

Chair

William Allensworth

Commissioners

Steve Alvis
Brian Bailey
Patti C. Jones
Rigoberto "Rigo" Villarreal
C. Price Wagner



Executive Director

Mike Novak

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Minutes No. 115: Minutes of the February 20, 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 (TFC) held an open meeting at the Central Services Building, 1711 San Jacinto Boulevard, in Conference Room 401-C, Austin, Texas, on Thursday February 20, 2020, commencing at 9:00 a.m. Chairman Allensworth, and Commissioners Alvis, Jones, Bailey, and Wagner were present. Commissioner Villarreal was not present.

I. Call to Order.

Chairman Allensworth called the meeting to order at 9:00 a.m.

II. Approval of minutes from the January 16, 2020 Open Meeting.

The Commissioners voted unanimously to approve the minutes from January 16, 2020 meeting.

III. Public Comment.

There was no public comment.

Consent Agenda

IV. Award of Lease Recommendations and Summaries.

The leases on the Consent Agenda were recited by the Chairman. The Commissioners voted unanimously to approve the consent agenda for leases.

Non-Consent

V. Consideration and possible action to award a construction manager-at-risk contract to Kitchell Corporation in the amount of \$2,324,547.50 for Texas State Library and Archives Commission's Records Storage Renovation at the Promontory Point Building, Project No. 19-011-2509 in Austin, Texas.

John Raff, Director of TFC's Facility Design & Construction, discussed the project and the recommendation for Kitchell Corporation for the contract award. The Commissioners voted unanimously to approve.

VI. Consideration and possible action to award an architectural/engineering professional services contract to Garver, LLC, in the amount of \$2,398,617.00 for the Department of Public Safety Joint Tactical Training Facility, Project No. 17-013-6091 in Brownsville, Texas.

John Raff spoke on the scope and complexities of this project. Commission Wagner asked about the contingency budget for the multiple phases for the project, which Mr. Raff addressed, as well as noted the different phases planned and funding for the project. Chairman asked about the planned modifications that may be required in the contract in relation to funding or lack thereof. Mr. Raff discussed the planning of the phases and the possibility that funding shortfalls will require modification of the project plans; Mr. Raff confirms the contractor is aware of the possibility of changes to the scope of the phases of the project. The Commissioners voted unanimously to approve the award.

VII. Consideration and possible action to award an architectural and engineering professional services contract to Gensler in the amount of \$1,433,216.00 for TFC's 2020-21 LBJ Building Multi Floor Renovation, Project No. 20-002-5094 in Austin, Texas.

John Raff discussed the appropriation of funds for these services. He explained the scope of the project for the renovation of three floors of the LBJ building. Commissioner Wagner moved to approve; Commissioner Alvis seconded the motion. The Commissioners voted unanimously to approve.

VIII. Consideration and possible action to award an architectural and engineering professional services contract to MEP Engineering in the amount of \$921,000.00 for TFC's 2020-21 deferred maintenance on the Brown Heatley Building Repairs and Rehabilitation, Project No. 20-010-5402 in Austin, Texas.

John Raff stated a correction to the summary was needed to reflect the funding stems not from the 85th Legislative Session but from the 86th Legislative Session in the amount of \$120,223,001.00. Commissioner Wagner moved to approve this award, Commissioner Alvis seconded the motion, and the Commissioners voted unanimously to approve.

IX. Consideration and possible action to award an architectural and engineering professional services contract to Tom Green and Company Engineers, Inc. in the amount of \$670,000.00 for TFC's 2020-21 deferred maintenance on the LBJ Building MEP and Water Remediation, Project No. 20-003-5095 in Austin, Texas.

John Raff discussed the concerns with water infiltration remediation needed at LBJ building and delineated the difference between this contract and the contract of Agenda Item VII, that this contract is for maintenance and services necessary to maintaining the LBJ Building. Commissioner Wagner moved to approve, Commissioner Bailey seconded the motion, and the Commissioners voted unanimously to approve.

X. Consideration and possible action to award of an architectural and engineering professional services contract for retro commissioning services to Stanley Consultants in the amount of \$416,465.00 for TFC's 2018-19 deferred maintenance Capitol Complex Buildings MEP & Waterproofing Repairs, Project No. 18-010-5193 in Austin, Texas.

John Raff stated appropriation for this contract was made by the 85th Legislature. TFC's Billy Knapp, Project Manager, addressed the multiple projects from this funding. Commissioner Bailey moved to approve, Commissioner Wagner seconded the motion, with all Commissioners voting to approve this award.

XI. Consideration and possible action to approve an architectural and engineering professional services contract amendment for Stanley Consultants in the amount of \$79,200.00 for TFC's 2016-17 deferred maintenance on the Department of State Health Services 4 Building Project, Project No. 16-019-5530 in Austin, Texas.

John Raff discussed the expanded scope of this project, secondary to DSHS needs. Commissioner Bailey made the motion to approve, with Commissioner Wagner seconding the motion. The Commissioners voted unanimously to approve.

XII. Discussion of Major Projects.

1. Capitol Complex.

Lou Saksen, of Balfour Beatty, gave an update on the major progress being made. He noted there have been a few unexpected delays with the utility work but assured the Commission this has no bearing on target completion dates. Mr. Saksen stated the Notice to Proceed on the Texas Mall has been received.

2. North Austin Complex.

TFC's John Raff gave an update. Key milestones of obtaining approval from Austin Energy have been met. Mr. Raff states the project is still on time and on budget.

XIII. Report from the Executive Director on Facilities: design, leasing, operations, maintenance, energy management, construction projects, the Surplus and HUB programs, and legislative affairs.

Mike Novak, TFC's Executive Director, addressed the Commissioners on servant leadership and the change of culture at TFC, as demonstrated by the complimentary email recently received from a director at the Texas School for the Blind and Visually Impaired. Mr. Novak recognized TFC's Marty Martinez, Director of Facilities Management and Operations, for the stellar efforts of his team.

Mr. Novak discussed the agency-wide meeting TFC conducted in January 2020, and the plans for more in the future. Francoise Luca, TFC's Communications program, presented a video of a local Austin news report on the State Surplus Store, which featured Kristy Fierro, Director of the State and Federal Surplus program.

Commissioner Jones, who heads the TFC Surplus Work Group, discussed the potential of the Surplus program and the need for a better business model. Commissioner Jones discussed providing a facelift on the Surplus Store and improved marketing efforts to maximize the sales programs. Commissioner Jones noted the monumental effort made daily by Surplus program staff in Austin, San Antonio, and in Fort Worth.

XIV. Report from Internal Audit.

1. Review of Enterprise-Wide Risk Management.

Donna Steadman, from TFC's Office of Internal Audit, gave an update on the agency needs and progress made in this effort.

2. Status of Prior Audit Findings.

Sonya Etheridge, TFC Internal Auditor, discussed the format of the Prior Audit Findings, as well as the implementation of various previous audits' recommendations, particularly high-priority recommendations. Ms. Etheridge also discussed TFC's efforts to assess disaster recovery plans and contract compliance.

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

Diane Jackson, TFC's Chief Financial Officer, gave an overview of the operating budget and forecast, as of January 31, 2020. Commissioner Jones discussed with Ms. Jackson unfilled staff positions and reallocation of those funds to improve staff recruitment and decrease staff turnover.

XVI. Reports from Commission Work Groups.

1. Construction Work Group.

Addressed by Lou Saksen and John Raff earlier in the meeting, Agenda Item XII.

2. Audit Work Group.

Addressed by Sonya Etheridge in Agenda Item XIV.

3. Surplus Work Group.

Addressed during Executive Director's Report, Agenda Item XIII.

XIV. Recess into closed executive session at 10:206 a.m., pursuant to Texas Government Code Chapter 551 for the following purposes:

- a. Pending and potential litigation, Section 551.071, to include possible action concerning Williams v. TFC, Case No. 1:17-CV-000689 LY, United States District Court for the Western of Texas, Austin Division, and Medrano v. TFC, Case No. 1:19-CV-000643-LY, United States District Court for the Western of Texas, Austin Division.
- b. The appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director and executive management staff, or 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.

IV. Adjournment.

At 11:25 a.m, the Chairman reconvened the open meeting. No further action was required, and the meeting was adjourned at 11:26 a.m.

Reviewed and Submitted:

By: *A.J. Wilson Salazar*
A. J. Wilson Salazar, General Counsel

Approved by the Commission April 16, 2020:

By: DocuSigned by:
William Allensworth
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William Allensworth, Chair