

Approved: February 9, 2009
Date

MINUTES OF THE JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION

The meeting was called to order by Chairman Dwayne Umbarger at noon on January 27, 2009, in Room 545-N of the Capitol.

All members were present except Representative Brunk, who was excused.

Committee staff present:

Audrey Dunkel, Kansas Legislative Research Department
Jonathan Tang, Kansas Legislative Research Department
Aaron Klaassen, Kansas Legislative Research Department
Cody Gorges, Kansas Legislative Research Department
Mike Corrigan, Office of the Revisor of Statutes
Gary Deeter, Committee Assistant

Conferees appearing before the committee:

Richard Gaito, Deputy Director, Division of Facilities Management, Kansas Department of Administration
Marilyn Jacobson, Director, Division of Facilities Management, Kansas Department of Administration
Robert Blecha, Director, Kansas Bureau of Investigation
David Hutchings, Special Agent, Kansas Bureau of Investigation
Dwain Worley, Forensic Scientist, Kansas Bureau of Investigation
Bill Laurie, MWL, Consultants in Public Facilities
Dave Emig, Emig and Associates, Architects, Emporia
Russell McElroy, MWL, Consultants in Public Facilities

Others attending:
See attached list.

Chairman Dwayne Umbarger called the meeting to order at 12:05 p.m. and requested that members introduce themselves. He then opened the meeting for election of officers. Representative Pottorff, nominated by Representative Grant and seconded by Senator Kelly, was unanimously elected as Chair for CY 2009.

Senator Kelly nominated Senator Umbarger as Vice-Chair; the nomination was seconded by Representative Grant. Senator Umbarger was unanimously accepted as Vice-Chair for CY 2009.

Chairperson Pottorff welcomed Richard Gaito, Deputy Director, Division of Facilities Management (DFM), Kansas Department of Administration, who reviewed the leasing process and new programs implemented during the past year. He said that the new system is automated to notify agencies by e-mail in a timely manner: a lease greater than 10,000 square feet, 24 months before the lease expires; less than

5000 square feet, 12 months before expiration. He explained that a previous DFM requirement that an agency place a large advertisement requesting bids, because of its expense, was modified; further, landlords often do not see the advertisements. Therefore a new approach has been instituted: A smaller advertisement directs a prospective bidder to the DFM website and invites bidders to register to receive e-mail notifications; currently 165 bidders are registered.

Mr. Gaito referred to the Leasing Handbook, which outlines steps an agency must follow to complete the lease process; it addresses such topics as lead time in requesting a lease, space standards, and market range for leases. Answering a question, Mr. Gaito replied that the 250-square-foot-per-FTE requirement is based on office space; however, other factors allow a lease to exceed those parameters, such as a laboratory, need for storage space, or use of hearing rooms. A member suggested that the lease form reflect the difference between office space and other agency needs. To another question Mr. Gaito stated that the DFM goal is to bring lease agreements to the Committee at least six months ahead of the lease expiration.

Mr. Gaito presented two proposed lease agreements from the Kansas Department of Revenue (Attachment 1). He commented that the original intent to combine the Drivers' License Center and the Metropolitan Assistance Center proved to be more expensive than separate leases. The Drivers' License Center lease at the same location will increase from \$7.50 per square foot (PSF) to \$8.50 PSF with the agency paying all utilities. An option for a second five-year lease increases the lease to \$11 PSF. Answering a question, Mr. Gaito said the space standards were exceeded to provide testing area for those applying for a driver's license. A motion was made, seconded, and passed to approve the lease. (Motion, Senator Umbarger; seconded by Representative Grant)

Regarding the lease for the Metropolitan Assistance Center, which remains at its current location, Mr. Gaito said the lease cost will increase from \$12.50 PSF to \$13.58 PSF. Answering a question, he said that the 10-year lease was \$2 less PSF than a five-year lease. He replied that the new lease includes infrastructure upgrades which should be completed within 90 days. He anticipates that utility costs will go down after the upgrades are completed. By motion of Representative Feuerborn and second by Senator Kelly the lease was approved.

Marilyn Jacobson, Director, DFM, gave a progress report on replacing the 80-year-old maintenance tunnel for utility systems (Attachment 2). She reviewed the deteriorating condition of the present tunnel and noted the appropriation of \$3 million for a long-term solution by the 2008 legislature. The least expensive option is to build a new tunnel. She stated that the project design is nearing completion; however, in preparing to issue an RFP (Request for Proposal) for a construction contract, DFM was informed by the City of Topeka that the franchise utilities under contract with the city (Westar, AT&T, Kansas Gas), who will be impacted by the tunnel, were refusing to bear the cost of relocating their utility lines. Ms. Jacobson said the issue hinges on interpretation of the term "public project." If the tunnel is deemed a public project, the franchise utilities must bear the cost of moving utility lines; if the project is not considered a public project, the city need not request franchise utilities to cover the cost of relocating their lines. She said the state's position is that the project is obviously a public one.

Members discussed the issue, suggesting perhaps an opinion from the Attorney General. Senator Emler recommended getting all parties together to resolve the issue. No further decision was made.

Robert Blecha, Director, Kansas Bureau of Investigation(KBI), updated the Committee regarding the

KBI's need for more space, especially for its forensic laboratory (Attachment 3). He then introduced David Hutchings, Special Agent, KBI, who is is lead agent in acquiring property surrounding the present KBI building. Mr. Hutchings stated that of the 10 sites available for purchase, the KBI currently has acquired four of the properties. He commented that a needs assessment and site master plan are nearing completion. He then introduced Dwain Worley, Forensic Scientist, KBI, who commented on the expanded resources used by the KBI over the past ten years, the addition of more staff, and the concomitant need for more forensic space.

Dave Emig, Emig and Associates, Architects in Emporia and team leaders for the needs assessment study, briefed the Committee on other law-enforcement sites.

Bill Laurie, McClaren-Wilson-Laurie Architects, Consultants for Public Facilities, stating that MWL has experience with over 100 crime laboratories, outlined the process of the needs assessment.

Russell McElroy, MWL Architects, provided recommendations derived from the study, saying that the present structure is not adequate for KBI needs. He recommended a new building contiguous with the present building, the latter which would be remodeled for non-lab functions.

The meeting was adjourned at 1:30 p.m. No further meeting was scheduled.