

IDAHO STATE BUILDING AUTHORITY
MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF COMMISSIONERS

DATE: **January 29, 2018**

LOCATION: **950 W. Bannock Street**
 Suite 490
 Boise, Idaho 83702

Commissioners Present

V.L. "Bud" Tracy, Chairman (via telephone)
James Hammond, Vice Chairman (via telephone)
John Ewing (via telephone)
Greg Schade (via telephone)
Shelly Enderud (via telephone)
Tim Anderson (via telephone)
Candice Allphin (via telephone)

Others Present

Wayne Meuleman, Executive Director

1. Call To Order

Chairman Tracy called the meeting to order at 9:10 a.m.

2. Report on Status of SBOE/INL Project and Other Matters

Wayne Meuleman reminded the Board that JE Dunn/ESI was selected as construction manager for the SBOE/INL project based upon qualifications, expertise and experience, including the their ability to provide reliable budget for the project and a Guaranteed Maximum Price (GMP) for construction of the projects prior to final completion of the design by working with the designer during the design phase. In order to determine the size and structure of a bond issue, JE Dunn/ESI agreed to work "at their risk" to develop a GMP to expedite the issuing of bonds to fund the project. JE Dunn/ESI's initial costs estimate based upon partially completed design documents substantially exceeded the architects' estimate and the amount that can be funded by the Authority. They have continued to work at their risk with the designers to modify the design to reduce the costs.

With the design modifications, the latest JE Dunn/ESI estimate is lower although still exceeds the amount that can be available from a bond issue together will

additional funding from INL. JE Dunn/ESI has recently taken the position that they will not provide a GMP until the entire work is fully bid to all subcontractors.

JE Dunn/ESI submitted its letter dated January 8, 2018 setting forth its current position and has requested a meeting with Mr. Meuleman in Boise, Idaho on Tuesday, January 30, 2018, to negotiate the final terms of the contract. The letter and position taken by JE Dunn/ESI raises legal questions and potential disputes for which consultation with legal counsel is appropriate.

- 3. Executive Session:** It was moved by Commissioner Hammond, and seconded by Commissioner Enderud, that the Board go into Executive Session in accordance with Section 74-206(1)(f), to discuss with legal counsel ramifications and options relating to controversies that may be subject to disputes and potential litigation. Upon vote, the motion was unanimously adopted and the Chairman recessed the Special Meeting to enter Executive Session.

Following discussion, no action was taken.

The Chairman called the Special Meeting back to order.

4. Other Business

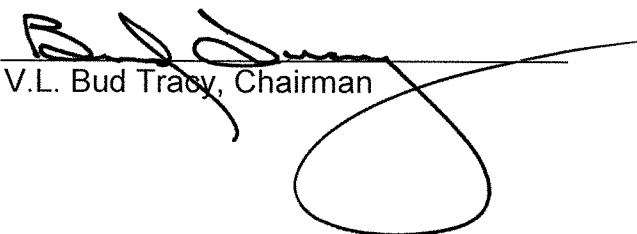
There was no other business.

ADJOURNMENT:

At 9:45 a.m. Chairman Tracy adjourned the meeting.

Submitted by: 

Wayne Meuleman, Executive Director

Approved by: 

V.L. Bud Tracy, Chairman