

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. 26 Minutes of the February 17, 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, February 17, 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
Virginia Hermosa	Commissioner
Brant Ince	Commissioner

Members Absent

Doug Hartman	Commissioner
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Staff Present

Terry Keel	Executive Director
Catherine Camp	Director of Human Resources
Lisa Hardin	Executive Assistant
Tiffany Harry	Legal Services Division
Tom Forrest	Deputy Executive Director, Facilities Design & Construction
Kay Molina	General Counsel
Mark Scott	Office of 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
Jamie Barrington	Facility Maintenance
Dana Williams	Facility Maintenance
Crystal Nelson	Legal Services Division
Lisa Callem-Lindstrom	Legal Services Division
Susan Maldonado	Legal Services Division

Kristy Fierro	Office of Internal Audit
Trish Perme	Office of Internal Audit
Jorge Ramirez	Deputy Executive Director, Building Operations, Maintenance & Energy Management Division
Bill Bonham	Facilities Design & Construction
Mary Jo Ingram	Facilities Design & Construction
John Raff	Facilities Design & Construction
Thursten Simonsen	Facilities Design & Construction
David Mascorro	Facilities Design & Construction
Peter Maas	Facilities Design & Construction
Rebecca Underwood	Facilities Design & Construction
Mark Trott	Facilities Design & Construction
Mike Holeman	Facilities Design & Construction
Paulinda Mackie	Facilities Design & Construction
Ashley Cuellar	Space Management & State Leasing Services
Gayla Davis	Space Management & State Leasing Services
Bob Bugnand	Space Management & State Leasing Services

Guests

Justin Jones	Texas Comptroller of Public Accounts (CPA)
David Anciria	Texas Comptroller of Public Accounts (CPA)
Melissa Nelson	Legislative Budget Board (LBB)
Mike Hart	Energy Engineering Associates, Inc. (EEA) Consulting Engineers
Robby Tefft	Energy Engineering Associates, Inc. (EEA) Consulting Engineers
Scott Simmons	Energy Engineering Associates, Inc. (EEA) Consulting Engineers
Jim Smith	Energy Engineering Associates, Inc. (EEA) Consulting Engineers
Gregg Wine	Huitt-Zollars, Inc.
Tim Moltz	Huitt-Zollars, Inc.
Scott Simmons	Huitt-Zollars, Inc.
Kyle Radford	Huitt-Zollars, Inc.
Javier Mendoza	Mendoza Maintenance Group, Inc.
Jaime Mendoza	Mendoza Maintenance Group, Inc.

I. Call to Order.

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

II. Approval of the Minutes from the January 20, 2010 Open Meeting.

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

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 February 17, 2010.

Renewal

- 1. #1761 - Comptroller of Public Accounts: New York, NY.**

New Lease

- 2. #20222 – Texas Higher Education Coordinating Board: Austin, TX.**
- 3. #303-0-10348 – Texas Department of Criminal Justice: Huntsville, TX.**
- 4. #303-0-10608 – Health and Human Services Commission/Department of Aging and Disability Services: Temple, 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 Ince.

- V. Consideration and possible action to approve the award of Indefinite Delivery Indefinite Quantity Contracts (IDIQs) for Professional Civil Engineering and Land Surveying Services.** The Commissioners unanimously voted to approve the award of seven (7) Indefinite Delivery Indefinite Quantity Contracts (IDIQs) for Professional Civil Engineering and Land Surveying Services to Bury & Partners, MWM Design Group, Jaster-Quintanilla & Associates, Inc., Bain Medina Bain, Inc., Huitt-Zollars, Inc., Slay Engineering Company, Inc. and Walter P. Moore & Associates, Inc. with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Darby.
- VI. Consideration and possible action to approve a Mechanical, Electrical and Plumbing (MEP) Engineering Indefinite Delivery Indefinite Quantity (IDIQ) contract assignment for professional Heating, Ventilation, and Air Conditioning (HVAC) renovation design services for the Teacher Retirement System of Texas, Project No. 10-023A-0323, Austin, Texas.** The Commissioners unanimously voted to approve the award of a Mechanical, Electrical and Plumbing (MEP) Engineering Indefinite Delivery Quantity (IDIQ) contract assignment for professional Heating, Ventilation, and Air Conditioning (HVAC) renovation design services for the Teacher Retirement System of Texas, Project No. 10-23A-0323, Austin, Texas with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Beckendorff.
- VII. Discussion and possible action on potential participation in the State Energy Conservation Office Energy-Saving Loan programs and response to the Request for Application for the Building Efficiency and Retrofit Revolving Loan Program of the Texas Comptroller of Public Accounts.** There was no update on this item and no action was taken.
- 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.**

Terry Keel had no updates in addition to monthly reports from each program area that were provided with the Commission Meeting materials for February.
- IX. Report from the Chief Financial Officer on the monthly financial report update.**
 - A. Report on the response to the 5% budget reduction directive.**

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 325.5 FTE's (Full Time Employees) as of January 31, 2010. Mr. Arellano also gave the Commission a brief overview of the Commission's 5% budget reduction response that was provided to the Legislative Budget Board (LBB) in response to January 15, 2010 request to all state agencies.

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

A. Management Letter on the Interim Assessment of TFC's Migration to the Integrated Statewide Administrative System (ISAS).

Mark Scott gave the Commission a brief overview of the interim assessment of TFC's Migration to the Integrated Statewide Administrative System (ISAS). Mr. Scott informed the Commission that several areas including cost recovery and payables and receivables require certain accounting entries that will not be supported by the standard ISAS product. Mr. Scott also informed the Commission that the schedule submitted by the ISAS implementation team is very tight and may not allow sufficient time for TFC to test and accept the system, as required by the user-acceptance component of the Framework promulgated by the Department of Information Resources (DIR). Mr. Scott stated that at this time, there are no contingency measures that have been developed to assist the agency in the event that the system does not work as intended or does not provide for all of TFC's accounting needs after August 31, 2010.

XI. Consideration and possible action regarding the bid protest for RFP # 303-0-10082 by Mendoza Maintenance Group, Inc. Javier & Jaime Mendoza of Mendoza Maintenance Group, Inc. addressed the commission regarding their bid protest to RFP # 303-0-10082 regarding the solicitation of custodial services for the State-owned buildings in Austin, Texas. The corresponding action of the Commission is set forth under Action Item XIII below.

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 to convene in Executive Session at 11:07 a.m.

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

Chair Reinbeck reconvened the meeting at 12:39 p.m.

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

Chair Reinbeck made a motion that after reviewing the bid protest and the corresponding responses, and after hearing the testimony provided, that no violation of any rule or statute with regards to this solicitation had occurred, and therefore, the Commission should not cancel the current contracts due to this protest. Commissioner Stuart seconded the motion and the Commission voted unanimously in favor of the motion. Thereafter, Commissioner Ince made a motion that the staff issue a new solicitation for custodial services for the State-owned office buildings in Austin, Texas, excluding the six (6) State-owned buildings awarded to TIBH, and in such solicitation include additional scenarios to determine if the State of Texas can achieve further cost savings for the provision of these services with a second to approve the motion made by Commissioner Darby. The Commission voted unanimously in favor of the motion.

XV. Adjournment.

Chair Reinbeck adjourned the meeting at 12:43 p.m.

Reviewed and
Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 17th day of March, 2010.

By:



Betty Reinbeck
Chair