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Texas Southmost College District

Minutes of the Regular Meeting of the Board of Trustees

March 21, 2019

The Board of Trustees of the Texas Southmost College District convened in open session on March 21, 2019, at 5:36 p.m., in the Gorgas Board Room at Texas Southmost College. Board Members present were Ms. Adela Garza, Chair, Mr. Trey Mendez, Vice Chair, Mr. Ruben Herrera, Secretary, Mr. J.J. De Leon, Jr., Mr. Art Rendon, Dr. Antonio Zavaleta, and Ms. Eva Alejandro. Also present was Dr. Jesús Roberto Rodríguez, President of Texas Southmost College.

1. Call to Order

The meeting was called to order by Chair Adela Garza at 5:36 p.m.

2. Pledge of Allegiance

Dr. Tony Zavaleta led the United States Pledge of Allegiance and the Texas Pledge of Allegiance.

3. Public Comment.

There were no speakers.

4. Consideration and possible action on the Minutes of the Regular Board Meeting of February 21, 2019

**Consideration and possible action on the
Minutes of the Regular Meeting of February 21, 2019**

Mr. Herrera respectfully requested the minutes be tabled as they did not accurately reflect the discussion that took place at the meeting.

A motion was made by Mr. Herrera to table the Minutes of the Regular Meeting of February 21, 2019. The motion was seconded by Dr. Zavaleta and carried unanimously.

5. **President's Report**

Chair Garza called on President Rodriguez to give his report. Dr. Rodriguez reported on the following items.

- **ADDY Awards**

Texas Southmost College was awarded two Silver ADDY Awards by the American Advertising Federation. The ADDY Awards recognize and reward the creative spirit of excellence in advertising and is one of the industry's largest creative competitions attracting over 35,000 entries each year. The awards were for the TSC Logo and for the background music to the "Be in Demand" commercial spots.

Congratulations were extended to the Vice President of Institutional Advancement and Community Relations, Mrs. Melinda Rodriguez, the Director of Marketing, Mr. Edgar Chrnko Salas, the Director of Multimedia, Mr. Frank Morris, and their respective teams on receiving these awards.

Mrs. Rodriguez was invited to elaborate on the awards. She expressed that this result is a culmination of excellence and teamwork and that she and her team are very proud to have been awarded these recognitions.

- **Vendor Forum**

The college will host a Purchasing and Contract Forum at the Jacob Brown Auditorium on Friday, April 12th, from 9a.m. to 11a.m. The purpose of this forum will be to provide local vendors with the opportunity to learn how to do business with TSC and learn about government contracting, certifications, and how to become a HUBZone qualified business.

Mr. Herrera requested that a formal invitation to attend the forum be sent to all current and former vendors.

- **Faculty Recognition**

Ms. Sonia Treviño and Dr. Christopher Alvés received certificates of recognition for leading the effort to host TSC's Second Annual Law Enforcement Expo on February 20th.

The event provided TSC students, local school districts, and the community the opportunity to explore careers in law enforcement and learn about TSC's law enforcement-related programs. Attendees were able to interact with officers and agents from 27 local and regional law enforcement agencies. Over 770 people attended the event.

Members of the board commented that last year's event was amazing and really well done. Mr. Herrera stated that this year's expo was very impressive and praised the department leadership as well as the agencies that participated. He remarked that the students were able to get so much out of this event.

- **Student Activities**

The college has hosted over 90 events with participation of approximately 4,400 students since the beginning of the Spring Semester in January. Some of the events held were Hair Cut Spa Day, Floats by the Fountain, a Scorpion Spirit Picnic, Dance for Donuts, and the Winter Wellness Walk.

As the college continues to focus on student success by creating a welcoming environment and a sense of belonging, the department of Student Life is reviewing student's feedback to ensure successful future events.

- **Upcoming Events**

A list of upcoming meetings and events was provided to the Trustees.

- **Video Presentation**

The President concluded his report by sharing the month's video presentation, which highlighted several events and activities that occurred since the last Board Meeting. He thanked everyone for their hard work and commitment to the success of all the campus events.

6. **Budget and Finance Committee Report**

Chair Garza called on Mr. Herrera to present the items. The committee met on February 18th to discuss several items.

a. Consideration and possible action on Notice of Grant Award for the Old Morgue renovations from the Summerlee Foundation

Mr. Herrera called on Ms. Melinda Rodriguez to present the item. Ms. Rodriguez was asked if the cost of the project was known and if it had been budgeted. She responded that the overall project estimate is \$9,846. The grant will cover \$9,000 and the rest will be covered by restricted gifts that were given to the College for this type of investment. Additionally, Ms. Rodriguez stated that the college's Facilities and Physical Plant department will work with the vendors to ensure the project stays within budget and is completed in a timely manner.

A motion was made by Mr. Herrera to authorize the President to accept the monies awarded. The motion was seconded by Mr. De Leon and carried unanimously.

b. Consideration and possible action on award of RFP 19-03 for "Information Technology Outsourcing Services"

Mr. Herrera announced that there would be a 15-minute presentation by each of the three finalists and introduced Mr. Luis Villarreal, Vice President of Information Technology, to provide some background information for this item.

Mr. Villarreal explained that Dynamic Campus currently services the college's IT Outsourcing needs under a one-year agreement that is set to expire on August 31, 2019. He elaborated on the timeline, the number of possible candidates solicited, the details of the scope of work which were requested, and the selection of the members of the evaluation committee. He stated that seven submissions were received. Of those submissions, the evaluation committee identified the top three vendors utilizing the evaluation matrix provided to them through the RFP process. These finalists included CampusWorks, the incumbent Dynamic Campus, and Ellucian.

Mr. Herrera asked if the best score shown on the matrix was for Dynamic Campus. Mr. Villarreal confirmed that this was right and elaborated that the scores were based on the RFP criteria so that the pool of respondents could be shortlisted to the three finalists. He stated that some of the categories rewarded various companies for such criteria as being a HUB, for being located in Texas, or having previous experience with the college.

Mr. Herrera further questioned Mr. Villarreal by asking if he wrote or had any part in shaping the questions or the criteria used in the evaluation matrix. Mr. Villarreal responded that these criteria were delivered to him from the purchasing department as part of the RFP template that has been previously used.

Mr. Villarreal explained that the evaluation committee created a shortlist comprised of these top three finalists. Each finalist were given the same guidelines to develop a presentation to the committee. He added that as a result of the current practice of soliciting proposals for vendors for a one-year contract, the college was not receiving the most competitive rates. As a remedy to this pricing issue, Mr. Villarreal explained that he requested permission from the Budget/Finance Committee to request pricing for a three-year contract term plus optional one-year renewal. He stated that this type of term is typical, and most institutions that outsource these types of services operate on a three to five-year term. Mr. Villarreal expressed that the committee graciously allowed him to investigate this pricing option with the finalists to encourage competitive pricing among the finalists. He reported a successful outcome to this endeavor and stated that each vendor produced a cost price that was a reduction of between \$500,000 and \$600,000 annually. This would potentially save the college about \$1.8 million over the course of the three-year term based on the current proposals that are being entertained.

Mr. Herrera directed a question to legal counsel, which included Mr. Ruben Peña and Mr. Frank Perez. He asked legal counsel if the bid process defeats its purpose once negotiations begin and asked if the college was in compliance with the law. Concern was expressed because the respondents who did not make the shortlist were not given the same opportunity to offer a better price based on the three plus one contract term that was solicited from the finalists.

Other concerns regarding the RFP process stated that the second round of guidelines, as well as the change in the contract term, and the new pricing that was solicited from the finalists seemed as though a second RFP was being conducted. Another remark was made about the disparity in the difference of total cost as two of the vendors are shown to decrease in price and the third vendor went up in price. Mr. Villarreal was asked why the term in the RFP was for a one-year term, when he stated earlier that the typical term is for three to five years. Mr. Villarreal responded that the RFP was issued within a month to a month and a half of when he arrived and he was under the impression from the purchasing department that one-year contract terms were the practice of the college and therefore this limited RFPs to a one-year contract term.

President Rodriguez explained that based on the initial evaluation of the seven vendors, the evaluation committee short-listed the top three vendors. Those three finalists were then treated equally and given the same opportunity and were all asked what their "Best And Final Offer" was (BAFO). The one vendor whose price went up was due to the fact that the RFP gave vendors a choice to submit proposals for one or all of the services being requested. The original pricing for this particular vendor did not include all the services. However, they included all services in the BAFO. He added that offering all of the three finalists the same opportunity to provide a best offer, to his understanding, is still within the legal means of treating all finalists the same.

Mr. Herrera re-iterated his concerns and asked if the other four vendors were given the same questions and the same opportunity to give a best offer. Dr. Figueroa responded that based on the committee review of all seven respondents, it was determined that those four vendors were not as qualified to provide the services being requested by the college.

Another question was asked regarding CampusWorks being chosen as a finalist when this vendor did not include all services in their bid. Dr. Figueroa addressed this concern by explaining that the RFP requested five different and separate services of the vendors but did not require the vendors to meet all five separate services requests. In this case, CampusWorks still met the criteria of the RFP because the RFP did not require the vendors to bid in each one of the five separate areas.

Discussion continued as a question was raised about a consultant that was hired to assist the College with this process. President Rodriguez responded that indeed the College hired Mr. Steven Lang from PTG as its consultant and he was part of the evaluation committee.

Dr. Figueroa was asked for her professional opinion regarding whether the College was in compliance as it pertained to the procurement process followed for this RFP. Dr. Figueroa stated that in her professional opinion she felt that this was handled correctly. She elaborated that every bidder was evaluated fairly on the first round, then each of the three finalists were evaluated based on the secondary criteria, which gave them all an even playing field. Dr. Figueroa further added that her primary responsibility is to ensure that the institution is not put at risk.

Mr. Herrera added that although he liked the top three vendors, he had a problem with how the RFP was handled by not given all the vendors the same questions and not asking them

to bid on all services from the beginning. He once again directed his attention to legal counsel and asked for some enlightenment based on the dialogue that had taken place.

Mr. Peña responded that he had not reviewed all the documents regarding the RFP; however, from the legal perspective, the process followed was ok. He added that the question of “fairness” is an issue that needed to be decided by the Board.

Mr. Perez responded that the purpose of the bidding process law, in general, is to be fair, just and right. He added that based on the concerns that were brought up by several of the trustees indicated that another look needs to be taken at this item.

Mr. De Leon suggested tabling this item and giving all vendors the same opportunity then bringing the item back before the board at the next meeting.

Chair Garza asked the board if they wanted to hear the presentations from the three finalists who were present that evening.

Dr. Zavaleta stated that he had another concern regarding the information presented. He stated that the details being discussed were never brought before the committee. Chair Garza asked if Mr. Herrera had voiced his concerns at the committee meeting. Mr. Herrera responded that the process was presented to the committee and the committee chose not to make a recommendation and instead bring everything before the board in order to have a full discussion. Chair Garza asked the members of the Budget/Finance Committee for their recommendation on next steps for this item. Dr. Zavaleta stated that, in his opinion, the Board would be ill advised to move forward on the presentation or anything else because everyone needs to be given the same opportunity in the bidding process.

Mr. Mendez asked the Budget/Finance Committee members if they had been advised about the two-tiered process at the committee meeting that week. Both committee members responded “No”. Mr. Mendez added that he didn’t have an issue with the first step of the process but he was concerned with the fairness to all vendors of the second request for pricing.

A motion was made by Mr. Rendon for the Board to move this item for further consideration and discussion and perhaps schedule a workshop where administration would be allowed to re-organize. The motion was seconded by Mr. De Leon.

**Note: No vote was taken due to continued discussion of the topic.*

The Board asked legal counsel for an opinion on whether the entire process needed to be re-done.

Dr. Figueroa interjected and stated that she was not trying to persuade the Board’s decision, but wanted to clarify the basis for which the second round of requirements and evaluation on the RFP were conducted. She cited the college’s Board Policy CF (Legal), in the subsection titled, “Selection”, and read the following excerpt:

“The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected offeror options for a scope or time modification on any price change associated with the modification.”
– Texas Education Code, Chapter 44.0352(d)

Following this information, Dr. Zavaleta stated that the appropriate course of action would be to reject all bids and re-do the whole process.

The motion was modified by Mr. Rendon for the item to be taken back to administration for administration to perhaps initiate the whole process once again from the very beginning. The motion was seconded by Mr. De Leon. The motion passed with six votes in favor. Mr. Mendez abstained.

**c. Report on the Monthly Financial Statement
For the month ending January 31, 2019**

Dr. Figueroa gave an overview of the Financial Statements for the month ending January 31, 2019.

Mr. Herrera requested that a report of unrestricted funds be provided on a monthly basis. Dr. Zavaleta requested a report of investments to include a presentation by the investment consultant.

This item was for information purposes only. No action was taken.

7. Student Services Committee Report

Chair Garza called on Mr. Art Rendon to present the item. He stated that the committee met on Wednesday, March 20th and was provided with an update on the activities that have taken place to offer food services on campus.

a. Food Service Update

Mr. Rendon called on Dr. Larry Rideaux, Vice President of Student Services, and Dr. Gisela Figueroa, Vice President of Finance and Administration, to present the item. Dr. Rideaux began his presentation by providing an update on the measures that have been taken since last year as well as some observations and feedback that have been gathered from students. He stated that there are approximately 34 restaurants within half a mile of the college that provide our students with many food options and explained that this competitive market and diversity of food options is something that is being taken into consideration as this project develops.

Dr. Figueroa provided an update on the assessment of the college's kitchen equipment at the former student cafeteria located in the Lightner Center. She explained that a vendor assessed the equipment and concluded that it is not functional in its current state. Dr. Figueroa

outlined that the next steps in the development of this project include conducting a more in-depth food services student survey as well as continued research on facility and location requirements.

Mr. Herrera asked if the presenters were familiar with “massaging data”. He explained that this concept entails asking questions in a manner that will yield a desired response. He stated that he and a fellow trustee have requested action on this project for the last two years. Mr. Herrera stated that it was unacceptable to have food trucks service our students when the college has \$57 million in the bank. He reiterated that the students need a cafeteria and requested a plan, a timeline, and some action on this item.

Mr. Rendon added that he participated in a very robust committee meeting in which several topics were discussed in detail, including: the state of the old cafeteria equipment; the possibility of bringing in two or three vendors; the realistic possibility of having vendors in a food court type setting; the type of foot traffic that vendors require; and a lengthy discussion about possible locations. He stated that the project would move forward and the team would come up with some real ideas and possibilities to provide the students with this service.

Ms. Alejandro asked about the number of on-campus students and the number of students that primarily take classes in the evenings. A suggestion was made to review the data to determine how many students stay on campus all day. Mr. De Leon asked about the café that used to be located in the Tandy Hall lobby. Mr. Rendon stated that it closed because it did not generate sufficient revenue. Mr. Mendez shared that data collected a few years ago indicated that students have a very limited amount of time to go have lunch, most students spent less than \$5 on lunch, and that the two places they primarily frequented were McDonalds and the gas station.

Mr. Herrera suggested inviting vendors to bid on renting space from the college and perhaps have the college subsidize part of it. He added that the bulk of students are located in North and South, which would make it a logical location for food services.

Mr. Rendon stated that, in all fairness, the committee did have a good discussion about moving forward. He added that the committee discussed items such as what would be the capital outlay to set up a commercial kitchen, whether this could be done “in-house”, how many employees it would take to operate a kitchen, the hours of operation, etc. He explained that the team still has a lot of work to do and stated that they would come back soon with more details.

Mr. Herrera invited the presenters, along with Madam Chair and the President, to have lunch with him at the courthouse cafeteria to demonstrate what can be offered for \$5. It was agreed that this item would be brought before the board again at a subsequent board meeting.

This item was for information purposes only. No action was taken.

8. Executive Session

The Board convened in Executive Session at 6:55 p.m.

The Board reconvened in Regular Session at 7:29 p.m.

9. Action on Executive Matters

**a. Consultation with Attorney on Pending or Contemplated Litigation,
Section 551.071, Texas Government Code**

No action was taken in open session.

**b. Consultation with Attorney on Pending Real Estate Issues,
Section 551.072, Texas Government Code**

No action was taken in open session.

**c. Deliberation on Personnel Matters,
Section 551.074, Texas Government Code**

No action was taken in open session.

10. Announcement of Proposed Meeting Dates

Chair Garza announced the following proposed meeting dates:

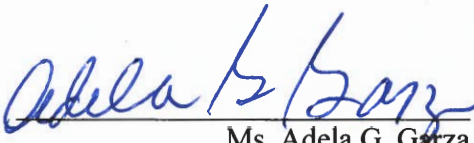
Friday, March 29, 2019 and Saturday, March 30, 2019
Board Retreat

Thursday, April 18, 2019, 5:30 p.m.
Regular Board Meeting

Thursday, May 16, 2019, 5:30 p.m.
Regular Board Meeting

13. Adjournment

A motion to adjourn the meeting was made by Mr. Herrera. The motion was seconded by Mr. Mendez and carried unanimously. The meeting was adjourned at 7:30 p.m.



Ms. Adela G. Garza
Chair, Board of Trustees



Ruben Herrera, J.D.
Secretary, Board of Trustees

The video recording of the Regular Board of Trustees meeting held on March 21, 2019, is available on the TSC.EDU website. These minutes were taken and transcribed by Iris Birge, Coordinator of Administrative Services. Videotaping of the Board of Trustees' meetings began on April 11, 1996.