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Minutes No. 121: Minutes of the October 22, 2020 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 Thursday October 22, 2020, commencing at 9:05 a.m. Chairman Allensworth called the meeting to order, and Commissioners Bailey, Jones, Wagner, and Betancourt were present and participated onsite; Commissioner Alvis participated remotely for the entirety of the meeting through video and audio link.

I. Call to Order.

Chairman Allensworth called the meeting to order at 9:05 a.m. Chairman Allensworth introduced Texas Facilities Commission's new General Counsel, Stephen M. Foster, who was present in the meeting.

II. Approval of the minutes from the September 17, 2020 Open Meeting.

The Commission voted unanimously to approve the September 17, 2020 minutes with the motion made by Commissioner Bailey, seconded by Commissioner Wagner. The Commissioners voted unanimously to approve the meeting minutes.

III. Public Comment.

There was no public comment.

IV. Award of Lease Recommendations and Summaries. Leases and/or Amendments Pending Execution with Commencement Date before October 22, 2020.

Renewal:

1. **Lease #303-9-11951 20,582 SF for 10 Years - Health and Human Services Commission and the Department of Family and Protective Services: Round Rock, TX.**

Leases and/or Amendments Pending Execution with Commencement Date after October 22, 2020.

New Lease (Request for Proposal and Existing Construction):

2. **Lease #303-1-20688 15,297 SF for 10 Years - Texas Commission on Environmental Quality: Corpus Christi, TX.**

Renewals:

3. **Lease #20148 7,720 SF for 10 Years - Department of Public Safety: Universal City, TX.**
4. **Lease #9166 13,110 SF for 5 Years - Health and Human Services Commission: El Paso, TX.**
5. **Lease #7730 14,920 SF for 5 Years - Texas Department of Criminal Justice: Houston, TX.**
6. **Lease #303-0-20252 14,430 SF for 5 Years - Health and Human Services Commission: San Benito, TX.**

Texas Facilities Commission

Physical address: 1711 San Jacinto Blvd, Austin, Texas 78701

★ Planning and administering facilities in service to the State of Texas ★

Gayla Davis, TFC's Leasing Director, recited the leases on the consent agenda. A motion to approve the consent agenda was made by Commissioner Bailey, which was seconded by Commissioner Betancourt. The Commissioners voted unanimously to approve the award of the six lease awards on the consent agenda.

V. Consideration and possible action to award a construction manager-at-risk contract to J.T. Vaughn Construction, LLC, in the amount of \$5,583,000.00 for the Texas School for the Blind and Visually Impaired 2020-21 Deferred Maintenance Campus Wide Improvements, Project No. 20-006-8807 in Austin, Texas.

John Raff, TFC's Director of FDC, discussed the deferred maintenance and improvement needs at the Texas School. Eight responses to the July, 2020 RFQ for construction manager-at-risk were received. The two top scoring firms were requested to submit pricing and were subsequently interviewed. J.T. Vaughn Construction was ultimately evaluated with the highest score. J.T. Vaughn is a competent, large regional construction manager with a good reputation amongst the public owners for which they perform, including past projects for TFC. Staff recommends award of this contract to J.T. Vaughn Construction, LLC.

Commissioner Alvis made the motion to approve, which was seconded by Commissioner Jones. The Commissioners voted unanimously to approve the award of this contract.

VI. Consideration and possible action to award an architectural and engineering professional services contract to Tom Green and Company Engineers, Inc., in the amount of \$3,000,000.00 for TFC's 2020-21 Deferred Maintenance Capitol Complex Buildings, Project No. 20-011-5155 in Austin, Texas.

John Raff, TFC's Director of Facilities Design and Construction, stated the amount of the contract has decreased from \$3 million to \$2.4 million dollars which includes a \$600,000.00 assessment of fourteen buildings on the Capitol Complex (i.e., William P. Clements Building, James E. Rudder Building, Stephen F. Austin Building, William B. Travis Building, Lyndon Baines Johnson Building, Tom C. Clark Building, Price Daniel Building, and other buildings in the Complex fed by the Sam Houston plant.)

Mr. Raff explained a large part of the assessment will be the fire protection systems. Mr. Raff stated this project is also funded by that same 2021 appropriation of a \$120 million to address deficiencies on the buildings in the Capitol Complex. The improvements include mechanical, electrical, plumbing systems, life safety, and fire protection, building envelopes, some ADA compliance issues, and some architectural finishes. The RFQ was posted July 27, 2020, and twelve submittals were received. Following evaluations of those submittals, Tom Green and Company Engineers, Inc. emerged as the highest scoring firm, a proven engineering firm headquartered in Austin, with considerable government and higher education project experience, including numerous projects with TFC.

Commissioner Betancourt moved to approve, and Commissioner Bailey seconded the motion. The Commissioners voted unanimously to approve the contract award to Tom Green and Company Engineers, LLC.

VII. Consideration and possible action to award of a construction manager-at-risk contract to J.T. Vaughn Construction, LLC. in the amount of \$6,360,963.00 for the 2020-21 Deferred Maintenance HHSC Multiple Buildings, Project No. 20-012-5435 in Austin, Texas.

John Raff, TFC's FDC Director, stated this is the third contract under TFC's 2021 deferred maintenance funding. It focuses on buildings at the North Austin campus that house the programs of the Health and Human Services Commission. Objectives include repair and replacement of fire alarm and fire suppression systems, mechanical, electrical, plumbing systems, roofs, lighting systems, site improvements, internal air quality issues, and architectural finishes. The construction manager-at-risk contract will implement the design improvements.

Mr. Raff explained the RFQ was posted on July 13, 2020, and seven qualification submittals were received. Final amounts for general conditions and pre-construction services were negotiated to combine with the proposed construction management fee of three-and-a-half percent applied to committed amounts of the cost of work, which \$5.2 million. Award of this contract to J.T. Vaughn Construction is recommended.

Commissioner Alvis made the motion to approve, which was seconded by Commissioner Bailey. The Commissioners voted unanimously to approve the award of this contract to J.T. Vaughn Construction, LLC.

VIII. Consideration and possible action to amend an engineering professional services contract with HMG & Associates, Inc. in the amount of \$280,000.00 for engineering and other related technical services for TFC's internal design and construction services supporting small projects requested by tenant agencies.

John Raff, TFC's Director of FDC, stated that, in his address of this agenda item, he is also addressing Agenda Item No. IX, as they are identical except for the contractor. Agenda Item VIII provides the recommendation to amend the contract with HMG & Associates. Agenda Item No. IX is to amend the contract with Freese Nichols, Inc.

Mr. Raff explained that the proposed amendments allow for increased funding to the engineering contracts, which provide engineering support to TFC's internal design and construction services on small projects. These projects are requested from TFC tenant agencies. Over the years, it has become increasingly difficult for TFC to hire engineers due to the compensation those disciplines command in the private sector. TFC needs engineering disciplines involved with the small renovations and remodels that TFC performs, and outsourcing those services is the purpose of these contracts.

Mr. Raff stated the contracts and their amendments are executed with no guarantees of assignments. Draws against the cap of the contracts are committed with an assignment of one or multiple analyses and design initiatives.

Commissioner Wagner made the motion to approve, which was seconded by Commissioner Betancourt. Commissioners Jones, Bailey, and Alvis voted to approve this contract award.

Chairman Allensworth abstained from voting on this matter, secondary to a possible conflict of interest.

IX. Consideration and possible action to amend an engineering professional services contract with Freese Nichols, Inc. in the amount of \$280,000.00 for engineering and other related technical services for TFC's internal design and construction services supporting small projects requested by tenant agencies.

With Mr. Raff's detailed briefing to the Commission for the preceding agenda item being adequate for this agenda item, the item title was recited by Chairman Allensworth. Commissioner Alvis made the motion to approve. The motion was seconded by Commissioner Wagner, and the Commissioners voted unanimously to approve this award.

X. Consideration and possible action to approve the 2020 Master Facilities Plan Report.

John Raff addressed the commission about the statutory reporting requirements for TFC to provide state leadership with information, including the economic and market conditions affecting the building construction and leasing costs on state-owned and state-leased facilities. The Master Facilities Plan Report includes a strategic initiatives section, and includes the Capitol Complex Master Plan, the implementation of that master plan, the North Austin Complex planning and implementation. It contains TFC's facility renewal

initiative, and the flex office space facility initiative. The Report also provides information on utility costs and deferred maintenance.

TFC's statutory requirement to report the deficiencies is satisfied by this Report and, as Mr. Raff further explained, the Report outlines TFC's four biennium strategy, and details TFC's plan to address and rectify deficiencies. Another exhibit in the report shows the county/city information for state lease holdings that exceed 50,000 square feet.

Commissioner Bailey moved to approve the report; Commissioner Wagner seconded the motion. All Commissioners voted to approve the 2020 Master Facilities Plan Report.

XI. Commencement of review of the 2020 Texas Capitol Complex Master Plan Update.

Mr. Raff offered an brief overview and preliminary comments on accessing an electronic and hard copies of the proposed draft of the Capitol Complex Master Plan for commencement of the Commission's review of the document in tandem with the review by the General Land Office, State Preservation Board, and the P3 Partnership Advisory Committee. Mr. Raff explained that the review schedule is being accelerated, in terms of the review and adoption of the Plan.

Mr. Raff continued that coordination with the Partnership Advisory Committee for a presentation and to receive any comments from the PAC will be done, with subsequent review of comments from the stakeholders and the Commission. Mr. Raff assured the Commission that appropriate adjustments to the plan will be made, based on stakeholder input, for presentation of the Plan for adoption at the January 2021 Commission Meeting. The uptake for this biennium is limited as TFC appropriation was reduced for all of our planning efforts to about \$250,000, which should be considered a modest revision to the Plan

Mr. Raff introduced Ryan Losch, of Page Southerland Page, LLC, who guided the Commissioners through the various revisions and consolidated order of information contained in the Plan. Chairman Allensworth stated the Commission will review the information and will take up approval of the Plan at the next Commission Meeting.

XII. Discussion of Major Projects.

1. Capitol Complex.
Lou Saksen of Balfour Beatty gave an update on the status and budget for the multiple packages of the project.
2. North Austin Complex.
TFC's FDC Director, John Raff, discussed the progress on the North Austin Complex.
3. Texas School for the Deaf.
Mr. Raff gave a report on the project, still on track for completion in July of 2021.

XIII. Report from Commission Work Groups.

1. Construction Work Group.
Chairman Allensworth discussed the \$200 million in active TFC projects, which are all of which are on time and on budget. Commissioner Allensworth discussed the \$550-\$560 million in upcoming projects, including Capitol Complex Master Plan Phase Two. The Chairman also commented on TFC's accomplishment of keeping projects on budget and on time, in the face of many challenges of 2020, including a pandemic and civil unrest, and the Chairman commended TFC's Facilities Design and Construction division and TFC's contractors involved in these endeavours.

2. Energy Work Group.

Commissioner Wagner reported that, over the past seven years, TFC has continued to improve inefficiencies in utility costs by reducing roughly about \$3.2 million over that period of time, roughly on the same square footage of 7.5 million feet. On the initiative to convert fully to LED lighting in state facilities, TFC is approximately 40 percent complete, with the target of being 100 percent done by mid-2023. Commissioner Wagner commended TFC's Office of Energy Management for the effectiveness of their initiatives and efforts.

3. Surplus Work Group.

Commissioner Jones stated the Surplus building is taking on a professional retail appearance, especially now that Highway 183 is open, post construction. Commissioner Jones noted Surplus Director, Kristy Fierro, Surplus Director, has put up new photos of the changes on the TFC website, which have received over 84,000 views. Commissioner Jones commended Francoise Luca (TFC Communications) and Joel Speight (TFC Chief Operating Officer) for their contributions to these successes and planned innovations for the Surplus program.

XIV. Report from the Executive Director on Facilities: design, leasing, operations, maintenance, energy management, construction projects, financial report update, the Surplus and HUB programs, legislative affairs, and agency COVID -19 coordination and response.

TFC Executive Director, Mike Novak, spoke about TFC's continuation of operations during the COVID-19 pandemic and TFC's determination to lead other state agencies in safely returning to the workplace. Mr. Novak reported TFC is about 50 percent staff teleworking and 50 percent working in the field. Mr. Novak praised TFC's reporting system, devised by TFC Chief Operating Officer, Joel Speight, which allows TFC to document and report the agency's staffing levels, work locations, and cumulative statistics daily.

XV. Adjournment.

10:25 AM

Chairman Allensworth recessed the open meeting at 9:25 a.m. to convene in Executive Session.

Chairman Allensworth reconvened the open meeting at 11:21 a.m. With no vote required, no further business nor discussions to address, Chairman Allensworth adjourned the open meeting at 11:21 a.m.

Reviewed and Submitted:

By:


Stephen M. Foster, General Counsel

Approved by the Commission on January 21, 2021

By:


Steve Alvis, Chair