MINUTES

STATE BUILDING COMMISSION MEETING

November 14, 2002

The State Building Commission met this day at 10:00 a.m. in House Hearing Room No. 29, Legislative Plaza, Nashville, Tennessee, with the following State Building Commission members and departments present.

10:11 a.m.	Tennessee Wildlife Resources Agency	Executive Director Gary Myers
10:12 a.m.	Department of Environment and Conservation	Commissioner Milton Hamilton
10:14 a.m.	Military Department	General Gus Hargett
10:15 a.m.	Department of Correction	Commissioner Donal Campbell
10:18 a.m.	Tennessee Board of Regents	Chancellor Charles Manning
10:30 a.m.	Department of Finance and Administration	
10:31 a.m.	State Building Commission	

STATE BUILDING COMMISSION MEMBERS PRESENT

Lieutenant Governor John S. Wilder, Speaker of the Senate
Jimmy Naifeh, Speaker of the House of Representatives
C. Warren Neel, Commissioner, Department of Finance and Administration
Steve Adams, State Treasurer
Riley Darnell, Secretary of State
John G. Morgan, Comptroller of the Treasury

STATE BUILDING COMMISSION MEMBERS ABSENT

Governor Don Sundquist

Lieutenant Governor Wilder called the meeting to order at 10:10 a.m. and requested action on the following projects as presented by State Architect Michael A. Fitts.

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TENNESSEE WILDLIFE RESOURCES AGENCY

10:11 a.m.

Director Gary Myers requested action on the following matters.

REGION 1 HEADQUARTERS, JACKSON, TENNESSEE

1) Approved a project and acknowledgment of the source of funding for **Radio Shop** at the Region 1 Headquarters Building in Jackson, with design services to be accomplished by Tennessee Architectural Services.

Estimated Project Cost: **$150,000.00**
SBC Project No. *220/017-04-02*

ELLINGTON AGRICULTURAL CENTER, NASHVILLE, TENNESSEE

1) Approved a project and acknowledgment of the source of funding to **Reroof Storage Building** at Ellington Agricultural Center, Nashville, with design services to be accomplished by Tennessee Architectural Services.

Estimated Project Cost: **$80,000.00**
SBC Project No. *220/018-02-02*

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DEPARTMENT OF ENVIRONMENT AND CONSERVATION

10:12 a.m.

Commissioner Milton Hamilton requested action on the following matters.

SHILOH NATIONAL MILITARY PARK, HARDIN COUNTY, TENNESSEE

1) Commissioner Hamilton presented a request for approval of a project and acknowledgment of the source of funding to construct a Tennessee **Monument** at Shiloh National Military Park, Hardin County, and approval of a contract with G.L. Sanders, a Texas sculptor, to design, fabricate and erect the monument, subject to approval by the National Park Service and the State Architect. He explained that the Department granted to the United Daughters of the Confederacy a sum of $125,000 conditioned upon erecting a Tennessee monument at Shiloh National Park (TN and MS are the only two states that had troops participating in the Battle at Shiloh that have no markers in the Park). He said that the Daughters have agreed to grant back to the State $125,000 that will be matched by federal funding for a total of $250,000 and that this amount will cover the cost of a new monument. He added that the State will be responsible for the design, fabrication and installation of the monument and the Daughters have agreed to provide for any necessary maintenance in the future.

Representative Steve McDaniels was recognized and expressed his appreciation to the Commission for their help. The Commission approved the request as presented.

Estimated Project Cost: **$250,000.00**
SBC Project No. *126/124-01-02*

WARRIORS' PATH STATE PARK, KINGSPORT, TENNESSEE

1) Approved a request to accept as a gift **Playground Equipment** at Warriors' Path State Park, with design and construction to be provided by the Park's Friends Group, at no cost to the State, with design approval by the State Architect's Office.

Estimated Project Cost: **$500,000.00**
SBC Project No. *126/096-01-02*

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MILITARY DEPARTMENT

10:14 a.m.

General Gus Hargett requested action on the following matters.

NATIONAL GUARD ARMORY, HENDERSON, TENNESSEE

1) Approved a request for a revision in funding and acknowledgment of the source of funding from $2,081,000.00 to $2,051,000.00 ($30,000.00 decrease) of a project to **Construct an OMS Facility** at Henderson, Tennessee.

Revised Estimated Project Cost: **$2,051,000.00**
SBC Project No. *361/035-02-98*

NATIONAL GUARD ARMORY, LEXINGTON, TENNESSEE

1) Approved a request for a revision in funding and acknowledgment of the source of funding from $50,000.00 to $80,000.00 ($30,000.00 increase) of a project for **Storage Area Renovations** at the National Guard Armory at Lexington, Tennessee.

Revised Estimated Project Cost: **$80,000.00**
SBC Project No. *361/053-01-02*

NATIONAL GUARD READINESS CENTER, JACKSON, TENNESSEE

1) Approved a project and acknowledgment of the source of funding for **Kitchen Addition** at the National Guard Readiness Center, Jackson, with design services to be accomplished by in-house design staff with departmental consultants.

Estimated Project Cost: **$284,000.00**
SBC Project No. *361/042-01-02*

VOLUNTEER TRAINING CENTER, GRUBBS-KYLE, SMYRNA, TENNESSEE

1) Approved a request for a revision in funding and acknowledgment of the source of funding from $943,000.00 to $1,143,000.00 ($200,000.00 increase) of a project for **Company Administration Building and Parking** at the Volunteer Training Site, Smyrna, Tennessee.

Revised Estimated Project Cost: **$1,143,000.00**
SBC Project No. *361/079-01-01*

DEPARTMENT OF CORRECTION

10:15 a.m.

Commissioner Donal Campbell requested action on the following matter.

EXPANSION OF PRISON FACILITIES: PROGRAM PHASE

1) Commissioner Campbell presented a request for approval of the Program Phase for **Expansion of Tennessee Prison Facilities** to include developing preliminary architectural programs and conceptual site plans for the Weakley County site and the site at the Southeastern Tennessee State Regional Correctional Facility in Bledsoe County, based on feasibility studies that examine the optimum size and mix of custody levels of a new prison or prisons. He added that approval was also requested to complete surveys, title work, appraisals, and right-of-entry needed to obtain an option to purchase property in Weakley County as well as for selection of consultants to assist the State in the above efforts. Secretary Darnell made a motion that Morgan County be included to the list. The motion was seconded and passed without objection. Larry Kirk added, for clarification, that the Department was planning to proceed with obtaining a no-cost option to purchase property. After discussion, the Commission approved the request as modified, with the selection of consultants referred to the Subcommittee, with authority to act.

Estimated Cost for Program Phase: **$750,000.00**
SBC Project No. *140/001-04-02*

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TENNESSEE BOARD OF REGENTS

10:18 a.m.

Chancellor Manning requested action on the following matters.

SYSTEMWIDE

1) Approved the selection of Energy Systems Group (West), Siemens (Middle) and LG&E Enertech (East) for each of three regions for **Systemwide Performance Contracting** and authorization to proceed with a contract with each regional ESCO for three (3) years and up to $10,000,000.00 in improvements in each region, with two (2) options on each contract, with each option providing an additional two (2) years and up to $5,000,000.00 in improvements in each region, and refer to Subcommittee with authority to act for further approval of individual Delivery Orders and their funding.

Estimated Project Cost (over maximum 7 years): **$ 60,000,000.00**
SBC Project No. 166/000-01-02

EAST TENNESSEE STATE UNIVERSITY, JOHNSON CITY, TENNESSEE

1) Approved a project and acknowledgment of the source of funding for **Family Medicine Modular Buildings** for East Tennessee State University in Johnson City and Kingsport, with design services to be provided by the regional consultant.

Estimated Project Cost: **$ 145,000.00**
SBC Project No. 166/005-09-02

2) Chancellor Manning presented a request for approval of a project and acknowledgment of the source of funding for **Fossil Site Visitor Center Development** for East Tennessee State University in Gray, and selection of a designer to design and supervise the project. Commissioner Neel stated that this project would be additionally supported by the academic program and the University had a full time paleontologist on staff. The Chancellor stated that they had $100,000 of gift funds on hand and fundraising was underway for the remaining gift portion of the project. It was noted that no contract could be let until funds were in hand. After further discussion, the Commission approved the project and the selection of Bullock-Smith & Partners / Vaughn & Melton Consulting Engineers, a joint venture, to design and supervise the project.

Estimated Project Cost: **$ 8,130,000.00**
SBC Project No. 166/005-10-02

MIDDLE TENNESSEE STATE UNIVERSITY, MURFREESBORO, TENNESSEE

1) Approved a request for a revision in funding and estimated project cost from $800,000.00 to $1,270,000.00 (a $470,000.00 increase), and acknowledgment of the source of funding for **Parking Lots New Construction** at Middle Tennessee State University in Murfreesboro, Tennessee.

Revised Estimated Project Cost: **$ 1,270,000.00**
SBC Project No. 166/009-04-02

2) Approved a request to fully plan a project and acknowledgment of the source of funding for an **Observatory** at Middle Tennessee State University in Murfreesboro, and the selection of Hart-Freeland-Roberts, Inc., to plan the project and authorization to proceed with Phase One.

Estimated Project Cost: **$ 750,000.00**
Estimated Planning and Phase One Cost: **$ 430,000.00**
SBC Project No. 166/009-07-02

UNIVERSITY OF MEMPHIS, MEMPHIS, TENNESSEE

1) Approved a request for a revision in scope, estimated project cost, and funding from $5,600,000.00 to $8,825,000.00 (a $3,225,000.00 increase), and acknowledgment of the source of funding for **Athletic Training Center Addition and Modifications** at the University of Memphis in Memphis, and referred to the Subcommittee, with authority to act further with regard to the fire recovery.

Revised Estimated Project Cost: **$ 8,825,000.00**
SBC Project No. 166/007-01-97

2) Approved a project and acknowledgment of the source of funding for **University Center Renovations** at the University of Memphis in Memphis, and the selection of Fisher & Arnold, Inc. / The Haizlip Firm, a joint venture, to design and supervise the project, with the understanding that the bonds would be amortized over 20 years or less.

Estimated Project Cost: **$23,000,000.00**
SBC Project No. 166/007-08-02

ROANE STATE COMMUNITY COLLEGE, HARRIMAN, TENNESSEE

1) Approved a project and acknowledgment of the source of funding for **Campbell County Higher Education Center** for Roane State Community College in Harriman, with the selection of a designer referred to the Sub-committee, with authority to act.

Estimated Project Cost: **$3,350,000.00**
SBC Project No. 166/027-02-02

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DEPARTMENT OF FINANCE AND ADMINISTRATION

10:30 a.m.

JAMES K. POLK STATE OFFICE COMPLEX, NASHVILLE, TENNESSEE

1) Approved a request for a revision in funding and acknowledgment of the source of funding from $6,925,000.00 to $7,325,000.00 ($400,000.00 increase) of a project for **TPAC ADA Upgrade and Improvements** at James K. Polk State Office Complex, Nashville, Tennessee.

Revised Estimated Project Cost: **$7,325,000.00**
SBC Project No. *529/075-05-00*

2) Approved a project and acknowledgment of the source of funding for **Renovation of Floors 1 & 2** of the James K. Polk State Office Building, Nashville, and the selection of Jack Freeman & Associates to design and supervise the project.

Estimated Project Cost: **$2,200,000.00**
SBC Project No. *529/075-03-02*

DISCUSSION OF BIDS

1. **Foster Avenue Cafeteria**
(Demolition)
SBC Project No. 529/021-02-02
Bid date: 7 November 02
SBC Action: Referred to Subcommittee, with authority to act, if needed

TENNESSEE SCHOOL FOR THE DEAF, KNOXVILLE, TENNESSEE

1) Mr. Fitts brought up from the floor a request regarding alleged toxic mold being found at the Middle School at the Tennessee School for the Deaf in Knoxville, Tennessee. He said he would like the matter referred to the Subcommittee, with authority to act, in the event emergency measures need to be taken. The Commission approved Mr. Fitts' request.

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STATE BUILDING COMMISSION

10:31 a.m.

MINUTES OF MEETING OF STATE BUILDING COMMISSION

1) Approved the Minutes of the State Building Commission meeting held on October 10, 2002.

SPECIAL ITEM

1) Approved a request to add the following item to the *By-Laws, Policy and Procedures of the State Building Commission*:

8.03. BOUNDARY DISPUTE RESOLUTION

A. BOUNDARY DISPUTE CLAIM

1. Upon discovery of a boundary dispute claim by a Department or Agency of the State of Tennessee, the following procedures are to be followed:

   a) If a boundary problem is discovered, the State agency having jurisdiction over the disputed property will have a staff real estate professional investigate the problem.

   b) The Agency's real estate professional will examine all records, deeds, plats and monumentations to determine the extent of the problem.

   c) Once the problem has been defined, the Agency will contact and work in conjunction with the Department of Finance and Administration's Office of Real Estate Management (REM) to resolve the dispute.

   d) The Office of Real Estate Management will, with any professional consultant deemed necessary, examine the chain of property title and make a determination of what should be the proper property description. The State agency having jurisdiction over the property and REM will devise a potential solution to the problem. Approval to proceed will be required by both agencies before contacting the affected property owner(s).

   e) Upon receiving approval, REM will contact all affected property owners and negotiate a boundary line. If there is a significant loss or gain of State property (more than five acres), it will require State Building Commission approval prior to any settlement being reached with affected property owner(s).

f) If a property line can be negotiated and a loss or gain of State lands is less than five acres, REM will approve the settlement of the boundary and report the settlement to the State Building Commission at the next scheduled monthly meeting.

g) The Attorney General's Office must approve all deeds of correction or boundary line agreements. All boundary line agreements and new boundary plat retracements will be recorded in the county where the property is located. (Note: Deeds of Correction require all original signers to re-sign and should only be used on recent acquisitions.)

h) The State agency having jurisdiction over disputed property will pay all surveying, deed preparation and recording fees associated with boundary dispute.

2. Upon discovery of a boundary problem by an outside party, the following procedures are to be followed:

a) Once a claim has been made by an adjoining property owner against State land, the State department having jurisdiction over the real estate will have a real estate professional from the department contact the property owner to determine the nature and extent of the claim.

b) The Agency representative will document the claim in writing. The property owner must provide legal or credible testimony to support his or her claim. The burden of proof falls on the claiming property owner to provide evidence that the state's boundary is incorrect.

c) The Agency's representative will review the landowner's survey, tax map, deed and deed calls, written and oral testimony provided by reputable sources or other qualified sources of evidence.

d) The Agency's representative will review the State's boundary by examination of State's deed and deed calls and surrounding properties. He will also review recording information to determine the most recent survey recorded.

e) If the Agency determines in its discretion that the claim has possible merit, then the Agency will contact REM who will review all the documentation presented and make any independent investigation deemed necessary.

f) REM will conduct an investigation of all the records and testimonies associated with the disputed tract and make a boundary line determination.

g) The Agency and REM will attempt to negotiate a boundary agreement with the property owner.

h) If it is determined that the State will lose or gain a considerable amount of acreage (more than 5 acres) it must have prior approval by the Agency having jurisdiction

over the property, Real Estate Management and the State Building Commission. Any agreements that involve five acres or less can be approved by the Agency and REM and will be reported to the State Building Commission at the next scheduled meeting.

i) Once a boundary line agreement has been reached and approved, REM will have prepared a Deed of Correction or a boundary line agreement that will be recorded in the county where the property is located. In settling land disputes, sharing of the surveying, deed preparation and recording fees is encouraged by the requesting agency and the affected property owner. The Agency and the property owner may negotiate the fees before any work is begun.

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

1. **War Memorial Building**
(Bronze Door Restoration & Exit Upgrade)

Change Order No.	7
Change Order Amount:	$1,620.00
Change Order Percent:	6%
Cumulative Percent	264%
SBC Project No.	529/090-01-99

2. **James K. Polk Building**
(Re-Ceiling Phase 1)

Change Order No.	10
Change Order Amount:	$47,421.17
Change Order Percent:	5.28%
Cumulative Percent	74.54%
SBC Project No.	529/075-01-99

3. **Property Surplus Warehouse**
(Roof Replacement)

Change Order No.	1
Change Order Amount:	$59,135.00
Change Order Percent:	25.9%
Cumulative Percent	25.9%
SBC Project No.	460/092-01-02

4. **TWRA**
(Access Crew Work Base)

Change Order No.	2
Change Order Amount:	$3,543.20
Change Order Percent:	3.84%
Cumulative Percent	12.87%
SBC Project No.	220/017-01-01

5. **Northwest Correctional Center**
(Painting / Repair of Water Tanks)

Change Order No.	2
Change Order Amount:	$47,928.85
Change Order Percent:	51.7%
Cumulative Percent	61.3%
SBC Project No.	142/016-01-00

6. **Tennessee Technology Center – Nashville**
(Reroof Buildings 1 & 3)

Change Order No.	2
Change Order Amount:	$44,480.00
Change Order Percent:	18.45%
Cumulative Percent	31.92%
SBC Project No.	166/000-04-01

7. **University of Memphis**
(Brick Plaza & Pedestrian Mall)

Change Order No.	20
Change Order Amount:	$14,311.05
Change Order Percent:	0.7%
Cumulative Percent	12.54%
SBC Project No.	166/007-05-95

8. **University of Memphis**
(Brick Plaza & Pedestrian Mall)

Change Order No.	21
Change Order Amount:	$2,935.94
Change Order Percent:	0.14%
Cumulative Percent	12.69%
SBC Project No.	166/007-05-95

SUB-COMMITTEE REPORT

1) Report received of action taken at the State Building Commission Executive Sub-Committee meeting held on October 21, 2002.

DESIGNER SELECTION LIST

1) Approved the following designer selections as recommended.

1) **East Tennessee State University**
(Fossil Site Visitor Center Development)
Estimated Project Cost: $8,130,000.00
SBC Project No. 166/005-10-02
Designer: **BULLOCK-SMITH & PARTNERS / VAUGHN & MELTON CONSULTING ENGINEERS, a joint venture**

2) **Middle Tennessee State University**
(Observatory)
Estimated Project Cost: $750,000.00
SBC Project No. 166/009-07-02
Designer: **HART FREELAND ROBERTS**

3) **University of Memphis**
(University Center Renovations)
Estimated Project Cost: $23,000,000.00
SBC Project No. 166/007-08-02
Designer: **FISHER & ARNOLD, INC. / THE HAIZLIP FIRM, a joint venture**

4) **Roane State Community College**
(Campbell County Higher Education Center)
Estimated Project Cost: $3,350,000.00
SBC Project No. 166/027-02-02
Designer: **REFERRED TO SUBCOMMITTEE, WITH AUTHORITY TO ACT**

5) **James K. Polk State Office Building**
(Renovation Floors 1 & 2)
Estimated Project Cost: $2,200,000.00
SBC Project No. 529/075-03-02
Designer: **JACK FREEMAN & ASSOCIATES**

6) **Prison Facilities Expansion**
(Program Phase)
Estimated Cost for Program Phase: $750,000.00
SBC Project No. 140/001-04-02
Designer: **REFERRED TO SUBCOMMITTEE, WITH AUTHORITY TO ACT**

Commissioner Neel reported to the Commission a request by Governor-elect Bredesen's transition team to remain in leased office space in lieu of relocating to State office space during the transition. He stated that the General Assembly had appropriated $250,000 for the purpose of providing a seamless transition into the next administration. He stated that the transition team had requested an exception to this and wished to continue using their existing office space and have the State reimburse them for this expense. Commissioner Neel explained that this would save both parties time and money by avoiding the relocation process, which would be further complicated by having to set up an entire new computer network. Based on those reasons, Commissioner Neel said he had approved the request. The Commission accepted the report.

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There being no further business, the meeting adjourned at 10:40 a.m.

APPROVED BY:

C. Warren Neel, Ph.D., Commissioner
Department of Finance and Administration