

ARIZONA SCHOOL FACILITIES BOARD (Wednesday, November 27, 2019, 10:00 AM)
Arizona State Capitol Executive Tower, 1700 W. Washington St., Suite #104, Large Conference Room, Phoenix, AZ, 85007

Generated by Dave Cherry on Wednesday, November 27, 2019

Members present

Halleh Landon, Jim Chang, Robert Rice, Sean McCarthy, Tom Rushin

Staff present and included in Minutes:

Paul Bakalis, Kerry Campbell, Debra Sterling, Katie Robinson, Dave Cherry, and Liaison Carlos Monreal.

Meeting called to order at 10:05 AM

A. OPENING OF MEETING

Procedural: 1. Call to Order

Meeting was called to order by Sean McCarthy at 10:05 AM.

Procedural: 2. Roll Call

Roll was taken by Chair Sean McCarthy. Board members present by phone were Bob Rice, Tom Rushin, Halleh Landon, and Jim Chang. Board member present in person was Sean McCarthy. Board members not present were Sandy Williams, Carmen Wyckoff, and Scott Thompson.

Information: **3. BOARD MEMBER RECUSALS**

The agenda includes one item and none of the five participating board members recused themselves for this one vote.

B. BUILDING RENEWAL GRANT REQUESTS - Supplemental - Consideration and possible vote to accept, reject or modify Building Renewal Grant Requests

Action: 1. Sierra Vista Unified 014BRG Critical - Roofing

SM: Asked what had changed since this item was tabled at the November 6, 2019 board meeting at the request of the low bidder on the project, Roofing Southwest (Roofing Southwest was invited by SFB staff to participate in today's meeting by phone and did not announce their presence when requested during the meeting).

PB: Discussed additional letter and clarification on qualifications from ROC.

JC: Asked if Roofing Southwest was still requesting a hearing as they stated at the November 6, 2019 meeting.

PB: Stated that this issue is between Sierra Vista Unified District and Roofing Southwest.

SM: Asked if Roofing Southwest was qualified to do this job.

CM: Stated that this issue was between Roofing Southwest and Sierra Vista Unified District.

SM: Asked about abatements and asbestos issues.

CM: Stated that oversight on these issues will be conducted by a 3rd party contractor; not the contractor that would be working on this project.

BR: Recapped reasons why the item was tabled on November 6, 2019 and wanted confirmation of what action was being recommended by staff.

SM: Stated that Roofing Southwest can start/continue any legal action it chooses with Sierra Vista Unified District, but SFB staff has a justification for why the district did not select the low bidder. **(According to the district, Roofing Southwest has not produced proof that it has the appropriate license to perform the scope of work involved in this project. The district has a letter from the ROC noting the exact type of license required for the scope of work and the district says Roofing Southwest has not provided evidence to the contrary.)** Stated SFB staff has done its due diligence.

BR: Stated that in the end Sierra Vista Unified District will have final responsibility to work out dispute with Roofing Southwest.

JC: Asked if the board's potential approval of this award would bind the district to go with the bidder noted in the award.

PB: Stated yes, that staff was recommending a specific award, for a specific dollar amount, to be paid to a specific contractor to execute the work. He also stated that if litigation occurs and the low bidder is determined by a court to be awarded this contract, the district would need to notify the SFB of that decision. Stated that the award is not at risk of funding anything that the SFB would not be aware of.

BR: Asked if district loses any potential, future lawsuit with Roofing Southwest, would Sierra Vista Unified or the SFB be responsible for any damages that might be awarded by the court to Roofing Southwest.

CM: Stated that any litigation and resulting awards or damages would be between Sierra Vista Unified District and Roofing Southwest.

SM: Asked for any further questions from board and when none were forthcoming asked for a motion to approve award.

Board approval of the staff recommendation that Sierra Vista Unified be awarded an additional \$2,186,423 in Building Renewal Grant funding to replace the roof systems at Rothery Educational Service Center (formerly Apache Middle School) (Project Number 02026800S-9999-014BRG). This includes \$190,000 in contingency that will only be used with SFB staff written approval. SFB staff will participate in a pre-award meeting to review with the responsive bidders and determine that all scope of work defined by the construction documents are included and adhered to in the bid proposals. This is a condition that must be met prior to the release of funds. Any award based on an estimate is subject to SFB staff approval of the procurement process and award of the bid or quote as applicable prior to distribution of funds to the district.

Motion by Robert Rice, second by Tom Rushin.

Final Resolution: Motion Carries

Yea: Halleh Landon, Jim Chang, Robert Rice, Sean McCarthy, Tom Rushin

C. PUBLIC COMMENTS

Discussion: 1. Members of the Public may address the Board
No comments from the public or Roofing Southwest.

D. ADJOURNMENT

Procedural: 1. Adjourn the Meeting
Meeting was adjourned by Sean McCarthy at 10:16 AM.

APPROVED BY THE SCHOOL FACILITIES BOARD ON:

* 
CHAIR

12/11/2019
DATE