

EXECUTIVE DIRECTOR
Terry Keel



Texas Facilities Commission

CHAIR
Betty Reinbeck

COMMISSIONERS
Barkley J. Stuart
Malcolm E. Beckendorff
William D. Darby
Douglas M. Hartman
Brant C. Ince
Virginia Hermosa

Minutes No. 31 Minutes of the October 20, 2010, 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 20, 2010, commencing at 10:01 a.m. The following were present, and Chair Reinbeck presided:

Members Present

Betty Reinbeck	Chair
Barkley Stuart	Commissioner
Malcolm Beckendorff	Commissioner
Derek Darby	Commissioner
Doug Hartman	Commissioner (Arrived at 10:03 a.m.)
Virginia Hermosa	Commissioner (Arrived at 10:04 a.m.)
Brant Ince	Commissioner

Staff Present

Terry Keel	Executive Director
Catherine Camp	Director of Human Resources
Tiffany Harry	Legal Services Division
Kay Molina	General Counsel
Jorge Ramirez	Deputy Executive Director, Facilities & Energy Management
Mark Scott	Director, Office of Internal Audit
Michael Lacy	Deputy Executive Director, Planning & Asset Management Division
Luis Arellano	Chief Financial Officer
James Barrington	Federal & State Surplus
Susan Maldonado	Legal Services Division
Crystal Nelson	Legal Services Division
Roland Torres	Budget & Fiscal
Trish Perme	Office of Internal Audit
Dace Ward	Office of Internal Audit
Richard Ehlert	Director of Procurement & HUB
John Goodrich	Procurement & HUB
Paul Fowler	Facilities & Energy Management
Karl Oberlander	Facilities Design & Construction
Paul Medrano	Facilities Design & Construction
Ronnie Hardin	Facilities Design & Construction
Britten Barr	Facilities Design & Construction
Heidi Gonzales	Facilities Design & Construction

Paulinda Mackie	Facilities Design & Construction
Peter Maass	Facilities Design & Construction
Heidi Gonzales	Facilities Design & Construction
Ashley Cuellar	Facilities & Energy Management
Gayla Davis	Planning & Asset Management Division
Bob Bugnand	Planning & Asset Management Division

Guests

David Ancira	Texas Comptroller of Public Accounts
Ed Robertson	Office of the Governor
Nina Randy	TIBH Industries, Inc.
Brian Hausam	Flintco, Inc.
Lee Harsh	Health & Human Services Commission
Tim Merriweather	Banister Group
Monty Montey	Teacher Retirement System
Fernando Yopez	Fercam Group (Ferkam Management Corporation)

I. Call to Order.

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

II. Approval of the Minutes from the August 18, 2010 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 Stuart.

III. Public Comment.

There were no public comments.

IV. Award of Lease Recommendations and Summaries.

Lease and/or Amendments Pending Execution with Commencement Date on or after October 20, 2010.

New Lease

- 1. # 20246 – Health and Human Services Commission: Houston, TX.**
- 2. # 303-0-11782 – Health and Human Services Commission/Department of Aging and Disability Services/Department of Family and Protective Services/Department of Assistive and Rehabilitative Services: Midland, TX.**

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

- ### **V. Consideration and possible action to approve a contract amendment for a professional environmental engineering services agreement for the Stephen F. Austin Renovation and Deferred Maintenance Project, No. 08-022-6101, Austin, Texas.**
- The Commissioners unanimously voted to award a professional environmental engineering services contract amendment to the Fercam Group in the

amount not to exceed \$22,210 for the Stephen F. Austin Renovation and deferred maintenance, Project No. 08-022-6101 in Austin, Texas with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Darby.

- VI. Consideration and possible action to approve a construction contract award for renovations and repairs at the Austin State Hospital Campus, Buildings 552, 555, 633 and 634, for the Texas Health and Human Services Commission, Project No. 08-085A-7094, Austin, Texas.** The Commissioners unanimously voted to award a construction contract to Flintco, Inc. in the amount of \$2,894,950 for renovations and repairs at the Austin State Hospital Campus, Buildings 552, 555, 633, and 634, for the Texas Health and Human Services Commission, Austin, Texas, Project No. 08-085A-7094, with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Stuart.
- VII. Consideration and possible action to approve a construction contract change order for the Teacher Retirement System, security and elevator upgrades, Project No. 08-060-0323, Austin, Texas.** The commissioners unanimously voted to approve a construction contract change order to Harvey-Cleary Builders in an amount not to exceed \$103,468 for the Teacher Retirement System security and elevator upgrades, Project No. 08-060-0323, Austin, Texas with a motion to approve made by Commissioner Ince and a second to approve the motion made by Commissioner Hermosa.
- VIII. Consideration and possible action to approve a construction contract change order for the Department of State Health Services Lab A600 Phase 2, Project No. 06-009-7036, Austin, Texas.** The commissioners unanimously voted to approve a construction contract change order to DPR Construction for the Department of State Health Services Lab A600 Phase 2, Project No. 06-009-7036, Austin, Texas with a motion to approve made by Commissioner Hartman and a second to approve the motion made by Commissioner Stuart.
- IX. Consideration and possible action to enter into an interagency contract with the Texas A&M Energy System Laboratory for continuous commissioning services.** The commissioners unanimously voted to approve an interagency contract with Texas A&M Energy System Laboratory in the sum of \$2,250,114 for the continuous commissioning of TFC managed buildings with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Ince. In addition, Commissioner Hartman requested that staff provide monthly updates on the status of the grant and other energy efficiency projects.
- X. Consideration and possible action to approve the 2010 Uniform General Conditions.** The commissioners voted unanimously to approve the 2010 Edition of the Uniform General Conditions for Construction Contracts in accordance with Texas Government Code Section 2166.305 with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Stuart.
- XI. Update from the Planning and Asset Management Division on facilities strategy and space utilization.** No presentation was made on this agenda item.
- XII. Report from the Executive Director and executive staff on facilities design and construction projects, facilities leasing, facilities operations and maintenance, energy management, and legislative update.**

Terry Keel gave the Commission a brief update on the following:

- i.) the Commission's receipt of a Gold award for the DPS Emergency Vehicle Operations Course project from the American Concrete Pavement Association; and,
- ii.) TFC staff's attendance at the Legislative Appropriations Request hearing held on September 17, 2010 and attended by Legislative Budget Board and other key legislative agency staff.

In addition, Karl Oberlander (Facilities Design & Construction) gave a brief presentation and status update on the Texas School for the Blind and Visually Impaired.

XIII. Report from the Chief Financial Officer on the monthly financial report update. Luis Arellano provided the monthly financial report including the agency forecast, monthly operating expenditures, year-to-date budgeted adjustments, cost recovery program results, revenue forecast, and a list of financial transactions that are not included in the operating budget with no major changes. Mr. Arellano informed the Commission that TFC currently has 276 FTE's as of September 30, 2010.

XIV. Monthly Status Report from the Internal Auditor.

A. Review of Controls Over Data Input and Maintenance of MicroMain.

Mark Scott gave the Commission a brief overview of the review of controls over data input and maintenance of the MicroMain system. The MicroMain system is used as a billing, tracking, and inventory system for the Facilities and Energy Management Division.

XV. Consideration and Possible Approval of the 2011 Internal Audit Annual Plan.

The commissioners voted unanimously to approve the 2011 Internal Audit Annual Plan with a motion to approve made by Commissioner Hartman and a second to approve the motion made by Commissioner Hermosa.

XVI. Recess into CLOSED session, if necessary, pursuant to the Texas Government Code under Chapter 551 for the following purposes:

A. Pending and potential litigation, Section 551.071.

Caliber Investment Corp., General Partner, Prairie Flower Ltd. v. Texas Facilities Commission and its Executive Director, Terry Keel, Cause No. C2101012, In the Court of the Justice of the Peace, Precinct Two, Walker County, Texas.

B. The appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director and Executive Management Staff, Section 551.074.

Evaluation of the Internal Auditor.

C. The duties, roles, and responsibilities as Commissioners of the Texas Facilities Commission, Section 551.074.

D. The deliberation regarding purchase, exchange, lease, or value of real property, Section 551.072.

- E. 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**
- F. 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 10:55 a.m.

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

Chair Reinbeck reconvened the meeting at 1:01 p.m.


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

No actions were taken as a result of Executive Session.

XIX. Adjournment.

Chair Reinbeck adjourned the meeting at 1:02 p.m.

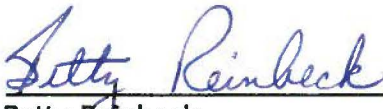
Reviewed and
Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 17th day of November, 2010.

By:



Betty Reinbeck
Chair