

CHAIR
Betty Reinbeck

COMMISSIONERS
William D. Darby
Virginia Hermosa
Brant C. Ince
Michael Novak
Jack W. Perry
Alvin Shaw



EXECUTIVE DIRECTOR
Terry Keel

TEXAS FACILITIES COMMISSION

Minutes No. 62: Minutes of the May 21, 2014 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, May 21, 2014 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Hermosa, Shaw and Novak were also present. Commissioners Ince, Darby and Perry were absent.

I. Call to Order.

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

II. Approval of the minutes from the March 19, 2014 Open Meeting.

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

III. Public Comment.

There was no public comment.

IV. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after May 21, 2014.

New Lease

- 1. #20399 – Department of Motor Vehicles: Houston, TX.**

Replacement Leases

- 2. #20390 – Texas Department of Criminal Justice: Houston, TX.**
- 3. #303-5-20422 – Office of the Attorney General: Laredo, TX.**

4. **#303-5-20427 – Texas Department of Criminal Justice: Rosenberg, TX.**

Renewals

5. **#303-9-10341 – Department of Family and Protective Services: Brownsville, TX.**
6. **#303-8-10683 – Department of Family and Protective Services: Lubbock, TX.**

Renewals/Add Spaces

7. **#8499 – Texas Department of Criminal Justice: Temple, TX.**
8. **#10640 – Health and Human Services Commission/Department of Family and Protective Services/Department of Aging and Disability Services: Dallas, TX.**

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

In addition Chair Reinbeck asked Mr. Peter Maass, Deputy Executive Director of Planning and Real Estate Management Division to provide the Commission information regarding “Action Needed” for Lease

#1508 and Lease #10058 both located in Pasadena, Texas.

- V. **Consideration and possible action to approve the award of a construction manager-at-risk contract for the 2010-2011, 2012-13 and 2014-15 deferred maintenance life safety deficiencies and HVAC and electrical upgrades at the John H. Winters Building, Project Nos. 10-014-6312, 12-016-6413, 14-027-4115, and the Sam Houston Building, Project Nos. 12-014-6411, 12-015-6412, 14-026-4114 in Austin, Texas.**

The Commission voted unanimously to approve a construction manager-at-risk contract to J.T. Vaughn Construction, LLC in the amount of \$8,124,790.00, for 2010-2011,2012-2013,2014-2015deferred maintenance life safety deficiencies and HVAC and electrical upgrades at the John H. Winters Building, Project Nos. 10-014-6312, 12-016-6413, 14-027-4115, and the Sam Houston Building, Project Nos. 12-014-6411, 12-015-6412, 14-026-4114 in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Hermosa.

- VI. **Consideration and possible action to approve an architectural/engineering professional services contract amendment for the John H. Winters Complex Restroom Replacement, Project No. 12-003-6324 in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment to CasaBella Architects in the amount of \$5,000.00 for the John H. Winters Complex Restroom Replacement, Project No. 12-003-6324 in Austin, Texas, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Shaw.

- VII. **Consideration and possible action to approve a change order to the construction manager-at-risk contract for the replacement of the multiple HVAC air handling units in the Lyndon B. Johnson State Office Building, Project Nos. 12-019-6416 and 14-023-4111, in Austin, Texas.**

The Commission voted unanimously to approve a change order to the construction manager-at-risk contract with Flintco Construction Inc., in the amount of \$2,988,877.00 for the replacement of the multiple HVAC air handling units in the Lyndon B. Johnson State Office Building, Project Nos. 12-019-

6416 and 14-023-4111, in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Hermosa.

VIII. Consideration and possible action to approve a change order to the construction manager-at-risk contract for deferred maintenance in the Price Daniel, Sr. Building, Project No. 12-021-6418, the State Insurance Building, Project No. 12-022-6419 and the John H. Reagan Building, Project No. 12-024-6421, in Austin, Texas.

The Commission voted unanimously to approve a change order to the construction manager-at-risk contract with Balfour Beatty Construction in the amount of \$1,330,435.00 for deferred maintenance in the Price Daniel, Sr. Building, Project No. 12-021-6418, the State Insurance Building, Project No. 12-022-6419 and the John H. Reagan Building, Project No. 12-024-6421, in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Shaw.

IX. Consideration and possible action to approve the award of a construction manager-at-risk contract for the Texas School for the Deaf Campus Wide Improvements; Project No. 14-028-1440, in Austin, Texas.

The Commission voted unanimously to approve a construction manager-at-risk contract award to Jamail & Smith Construction, LP in the amount of \$2,893,050.00 for the Texas School for the Deaf Campus Wide Improvements, Project No. 14-028-1440, in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Hermosa.

X. Consideration and possible action to approve the award of indefinite delivery indefinite quantity contracts for heating, ventilation and air conditioning testing, adjusting and balancing professional engineering services.

The Commission voted unanimously to approve the award of three indefinite delivery indefinite quantity contracts for heating, ventilation and air conditioning testing, adjusting and balancing professional engineering services to the following three firms: Campos Engineering, Inc., Delta-T Ltd., and Lackey de Carvajal Cx, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Hermosa.

XI. Consideration and possible action to adopt new rule Chapter 121, Comprehensive Planning and Development Process, Texas Administrative Code, Title 1, Part 5, as proposed in 39 Tex. Reg. 1558, and to approve publication of the adopted rule chapter in the Texas Register.

The Commission voted unanimously to adopt new rule Chapter 121, Comprehensive Planning and Development Process, Texas Administrative Code, Title 1, Part 5, as proposed in 39 Tex. Reg. 1558, and to approve publication of the adopted rule chapter in the Texas Register, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Hermosa.

XII. Consideration and possible action to propose new rule, Texas Administrative Code, Title 1, Section 111.33, entitled "Alternative Dispute Resolution," and to approve publication of the proposed rule in the Texas Register for public comment.

The Commission voted unanimously to approve the new rule, Texas Administrative Code, Title 1, Section 111.33, entitled "Alternative Dispute Resolution," and to approve publication of the proposed rule in the Texas Register for public comment, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Shaw.

XIII. Briefing on the 2014 Facilities Master Plan Report.

Mr. Peter Maass, Deputy Executive Director of Planning and Real Estate Management Division, informed the Commission that staff is in the process of finalizing the report and that the plan is similar to the one published last biennium with the addition of the schools, updated initiatives, and updated data for the appendices. Mr. Maass also informed Commission the report will be ready for final review at the June Commission meeting.

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

Mr. Terry Keel, Executive Director, informed the Commission that the Capitol Complex Child Care Center will be temporarily closed on June 1, 2015 for extensive renovations, with the reopening date scheduled for September 1, 2015.

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

Commissioner Novak informed the Commission that the Energy Management Work Group met on April 15, 2014 and that staff is doing a great job and making good progress. Commissioner Novak also informed the Commission that the next meeting will be June 10, 2014.

XVI. 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.

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

a. Audit of Selected Purchasing Practices at TFC.

Mr. Mark Scott, Director of Internal Audit, updated the Commission on the audit on selected purchasing practices at TFC. Mr. Scott also informed the Commission that he met with Chair Reinbeck and Commissioner Hermosa on Monday May 19, 2014.

In addition, Chair Reinbeck informed the Commission that she, Commissioner Hermosa and Kay Molina, General Counsel, will be meeting to review the service contracts and the Commission policies regarding these contracts to determine if they need to be amended.

XVIII. Briefing on *Harvey-Cleary Builders v. TFC*, OAG No. 133436535.

Kay Molina, General Counsel informed the Commission that there is no update at this time.

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.

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

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

XXII. Adjournment.

Chair Reinbeck adjourned the meeting at 11:02 a.m.

Reviewed and Submitted:

By: _____


Kay Molina
General Counsel

Approved by the Commission on June 18, 2014.

By: _____


Betty Reinbeck

Chair