

New Mexico Spaceport Authority
Special Meeting
September 22, 2009 - 2:30pm
NMSA Office – Las Cruces, NM

The meeting was called to order by Chairman Fred Mondragón. Roll call was taken with five members present. Quorum confirmed. Officials and guests present included: Steve Landeene, NMSA, Steve Amland, NMSA

Members Present:

Fred Mondragón, Chair
Toots Green (conference call)
Jim Manatt (conference call)
Ben Woods
Richard Holdridge (conference call)

Members Not Present:

Brent Westmoreland
Eric Vasquez-Designee

Approval of Agenda:

Motion: Director Manatt moved to approve the agenda. Director Woods seconded the motion. Motion carried.

Discussion and Approval of contract for Spaceport America Site Electrical – Project #SP-005:

Steve Landeene advised of a technical irregularity during the bid opening with McDade Woodcock failing to submit the confirmation and acknowledgement of addenda 1 & 2 and inadvertently left out of their bid package. Research has been conducted to understand if the content had material impact on the job. U.S. Electrical has stated they have intent to protest based on the lack of submittal of addenda 1 & 2 acknowledgement. Research has shown the owner has flexibility and the right to waive technical irregularities if not impactful on the price, quality and schedule. McDade Woodcock has submitted a letter confirming the mishap and acknowledging there is no change in price, schedule or quality. In the best interest of the state it is recommended that the low bidder McDade Woodcock be awarded the contract for Project #SP-005. Steve Amland advised he has reviewed and is concurrence with what Steve Landeene has presented.

Motion: Director Woods moved to accept and award McDade Woodcock the contract for Project #SP-005. Director Green seconded that motion.

Discussion: Director Manatt questioned the actual amount of the low bidder. McDade Woodcock's bid was in the amount of \$3,382,283.00 the next lowest bidder, U.S. Electrical is at \$3,900,360. Director Manatt asked how NMSA is represented in this type of situation. Steve Amland advised representation is provided by Miller-Stratford and the Attorney General has declined since Miller-

Stratford was previously used. Chair Mondragón reviewed the language that specifies the right to waive technical irregularities.
Motion carried.

Discussion and Approval for Authorization of the Executive Director to sign Declaration for Acquired Distinctiveness In support for the NMSA application for Trademark of Spaceport America:

Steve Landeene reviewed the Declaration. Steve Amland stated that Peacock-Myers who represents NMSA on the Spaceport America Trademark has recommended the following additional language to the Declaration: NMSA has spent in excess of \$200K in marketing materials and advertising and NMSA has issued more than press releases touting the Spaceport America mark and has performed more than \$150K in providing launch facility services under the Spaceport America mark.

Motion: Director Woods moved to modify the motion to authorize the approval of the Declaration for Acquired Distinctiveness in support for the NMSA application for Trademark of Spaceport America and authorize the Chairman of the Board or Executive Director to sign the Declaration. Director Holdridge seconded the motion. Motion carried.

Public Comment:

Director Woods asked the date and location of the upcoming Budget Hearings. Chairman Mondragón stated the LFC Hearing will be held September 29th at 1:00pm, Room 307 – State Capitol and the NMFA Hearing will be October 1st at NMSU-Pan Am Center in the Barbara Hubbard room at 10:15am. The next scheduled meeting is on November 7th –Board Retreat with a public meeting notice. Chairman Mondragón suggested having the meeting in TorC.

Adjourn:

Motion: Director Green moved to adjourn. Director Holdridge seconded the motion. Motion carried.

Approved: _____ Date: _____
Fred Mondragón, Chairman