

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. 66: Minutes of the October 15, 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, October 15, 2014 commencing at 10:01 a.m. Chair Reinbeck presided, and Commissioners Hermosa, Darby, Ince, Shaw, Novak and Perry were also present.

I. Call to Order.

Chair Reinbeck called the meeting to order at 10:01 a.m.

II. Service Awards.

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

Eva Dechene	Twenty-five years (Records Management & Mail Operations)
Charlvin Doty	Twenty-five years (Warehouse & Fleet Maintenance)

III. Approval of the minutes from the August 20, 2014 Open Meeting.

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

IV. Public Comment.

There was no public comment.

V. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after October 15, 2014.

New Lease

1. #303-5-20451 – Texas Department of Public Safety: Paris, TX.

Replacement Leases

2. #303-5-20457 – Office of the Attorney General: Corpus Christi, TX.

3. #303-5-20433 – Texas Department of Criminal Justice: Palestine, TX.

Renewals

4. #8785 – Office of the Attorney General: Jourdanton, TX.
5. #1642 – Texas Department of Criminal Justice: Austin, TX.

Add Spaces

6. #20152 – Texas Veterans Commission: Austin, TX.
7. #1759 – Department of State Health Services/Department of Aging and Disability Services/Department of Assistive and Rehabilitative Services: Arlington, 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.

- VI. Consideration and possible action to approve an architectural/engineering professional services contract amendment for deferred maintenance for the Brown Heatly Building, Project No. 14-009-6459 and the William P. Hobby Towers I, II & III, Project No. 14-010-6460, in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment for Jacobs Engineering Group, Inc. in the amount of \$125,000.00 for deferred maintenance for the Brown-Heatly Building, Project No. 14-009-6459 and the William P. Hobby Towers I, II, & III, Project No. 14-010-6460 in Austin, Texas, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Perry.

- VII. Consideration and possible action to approve the award of a construction manager-at-risk contract for the Lyndon B. Johnson Building Fourth Floor Renovation, Project No. 14-016-6462, in Austin, Texas.**

The Commission voted unanimously to approve the award of a construction manager-at-risk contract in the amount of \$2,100,000.00 to Balfour Beatty Construction for the Lyndon B. Johnson Building for Fourth Floor Renovations, Project No. 14-016-6462 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 an architectural/engineering professional services contract amendment for deferred maintenance for the William B. Travis Building, Project No. 12-018-6415, the Lyndon B. Johnson Building, Project No. 12-019-6416 and the Stephen F. Austin Building, Project No. 12-020-6417, in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment for Tom Green & Company Engineers, Inc. in the amount of \$129,200.00 for deferred maintenance for the William B. Travis State Office Building, Project No. 12-018-6415, the Lyndon B. Johnson Building, Project No. 12-019-6416 and the Stephen F. Austin Building, Project No. 12-020-6417 in Austin, Texas., with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Hermosa.

- IX. Consideration and possible action to approve an architecture/engineering professional services contract for the Texas Department of Public Safety 2014-15 Deferred Maintenance Program, Project Group 6, for the Austin Headquarters Campus, Project No. 14-034-0405 and the Northwest Area Office, Project No. 14-035-0405, in Austin, Texas.**

The Commission unanimously voted to approve an architectural/engineering professional services contract with McKinney Architects, Inc., dba McKinney York Architects, in the amount of \$1,050,000.00 for the Texas Department of Public Safety 2014-2015 Deferred Maintenance Program, Project Group 6 for the Austin Headquarters Campus, Project No.14-034-0405 and the Austin Northwest Area Office, Project No. 14-035-0405 in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Darby.

X. Consideration and possible action to approve an architectural/engineering professional services contract amendment for the Texas School for the Blind and Visually Impaired Campus Wide Improvements, Project No. 08-013C-0771, in Austin, Texas.

The Commission unanimously voted to approve an architectural/engineering professional services contract amendment for Graeber Simmons & Cowan Architects in the amount not to exceed \$19,976.00 for the Texas School for the Blind and Visually Impaired Campus Wide Improvements, Project No. 08-013C-0771 in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

XI. Consideration and possible action to approve an indefinite delivery indefinite quantity professional services contract amendment for the Capitol Complex Child Care Facility Renovation, Project No. 13-015-3301, in Austin, Texas.

The Commission voted unanimously to approve an amendment to the indefinite delivery indefinite quantity contract for professional services with Steinbomer & Associates, Architects, Inc., dba Steinbomer Bramwell & Vrazel Architects, in the amount of \$121,397.00 for the Capitol Complex Child Care Facility Renovation, Project No. 13-015-3301 in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Ince.

XII. Report on emergency delegation to the executive director pursuant to commission policy to approve a construction manager-at-risk contract amendment for the interior improvements to the Health and Human Services Commission Service Building, Project No. 13-016-6044, in Austin, Texas.

Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, gave the Commission a brief update on the emergency delegation to the executive director pursuant to commission policy to approve a construction manager-at-risk contract amendment for Structure Tone Southwest, Inc. in the amount of \$693,258.50 for the interior improvements to the Health and Human Services Commission Service Building, Project No. 13-016-6044, in Austin, Texas. No action was taken.

XIII. Consideration and possible action to approve the award of a Construction Manager-at-Risk contract for the 2014-15 Deferred Maintenance on the Brown-Heatly Building, Project No. 14-009-6459 in Austin, Texas and the William P. Hobby Building, Project No. 14-010-6460, in Austin, Texas.

The Commission voted unanimously to approve the award of a construction manager-at-risk contract to Balfour Beatty Construction, LLC in the amount of \$5,895,776.00 for the 2014-2015 Deferred Maintenance on the Brown-Heatly Building, Project No. 14-009-6459 and the William P. Hobby Building, Project No. 14-010-6460 in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Darby.

XIV. Consideration and possible action to approve the membership of the advisory committee for the 2015 review of the State of Texas Uniform General Conditions for Construction Contracts.

The Commission voted unanimously to approve the membership of the advisory committee for the 2015 review of the State of Texas Uniform General Conditions for Construction Contracts with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Hermosa.

XV. Consideration and possible action to approve commencement of a rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 122, entitled Space Management, and publication of required notice of intent to review in the *Texas Register*.

The Commission unanimously voted to approve commencement of a rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 122, entitled Space Management, and publication of the required notice of intent to review in the *Texas Register*, with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Darby.

XVI. 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 TFC should be receiving the preliminary draft report from the Sunset Commission this week. Mr. Keel also informed the Commission that the Commission's Planning and Development Work Group met following the August 20, 2014 Commission meeting, and as a result TFC is ready to forward the Public Private Partnership Guidelines to the Partnership Advisory Commission for its required review and comment. Once the guidelines are revised they will be presented to the Commission for a final review and approval. Thereafter, Mr. Keel introduced members of the State Surplus Property Division staff in attendance. Finally, Ms. Kay Molina, General Counsel, recognized Mr. Tommy Oates, Deputy Executive Director of Risk Management and Human Resources, for being inducted into the Union College Athletic Hall of Fame.

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

Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, informed the Commission that the Energy Management Program continues to complete a more rigorous review of utility bills to verify their accuracy and to identify anomalies, collaborate with project management staff on deferred maintenance projects, and focus on the load cooperative agreement with Austin Energy. In addition, Commission Novak informed the Commission that the Energy Workgroup had a great meeting on Tuesday, October 14, 2014, and he continues to be pleased with its progress.

XVIII. 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.

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

Mr. Mark Scott, Director of Internal Audit, gave the Commission a brief update on the State Auditor's *Audit Report on Selected Contracts at the Texas Facilities Commission*.

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

Ms. Kay Molina, General Counsel, informed the Commission that TFC has settled the dispute and met all the requirements of the settlement and is waiting on Harvey-Cleary to file a motion to dismiss with the State Office of Administrative Hearings.

XXI. Consideration and possible action concerning the appointment, employment, evaluation, reassignment, duties, discipline, and/or dismissal of the Director of Internal Audit and the Executive Director.

XXII. 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 11:16 a.m.

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

Chair Reinbeck reconvened the meeting at 1:33 p.m.


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

Regarding Agenda Item XXI, the Commission voted unanimously to have the General Counsel engage an independent third party audit firm to complete the audit of the Human Resources Division, with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Shaw.

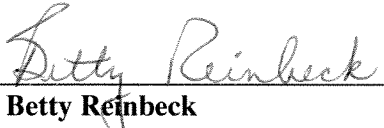
XXV. Adjournment.

Chair Reinbeck adjourned the meeting at 1:34pm.

Reviewed and Submitted:

By: 
Kay Molina
General Counsel

Approved by the Commission on November 19, 2014.

By: 
Betty Reinbeck
Chair