

CHAIR
Robert Thomas

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



EXECUTIVE DIRECTOR
Harvey Hilderbran

TEXAS FACILITIES COMMISSION

Minutes No. 79: Minutes of the January 20, 2016 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, January 20, 2016, commencing at 10:00 a.m. Chairman Thomas presided, and Commissioners Novak, Reinbeck, Darby, and Perry were also present. Commissioner Jones was absent.

I. Call to Order.

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

II. Approval of the minutes from the December 16, 2015 Open Meeting.

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

III. Public Comment.

There was no public comment.

IV. Program Presentations.

1. TFC Solicitation Process.

Mr. Richard Ehlert, Director of Procurement gave a program presentation on the TFC Solicitation Process including the process followed by TFC when evaluating submitted proposals and selecting a contractor.

V. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after January 20, 2016.

New Leases

1. #303-7-20517 - Department of Family and Protectives/Department of State Health Services: Hereford, TX.
2. #303-7-20518 - Department of Family and Protectives/Department of State Health Services: Dumas, TX.

Renewals

3. #7294 - Texas Department of Insurance-Division of Workers' Compensation: Austin, TX.
4. #10092 - Department of Family and Protective Services: Houston, TX.
5. #10082 - Texas Department of Transportation: 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 Perry.

VI. Consideration and possible action to award an architectural/engineering professional services contract for TFC's 2016-17 Lyndon B. Johnson State Office Building multiple floors renovations, Project No. 16-022-5091 in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract to M. Arthur Gensler, Jr. & Associates, Inc., in the amount of \$574,500.00 for TFC's 2016-17 Lyndon B. Johnson State Office Building multiple floors renovations, Project No. 16-022-5091 in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Reinbeck.

VII. Consideration and possible action to approve a construction contract amendment for TFC's 2012-13 statewide deferred maintenance for indoor air quality repairs, Project No. 12-027-6424.

The Commission voted unanimously to approve a construction contract amendment to TD Industries, Inc., in the amount of \$50,488.00 for TFC's 2012-13 statewide deferred maintenance for indoor air quality repairs, Project No. 12-027-6424, with a motion made by Commissioner Perry and a second to approve the motion made by Commissioner Darby.

VIII. Consideration and possible action to award an architectural/engineering professional services contract for TFC's 2016-17 deferred maintenance on the Stephen F Austin State Office Building for mechanical plumbing repairs, Project No. 16-005-5130 in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract to Tom Green and Company Engineers, Inc. in the amount of \$1,447,000.00 for TFC's 2016-17 deferred maintenance on the Stephen F Austin State Office Building for mechanical plumbing repairs, Project No. 16-005-5130 in Austin, Texas, with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Novak. During the discussion on this agenda item, Chairman Thomas requested that staff provide more information on the development of project budgets.

IX. Consideration and possible action to award an architectural/engineering professional services contract for TFC's 2016-17 deferred maintenance on the John H Winters Building, Project No. 16-009-5580 in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract to Encotech Engineers, Inc., in the amount of \$336,787.00 for professional services contract for TFC's 2016-17 deferred maintenance on the John H Winters Building, Project No. 16-009-5580 in Austin, Texas, with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Perry. Chairman Thomas abstained due to a personal relationship with the owner of Encotech.

X. Consideration and possible action to approve a construction manager-at-risk contract amendment for TFC's 2014-15 deferred maintenance for the Park 35 Complex, 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 in the amount of \$500,000.00 for the Park 35 Complex, Project Nos. 14-011-6461 and 15-014-6062 in Austin, Texas, with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Perry.

XI. Consideration and possible action to award an architectural/engineering professional services contract for elevators repairs/replacement at the James E. Rudder Building, Thomas Jefferson Rusk Building, William P. Clements Building and the William P. Hobby Building Towers I,II, and III, Project No. 16-002-5191, in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract to Austin Architecture Plus, Inc. in an amount not to exceed \$1,575,000.00 for elevators repairs/replacement at the James E. Rudder Building, Thomas Jefferson Rusk Building, William P. Clements Building and the William P. Hobby Building Towers I,II, and III, Project No. 16-002-5191, in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Reinbeck.

XII. Consideration and possible action to approve an architectural engineering professional services contract for the Texas School for the Deaf Campus Master Plan, Project No. 16-012-0442 in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract to Parkhill, Smith & Cooper, Inc., in the amount of \$598,400.00 for the Texas School for the Deaf Campus Master Plan, Project No. 16-012-0442 in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Reinbeck. Chair Thomas requested that staff prepare a presentation on this agenda item for the February Commission meeting which provides and overview of the project and the associated budget creation and the process for budget implementation. In addition, Commissioner Novak asked staff to provide the Chairman a copy of the scope of services for this agenda item as well as a copy of the Legislative Appropriation Request outlining the Commission's explanation for the request and associated budget request.

XIII. Consideration and possible action to approve an architectural engineering professional services contract amendment for the Capitol Complex Master Plan, Project No. 15-018-0805 in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment to Page, Southerland, Page, LLP in the amount of \$753,151.00 for the Capitol Complex Master Plan, Project No. 15-018-0805 in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Perry. Chair Thomas requested that staff prepare a presentation on this agenda item for the February Commission meeting which provides and overview of the project and the associated budget creation and the process for budget implementation. In addition, Commissioner Novak asked staff to provide the Chairman a copy of the scope of services for this agenda item as well as a copy of the Legislative Appropriation Request outlining the Commission's explanation for the request and associated budget request.

XIV. Consideration and possible action to approve an amendment to the outside counsel contract with Coats, Rose, Yale, Ryman and Lee, P.C.

The Commission voted unanimously to approve an amendment to the outside counsel contract with Coats, Rose, Yale, Ryman and Lee, P.C. in the amount of \$100,000.00, pending the approval of the Office of the Attorney General, with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Perry.

XV. 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, gave an overview of the Austin Energy contract issues and informed the Commission members that TFC staff will continue to provide detailed information and updates to the Energy Work Group as well as to the Commission. Mr. Hilderbran also provided the Commission with a list of accomplishments achieved by the agency over the past year as well as budget and hiring challenges that the agency has encountered. In addition, Mr. Hilderbran informed the Commission that he is putting together an internal committee to work on the State Child Care program issues. Lastly, Mr. Hilderbran introduced the new P3 Director, Mr. Samuel Franco.

1. Report on TFC Human Resources.

Ms. Catherine Camp, Director of Human Resources, informed the Commission that there has not been any updates to the documentation that was provided at the December meeting regarding the HR audit implementation and that staff continues to work towards full implementation. Ms. Camp informed the Commission that the Survey of Employee Engagement is in process and is hoping to have an update on the survey results for the Commission at the March or April meeting. She also reported that Human Resources is in the process of updating all job descriptions,

reviewing all EEO categories, working on the employee evaluation process and working on an equity adjustment policy for the agency.

XVI. Report from the Commission Work Groups.

1. 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 met in January and 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. Commissioner Novak made a few comments on the progress that that agency has made in the last two years on energy efficiency.

2. Report from the Policy Work Group.

Ms. Kay Molina, General Counsel, informed the Commission that the Policy Workgroup met to discuss how it planned to review the current policies and discussed drafting policies that provide oversight guidance to staff.

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

Mr. Bill Monroe, Chief Financial Officer, made a presentation on 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.

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

a. Follow-up on SAO's Audit Report on *Selected Contracts at the Texas Facilities Commission*, Report # 15-001, dated September 2014.

Ms. Amanda Jenami, Director of Internal Audit, provided a follow-up report on the SAO's Audit Report on *Selected Contracts at the Texas Facilities Commission*, Report # 15-001, dated September 2014. In addition, she outlined the peer review process for the future.

XIX. Discussion of Commission organization, policies, procedures and new initiatives.

1. Consideration and possible action on the live streaming initiative for future Texas Facilities Commission open meetings.

There was no discussion on this item.

XX. 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 Thomas recessed the meeting to convene in Executive Session at 2:04 p.m.

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

Chair Thomas reconvened the meeting at 3:15 p.m.

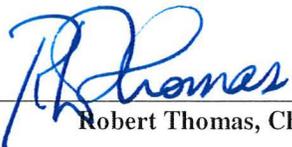
XXII. Adjournment.

Chair Thomas adjourned the meeting at 3:15 p.m.

Reviewed and Submitted:

By: 
Kay Molina, General Counsel

Approved by the Commission on February 17, 2016.

By: 
Robert Thomas, Chair