

April 19, 2016 CBAC Meeting

Start Time: 6:10 PM

Attended by: Gabriel Solis, Blanca Castillo, Robert Hood, Bruno Vasquez, Ana Zuniga and Martha Piekarski

1. **Additional services invoice update provided by Carl Daniel Architects.**

Invoice is for additional work related to Reyes Elementary design features. Mr. Bruno Vasquez reported that last month when CBAC met the invoice in question had been discussed and was recommended to present to the Board. The Board Committee did not approve because the invoice was for additional work; re-design of fence, canopy, gate and flag painting. The Board suggested that Mr. Vasquez meet with the Architect to further discuss. He reported that the design contract was worded with "all efforts to win a design award" so when that language is used in a contract the design becomes more involved. Mr. Vasquez will be presenting the invoice including back up to the committee on Wednesday the 20<sup>th</sup> of April and if the Committee agrees, then the Architect will present to the Full Board the following Tuesday the 26<sup>th</sup> to answer or address any questions that the Board may have. Pastor Solis applauded the District for investigating the invoice further instead of just paying because they were presented with an invoice. Question was raised as did the design win an award and Mr. Vasquez stated that because of several changes, that option was no longer pursued. Question was asked if along with the Invoice does the District have copies of the Change Orders and Mr. Vasquez responded and presented to CBAC a log with the Change Orders Highlighted that correspond with the Invoice which will also be presented to the Board. CBAC recommends that the Board carefully review the invoice, Carl Daniel to remove item #4 Flag Painting Re-design from the invoice because this was not to come out of Bond Funds and the remainder of the invoice be presented to the Board Committee. CBAC also requests from Facilities to negotiate with Carl Daniel the invoice amount.

2. **Canutillo Elementary sewer spill cleanup payments made by Byers Construction**

Mr. Vasquez reported that item has been completely closed out. District was waiting for our Legal Counsel to contact insurance from Byers Construction and we received a notice that they were going to pay \$18,635.23 towards D&H and also the \$25,970.37 paid to Jordan Construction would also be recovered and copies of both checks were included in the packet presented to CBAC.

### **3. Review of Bond Funds Available Balance**

As of today the Balance Available from the 2006 Bond Issued is \$42,093.00 and from the 2011 Bond is \$222,006.00. Total for both is \$264,099.00

Mr. Vasquez reported that the District has been receiving several invoices related to the Bond Projects, out of the 2011 Bond \$12,789.18 from pending invoices; these are all related to Davenport Elementary School (resurfacing of Basketball court and Soccer Field). One invoice is a reimbursable item from GA Architecture, they paid a surveyor \$1,100.00 and per contract, that is a reimbursable item. We need to transfer funds from some of the accounts in order to pay these outstanding invoices. One of the accounts that have been identified is the Salary and other HR related items for the Bond Project Manager that has available funds and can transfer if CBAC agrees. Another is a Pay Application for the Contractor with a total of \$11,039.18 we are not ready to pay yet because there are some deficiencies on the striping on the Basketball court which Mr. Vasquez will follow up on. Out of the 2006 Bond Issue, we have three outstanding invoices: 2 are from our consultants (one of which was just discussed the +/- \$10,000 invoice from CDA) and another for \$15,000 from another Architectural firm, Parkhill, Smith & Cooper they were the commissioning agent for the project. The project is supposed to be LEED Certified. Mr. Vasquez has not been able to follow up with this firm and he cannot confirm at this moment if those services have been provided but in future meetings, Mr. Vasquez can elaborate whether or not they have followed thru with their contractual requirement. The third is the Final Pay Application from the Construction Manager, VEMAC; for \$435,055.46 and this amount has already been encumbered. The Architect has not signed the Final Pay Application because we would only have a couple of days to finalize the payment and since we are going thru the Audit process CISD is not yet ready to close the books on this project. At next week's Executive Session the results of the Audit will be presented and Hector Rodriguez and Mr. Vasquez will be available to the Board to answer any questions and see if they agree to start the process of paying out this balance. We have +/- \$250,000 available from the 2006 and 2011 Bond money. A request was made by CBAC to identify the pending Bond projects so that a determination can be made on how to apply those remaining funds. Mr. Vasquez will be preparing a list of indefinitely postponed projects and will compare it against the Facilities Master Plan. Facilities Master Plan will be presented to the Board on May 31<sup>st</sup>. CBAC agreed to transfer funds from Salaries in the amount of \$22,000 to accounts Construction/Architect Fees to cover other items.

#### **4. Reyes Elementary contingency funds**

Mr. Vasquez reported that over the past 3 weeks, he and Hector Rodriguez have been communicating with the Project Manager of the Reyes Project and would be presenting the recommendation to the Executive Session of the Board of the findings of the Audit. The contract allowed the Construction Manager at Risk use of contingency funds. There are two types of funds: Owners Contingencies and Contractor's Contingencies. The Owners Contingencies are used for items that are requested by the owner. The other types of contingencies were, during the administration of this contract, left to the discretion of the contractor. Because the contractor under this delivery method was hired to provide CISD with a finished product and under a certain amount of money, and at a designated date then whatever the contractor needs to do to meet that goal, it was left up to them due to means & methods. Through the Audit process there have been several items that were identified as potential conflicts with the original drawings/design that the contractor is asking to be listed under Contractor's contingencies. Mr. Vasquez gave some examples. Mr. Vasquez also reported that the District's Legal Counsel was consulted and he advised that all the contingency funds, even those assigned to the contractor needed to be authorized by the District. Unfortunately the findings have shown that proper, strict, and "by the book" documentation of each of those was not followed through. To date we are on Pay App #32 which means that 31 previous Pay Apps have been paid. CISD had an opportunity on each one of those previous applications to dispute any charges. With all that being said, Vemac came in under budget and on time. Mr. Vasquez reported that for all the major items listed under the contingencies there seem to be no issues; all the small items in question amount to approximately \$20,000. Legal counsel advised and recommended not to fight for these items because it could cost the District much more due to legal fees. CBAC members were in agreement to not spend dollars to recuperate cents.

#### **5. NWECHS Canopies Construction Update**

Mr. Vasquez gave update and reported that at the last meeting and at the advice of Mr. Hector Martinez, we were told that the contractor was going to proceed with construction during the Spring Break. Unfortunately due to some delays the project did not proceed as originally scheduled. Mr. Vasquez reported that as of date there has been some progress made. The footings and the structure for all three canopies are in place. After they place the actual roof they will paint the canopies, the metal roofs are going to come painted from the factory and lastly they have to fix the sidewalks that were demolished so that they could place the foundations. All in all, they should be ready by the end of next week for us to do our inspection and finalize this project.

**6. New Items**

Pastor Solis has requested to include meeting minutes on the CBAC website

End Time: 7:28 PM

Next Meeting: CBAC Quarterly Tuesday, May 17<sup>th</sup> at 6:00 pm