

CHAIR
Betty Reinbeck

COMMISSIONERS
William D. Darby
Douglas M. Hartman
Brant C. Ince
Virginia Hermosa
Michael Novak
Alvin Shaw



EXECUTIVE DIRECTOR
Terry Keel

TEXAS FACILITIES COMMISSION

Minutes No. 55: Minutes of the July 17, 2013 Public Meeting of the Texas Facilities Commission in Austin, Travis County, Texas.

After providing notice as required by the Texas Open Meetings Act, the Texas Facilities Commission held an open meeting at the Central Services Building, 1711 San Jacinto Boulevard, in Conference Room 402, Austin, Texas, on Wednesday, July 17, 2013 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Hermosa, Darby, Shaw, and Novak were also present. Commissioner Ince and Hartman were absent.

I. Call to Order.

Chair Reinbeck called the meeting to order at 10:00 a.m.

II. Presentation of State Service Awards.

The following employees were recognized for their state service by the Commission.

Victor Green Twenty years (Facilities Maintenance)
Lisa Calem-Lindstrom Twenty years (Legal)

III. Approval of the minutes from the May 15, 2013 Open Meeting.

The Commission voted unanimously to approve the minutes from the previous meeting with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Darby.

IV. Public Comment.

There was no public comment.

V. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date before July 17, 2013.

Renewals

- 1. #1700 - Health and Human Services Commission/ Department of Family and Protective Services/ Department of State Health Services/Department of Aging and Disability Services: Gilmer, TX.**

2. #7313 - Health and Human Services Commission: El Paso, TX.
3. #10122 - Health and Human Services Commission/ Department of Family and Protective Services: Socorro, TX.
4. #10147 - Health and Human Services Commission/ Department of Family and Protective Services/ Department of State Health Services/Department of Aging and Disability Services: Laredo, TX.

Leases and/or Amendments Pending Execution with Commencement Date on or after July 17, 2013.

Replacements

5. #303-4-20373 - Health and Human Services Commission/Department of Aging and Disability Services: Lake Jackson, TX.
6. #303-4-20376 - Department of Family and Protective Services: Granbury, TX.

Renewals

7. #20002 - Health and Human Services Commission/Texas Juvenile Justice Department: Austin, TX.

The Commission voted unanimously to approve the above leases with a motion to approve made by Commissioner Darby and a second to approve the motion made by Commissioner Shaw.

VI. Consideration and possible action to approve a construction contract award for the Disaster Recovery Operations Center fire protection, electrical, heating, ventilation, and air conditioning components retrofit, Project No. 12-017-6414, in Austin, Texas.

The Commission voted unanimously to approve a construction contract award to Rosecrans Service Company in the amount of \$3,158,987 for the Disaster Recovery Operations Center fire protection, electrical, heating, ventilation, and air conditioning components retrofit, Project No. 12-017-6414, in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Novak.

VII. Consideration and possible action to approve a construction manager-at-risk contract award for multiple TFC Buildings and multiple systems including fire protection, electrical, security and mechanical, in Austin, Texas: Project Nos. 12-004-6401 DSHS Tower Building, 12-005-6402 DARS Building, 12-006-6403 William P. Hobby Building, 12-008-6405 Robert E. Johnson Building, 12- 009-6406 Thomas J. Rusk Building, 12-010-6407 William P. Clements Building, 12-011-6408 Brown-Heatly Building and 12-012-6409 Park 35 Campus.

The Commission voted unanimously to approve a construction manager-at-risk contract award to Balfour Beatty Construction in the amount of \$11,342,900 for the renovation of multiple TFC Buildings and multiple systems including fire protection, electrical, security and mechanical, in Austin, Texas: Project Nos. 12-004-6401 DSHS Tower Building, 12-005-6402 DARS Building, 12-006-6403 William P. Hobby Building, 12-008-6405 Robert E. Johnson Building, 12-009-6406 Thomas J. Rusk Building, 12-010-6407 William P. Clements Building, 12-011-6408 Brown-Heatly Building and 12-012-6409 Park 35 Campus, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Shaw.

VIII. Consideration and possible action to approve a construction manager-at-risk contract award for the renovation of all restrooms in the East, West and South Towers of the John H. Winters Building Complex, Project Nos. 12-003-6324 and 13-008-6429, in Austin, Texas.

The Commission voted unanimously to approve a construction manager-at-risk contract award to Balfour Beatty Construction in the amount of \$3,763,000.00 for the renovation of all restrooms in the East, West and South Towers of the John H. Winters Building Complex, Project Nos. 12-003-6324 and 13-008-6429, in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Darby.

IX. Consideration and possible action to approve a construction manager-at-risk contract award for the renovation of mechanical, electrical, plumbing, security, elevator, building envelope, and fire protection systems, in Austin, Texas: Project Nos. 12-021-6418 Price Daniel, Sr. Building, 12-022-6419 Insurance Building, 12-023-6420 Supreme Court Building, and 12-024-6421 John H. Reagan Building.

The Commission voted unanimously to approve a construction manager-at-risk contract award to Balfour Beatty Construction in the amount of \$4,273,000.00 for the renovation of mechanical, electrical, plumbing, security, elevator, building envelope, and fire protection systems, in Austin, Texas: Project Nos. 12-021-6418 Price Daniel, Sr. Building, 12-022-6419 Insurance Building, 12-023-6420 Supreme Court Building, and 12-024-6421 John H. Reagan Building, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Shaw.

X. Consideration and possible action to approve a construction contract change order for the Texas Department of Public Safety Houston Crime Lab Remodel, Project No. 08-007A-0405, in Houston, Texas.

The Commission voted unanimously to approve a construction contract change order to J.E. Dunn Construction in the amount of \$154,996.25 for the Texas Department of Public Safety Houston Crime Lab remodel, Project No. 08-007A-0405, in Houston, Texas, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Shaw.

XI. Consideration and possible action to approve an architectural/engineering professional services contract award for the TFC Capitol Complex Master Plan, Project No. 13-001-6035, HHSC North Austin Development Study, Project No. 12-032-6018, and the Adjutant General Department Hospitality Facility Analysis, Project No. 12-034-6025.

The Commission voted unanimously to approve an architectural/engineering professional service contract award to Page Southerland Page, LLP in an amount not to exceed \$1,679,000.00 for the TFC Capitol Complex Master Plan, Project No. 13-001-6035, HHSC North Austin Development Study, Project No. 12-032-6018, and the Adjutant General Department Hospitality Facility Analysis, Project No. 12-034-6025, and in response to SB 211, TFC is not pursuing any public private partnership assessments in the Capitol Complex as part of this contract, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Darby. In addition, Ms. Kay Molina, General Counsel told the Commission that at this time TFC will only enter into a contract for \$649,102 and will amend the contract if additional money is found for the project not to exceed \$1,679,000.00.

XII. Consideration and possible action to propose new rule, Texas Administrative Code, Title 1, Section 111.25, entitled "Negotiated Rulemaking," and to approve publication of the proposed rule in the Texas Register.

The Commission voted unanimously to approve the new rule, Texas Administrative Code, Title 1, Section 111.25, entitled “Negotiated Rulemaking,” and to approve publication of the proposed rule in the Texas Register, with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Shaw.

XIII. Report from the Executive Director and executive staff on facilities design, construction projects, facilities leasing, facilities operations, maintenance, energy management and legislation.

Ms. Kay Molina, General Counsel gave the Commissioners a brief update on Senate Bill 211 TFC Sunset bill, and legislation passed that affects TFC during the 83rd Legislative Session. In addition, Ms. Molina gave an update on the transfer of maintenance responsibilities for the Texas School for the Blind and Visually Impaired and Texas School for the Deaf to TFC effective September 1, 2013. Mr. Terry Keel, Executive Director, requested Commission participation on a workgroup for the newly required planning development rules and recommend Commissioners Darby and Ince for the workgroup. In addition Mr. Keel gave a brief update the Governor’s line-item veto in HB 1025.

XIV. Report on the Energy Management and Water Conservation Program.

John Raff, Deputy Executive Director of Facilities Design and Construction, gave a brief update on the Energy Management and Water Conservation Program and updated the Commission on the most recent efforts regarding the Energy Efficiency and the Sustainability Campaign.

XV. Report from the Chief Financial Officer on the monthly financial report update.

Ms. Diana Warner, Chief Financial Officer, provided the monthly financial report including the agency forecast, operating expense report, year to date budget adjustments, cost recovery programs results of operations, the revenue forecast, and the financial transactions and appropriations not included in the operating budget.

XVI. Consideration and possible action to approve the FY14 Operating Budget.

The FY 14 Operating Budget was presented by Ms. Diana Warner, Chief Financial Officer. Thereafter, the Commission voted unanimously to approve the FY 14 Operating Budget with a motion to approve made by Commissioner Shaw and a second to approve the motion made by Commissioner Darby.

XVII. Monthly Status Report from the Director of Internal Audit.

- a. Management Letter – Update on External Audits and Review Activities.**
- b. Review of “TFC’s Sources and Uses of Funds”**

Mr. Mark Scott, Director of Internal Audit, gave the Commission an overview of “TFC’s Sources and Uses of Funds” audit as well as made comments regarding the TFC performance measures audit performed by the State Auditor’s office. Thereafter, Ms. Diana Warner, Chief Financial Officer addressed how TFC would meet the finding in the SAO audit

XVIII. Review of the Executive Director and consideration and possible action regarding a salary increase.

The Commission voted unanimously to approve the raise for the Executive Director as approved by the Legislature.

XIX. Recess into CLOSED session, if necessary, pursuant to Texas Government Code Chapter 551 for the following purposes:

- a. Pending and potential litigation, Section 551.071.
- b. The appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director and executive management staff, Section 551.074. The duties, roles, and responsibilities as Commissioners of the Texas Facilities Commission, Section 551.074.
- c. The deliberation regarding purchase, exchange, lease, or value of real property Section 551.072.
- d. All matters identified in this agenda where the commission votes unanimously that deliberation in an open meeting of business and financial issues relating to a contract being negotiated would have a detrimental effect of the position of the State in negotiations with a third person and in which the General Counsel has issued a determination in writing, Section 551.0726.
- e. Any matters identified in this agenda where the Commissioners seek the advice of their attorney, Section 551.071.

Chair Reinbeck recessed the meeting to convene in Executive Session at 11:55 a.m.

XX. Reconvene in open meeting and consider action on matters discussed in Executive Session.

Chair Reinbeck reconvened the meeting at 1:12 p.m.

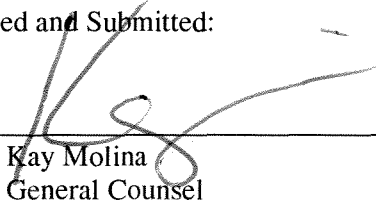
XXI. Consideration and possible action, if necessary, on any issue discussed during Executive Session.

XXII. Adjournment.

Chair Reinbeck adjourned the meeting at 1:13 p.m.


Reviewed and Submitted:

By: _____


Kay Molina
General Counsel

Approved by the Commission on August 21, 2013

By: _____


Betty Reinbeck
Chair