

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. 29 Minutes of the July 21, 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, July 21, 2010, commencing at 10:00 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
Virginia Hermosa	Commissioner

Members Absent

Brant Ince	Commissioner
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Staff Present

Terry Keel	Executive Director
Catherine Camp	Director of Human Resources
Tiffany Harry	Legal Services Division
John Raff	Deputy Executive Director, Facilities Design & Construction
Kay Molina	General Counsel
Jorge Ramirez	Deputy Executive Director, Facilities & Energy Management
Mark Scott	Director, Office of Internal Audit
Luis Arellano	Chief Financial Officer
Stan Korn	Budget & Fiscal
Gregg Werkenthin	Deputy Executive Director, Space Management & State Leasing Services
Michael Phillips	Chief Information Officer
Crystal Nelson	Legal Services Division
Sandy Williams	Legal Services Division
Debbie Simecek	Space Management & State Leasing Services
Patrick Barry	Information Technology
Kristy Fierro	Federal & State Surplus
Trish Perme	Office of Internal Audit
Richard Ehlert	Director, Procurement & HUB

John Goodrich	Procurement & HUB
Myra Beer	Procurement & HUB
Paul Fowler	Facilities & Energy Management
Karl Oberlander	Facilities Design & Construction
Paul Medrano	Facilities Design & Construction
Peter Maass	Facilities Design & Construction
Marti Walsh	Facilities Design & Construction
Rebecca Underwood	Facilities Design & Construction
Heidi Gonzales	Facilities Design & Construction
Mike Blackwell	Federal & State Surplus
Ashley Cuellar	Space Management & State Leasing Services
Amanda Diebel	Space Management & State Leasing Services
Gayla Davis	Space Management & State Leasing Services
Bob Bugnard	Space Management & State Leasing Services
Michael Lacy	Space Management & State Leasing Services
Aundre Dukes	Space Management & State Leasing Services
Stephen Huber	Space Management & State Leasing Services
Christina Ramirez	Space Management & State Leasing Services

Guests

Justin Jones	Texas Comptroller of Public Accounts (CPA)
Don Bulloch, P.E.	SpawGlass Contractors, Inc.
Gilbert Enriquez	Enriquez Enterprises, Inc., Vice-President/CFO
Lupita Padilla	Health & Human Services Commission (HHSC)
David Anciria	Texas Comptroller of Public Accounts (CPA)
Dorothy Turner	Texas State Auditor’s Office (SAO)
Kirby Keahey	WHR Architects, Senior Principal
Megan Ortiz	Hermosa Law Firm

I. Call to Order.

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

II. Approval of the Minutes from the May 19, 2010 Open Meeting.

The Commission voted unanimously to approve the minutes from the previous meeting with a motion made by Commissioner Hartman 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 July 21, 2010.

Renewal

- #10406 – Office of the Attorney General/Texas Commission on Environmental Quality: Austin, TX.**

2. **#10192 – Health and Human Services Commission: El Paso, TX.**
3. **#8596 – Health and Human Services Commission/Department of Family and Protective Services/Department of Assistive and Rehabilitative Services/Department of State Health Services: Marshall, TX.**

New Lease

4. **303-0-11318 – Health and Human Services Commission/Department of Aging and Disability Services: Garland, 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 Hartman.

- V. **Consideration and possible action to contract with Austin Ribbon and Computer to replace an uninterruptible power supply system and an automatic transfer switch at the John H. Winters State Office Building data center for the Health and Human Services Commission, Project No. 10-F001-306353, Austin, Texas.** The Commissioners unanimously voted to award a contract to Austin Ribbon and Computer for an electrical system upgrade at the John H. Winters State Office Building data center for the Health and Human Services Commission in an amount not to exceed \$1,550,000, for Project No. 10-F001-306353, Austin, Texas, with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Darby.
- VI. **Consideration and possible action to approve the award of a construction manager-at-risk contract for the Elevator Replacement Projects at the Insurance Annex, Project No. 10-009-6307; the John H. Winters Building, Project No. 10-010-6308; the William B. Travis Building, Project No. 10-011-6309; the Thomas J. Rusk Building, Project No. 10-012-6310; and, the Park 35 Campus, Project No. 10-013-6311, Austin, Texas.** The Commissioners unanimously voted to award a construction manager-at-risk contract to Spawglass Contractors, Inc., in an amount not to exceed \$6,955,900 for the Elevator Replacement Projects at the Insurance Annex, Project No. 10-009-6307; the John H. Winters Building, Project No. 10-010-6308; the William B. Travis Building, Project No. 10-011-6309; the Thomas J. Rusk Building, Project No. 10-012-6310; and, the Park 35 Campus, Project No. 10-013-6311, Austin, Texas, with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Hartman.
- VII. **Consideration and possible action to approve a construction contract for the Texas Department of State Health Services (DSHS) Hidalgo County Primary Care and Substance Abuse Clinic, Project No. 08-026A-7077, Edinburg, Texas.** The Commissioners unanimously voted to approve a construction contract to Enriquez Enterprises, Inc., in the amount of \$2,200,000 for the Texas Department of State Health Services (DSHS) Hidalgo County Primary Care and Substance Abuse Clinic, Project No. 08-026A-7077, Edinburg, Texas, with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Stuart. It was noted that this construction service was solicited as a competitive sealed proposal and is a new contract that is bonded with a fixed cost.

- VIII. Consideration and possible action to approve an architectural/engineering professional services contract amendment for the Texas Department of State Health Services (DSHS) Rio Grande State Center New Outpatient Clinic, Project No. 08-025A-7076, Harlingen, Texas.** The Commissioners unanimously voted to approve a contract amendment for additional design and construction services to Marmon Mok Architects in an amount not to exceed \$104,437 for the Texas Department of State Health Services (DSHS) Rio Grande State Center New Outpatient Clinic, Project No. 08-025A-7076, Harlingen, Texas, with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Hartman. It was noted that this amendment is an exception to the agency's normal contract process and procedures when adding additional services in order to help DSHS procure furniture that had not been included in the original contract scope of work.
- IX. Consideration and possible action to approve an architectural/engineering professional services contract for the Texas Department of Public Safety (DPS) Laredo Crime Lab, Project No. 10-036-0405, Laredo, Texas.** The Commissioners unanimously voted to approve a contract for architectural/engineering professional services to WHR Architects, Inc., in the amount of \$496,675 for the Texas Department of Public Safety (DPS) Laredo Crime lab, Project No. 10-036-0405, Laredo, Texas, with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Hermosa.
- X. Consideration and possible action to approve the FY 2011-2015 Agency Strategic Plan.** The Commissioners unanimously voted to approve the FY 2011-2015 Agency Strategic Plan with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Hartman.
- XI. Consideration and possible action to approve the FY 2011 Operating Budget.** The Commissioners unanimously voted to approve the FY 2011 Operating Budget with a motion made by Commissioner Hartman and a second to approve the motion made by Commissioner Darby.
- XII. Consideration and possible action to approve the FY 2012/2013 Legislative Appropriations Request (LAR).** The Commissioners unanimously voted to approve the FY 2012/2013 Legislative Appropriations Request (LAR) with a motion made by Commissioner Stuart and a second to approve the motion made by Commissioner Hartman.
- XIII. Briefing on the Facilities Master Plan.** Terry Keel gave the Commission a brief update on the Facilities Master Plan and no action was taken on this agenda item. The plan will be presented at the August commission meeting for approval.
- XIV. 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 a meeting and letter sent to Senator Lucio regarding the

Small Contractors Participation Assistance Program, a meeting with the Lt. Governor's staff, a letter and response to Representative Jim Pitts regarding potential budget savings upon review of Texas State agencies' real estate portfolio managed by the Facilities Commission, and a meeting with Senator Kirk Watson and presentation of the Comprehensive Asset Management and Development Strategies (CAMDS) as well as letter sent in response to a request from Senator Kirk Watson regarding data transparency in State government.

XV. 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 282.5 FTE's as of June 30, 2010.

XVI. Monthly Status Report from Internal Auditor, Mark Scott.

- A. Report - Limited Compliance Review of TFC's Federal Surplus Property Program**
- B. Management Letter - Risk Assessment Methodology and Development of Annual Audit Plan**

Mark Scott gave the Commission a brief overview of the Limited Compliance Review of TFC's Federal Surplus Property Program and the Risk Assessment Methodology and Development of Annual Audit Plan Management Letter.

XVII. Discussion and possible action on structure and/or direction of the agency's Internal Audit Division.

Chair Reinbeck recessed the meeting to convene in Executive Session at 11:22 a.m.

XVIII. 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.

Strybos & Texas Division, Sons of Confederate Veterans, Inc. v. Wallace Jefferson et al.; Third Court of Appeals, Austin, Case No. 03-07-00073-CV.

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.

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

Chair Reinbeck reconvened the meeting at 2:04 p.m.

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

No actions were taken as a result of Executive Session.

XXI. Adjournment.

Chair Reinbeck adjourned the meeting at 2:05 p.m.

Reviewed and
Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 18th day of August, 2010.

By:



Betty Reinbeck
Chair