

INTERIM EXECUTIVE DIRECTOR
Thomas L. Forrest



Texas Facilities Commission

CHAIR
Betty Reinbeck

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

Minutes No. 20 Minutes of the September 16, 2009, 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, 2009, commencing at 10:01 a.m. The following were present, and Chair Reinbeck presided:

Members Present

Betty Reinbeck	Chair
Barkley Stuart	Vice-Chair
Malcolm E. Beckendorff	Commissioner
Derek Darby	Commissioner
Virginia Hermosa	Commissioner
Brant C. Ince	Commissioner

Staff Present

Tom Forrest	Interim Executive Director
Kay Molina	General Counsel
Mark Scott	Director, Internal Audit
Luis Arellano	Chief Financial Officer
Gregg Werkenthin	Deputy Executive Director, Space Management & State Leasing Services
Richard Ehlert	Internal Procurement
John Goodrich	Internal Procurement
Myra Beer	Internal Procurement
Stanton Korn	Fiscal
Jamie Barrington	Deputy Executive Director, Facilities Management Division
Michael Phillips	Chief Information Officer
Catherine Camp	Human Resources
Tommy Oates	Human Resources
Tiffany Harry	Legal Services Division
Crystal Nelson	Legal Services Division
Lisa Calem-Lindstrom	Legal Services Division
Kristy Fierro	Internal Audit
Trish Perme	Internal Audit
Mike Blackwell	Publications & Media
Jorge Ramirez	Deputy Executive Director, Energy Management & Plant Operations
Bill Bonham	Deputy Executive Director, Facilities Design & Construction
Mary Jo Ingram	Facilities Design & Construction
John Raff	Facilities Design & Construction

Thursten Simonsen	Facilities Design & Construction
Juana Reyes	Facilities Design & Construction
Mark Trott	Facilities Design & Construction
Mike Holeman	Facilities Design & Construction
Ashley Holt	Space Management & State Leasing Services
Amanda Diebel	Space Management & State Leasing Services
Buddy Miller	Space Management & State Leasing Services
Gayla Davis	Space Management & State Leasing Services
Lisa Hardin	Executive Administration
George Watkins	Property Management
Pete Garcia	Property Management
Jeff Entner	Property Management
Rachel Ramirez	Property Management
Alvin Mercado	Property Management
Lisa Birchfield	Minor Construction
Ray Bates	Minor Construction

Guests

David Ancira	Texas Comptroller of Public Accounts (CPA)
Milton Turnipseed	TIBH
Nicole Castro	Drenner & Golden Stuart Wolff LLP (D&GSW)
Steve Metcalfe	Drenner & Golden Stuart Wolff LLP (D&GSW)

I. Call to Order. Chair Reinbeck called the meeting to order at 10:01 a.m.

II. Presentation of Service Awards.

Tom Forrest presented the following individuals with service awards:

Juana Reyes	Five years (Facilities Design & Construction)
Pete Garcia	Five years (Property Management)
Jeff Entner	Ten years (Property Management)
Gregory Bickwermert	Fifteen years (Property Management)
Rachel Ramirez	Thirty years (Property Management)
George Watkins	Thirty five years (Property Management)

III. Approval of the Minutes from the August 19, 2009 Open Meeting.

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

IV. Public Comment. There were no public comments.

V. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after September 16, 2009.

Renewals

1. # 7945 – Health and Human Services Commission/Department of Family and Protective Services/Texas Tech University Health Science Center: Andrews, TX.
2. # 9149- Office of the Attorney General: Austin, TX.

New Leases

3. # 303-9-11840 – Comptroller of Public Accounts/Office of the Attorney General: Victoria, TX.
4. # 303-9-11609 – Texas Department of Criminal Justice: Forth Worth, TX.

Leases and/or Amendments Pending Execution with Commencement Date before September 16, 2009.

Renewals

1. # 8562 – Health and Human Services Commission/Department of Family and Protective Services/Department of Assistive and Rehabilitative Services/Department of Aging and Disability Services/Department of State Health Services: Big Spring, TX.

The Commission unanimously voted to approve the above leases and/or amendments with the motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Beckendorff.

- VI. Consideration and possible action to enter into a long term ground lease with Austin Riverside NEC, Ltd. for approximately 90,000 SF, located at 150 East Riverside Drive in Austin, Travis County Texas, for the purposes of constructing a new State office building.** This item was pulled from the agenda.
- VII. Consideration and possible action to approve an architectural and engineering (A/E) design services contract award for the Texas School for the Blind and Visually Impaired Campus Renovations Stage III, Project No. 08-013D-0771, Austin, Texas.** At the Chair's request, Tom Forrest and Bill Bonham provided the Commission an update on the new Indefinite Delivery Indefinite Quantity (IDIQ) contracts and how staff would like to use them for future projects. Because the proposal is different than what the Commission has approved in the past, the Commission determined that a policy was necessary to define for staff how IDIQs should be awarded and used in the future and asked Commissioners Stuart and Beckendorff to work with staff on such policy to present to the full Commission at a future meeting. Thereafter, the Commission voted to approve the award of an amendment to the existing architectural and engineering design services contract with Graeber Simmons & Cowen, Inc. (GSC) in the amount of \$906,886 for the Texas School for the Blind & Visually Impaired Campus Renovations Stage III, Project No. 08-013D-0771, Austin, Texas, under the proprietary purchase guidelines in lieu of awarding the project under an IDIQ with GSC, with a motion to approve made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Stuart.
- VIII. 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.** Monthly updates

were provided to the Commission as handouts distributed as part of the notebook materials.

- IX. Quarterly report Deputy Executive Director of Administration on staffing trends and administration activities.** Due to the absence of Deputy Executive Director of Administration Stephen Thomas, Chief Information Officer Michael Phillips updated the Commission on staffing trends and administration activities. Mr. Phillips noted that overall attrition has declined significantly in the last four fiscal years demonstrating stabilization in the workforce. Mr. Phillips noted that worker's compensation claim expenses were down and that Risk Management continues to develop and implement programs to provide a safe and efficient workplace. The Procurement Division continues to provide outstanding customer service utilizing cost-effective and innovative methods to procure goods and services and promote opportunity to historically underutilized businesses. Records Management and Support Services continue to develop, implement, and evaluate a comprehensive records management process to ensure statutory compliance storing records and processing incoming and outgoing mail, consumable supplies, and copying and printing. Information Technology continues to utilize innovations in information technologies to provide the Commission with more efficient and cost effective systems.
- X. 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. Three budget adjustments were made last month due to increases in revenue to the cost recovery areas. All cost recovery programs are where they need to be or better with the exception of the recycling program. The revenue forecast continues to be on target. Mr. Arellano also informed the Commission that the TFC currently has 326.5 FTE's (Full Time Employees) as of the end of August.
- XI. Monthly Status Report from Internal Auditor, Mark Scott.**
- A. Review of Contract Administration Processes for Construction-Related Contracts.** Mark Scott updated the Commission on the most recent Audit with regards to the Contract Administration Process for Construction-Related Contracts determining TFC has the proper processes in place to thoroughly monitor and otherwise perform post-award administrative activities.
- XII. 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.**
- B. The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of the Executive Director and Executive Management Staff, Section 551.074.**
- 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 at 11:45 a.m. and the Commission went into Executive Session.

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

Chair Reinbeck reconvened the meeting at 1:09 p.m.

- XIV. Consideration and possible action, if necessary, on any issue discussed during Executive Session.**

No actions were taken as a result of Executive Session.

- XV. Adjournment.**

Chair Reinbeck adjourned the meeting at 1:10 p.m.

Reviewed and
Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 21st day of October, 2009.

By:



Betty Reinbeck
Chair