

**EASTERN NEW MEXICO UNIVERSITY
Special Telephonic Board of Regents Meeting
Eastern New Mexico University - Portales
Administration Building – Regents Room
July 11, 2019 – 9:00 a.m.**

CALL TO ORDER

Regent President Edwin Tatum called the meeting to order at 9:00 p.m. and declared a quorum. Regents Edwin Tatum, Lance Pyle, Joseph Gergel, were present and Dan Patterson and Terry Othick were present telephonically.

*Roll call: Regent Tatum – Yes; Regent Othick – Yes; Regent Gergel – Yes;
Regent Patterson – Yes; Regent Pyle – Yes*

APPROVE THE AGENDA

Regent Pyle moved to approve the agenda. Regent Patterson seconded the motion. Vote: 5-0-0. Motion approved.

APPROVAL OF MINUTES

Regent Pyle moved to approve the minutes of June 18, 2019, as presented. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

BUSINESS MATTERS

1. Recommended Contractor for the Award of the College Nexus Phase 1 Project, Ruidoso (Dr. Ryan Carstens, Action)

Dr. Ryan Carstens said that this is the second and final discussion of the RFP process for the Nexus Project. He said that four vendors were scored and the final high scorer was the Jaynes Corporation out of Albuquerque, NM. Actual bid prices were made available to the Regents in the cover memo. He further mentioned that Lot 2 (the retaining wall) bid came in much higher than expected but that a worst-case scenario had to be considered for this part of the project. Once the project has started, this cost may come down substantially.

Dr. Carstens said that the university attorneys have been consulted on this matter to ensure that proper procedures were being followed. Wade Jackson of Sutin, Thayer and Browne has notified Dr. Carstens that the Board of Regents can move on the following in an action item, 1) Notice of award; 2) Negotiate contract; and 3) Issue notice to proceed.

Dr. Carstens stated that the Regents approved the issuance of a Notice of Intent to Award at the June 1, 2019 meeting and since, there have been slight changes. At this time, they are ready to proceed with the Notice of Award and the issuance of a contract. He asked that the actual language of the action item be changed to reflect that of the recommendation of the attorney. He further clarified that once the Notice of Award has been presented, there is a 10-day time frame to negotiate before the contract must be signed. The Notice to Proceed will be issued thereafter.

Regent Pyle moved to approve the issuance of the Notice to Proceed, Notice of Award and contract negotiation. The university attorney will review the contract prior to its execution for the Phase 1 of the College Nexus Project at ENMU-Ruidoso as presented. Regent Patterson seconded the motion. Vote: 5-0-0. Motion approved.

2. Capital Project Contract Approval Request, Roswell (Dr. Shawn Powell, Action)
Dr. Shawn Powell said that in the CMAR (construction manager at risk) process, a \$1.5 million difference has been discovered, furthermore this item is not ready for action.

Dr. Powell asked that this action item be tabled and discussed at a future meeting.

Regent Pyle moved to table the Capital Projects contract approval. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

3. Updated Capital Projects Plan 2019 – 2021, Roswell (Dr. Shawn Powell, Information Only)
Dr. Powell said that the facility master plan should be finalized by August and he will present this information to the board at the next board meeting.

REGENT MATTERS

1. University House RFP#281, Capital Project Architect Contract Approval (Regent Edwin Tatum, Action)

Regent Edwin Tatum said that there will be a motion for an architectural firm today. Regent Lance Pyle has chaired this committee with Regent Joseph Gergel, Scott Davis and Patrice Caldwell serving among the six member committee. They have done an outstanding job. He said that a great architectural firm has been selected out of six who submitted proposals.

Regent Lance Pyle was asked to present the committee's complete report. Regent Pyle commented on the hard work of the six-person committee which included Lance Pyle, Joseph Gergel, Noelle Bartl, Patti Dobson, and Adilene Adame and is pleased with the architectural firm has been selected. The committee received six proposals and these were narrowed down to two. Interviews took place and committee members ranked proposals individually. The final recommendation is Dekker, Perich and Sabatini.

Regent Pyle reported that fee structures were received yesterday and include the following

- Basic service fees before New Mexico gross receipts tax (\$65,200)
- Reimbursable expenses in addition to the fees quoted, estimated at \$4,750

In addition, an AIA agreement has been emailed.

Regent Pyle moved to award RFP#281 for the University House to Dekker, Perich and Sabatini for the basic service, with gross receipts taxes not to exceed \$65,200. Also, to include reasonable travel expenses and other items and the authorization of the ENMU Chancellor to negotiate the terms and sign the agreement after legal review. Regent Patterson seconded the motion. Vote: 5-0-0. Motion approved.

2. Board Approval to Authorize ENMU Procurement Department to Prepare RFP by August 1, 2019 for Construction of the University House (Regent Terry Othick, Action)
Regent Terry Othick suggested that this item be tabled until a future meeting to allow time to visit with architect about plans that can be reviewed with potential contractors.

Regent Pyle said that he would like to set a goal of having a contractor selected and under contract by the end of the year.

Regent Othick moved to table the authorization of the ENMU Procurement Department to prepare the RFP for the construction of the University House as presented. Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

3. Committee Appointments for the ENMU Foundation and Alumni Association effective July 1, 2019 (Regent Terry Othick, Information Only)
Regent Othick suggested that this meeting would be a good time to specify a person for the ENMU Foundation and Alumni Board, Board of Regents liaison.
 - Regent Terry Othick volunteered to be Alumni Board liaison
 - Regent Joseph Gergel volunteered to be Foundation liaison
 - Regents Dan Patterson and Edwin Tatum agreed to continue their position on the Audit and Finance CommitteeRegent Othick said that he will report these committee appointments to Noelle Bartl and Anamaria Short.

EXECUTIVE SESSION

Regent Pyle moved to enter executive session at 9:43 a.m. to discuss one item pertaining to threatened or pending litigation involving the University pursuant to Section 10-15-1(H)(7), NMSA (1978) and one limited personnel matter pursuant to Section 10-15-1(H)(2), NMSA (1978). Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

Roll call: Regent Tatum – Yes; Regent Othick – Yes; Regent Gergel – Yes; Regent Patterson – Yes; Regent Pyle – Yes.

Regent Pyle moved to return to open session at 10:20 a.m. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.

Regent Tatum reported that the Regents discussed one item pertaining to threatened or pending litigation involving the university pursuant to Section 10-15-1(H)(7), NMSA (1978) and one limited personnel matter pursuant to Section 10-15-1(H)(2), NMSA (1978). No action was taken.

ADJOURNMENT

Regent Gergel moved to adjourn the meeting at 10:22 a.m. Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

President of the Board

Secretary of the Board

*Minutes recorded and transcribed by Karen Van Ruiten
Executive Secretary to the President and Board of Regents*