

CHAIR
Robert Thomas

COMMISSIONERS
William D. Darby
Patti Jones
Michael Novak
Jack W. Perry
Betty Reinbeck



EXECUTIVE DIRECTOR
Harvey Hilderbran

TEXAS FACILITIES COMMISSION

Minutes No. 75: Minutes of the September 16, 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, September 16, 2015 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Novak, Ince, Darby and Perry were also present. Commissioners Hermosa was absent.

I. Call to Order.

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

II. Approval of the minutes from the April 15, 2015, June 17, 2015 and July 15, 2015 Open Meeting.

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

III. Public Comment.

There was no public comment.

IV. Award of Lease Recommendations and Summaries.

Leases Pending Execution with Commencement Date on or after September 16, 2015.

Replacement Leases

1. #20497 – Comptroller of Public Accounts: Corpus Christi, TX.
2. #20482 – Office of the Attorney General: Victoria, TX.
3. #303-6-20491-A – Health and Human Services Commission/Department of Aging and Disability Services: Austin, TX.
4. #303-7-20505 – Office of the Attorney General: El Paso, TX.
5. #303-7-20506 – Department of Family and Protective Services/Health and Human Services Commission/Department of State Health Services/Department of Assistive and Rehabilitative Services/ Department of Aging and Disability Services: Pearsall, TX.

Renewals

6. #10041 – Department of Family and Protective Services/Health and Human Services Commission/Department of Aging and Disability Services/Department of State Health Services: Cuero, TX.
7. #1682 – Department of Assistive and Rehabilitative Services: Houston, TX.

8. Report on the delegation to the Executive Director for the approval of Lease #303-6-20493 – Soil and Water Conservation Board: Temple, TX, pursuant to commission policy.

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

V. Consideration and possible action to approve an architectural engineering professional services contract amendment for the 2010-11 deferred maintenance on the State Records Center, Project No. 10-008-6306 in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment with Stanley Consultants, Inc. in the amount \$17,500.00 for 2010-11 deferred maintenance for the State Records Center, Project No. 10-008-6306, in Austin, Texas, with a motion made by Commissioner Perry and a second to approve the motion made by Commissioner Novak.

VI. Consideration and possible action to approve an architectural engineering professional services contract amendment for the 2014-15 Park 35 Building B roof replacement, Project Nos. 14-011-6461 and 15-014-6062 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 \$35,702.00 for the 2014-15 Park 35 Building B roof replacement, Project Nos. 14-011-6461 and 15-014-6062 in Austin, Texas, with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Darby.

VII. Consideration and possible action to approve a construction manager-at-risk contract amendment for the 2014-15 Park 35 Building B roof replacement, Project Nos. 14-011-6461 and 15-014-6062 in Austin, Texas.

The Commission voted unanimously to approve a construction manager-at-risk contract amendment with Kiewit Building Group, Inc., in the amount of \$750,000.00 for the 2014-15 Park 35 Building B roof replacement, Project Nos. 14-011-6461 and 15-014-6062 in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Perry.

VIII. Consideration and possible action to approve a construction contract amendment for the 2012-13 indoor air quality improvements to multiple buildings in the TFC statewide portfolio, Project No. 12-027-6424.

The Commission voted unanimously to approve a construction contract amendment to TD Industries, Inc. in the amount of \$775,077.00 for the 2012-13 indoor air quality improvements to multiple buildings in the TFC statewide portfolio, Project No. 12-027-6424, with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Darby.

IX. Report on emergency delegation to the Executive Director pursuant to commission policy to approve a construction manager-at-risk contract award for the Texas Department of Public Safety 2014-15 Region 3 Deferred Maintenance, Project No. 14-031K-6047 in Corpus Christi, Texas and 14-031L-6047 in Harlingen, Texas.

Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, gave the Commission a report on the emergency delegation to the Executive Director pursuant to commission policy for the approval of a construction manager-at-risk contract award to Kiewit Building Group, in the amount of \$2,384,244.00 for the Texas Department of Public Safety 2014-15 Region 3 Deferred Maintenance, Project No. 14-031K-6047 in Corpus Christi, Texas and 14-031L-6047 in Harlingen, Texas.

X. Report on emergency delegation to the Executive Director pursuant to commission policy to approve an amendment to the elevator maintenance services contract with EMR Elevator, Inc., TFC Contract No. 13-014.

Mr. Peter Maass, Deputy Executive Director of Planning and Real Estate Management, gave the Commission a report on the emergency delegation to the Executive Director pursuant to commission policy for the approval of an amendment to extend the elevator maintenance services contract with EMR Elevator, Inc., in the amount of \$55,936.00, for a term of four months beginning September 1, 2015 and ending December 31, 2015, TFC Contract No. 13-014.

XI. Report on emergency delegation to the Executive Director pursuant to commission policy to approve an amendment to the elevator maintenance services contract with Schindler Elevator Corporation, TFC Contract No. 13-015.

Mr. Peter Maass, Deputy Executive Director of Planning and Real Estate Management, gave the Commission a report on the emergency delegation to the Executive Director pursuant to commission policy for the approval of an amendment to extend the elevator maintenance services contract with Schindler Elevator Corporation, in the amount of \$264,000.00, for a term of four months beginning September 1, 2015 and ending December 31, 2015, TFC Contract No. 13-015.

XII. Report on emergency delegation to the Executive Director pursuant to commission policy to approve the award of seven contracts for commercial remodeling construction services.

Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, gave the Commission a report on the emergency delegation to the Executive Director pursuant to commission policy for the approval of the award of seven contracts for commercial remodeling services at one or more of three tiers to the following firms: Alpha Building Corporation (Tiers 2 and 3), Gadberry Construction Company, Inc. (Tier 2 and 3), Great America Custom Building (Tier 1), Jamail & Smith Construction, LP (Tier 2 and 3), Reconstruction Experts (Tier 1), Trimbuilt Construction (Tiers 2 and 3), and J.T. Vaughn Construction, LLC (Tier 3).

XIII. Consideration and possible action to approve the 2015 Uniform General Conditions.

The Commission voted unanimously to approve the 2015 Uniform General Conditions, 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 commencement of a statutory 4-year rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 116 entitled Property Management Division and publication of required notice of the proposed rule review in the Texas Register.

The Commission voted unanimously to approve commencement of a statutory 4-year rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 116 entitled Property Management Division and publication of required notice of the proposed rule review in the Texas Register, with a motion made by Commissioner Perry and a second to approve the motion made by Commissioner Darby.

XV. Consideration and possible action to approve commencement of a statutory 4-year rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 117 entitled Mandatory Paper Recycling Program and publication of required notice of the proposed rule review in the Texas Register.

The Commission voted unanimously to approve commencement of a statutory 4-year rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 117 entitled Mandatory Paper Recycling Program and publication of required notice of the proposed rule review in the Texas Register, with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Darby.

XVI. Consideration and possible action to approve amendments to the Commission policies regarding contract procedures and approvals.

The Commission voted unanimously to approve amendments to the Commission policies regarding contract procedures and approvals to comply with Senate Bill 20 passed during the 84th Legislative Session, with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Perry.

XVII. Consideration and possible action to adopt a resolution authorizing the request for financing of a new recycling vehicle through the Texas Public Finance Authority.

The Commission voted unanimously to adopt the resolution authorizing the request for financing of a new recycling truck through the Texas Public Finance Authority's Master Lease Program, with a motion made by Commissioner Perry and a second to approve the motion made by Commissioner Novak.

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

Mr. Harvey Hilderbran, Executive Director, introduce the new TFC Hub Coordinator Yolanda Strey to the Commission. Thereafter, he provided an update on SB 2004; Rep Geren, Rep Howard and Rep Cyrier have been appointed by Speaker Strauss. HB 2475 further amended the Government code to require the Facilities Commission to establish the center for alternative finance and procurement that went into effect on September 1st. He also touched upon SB1048 Texas Government Code to establish procedures for the procurement of Public and Private Facilities and Infrastructure (commonly known as P3's) and that TFC is currently going to post for a P3 Director. In addition staff has had a number of meetings with Governor Staff, Lt. Governor Staff, Speakers Staff and various Senate and House Staff regarding the Capitol Complex Master Plan, and Mr. Harvey Hilderbran, Executive Director, would be happy to meet with any Commissioner who would like an update on these meetings. Lastly he presented the new TFC website.

XIX. 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 Workgroup did not meet for the month of September.

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

Mr. Bill Monroe, 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.

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

a. Consideration and possible action to approve the Internal Audit Plan for Fiscal Year 2016.

The Commission voted unanimously to approve the Internal Audit Plan for Fiscal Year 2016, with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Perry.

XXII. Consideration and possible action to approve a salary increase for the Executive Director.

The Commission voted unanimously to approve the salary increase for the Executive Director, with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Ince.

XXIII. Consideration and possible action to approve a settlement of *Ron Strybos, et al. vs. Gov. Greg Abbot, Hon. Nathan Hecht, et al in their representative capacities*; 53rd District Court, Travis County, Case No. D-1-GN-00-001678.

The Commission voted unanimously to authorize the Executive Director to settle the *Ron Strybos, et al. vs. Gov. Greg Abbot, Hon. Nathan Hecht, et al in their representative capacities*; 53rd District Court, Travis County, Case No. D-I-GN-00-001678, up to an amount of \$58,000,00 with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Perry.

XXIV. Update on *Kolton, Robin v. TFC*.

No action was taken on this agenda item.

XXV. 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 11:50a.m.

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

Chair Reinbeck reconvened the meeting at 12:15 p.m. and the Commission voted on Agenda Item XXII and XXIII.

XVII. Adjournment.

Chair Reinbeck adjourned the meeting at 12:19 p.m.

Reviewed and Submitted:

By: 
Kay Molina, General Counsel

Approved by the Commission on October 21, 2015.

By: 
Betty Reinbeck, Commissioner