

# MINUTES

## STATE BUILDING COMMISSION MEETING

MARCH 12, 2009

The State Building Commission met this day at 10:30 a.m. in House Hearing Room 30 of the Legislative Plaza, Nashville, Tennessee, with the following State Building Commission members and Departments present.

10:47 a.m.	Department of Transportation	Commissioner Gerald Nicely
10:48 a.m.	Department of Safety	Deputy Commissioner Greta Dajani
10:49 a.m.	Tennessee Wildlife Resources Agency	Director Ed Carter
10:50 a.m.	Tennessee Board of Regents	Chancellor Charles Manning
10:54 a.m.	Department of Finance and Administration	
11:01 a.m.	State Building Commission	
11:02 a.m.	Department of Economic & Community Development	Commissioner Matt Kisber

### STATE BUILDING COMMISSION MEMBERS PRESENT

Kent Williams, Speaker of the House of Representatives  
Dave Goetz, Commissioner, Department of Finance and Administration  
Justin Wilson, Comptroller of the Treasury  
David Lillard, State Treasurer

### STATE BUILDING COMMISSION MEMBERS ABSENT

Governor Phil Bredesen  
Ron Ramsey, Lieutenant Governor  
Tre Hargett, Secretary of State

### OTHERS PRESENT

Mike Fitts, State Architect	Paul Degges, Department of Transportation
Georgia Martin, State Architect's Office	Michael Hogan, Department of Safety
Alan Robertson, State Architect's Office	Bill Hedge, Department of Safety
Janie Porter, Attorney General's Office	Mark Drury, Department of ECD
Genie Whitesell, Attorney General's Office	Stephanie Tisdale, Department of ECD
Dave Thurman, Legislative Budget Office	Paul VanderMeer, Department of ECD
Mark Wood, Secretary of State's Office	Paula Roberts, Museum of African American Music, Art & Culture
Nathan Burton, State Treasurer's Office	Connie Kinnard, Museum of African American Music, Art & Culture
Joy Harris, State Treasurer's Office	George Hyfantis, QE2
Jerry Preston, Tennessee Board of Regents	Anne Clarke, Real Property Administration
David Gregory, Tennessee Board of Regents	Cleve Salmon, Real Property Administration
Diane Uhler, Tennessee Board of Regents	Steve Westerman, Real Property Administration
John Carr, Finance and Administration	Bill Finney, Real Property Administration
Mike Morrow, Finance and Administration	Alan Durham, Department of Transportation
Lola Potter, Finance and Administration	Brian Pierce, Michael Brady, Inc.
Terry Mason, Finance and Administration	Tony Poteet, University of Memphis
Cindi Liddell, Bond Finance	Stephanie Steele, THEC
John Gregory, Tennessee Wildlife Resources Agency	
Dwight Hensley, Tennessee Wildlife Resources Agency	

Due to Lieutenant Governor Ramsey's absence, the members asked Commissioner Goetz to chair the meeting. Commissioner Goetz then called the meeting to order at 10:47 a.m. and requested action on the following matters as presented by State Architect Michael A. Fitts.

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DEPARTMENT OF TRANSPORTATION

10:47 a.m.

Commissioner Nicely requested action on the following matter.

TDOT QUARTERLY STATUS REPORT

- 1)** The Commission acknowledged Commissioner Nicely's presentation of the **Quarterly Status Report** of current projects in the Transportation Improvement Programs in accordance with the requirements of the "Transportation Reporting Act of 2002".

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DEPARTMENT OF SAFETY

10:48 a.m.

Deputy Commissioner Greta Dajani requested action on the following matter.

STATEWIDE

- 1) Approved a request for a revision in scope and funding and acknowledgment of the source of funding from \$150,000.00 to \$310,000.00 (\$160,000.00 increase) for **Statewide Security Consultant** at Drivers License Testing Centers, statewide.

Revised Estimated Project Cost:       **\$310,000.00**  
*SBC Project No.                   502/001-03-2008*

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TENNESSEE WILDLIFE RESOURCES AGENCY

10:49 a.m.

Director Ed Carter requested action on the following matter.

REGION 1 – DYER COUNTY, TENNESSEE

- 1) Approved a request for a revision in funding and acknowledgment of the source of funding from \$456,000.00 to \$501,000.00 (\$45,000.00 increase) for the **Bogota Shop Replacement** project at Region 1, Dyer County, Tennessee.

Revised Estimated Project Cost:       \$501,000.00  
*SBC Project No.*                    220/017-01-2008

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TENNESSEE BOARD OF REGENTS

10:50 a.m.

Chancellor Charles Manning requested action on the following matters.

Statewide

- 1) Approved a request to use the Commissioning Agent in the following projects:

			Total Project Cost
166/005-05-2008	ETSU	Buc Ridge Apartment Addition	10,100,000.00
166/023-03-1993	WSCC	Student Services Building and Renovations	8,350,000.00
<b>SBC Project No.</b>	<b>166/000-03-2002</b>	for the Commissioning Master Contract	

- 2) Approved a request for a revision in scope for the **Lease Purchase and Replacement Fund** for System-wide Tennessee Board of Regents facilities, and the selection of Kaatz-Binkley-Jones-Morris to design and supervise the projects.

Estimated Project Cost: \$4,910,000.00  
SBC Project No. 166/000-01-2004

Austin Peay State University, Clarksville, Tennessee

- 1) Referred to the Subcommittee, with authority to act, a request for approval to allocate funding and approval of the selection of a Construction Manager/General Contractor for the project of **Chemical Engineering Technology Facility** at Austin Peay State University in Clarksville, Tennessee, based upon proposals received March 12, 2009.

Estimated Project Cost: \$ 6,400,000.00  
SBC Project No. 166/003-01-2009

Tennessee State University, Nashville, Tennessee

- 1) Approved a request for a revision in estimated project cost and funding from \$300,000.00 to \$554,000.00 (a \$254,000.00 increase) and acknowledgement of source of funding for **Wilson Hall Interior Upgrades** at Tennessee State University in Nashville, Tennessee.

Revised Estimated Project Cost: \$554,000.00  
SBC Project No. 166/001-06-2008

**University of Memphis, Memphis, Tennessee**

- 1) Approved a request for gift-in-place construction for **Football Weight Room Addition** at University of Memphis in Memphis, Tennessee.

Estimated Project Cost: \$2,200,000.00  
SBC Project No. 166/007-02-2009

**Pellissippi State Technical Community College, Knoxville, Tennessee**

- 1) Approved a request for a revision in estimated project cost and funding from \$305,000.00 to \$390,000.00 (\$85,000.00 increase) and acknowledgement of source of funding for **McWherter Building UPS/Generator System** at Pellissippi State Technical Community College in Knoxville, Tennessee.

Revised Estimated Project Cost: \$390,000.00  
SBC Project No. 166/032-02-2008

**Southwest Tennessee Community College, Memphis, Tennessee**

- 1) Approved a request for a revision in estimated project cost and funding from \$890,000.00 to \$1,213,000.00 (a \$323,000.00 increase) for **Elevator Accessibility Corrections** for Southwest Tennessee Community College in Memphis, Tennessee.

Revised Estimated Project Cost: \$1,213,000.00  
SBC Project No. 166/033-05-2005

**Tennessee Technology Center @ Whiteville, Whiteville, Tennessee**

- 1) Approved a request for a revision in estimated project cost and funding from \$180,000.00 to \$278,000.00 (a \$98,000.00 increase) and acknowledgement of source of funding for **Restroom Update** at the Tennessee Technology Center in Whiteville, Tennessee.

Revised Estimated Project Cost: \$278,000.00  
SBC Project No. 166/090-01-2008

**Discussion of Bids**

- 1) **Roane State Community College**  
(Expo Center Roof Repair/Replacement)  
SBC Project No. 166/027-01-2007  
Bid date: 03-11-2009  
SBC Action: Referred to Subcommittee with authority to act

- 2) **Chattanooga State Technical Community College**  
(WTCI Repairs)  
SBC Project No. 166/012-02-2007  
Bid date: 03-11-2009  
SBC Action: Referred to Subcommittee with authority to act

DEPARTMENT OF FINANCE AND ADMINISTRATION

10:54 a.m.

SHELBY COUNTY REGIONAL FORENSIC CENTER, MEMPHIS, TENNESSEE

- 1) Mr. Fitts presented a request for approval to terminate design contracts with Buchart-Horn, Inc. and McClaren, Wilson and Lawrie, Inc. on a project for **Shelby County Regional Forensic Center** at Memphis, and selection of a new designer to design and supervise the project. He stated that the Executive Subcommittee had discussed the matter and concurred with staff's recommendation for a Mutual Termination Agreement and selection of a replacement designer. Treasurer Lillard urged that contact be made with Shelby County and Mayor Wharton to get things going. After discussion, Mr. Fitts' request was approved including the selection of TRO Jung / Brannen as the replacement designer for the project.

Estimated Project Cost:       **\$13,000,000.00**  
SBC Project No.                400/000-01-2005

MUSEUM FOR AFRICAN AMERICAN MUSIC, ART & CULTURE, NASHVILLE, TENNESSEE

- 1) Mr. Fitts informed the Commission that the SBC had approved a lease dated October 2004 of land at the northwest corner of the Bicentennial Mall to the African American History Foundation of Nashville, Inc. for the purpose of building a Museum for African American Music, Art & Culture on the site. He said the State retains the right of approval of the plans and specifications for the project, which was being presented to them for approval by architects, Harold Thompson and Kem Hinton.

Kevin Lavender, Chair of the Foundation, was recognized. Speaker Williams asked about the lease and was told it was a 30-year lease with a 30-year option and that Metro has committed \$10 million toward the project. Treasurer Lillard discussed the issue of local involvement with the project. Don Hardin responded that the design was done with input from neighborhood groups at public meetings. Representative Brenda Gilmore asked about the total cost and when construction would begin. Mr. Lavender responded that the total cost is estimated to be \$33 million and construction is scheduled to begin in May of 2010. He then thanked Representatives Gilmore and Pruitt and asked that the Commission continue to support the project. The Commission approved the Early Design Phase as presented.

SBC Project No. 529/000-26-2007

DISCUSSION OF BIDS

- 1) **Tennessee School for the Blind**  
(Electrical Upgrades)  
SBC Project No. 168/005-02-2007  
Bid date: March 10, 2009  
SBC Action: Bids within target; no action required

**STATE BUILDING COMMISSION**

**MINUTES OF MEETING OF STATE BUILDING COMMISSION**

- 1) Approved the Minutes of the State Building Commission meeting held on February 12, 2009.

**REPORT OF CHANGE ORDERS RESULTING IN CUMULATIVE CHANGE ORDER COSTS TO EXCEED 10% OF BASE CONTRACT AMOUNT**

- 1) **Walters State Community College**  
(Humanities Corrections)  
Change Order No. 1  
Change Order Amount: \$20,202.10  
Change Order Percent: 12.20  
Cumulative Percent 12.20  
SBC Project No. 166/023-02-2007
- 2) **Tennessee Technological University**  
(Roaden UC Crawlspace Piping Replacement)  
Change Order No. 3  
Change Order Amount: \$14,329.20  
Change Order Percent: 5.33  
Cumulative Percent 10.67  
SBC Project No. 166/011-03-2007
- 3) **Volunteer State Community College**  
(Parking & Sidewalk Repair/Replacement)  
Change Order No. 4  
Change Order Amount: \$90,139.44  
Change Order Percent: 20.36  
Cumulative Percent 28.31  
SBC Project No. 166/025-01-2007
- 4) **Tennessee Rehabilitation Center**  
(Campus Security Upgrade)  
Change Order No. 3  
Change Order Amount: \$12,388.45  
Change Order Percent: 3.4  
Cumulative Percent 12.4  
SBC Project No. 442/006-01-2003

### SUB-COMMITTEE REPORT

- 1) Report received of action taken at the State Building Commission Executive Subcommittee meetings held on January 20 and February 9, 2009.

### DESIGNER SELECTION LIST

Approved the following designer selections as recommended.

- 1) **Tennessee Board of Regents**  
(Statewide Lease Purchase & Replacement Fund)  
Estimated Project Cost: \$4,910,000.00  
SBC Project No. 166/000-01-2004  
Designer: **KAATZ BINKLEY JONES MORRIS**
- 2) **Shelby County Regional Forensic Center**  
(New Facility)  
Estimated Project Cost: \$13,000,000.00  
SBC Project No. 400/000-01-2005  
Designer: **Replace selected designer, "BUCHART-HORN, INC", with "TRO JUNG / BRANNEN**
- 3) **Pellissippi State Technical Community College**  
(Magnolia Center Improvements)  
Estimated Project Cost: \$1,350,000.00  
SBC Project No. 166/032-02-2007  
Designer: **Change designer name from "BARBER MCMURRY ARCHITECTS, INC." to "BARBER MCMURRY ARCHITECTS, LLC"**

**DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT**

11:02 a.m.

Commissioner Matt Kisber requested action on the following matters.

**SPECIAL ITEM**

- 1) Commissioner Kisber presented a request for approval of the following grants between the Department of Economic & Community Development (ECD) and the following entities for the Volkswagen and Hemlock Semiconductor projects in accordance with SB0315 / HB0421 and SB0317 / HB0420. He distributed a spreadsheet indicating the State's funding commitments, a copy of which is attached.

Commissioner Goetz stated that the Legislative Bill appropriated funds to the Department of Finance and Administration for the purpose of making grants for industrial purposes and, as Commissioner of the Department of Finance and Administration, he was authorized to transfer amounts to the capital fund for use by the Department of ECD. He added that these funds are expended on a cost reimbursement basis. Commissioner Kisber mentioned that, on the site preparation work that has already been initiated, they did an advance of monies reimbursing for work done. Treasurer Lillard asked if this procedure was always used, and Commissioner Kisber replied that they used it on their fast track programs. Stephanie Tisdale, General Counsel for ECD, said they will include any standard language that is in the OCR grant contracts. She said there exists a Memorandum of Understanding, but they will have to do a State grant. Treasurer Lillard said that, if there was an issue with the Industrial Development Board, he assumed that the State would step in. Mr. Fitts responded that they will follow the standard grant contract language, but that language would probably not have a provision giving the State the option to step in and finish the project in the event of a default. Treasurer Lillard suggested they put that concept in the agreement due to the size of the project. He said he was going to vote on the assumption that something like that would be put in the agreement. A motion was made, properly seconded, and passed without objection to approve Commissioner Kisber's request as presented.

- A. **City of Chattanooga Industrial Development Board**  
(Volkswagen Group of America Project)  
**Estimated Project Cost: \$150,000,000.00**  
*SBC Project No. 529/000-02-2009*
- B. **City of Chattanooga Health, Education and Housing Facility Board**  
(Volkswagen Group of America Project)  
**Estimated Project Cost: \$40,000,000.00**  
*SBC Project No. 529/000-03-2009*
- C. **Montgomery County Industrial Development Board**  
(Hemlock Semiconductor, LLC Project)  
**Estimated Project Cost: \$95,900,000.00**  
*SBC Project No. 529/000-04-2009*

- 2) In accordance with SB0315 / HB0421 and SB0317 / HB0420, the remaining \$6.4 million in funding will be allocated directly to the Board of Regents for the **Chemical Engineering Technology Facility** at Austin Peay State University.

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There being no further business, the meeting adjourned.

Approved by: \_\_\_\_\_

M.D. Goetz, Jr., Commissioner  
Department of Finance and Administration