

**Minutes of the School Facilities Commission
State Library Conference Room
516 S. Greeley Highway
Cheyenne, Wyoming**

November 21, 2006

Chairman Marsh called the meeting to order at 8:39 a.m.

Present: Commissioner Carrier, Commissioner Ferris, Commissioner Gilpatrick, Commissioner Goodson, Commissioner McBride and Chairman Marsh.

Approval of Meeting Agenda

Chairman Marsh removed agenda item 5 c. Sheridan 3-CMAR Request, item 5 f. Albany 1–Leased Facility Notification Form and Big Horn 2 under item 5 m.

Commissioner Gilpatrick made a motion to approve the meeting agenda as amended. Commissioner Ferris seconded the motion. Motion passed unanimously.

Approval of Previous Meeting Minutes

Commissioner Gilpatrick made a motion to approve the August 30, 2006 and September 29, 2006 meeting minutes as presented. Commissioner Carrier seconded the motion. Motion passed unanimously.

Director's Report

Director Shivler informed the Commission the legislative bills voted down by the Select Committee at the November 2006 meeting would be resubmitted. He also stated the bills would be sent to the Commission for their review prior to the resubmission.

Director Shivler provided an update to the Commission on the Maximus Training Conference that was attended by several SFC staff.

Ms. Nancy Thomson informed the Commission that the pay application process with Maximus would not be available until July 2007. She further advised that the FCI scores would be available by the end of December after FEA conducts a quality assurance review.

Current Business Items

Alternate Delivery Sub-Committee Advisories

Ms. Nancy Thomson provided background information regarding the establishment of an Alternative Delivery Sub-Committee and the development of a CMAR template contract and associated A/E contract for District use.

Mr. Michael O'Donnell advised the Commission that the contract used by David Well still needs additional modifications to ensure it meets the statutory requirements of the State of Wyoming. Mr. O'Donnell suggested that an existing AIA contract be used in the interim so CMAR projects may be moved forward while the formal contract is being developed.

Chairman Marsh requested the language regarding the AIA contract be added to Advisory No. 3

Commissioner Goodson questioned whether the SFC staff has communicated clearly to the Districts that they would have to utilize an alternate contract in order to move forward using CMAR.

Director Shivler stated the Districts utilizing CMAR have been informed of these contracts.

Additional conversations were held regarding Advisory No. 2 and the need for Districts to obtain Commission approval prior to executing any contracts related to a CMAR project.

Nancy Thomson stated a formal communication was sent to Districts stating the development of these contracts.

Commissioner McBride made a motion to adopt Advisory #2 - Establish Delivery Method prior to awarding contracts and request legal counsel revise the current AIA CMAR contract and corresponding A/E contract to reflect state statute and SFC Policy for use until such time as the official SFC CMAR and corresponding A/E contracts are adopted by the Commission. Commissioner Carrier seconded the motion.

Comment was made that contracts for Park 1 were already signed, but had been reviewed in regard to the advisory.

Motion passed unanimously.

Big Horn 1 – CMAR Request

Mr. Todd Wilder stated the District has a contract with an architect and has done two projects prior to this project using the CMAR method.

Mr. Kevin Mitchell introduced Mr. Brian Lee, Big Horn County School District No. 1 Board Chairman. Mr. Mitchell informed the Commission the District has started discussion to renegotiate a contract with Plan One and the District is fully prepared to renegotiate the contract per the advisories. He did state he felt the RFP is still valid, but is willing to request a new RFP if it's the Commission's desire.

Director Shivler advised the Commission that the District has been working on this project for the past 26 months and was close to the 35% review. Director Shivler stated he was comfortable with the procurement process used by the District.

Commissioner Carrier asked if additional language needed to be added to the contract about re-negotiating with the architect.

Commissioner Carrier made a motion to approve the District's request to utilize an alternate delivery method for the planning and construction of the Rocky Mountain High School for Big Horn County School District No. 1 and that the District's AIA contract be re-negotiated to include Advisory No. 2. Commissioner Gilpatrick seconded.

Mr. Mitchell asked if the Commission was allowing Big Horn 1 to move forward with Groathouse and Plan One and he also asked for clarification of the issue surrounding the RFP.

Chairman Marsh advised the District to move forward with the current design and building professionals and to modify the current A/E contract to reflect Advisory No. 2.

Motion passed unanimously.

Crook 1 – Hulett Bus Maintenance Facility Request

Mr. John Efta and Mr. Larry Coleman presented the request for reprioritization of funds for design and construction costs for the Hulett Bus Maintenance Facility.

Discussion was held regarding the cost per square foot for this type of facility and what was needed. Director Shivler recommended the district utilize an engineer for this type of building.

Commissioner Carrier made a motion to approve funding the Hulett Maintenance Building for maximum allowable total project cost of \$250,000 (includes architect fees). Commissioner Goodson seconded the motion. Motion passed unanimously.

Laramie 1 Reallocation Request

Mr. Ken Burnett provided the Commission the background information regarding the District's request to approve funds for hook-up of seven modulars leased by the District. Mr. Burnett informed the Commission the set-up would include the pad, sidewalks,

electricity and fire alarms. Mr. Burnett also informed the Commission that the local city jurisdiction did not accept the ramps leased with the modulars so the requested funds included a ramp set-up per city code.

Chairman Marsh questioned if this request shouldn't have been addressed with the lease.

Mr. Burnett answered that in every other case throughout the state these ramps were always accepted.

Chairman Marsh questioned what the cost for this set-up was.

Mr. Dennis Acker responded that the cost was \$1,400 per modular.

Commissioner Goodson commented that based on his estimation the total cost for these modulars would be \$650,769.

Mr. Burnett advised the Commission that the total project cost was for \$650,769 and the current request was for an additional \$203,442. The District's estimate is currently \$180,000 - \$190,000.

Mr. Acker advised the Commission the lease of the modulars did not include the pad to set them on, the electrical, gas, fire alarm systems and sidewalks.

Chairman Marsh asked if there was a reason why the Commission was not made aware of these additional costs.

Mr. Acker answered that the District did not have the costs at the time.

Chairman Marsh stated the District did this work without having prior approval from the Commission.

Mr. Acker stated the District knew there would be extra costs, but due to the timing of ordering and delivery of the modulars the District proceeded.

Chairman Marsh stated that this request was handled poorly and the modulars were a contentious issue when the lease was approved as these were not even bid. He stated that the Commission should have been made aware of these additional costs.

Director Shivler stated there are issues in working with the City of Cheyenne and the building codes.

Commissioner Carrier stated that information should have been provided to the Commission prior to the meeting. He also commented on the fact the District is not using new funds for this request but rather reallocating funds from minor capital projects.

Commission Carrier made a motion to approve the reallocation as requested by Tom Rooney of Laramie County School District No. 1 (Tab F). Commissioner McBride seconded the motion.

Motion was tabled.

At 9:40 a.m., a 15-minute recess was taken. The regular meeting reconvened at 10:00 a.m.

Chairman Marsh stated there was a lack of planning on the part of the District and Mr. Burnett.

Mr. Auker responded that the plans were not ready for the sites when the modulators were ordered and the supplier did not provide the additional items.

Chairman Marsh asked if the modulators were hooked up and functional.

Mr. Auker responded that the modulators were hooked up and working.

Commissioner Goodson commented that the request was a very inappropriate use of state funds and that the Commission may have proceeded in a different way if they were aware of all the costs associated with the modulators. Commissioner Goodson stated there are other options available to the District which he felt the District was not considering. He continued that the District is charging the Commission for what they are doing and not providing the actual costs for a project.

Mr. Auker asked what the other options were.

Commissioner Goodson answered that the construction for elementary schools could be accelerated on new sites.

Discussions were held regarding the length of the lease and the possibility of the District leasing the modulators for longer than two years.

Commissioner Carrier commented on his frustration with the request, but that the items were required for the safety of the children.

Commissioner Goodson made a motion to remove the item as a tabled item. Commissioner Carrier seconded the motion. Motion passed unanimously.

Chairman Marsh asked if there was a reason why the Commission was not made aware of these additional costs.

Mr. Burnett answered no and that he assumed the Commission understood that there would be additional costs for set-up.

Commission Goodson made a motion to approve the reallocation as requested by Tom Rooney of Laramie County School District No. 1 (Tab F). Commissioner Gilpatrick seconded the motion. Commissioner Carrier and Commissioner McBride voted in favor of the motion and Commissioner Ferris, Commissioner Gilpatrick, Commissioner Goodson and Chairman Marsh voted against the motion; motion failed.

Commissioner Gilpatrick requested the District provide the costs of the fire alarms and safety issues and the Commission will reconsider the request at a later date.

Chairman Marsh directed the District to provide the Commission with a list of expenses for the set-up of the modulares. He further directed the Commission Staff to request a representative of the City of Cheyenne be in attendance at next meeting and to do so in writing.

Director Shivler stated he would contact the city planner personally.

Carbon 2 – Value Engineering for Elk Mountain and Medicine Bow

Mr. Taner Norton presented information to the Commission for the 5% submittal and value engineering reports on the remodel projects for Elk Mountain and Medicine Bow. Mr. Norton stated he and other Commission Staff recommend the District follow the alternative solutions provided in the value engineering report at this time.

Mr. Bob Gates, Superintendent of Carbon County School District No. 2, expressed his appreciation in working with the staff. He advised the Commission that the District would like additional time to look at the options the District did not know about.

Chairman Marsh asked if the issue with mold had been addressed.

Director Shivler stated that the issue has been resolved. Director Shivler continued that the SFC was in agreement with the value engineering report and that there would be a great cost in soft mothballing the buildings. Director Shivler recommended a study into the use of prefabricated modulares be conducted.

Commissioner Goodson asked if the children could move into these modulares by next school year.

Mr. Gate and Mr. Norton agreed that the modulares could be put in place during the summer and ready for school in the fall.

Commissioner Carrier requested a comparison between the cost of renovation and the cost of prefabricated modular buildings so the Commission has a complete picture.

Mr. Gates stated it would take more than one month to work with the communities in regard to the use of prefabricated modular buildings.

Chairman Marsh commented that there would be no action on this agenda item and offered assistance from the SFC. He offered the assistance of Donna Murray and Taner Norton to help Mr. Gates work with the community on the modular option. He also asked that Mr. Gates advise the Commission of what the Commission can do to resolve this request.

Commissioner McBride suggested that Mr. Gates take members of the community to see examples of the modular type buildings.

Sweetwater 2 – Funding Request for Roof

Mr. Lance Johnson introduced Mr. Doug Hamel from Sweetwater County School District No. 2.

Mr. Johnson informed the Commission the Lincoln Middle School project had a bid of \$846,000.75 for the roof and that the budget in the facility plan was for \$568,000. Mr. Johnson further informed the Commission that the chiller project came in under budget and the District would like to use these remaining funds to cover the shortage on the roof project.

Mr. Doug Hamel expressed his appreciation to the Commission for the opportunity to speak. Mr. Hamel stated his District has always supported the Commission. He continued that the District has used major maintenance funds to cover overages in minor capital projects in the past. Mr. Hamel stated this request is different as the District listed the estimate at \$811,000 and the SFC revised the estimate to \$568,000 and the bid was \$846,000.

Mr. Hamel stated the District estimate was close to the bid and the SFC had incorrect information when determining their estimate. Mr. Hamel distributed a handout to the Commission.

Mr. Hamel stated the District does have approximately \$1M in major maintenance funds for projects. He continued these funds are for projects to be completed in the spring and projects are to support curriculum for the next school year. Mr. Hamel also indicated these major maintenance funds will be used to cover major maintenance projects not in the facility plan.

Ms. Nancy Thomson stated the District can use the funds from the chiller project and the major maintenance funds towards the roof project.

Chairman Marsh questioned how long the bid was for.

Mr. Hamel advised that the bid would hold for another 30 days.

Mr. Hamel expressed his frustration in that the SFC estimate was cut with information that was not necessarily true.

Commissioner Goodson made a motion not to approve the use of inflation funds to cover the funding shortage for the re-roof project for Sweetwater County School District No. 2 and the District be directed to utilize their major maintenance funds for this shortage. Commissioner Gilpatrick seconded the motion.

Discussion was held on whether to add the statement “and/or minor capital funds” to the motion.

Commissioner Goodson revised his motion as follows: to not approve the use of inflation funds to cover the funding shortage for the re-roof project for Sweetwater County School District No. 2 and the District be directed to utilize their major maintenance funds and/or minor capital funds for this shortage. Commissioner Gilpatrick seconded the motion.

Additional discussion was held regarding the District’s excess capacity and major maintenance funds.

Commissioner Goodson made a motion to withdraw his previous motions. Commissioner Gilpatrick seconded the motion to withdraw. Motion to withdraw passed unanimously.

Commissioner Carrier made a motion to not approve the use of inflation funds to cover the funding shortage for the re-roof project for Sweetwater County School District No. 2. Commissioner Gilpatrick seconded the motion. Motion passed unanimously.

Facility Assessment Update

Ms. Nancy Thomson provided a summary of the status of the assessment process.

SFC Policy on Prototypical Designs

Commissioner McBride made a motion that the Commission adopt the following as its policy regarding prototypical school designs:

- 1. It is the policy of the School Facilities Commission to require the use of prototypical school designs in accordance with this policy statement and with periodic advisories issued by the Commission.***
- 2. When prototypical school designs are deemed impracticable by the Commission in a given situation, it is the policy of the Commission to require that any non-prototypical school design incorporate as many features of the Commission’s prototypical designs as is reasonably possible.***
- 3. The prototypical designs (including design of particular building components) shall be simple, cost-effective, and support the function and suitability of the educational programs.***

4. *Prototypical designs may be developed by professionals employed by the districts, by the Commission, or otherwise, but shall be employed as directed by the Commission.*
5. *At the inception of the design process, or at any other time required by the Commission, the District and its professionals shall review the prototypical designs adopted by the Commission and visit constructed prototypical schools as directed by the Commission, all with the purpose of developing the most effective and efficient design.*
6. *Prototypical designs shall continue to be modified and improved by post-construction analysis of their consistency with this policy.*
7. *The Commission may delegate to the staff the implementation of this policy, subject to review by the Commission of disputed aspects of school designs. Should such disputes occur, they shall be presented to the Commission in accordance with the advisories issued by the Commission, and shall also be subject to the Rules and Regulations of the Commission.*

Commissioner Gilpatrick seconded the motion. Motion passed unanimously.

Chairman Marsh asked that a letter be drafted regarding the motion and be sent to the Districts and Select Committee.

Building Commissioning

Reluctance from the Commission to have the staff not move forward at this time as the architects should be doing this.

Commissioner Goodson expressed concern that there may be additional fees required from the architects. Staff and District have some latitude to include additional fees for commissioning if needed.

Mr. Stephan Pappas provided his input regarding commissioning and what his process is.

Commissioner Carrier provided examples where District personnel were not trained on new systems and issues that caused.

Ms. Nancy Thomson suggested the suppliers be required to properly train district staff and that they ensure the systems are working. Ms. Thomson suggested this be put in the contract. Ms. Thomson stated she believes commissioning should be done by third party.

Mr. Dennis Bay commented that if there is not a 3rd party the process won't work. He further commented that the Districts are provided funding for testing.

Administration Building Guidelines

Mr. Kevin Mitchell informed the Commission he would be willing to help work with Fred Hynek and others on this committee. Chairman Marsh requested Nancy Thomson to incorporate Commission suggestions and that an architect and Commissioner McBride be included on the committee.

At 11:40 a.m., a lunch recess was taken. The regular meeting reconvened at 12:10 p.m.

SFC Facility Plan/Unanticipated Project Review Process

Commissioner Gilpatrick made a motion to allow Districts to submit specific projects, which would be reviewed and approved individually by the Commission. If the Commission approves these specific projects, the Districts shall not resubmit the entire 5 YR Plan, but rather submit the specific new project, (or change the year of an existing project). The Staff would then make the specific changes to the existing District 5 YR Plan, on behalf of the District. The Districts and Commission fully understand that funding will be made available pending Legislative approval and funding. Commissioner Ferris seconded the motion. Motion passed unanimously.

Goshen 1 Request

Mr. Ray Schulte introduced Mr. Rob Bryant and Mr. Mike Warren, School Board Trustee. Mr. Schulte presented the Districts request for funding

Chairman Marsh suggested the district utilize a steel building and discussion was held regarding steel buildings.

Park 6 Request

Mr. Bryan Monteith presented a request for 4 projects in his District and provided the Commission with the information. Mr. Dave LaPlante advised the Commission the District has agreed to use major maintenance set-aside funds for the additional capacity in the auditorium.

Sweetwater 1 Request

Mr. Lance Johnson introduced Mr. Paul Grube and presented the District's request.

Big Horn 2 Request

Mr. Todd Wilder stated Mr. Coe was not present but provided information which was contained in the meeting packet.

Big Horn 3 Request

Mr. Todd Wilder and Mr. Dave LaPlante presented the information for Big Horn County School District No. 3. Director Shivler suggested the District use the old elementary to house employees until guidelines are set. Chairman Marsh suggested the District add classrooms to the new elementary school and utilize this as administrative space.

Crook 1 Request

Mr. John Efta provided the information for Crook 1.

Fremont 1 Request

Ms. Paige Fenton Hughes and Mr. Kirk Schmidt presented information. Mr. LaPlante and Mr. Hardt provided additional information.

Commissioner Carrier asked if the students from Pathfinder would fit into Starrett.

Mr. Schmidt stated yes the students would fit.

Public Comments

Mr. Kirk Schmidt asked if the SFC budget was available and whether the District could have a copy of the specific projects linked in the budget. Mr. Michael O'Donnell stated the document would not be made public until the Governor has signed off on the budget.

Commissioner Comments:

Commissioner Gilpatrick stated his excitement about the prototypical design process and that he was glad to see it move forward.

Commissioner Carrier commented that the re-opening of District Facility Plans would be a concern as the SFC has moved to a two year program.

Commissioner Goodson commented on the growth in the state.

Commissioner McBride also expressed his excitement over the prototypical design process and the possibility of prefabricated buildings for small schools. He also expressed his appreciation to the superintendents in attendance for coming to the meeting and providing their concerns.

Commissioner Gilpatrick made a motion at 1:40 pm to adjourn the regular meeting and convene into Executive Session. Commissioner Carrier seconded the motion. Motion passed unanimously.