

CHAIR
Betty Reinbeck

COMMISSIONERS
William D. Darby
Douglas M. Hartman
Brant C. Ince
Virginia Hermosa
Michael Novak
Alvin Shaw



EXECUTIVE DIRECTOR
Terry Keel

TEXAS FACILITIES COMMISSION

Minutes No. 49: Minutes of the September 19, 2012, 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 19, 2012 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Hermosa, Darby, Ince, Hartman, Shaw and Novak were also present.

I. Call to Order.

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

II. Approval of the minutes from the August 15, 2012 Open Meeting.

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

III. Public Comment.

There was no public comment.

IV. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after September 19, 2012.

New Leases

1. #303-4-20338 -- Health and Human Services Commission/Department of Family and Protective Services/Department of Aging and Disability Services: Childress, Texas.

Renewals

2. #7055 - Health and Human Services Commission/Department of Family and Protective Services/Department of Aging and Disability Services: Tyler, Texas.
3. #10616 - Health and Human Services Commission/Department of Family and Protective Services: Houston, Texas.

4. #7260 - Health and Human Services Commission/ Department of Aging and Disability Services: Houston, Texas.
5. #20043 - Department of Family and Protective Services: Austin, Texas.

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

V. Consideration and possible action to approve an architectural/engineering professional services contract amendment for the James E. Rudder Interior Renovations Project No. 10-007-6305, in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional service contract amendment to Carter Design Associates in the amount of \$123,800.00 for the James E. Rudder Building Interior Renovations Project No. 10-007-6305 in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Shaw.

VI. Consideration and possible action to approve an architectural/engineering professional services contract for the renovation of mechanical, electrical, fire, life safety, accessibility, access/egress, control monitoring stations and security systems at the Sam Houston Building Project No. 12-014-6411 and 12-015-6412 and the John H. Winters Building Project No. 10-014-6312 and 12-016-6413 in Austin, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract award to Stanley Consultants, Inc in the amount of \$319,300.00 for the renovation of mechanical, electrical, fire, life safety, accessibility, access/egress, control monitoring stations and security systems at the Sam Houston Building Project No. 12-014-6411 and 12-015-6412 and the John H. Winters Building Project No. 10-014-6312 and 12-016-6413 in Austin, Texas, with a motion made by Commissioner Hartman and a second to approve the motion made by Commissioner Darby.

VII. Report on the implementation of an Integrated Workplace Management System (IWMS) and possible direction to the staff from the Commission, if necessary.

Commissioners Novak and Hermosa discussed their meeting with staff of the Energy Work Group regarding energy management and the need for smart metering and software to measure energy consumption. Thereafter, the Commission voted unanimously to approve the staff request to proceed with the acquisition and implementation of the IWMS energy management module, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Darby.

VIII. Discussion and possible action to amend the current Public Private Partnership Guidelines and processes.

The Commission voted unanimously to approve to amend Section VI. of the Public Private Partnership Guidelines to (i) delegate authority to the Executive Director to direct the Planning and Real Estate Management Division to consider and accept or reject unsolicited proposals based on appropriateness of the proposal and compliance with the submittal requirements of the Guidelines; (ii) with approval of the Executive Director, within 10 days of acceptance of an unsolicited proposal for conceptual evaluation, to advertise acceptance of such proposal in the manner and for the times period required by law; (iii) at the conclusion of the posting period to undertake conceptual evaluation of the original proposal and any competing proposals timely submitted; and, (iv) prepare a recommendation to the Executive Director and Commissioners so that at a subsequent general meeting or any special meeting, the Commissioners may determine whether or not to undertake a detailed evaluation of a proposal.

IX. Report from the Executive Director and executive staff on facilities design and construction projects, facilities leasing, and facilities operations, maintenance, and energy management.

John Raff, Deputy Executive Director of Facilities Design and Construction, updated the Commissioners on the construction contract with Journeyman Construction for the Texas Department of Public Safety (DPS) Crime Lab, Project No. 10-036-0405, Laredo, Texas. Mr. Raff stated that in the final stages of developing the contract, Journeyman came to TFC explaining that they had not included the telecommunications work in Specifications Division 02700 due to what they claim was a clarification in the answer to a bidding question that assigned the responsibility for this work to the Owner. After thorough negotiations, TFC and DPS concurred to allow the State to equally share the additional cost of this work with the Contractor. Given the value of the awarded bid, this remains the best value for the State.

X. Report from the Director of Budget and the Director of Accounting on the monthly financial report update.

Mr. Stan Korn, Director of Budget, 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.

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

- a. **Report on the implementation status of prior Internal Audit recommendations.**
- b. **Review of the Property Management Program.**

Mr. Mark Scott, Director of Internal Audit, updated the Commission on the report on the implementation status of prior Internal Audit recommendations, and the Review of the Property Management Program. In addition, Commissioner Hermosa reported that the Audit Work Group met on September 18, 2012 and that the FY13 Annual Internal Audit Plan would be presented at the next meeting.

XII. Recess into CLOSED session, if necessary, pursuant to Texas Government Code 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. 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.

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

There was no Executive Session.

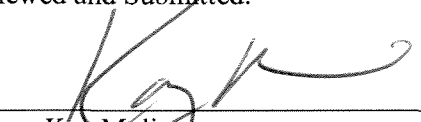
XIV. Consideration and possible action, if necessary, on any issue discussed during Executive Session.

There was no Executive Session.

XV. Adjournment.

Chair Reinbeck adjourned the meeting at 11:51am.

Reviewed and Submitted:

By: 
Kay Molina
General Counsel

Approved by the Commission on the 10/17/12

By: 
Betty Reinbeck
Chair