

A special meeting of the Central Wyoming College Board of Trustees was held on Wednesday, August 17, 2011, by telephone conference call conducted by speakerphone from Intertribal Center Room #116 on the Central Wyoming College campus.

ATTENDANCE:                      Present:        Roger Gose  
   Frank Welty (by speakerphone)  
   Caroline Mills (by speakerphone)  
   Judy Pedersen (by speakerphone)  
   Scott Phister (by speakerphone)  
   Colton Crane (by speakerphone)  
   Charlie Krebs (by speakerphone)

Administration:        Jay Nielson

Attorney:                Frank Watkins

Recorder:                Linda Bender

Guests:                    John Wood  
   Joshua Scheer (by speakerphone)

CALL TO ORDER: Board Chair Roger Gose called the meeting to order at 5:30 p.m. He stated that this special meeting was a public meeting that had been advertised as required. As per board policy IV.G.2, no business may be transacted at a specially called meeting unless it was specifically included in the original call of the meeting. This special meeting was called by the board at its June 15 regular meeting for the purpose of accepting a bid for the boiler plant and selecting a construction manager for the Health and Science Center.

ROLL CALL: A roll call conducted by the board clerk indicated that all board members were present. Chair Gose announced that a quorum of the board was present to conduct business.

SPECIAL BOARD  
BUSINESS:

Boiler Plant Bid  
Acceptance

Mr. Nielson indicated that the boiler project has been identified in major maintenance for several years. A grant was submitted under the Wyoming Business Council last year, and this will pay for one-third of the project with the college paying two-thirds. The project engineer is Engineering Design Associates (EDA) of Casper. The bid was advertised according to advertising and bid procedures and state procedures. The apparent low bidder was GW

Mechanical of Casper. As Acting President, Mr. Nielson recommended that the board accept the bid from GW Mechanical of Casper, Wyoming, for boiler replacement for a total of \$197,600.

**ACTION:**

Mr. Phister moved to accept the bid from GW Mechanical of Casper, Wyoming, for boiler replacement for a total of \$197,600. Dr. Crane seconded the motion.

Ms. Pedersen stated that there were five potential pre-bidders at the mandatory pre-bid meeting. She asked if any of those were from Fremont County. Mr. Nielson replied that he believed that two of them were from Fremont County. The college didn't go back to ask the pre-bidders why they didn't submit a bid for the project. Ms. Pedersen stated that she thought Rawhide Mechanical was located in Fremont County. Mr. Nielson replied that their main office is in Cody. Ms. Pedersen stated that the college needs to support the contractors in Fremont County. She is concerned because there was only a small difference in price, so Rawhide should have been given the bid.

Mr. Welty asked where EDA is located. Mr. Nielson replied that they are out of Casper. Mr. Welty asked if they are headquartered in Casper. Mr. Nielson replied that he thought they were headquartered in Casper, and this is the same for GW Mechanical. Mr. Welty stated that it is important when it is state money. Mr. Nielson indicated that EDA has been working with Tobin Associates to administer the ARRA money. EDA helps the college make sure that bidding requirements are in compliance. They are a consultant in that process. Mr. Krebs stated that a lot of the larger construction firms have satellite offices in the state but their main offices are located elsewhere. The inner workings of how many people are actually working in the state for a particular company aren't known. Mr. Welty indicated that it would be helpful if Mr. Nielson would clearly state if these are head offices or satellite offices in Wyoming.

Chair Gose called for a vote on the motion currently on the floor. A roll call vote was taken. Motion carried with Mr. Welty voting no.

Health and Science  
Center -  
Construction  
Manager Selection

Mr. Nielson explained that the state was a partner in the process to select a construction manager for the Health and Science Center. When the architect was selected in March 2011, it was decided to move forward with a CMAR delivery system rather than a bid/build model because of the complexity of the building. The construction manager can analyze and address many of the building issues well before subcontractor bidding and construction begins. The

desired outcome is to add value to the project by maximizing the budget and providing a higher quality building and project.

The college advertised a Request for Qualifications for Construction Manager at Risk (CMAR) for the Health and Science Center in June. Eleven firms submitted proposals, and four of these firms were interviewed. The four scorers on this project included Jay Nielson, Wayne Robinson, Dennis Egge with the state Construction Management Department, and the project architects. The architects were consolidated into one vote. FCI Constructors scored the best, followed by GE Johnson Construction, Sletten Construction, and Groathouse Construction.

The state recommended that the college interview and rank the firms based on qualifications which included manpower, experience, and other criteria. After that, cost was considered. The committee decided they did not want to change the rankings after considering the cost. They believed the services that could be provided by FCI were better even though the cost was higher.

The laws concerning construction in Wyoming have changed. The college has worked closely with the state to be compliant on residency requirements. Mr. Nielson indicated that there was a question about the residency of FCI, and a protest may be filed. FCI is currently registered as a Wyoming contractor. The committee's recommendation was to hire FCI Constructors, Inc., to provide preconstruction services in the amount of \$49,472. This will start the construction manager at risk process in motion. Over the next four to five months, FCI's fee would be finalized as well as the Guaranteed Maximum Price. For this meeting, the recommendation was to award a proposal for preconstruction services. If matters did not work out with FCI, the college could back up and rebid the project or do a design-bid.

Mr. Krebs asked if FCI was the contractor for the Intertribal Center. Mr. Nielson replied that FCI was the contractor for the Intertribal Center, and they are bringing back the same team that worked on this building. The college is very familiar with them and their ability. Because federal money was involved with the building of the Intertribal Center, the college could not apply the state preference. Mr. Welty pointed out that GE Johnson had a lower price for the preconstruction services fixed fee. Mr. Nielson replied that the committee looked at the qualifications and which company they thought was best. The committee still believed that the college was getting the best CMAR for the project with FCI.

Mr. Welty commented that when the college did the Intertribal Center project that there were a lot of vehicles with Colorado plates in the parking lot. Mr. Nielson replied that 63 percent of the subcontracts on the Intertribal Center went to Fremont County and Natrona County contractors. FCI has an office in Cheyenne and is registered as a Wyoming contractor. Their home office is located in Grand Junction, Colorado. Ms. Pedersen stated that everything didn't go smoothly with the Intertribal Center. There were problems with the roof, drainage, and sewer line. Mr. Nielson replied that FCI was not responsible for the sewer line. It was the college's decision to do the sewer line because it was better long-term planning. When the Intertribal Center was finished, it came in within the \$4.3 million budget with not a lot of change orders or major problems.

As Acting President, Mr. Nielson recommended that the board accept the proposal to hire FCI Constructors, Inc., of Cheyenne, Wyoming, to provide preconstruction services for the Health and Science Center in the amount of \$49,472 and to enter into negotiations with FCI during preconstruction to finalize the construction contract and associated fees which are estimated at \$1,182,371 and to fix the Guaranteed Maximum Price (GMP) for presentation and approval by the board in October.

**ACTION:**

Mr. Krebs moved to accept the proposal to hire FCI Constructors, Inc., of Cheyenne, Wyoming, to provide preconstruction services for the Health and Science Center in the amount of \$49,472 and to enter into negotiations with FCI during preconstruction to finalize the construction contract and associated fees which are estimated at \$1,182,371 and to fix the Guaranteed Maximum Price (GMP) for presentation and approval by the board in October. Ms. Mills seconded the motion. A roll call vote was taken. Motion carried with Ms. Pedersen and Mr. Welty voting no. Mr. Welty indicated that he voted no because the preconstruction fees for GE Johnson were much lower, their price was lower, and they are based in Jackson whereas FCI is a Colorado firm.

Other

Chair Gose gave the board an update on the condition of President McFarland's brother. He asked that everyone keep them in their thoughts and prayers.

Ms. Pedersen asked to change her vote on the bid for the boilers. Board Attorney Frank Watkins indicated that the vote had been taken and that it would be out of order for Ms. Pedersen to change her vote.

**ADJOURNMENT:** There being no further business, Chair Gose adjourned the special meeting at 6:07 p.m.

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Secretary

APPROVAL:

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Chair