

## Notes from the 4/25/2019 ACEC/AIA/OFPM/OSFM Partnering Committee Meeting

The meeting was attended by Brad Austin (ACEC), Joanna Hankins (ACEC), Terry Humphries (AIA), Corey Wilson (ACEC), Randy Riveland (OFPM), Tom Orazem (ACEC), and Bruce McMillan (AIA). The meeting began at 3:00 PM and concluded at 5:05 PM. The meeting was held at the ACEC-KS Offices.

Introductions were made.

The minutes from last meeting were approved.

### OFPM Update:

- The SBAC will meet the second week of May to short list for a new KDHE labs building at Forbes Field and for a remodel project at Rarick Hall at Ft. Hays.
- The governor's office has given them a directive to keep the Docking Building with only partial demolition. This has become their most pressing priority.
  - They will hire a programming consultant to look at alternatives for how to handle the building.
  - They will probably end up deconstructing some of the upper floors.
  - It was asked if the State had thought about partial sales or partnerships to keep the whole building intact. It was also asked whether moving state employees out of other leased spaces into this building had been considered by the State.
    - Randy Riveland responded that he does not know what all has been done or investigated by the State. He does think they looked into selling, but the power plant for the capital campus is in the basement of the building, so they have to keep it secure, which is much harder if you do not own the building.
  - They hope to short list the programming consultants by June 12 and have deliverables to the legislature before January. They then hope to have something done with the building in 3-4 years.

### OSFM Update:

- Brian Love was not able to attend the meeting, but Brad Austin gave an update that nothing has happened with any of the topics of concern regarding OSFM since the last meeting to his knowledge.
- It was asked what has happened with the sprinkler bill from last session (HB2026). It was asked if there was a committee working on edits to this bill and whether the KSBTP has been engaged at all in that process.
  - Brad Austin indicated that he did not know, nor did anyone else in attendance at the meeting. Brad Austin to follow up with Brian Love and Jack Poole prior to next meeting.

### AIA Update:

- They have been following SB148 regarding contracting for school boards. This legislation was introduced by a roofing contractor and would have changed the approval/review process for alternative materials proposals. They submitted testimony opposing this bill as it would infringe upon AE work. They were able to stop the bill for last session, but it will still be active next session. The bill will be distributed to the committee members and feedback should be sent to Terry Humphries.
- The AIA Advocacy Day went well.
- AIA National is working on school security issues and have attended congressional meetings on the topic. There are tax credits and incentives available for schools to make security improvements, but they are all focused on locks and hardware, not on the broader AE thinking

and planning processes. AIA asked congress to expand the included services and form a national data base of best practices.

- 179D energy standards and tax credits are only available for new construction. AIA is pushing to get those extended to existing infrastructure projects.
- They are working on their annual conference. All are invited. It will be held September 12-13 and their topic this year is “Embracing Disruption”.
  - They are currently soliciting for speakers.
  - They are considering holding “nanosessions” in the exhibition hall (now accepted for AIA credit). These sessions are 15-30 minutes in length.

#### ACEC Update:

- Group was briefed on the contents and history of SB56 (Transparent Business) and the extensive efforts put forth by ACEC and partner organizations such as AIA to stop it. Unfortunately, a version of this bill recently passed a committee within the Missouri legislature. Brad Austin asked the OFPM and OSFM folks to be sure to notify their IT folks of this bill’s existence, as it is usually the State IT folks that lead the opposition against these bills.
- ELP is open for enrollment.
- Their annual meeting will be held in Wichita on June 13 in conjunction with the KSPE Annual Conference.
- The Mid-States Conference will be held in Branson in June as well.

#### Legislation Update:

- No other discussion beyond what was covered above.

#### KAN-STRUCT Update:

- OFPM indicated that they had someone try to find out information on presentation topics for the conference, and they could not find out that information within a month of the conference, so they decided not to send anybody.
- The conference was well attended and the final accounting has just been completed. There is intent to hold the conference again next year.

#### KBOR:

- No update – not present.

#### Other:

- Discussion of projects at KSU being run through KSU Foundation.
  - An alarming trend has been noticed by ACEC membership of projects at KSU being run through the KSU Foundation with the intent of avoiding the OFPM procurement regulations and legislative oversight.
  - SB9 (as it is known – not a current bill) allows the Board of Regents Universities to adopt their own procurement process similar to the SBAC to execute projects, rather than running them through OFPM. However, it is not clear whether KSU has such a process in place.
  - Universities can bypass the OFPM procurement regulations as long as there are no state funds used for the project. However, they still must run the project through OFPM for code review purposes.
- An issue encountered by AIA membership was relayed as follows:
  - A bond issue passed for school work recently and had a 2 part RFP issued to award the work. All of the firms that were short listed for the project were local firms, except 1.

One of the criteria for the 2<sup>nd</sup> round selection was fee structure, but it was not clear how that would be weighted. It was indicated that after the project was awarded, the respondents would receive a breakdown of the weighting. One local engineering firm brought in an out of town architect that had been involved in the whole pre-bond planning effort for the project. They were awarded all of the work except for 1 project, which also went to an out of town firm. During interviews, that firm said that they could save a bunch of money for the school board if they were awarded everything, which was not a part of the standard interview questions. It seems obvious that final selection was based on fee.

- Brad Austin reminded the group of ACEC's QBS facilitator and offered to engage his services for any instances encountered by anyone within AIA or ACEC.
- An issue encountered by AIA membership was relayed as follows:
  - Work was being performed in Frankfurt, KS, through the State Historical Preservation Society under the Heritage Trust Fund. Lately, they have been informed that historic preservation projects run through the State Historical Preservation Society require competitive bidding for any projects >\$5,000. It was indicated that this mandate was being pushed down from their national organization.
    - All in attendance indicated that they did not think that they could do that unless it is federal money and/or no state money.
    - It was questioned whether this is something they got from national, thought it was a good idea, and pushed it out without knowing they were violating state law.
    - Brad Austin indicated that this would be a good case to get ACEC's QBS Facilitator involved with, and it may also warrant doing some education for the national entity as well.
- An issue encountered by AIA membership was relayed as follows:
  - Geary County Commissioners sent out a RFP for fire alarm system design in their courthouse, but it is really a request for bids. An AIA member sent them a letter expressing concern with this practice, but has not heard back from them yet.
    - Brad Austin indicated that this may be another good opportunity to utilize the ACEC QBS Facilitator to help educate the Geary County Commissioners.
- The question was posed regarding why state statute requiring QBS was not extended to school districts and local units of government.
  - Nobody in attendance knew the answer, but indication that it had been that way for over 50 years was received.
  - It was speculated that this may be a good time to have a re-education effort on quality use of public funds statewide.
- What are the latest trends regarding alternative financing for university projects?
  - A clear answer to this question was not really obtained.
  - There is some movement to use foundations to avoid procurement regulations and legislative oversight.
  - Use of methods like P3 and Lease-to-Own are potentially driven by a need to get funds, and they are not getting funds from the legislature.
- What are the OFPM and OSFM priorities for the next year?
  - OFPM – The Docking Building.
  - OSFM – Unknown as they were not present to answer.
- AIA encouraged this group to become a clearing house and database for bad RFPs that come out. Improved literature could be developed and sent out for educational purposes. Perhaps a matrix of "if it looks like this, it should be this way" should be developed.

#### Next Meeting

- All would like to meet again in a couple months with a focus on QBS issues.
- It may be beneficial to bring in ACEC's QBS Facilitator for that discussion.
- It is hoped that more will be known on the historical preservation solicitation issues by then as well.
- Brad Austin will orchestrate the distribution of a Doodle Poll to figure out a date and time that works for the most people.