

**SPECIAL BOARD
BUSINESS:**

Acceptance of
Proposal for
Architectural Firm
for Health and
Science Center

Dr. McFarland called special attention to a specific section of Enrolled Act 67 which relates to selection of architectural firms for projects involving state funding. It requires the contracting agency to evaluate and consider overall qualifications, residency, fee proposal, past performance, and level of services in the final decision. Mr. Nielson reported that CWC advertised a Request for Qualifications for professional design services for the Health and Science Center on February 11, 2011. ARC Integrated Program Management was hired to help guide the college through the process. Twelve firms submitted statements of qualifications. Eight of the original twelve firms were selected and were issued requests for proposals. This list was narrowed to five, and these five were interviewed by a committee of twelve. The selection committee met an entire day to bring forward a recommendation. Since the state is contributing \$6.5 million toward this project, the committee was joined by two individuals from the State Construction Management office.

Mr. Nielson stated that the committee's recommendation was to award the project to Anderson Mason Dale/Carney Logan Burke from Denver, Colorado, and Jackson, Wyoming, for architectural and engineering services in the amount of \$909,932 plus reimbursable expenses estimated at \$62,400. Dr. McFarland concurred with this recommendation.

ACTION:

Mr. Krebs moved to award the architectural and engineering services for the Health and Science Center project to Anderson Mason Dale/Carney Logan Burke from Denver, Colorado, and Jackson, Wyoming, in the amount of \$909,932 plus reimbursable expenses estimated at \$62,400. Dr. Crane seconded the motion.

Mr. Welty stated that the summary letter from ARC was not included in the board packet. Without that, he does not have a clear understanding about why ARC recommended the firm that was chosen. Some of the graphs included in the packet were self-explanatory, and some were not. The recommended firm came in at the lowest price, but he did not see any other considerations for awarding the project to this firm. Mr. Nielson replied that the committee spent hours discussing the qualifications in light of the criteria specified in Enrolled Act 67. It was determined that Anderson Mason Dale/Carney Logan Burke was the most qualified in meeting those criteria.

Mr. Welty stated that based upon what Mr. Nielson has said, he doesn't understand the significance of "OK" as it is used in the comparison chart. This

doesn't tell him why the recommended firm was chosen or the relevance of that chart. Dr. McFarland explained that it speaks to the qualifications which is only one of the five criteria. Three of the firms did sufficiently satisfy all of the qualifications. The other factors were residency, fee proposal, past performance, and level of services. A large number of charts and graphs were provided to illustrate how each firm met the criteria.

Ms. Pedersen asked if the recommended firm provided information on what other buildings they have completed. She would like to see these buildings. Mr. Nielson replied that the committee studied information about comparable buildings and evaluated their relevance. One of the charts provided information on the commitment each firm was going to make to the project in terms of hours. Another chart provided information on time commitment by phase, and another showed the number of health and science center projects that each design team completed.

Ms. Pedersen noted that Anderson Mason Dale/Carney Logan Burke completed four health and science center projects. She asked if the committee talked to the people about these buildings. Mr. Nielson replied that this firm has done a lot of work at UW, and people at the state who met with the committee have worked with them. The committee followed up on their building experience. Each team was to present similar projects that they had designed as part of the interview. Ms. Pedersen asked if the committee talked to the owners of the buildings. Mr. Nielson replied that he relied on ARC and other members of the team.

Ms. Mills asked about "MP Projects by Team Lead" which had a question mark in the column. Dr. McFarland replied that this had to do with master planning, which was an additional component of the RFP. Mr. Nielson indicated that time was spent during the interview in which the committee talked about master planning. The question mark means that when the firm sent their submittal, there were questions about the master planning projects by the team lead. Those questions were later clarified during the interviews.

Mr. Phister stated that an extensive committee worked on this project and has done a tremendous amount of work on it. The board's job is not to rehash the work of the committee. If the board does not have a concern, he proposed that it move forward. The board can redo the work of the committee, but he trusts the people on the committee to make the decision. Mr. Welty stated that part of his duty as a trustee is to make sure he understands why this is being done. It does not have to do with the work of the committee. He needs to understand before he votes. He asked if the answers were provided in the ARC summary

letter that the board does not have. Dr. McFarland read this letter which indicated that the committee had determined that Anderson Mason Dale provided the best value for the college and recommended that they be hired. The letter also recommended alternates that needed to be added to their scope.

Mr. Welty indicated that he does not have information about why this firm was chosen over the others, and it is not clear to him.

Chair Gose called for a roll call vote on the motion currently on the floor. Motion carried with Ms. Pedersen and Mr. Welty voting no.

Acceptance of Bids

Energy Retrofit

Mr. Nielson reported that part of the energy retrofit project is the exterior lighting upgrade. This portion of the energy retrofit grant will upgrade pathway and building perimeter lighting around campus which will enhance the appearance of campus and provide needed lighting for better safety and security. EDA Engineering was used as the project engineer. Mr. Nielson recommended that the bid be awarded to Intermountain Electric Services, Inc., (IME), in the amount of \$89,899 plus \$750 per base for bases that need to be replaced. The bases that require replacement will not be identified until construction starts. At the current time, the engineer projects that up to 20 bases will need to be replaced.

Dr. McFarland recommended that the board award the bid for energy retrofit to Intermountain Electric Services, Inc., (IME), in the amount of \$89,899 plus \$750 per base for bases that need to be replaced.

ACTION:

Mr. Phister moved that the board award the bid for energy retrofit to Intermountain Electric Services, Inc., (IME), in the amount of \$89,899 plus \$750 per base for bases that need to be replaced. Ms. Mills seconded the motion.

Mr. Welty stated that background materials in the packet indicate that the project is funded using the first round of ARRA federal funds, but another part of the packet states that ARRA funds can only be used for the Classroom Wing Remodel Project. Mr. Nielson explained that there are two rounds of ARRA funds. The first round of funds was passed through the Wyoming Business Council and has different requirements. The funds which can only be used for the Classroom Wing are SFSF (State Fiscal Stabilization Fund) funds, which come with a different set of rules. Mr. Welty asked for clarification that this lighting project is only using a small portion of the funds that were available in

the first round of funding. Mr. Nielson replied that the college received a grant for \$750,000, and the exterior lighting project is just one portion.

Mr. Welty pointed out that in the chart which summarizes the bid opening for the lighting upgrade project, there is a large discrepancy among the bidders for the pole base unit price. The next closest bid to the low bidder is almost double. Since there is such a discrepancy, he asked if the quality and life expectancy of the bases that IME will use was checked. Mr. Wayne Robinson, Director of Physical Plant, replied that part of the reason the IME bid is less is because they have done quite a bit of work on campus, so they have an accurate idea of the costs. Some of the other contractors hedged these costs by bidding higher.

Ms. Pedersen asked about the debarment form. Mr. Nielson replied that it has to do with the firm and whether they are allowed to participate in federal projects or not. A debarment form is required because federal money is being used for the project. Ms. Pedersen asked if the proper paperwork was being completed for the project. Mr. Nielson replied that the college is responsible to make sure the paperwork is completed. The engineers, architect, and contractors are responsible to comply with regulations. Dr. Crane pointed out that, according to the chart, IME did not turn in a debarment form. Mr. Nielson explained that the firm overlooked it. The college checked on this and found that inconsistencies and informalities can be waived. IME overlooked turning in this form, but they turned it in as soon as this was pointed out to them. It was a matter of a requirement and does not give an unfair advantage to one bidder over another.

Mr. Nielson stated that in the Classroom Wing roofing project, the apparent low bidder did not provide a debarment statement. In this case, the consultant viewed this as an absolute incomplete bid, so the college accepted this recommendation and did not go with the low bidder. The compliance requirements were different because of the funds being used for the project.

Chair Gose called for a roll call vote on the motion on the floor. Motion carried.

Asbestos
Abatement

Mr. Nielson reviewed the Classroom Wing remodel project budget. He pointed out that CWC funds, including coal lease bonus funds, major maintenance funds, and end of year funds were being used to maximize the budget for the remodeling of the Classroom Wing. It is appropriate to use these funds for this project as these repairs are life safety issues and major maintenance of a college building. He indicated that \$160,629 is an appropriate

contingency fund, but if it isn't used, it has to be turned back. Other colleges fully allocated their ARRA funds and used institutional funds as a backup. The state indicated that the roofing project was an appropriate use of the funds. Additional ARRA funds may become available, and with the addition of the reroof project, CWC may be in a position to receive extra funding support.

Mr. Nielson indicated that the asbestos abatement portion of the Classroom Wing remodel project could be funded with ARRA funds, but then this part of the project would be subject to the higher wage requirements and the ARRA compliance requirements. Because of this, the decision was made to complete the asbestos abatement portion of the project using coal lease bonus funds.

Dr. McFarland recommended that the board award the asbestos abatement project to Elite Environmental Services of Wheat Ridge, Colorado, the lowest bidder, in the amount of \$72,930.

ACTION:

Mr. Krebs moved to award the asbestos abatement project to Elite Environmental Services of Wheat Ridge, Colorado, the lowest bidder, in the amount of \$72,930. Ms. Mills seconded the motion.

Mr. Welty asked for a clarification on the source of funds for this project. Mr. Nielson indicated that institutional funds are being used on the recommendation of the state construction management office because of the timeline and because it is the most efficient use of the funds. The college was able to secure a better price for the project because it was managed outside of ARRA funds.

Chair Gose called for a roll call vote on the motion currently on the floor. Motion carried.

Classroom Wing
Roof

Mr. Nielson explained that the Classroom Wing roofing project has been bid and will use ARRA funding. In this case, \$160,629 in ARRA funds and \$180,000 in coal lease bonus funds will be used. This process will allow for reimbursement of some of the college funds with ARRA funds if they become available. The architect's letter of recommendation was sent under separate cover to the board.

Dr. McFarland recommended that the board award the Classroom Wing roofing project to Dave Loden Construction, Inc., for Base Bid No. 1 and Alternate No 1 at \$22,115 for a total award of \$305,000 contingent upon a positive review of their subcontractors and the submission of required bonds and insurance. This recommendation is consistent with the letter which was emailed to the board.

ACTION:

Mr. Phister moved to award the Classroom Wing roofing project to Dave Loden Construction, Inc., for Base Bid No. 1 and Alternate No. 1 at \$22,115 for a total award of \$305,000 contingent upon a positive review of their subcontractors and the submission of required bonds and insurance. Mr. Krebs seconded the motion.

Mr. Welty asked about the tabulation of bid results which shows nothing in the column for Base Bid No. 2 for Dave Loden Construction. Mr. Dale Buckingham of Dale Buckingham Architects explained that this project had two line items in bid form. One of the line items was for KEE membrane, and the other line item was for EPBM rubber membrane. There were two line item bids for contractors, and they did not have to bid on both.

Mr. Welty stated that it was not clear why Dave Loden Construction was chosen when other firms were cheaper on the base bid and Alternate No. 1. Mr. Nielson explained that this project was bid under ARRA compliance requirements. Redd Roofing did not provide a debarment statement, and the state construction office did not want to provide an exception to this requirement.

Mr. Welty asked if the project would go ahead whether or not additional ARRA funds are received. Mr. Nielson indicated that this was correct. Mr. Welty noted that if a new roof is put on, there are still elements under this roof where there is asbestos in the walls and floor. He asked if more ARRA funds are received if the asbestos could be removed completely. Mr. Nielson replied that they are trying to remove all the asbestos in any area where there is construction. Right now there is no health risk if the walls remain undisturbed. There may be some asbestos in the flooring, and there may be just a few places where no remodeling is planned. Even if additional ARRA funds are made available, they could not be applied to removing asbestos.

Mr. Welty indicated that he was concerned about this because some remodeling was done, and the asbestos was not removed. He asked if reroofing was going to be done where the asbestos is located. Mr. Nielson explained that the reroofing is for the total building. They are doing their very best to get the asbestos out. Because of the age of this building, there is some asbestos that will not be disturbed. The consultants indicated that it was better to leave this alone. It is not worth it to remove it at this time.

Mr. Welty asked if there is asbestos in the roof. Mr. Robinson explained that a core sample was done, and it was determined that asbestos was not used in the existing roof which was installed in 1992. Mr. Buckingham indicated that the materials they saw are not typically asbestos containing materials. They did not do any formal testing, but there was no reason to do this. Mr. Welty asked what would happen if there was asbestos and if there was any contingency plan. Mr. Robinson stated that in looking at the paperwork from 1992, he found that the roof was completely redone down to the plywood. In the materials that were used, he did not see any asbestos. He doesn't anticipate that any asbestos in the insulation would be encountered.

Mr. Welty asked if there was any contingency planning. Mr. Nielson replied that the project has been studied, and three experts have given the college their best advice. On occasion, other issues may be found. The contingency is \$168,000 in major maintenance funds that could be applied to this project if needed. Mr. Robinson explained that Lowham Walsh was hired when the project was started to go through the building to look for any problems. They are experts, and they tested any materials that might be a problem. Mr. Welty stated that he appreciated the thoroughness in approaching this problem. His concern was that the college has a contingency plan.

Chair Gose called for a roll call vote on the motion on the floor. Motion carried.

ADJOURNMENT: There being no further business for the special meeting, Chair Gose adjourned the special meeting at 7:39 p.m.

Secretary

APPROVAL:

Chair