

TEXAS STATE TECHNICAL COLLEGE

**Meeting of the Board of Regents
Executive Committee**

**Texas State Technical College
Teleconference**

Tuesday, March 30, 2021

3:00pm

- I. MEETING CALLED TO ORDER**
- II. DETERMINATION OF QUORUM**
- III. CHANCELLOR COMMENTS**
- IV. EXECUTIVE ACTION ITEMS**

EA 08-21 Approve the Project and Budget to Construct a Multipurpose Training Facility at Texas State Technical College in Ft. Bend County and Authorize the Chancellor to Enter into Contracts and all Necessary Contract Amendments for the Project 2

Ray Fried

- V. ADJOURN**



Executive Action Meeting Date: March 30, 2021 **Proposed EA #:** EA 08-21

Proposed By: Rick Herrera, Vice Chancellor & Chief Student Services Officer

Subject: **Approve the Project and Budget to Construct a Multipurpose Training Facility at Texas State Technical College in Ft. Bend County and Authorize the Chancellor to Enter into Contracts and all Necessary Contract Amendments for the Project**

Background: Previously, by MO 05-20(c) the Texas State Technical College Board of Regents approved the project and budget to expand the Industrial Technology Center (ITC) for welding technology at TSTC in Ft. Bend County, and said project and budget was increased from \$6,000,000 to \$6,250,000 to add a Commercial Driver’s License (CDL) course at the Ft. Bend Campus.

TSTC’s Workforce Training division has identified new opportunities to provide training at the Ft. Bend Campus. To provide this training and to expand workforce training in that area, a new facility is needed.

Justification: The training to be provided aligns with the TSTC Legislative Mission Statement in Texas Education Code 135.01, emphasizing highly specialized advanced and emerging technical training.

Additional Information: The facility will consist of approximately 6,000 SF to 7,500 SF of laboratory space and will be a free-standing building at TSTC in Ft. Bend County, and is expected to be completed in the Spring of 2021. The Project budget is \$3,300,000, and will be added to the previously approved \$6,250,000 ITC/CDL project budget at the Ft. Bend Campus, increasing the total approved budget to \$9,550,000.

Action Schedule	*Approve Concept	MO 45-19(c)
	*Approve Project and Budget	MO 05-20(c)
	*Accept Phase One Electrical Lineworker Facility	MO 36-20(c)
	*Accept Phase Two ITC Welding Expansion	MO 45-20(c)
	*Approve Phase Three Project and Budget for Multipurpose Training Facility	EA 08-21

Fiscal Implications: Funds are available as currently budgeted.

Attestation: This Executive Action is in compliance with all applicable laws and regulations to the best of my knowledge.

Attachment(s): Letter from General Counsel

Recommended Executive Action: “The Texas State Technical College Board of Regents approves the project and budget to construct a multipurpose training facility at Texas State Technical College in Ft. Bend County and authorizes the Chancellor, or his designee, to enter into contracts and all necessary contract amendments greater than One Million Dollars for the construction of the project.”

Recommended By: [ORIGINAL SIGNED BY]
Raymond D. Fried, Associate Vice Chancellor of Facilities Planning and Construction

March 26, 2021

Mr. Michael L. Reeser
Chancellor & CEO
Texas State Technical College
3801 Campus Drive
Waco, Texas 76705

Re: Approve the Project and Budget to Construct a Multipurpose Training Facility at Texas State Technical College in Ft. Bend County and Authorize the Chancellor to Enter into Contracts and all Necessary Contract Amendments for the Project

As requested, I have reviewed and considered the legal ramifications of approving (1) the project and budget to construct a multipurpose training facility at Texas State Technical College in Ft. Bend County, and (2) the delegation of authority from the Texas State Technical College Board of Regents to the Chancellor, or his designee, to enter into contracts and all necessary contract amendments greater than One Million Dollars for the construction of the project.

Generally, under Texas law the Texas State Technical College (“TSTC”) Board of Regents has the express [authority to exercise the traditional and time-honored role for such boards as their role has evolved in the United States](#) and [the implied or incidental power to do whatever is reasonably necessary to accomplish the mission for which TSTC was established](#). This authority reasonably includes the ability to approve projects and budgets to construct facilities, and to approve amendments to existing contracts.

Generally, under Texas law the TSTC Board of Regents alone has authority (1) [to approve and sign contracts on behalf of TSTC with a value exceeding One Million Dollars](#), and (2) [to approve any amendment, extension, or renewal of a contract with a value that exceeds 25 percent of the value of the original contract approved by the board](#). Here, as allowed by the Government Code and the Education Code, the TSTC Board of Regents would delegate the approval and signatory authority for contracts and all necessary contract amendments with a value exceeding One Million Dollars to the Chancellor or his designee. Further, adoption of EA 08-21 by the Board of Regents ensures the necessary approval of the budget increase in any subsequent contract amendment(s).

Having reviewed the Texas Education Code and the Texas Government Code, it is my opinion that the approval of (1) the project and budget to construct a multipurpose training facility at Texas State Technical College in Ft. Bend County, and (2) the delegation of authority from the Texas State Technical College Board of Regents to the Chancellor, or his designee, to enter into and execute contracts and all necessary contract amendments for the construction of the project in excess of One Million Dollars (\$1,000,000), comports with state law and TSTC policy.

Should you have any questions or need additional information, please advise.

Respectfully Submitted,

[ORIGINAL SIGNED BY]

Edward C. Vallejo
Associate General Counsel

cc: Rick Herrera
Vice Chancellor & Chief Student Services Officer

Ray Rushing, J.D.
Vice Chancellor & Chief Legal Officer / General Counsel