

# Utah State Building Board



## MEETING

August 4, 2004

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### MINUTES

#### Utah State Building Board Members in attendance:

Larry Jardine, Chair  
Kerry Casaday, Vice-Chair  
Cyndi Gilbert  
Steven Bankhead  
Katherina Holzhauser  
Manuel Torres  
Richard Ellis Ex-Officio

#### DFCM and Guests in attendance:

F. Keith Stepan	Division of Facilities Construction & Management
Kenneth Nye	Division of Facilities Construction & Management
Shannon Lofgreen	Division of Facilities Construction & Management
Camille Anthony	Department of Administrative Services
Alan Bachman	Attorney General's Office/DFCM
Randa Bezzant	Governor's Office of Planning and Budget
Col. Craig Morgan	Utah National Guard
Ronald R. Haskell	Utah National Guard
Michael Raddon	Spectrum Engineers
Brent Windley	Utah State University
Gary Adams	Department of Workforce Services
Derek Byrne	Legislative Auditor General
Mark Spencer	Regents
Greg Peay	Department of Corrections
Stacy Meyer	HFS Architects
RoLynne Christensen	VCBO Architecture
Michael Wollenzien	Office of Rehabilitation
Stan Plewe	Dixie State College
Rob Brems	Mountainland ATC/UCAT

On Wednesday, August 5, 2004, the Utah State Building Board held a regularly scheduled meeting in the Centre Stage of the Sorenson Student Center at Utah Valley State College,

Orem, Utah. Chairman Larry Jardine called the meeting to order at 1:44pm. He valued the Board's participation in the tours and felt they were very beneficial for the development process.

**APPROVAL OF MINUTES OF JULY 14, 2004.....**

Chair Jardine sought a motion to approve the minutes.

**MOTION: Steve Bankhead moved to approve the minutes of July 14, 2004. The motion was seconded by Katherina Holzhauser and passed unanimously.**

**DISPUTE RESOLUTION PROCESS .....**

Chair Jardine felt the Committee upheld their charge and he congratulated those who were involved for their efforts.

Kenneth Nye stated the Advisory Committee recently completed their final meeting and the packet included the rule per the most recent changes. Mr. Nye noted that on page three of the rule, language was added to define the time period requirement for filing the preliminary resolution effort. Changes were also made to subsection five to allow contractors to have language in their agreements to identify the claims process throughout the various tiers within their provisions. At the contractor's discretion, subcontractors may submit to just the tier above them if several tiers exist, and then directly to the general contractor.

Another significant change was noted in section R23-26-13 on page nine, and identified that the Division may report on the status of claims to the Utah State Building Board. DFCM will work with the Board to determine which claims will be brought to the Board's attention and how the Board wishes to review the process.

Kenneth Nye stated DFCM may wish to delete the word status in the rule to instead read "The Division may report on claims to the Utah State Building Board" so as not to limit them. Alan Bachman stated one complication may occur when identifying the claim during the claim's process rather than after resolution. During the claims process, DFCM may not wish to divulge the substance of the claim to the Building Board without allowing the contractor the right to participate. Therefore, DFCM may wish to limit the information to a status update in order to not affect the contractor's rights. After resolution, a more extensive report could be provided. Kenneth Nye felt DFCM could continue to provide the Board informational updates on claims, as has been done in the past, in closed session. Alan Bachman agreed, but expressed caution with the Director and Executive Director being present if a panel is in progress.

Camille Anthony asked if notice would need to be provided upfront in the contract that the issues regarding the contract or contractor could potentially be heard in a public forum. Additional language may be required to clearly identify the issues may be discussed in an executive session.

Kenneth Nye stated wording changes could still be made and DFCM was only requesting preliminary approval currently. After presenting the rule to the Government Operations Committee of the Legislature during August, DFCM would then return to the Board in September to request formal approval. Mr. Nye sought a formal motion from the Board accepting the draft to proceed to the Legislative Committee.

**MOTION: Cyndi Gilbert moved to accept the Dispute Resolution Process as a preliminary draft to go before the Legislative Committee. The motion was seconded by Steve Bankhead.**

Kenneth Nye requested clarification on the motion to include DFCM the ability to correct technical problems without returning to the Board.

**MOTION: Cyndi Gilbert amended her motion to include allowing DFCM the ability to correct technical problems. The motion was seconded by Steve Bankhead and passed unanimously.**

Steve Bankhead complimented DFCM on their work on the complicated process.

**☐ CAPITAL DEVELOPMENT PROCESS AND SCHEDULE .....**

Following the Board's action at the previous meeting which granted DFCM approval on the document pending their suggested changes. DFCM has since issued a revised format for the requests to all agencies and institutions which are currently in the process of preparing the requests. DFCM will also conduct an evaluation, finalize the budget, and the scope of the projects as directed by the Board. Mr. Nye hoped to distribute the compiled information to the Board in September. At the October hearings, the Board will have an opportunity to ask questions and compile a final scoring of the projects based on the suggested scores of DFCM and the requesting agency or institution.

Mr. Nye stated currently the Board's schedule calls for meetings on both October 6 and 7, however the Board has tried to minimize the hearings to one day. The Board agreed to only meet on October 6, with the priority settings to be held on October 21.

Mr. Nye referred to the list of submitted projects included in the packet and clarified that the National Guard would not have a state funded request, but would submit other fund projects.

Mr. Nye anticipated preparing a matrix of the scores to provide the Board before the hearings to allow them to identify the agencies scores, DFCM's scores and their own scores. Higher Education will compile scores by each individual institution, but will also include the Q&P process.

Kenneth Nye reviewed the schedule for September 10. The joint meeting with the Board of Regents will begin at 8:00am at Weber State University. The Building Board meeting will be held at 10:00am. The Capital Facilities Committee will join in on both meetings and are then invited to attend the tours that afternoon at Weber State University, the Bourns building, the Utah State University Agricultural Science building.

Mr. Nye also proposed three different options to tour projects in Central Utah including the Snow College Library, Gunnison Prison, Richfield Regional Office Building and the CEU Geary Theater. The Board agreed to tour all applicable facilities in Central Utah on Thursday, September 16.

**OTHER**.....

Vice Chair Kerry Casaday encouraged all Board members to become involved in the VBS process in order to gain a better understanding. Cyndi Gilbert volunteered for the selection committee for the CEU San Juan Campus Library and Classrooms building.

Chair Jardine commented that he attended a "concrete capping out" at Utah State University. He thought it was an extremely positive event and proved to be a special joint effort between USU, DFCM, and contractor which resulted in a significant cost savings.

**LITIGATION UPDATE** .....

**MOTION: Kerry Casaday moved to enter into executive session to discuss pending litigation at 2:24pm. The motion was seconded by Cyndi Gilbert and passed unanimously.**

**MOTION: Manuel Torres moved the exit executive session at 2:40pm. The motion was seconded by Kerry Casaday and passed unanimously.**

**ADJOURNMENT**.....

**MOTION: Cyndi Gilbert moved to adjourn the meeting at 2:40pm. The motion was seconded by Kerry Casaday and passed unanimously.**