2013 (\$750,000), and an increase of \$593,000 at bid to increase the scope of work and also to account for inflation from January 1, 2013.
Schedule: Early Spring 2010 Architect Hired
Late Spring 2011 Project submitted to DSA
Summer 2012 Revised Plan Submitted to DSA
Fall 2012 Construction begins
Status: Construction
Issues: We have had some difficulty connecting with the artists for the mural which was on the south wall.
Completion Date: January 2014
Changes since last report: The wallboard has been installed and the taping is done.
Lessons Learned: Earlier formal City approval to participate in the project would have saved time and some money.

Project Type: Charter School With CTE Possibilities
Date Approved by Board: April 27, 2011

Funding Source:	Measure AA
Public Process:	Three Site Committee Meetings and Two Community Meetings. Site Committee participated in architect selection.
Schematic Approval Date:	December 14, 2011
Design Team:	Beverly Prior/HMC Architects
Project Manager:	Turner
General Contractor:	D.L. Falk
Current Project Budget:	\$7,609,000
Adjustment to Budget:	\$2,608,000. Budget was increased by \$1,000,000 on August 31, 2011 because an additional building was added when initial programming was completed and increased on January 11, 2012 to add seismically strengthening a wall and for inflation adjustment, library demolition added to the project (\$762,000) and the budget was adjusted to add one roof and to account for a low estimate by the architect in August 2011 (\$950,000), inflation adjustment on January 9, 2013 (\$154,000), final lower bid adjustment (\$258,000).
Schedule:	Summer 2011 Architect Hired Summer 2012 Project submitted to DSA Fall 2012 DSA approval, project bid Winter 2012/13 Construction begins
Status:	Construction
Issues:	There has been some discussion of equivalent facilities. There is some concern that the current plan calls for continued use of the District's three classrooms in the administration building.
Completion Date:	December 2013
Changes since last report:	The elevator installation began and is approximately 70% complete. The metal framing was completed and the drywall and taping has been completed in the "red" building. The paving has been done. Work on University is schedule for winter break.
Lessons Learned:	To Be Determined.