

**CHAIR**  
Robert D. Thomas

**COMMISSIONERS**  
William Allensworth  
Steven D. Alvis  
Patti C. Jones  
Mike Novak  
Rigoberto Villarreal



**INTERIM EXECUTIVE DIRECTOR**  
John Raff

## **TEXAS FACILITIES COMMISSION**

Minutes No. 99: Minutes of the February 28, 2018 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 January 25, 2018, commencing at 10:00 a.m. Chairman Thomas presided, and Commissioners Novak, Alvis, Villarreal and Allensworth 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 13, 2017, and the January 25, 2018, Open Meeting.**

The Commission voted unanimously to approve the December 13, 2017 and the January 25, 2018 minutes with a motion made by Commissioner Allensworth and a second to approve the motion made by Commissioner Villarreal.

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

There was no public comment.

### **IV. Consent Agenda for Award of Lease Recommendations and Summaries.**

**Leases and/or Amendments Pending Execution on or after February 28, 2018.**

#### **Replacement:**

1. Lease #303-9-20618 – Texas Department of Criminal Justice: Victoria, TX.

#### **Renewals:**

2. Lease #10252 – Health and Human Services Commission/Department of State Health Services/Texas Lottery Commission: McAllen, TX.
3. Lease #20219 – Texas Historical Commission: Austin, TX.
4. Lease #7929 – Department of Family and Protective Services/Health and Human Services Commission: Aransas Pass, TX.
5. Lease #10292 – Health and Human Services Commission: Austin, TX.
6. Lease #303-4-20357 – Health and Human Services Commission: Weslaco, TX.
7. Lease #1271 – Department of Family and Protective Services/Health and Human Services Commission/Department of State Health Services/Texas Workforce Commission: Seguin, TX.

**8. Lease #303-8-10287 – Health and Human Services Commission/Department of Family and Protective Services/Department of State Health Services: Henderson, TX.**

The Commission voted unanimously to approve the above Consent Agenda for Award of Lease Recommendations and Summaries with a motion to approve made by Commissioner Villarreal and a second to approve the motion made by Commissioner Novak.

**V. Consideration and possible action to award a construction manager-at-risk contract for the Capitol Complex Phase I Development, the Central Utility Plant Expansion and Utility Tunnel (Package 3), Project No. 17-008A-8040 in Austin, Texas.**

The Commission voted unanimously to award a construction manager at-risk contract to JE Dunn Construction, in the amount of \$54,800,600.00 for the Capitol Complex Phase I Development, the Central Utility Plant Expansion and Utility Tunnel (Package 3), Project No. 17-008A-8040 in Austin, Texas., with a motion made by Commissioner Alvis and a second to approve the motion made by Commissioner Allensworth.

Commissioner Novak asked Mr. Raff to provide the Commissioners with a complete tabulation for CUP Expansion and Tunnel Construction.

**VI. Consideration and possible action to award a construction manager-at-risk contract for the Capitol Complex Phase I Development, the 1801 Congress Building (Package 4), Project No. 17-016-8002 in Austin, Texas.**

The Commission voted unanimously to award a construction manager at-risk contract to Flintco, LLC in the amount of \$192,723,104.00 for the Capitol Complex Phase I Development, the 1801 Congress Building (Package 4), Project No. 17-016-8002 in Austin, Texas, with a motion made by Commissioner Allensworth and a second to approve the motion made by Commissioner Novak.

The original awarded amount of \$201,840,533.00 was amended to \$192,723,104.00, and staff has determined that the offer of \$192,723,104.00 is appropriate and commensurate with the necessary staffing and effort for the proposed scope of work and recommendations.

**VII. Consideration and possible action to award an architectural and engineering professional services contract for the Texas School for the Deaf Toddler Learning Center and Central Services Center Project No. 18-004-8803 in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract to McKinney York Architects in the amount of \$1,526,055.00 for the Texas School for the Deaf Toddler Learning Center and Central Services Center Project No. 18-004-8803 in Austin, Texas, with a motion made by Commissioner Alvis and a second to approve the motion made by Commissioner Allensworth.

**VIII. Consideration and possible action to award an engineering professional services contract for construction materials testing and inspections for the North Austin Complex Phase 1 Development, Project No. 16-030-8060 in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract to Terracon Consultants in the amount of \$830,521.00 for the construction materials testing and inspections for the North Austin Complex Phase 1 Development, Project No. 16-030-8060 in Austin, Texas, with a motion made by Commissioner Allensworth and a second to approve the motion made by Commissioner Novak. Commissioner Alvis abstained.

An amendment to the motion was made by Commissioner Alvis, that the approval of this award was subject to the Interim ED confirming that the insurance limits would be raised to \$5M.

**IX. Discussion of the redevelopment of the G.J. Sutton State Office Building site in San Antonio, Texas.**

**1. Fiscal note update.**

Mr. John Raff, Interim Executive Director gave a brief fiscal note update on the G.J. Sutton Building. Thereafter, Mr. John Goodrich with the Procurement Department gave a brief update on the redevelopment of the G.J. Sutton.

Chairman Thomas asked Naomi Gonzalez, Interim General Counsel to give the Commissioners some guidance on the legal perspective of the Procurement process.

**X. Report from the Interim Executive Director on facilities design, construction projects, facilities leasing, facilities operations, maintenance, energy management, HUB and legislation.**

Mr. John Raff, Interim Executive Director informed the Commission that the Executive Director position has been posted in Work in Texas, Indeed.com Job Search, Texas Society of Architects, National Association of State Facility Administrators, Texas Society of Professional Engineers and the International City/County Management Association. In addition Mr. Raff informed the Commission that another strategy is looking into hiring a consultant to help TFC find the right qualified individual for this position, and because the fees generally will exceed a certain cap TFC will need to seek permission from the Governor's office to hire a consultant. Mr. Raff also informed the Commission that the general strategy for the executive positions is to delay those efforts until an Executive Director is hired; however, given the agency's critical role in a number of large capital initiatives, time is of the essence and interim management will pursue hiring some of the key executive positions, HR continues to aggressively pursue posting to fill line level vacancies. Next Mr. Raff touched upon all the Interims Managing/Directing Positions and that some of the divisions have been moved over temporarily to an autonomous program directly reporting to the Executive Director and in the possible future reporting to a COO as was done in the agency years past. Next, Mr. Raff informed the Commission that FDC is working with Legal to establish the TAC rule for incorporating Buy America provisions into project specifications for iron and steel products. Lastly, Mr. Raff gave a brief updates on the Capitol Complex Phase I Development Program Summary Report and the North Austin Complex Phase I Development.

Thereafter, Chairman Thomas asked Mark Diaz to coordinate with HHSC about having a ground breaking ceremony for the new building site.

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

**1. Discussion of the results of OIA's Review of Facilities Maintenance.**

Ms. Amanda Jenami, Director of Internal Audit informed the Commission of the results of the OIA's Review of Facilities Maintenance.

**XII. Program Presentations.**

No presentations were given for Agenda Item XII.

**XIII. Division/Program Dashboard Reports.**

No report was given for Agenda Item XIII.

**XIV. Report from the Commission Work Groups.**

**1. Discussion of the new Work Group Assignments.**

Chairman Thomas had a brief discussion on the best practice for the Work Group Assignments and touched briefly on the Work Group Mission Statement, Work Group Purpose and Suggestions for Engagement.

**2. FDC Work Group Report.**

Commissioner Novak informed the Commission that there was a FDC Work Group meeting/conference call on Tuesday February 27, 2018. The Commissioner informed the Commission that several things they touched upon are

on today's agenda and are relevant to some things that need to be done through the FDC Work Group. In addition, the Commissioner also informed the Commission that the Work group is going to go back and look at some of the metrics, so that they can hit the mark just right on what information they need from staff.

### **3. Energy Work Group Report.**

There was no Energy Work Group meeting this month.

### **4. Audit Work Group Report.**

Commissioner Allensworth gave brief remarks regarding the Audit Work Group meeting and didn't have much to add to the report provided by Ms. Amanda Jenami, Director of Internal Audit.

### **5. Executive Director Search Work Group Report.**

Chairman Thomas gave a brief report on the Executive Director search, and as of today there are twenty-two applicants, but that none of the Commissioners have looked at the applications because HR is currently working on a screening tool. The goal with the screening tool is to get the numbers of applicants down to something manageable and reasonable.

## **XV. Report from the Chief Financial Officer on the monthly financial report update.**

Mr. Daniel Benjamin, Interim CFO, 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.

## **XVI. Discussion of Commission organization, policies, procedures and new initiatives.**

### **1. Moving the Commission Monthly Meeting to the third Wednesday of each month beginning with the March meeting.**

Chairman Thomas informed the Commission that TFC meetings will be moved to the third Wednesday of each month beginning with the March meeting and that the meetings will begin at 9AM.

## **XVII. Introduction to a Global Analysis of Asset Utilization and Program Implementation for TFC's Operations and Maintenance.**

Mr. John Raff, Interim Executive Director gave brief remarks on the Introduction to a Global Analysis of Asset Utilization and Program Implementation for TFC's Operations and Maintenance. He also informed the Commission that TFC's initiative to address the issues includes a short term and long term strategy.

## **XVIII. Discussion of the Capitol Complex Program Structure.**

Chairman Thomas recessed the open meeting to go into Executive Session.

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

Chair Thomas recessed the meeting to convene in Executive Session at 12:47 p.m.

- 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.

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

Chair Thomas reconvened the open meeting at 1:41 p.m., and the closed session did not result in any action to be taken.


**XXI. Adjournment.**

Chair Thomas adjourned the meeting at 1:41 p.m.

**Reviewed and Submitted:**

By:   
Naomi R. Gonzalez, Acting General Counsel

Approved by the Commission on March 21, 2018.

By:   
Robert D. Thomas, Chair