

The Honorable Renato Cuellar, County Judge, called the Commissioners Court meeting to order, whereupon the following proceedings were had, to-wit:

**ITEM 2. CLOSED SESSION:**

Commissioners Court may go into closed Session pursuant to Chapter 551, Texas

government code, Section 551.072 to discuss the following matter:

A. Property:

1. Discussion regarding land acquisition for the County Jail project

**ITEM 3. OPEN SESSION:**

A. Property:

1. Discussion and action regarding land acquisition for the County Jail Project

**ITEM 4. CLOSED SESSION:**

Commissioners' Court may reconvene into Closed Session for the discussion regarding agenda item listed

**ITEM 5. OPEN SESSION:**

Commissioners' Court may reconvene into Open Session for the discussion regarding agenda item listed

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The County Judge and Commissioners went into Closed Session accompanied by Mr. Steve Crain, the County Legal Counsel.

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Commissioner Rosel stated that due to the discussion held in Executive Session he would like to name Commissioner Garces, Sheriff Henry Escalon and also the Legal Counsel to go ahead and approach the property owners and inform them that they have talked about the County acquiring some property in the surrounding areas.

**He then made a motion to name the committee of Commissioner Garces, Sheriff Henry Escalon and Legal Counsel. Upon a second by Commissioner Handy the motion carried unanimously.**

MOTION CARRIED.

**ITEM 1. JAIL PROJECT:**

A. Consideration and Approval of Mode of Construction for the Hidalgo County Jail Project

1. Design Build Construction
2. Construction Management
3. Conventional Method

- B. Discussion and possible action on submittal to the city of Edinburg an application for special use permit
- C. Approval of Request for qualifications of architects and other design professionals

1/A & C

Paul Vazaldua addressed the Court and stated that they had contacted the Texas Commission on Jail Standards to have them send a list of jails that have been approved by them on either design or the construction for these jails. The Texas Commission on Jail Standards gave Mr. Vazaldua some information on a county-by-county basis and also which ones were maximum security so on and so forth as well as the number of beds and the cost. They then contacted the individual counties and obtained miscellaneous details such as guaranteed cost, schedule, change orders or anything that had added to the cost of the jails built within the counties contacted. All this information is on the handout that was given to the Commissioners. He stated that the county had decided to go out for a maximum security facility and as per the handout this was broken down on a cost per bed basis and also categorized by conventional method of construction and construction management. Commissioner Garces indicated that the assumption was that they were going to build a maximum security facility, when in reality they only called for a low percentage of those beds to be maximum security and it was obvious that they were going to have to look at some other figures. He then added that there was a facility, in the report from the Texas Commission of Jail Standards, of 387 beds for an amount of \$4.5 million that this was minimum security facility. Mr. Vazaldua then added that the cost for minimum security facility would go down by about \$14,000.00 per bed versus the maximum facility cost. Mr. Vazaldua continued by saying that the legal counsel had put together a request for qualifications for the architectural and engineering services for this project. Commissioner Rosel reverted back to 1995 where the county had gone out for a wide spectrum of services. One of them being architectural services. Before that the Hidalgo County detention Facility Corporation had also gone out for these services. He asked Mrs. Martha Salazar, the County Purchasing Agent, if she had read the advertisement that had come out in 1995 and Mrs. Salazar responded that they had some trouble finding this because this was not part of the list of projects for that year. She was able to retrieve some boxes of information concerning these advertisements, but she needs to investigate further as to the responses for each of engineering, architect, bond counsel, etc.. Commissioner Rosel stated that he remembered asking the former Purchasing Agent for a list of all the proposals and she obliged him. He was asking if the Purchasing Agent could look for the list that was prepared of everyone who had turned in an RFQ and Mrs. Salazar indicated that she could. He asked if the Commission wanted to take some action at this time or would they like to wait until the following week to confirm what they had and then proceed with the hiring of an architectural firm for this project. Commissioner Arcaute stated that this County had a contract that was executed in 1989 for this project with the architectural firm of De Stefano & Associates. Sheriff Henry Escalon stated that he was not aware of any firm concerning this issue. Steve Crain then addressed this issue of the contract and stated that if there is one, it will have to be reviewed to see if it relates to this project. He stated that if there is not a valid contract or the contract that is there does not relate to this project, it will not prohibit the Commission from approving RFQs so that they do not waste any time if other issues do not work out. The Commission then went on to discuss this RFQ and Commissioner Garces brought up section 2.4.1 concerning the specifications which stated "a new bed 'blank' jail facility

which may be either freestanding or an expansion". Mr. Crain informed him that the word "blank" was attempting to provide the architect a rough idea of how big the project is and the blank is designed to give a number of beds and therefore the work "blank" should be before the word "bed". Commissioner Rosel expressed that in his opinion the intent was for the architect, who responded to this project, to list the professional services that they would engage in as far as the construction of the jail and who was to work on this project. The intent was to put these names up front and he wanted to know the reason for this. Mr. Crain stated that by this request they are to select who is the best qualified; for example if an architect comes in, a lot of architects are not engineers so they will have to have mechanical engineers, electrical engineers and so forth. The Commission will want to know who the design team is and who the architect is associated with. They will want to look at the qualifications of the individuals the architect is associating with to determine if in fact they are suitable. In this RFQ, there is a section that states that once the disclosure is given, they cannot go back and change who he is working with without approval by the Commission. Commissioner Rosel then presented the scenario that if they were to pick firm B, can firm B then pick up firm A and Mr. Crain stated that the Commission picks someone to be the lead design professional. That person then sub-contracts with other specialists that he would need to put the project together. That person will be the one who decides who he will sub-contract with. This RFQ again will stipulate to the contractor that they must come to the Commission and disclose who they will use and what their qualifications are. Commissioner Rosel then asked about whether or not they will be able to ask for references from whomever they select with regards to someone performing unsatisfactorily and dissatisfaction by someone or perhaps even lawsuits concerning other projects. Mr. Crain stated that Section 2.742 states that the respondents have to provide at least four references with names and phone numbers. The references should be familiar with the firm's work on constructions on Texas Jail Facilities and related projects. They can provide as many as they want but the RFQ calls for a minimum of four. He also pointed out Section 2.9 which is concerning the fee. No fees can be negotiated until someone is selected. If they find that they cannot come to terms, then they pick their second choice and attempt to work with them. The firm must be selected first before any negotiations can be held. Commissioner Rosel then brought up the fact concerning the communication factor between the proposer and the Commissioners. Mr. Crain stated anybody having anything to do with this project, other than the selection committee should not be negotiating or talking to any people who are responding, because then that would interfere theoretically with the selection committee's work in ranking the proposers. If someone violates this, these qualifications provide that they will be automatically disqualified. He then went on to state that by approving these RFQs it does not commit the County in any way. If the contract in question turns out to be valid, then they just publish a notice stating that the RFQ has been withdrawn. Commissioner Rosel brought up the fact about hiring architects for certain projects and not advertising but Mr. Crain responded by stating that they have done that but they were exempt prior to hiring but it was because the County knew their qualifications from prior works but this would be different in that the County has never built a jail and also this time, they will use bond proceeds that will be approved by the Attorney General. He and Bond Counsel had discussed this previously and they felt that they should go through the RFQ process to avoid any issues that may come up. The conversation then turned to Section 2.6 which referred to the selection committee for this issue. During further discussion concerning who should be on the selection committee and Commissioner Garces recommended that Marty Salazar, the Purchasing Agent, Sheriff

Henry Escalon and Commissioner Juan Rosel be on the selection. Mr. Crain indicated that the only caution that he would have is that someone from the Court, be a member, as they would have the ultimate approval. The Commissioners ultimately decided that they should be the selection committee themselves and they should eliminate this section from the RFQ. **A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to eliminate Section 2.6 from the RFQ that is going to be posted for the professional services/architectural firm for the jail project.**

MOTION CARRIED.

The Commission then turned to Section 2.4.1. There was some question as to how many beds to put in the RFQ. Mr. Crain then suggested that they put in the RFQ the language to read "a new minimum 'blank' bed facility". His reason for this is because as the proposals come in, the Commission may want to look at possibly building a shell for future expansion. They attempted to clarify what the Commission on Jail Standards meant by 1121 beds. They did not know if they meant that plus the existing 400 usable beds at the current facility or 1121 total including the 400 beds. Sheriff Escalon then stated they do need to look at the growth for ten years being that they are sometimes up to 800 now as it is. He then brought up the issue of using the existing structure for the U.S. Marshals and housing federal prisoners which they have expressed an interest in doing. If they were to do this the monies generated by this could be used to help offset some of the cost for the new facility. However, of those 400, some of the building will have to be revamped. During further discussion reverting back to the number of beds they wanted, Mr. Crain stated that if they put a minimum number it will not confine them to a certain number. The number can go higher. If they were to put for example 800, then it might weed out the architects that have never built large facilities and bring those in who have. **Commissioner Arcaute suggested that maybe they leave this blank there and leave it open and eliminate the word a new minimum 'blank' bed and just say a new jail facility which may be either freestanding or an expansion of the current jail facility of Hidalgo County. Commissioner Arcaute then so moved and was seconded by Judge Cuellar. The motion was then voted upon.**

MOTION CARRIED.

**A motion was then made by Commissioner Garces and seconded by Commissioner Arcaute to approve the RFQ with the changes.**

MOTION CARRIED

The Court now reverted back to the mode of construction for the facility. Commissioner Rosel wanted a synopsis by Mr. Crain on the legal opinion for the method of construction. Mr. Crain stated that the Attorney General's opinion is that they cannot use design build based on section 251.102 and 251.103 of the Texas Local Government Code. Section 103 provides that any contract for design build must require the vendor to also operate the facility and the Sheriff does not want to relinquish operation of the jail Mr. Crain felt that the construction manager did not have to be determined at this time if they are going out for RFQs. The choice at this time is between design build and the conventional method. **Commissioner Rosel felt that the decision was simple and**

**he then made a motion and was seconded by Commissioner Garces to approach the conventional method for the mode of construction for the Hidalgo County Jail Facility.**

MOTION CARRIED.

1/B

No action was taken on Item B which is the application for the permit until they have some property acquired.

NO ACTION.

There being no further business to come before the Court, a motion was made by Commissioner Rosel and seconded by Commissioner Arcaute that said meeting of Commissioners' Court be hereby adjourned.

MOTION CARRIED.