

New Mexico Spaceport Authority
Special Meeting
November 25, 2009 – 12:00PM
NM Spaceport Authority Office – Las Cruces, NM

The meeting was called to order with eight members present. Quorum confirmed. Officials and guests present included: Steve Landeene, NMSA, Steve Amland, NMSA, Chad Rabon, NMSA, Belinda Lucero, NMSA and James Webb, DACC.

Members Present:

Fred Mondragón, Chairman (conference call)
Casey Luna (conference call)
Jim Manatt (conference call)
Eric Vasquez – Designee (conference call)
Kent Evans (conference call)
Toots Green (conference call)
Ben Woods (conference call)
Gary Whitehead (conference call)

Approval of Agenda:

Director Green moved to approve the agenda. Director Evans seconded the motion. Motion carried.

Approval for Notice of Award on Spaceport Terminal Hangar Facility Contract:

Chad Rabon advised that he and Belinda Lucero attended the Terminal Hangar Facility Bid Opening in Santa Fe on 11/24/09. Four bidders responded to include: Jack B. Henderson with a base bid of \$28,929,445 (pre gross receipts tax) and all addendums were acknowledged, Summit West with a base bid of \$28,076,700, Jaynes Corp. with a base bid of \$32,319,000 and Jolley Construction with a base bid of \$37,400,000 with Summit West being the apparent low bidder. The alternates for Summit West were evaluated and the following were elected: Alternate #1 – Solar Thermal System \$180,200 Alternate #2 – Hangar windows \$378,300, Alternate #4 – Fire proofing \$1,475,800, Alternate #5 – concrete pavers \$155,575, Alternate #6 – Schedule Acceleration \$270,200 Alternate #8 – CIP Wall \$104,000 with a total proposed amount with gross receipts tax of \$32,536,673. Steve Landeene stated the recommendation is to award the contract to Summit West. Totals for Jack B. Henderson are \$33,736,939, Jaynes Corp. at \$37,260,875 and Jolley at \$42,461,201 including gross receipt tax and alternates.

Motion: Director Woods moved to approve the Notice to Award for Summit West for the THF project. Director Luna seconded the motion. Motion carried.

Discussion: Director Whitehead asked for clarification on alternate #7 and whether Summit West will be doing the interior finish for Virgin Galactic or will

there be another contractor. Steve Landeene explained that a base build finish is being accepted at this time and Virgin Galactic will bring in a contractor to do the design work for the interior and they will be making modifications under a tenant improvement contract that will be performed under a separate contract. Director Luna question the declined alternates (#7 & #9) will these be looked at in the future. Steve Landeene advised that the building will be built with a base finish unless Virgin Galactic includes finishes under the tenant improvement contract. Director Manatt questioned the process to take place when awarding a contract. He also questioned if there is a performance bond provision. Steve Amland advised there is a performance bond requirement that will be part of the contract. Director Manatt questioned the protection NMSA will have to cover additional costs to the Authority on the basis the original contractor not completing on budget and on time. Steve Landeene advised these are standard bonding requirements by the state and we have received validation from Summit West. Director Woods stated that bid bonds guarantee that the contractor will hold to the bid submitted. The required performance bond commits to assure the project is completed in accordance with plans and specifications, if the firm is unable to perform the task for some catastrophic act reason the holder of the performance bond effectively guarantees to complete the project within plans and specifications and the contract amount.

Adjourn:

Director Manatt moved to adjourn. Director Green seconded the motion. Motion carried.

Approved: _____ Date: _____
Fred Mondragón, Chairman