

**CHAIR**  
Betty Reinbeck

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



**EXECUTIVE DIRECTOR**  
Harvey Hilderbran

## **TEXAS FACILITIES COMMISSION**

Minutes No. 71: Minutes of the March 18, 2015 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, March 18, 2015 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners, Novak, Shaw and Perry were also present. Commissioners Hermosa, Ince, and Darby were absent.

### **I. Call to Order.**

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

### **II. Approval of the minutes from the February 18, 2015 Open Meeting.**

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

### **III. Public Comment.**

There was no public comment.

### **IV. Award of Lease Recommendations and Summaries.**

**Leases and/or Amendments Pending Execution with Commencement dates on or after March 18, 2015.**

#### **Renewals**

1. **#8874 – Health and Human Services Commission: Dallas, TX.**
2. **#10094 – Health and Human Services Commission /Department of Family and Protection Services: El Paso, TX.**

#### **Renewal and Add Space**

3. **#303-5-10925 – Department of Family and Protective Services/Health and Human Services Commission/Department of Aging and Disability Services/Department of Assistive and Rehabilitative Services/Department of State Health Services: Dallas, TX.**

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

- V. Consideration and possible action to approve an architectural/engineering professional services contract amendment for the Texas School for the Deaf Campus Wide Improvements, Project No. 14-028-1440, in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional service contract amendment with Graeber Simmons & Cowan Architects, Inc., in the amount of \$31,307.00 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 Perry.

- VI. Consideration and possible action to approve an architectural/engineering professional services contract amendment on the 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, 15-007-6053 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 an architectural/engineering professional service contract amendment with Stanley Consultants, Inc., in the amount of \$72,600.00 for the 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, 15-007-6053 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 Perry.

- VII. Consideration and possible action to approve an architectural/engineering professional services contract amendment for the Texas Commission on Environmental Quality Park 35 Building B roof replacement, Project No. 14-011-6461, in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment with Wiss, Janney, Elstner Associates, Inc., in the amount of \$125,990.00 for the Texas Commission on Environmental Quality Park 35 Building B roof replacement, Project No. 14-011-6461, in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

- VIII. Consideration and possible action to approve an architectural/engineering professional services contract amendment for various accessibility improvements to the William B. Travis Building and the Texas Commission on Environmental Quality Park 35 Buildings D & E, Project No. 14-017-4105, in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment with McKinney Architects, Inc., dba McKinney York Architects, in the amount of \$38,900.00 for various accessibility improvements to the William B. Travis Building and the Texas Commission on Environmental Quality Park 35 Buildings D & E, Project No. 14-017-4105, 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 an architectural/engineering professional services contract amendment for deferred maintenance for the Price Daniel Sr. Building, Project No. 12-021-6418, the Insurance Building, Project No. 12-022-6419, the Supreme Court Building, Project No. 12-023-6420 and the John H. Reagan Building, Project No. 12-024-6421, in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment with Austin Architecture Plus, Inc., dba Architecture + Plus, in the amount of \$63,900.00 for deferred maintenance for the Price Daniel Sr. Building, Project No. 12-021-6418, the Insurance Building, Project No. 12-022-6419, the Supreme Court Building, Project No. 12-023-6420 and the John H. Reagan Building, Project No. 12-024-6421, in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

- X. Consideration and possible action to approve an amendment for a construction manager-at-risk contract for deferred maintenance for the Price Daniel Sr. Building, Project No. 12-021-6418, the Insurance Building, Project No. 12 12-022-6419, the Supreme Court Building, Project No. 12-023-6420 and the John H. Reagan Building, Project No. 12-024-6421, in Austin, Texas.**

The Commission voted unanimously to approve an amendment to the construction manager-at-risk contract change order with Balfour Beatty Construction, LLC in an amount not to exceed \$286,299.00 for deferred maintenance for the Price Daniel Sr. Building, Project No. 12-021-6418, the Insurance Building, Project No. 12 12-022-6419, the Supreme Court Building, Project No. 12-023-6420 and the John H. Reagan Building, Project No. 12-024-6421, in Austin, Texas, with a motion made by Commissioner Perry and a second to approve the motion made by Commissioner Shaw.

- XI. Consideration and possible action to approve a construction manager-at-risk contract for the Texas Department of Public Safety 2014-15 Deferred Maintenance Program, Group 6 for the DPS Austin Headquarters, Project Nos. 14-031S-6047 and 14-034-0405, and the DPS Northwest Austin Area Office, Project No. 14-035-0405, in Austin, Texas.**

The Commission voted unanimously to approve a construction manager-at-risk contract with Flintco, LLC in the amount of \$7,816,303.00 for the Texas Department of Public Safety 2014-15 Deferred Maintenance Program, Group 6 for the DPS Austin Headquarters, Project Nos. 14-031S-6047 and 14-034-0405, and the DPS Northwest Austin 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 Novak.

- XII. Consideration and possible action to approve a construction manager-at-risk contract for deferred maintenance mechanical system improvements, repairs, and retrofits for the Lorenzo de Zavala Archives & Library, Project No. 14-001-6451, Central Services Annex, Project No. 14-002-6452, Insurance Annex, Project No. 14-003-6453, Robert E. Johnson Building, Project No. 14-004-6454, E.O. Thompson Building, Project No. 14-005-6455, William P Clements, Jr. Building, Project No. 14-006-6456, DSHS Old Power Plant, Project No. 14-008-6458, and DSHS Robert D. Morton Building, Project No. 14-019-4107, in Austin, Texas.**

The Commission voted unanimously to approve a construction manager-at-risk contract with Balfour Beatty Construction, LLC, in the amount of \$10,080,479.00 for the Lorenzo de Zavala Archives & Library, Project No. 14-001-6451, Central Services Annex, Project No. 14-002-6452, Insurance Annex, Project No. 14-003-6453, Robert E. Johnson Building, Project No. 14-004-6454, E.O. Thompson Building, Project No. 14-005-6455, William P Clements, Jr. Building, Project No. 14-006-6456, DSHS Old Power Plant, Project No. 14-008-6458, and DSHS Robert D. Morton Building, Project No. 14-019-4107, in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Shaw.

- XIII. Consideration and possible action to approve closure of the rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 122, entitled Space Management, and**

**publication of required notice of rule review closure and readoption of Chapter 122 with no changes in the *Texas Register*.**

The Commission voted unanimously to approve the close of the rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 122, entitled Space Management, and publication of required notice of rule review closure and readoption of Chapter 122 with no changes in the *Texas Register*, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

**XIV. Consideration and possible action to propose new rule, Texas Administrative Code, Title 1, Section 111.26, entitled “Contract Monitoring Roles and Responsibilities,” and to approve publication of the proposed rule in the *Texas Register*.**

The Commission voted unanimously to approve proposed new rule, Texas Administrative Code, Title 1, Section 111.26, entitled “Contract Monitoring Roles and Responsibilities,” and to approve publication of the proposed rule in the *Texas Register*, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

**XV. Consideration and possible action to approve amendments to the Commission policies regarding contracting.**

The Commission voted unanimously to approve the amendments to the Commission policy regarding the approval of maintenance, ground, utility, and service contracts as recommended by staff, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Perry.

**XVI. Consideration and possible action to approve a child care services provider contract and associated lease for the Child Care Facility, in Austin, Texas.**

The Commission voted unanimously to direct staff to enter into an interagency agreement with the University of Texas at Austin Child Development Center, to provide child care services for the State of Texas Childcare Program, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

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

Ms. Shyra Darr, Director of Special Projects gave the Commission an update on the appropriations bills, legislative hearings, and other bills effecting TFC.

**XVIII. 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 focus on the review of utility bills to verify their accuracy and to identify anomalies, with collaboration with FDC project management staff on deferred maintenance projects, and on the load cooperative agreement with Austin Energy.

**XIX. Report from the Manager of Budget on the monthly financial report update.**

Mr. Rob Ries, Manager of Budget, 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.

**XX. Monthly Status Report from the Director of Internal Audit.**

- a. Consideration and possible action to approve a new Office of Internal Audit Charter.
- b. Review and discussion of the Internal Audit Improvement Plan.

Chair Reinbeck asked that no action be taken on the new Office of Internal Audit Charter due to the absence of the Executive Director. This item will be considered at the April Commission meeting. Ms. Amanda Jenami, Director of Internal Audit, gave the Commission a presentation on the Internal Audit Improvement Plan.

**XXI. 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 11:48 a.m.

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

Chair Reinbeck reconvened the meeting at 12:17 p.m. and the Commission voted on Agenda Item XVI.

**XXIII. Adjournment.**

Chair Reinbeck adjourned the meeting at 12:18 p.m.

**Reviewed and Submitted:**

By:   
Kay Molina, General Counsel

**Approved by the Commission on April 15, 2015.**

By:   
Betty Reinbeck, Chair