

MINUTES

JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION

December 16, 2009
Room 143-N—Statehouse

Members Present

Representative Jo Ann Pottorff, Chairperson
Senator Dwayne Umbarger, Vice-chairperson
Senator Pat Apple
Senator Jay Emler
Senator Marci Francisco
Senator Laura Kelly
Representative Steve Brunk
Representative Bill Feuerborn
Representative Bob Grant
Representative Mitch Holmes

Staff

Audrey Dunkel, Kansas Legislative Research Department
Jonathan Tang, Kansas Legislative Research Department
Cory Gorges, Kansas Legislative Research Department
Heather O'Hara, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Jim Wilson, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Florence Deeter, Committee Secretary

Conferees

Richard Gaito, Deputy Director, Division of Facilities Management, Kansas
Department of Administration
Gary Hibbs, Manager, Facilities Planning, Design and Construction, Kansas
Department of Administration
Marilyn Jacobson, Director of Finance and Facilities Management, Kansas
Department of Administration
J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks
Ray Dalton, Deputy Secretary, Kansas Department of Social and Rehabilitation
Services/ SRS Hospitals
Vicky Johnson, Chief Counsel, Kansas Department of Transportation

Jennie Chinn, Executive Director, Kansas State Historical Society
Vance Kelly, Treanor Architects
Llewellyn Crain, Executive Director, Kansas Arts Commission
John Divine, Chair, Kansas Arts Commission
Barry Greis, State Architect

Other Attending

See attached sheet.

The Chairperson called the meeting to order at 9:05 a.m. and welcomed Richard Gaito, Deputy Director, Division of Facilities Management, Kansas Department of Administration, who reviewed a lease amendment for the Kansas Lawyers Assistance Program, which began on July 1, 2008, and will expire on May 31, 2013. The current full-service lease contains a base rate of \$12.50 per square foot (psf) for 1,502 square feet for office space. Delineated in the amendment is a request for an additional 980 square feet to be available beginning January 1, 2010, and ending on May 31, 2013, when the current lease ends (Attachment 1). The additional space requested in the amendment is at the rate of \$6.93 psf.

Mr. Gaito deferred responses to questions to Ann McDonald, Executive Director, Kansas Lawyers Assistance Program. Ms. McDonald said the request for an amendment to the current lease would expand office space, board meeting rooms, and space to provide separate areas for clients' confidentiality.

By Committee consensus, the lease amendment was approved.

The Chairperson recognized the return of Representative Mitch Holmes to the Committee. He had been temporarily replaced by Representative Jason Watkins (Attachment 2).

Gary Hibbs, Manager, Facilities Planning, Design, and Construction, Kansas Department of Administration, presented a change order for consideration (Attachment 3). He reported that the new federal National Bio-Agricultural Facility (NBAF) mandates all existing facilities be vacated from the new NBAF site before July 1, 2009. A new route for electrical feeds require new conduits outside the NBAF property. Cost of construction is \$651,000 with a completion date of June 15, 2010.

A motion was made by Senator Emler, seconded by Senator Umbarger, and carried to approve the change.

Marilyn Jacobson, Director of Finance and Facilities Management, Kansas Department of Administration (DOA), briefed the Committee on the five-year capital improvement plan for FY 2011 through 2015 (Attachment 4). She said the highest priority for this year lies in funding rehabilitation and repair (R & R) for the Capitol Complex buildings, surplus property, printing plant, and parking lots and sidewalks. Ms. Jacobson indicated that failure to perform these projects could result in greater repair expenses.

Responding to questions, Ms. Jacobson said the utility tunnel is already open, while the road is scheduled to be open before Christmas. Landscape work should be finished ahead of schedule in June or July, 2010. She reported that no sales tax is paid on R & R projects.

J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks (KDWP), presented three project improvement requests:

- A replacement office and shop building totaling 906 square feet for the Perry Wildlife Area at a cost of \$150,000;
- Development of a new campground at Sand Hills State Park, near the city of Hutchinson, with an estimated cost of \$1,719,900; and
- Contingent upon funding of \$1,952,500, providing much needed additional sewage and dump station facilities at Hillsdale State Park.

Mr. Hayden said a transfer of property from the U.S. Army's former Parsons Army Ammunition Plant to the Great Plains Development Authority necessitates a request for additional funding of \$1 million from the Wildlife Fee Fund. He said that KDWP will receive reimbursement of approximately 75 percent of the acquisition cost from the U.S. Fish and Wildlife Service (Attachment 5).

A motion was made, seconded, and passed to approve the requests. (Motion Senator Umbarger; second, Representative Grant.)

Ray Dalton, Deputy Secretary, Kansas Department of Social and Rehabilitation Services/ SRS Hospitals, presented information on the five-year capital improvement plan for the five state hospitals and the Chanute Service Center (Attachment 6). He reported that, based on long-term planning, \$13 million is needed for identified maintenance and repair projects, and \$4.8 million for the urgent repairs to maintain safe facilities. In addition, Mr. Dalton said \$3.6 million is needed for critical major repair and renovation projects at the state hospitals.

Mr. Dalton reported the 30-bed expansion in the Crisis Stabilization Unit at Larned State Hospital (LSH) is being removed from construction plans. He said that contracting out the children/youth beds in that facility will allow for space needed for the Adult Treatment Center.

Reporting on a recent fire in the laundry building at Larned, Mr. Dalton said that an estimated cost of \$1.3 million will be needed to rebuild the facility and replace industrial laundry equipment. He said a cost analysis was conducted, which included possible outside contracting for services, and the agency concluded that rebuilding the facility proved to be the most cost effective. Answering a question, Mr. Dalton said state buildings and equipment in the building are self insured.

Mr. Dalton further explained that for FY 2011, SRS is requesting \$2.5 million for planning funds for a 90-bed expansion at LSH, and \$40 million over FY 2012 and FY 2013 to construct the new facility for the Sexual Predator Treatment Program (SPTP). He indicated that the request for planning money to be used for expansion of the SPTP program on the Osawatomie State Hospital campus has been removed.

A motion was made, seconded, and passed to approve the Committee's November 18 minutes as printed. (Motion by Representative Grant, seconded by Senator Umbarger)

Audrey Dunkel, Kansas Legislative Research Department, responded to the question of whether or not universities pay sales tax on rehabilitation and repair projects. She cited KSA 79-3601 stating that universities generally do not pay sales tax, except when the project is intended for

human habitation (KSA 79-3606d). Some Committee members expressed concern regarding the State paying sales tax on the Capitol Restoration Project.

The Chairperson introduced Barry Greis, Capital Architect, who brought an update on the progress being made in the restoration of the Capitol. He gave details about the renovation and noted that the biggest change in this area will be securing the rotunda for erecting scaffolding extending to the dome. Mr. Greis reported installation of wiring in the committee rooms on the first floor is being completed. He said that for the next three sessions, the second and third floors will have limited access at the rail area. Answering a question, Mr. Greis said that materials yet to be purchased will cost \$36 million, bringing renovation costs to \$285 million. The Chairperson thanked Mr. Greis for coming to the meeting.

Discussion ensued on the issue of money being spent on the SPTP at Larned. Representative Feuerborn expressed concern regarding SRS's need to spend \$2.5 million on the program at this time. Representative Brunk said he did not support the proposed plan of \$40 million to build facilities at Larned. Representative Grant concurred. Senator Apple and Senator Kelly also expressed concerns regarding the program. The Chairperson acknowledged the concerns and said further information will be provided for Committee members.

Vicky Johnson, Chief Counsel, Kansas Department of Transportation (KDOT), presented a report on the inventory system KDOT uses as outlined in KSA75-3516 (Attachment 7). She noted the differentiation between non-infrastructure inventory and infrastructure inventory, saying that non-infrastructure inventory includes land for non-highway use, such as storage yards and land areas with communication towers. Ms. Johnson then gave a detailed report on land which is part of the state highway system right of way and includes rest areas, roadside parks, and historical markers. She reported that, at the present time, there are 5,483 highway plans located in the Bureau of Right of Way and projects at any given location may be found through the use of locator maps. Ms. Johnson demonstrated the importance of these maps with visual overlays. She acknowledged the challenge of moving to electronic inventory of parcels of land owned by the state. Ms. Johnson included in her overview a copy of the annual report of the Bureau of Right of Way as required by KSA 68-404 (Attachment 8).

Responding to members' questions, Ms. Johnson said that very few parcels of land are over five acres, and joint use agreements are made with farmers holding land adjacent to highway property to use the land and/or maintain the area by mowing the grass.

Jennie Chinn, Executive Director, Kansas State Historical Society, introduced an exciting project involving the Dillon House, which is owned by the Kansas Legislature and is on the National Register of Historical Places (Attachment 9). She said a Dillon House Task Force was appointed to study the possible use of the facility by outside entities. Ms. Chinn introduced Vance Kelly of Treanor Architects, who provided history and information on the condition of the building and gave a virtual tour of the facility. He said a committee looked at various agencies that might fit the ambience and character of the original Dillon home. The Kansas Arts Commission, with its role of promoting cultural events and its strong public ties, became the agency of choice. Mr. Kelly reported an estimated cost for repair and rehabilitation of the home would be in the range of \$3.1 to \$3.9 million.

John Divine, Chairman, Kansas Arts Commission, said the Commission is excited about the opportunity of utilizing a state-owned facility to create a space that could serve all Kansans in a unique way. He said the facility would continue to be available for state functions and be a place where arts and artists could be showcased for the public. Mr. Divine envisions the possibility of hosting small conferences, and hosting guest dignitaries in well appointed rooms located on the upper floors, as well as providing a place for an artist in residence. Mr. Divine expressed

appreciation for the opportunity to present the Dillon House project and the involvement of the Kansas Arts Commission.

Llewellyn Crain, Executive Director, Kansas Arts Commission, offered a vision of the Dillon House as a place Kansans can experience the arts and culture in a beautiful, historical house. She assured the Committee of her expertise in fund-raising and anticipates needing two to four years to complete plans and feasibility studies. Future plans may include another small agency, such as the Humanities Council, to assist in on-going operational expenses.

Jennie Chinn thanked the Committee for hearing the proposed project and said that the Kansas Arts Commission is presenting a budget-neutral program. She noted that private fund raising with Friends of the Dillon House will augment the project. Ms. Chinn further stated that the Legislature would retain ownership of the Dillon House.

The Chairperson invited everyone to remain for lunch and thanked Representative Grant for organizing the meal. Thanks were also expressed to Gary Kaufman and Tom Burgess Associates for providing the excellent barbeque.

The Chairperson noted that written testimony from the KONRATH Group is included (Attachment 10).

Following lunch, discussion continued on the Dillon House with the recommendation of a Dillon House Advisory Commission to provide reports to the Committee as the proposed project advances. A member recommended that the report contain the wording "budget neutral" and include a recommendation that Marilyn Jacobson work in collaboration with Jennie Chinn to provide updates to the Committee.

A motion was made, seconded, and passed to add the Dillon House project to the Committee report. (Representative Umbarger moved, Senator Emler seconded)

Audrey Dunkel provided a draft of the Committee Report (Attachment 11). Following discussion, some adjustments were made before final approval. *Senator Emler made a motion to accept the report as approved. Representative Feuerborn seconded the motion. The motion passed.*

Representative Feuerborn requested the Committee's discussion be recorded regarding the issue of the state paying tax on construction at the State Capitol.

The Chairperson thanked the Committee for the excellent work accomplished during the interim session.

The meeting was adjourned at 1:00 p.m. No further meeting was scheduled.

Prepared by Florence Deeter
Edited by Audrey Dunkel

Approved by Committee on:

April 28, 2010
(Date)

Lease Comparison Sheet
Kansas Lawyers Assistance Program

December 16, 2009

| A | | C | D | E |
|--|--|-----------------------------------|-----------------------------------|-----------------------------------|
| | | Amendment | Current Lease | Amendment and Current Lease Terms |
| GENERAL INFORMATION | | | | |
| 1 | State Agency | Kansas Lawyers Assistance Program | Kansas Lawyers Assistance Program | Kansas Lawyers Assistance Program |
| 2 | Address | 515 S Kansas Ave. | 515 S Kansas Ave. | 515 S Kansas Ave. |
| 3 | City Location (market) | Topeka | Topeka | Topeka |
| 4 | Building Name or Location (Landlord) | Gray Horse Farms, LLC | Gray Horse Farms, LLC | Gray Horse Farms, LLC |
| 5 | Lease Space (sq. ft.) | Office Sq. Ft. 980 | 1,502 | 2,482 |
| 6 | | Storage Sq. Ft. 0 | 0 | 0 |
| 7 | | Total Sq. Ft. 980 | 1,502 | 2,482 |
| 8 | Full Time Equivalency (FTE) employees/workstations | 3 | 3 | 3 |
| 9 | Lease Begin Date | 1/1/2010 | 6/1/2008 | 1/1/2010 |
| 10 | Lease End Date | 5/31/2013 | 5/31/2013 | 5/31/2013 |
| 11 | Years of Lease | 2.42 | 5 | 2.42 |
| 12 | Space Standards Check (sq. ft. per FTE/workstation) | 327 | 501 | 828 |
| LEASE COSTS - provided by 1st Party Landlord within the lease | | | | |
| 13 | Base Lease Cost (annual per sq. ft.) | \$6.93 | \$12.50 | |
| 14 | Combined Base Lease Cost (annual per sq. ft.) | | | \$10.30 |
| 15 | Storage | | | |
| 16 | Real Estate Taxes | inc. in base | inc. in base | inc. in base |
| 17 | Insurance | inc. in base | inc. in base | inc. in base |
| 18 | Major Maintenance | inc. in base | inc. in base | inc. in base |
| 19 | Utilities - total | | | |
| 20 | Electricity | inc. in base | inc. in base | inc. in base |
| 21 | Gas | inc. in base | inc. in base | inc. in base |
| 22 | Water/Sewer/etc. | inc. in base | inc. in base | inc. in base |
| 23 | Trash Pickup/Removal | inc. in base | inc. in base | inc. in base |
| 24 | Custodial/Janitorial | not included | not included | not included |
| 25 | Pest Control | inc. in base | inc. in base | inc. in base |
| 26 | Grounds Maintenance (inc. snow removal) | inc. in base | inc. in base | inc. in base |
| 27 | Common Area | inc. in base | inc. in base | inc. in base |
| 28 | Other Services - Bldg Operating Expense Stops | n/a | n/a | n/a |
| 29 | Parking | n/a | inc. in base | inc. in base |
| 30 | No. of Parking Spaces included | n/a | 2 | 2 |
| 31 | SUBTOTAL - Lease Costs w/o Additional Services | \$6.93 | \$12.50 | \$10.30 |
| 32 | Additional Services | | | |
| 33 | SUBTOTAL - Additional Services | \$0.00 | \$0.00 | \$0.00 |
| OTHER BUILDING OCCUPANCY COSTS - funded by State Agency separate from the lease | | | | |
| 34 | Building Operating Cost (not included in base rent) | | | |
| 35 | Utilities - total (estimated) | | | |
| 36 | Electricity | | | |
| 37 | Gas | | | |
| 38 | Water/Sewer/etc. | | | |
| 39 | Trash Pickup/Removal | | | |
| 40 | Custodial/Janitorial | \$0.87 | \$0.87 | \$0.87 |
| 41 | Pest Control | | | |
| 42 | Grounds Maintenance (inc. snow removal) | | | |
| 43 | Parking | | | |
| 44 | No. of Parking Spaces included | | | |
| 45 | Other Services | | | |
| 46 | Total Other Bldg Optg Costs (not included in lease) | \$0.87 | \$0.87 | \$0.87 |
| 47 | IMPROVEMENTS | | | |
| 48 | Improvements - lump sum payment (signage) | | \$104.00 | 0.01 |
| 49 | Subtotal - Improvements | \$0.00 | \$0.01 | \$0.01 |
| 50 | Annual Cost per Sq. Ft. (estimated) | \$7.80 | \$13.38 | \$11.18 |
| 51 | Annual Cost (estimated) | \$7,644 | \$20,102 | \$27,746 |
| 52 | Total Cost of Lease (estimated) | \$18,498 | \$100,509 | \$67,145 |

STATE OF KANSAS
HOUSE OF REPRESENTATIVES



MICHAEL R. (MIKE) O'NEAL
SPEAKER

MEMO

TO: Susan Kannarr, House Chief Clerk
FROM: Speaker Michael R. O'Neal
DATE: December 15, 2009
RE: **Change in Joint Committee Assignments**

Effective immediately, the following appointment changes have been made.

Joint Committee on Special Claims Against the State

Rep. Mitch Holmes replaces Rep. Rob Olson and becomes Vice-Chair.

Joint Committee on State Building Construction

Rep. Mitch Holmes replaces Rep. Jason Watkins

A handwritten signature in black ink, appearing to read "Michael R. O'Neal", written over a horizontal line.

Speaker Michael R. O'Neal
House of Representatives

cc House Minority Leader Paul Davis
Senate President Stephen Morris
Senate Minority Leader Anthony Hensley
Secretary of Senate Pat Saville
Legislative Administrative Services
Legislative Research Department
Revisor of Statutes
Reps. Rob Olson, Mitch Holmes, Rocky Fund

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104TH DISTRICT

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HUTCHINSON ADDRESS

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Attachment 2

JCSBC
12-16-09

JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION

Change Order to Construction Contract

December 2, 2009

STATE AGENCY: Board of Regents – Kansas State University

ACTION REQUESTED: Approval of Change Order for Construction

CHANGE ORDER NO.: 04

| | <u>Current Contract:</u> | <u>Proposed Contract:</u> |
|-------------------|--|--|
| PROJECT NAME: | 12.5kv Electrical Distribution System Modifications | Same |
| PROJECT No: | A-010700 | Same |
| CONTRACTOR: | Torgeson Electric 711 West 1 st Avenue Topeka, KS 66603 | Same |
| PROJECT LOCATION: | Kansas State University Manhattan Kansas | |
| DESCRIPTION: | Upgrade KSU Campus Medium Voltage Electrical System (12.5 kv) | CO#4 – Re-route north substation electrical feeds around new National Bio-Agriculture Facility Property. |
| COST: | \$1,259,981.00 | \$651,000.00 |
| | New Contract Total | \$1,910,981.00 |
| COMPLETION DATE: | February 15, 2009 | June 15, 2010 |

JUSTIFICATION:

The new federal National Bio-Agricultural Facility (NBAF) mandates that all existing facilities be vacated from the new NBAF site before July 1, 2009. The base bid route used existing ductbank conduits running through the new NBAF site, which now must be re-routed around the new NBAF site. In order for KSU to meet NBAF's deadline KSU must re-route the high voltage cabling constructing new ductbank conduits outside the new NBAF property. The continuity and complexity of the final connections and routing to the North Campus electrical substation requires the experienced project knowledge the Contractor has gained to complete this work around NBAF in a timely manner.

Funding will be provided from resources allocated from the Kansas Bio-Science Authority to transfer the NBAF property to the Department of Homeland Security.

COMMITTEE COMMENTS/RESPONSE

Attachment 3
JCSBC 12-16-09

Kansas Department of Administration
Duane A. Goossen, Secretary
1000 S.W. Jackson, Suite 500
(785) 296-3011

**Joint Committee on State Building Construction
Five-Year Capitol Improvement Plan**

**Marilyn L. Jacobson, Director
Division of Finance and Facilities Management
December 16, 2009**

Thank you for the opportunity to brief you on the Department of Administration's Five-Year Capital Improvement Plan for Fiscal Years 2011 through 2015.

BUILDING CONDITION ASSESSMENT

As in previous years, DOA continues to use a Building Condition Assessment process which provides a score to establish relative rankings of the condition of specific key building systems to guide and enable more informed decisions during the capital improvement prioritization process. A sum total for the building is calculated yielding an overall building condition rating.

| | |
|----------------|------------|
| Excellent | (90 – 100) |
| Good | (80 – 89) |
| Deficient | (60 – 79) |
| Poor | (30 – 59) |
| Unsatisfactory | (0 – 29) |

The established standard goal for each facility is a score of 90. Attachment A is a summary reflecting the current and previous year's ratings.

FY 2010 PROJECTS

Our highest prioritized items in this year's plan include authorization for the agency to spend rehabilitation and repair (R & R) funding on the Capitol Complex buildings, Surplus Property, Printing Plant and Parking Lot/Sidewalks. (Attachment B and C). What remains is a prioritized list of projects that address building components that are at or near the end of their useful lives. Today I will limit my overview to R & R.

1. Capitol Complex Rehabilitation & Repair (SGF \$3,000,000)

The Department of Administration requests authorization to spend \$3,000,000 from the General Fund for Capitol Complex rehabilitation and repair. Rehabilitation repair money is spent for maintenance (repairing pumps and bearings, repair or replacement of plumbing, broken windows in a large area of a building due to storm damage or

vandalism; and rapid response to leaky roofs); asbestos abatement; minor building refurbishments and to replace major equipment components that break down during operations. The buildings for which these funds would be used are Landon, Docking, Memorial Hall, Curtis, Eisenhower, Kansas Judicial Center and the Statehouse.

The ramifications of not performing these rehabilitation and repair projects are a reduction of system availability and possibly the inability to operate a building. Also deferring unplanned maintenance work may result in significant additional costly damage to other related components. It is necessary to protect the State's investment in its facilities.

Current funding is being used to replace the 80 year old maintenance tunnel for utility systems. Although this is not a pedestrian tunnel, Division of Facilities Management employees enter this tunnel area every shift to verify the integrity of the tunnel and the systems it accommodates. Due to the age of this tunnel, water enters the tunnel from rain and the watering of the lawn through the top due to the failing brick construction. There have been areas of the tunnel that have caved in and with water standing on the dirt floor of the tunnel, this area becomes hazardous for employees to enter and work.

The tunnel provides service to the Landon Building, Memorial Hall, Curtis Building and the Judicial Center. With this tunnel containing steam piping, electrical service and communication conduit, a collapse of this tunnel could sever service to these buildings for an extended period of time while repairs are made as well as parts of Downtown Topeka. This project is a two year project and is scheduled for completion in FY 2011.

2. SMRI – Rehabilitation & Repair (State Buildings Depreciation Fund \$400,000)

The Department of Administration requests authorization to spend \$400,000 from the State Buildings Depreciation Fund, Special Maintenance Repairs & Improvements (SMRI) sub-account for rehabilitation and repair. Rehabilitation repair money is spent for maintenance (repairing pumps and bearings, repair or replacement of plumbing, broken windows in a large area of a building due to storm damage or vandalism; and rapid response to leaky roofs); asbestos abatement; minor building refurbishments and to replace major equipment components that break down during operations. The buildings for which these funds would be used are Landon, Docking, Memorial Hall, Curtis, and Eisenhower.

The ramifications of not performing these rehabilitation and repair projects are a reduction of system availability and possibly the inability to operate a building. Also deferring unplanned maintenance work may result in significant additional costly damage to other related components.

When circumstances allow emergency repairs to be held to a minimum throughout the year, any remaining funds would be spent on making repairs to equipment, systems, or buildings to prevent them becoming an emergency for which the cost for the repairs would increase. Below is a list of potential projects that this funding could be spent for:

4-2

- | | |
|--|-----------|
| 1. LSOB Generator Controls Replacement | \$ 48,400 |
| 2. Docking Retaining Wall Repair, Re-point and Seal | \$ 35,000 |
| 3. Docking Soffit and Insulation Replacement above north drive | \$150,000 |

3. Statehouse & Cedar Crest Rehabilitation & Repair (SGF \$200,000)

Department of Administration requests funding from the State General Fund to allow a contingency for unplanned/emergency maintenance and replacement of major equipment component breakdown at the Statehouse and Cedar Crest. The Monumental Building Surcharge does not provide any reserve to handle major rehab and repair and/or unplanned capital improvement costs.

It is impossible to predict or anticipate unforeseen equipment failures, natural disasters and/or human acts which may cause buildings or portions of buildings to become defective or inoperable and being able to respond quickly to rehabilitate or repair the damage is essential. This request allows the Division of Facilities Management to cope with the problems which may arise at the Statehouse and Cedar Crest.

The ramifications of not performing these rehabilitation and repair projects could be a reduction of system availability and possibly the inability to operate a building. Also, deferring unplanned maintenance work may result in significant additional costly damage to other related building components.

When conditions allow emergency repairs to be held to a minimum throughout the year, any remaining funds would be spent on making repairs to equipment, systems, or buildings to prevent them becoming an emergency for which the cost for the repairs would increase. Below is a list of potential projects that this funding could be spent for:

- | | |
|---|----------|
| 1. Cedar Crest Replace Carpet at Areas of Deterioration | \$12,000 |
| 2. Cedar Crest Walkway Paver Repairs | \$15,000 |

4. Kansas Judicial Center Rehabilitation and Repair (SGF \$225,000)

The Department of Administration requests funding from the State General Fund to allow a contingency for unplanned/emergency maintenance and replacement of major equipment component breakdown at the Judicial Center. The Monumental Building Surcharge does not provide for any reserve to handle major rehab and repair and/or unplanned capital improvement costs. It is impossible to predict or anticipate unforeseen equipment failures, natural disasters and/or human acts, which cause buildings or portions of buildings to become defective or inoperable. These funds allow the Division of Facilities Management to respond quickly to make these types of repairs at the Kansas Judicial Center.

The ramifications of not performing these rehabilitation and repair projects are a reduction of system availability and possibly the inability to operate a building. Also

deferring unplanned maintenance work may result in significant additional costly damage to other related components. The following is a list of previous projects that this funding has been used to pay for.

- | | |
|---|----------|
| 1. Kansas Judicial Center South Step Repairs FY2009 | \$21,295 |
| 2. Kansas Judicial Center Elevator Upgrade FY2009 | \$32,000 |

When conditions allow emergency repairs to be held to a minimum throughout the year, any remaining funds would be spent on making repairs to equipment, systems, or buildings to prevent them becoming an emergency for which the cost for the repairs would increase. Below is a list of potential projects that this funding could be spent for:

- | | |
|--|----------|
| 1. Kansas Judicial Center Electric Gear Replacement | \$80,000 |
| 2. Kansas Judicial Center repairs to Steam/Condensate system | \$20,000 |

5. Printing Plant Rehabilitation and Repair (Printing Svc Dep. Fund \$75,000)

The Department of Administration requests authorization to spend \$75,000 out of the Printing Services Depreciation Fund for rehabilitation and repair of various mechanical components and systems which are beyond their useful life. This includes: condensate pumps and condensate piping; screw air compressors; chilled water pumps; and hot circulating pump.

The ramifications of not performing these rehabilitation and repair projects are a reduction of system availability and possibly the inability to operate a building. Also deferring unplanned maintenance work may result in significant additional costly damage to other related components. The following is a list of previous projects that this funding has been used to pay for.

- | | |
|---|----------|
| 1. Replace Heating Boiler FY2009 | \$60,000 |
| 2. Replace Air Conditioner Compressors FY2006 | \$42,485 |

When circumstances allow emergency repairs to be held to a minimum throughout the year, any remaining funds would be spent on making repairs to equipment, systems, or buildings to prevent them becoming an emergency for which the cost for the repairs would increase. Below is a list of potential projects that this funding could be spent for:

- | | |
|---------------------------------------|----------|
| 1. Replace Air Compressor | \$ 8,000 |
| 2. Replace Condensate Pumps | \$12,000 |
| 3. Resurface and Restripe Parking Lot | \$60,000 |

A-4

6. Surplus Property R & R (Surplus Depreciation Fund \$50,000)

The Department of Administration requests authorization to spend \$50,000 out of the Surplus Depreciation Fund for rehabilitation and repair of various building components and systems which are beyond their useful life.

The result of not repairing problems with the components of the building is a reduction of system availability and possibly the inability to operate within the building.

7. Parking Lot/Sidewalk Maintenance and Repair (B & G Fund \$165,000)

The Department of Administration is requesting authority to spend \$165,000 from the State Buildings and Grounds Fund to continue with ongoing parking lot/sidewalk maintenance & repair (or replacement) work in the Capitol Complex.

Parking lot pavements and concrete sidewalks, over time, deteriorate due to the natural processes of weather and traffic. The State of Kansas as property owner is responsible for the maintenance of public sidewalks adjacent to the street right of way and for sidewalks on state-owned property. This work will assist with improving the appearance and safety of the parking lots. The parking lots are in various stages of their life cycle. Timely filling of cracks and resealing can extend the life of each parking lot, making less frequent the need for costly repaving.

CAPITOL COMPLEX DEFFERED MAINTENANCE PLAN

Using the Building Condition Index (BCI) scores, there is little doubt that the majority of the existing State owned/managed office space in the Capitol Complex is either in or near a very critical condition of disrepair. A BCI of less than 80 is considered to be deficient. Based on current BCI scores and FTE counts for buildings, approximately 76% of the State workforce in State owned/managed facilities in the Capitol Complex (excluding the Statehouse and Judicial Center) works in sub-optimal office space.

Thank you for the opportunity to provide you this information.

11-6

Building and Component Rating Summary

| | Capitol Complex | | | | | | | | | | | Wichita |
|---|-----------------|--------|--------------|---------|------------|----------|--------|----------|---------------------|------------|----------------|---------|
| | Points Possible | Curtis | Dillon House | Docking | Eisenhower | Judicial | Landon | Memorial | Grounds - Van Buren | Statehouse | Printing Plant | Finney |
| Exterior Components FY2007 | 28 | 23.2 | 14.35 | 16.6 | 20.95 | 22.6 | 17.95 | 22.2 | 18.6 | 17.95 | 22.7 | N/A |
| Exterior Components FY2008 | 28 | 23.8 | 14.35 | 16.2 | 22.00 | 22.0 | 21.00 | 21.0 | 18.90 | 17.95 | 22.7 | 22.8 |
| Exterior Components FY2009 | 28 | 23.2 | 14.35 | 16.2 | 20.95 | 22.0 | 21.00 | 21.0 | 24.50 | 20.95 | 22.7 | 19.8 |
| Foundation/Structure | 28 | G | P | G | G | G | G | G | G | G | G | G |
| Walls | | G | P | P | D | D | D | D | G | D | D | D |
| Roof | | G | D | P | D | G | G | G | E | D | E | P |
| Windows/Doors | | D | P | P | D | D | P | P | G | D | D | G |
| Interior Components FY2007 | 29 | 24.05 | 16.45 | 21.3 | 24.35 | 23.6 | 21.6 | 24.35 | 19.8 | 20.3 | 22.6 | N/A |
| Interior Components FY2008 | 29 | 24.35 | 16.45 | 20.1 | 24.65 | 22.4 | 21.85 | 24.65 | 22.90 | 20.3 | 22.60 | 19.05 |
| Interior Components FY2009 | 29 | 24.65 | 16.45 | 20.1 | 24.65 | 22.4 | 23.10 | 24.65 | 22.90 | 20.3 | 23.15 | 21.45 |
| Floors | | G | P | D | G | G | G | G | G | D | D | P |
| Partitions | | G | D | G | G | D | G | G | D | D | G | G |
| Ceilings | | G | P | P | G | D | D | G | D | D | G | G |
| Fixed Equipment | | G | U | D | G | G | G | G | G | D | G | G |
| Doors | | G | D | D | G | G | G | G | G | D | G | G |
| Interior Finish/Trim | | G | D | G | G | G | G | G | G | D | D | G |
| Elevators | | G | E | P | G | D | P | G | E | D | G | G |
| Engineered Systems FY2007 | 43 | 35.75 | 16.65 | 17.05 | 28.65 | 36.05 | 28.65 | 34.15 | 32.75 | 24.05 | 29.25 | N/A |
| Engineered Systems FY2008 | 43 | 36.55 | 16.05 | 17.65 | 29.85 | 35.95 | 28.65 | 34.15 | 31.05 | 26.95 | 27.90 | 34.15 |
| Engineered Systems FY2009 | 43 | 36.25 | 16.05 | 17.65 | 29.85 | 34.75 | 27.16 | 34.15 | 32.65 | 26.95 | 32.80 | 34.15 |
| Electrical | | G | U | U | G | D | P | G | D | D | D | G |
| Plumbing | | G | P | P | D | D | P | G | G | D | G | G |
| Heating/Ventilation/AC | | G | P | P | P | G | D | D | G | D | D | D |
| IT Voice/Data | | G | P | G | E | G | G | G | D | D | G | G |
| Lighting | | G | P | P | G | G | G | G | P | P | G | G |
| Fire Alarm Systems | | D | U | U | E | E | U | G | E | U | G | G |
| Emergency Lighting | | G | U | U | G | E | G | G | E | U | D | G |
| Total Building Score FY2007 | 100 | 83.0 | 47.5 | 55.0 | 74.0 | 82.3 | 68.2 | 80.7 | 71.2 | 62.3 | 74.6 | N/A |
| Total Building Score FY2008 | 100 | 84.7 | 46.9 | 53.9 | 76.5 | 80.4 | 71.5 | 79.8 | 72.9 | 65.2 | 73.2 | 76.0 |
| Total Building Score FY2009 | 100 | 84.1 | 46.9 | 53.9 | 75.5 | 79.2 | 71.3 | 79.8 | 80.1 | 68.2 | 78.7 | 75.4 |
| E: Excellent G: Good D: Deficient P: Poor U: Unsatisfactory | | | | | | | | | | | | |
| 90 - 100 80-89 60-79 30-59 0-29 | | | | | | | | | | | | |

4-7

Five-Year Capital Budget Plan--DA 418A
 Division of the Budget
 State of Kansas

Agency Name Department of Administration Div. of Facilities Management

| PROJECT TITLE | ESTIMATED PROJECT COST | PRIOR YEARS | CURRENT YEAR | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 | SUBSEQUENT YEARS |
|--|------------------------|------------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| ON-BUDGET - Capital Improvements | | | | | | | | | |
| STATE GENERAL FUND - (SGF) | | | | | | | | | |
| 1 Capitol Complex Rehabilitation & Repair | | | | | | | | | |
| 3 Statehouse & Cedar Crest Rehabilitation & Repair | | 2,872,500 | 2,715,277 | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | - |
| 4 Kansas Judicial Center Rehabilitation & Repair | | 1,416,749 | 180,851 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | - |
| 7 Docking State Office Building Fire Protection | | 670,750 | 90,509 | 225,000 | 250,000 | 250,000 | 250,000 | 250,000 | - |
| 8 Docking State Office Building Electrical Power | 1,204,793 | - | - | 1,204,793 | - | - | - | - | - |
| 9 Landon Building Fire Protection | 19,435,855 | - | - | 3,239,310 | 3,239,310 | 3,239,310 | 3,239,310 | 3,239,310 | 3,239,305 |
| 10 Kansas Judicial Center Fire Suppression System | 5,570,860 | - | - | 928,477 | 928,477 | 928,477 | 928,477 | 928,476 | 928,476 |
| 11 Docking State Office Building Asbestos Abatement | 1,075,000 | - | - | 1,075,000 | - | - | - | - | - |
| 12 Docking State Office Building Lead Based Paint Removal | 4,250,000 | - | - | 2,125,000 | 2,125,000 | - | - | - | - |
| 13 Landon Building Electrical Power & Lighting | 1,000,000 | - | - | 1,000,000 | - | - | - | - | - |
| 14 Docking State Office Building Electrical Lighting | 16,882,716 | - | - | 2,813,786 | 2,813,786 | 2,813,786 | 2,813,786 | 2,813,786 | 2,813,786 |
| 15 Statehouse Chilled Water System Renovation & Resizing | 16,593,481 | - | - | 2,765,581 | 2,765,580 | 2,765,580 | 2,765,580 | 2,765,580 | 2,765,580 |
| 16 Kansas Judicial Center 3rd Floor Window Replacement | 3,721,512 | - | - | - | 1,860,756 | 1,860,756 | - | - | - |
| 17 Landon State Office Building Window Replacement | 1,300,000 | - | - | 1,300,000 | - | - | - | - | - |
| 18 Memorial Hall Window Replacement | 2,208,000 | - | - | - | 2,208,000 | - | - | - | - |
| 19 Docking State Office Building Curtain Wall Replacement | 800,000 | - | - | 800,000 | - | - | - | - | - |
| 20 Landon Building Replace Building Chillers | 14,725,000 | - | - | 7,362,500 | 7,362,500 | - | - | - | - |
| 21 Docking State Office Building Air Handling Unit Replacement | 1,035,588 | - | - | 1,035,588 | - | - | - | - | - |
| 23 Landon State Office Building Elevators | 21,963,854 | - | - | 3,660,643 | 3,660,643 | 3,660,642 | 3,660,642 | 3,660,642 | 3,660,642 |
| 24 Docking State Office Building Elevators | 3,268,550 | - | - | 544,759 | 544,759 | 544,758 | 544,758 | 544,758 | 544,758 |
| 25 Landon Building Plumbing Repairs | 5,066,201 | - | - | 844,368 | 844,368 | 844,367 | 844,367 | 844,366 | 844,365 |
| 26 Docking State Office Building Plumbing Repairs | 2,500,000 | - | - | 416,667 | 416,667 | 416,667 | 416,667 | 416,666 | 416,666 |
| 27 Landon Building Air Handling Unit Replacement | 9,628,058 | - | - | 1,604,677 | 1,604,677 | 1,604,677 | 1,604,676 | 1,604,676 | 1,604,675 |
| 28 Landon Building Heating Ventilation & Air Conditioning Piping Replacement | 16,769,763 | - | - | 2,794,961 | 2,794,961 | 2,794,961 | 2,794,960 | 2,794,960 | 2,794,960 |
| 29 Docking State Office Building Heating Ventilation & Air Conditioning Piping Replacement | 8,958,360 | - | - | 1,493,060 | 1,493,060 | 1,493,060 | 1,493,060 | 1,493,060 | 1,493,060 |
| 30 Kansas Judicial Center Sanitary Drain Line Replacement | 6,839,647 | - | - | 1,139,942 | 1,139,942 | 1,139,941 | 1,139,941 | 1,139,941 | 1,139,940 |
| 31 Docking State Office Building Stone Tuck-pointing and Repairs | 750,000 | - | - | 750,000 | - | - | - | - | - |
| | 765,000 | - | - | 765,000 | - | - | - | - | - |
| Subtotal State General Fund | 191,483,874 | 4,959,999 | 2,986,637 | 43,089,112 | 39,252,486 | 27,556,982 | 25,696,224 | 25,696,221 | 22,246,213 |
| BUILDINGS and GROUNDS FUND - (B&GF) | | | | | | | | | |
| 32 Parking Lot/Sidewalk Maintenance & Repair | | 625,000 | 165,000 | 165,000 | 192,500 | 220,000 | 220,000 | 220,000 | - |
| Total Buildings and Grounds Fund | 1,807,500 | 625,000 | 165,000 | 165,000 | 192,500 | 220,000 | 220,000 | 220,000 | - |
| Total ON-BUDGET Capital Improvements | 193,291,374 | 5,584,999 | 3,151,637 | 43,254,112 | 39,444,986 | 27,776,982 | 25,916,224 | 25,916,221 | 22,246,213 |

8-7

Five-Year Capital Budget Plan--DA 418A
 Division of the Budget
 State of Kansas

Agency Name Department of Administration Div. of Facilities Management

| PROJECT TITLE | | ESTIMATED PROJECT COST | PRIOR YEARS | CURRENT YEAR | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 | SUBSEQUENT YEARS |
|--|--|------------------------|------------------|----------------|------------------|----------------|----------------|----------------|----------------|------------------|
| OFF-BUDGET - Capital Improvements | | | | | | | | | | |
| 2 | SMRI - Rehabilitation & Repair | | | 400,000 | 400,000 | 425,000 | 450,000 | 475,000 | 500,000 | - |
| 5 | Printing Plant Rehabilitation & Repair | | 1,955,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | - |
| 6 | Surplus Property Rehabilitation & Repair | | 150,000 | - | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | - |
| 22 | Printing Plant New Chillers | 650,000 | - | - | 650,000 | - | - | - | - | - |
| Total OFF-BUDGET Capital Improvements | | 6,105,000 | 2,105,000 | 475,000 | 1,175,000 | 550,000 | 575,000 | 600,000 | 625,000 | - |

December 16, 2009

Representative Jo Ann Pottorff, Chairperson
Joint Committee on State Building Construction
Room 143-N, State Capitol Building
Topeka, KS 66612

Dear Representative Pottorff:

The Kansas Department of Wildlife and Parks (KDWP) appreciates the opportunity to provide the Committee with several amendments to the FY 2011 Capitol Improvement request presented to the Committee on August 13, 2009. A summary form for the August submittal is attached. KDWP has attempted to utilize available federal funding sources and non State General Fund matching monies to provide needed improvements at the facilities discussed below. At the time the initial FY 2011 request was prepared for submittal on June 18, 2009, the funding sources for the projects to be discussed were not identified. Attached are the appropriate DA-418b forms for each of the projects to be discussed.

KDWP is requesting an amount of \$150,000 to construct a replacement office and shop building for the Perry Wildlife Area. The proposed structure will be approximately 960 square feet and consist of two small offices, a restroom, and shop/storage space. The funding for the building will be from the Federally Licensed Wildlife Area Fund. The revenue to the fund is from agricultural leases on Perry Wildlife Area. The U.S. Army Corps of Engineers restricts the usage of revenue from such leases to Perry Reservoir.

KDWP has amended the June 18, 2009 Capital Improvement request to include an additional \$1,000,000 from the Wildlife Fee Fund – federal to finance acquisition of land at the former Parsons AAP in Labette County. The transfer of property from the U.S Army to the Great Plains Development Authority should occur in FY 2011 and the Department is requesting additional funding for

acquisition. KDWP will be reimbursed approximately 75% of the acquisition cost by the U.S. Fish and Wildlife Service.

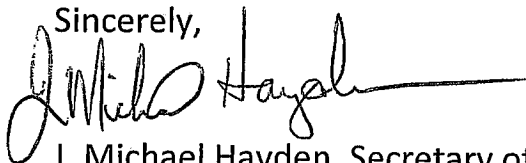
KDWP is in the process of developing a new campground at Sand Hills State Park. The facility has been used for many years by the public for hiking and horse riding. The Department has determined that there is a need for a public campground to serve those using the park. The campground is designed to serve the horse riding public and will include corrals and other facilities designed for their use. In addition to the proposed campground, the Department intends to locate several public use cabins at the park. The campground development will include utilities for these cabins.

The campground development will be a multi-year project as funds are available. The first year will utilize federal funds matched with Road funds which have already been authorized. The funds will be utilized to provide for sewer and water to the campground by connecting to the City of Hutchinson. In addition, preliminary road work will begin at the location.

The first year of proposed developments at Hillsdale State Park will address a long time need for additional sewage and dump station facilities. Currently the park has one dump station and with 860,000 visitors per year there are long waits on busy weekends to use that facility. Future development will include an additional shower building and additional campsites. These developments will be contingent upon additional funding.

KDWP appreciates the consideration from the Committee to allow us to present additional items for review. If there are additional questions, please advise. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Michael Hayden", with a long horizontal line extending to the right.

J. Michael Hayden, Secretary of Wildlife and Parks
Kansas Department of Wildlife and Parks

Attachments (4)

5-2

FY 2011 KDWP CI Request

5-3

| Priority | | SGF | BFF | Mig Wtfl | Cabins | WFF | WF -F | Nongm - Fed | (a) Other Funds | Roads Fund | Total |
|----------|-----------------------------------|--------------|------------|------------|------------|--------------|------------|-------------|--------------------|--------------|--------------|
| 1 | River Access | | \$ 150,000 | | | | | | | | \$ 150,000 |
| 2 | Parks Maj Maint | \$ 1,500,000 | | | | | | | | | \$ 1,500,000 |
| 3 | Land Acquisition | | | | | | | | \$ 375,000 | | \$ 375,000 |
| 4 | Cabin Site Prep | | | | \$ 300,000 | \$ 1,000,000 | | \$ 100,000 | | | \$ 1,400,000 |
| 5 | Wetlands Acquisition/Development | | | \$ 200,000 | | | | | | | \$ 200,000 |
| 6 | Public Lands Major Maintenance | | | | | \$ 367,500 | \$ 200,000 | | | | \$ 567,500 |
| 7 | Road Maint | | | | | | | | \$ 25,000 | | \$ 25,000 |
| 8 | Bridge Maint | | | | | | | | | \$ 1,681,000 | \$ 1,681,000 |
| 9 | Federally Mandated Boating Access | | | | | | | | \$ 200,000 | | \$ 200,000 |
| 10 | Trails Development | | | | | \$ 1,140,000 | | | | | \$ 1,140,000 |
| | | | | | | | | | \$ 585,000 | | \$ 585,000 |
| | | | | | | | | | | | \$ - |
| | | \$ 1,500,000 | \$ 150,000 | \$ 200,000 | \$ 300,000 | \$ 2,507,500 | \$ 200,000 | \$ 100,000 | \$ 1,185,000 | \$ 1,681,000 | \$ 7,823,500 |

(a) \$200,000 for bridge maint from Bridge Repair Fund; \$375,000 - LWCF; \$585,000 - NRT Grant; \$25,000 - Boat Fund - Fed

5-3

4-9

**DA-418B
PROJECT REQUEST EXPLANATION**

| | |
|--|--------------------------------------|
| 1. Project Title Replacement Office and Shop Building at Perry Wildlife Area | 2. Project Priority CS |
|--|--------------------------------------|

3. Project Description and Justification

Proposed project is to construct a replacment office and shop building for the Perry Wildlife Area. The existing structure is adequated and a modern efficient structure is requested. The proposed structure will be 960 square feet and consist of two small offices, a restroom, and shop/storage space.

Construction of the proposed structure will be financed from the Federally Licensed Wildlife Areas Fund (2670). The income to this fund is from agricultural leases on the Perry Wildlife Area. The U.S. Army Corps of Engineers restricts usage of revenue from such leases to the Perry Reservoir.

The existing structure is over 35 years old and not sufficient for existing needs. The new structure will be located adjacent to the existing structure. The existing structure will be used for storage space and occasional work space if needed.

| | |
|---|---|
| 4. Estimated Project Cost: 1) Construction, including fixed equipment and sitework 140,000 2) Architect's Fee. 3) Movable equipment. 4) Project contingency. 5) Miscellaneous Costs.... 10,000 Total 150,000 | 5. Project Phasing: 1) Preliminary planning, (incl. misc. costs) 2) Final planning, (incl. misc. costs). 3) Construction, (incl. misc. and other costs). 150,000 Total 150,000 |
|---|---|

6. Amount by Source of Financing

AMOUNT BY SOURCE OF FINANCING

| Fiscal Years | Fed. Ag. 1. Fund | Fund | Fund | 4. | 5. | 6. | TOTAL |
|--------------|------------------|------|------|----|----|----|---------|
| Prior Yrs. | 0 | 0 | 0 | | | | 0 |
| FY 09 | 0 | 0 | 0 | | | | 0 |
| FY 10 | 0 | 0 | 0 | | | | 0 |
| FY 11 | 150,000 | 0 | 0 | | | | 150,000 |
| FY 12 | 0 | 0 | 0 | | | | 0 |
| FY 13 | 0 | 0 | 0 | | | | 0 |
| FY 14 | 0 | 0 | 0 | | | | 0 |
| TOTAL | 150,000 | 0 | 0 | 0 | 0 | 0 | 150,000 |

5-4

**DA-418B
PROJECT REQUEST EXPLANATION**

| | |
|---|-------------------------------|
| 1. Project Title Sand Hills State Park- Equestrian Campgrounds | 2. Project Priority CS |
|---|-------------------------------|

3. Project Description and Justification

Develop a campground including camping, fishing and an equestrian campsites. The camp ground will serve as a trail head for the existing equestrian trails at the Sand Hills State Park. The development of the campground will be a multi-year project with the first year cost of \$300,000 provided from existing Road Fund appropriations and \$400,000 from Federal Trails Funds. Future years funding will be from Federal Trails Funds, Federal LWCF Funds, and Road Fund matching contributions.

The development of the Sand Hills State Park campground will be a multi-year project with the FY 2011 expenditures for road work and utilities. The KDWP will connect to the City of Hutchinson utilities for water and sewer. Included in the cost below are amounts expended by the Parks Division from previously appropriated funds to construct corrals.

It should be noted that the KDWP also intends to located public use cabins adjacent to the new campground. These cabins will "share" the utilities being constructed to serve the new campground.

| | | | |
|---|------------------|--|------------------|
| 4. Estimated Project Cost: | | 5. Project Phasing: | |
| 1) Construction, including fixed equipment and sitework | 0 1,375,000 | 1) Preliminary planning, (incl. misc. costs) . . . | |
| 2) Architect's Fee. | 110,000 | 2) Final planning, (incl. misc. costs). | 110,000 |
| 3) Movable equipment. | 35,000 | 3) Construction, (incl. misc. and other costs). . | 1,609,900 |
| 4) Project contingency. | 137,900 | | 0 |
| 5) Miscellaneous Costs.... | 62,000 | | |
| Total | 1,719,900 | Total | 1,719,900 |

| 6. Amount by Source of Financing | | | | | | | |
|----------------------------------|---------------------|----------------|----------|----------|----------|----------|------------------|
| AMOUNT BY SOURCE OF FINANCING | | | | | | | |
| Fiscal Years | Fed. Trails 1. Fund | Road Fund | Fund | 4. | 5. | 6. | TOTAL |
| Prior Yrs. | 0 | 0 | 0 | | | | 0 |
| FY 09 | 0 | 0 | 0 | | | | 0 |
| FY 10 | 400,000 | 300,000 | 0 | | | | 700,000 |
| FY 11 | 350,000 | 175,000 | 0 | | | | 525,000 |
| FY 12 | 370,500 | 123,500 | 0 | | | | 494,000 |
| FY 13 | 0 | 0 | 0 | | | | 0 |
| FY 14 | 0 | 0 | 0 | | | | 0 |
| TOTAL | 1,120,500 | 598,500 | 0 | 0 | 0 | 0 | 1,719,000 |

DA-418B

PROJECT REQUEST EXPLANATION

| | |
|--|-------------------------------|
| 1. Project Title Hillsdale State Park: Shower/Restrooms, Dump Station, Sewerage Lagoons | 2. Project Priority CS |
|--|-------------------------------|

3. Project Description and Justification

Provide additional facilities at Hillsdale State Park to reduce lines and waiting for campers in the park. The park currently serves 860,000 campers per year. On busy weekends and the existing single dump station is inadequate to meet users needs. The resulting wait times often exceed two hours. The sewerage lagoons for the dump station will also allow capacity for a new CXT shower rest room for the adjacent existing campground which has no shower facilities. As part of the project preliminary layouts will be made for a future campground development adjacent to the new dump station and shower house. the camp ground is being designed to size the lagoon system for potential future development.

| | |
|----------------------|--------------------|
| Lagoons: | \$453,000.00 |
| Dump Station: | \$235,000.00 |
| Shower Building: | \$130,000.00 |
| Camp Sites and Road: | \$770,000.00 |
| Total: | \$1,588,000.00 |

The improvements to Hillsdale State Park are a multi-year project with the lagoons and dump station being the first year project.

| | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|-----------------------------|-----------|-------------------------------|---------|---------------------------------|---------|----------------------------|--------|-------|-----------|--|--|-------|---|---------|---|-----------|-------|-----------|
| <p>4. Estimated Project Cost:</p> <table style="width: 100%;"> <tr> <td>1) Construction, including fixed equipment and sitework</td> <td style="text-align: right;">0</td> </tr> <tr> <td>2) Architect's Fee.</td> <td style="text-align: right;">1,588,000</td> </tr> <tr> <td>3) Movable equipment.</td> <td style="text-align: right;">162,500</td> </tr> <tr> <td>4) Project contingency.</td> <td style="text-align: right;">139,000</td> </tr> <tr> <td>5) Miscellaneous Costs....</td> <td style="text-align: right;">63,000</td> </tr> <tr> <td style="border-top: 1px solid black;">Total</td> <td style="text-align: right; border-top: 1px solid black;">1,952,500</td> </tr> </table> | 1) Construction, including fixed equipment and sitework | 0 | 2) Architect's Fee. | 1,588,000 | 3) Movable equipment. | 162,500 | 4) Project contingency. | 139,000 | 5) Miscellaneous Costs.... | 63,000 | Total | 1,952,500 | <p>5. Project Phasing:</p> <table style="width: 100%;"> <tr> <td>1) Preliminary planning, (incl. misc. costs)</td> <td style="text-align: right;">9,500</td> </tr> <tr> <td>2) Final planning, (incl. misc. costs).</td> <td style="text-align: right;">216,000</td> </tr> <tr> <td>3) Construction, (incl. misc. and other costs).</td> <td style="text-align: right;">1,727,000</td> </tr> <tr> <td style="border-top: 1px solid black; text-align: right;">Total</td> <td style="text-align: right; border-top: 1px solid black;">1,952,500</td> </tr> </table> | 1) Preliminary planning, (incl. misc. costs) | 9,500 | 2) Final planning, (incl. misc. costs). | 216,000 | 3) Construction, (incl. misc. and other costs). | 1,727,000 | Total | 1,952,500 |
| 1) Construction, including fixed equipment and sitework | 0 | | | | | | | | | | | | | | | | | | | | |
| 2) Architect's Fee. | 1,588,000 | | | | | | | | | | | | | | | | | | | | |
| 3) Movable equipment. | 162,500 | | | | | | | | | | | | | | | | | | | | |
| 4) Project contingency. | 139,000 | | | | | | | | | | | | | | | | | | | | |
| 5) Miscellaneous Costs.... | 63,000 | | | | | | | | | | | | | | | | | | | | |
| Total | 1,952,500 | | | | | | | | | | | | | | | | | | | | |
| 1) Preliminary planning, (incl. misc. costs) | 9,500 | | | | | | | | | | | | | | | | | | | | |
| 2) Final planning, (incl. misc. costs). | 216,000 | | | | | | | | | | | | | | | | | | | | |
| 3) Construction, (incl. misc. and other costs). | 1,727,000 | | | | | | | | | | | | | | | | | | | | |
| Total | 1,952,500 | | | | | | | | | | | | | | | | | | | | |

6. Amount by Source of Financing

AMOUNT BY SOURCE OF FINANCING

| Fiscal Years | Fed. LWCF 1. Fund | Road Fund | Fund | 4. | 5. | 6. | TOTAL |
|--------------|-------------------|-----------|------|----|----|----|-----------|
| Prior Yrs. | 0 | 0 | 0 | | | | 0 |
| FY 09 | 0 | 0 | 0 | | | | 0 |
| FY 10 | 0 | 0 | 0 | | | | 0 |
| FY 11 | 368,000 | 368,000 | 0 | | | | 736,000 |
| FY 12 | 400,000 | 400,000 | 0 | | | | 800,000 |
| FY 13 | 208,250 | 208,250 | 0 | | | | 416,500 |
| FY 14 | 0 | 0 | 0 | | | | 0 |
| TOTAL | 976,250 | 976,250 | 0 | 0 | 0 | 0 | 1,952,500 |

Kansas Department of
Social and Rehabilitation Services
Don Jordan, Secretary



Joint Committee on State Building Construction

December 16, 2009

SRS Five Year Capital Improvement Plan for State Hospitals and the

Chanute Service Center

Disability & Behavioral Health Services

Ray Dalton, Deputy Secretary

For Additional Information Contact:
Katy Belot, Director of Public Policy
Patrick Woods, Director of Governmental Affairs
Docking State Office Building, 6th Floor North
(785) 296-3271

Attachment 6
JCSBC 12-16-09

SRS Five Year Capital Improvement Plan for State Hospitals and the Chanute Service Center

**Joint Committee on State Building Construction
December 16, 2009**

Chairwoman Pottorff and members of the Committee, thank you for this opportunity to present Social and Rehabilitation Services' (SRS) Five Year Capital Improvement Plan for its five state hospitals and the Chanute Service Center. My name is Ray Dalton and I am Deputy Secretary of Disability and Behavioral Health Services (DBHS). The capital improvement funds for the state hospitals and the Chanute Service Center are budgeted in my division. With me today is Gary Grimes, the architect for SRS. Gary works with the hospitals and the service center to plan for and implement approved capital improvement projects.

Each day, the five state hospitals house and treat about 1,100 Kansans with profound disabilities. The five state hospital campuses include 196 buildings containing approximately 2,078,421 gross square feet of floor area. Many of the buildings and pieces of equipment are 50 years old or older. The buildings are deteriorating and the equipment continues to wear out.

For FY 2010 we received \$4.1 million for rehabilitation and repair projects that will help in addressing a portion of our current backlog of maintenance and repair items across all five state hospitals. As you probably remember we received approval to use the remaining balance of bond funds from the new State Security Facility (Isaac Ray) at Larned State Hospital (LSH) for other rehabilitation and repair projects at LSH in the amount of \$2.2 million, in FY 2009. I am pleased to report we have spent all of these funds and they were a great help in addressing some of our most urgent repair needs.

We have additional maintenance and repair items that need to be addressed in our aging facilities. Nearly \$13 million in maintenance and repair projects have been identified at the five state hospitals. \$4.8 million is needed for the most urgent repairs. These projects are the highest priority and are needed to maintain these facilities in a safe operating condition.

The state hospitals are also in need of \$3.6 million for a critical major repair and renovation project. Critical major repair and renovation projects are projects over \$1.0 million and have historically been approved as an addition to routine maintenance and repair projects.

The Five Year Capital Improvement Plan reflects the capital improvement needs of the hospitals based on our long term planning process. The Plan was developed knowing there was a Realignment and Closure Commission reviewing the State Mental Health hospitals and the state facilities for the Developmentally Disabled. The Commission's report has been sent to the Governor with the recommendation of downsizing Parsons State Hospital and Training Center and the Kansas Neurological Institute (KNI), with the eventual closure of KNI. The report did not recommend closure

of any mental health facilities, but did recommend SRS pursue public/private partnerships with community hospitals, with an integrated health model, inclusive of community mental health centers and moving toward downsizing state hospitals. They further recommended SRS report progress towards this recommendation to the 2011 Legislature. The Governor will consider these recommendations and will determine what actions he will take based on the recommendations. As can be seen from our request, there are ample needs across all of the facilities to justify the funds being requested, even if a facility were to close or downsize. We would request that funding be allocated to the facilities as we have requested and if the Governor recommends closure or downsizing of a facility, the funds allocated to the facility would be shifted to the other facilities. We will consider all projects carefully in light of the Commission recommendations before proceeding with any project affected by the recommendations.

For FY 2010 this Committee and the Legislature approved \$1.6 million for the renovation of the Meyer building at Larned. This is the building that will be needed next to house the Sexual Predator Treatment Program (SPTP) residents. This spring there was a fire in the laundry building at Larned and it was almost completely destroyed. We have estimated it will cost \$1.3 million to rebuild the facility and to replace the industrial laundry equipment. We are requesting permission to use the \$1.6 million approved for the Meyer building renovation to rebuild the laundry facilities at Larned. As you probably remember Larned State Hospital provides the laundry services for all three of the organizations located on the Larned campus. LSH is currently providing the laundry services by transporting the laundry to the Hutchinson Correctional Facility to be cleaned. This arrangement cannot continue forever, as the Hutchinson laundry facilities were not built to handle this volume of laundry. LSH has conducted a cost benefit analysis, which included looking at contracting out the laundry services, and the rebuilding of the facility proved to be the most cost effective. If approved we would also ask that \$1.6 million for the renovation of Meyer be approved for FY 2011. Although it is expected the SPTP will need to move into the Meyer building this fiscal year, the renovations could be done around the residents in FY 2011.

At Larned State Hospital in FY 2008 we received planning funds for the addition of a 30 bed Crisis Stabilization Unit (CSU) to the existing Adult Treatment Center (ATC). The plans were completed for the addition but construction funds were not appropriated in FY 2010. The Crisis Stabilization Unit moved out of the old Hospital Building when KDHE determined the building to be unsuitable. As a result, those patients moved into the Dillon Annex building as a temporary solution. This space in the Dillon Annex has been slated to support the Sexual Predator Treatment Program (SPTP) as it grows. Since the submission of our plan last year it has been decided we will contract out the children/youth beds at Larned. This will free up space in the ATC building for the Crisis Stabilization Unit. Therefore the funding for the construction of the 30 bed expansion for the CSU has been removed.

At Larned State Hospital, the Sexual Predator Treatment Program (SPTP) census is 189 as of 12/09/09. The bed capacity for the SPTP at LSH is 214. If the current projections on the growth of the SPTP hold true then the total bed capacity available at Larned will be reached at the end of FY 2012. Therefore, it is critical to address the need to add additional beds now in order to have them available as needed. In FY 2011 we are requesting \$2.5 million for planning funds for a 90 bed

expansion at LSH, and \$40 million over FY 2012 and FY 2013 for construction of the new facility. As part of our planning for this expansion we looked at the possibility of building a new 120 bed facility for the Adult Treatment Center (ATC) and using the current ATC building for the expansion of the SPTP. However, because of the location of the current SPTP units, it would add additional administrative expenses to locate the expansion of the program across the LSH campus at the ATC location making that option cost prohibitive.

Due to legislative action during the 2009 session, there is now an eight person cap on the number of SPTP transition residents in any one county. As a result, we have removed our request for planning money and construction money for expansion of the program on the Osawatomie State Hospital campus. We are currently working on what other state facilities, in other counties, would be available to house a SPTP transition program. Should there be a need for any capital improvements for the additional locations we would make a request at that time.

Listed below is a recap, in priority order, of our FY 2011 capital improvement request. If you were to approve the use of the Meyer renovation money in FY 2010 for the rebuilding of the laundry unit, we would add the Meyer renovation to our FY 2011 request and it would be our top priority in the Major Rehab and Repair category.

I will be glad to take any questions at this time.

| | |
|--|----------------------------|
| Institutions Rehab & Repair (1st Priority) | \$ 4,832,480 |
| LSH – New 90 Bed Expansion of Sexual Predator Treatment | \$ 2,538,800 |
| Program to be Adjacent to Jung & Meyer Buildings (Planning Funds) | |
| Institutions Major Rehab and Repair | \$ 3,645,300 |
| Chanute Service Center Rehab and Repair | \$ 200,000 |
| Institutions Rehab & Repair (2nd Priority) | <u>\$ 7,790,420</u> |
| | \$19,007,000 |

**TESTIMONY BEFORE
JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION
RELATING TO KDOT INVENTORY SYSTEMS**

DECEMBER 16, 2009

Good morning Madam Chair, members of the committee. I am Vicky Johnson, Chief Counsel for the Kansas Department of Transportation (KDOT), here today to present KDOT's inventory system report, in accordance with K.S.A. 75-3516.

KDOT maintains an inventory system of all real property, from buildings to right-of-way holdings. Non-infrastructure inventory includes all land which is not part of the highway system. All non-infrastructure inventory is in a separate system from infrastructure inventory.

Non-Infrastructure Inventory

This grouping includes land for non-highway use such as KDOT buildings, adjacent storage yards, land with communications towers, or maintenance material mixing strips not contiguous with right-of-way property. The system used to inventory these capital assets has been in use since the late 1980s and digitally stores information from the time of first purchase onward. The system is used to keep track of each parcel of land as well as information about the property such as location, important dates and costs.

Infrastructure Inventory

The infrastructure inventory includes all land which is part of the state highway system right-of-way. Right of way property includes not only property with pavement on it, but also rest areas, roadside parks, historical markers and adjacent material storage locations.

KDOT maintains a large number of records regarding infrastructure. These records are in the form of highway plans and acquisition documents which provide information on the lands KDOT and its predecessor agencies have been acquiring for highway purposes dating back to the 1920's when the state highway system was first assembled.

At this time, there are 5,483 highway plans located in the Bureau of Right of Way, representing routes currently in the state highway system, along with many more 'off system' plans. These plans provide a graphical representation of each highway project. In day-to-day research efforts the hard copy plans are still often utilized. The plans representing the project or projects that have taken place in any given location may be found through the use of locator maps that correlate all the projects that impact a particular location.

Once the projects that have taken place in a particular location have been identified, the acquisition documents and related paperwork, correspondence, forms and more may be accessed. Depending on when the project took place, these records are available in one of the following forms: on microfilm, digitally from the KDOT Document Management System or, for recent projects, hard copies. The project information typically includes at least the deed or condemnation documents for each acquired tract. In projects undertaken since the 1930's, the tract information for most projects includes additional

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Attachment 7

documents such as plats, negotiation notes, vouchers, certificates of title, and correspondence both internal and external.

Examples

For a sampling of the types of records that are available, I present Exhibit A, which shows a location where projects have repeatedly been built in response to changing transportation needs.

For an example of an uneconomic remnant, I present Exhibit B, which shows a location where KDOT has had to purchase a piece of property that no longer can serve an economic purpose.

As one can see from the examples, there are several challenges to having an electronic inventory of these lands. The goal is to eventually have all the plans digitized, but budget constraints and sheer volume make that a long term project.

Excess Right of Way

After an agency determination that the parcel is excess right-of-way, it can be sold to a private individual or business. K.S.A. 68-413 requires that the agency sell the land for at least 2/3 of the appraised value, or it can be sold at public auction.

The quality of the excess right-of-way often presents a challenge in attempting to sell that property. The size, shape, and location of the tracts are not desirable to buyers, as shown in Exhibit B. Tracts can be land-locked, which means there is no access to the land except over the land of an adjoining owner. In these situations, the land is offered for sale to an adjoining owner.

Decisions about offering excess right-of-way for sale must include careful consideration of how and when the property was acquired. The Kansas Supreme Court, in an unpublished opinion, held that right of way easements acquired during certain time frames, if determined to be excess and offered for sale, revert to the underlying fee owner leaving no saleable interest for disposal by the state.

An additional complication arises when federal funds have been used to purchase the right-of-way. If KDOT later determines that right of way to be excess, the amount of the federal contribution must be given back to the federal government.

Despite all the challenges with selling excess right-of-way, KDOT has a group working to identify excess in all counties. Right now, 80 counties have been analyzed for possible tracts of excess. As those tracts are identified, they are passed on for internal review to determine if they are in fact excess right-of-way. Excess tracts are then analyzed for marketability, and will be sold if marketable.

Thank you for the opportunity to update the committee on KDOT's inventory systems. I would be happy to answer questions at the appropriate time.

Inventory and Records Report

Kansas Department of Transportation
Bureau of Right of Way
November 30, 2009

This document is the annual report which provides information on the general progress of the Kansas Department of Transportation in the inventory of records pertaining to real property and real estate transactions, as required by K.S.A. 68-404.

Section 3 (d) of this statute provides, in part:

(1) The secretary of transportation shall deliver to the secretary of the senate and the chief clerk of the house of representatives on or before January 30, 2002, and January 30th of each year thereafter, a written report concerning the department of transportation's system of inventory of records pertaining to all real property owned by the department of transportation and all real estate transactions engaged in by the department of transportation. Each report shall describe the current status of the inventory system and the steps taken during the past year to improve such inventory system and comply with the requirements of this section. The secretary of transportation shall notify each member of the legislature of the availability of copies of the report.

This report is intended to fulfill the reporting requirement for November 30, 2009

The format for this report is adapted from recommendations set forth in a report to the Legislative Post Audit Committee by the Legislative Division of Post Audit in December, 2000. That report was entitled *State Held Lands: Reviewing the Management and Use of Those Lands in Kansas*. The provisions of the legislative post audit report which were pertinent to the Kansas Department of Transportation and the status of those provisions.

.....

To ensure that the Department of Transportation is effectively managing its land holdings, the Department should:

Provide a report to the Legislative Post Audit Committee by June 1, 2001, that describes what schedule the Department has established for bringing its records of land holdings up to date and what progress it has made in gathering the needed information on parcels purchased or condemned in the past.

Status: The requirement for this report was superseded by the enactment of House Bill 2406 during the 2001 legislature which amended K.S.A. 68-404 to read as shown previously. The reporting date for this information is now January 30th of each year. The report is available upon request.

Assign one individual or Bureau the responsibility for maintaining an up-to-date information system of all lands the agency purchases or condemns in the future.

Status: The Bureau of Right of Way was assigned this responsibility for the agency. The Right of Way Inventory and Disposal Section was created and assigned the primary function along with assistance from the Engineering Section.

The Right of Way Inventory and Disposal (RID) Section

The Kansas Department of Transportation has assigned the related task of identification and disposal of all excess right of way held by KDOT to the Bureau of Right of Way. The Right of Way Inventory and Disposal Section (RID) section was formed in February, 2004 within the Bureau of Right of Way to coordinate and perform these tasks. This unit was fully staffed in March of 2005. It is administered by the Engineering Assistant to the Chief of Right of Way and now includes a section head and three additional FTE's. Further information regarding this section is located on the agency's web site at: www.ksdot.org/burrow/RID.

The major duties of the unit are to respond to inquiries from the public regarding potential excess right of way, to review the files of all past highway projects for tracts of potential excess right of way, and to coordinate the agency review process that determines if the tract is actually excess to the needs of the state. The unit also handles research and marketing for tracts that are found to be excess.

Establish a reasonable schedule for reconstructing accurate records of land purchased or condemned in the past, and add those properties to the information system.

Status: On January 1 2000, the Engineering Section of the Bureau of Right of Way began identifying and inventorying existing right of way when new projects plans are submitted to them.

The Bureau of Transportation Planning, using information from the CANSYS system, ran a report of estimated right of way. This report "Highway Right of Way Inventory" (see attached) is then updated when new field check plans for construction projects are sent to the Bureau of Right of Way. The report then includes the new actual amounts. As of January 12, 2007, 8.8% of the State Highway System had been updated on this report.

Future plans include the scanning of acquisition documentation and then linking that information to the latest construction projects for each section on the State Highway System to provide an automated cross reference inventory system.

Develop a system to identify and dispose of any properties not needed for current or future highway needs.

Status: The right of way inventory and disposal section has an ongoing system in place to identify and dispose of properties not needed for current or future highway needs. See the document "Highway Right of Way Inventory and Disposal of Excess Highway Right of Way" – available upon request - for further information regarding these procedures.

Identification

Tracts of potential excess right of way are identified through the review of highway plans, inquiries from the public, inquiries from KDOT field personnel and through designation of tracts as uneconomic remnants by the Engineering Section.

Potential excess right of way is defined as an area of 0.25 acre or more, located from a point at least 50 feet or more beyond the construction limits of a project extending to the right of way line and which appears to be excess to the present or future needs of the state highway system.

Excess right of way is determined by submitting a parcel of potential excess right of way to the agency review process. In this process, designated work units and individuals in the agency study the parcel of potential excess right of way to determine what part of it, if any, may be released without compromising the safety of the traveling public, the agency's ability to efficiently maintain and operate the current highway, or the ability to expand or modify the highway in the future in response to changing needs.

Review Status – On System

Highway project plan files in the Bureau of Right of Way provide a graphical representation of the previously acquired land and needs of highway right of way for each construction project. The work of the RID section in reviewing these plans is to identify any potential excess right of way tracts in each project.

A new report, "Phase II Potential Excess Highway Right of Way found through Plan Reviews" has been assembled to provide results that better address the goals of the plan review effort, as well as provide a clearer picture of the progress that has been gained. However, as a result of rechecking the plans in some counties due to totals of excess tracts that were below the expected statistical average, as well as the adoption of these new review and reporting methods, the numbers shown in this report are inconsistent with some previous reports.

Currently there are 5483 construction plan files in the Bureau of Right of Way. The review of these plan files is 80 percent complete as of November 30, 2009.

Review Status – “U”, “X” and Tracts Identified by District

In the past, this report has shown the status of the uneconomic remnant (‘U’) tracts that were on file at the formation of the RID unit as well as the potential excess tracts that were forwarded to the unit by the District Engineers in each district. These categories have now been combined. The following is the current status of these tracts as shown on the report “Potential Excess Highway ROW from Tracts Acquired as “X” and “U” and Tracts Identified by District.”

| | |
|---------------------|-----|
| Total Tracts | 190 |
| Review Initiated | 123 |
| Review Complete | 123 |
| Known Excess | 72 |
| Retain | 47 |
| Appraisal Initiated | 44 |
| Appraisal Complete | 43 |
| Assemblage | 24 |
| Stand Alone | 5 |
| Disposed | 42 |

Off System Identification

During 2005 the RID unit completed identifying right of way that has been removed from the State Highway System through the building of new alignments. The task of formally releasing these off system roadways is planned to take place county by county concurrent with the sale and release of excess right of way uncovered through plan review in each county. For more details on disposal of off system highways, please see the section that follows entitled ‘disposal’. (Also see available report, “Off System Plan Identification”).

Future Inventory Goals

The future goal in developing an inventory of ROW inventory is creation of a SMART Map. Currently the plans files have been scanned into the Agency’s Document Management System and quality control reviews are being finalized. Once that effort is completed, all acquisition documents will be scanned into the system. The Bureau has upgraded to a much faster scanner and it is hoped that this will help with the scanning process.

Disposal

The attachment, “Highway Right of Way Inventory and Disposal of Excess Highway Right of Way,” outlines the Bureau’s procedures regarding disposal of excess right of way.

The disposal of excess highway right of way is governed by K.S.A. 68-413 (d) (1) which states, "Subject to the provisions of paragraph (2) of this subsection the secretary may dispose of any real estate or any right, title or degree or variety of interest therein which has theretofore been acquired for state highway purposes, in the manner the secretary deems most expedient, when such real estate or interest therein is no longer needed or used for state highway purposes."

While the provisions of paragraph (2) noted above call for disposals to be sold to the highest bidder at public auction, this paragraph also provides, "If the secretary determines that sale by public auction would be inappropriate, the real estate may be sold in the manner deemed most expedient by the secretary."

While the statute invests the Bureau of Right of Way with the ability to dispose of any degree or variety of interest in a property, as a best practice the Bureau disposes of only marketable properties. A property is considered marketable only if the disposal of it would result in the recipient owning fee interest, allowing full enjoyment and utilization of the property. The only exception to this practice is the release of permanent easement interests to local public authorities to be used for public purposes.

Most tracts that are accessible to the public are sold by public auction. Upcoming public auctions are listed on the KDOT web site at:

www.ksdot.org/burrow/Property4Sale .

Along with listing public auctions on the web site, KDOT also places a notice in the Kansas Register and advertises in local newspapers as provided for in the statute. At times other advertising sources are utilized to publicize an upcoming auction.

Tracts of excess right of way that are landlocked or found through the appraisal process to have a highest and best use as assemblage to adjoining property are offered for sale to adjoining landowners.

Off-system highways are those highways for which a new alignment has been built that carries the same number designation. When this occurs, the local governmental agency in which the old alignment is located becomes responsible for administration and upkeep of the off-system highway. This change is formally set forth in a document "Disclaimer of Interest and Turnback of Maintenance" which KDOT files for record in the county.

While the Bureau of Right of Way creates and records these documents to 'turn back' old roadways when a request is received, most of such formal conveyances of off-system highways will be accomplished county-by-county concurrent with the release and sale of excess right of way in each county.

8-7

Fiscal Year Statistics

During FY 2009, 17 tracts of property were sold (see "KDOT Disposal of ROW FYE 6/30/08") with \$116,590.97 received for these sales. This resulted in a sale of 45.07 acres of excess right of way. Please note that these figures were derived from the raw reports which may include listings for purchases of structures to be moved and for payments on sales achieved in previous FY's.

During FY 2009, 18 tracts or interests were released from KDOT control with no financial income received. These releases usually take the form of land turned back to local government entities, grants of access breaks, oil and gas mineral releases but could also represent other situations such as replacing lost deeds that were never recorded as well as situations where the nature of KDOT's acquisition directs the return of KDOT's interests to underlying fee titleholders without charge.

Public Inquiries of Right of Way

While the review of excess highway right of way is ongoing, the Bureau of Right of Way also responds each year to a number of inquiries from citizens and businesses in Kansas, asking for release of potential excess highway right of way. The RID unit has a database in place which tracks the progress of public inquiries regarding tracts of potential excess right of way. These requests are treated with highest priority by the Bureau of Right of Way, taking precedence in the research, review, documentation and marketing process. In calendar year 2009, 67 such requests were received. Current status of these tracts:

(Figures may differ somewhat from the previous report because of changes in the way the records are kept in the database. Some tracts were dropped because they came into the system in earlier years).

| | |
|--|----|
| Still in Process | 23 |
| Retained – No Excess | 1 |
| Sold – revenue received | 3 |
| Sold – no revenue received | 18 |
| (Includes turnback of maintenance and oil and gas releases) | |
| Other | 22 |

The 'other' category contains 'research only' tracts, advisory listings related to previous requests and permanent easement tracts that cannot be released at this time on the advice of the KDOT Office of Chief Counsel.

Summary

In 2009 substantial progress was made in the following areas:

- Review of the highway plans for potential excess right of way.
- A number of sales of excess right of way were achieved.

Please note that real estate prices and sales were hampered by the state of the economy in the past year or two, particularly in the arena of sales of property for commercial use, the use in which the highest financial return is received.

Goals for 2010 include:

- Completion of plan review function.
- Begin the county-by-county release of excess right of way and turning back of maintenance of all off-system highways.
- Continue to strive to find ways to improve on response times to public inquiries regarding excess right of way.

8-9

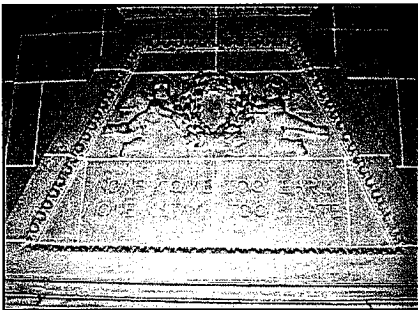
Attachments – Upon Request

Bureau of Right of Way Home Web Page (Intranet)
Bureau of Right of Way Detailed Web Page - Inventory and Disposal (Intranet)
Highway Right of Way Inventory Report
Highway Right of Way Inventory and Disposal of Excess Highway Right of Way –
Best Practices – Exhibit A
Highway Right of Way Inventory and Disposal of Excess Highway Right of Way –
Best Practices – Exhibit B
Phase II Potential Excess Highway Right of Way Found Through Plan Reviews
Sample of Plan File Database and Report
Sample of Properties for Sale from KDOT Web Site (Internet)
KDOT Right of Way Sales Report – Bureau of Fiscal Services FY 2009
Public Requests Report – Calendar year 2009 Year-To-Date
KDOT Office of Inspector General Report – IA 03-01
KDOT Office of Inspector General Report – IA 05-13



Executive Summary

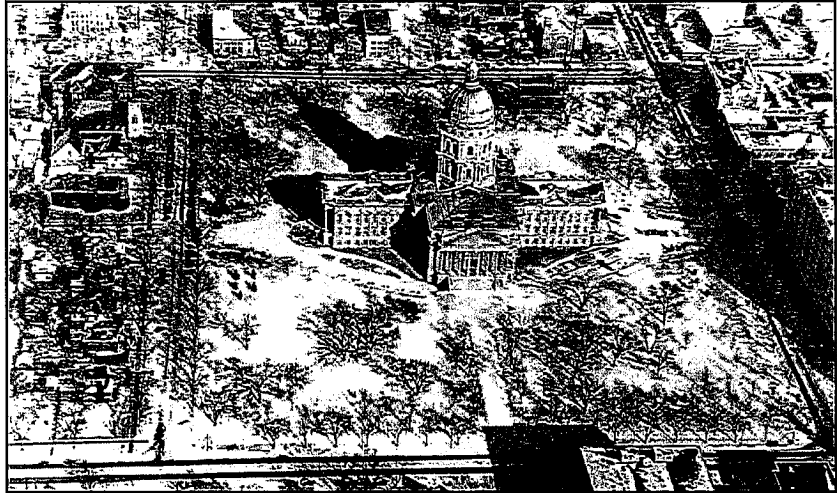
Overview



- Arguments for the rehabilitation and re-use of historic buildings are compelling. Not only does “recycling” an old building make use of existing streets, utilities and public services, it supports development density objectives and the **efficient use of public resources**, and is environmentally responsible.
- The Dillon house’s finishes and mechanical system are deteriorated, yet its sound structure, history, architectural character and location provide **compelling arguments for rehabilitation**.
- Built in the Italian Renaissance style the Dillon House is a rare survivor of an elite pre-World War I residential neighborhood. Its overall form and many of its **character-defining features are still clearly evident today**.
- A passionate man famous for his hospitality, Hiram Price Dillon’s robust spirit is evident throughout the house— from the lions at the entry stairs and the Main Staircase to the strong male figures that prop up mantels and the dramatic stained glass windows at the Main Stair. His rare heart and love of playing host is evidenced by the motto “**None come too early, none stay too late**” emblazoned on the fireplace of the Reception Hall.
- The Dillon House is unique in that it was built in a grand style that was intended for entertaining. Because existing legislation allows alcohol to be served at the Dillon House, a sensitive rehabilitation could make it a welcoming and **sought-after space for legislative and private events**.

Attachment 9
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Dillon House
404 SW 9th St
Topeka, KS



- Renovations are needed and the property represents a unique opportunity to turn an under-used cultural landmark into a **self-supporting building** that serves both the State Legislature and the public interest.
- It is the recommendation of this report that the Dillon House be used both as a **home for the Kansas Art Commission** and as a space for meetings and events. Under this scenario, the **Legislature would retain control of the building** and continue to utilize the meeting space, yet it would also gain a full-time tenant and steward while producing potential revenue by **offering use of space to the public**.
- The Kansas Arts Commission has not only the capacity to manage use of the space as a full-time tenant, but also is capable of serving as an ambassador for the State and the Dillon House. The Kansas Arts Commission also has the capability to **raise private funds** to assist with repair, renovation, and operation of the historic property.

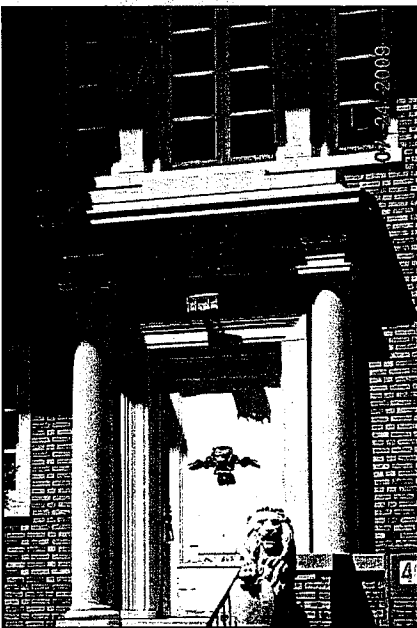


Present Condition

Nearly 100 years after it was built, the Dillon House is remarkable for the quality of the original ornament that remains. From its stone, brick and clay tile exterior to the beautiful stained glass, wood work, fireplaces and grand staircase inside, much of the character that dazzled its visitors in the early 1900s remains intact. Inside and out, the building is worn, but it is quite repairable. Given the fact that the home has not had significant renovations in the past 50 years, its mechanical, electrical and building systems are at the end of their serviceable life and must be replaced with more modern and efficient ones.

EXTERIOR

The Dillon House's exterior is typical of the Italian Renaissance style, featuring yellow brick and limestone sculptural ornamentation, a red clay tile roof, and a symmetrical design with a central entry. It's comprised of a central structure with projecting East and West Wings, and dormers on the North and South sides. The front door, located in the central part of the house, features the style's classical columns and entablature. A pair of stone lions, believed to be from Dillon's family home in New Jersey, marks the entry steps, echoed by a bronze lion doorknocker and additional lion motifs inside the house.



The East Wing, which faces the Statehouse, has a newer enclosed addition where the original two-story porch and pergola once stood. On the North side, a handicapped ramp and two secondary entrances lead into the house. The North side of the home also features a porte cochere (carriage porch) supported by ornamental metal brackets and chains, and a two-story enclosed brick porch that runs from the house to the retaining wall on the West side of the home. Visible deterioration is affecting the roof, windows, landscape and select areas of brick near the downspouts and porch.



*My library
was dukedom
large enough
-Shakespeare*

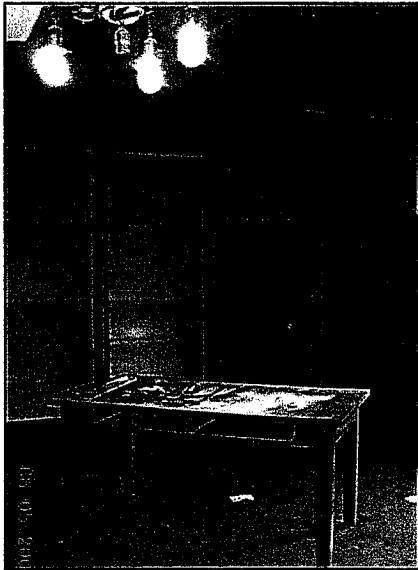
INTERIOR

The Dillon House is large, even by today's standards. Its grand rooms and formal layout, while altered, reflect the original scale and beauty of a stately mansion. The central space of the First Floor is the impressive Reception Hall. It is distinguished by hardwood floors, wood paneling, chandelier and a marble and cast stone fireplace adorned with figurines, cupids and garland, and the motto "None come too early, none stay too late" echoing the hospitality for which the Dillon family was known.

A formal Library retains its built-in book shelves, stained wood wainscot and a green-tiled fireplace, inscribed with a line from Shakespeare: "My library was dukedom large enough." This room also includes intricate stained glass windows featuring publisher's marks from major printing houses and portraits of renowned authors. Leaded glass windows with stained glass panels also grace the split landing of the Main Stair; these depict scenes from Lord Tennyson's "The Idylls of the King." Initial study suggests that these stained glass windows may be significant antiques of English origin. The former Music and Dining Rooms, once separated by a hallway and elevator, are now one large space. The East Annex, a masonry vault and the West Service Hall, a storage space with restroom, are also on the main floor.

One floor up, the home's East and West Wings each encompass two bedrooms off of a central hall. Original wood work is mostly painted over, floors are covered with both vinyl tile and carpet, and lighting fixtures date from the 1940s and 1970s. Fireplaces are faced with tile and either stained or painted wood. Windows in the East Wing rooms have been filled in, and doors that once led to the second-story pergola lead into the East Annex. The West Annex includes a secondary stair, hall and a fifth bedroom.

The Third Floor, accessible through the West Annex, retains its original configuration but has lost character with the removal of the elevator and skylights that once graced Hiram's private Library and the



Hall. Hiram's Library is the largest space here. Three bedrooms with dormers line the North side of the West and Central Wings. Third floor rooms mainly feature wood flooring, stained wood work, original lighting fixtures and painted flat plaster walls and ceilings. Also on this floor are the Linen Room, and the East and West Attics. The attics have exposed roof framing; one contains windows, doors and other items salvaged from the house.

Once described as a daylight level with good ventilation, the Ground Floor has neither today. Connections to the outside include a door from the Northeast Ground Floor room and the unusable exit under the West Porch. On either side of the central Boiler Room are the Northeast and Southeast rooms. Three other rooms open off of this area: a storage room, restroom and small kitchenette. The West Service Hall leads into the West Stair, the Ground Floor level of the Vault, and the West exit. Water leaks are evident in several areas.

For detailed descriptions of the building's physical attributes and condition, please refer to Chapters 2.3 and 2.5 of the full report.

STRUCTURAL ASSESSMENT

Structurally, the Second Floor framing needs reinforcement, but the work to accomplish this is feasible. Floors in the Dillon House were designed to handle a typical structural load for residences. Yet since 1941, it has accommodated nonresidential uses that demand a higher structural loading. The floor has not been reinforced and has been further stressed by two new layers of flooring material.



The American Home Life Insurance Company will move into the remodeled Dillon house.

The structural investigation conducted for this report focused only on these visible signs of distress. Further investigation is required as part of a rehabilitation project. On the First Floor, beams installed at the mid-span appear to have stiffened the floors, while parts of the Third Floor show signs of stress. A visual inspection of the roof framing found no obvious signs of distress.

9-5



ENVIRONMENTAL ASSESSMENT

The primary hazardous materials to consider in rehabilitation of the Dillon House are asbestos tile and insulation, items that are relatively routine to remove. Asbestos insulation and tile must be removed prior to renovation or demolition activities that would disturb the materials. Removal must be conducted by a State of Kansas-licensed asbestos abatement contractor in accordance with OSHA Asbestos standards for construction and recorded by the Kansas Department of Health and Environment.

As is typical for homes of this age, lead-based paint has also been widely used on wood work, windows, ceilings and fireplaces. In addition, water intrusion and elevated airborne mold spores on the Ground Floor suggest mold growth. Airborne fungal spore samples collected on the First, Second and Third Floors were all lower than the outdoor air sample, which appeared within normal range, and were significantly lower than that of the Ground Floor. The environmental assessment in this report was limited, and did not include investigation of hidden areas that would require demolition to assess.

BUILDING CODE / ADA ASSESSMENT

A renovation of the Dillon House for the recommended use will require the addition of comprehensive fire detection and suppression systems, which do not currently exist. These can be included with the installation of upgraded building mechanical systems. In addition, minor site work, the addition of an elevator that serves all floors and accessible restrooms would bring the house up to the standards of the Americans with Disabilities Act (ADA).

The rooms in the Dillon House are large enough to provide adequate turning and clear floor spaces for wheelchair maneuverability. Floor surfaces are generally level on each floor, with the exception of the threshold at the front door and vestibule doors. A ramp currently exists, although it does not comply with current standards and there is not a handicapped parking spot nearby.



In terms of building codes, the most restrictive use would be an Assembly classification. The building is three stories, and while the height falls under prescribed limitations, the number of stories does not. If all stories are used, new safety features will be required to allow an increase in the number of stories. The inclusion of an automatic fire sprinkler would allow for this increase. The building is approximately 18,000 square feet, which falls under the area limitations for the proposed uses even though area increases are possible because the building has open space on three sides. While the Dillon House already has two separate stairs serving the basement, 1st floor, and second floor, additional means of exiting should be explored.

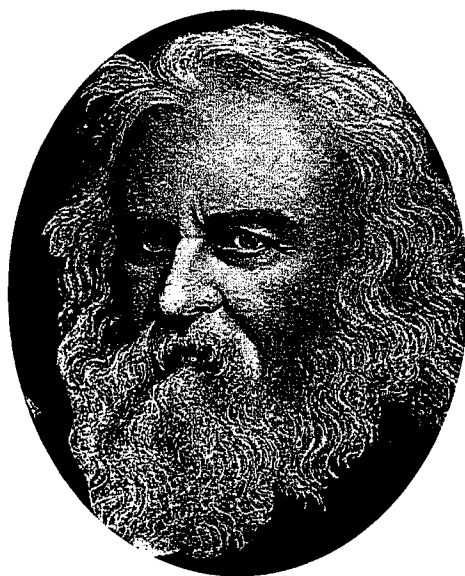
Recommendations

USE AND OCCUPATION

The most compatible and highest use of the Dillon House would be to renovate it for office, meeting and reception spaces that fit the existing room sizes and layout. Rooms on the First and Second Floors have already functioned well as classroom or meeting room spaces, and have potential as open offices. The Third Floor is suited to residential space.

The ideal tenant would be a small state agency that does not fully occupy the historic building. The agency should have strong public ties, encourage Legislature, public and government use of these flexible meeting spaces, and promote interaction between elected officials and their constituency. There are select agencies that could fill these requirements. Yet, in looking at the history and interests of Hiram and Susie Dillon and their design and use of the home, one stands apart. The Kansas Arts Commission plays an important role in promoting cultural resources and is an ambassador for the State of Kansas through the arts. In honor of the Dillons' hope that Topeka be a thriving, cultured city on the plains it would be appropriate for the Dillon House to become the Kansas Arts Commission's new home.

Hiram Dillon was such a lover of literature that he built not one, but two libraries in his home. Literary references abound—from Shakespeare on the fireplace to printer's marks and author's portraits rendered in stained glass to the scenes from one of Tennyson's master works in the Main Staircase landing. Sculpture adorns the entry of the home, from the lions that greet visitors to the impressive door knocker and the atlases above the door. Artistry exists throughout the house, from carved wood newel posts to lion chimeras in the window seat to the Reception Hall fireplace. Susie Dillon's love of music was also



well noted. She held concerts and recitals in her Music Room, outfitted with a gilt grand piano. That piano, which for a time entertained people at Topeka's Municipal Auditorium, has found its way home to the Dillon House.

*None come
too early,
none stay
too late*

-Dillon's motto



The Kansas Arts Commission could manage and use the First Floor for meetings, events and exhibits. The Legislative, Executive and Judicial branches of the State of Kansas would also be able to use these spaces for meetings or receptions. The public could be offered rental of these spaces when not reserved for State functions. The majority of the offices and program spaces for the Arts Commission itself could be on the Second Floor. The Ground Floor could house restrooms, a classroom, additional exhibit/meeting or office space as well as storage and mechanical rooms. And the Third Floor might provide studio and residential space for an artist-in-residence program or temporary housing for dignitaries visiting the State of Kansas. With the Arts Commission as tenant, it would restore life to the Dillon's' motto "None come too early, none stay too late." The floor plans (see following pages) illustrate how the Kansas Arts Commission might potentially use this space.

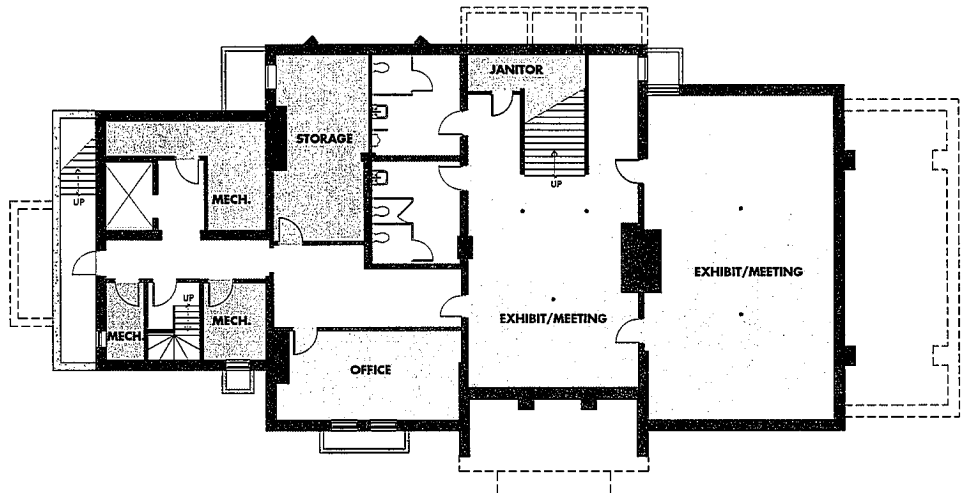


Proposed Floor Plans

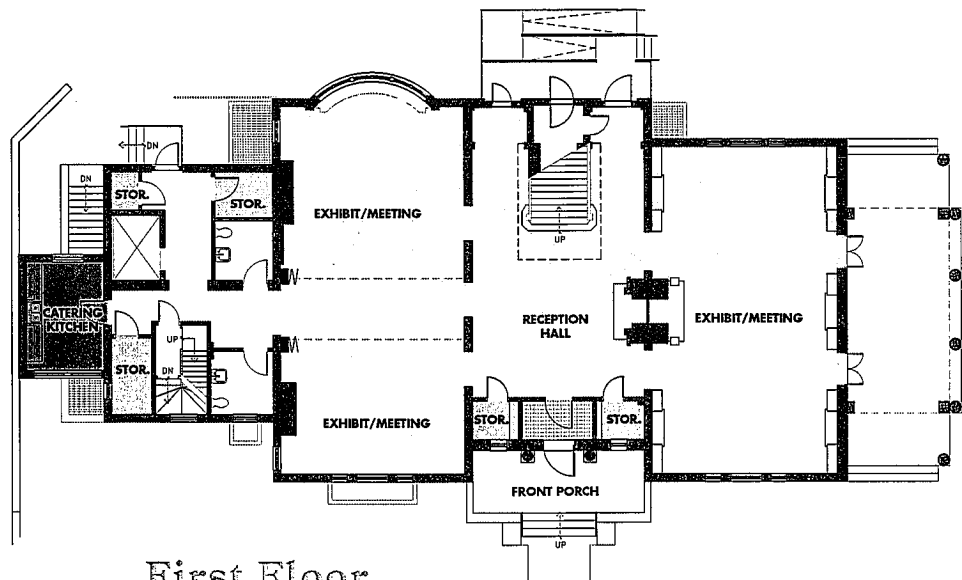
LEGEND



-  Office
-  Exhibit/Meeting
-  Residence
-  Kitchen/Breakroom
-  Mechanical/Storage/Support
-  Circulation/Restrooms



Basement



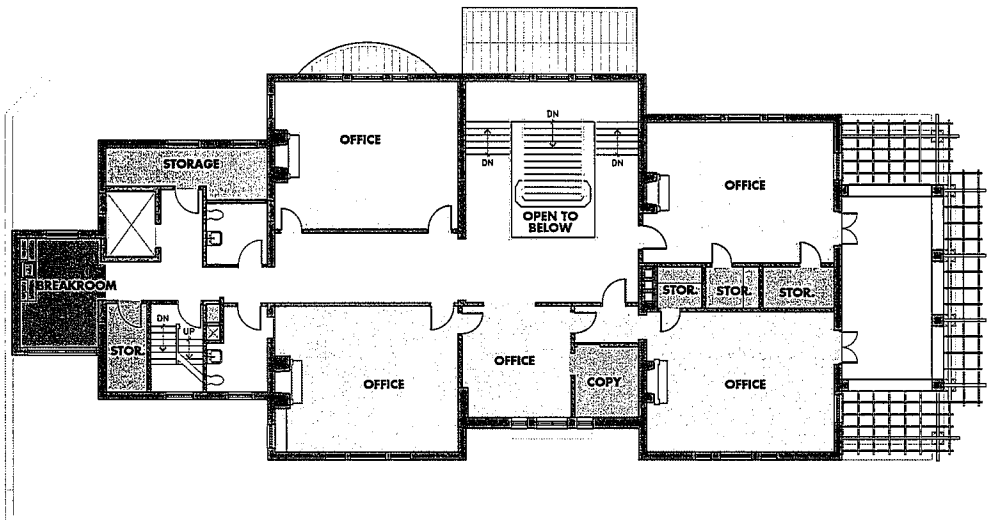
First Floor

Proposed Floor Plans

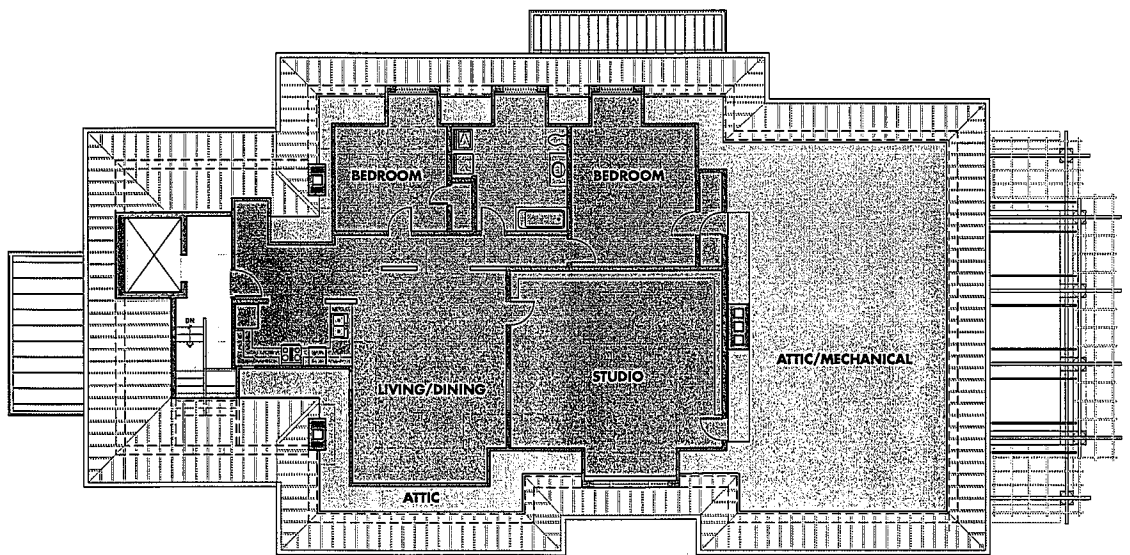
LEGEND




-  Office
-  Exhibit/Meeting
-  Residence
-  Kitchen/Breakroom
-  Mechanical/Storage/Support
-  Circulation/Restrooms



Second Floor



Third Floor

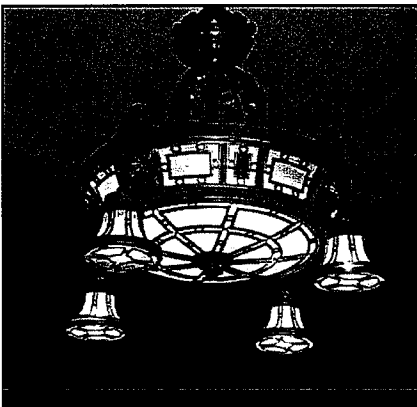
9-11 

HISTORIC PRESERVATION OBJECTIVES

In addressing repairs and code issues of the proposed (and current) uses, it is important to maintain and restore the historic fabric of the building and site as much as possible. The element that would truly set the Dillon House apart and restore its historic integrity would be to remove the East Addition and reconstruct the now-missing East Pergola. Other areas to be strongly considered as part of a rehabilitation project include:

Exterior

- Historically accurate repairs to the masonry, windows and roof
- Preservation and repair North and South Porches and porte cochere
- Replacing inappropriate repairs to bay windows
- Restoring green space to serve as a buffer between the parking area and the building



Interior

- Renewing historic plaster, paint, wood finishes and other decorative elements
- Conserving the stained glass windows in the Library and Main Stair/ Reception Hall
- Restoring the Dining Room bay window to its historic appearance.
- Restoring flooring and existing original lighting, and adding replica lighting
- Preserving and repairing the home's fireplaces
- Restoring the Library's green leather wall covering and missing French doors
- Restoring a division between the Music and Dining Rooms
- Replacing missing skylights on the Third Floor
- Restoring finishes, bookcases and lighting in the third floor Library.



WORK RECOMMENDATIONS

This report contains three classes of work recommendations. The first entails further studies to provide information needed to complete a renovation design. The second describes stabilization and maintenance work that should be undertaken as soon as possible to limit further deterioration. And the last includes recommendations for the work that should ultimately be included in a rehabilitation project.

9-12

SUPPLEMENTAL STUDIES

These recommendations could be done in incremental steps, supplemental to this report, or they could be included in the scope of work for designers.

Researching Historic Plans

The only historical plans located during the timeframe of this report were copies dated from the 1980s, borrowed from Topeka structural engineers Finney and Turnipseed. Original plans could answer structural questions and be helpful in reconstructing missing features.

Stained Glass Report

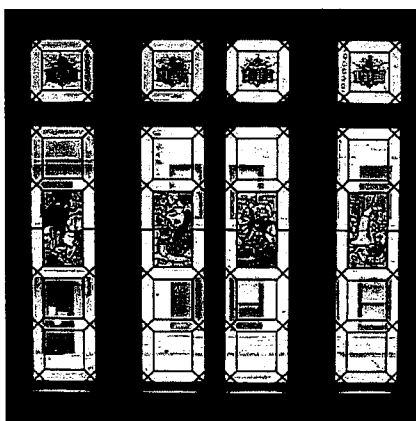
Initial research suggests that the stained glass window panels in the house may have been among the European antique treasures that the Dillons collected. These windows are likely of English origin and could predate the house by as much as 60 years. More research is needed to identify the maker, document window leading structure, determine the make-up of the framing, analyze their condition and develop appropriate conservation measures.

Structural Studies

Preliminary structural investigation provided a basic analysis of the Second Floor framing, the most obvious area of distress. As part of design efforts, this floor should be further investigated, along with framing of the First and Third Floors and roof, and the condition of the retaining wall on the building's West side.

Short-Term Stabilization

Several areas of critical maintenance should be undertaken immediately. This will stabilize the condition of the house and ready it for a full renovation so that it may be used to the fullest extent possible. Division of Facilities Management personnel began to address stabilization in August 2009, including repairing a leaking HVAC unit, cleaning gutters and downspouts, clearing window wells, replacing missing screens, and inspecting drains and sub-grade piping.





Exterior

- Maintain clear downspouts, conductor heads, leaders and gutters; install screens and strainers
- Repair any identified pipe breaks or blockages, or provide above-grade piping to divert water from the foundation
- Prep, re-seal and paint exterior windows, including steel lintels
- Inspect areas near conductor heads and downspout joints for missing mortar and loose brick; point or re-point to prevent further loss of brick
- Collect loose brick and wrought iron railing pieces and securely store for future use

Interior

- Remove carpet, drywall, wood, fiber ceilings and plaster from Ground Floor to eliminate food sources for mold
- Treat mold above the drop ceiling in the Music Room

REHABILITATION

To bring the Dillon House up to date and provide basic functionality and appropriate historic treatments, several main areas of work are needed. These include replacing mechanical systems, reconstructing the historic East Porch and Pergola, reconfiguring the Ground Floor and repairing/restoring the First, Second and Third Floors to ready them for new program uses and address the preservation objectives listed above.

For ADA compliance it will be necessary to provide elevator access from the Ground through the Third Floors, provide accessible restrooms, and create an accessible route that includes a ramp into the building from the parking lot.

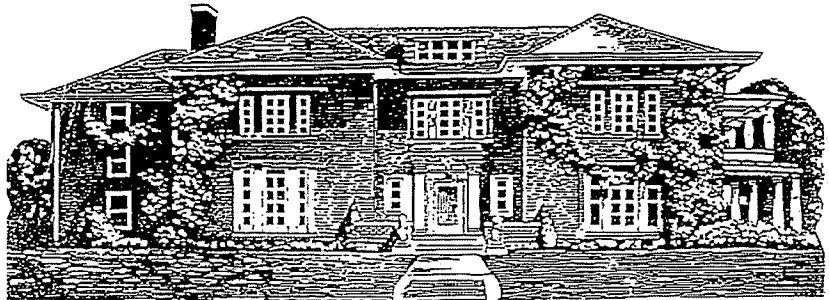
A full mechanical systems upgrade would include a new, zoned HVAC system with dehumidification for Ground Floor; new lighting and wiring; power, data and telephone systems; and new plumbing, piping and fixtures. Required life safety systems include an automatic fire sprinkler system, a smoke/fire detection and notification system and emergency lighting on all floors.

9-14

Structural work is needed to reinforce Second Floor framing, as well as the Main Stair between First and Second Floors and the North Stair between Ground Floor and First Floors. Other repairs and reinforcement may be determined by a full structural analysis during design.



If this work cannot be undertaken at once, it is easily segmented into two efforts. Exterior work, important for protecting the long-term integrity of the house structure, could be conducted in a Phase I, followed by interior work in Phase II. Site work could be done as part of either phase, as funds allow. Elevator shaft installation would preferably be grouped with the exterior work, but could be undertaken as part of the interior rehabilitation if needed. A detailed list of work recommendations appears in Chapter 3.5 of the full report.



COST

Routine maintenance and replacement of equipment is only one portion of the Dillon House funding. Funding will also be required to renovate the building. The Kansas Arts Commission is familiar with and has the capacity to raise private funds and become a partner with the State in sharing these costs. Establishing an organization similar to the "Friends of Cedar Crest," which raises money to maintain and improve the Governor's mansion, would not be necessary to move this project forward, even though existing legislation does permit a similar group to be set up for the Dillon House.

With any rehabilitation project, cost estimates must be based on specific plans for the project. Design decisions, large and small, can affect the final cost of construction as well as ongoing maintenance



expenses. For example, installing a geothermal heating and cooling system would cost more upfront yet also decrease the long-term costs of operating the building. Construction and materials costs are also dependent on economic fluctuations. The weaker economy has recently dropped construction costs, making it an advantageous time to move building projects forward.

The cost estimate for rehabilitation of the Dillon House is based on the general recommendations contained in this report and the potential layout shown for the Arts Commission as the tenant. The estimated costs assume a relatively high degree of quality, both in workmanship and in most of the materials. This was done to provide an idea of what a major rehabilitation and restoration project for the Dillon House might realistically cost. In addition to this, the estimate includes a substantial “design contingency” because of the early nature of the estimate. Therefore, depending on the quality of the materials and finishes selected, the costs could realistically range between \$3.1 million to \$3.9 million. For details of the estimate please refer to Chapter 3.2 of the full report.

*But there the fine
Gawain will wonder me*

*And there the great
Sir Lancelot muse me
-Tennyson*



Conclusions

The Dillon House was built by Hiram Price Dillon as a symbol of hospitality and culture, and prominently situated in the capital of a state that he believed to hold great vision and a positive spirit. Occupancy and management of the house by the Kansas Arts Commission would carry on the Dillons' intent to be welcoming to all and to showcase arts and culture within the capital city. It reflects the very promise that brought H.P. Dillon to Topeka.

With the Kansas Arts Commission headquartered here, the Dillon House would have year-round occupancy by an agency that is capable of managing meetings and events, whether legislative, governmental, public or private. As one of the few State buildings with an exemption for alcohol service, a restored Dillon House could become an attractive rental space for meetings, cultural events and weddings, bringing in revenue to support the facility's care and maintenance.

On a practical level, this recommendation makes prudent use of an asset— an historical gem— that is already built, by an agency that can be a partner in raising funds for its renovation and maintenance. Without intervention, this treasure will only continue to deteriorate. Economically, the competitive climate of the national downturn offers a window of opportunity to provide taxpayers with a rehabilitated, well-used, well-functioning building for a lower price tag than might have previously been possible.

In conclusion, renovation of the Dillon House into a home for the Kansas Arts Commission and a governmental and public meeting and event space could transform what has been a little-used liability into a well-used, well-loved and eventually self-supporting cultural gem serving the whole of Kansas.



Konrath

December 16, 2009

Chairman Pottorff
Chair, Joint Com.State Buildings
300 SW 10th Avenue
Topeka, KS 66612

RE: Agency Construction Management Professional Services

Dear Chairman Pottorff,

Thank you for inviting us to testify before the Committee. Hopefully we were able to illustrate a case for the State to pursue Agency Construction Management oversight for the State's future construction projects.

An Agency Construction Management (ACM) approach will allow the State of Kansas to be in charge but still have a trusted expert in the field on hand for professional advice and guidance. As your advocate, an ACM offers their advice without bias or any of the conflict of interest born from serving two masters. They gain nothing from seeing the price go up through change orders, in fact, just the opposite since their reward is a good recommendation for future work.

You asked us how this could benefit Kansas and we believe a system based on the Agency Construction Management model would best assist you in saving money. An independent ACM would give the Kansas Legislature more continuity from year to year in the building program.

For example, relative to the long term renovations and upgrades the Board of Regents' is handling at the various Kansas universities, a couple of suggestions come to mind in reviewing the overall program in total:

- A single ACM could determine if the funds allocated for each renovation were being specifically implemented by the universities as originally outlined the Legislature.
- An ACM could look for opportunities to bulk purchase equipment and materials to generate savings from quantity purchases and vendor discounts.
- An ACM could manage an overall Owner Controlled Insurance Program (OCIP) wrapping all the Board of Regents' projects into one construction insurance policy, again taking advantage of bulk purchase savings of insurance, rather than buying this coverage through each different contractor at a much smaller policy size.

By providing an overview for any or all of the State's construction projects, a qualified ACM could assist with items such as; consolidation of space within a facility or within multiple buildings, planning relocation of staff, prioritization of needs, analysis of various construction methods and materials, building systems analysis or comparison for greatest efficiency, to name just a few.

For example, discussions on the future of the Docking Building might be much easier for the Legislature using an unbiased, professionally prepared analysis detailing the many options available and the corresponding costs associated. An ACM's analysis would offer options that include more than just an engineer's analysis of the building, but would also consider the relocation of staff, the issues related to the specific site, current labor and materials availability and cost, and most importantly, the best use of the funding available to do the job.

Whether reviewing a series of State projects or individual projects, we believe ACM would benefit the State of Kansas and provide greater accountability and stability to the governing body.

We have attached some additional information about our firm for your reference. We would be very interested in working with the State to evaluate your current situation and find the most appropriate solutions to your current and future construction projects. As we mentioned, to provide the best value to our clients, we are normally reimbursed for our services by the hour, frequently providing services on a per task, not-to-exceed cost basis.

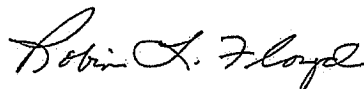
We have attached base menu of services which we typically use as a starting point to develop project or owner-specific services.

Should you have other questions, please contact us. Again, please let us know if we can help you in any way.

Sincerely,
Konrath



Tom Beckenbaugh



Robin Floyd

attachment

10-2

1) Design and Construction Management Exp. – Description of Services Provided

Konrath provides management of design and construction teams on projects where those services are requested. Herein is a list of the services and approach to providing those services as each phase of a project:

1) Conceptual Phase

- Initiate Partnering Session to promote team environment, creation of common project goals and objectives, and factors to eliminate adversarial relationships.
- Partner with Designer and Owner through a series of workshops or design charrettes to execute the “discovery” period, learning from the Owner the needs and desires to establish the program.
- Develop preliminary cost model based on understanding of the program – goal to work with the Owner and Designer to confirm the program and concept based on the dollars available. Using building system cost information from similar facilities, develop a cost model.
- Manage project team through all phases of design, ensuring adherence to budget, schedule and quality guidelines established during conceptual phase.
- Develop format and prepare monthly report to advise project team of monthly status of budget, schedule, construction progress, critical issues, etc.
- Begin development of master program schedule.

2) Schematic Design (SD) Phase

- Provide estimated cash flow based on conceptual designs, schedule, cost estimates and work in place projections.
- Prepare Schematic Design estimate including a detailed set of assumptions that insures estimate is consistent with design intent and presented in such a way that a line item-by-line analysis of cost and scope can be made to compare to the Conceptual Design estimate.
- During site evaluations, review and estimate any implications revealed in assessments of environmental conditions, geotechnical, archeological, infrastructure, and utility relocations.
- Provide gross area analysis of the design and reconcile it with the program. Identify missing program area and design areas, which exceed the program.
- Identify major cost items which are unusually high or low and make recommendations for more detailed studies.
- Analyze value engineering options to allow Owner to balance quality and scope with the costs.
- Provide detailed takeoffs and pricing of each building system component including developmental information as required for a complete and functional facility. Use our internal databank of cost information from previous similar projects, RS. Means Cost Works, and other industry publications adjusted to current local market to estimate drawings.

10-3

- Review unit pricing of major components with local subcontractors to allow for reliable adjustments to local conditions and project specifics. Estimate is organized to follow building systems classifications:

| | | | |
|----------------|--------------------|-------------------------|-----------|
| Site Work | Foundations | Furnishings & Equipment | Enclosure |
| Superstructure | Electrical Systems | Mechanical Systems | |
| Roofing | Interior finishes | Conveying Systems | |

- Update and maintain master development schedule incorporating all activities of Owner, tenants/users, the Designers, Contractors and affected agencies. Establish procedures to monitor and control project schedule. Within this schedule, include design, approval, procurement and construction phasing timelines.
- Review documents in order to: eliminate details which do not meet performance or quality requirements; eliminate ambiguity and confusion in the documents; improve overall constructability; create overall logistics for coordination of the disciplines to allow logical sequencing of the work; establish the availability of materials; meet operational and maintenance requirements.
- Develop document tracking and control systems or recommend utilization of project management software that will track items such as; shop drawings, samples, approvals, Requests for Information, changes to the work, etc.

3) Design Development (DD) Phase

- Provide detailed takeoffs and pricing of the Design Development documents, working with Designers to review and value engineer.
- Develop cost variance analysis to identify changes in the drawings and estimate from design phase to design phase.
- Make recommendations on the most cost effective alternative that will perform to the Owner's satisfaction.
- Update estimated cash flow based on current level of design, schedule, cost estimates and work in place projections.
- Provide management review of the Design Phase, including: general compliance of the design with program and budget; design schedule adherence; budget adherence; monitor and report on quality; conduct and document regularly scheduled Design Review and Owner, Architect, Construction Manager meetings.
- Establish with Owner project specific procedures for the processing of the Designer's and Contractor's periodic payment requests. Review those Contractor Payment Requests with the Designer and make recommendations for payment to Owner.

4) Construction Document (CD) Phase

- Provide final detailed estimate based on CD's and establish a bid estimate based on this estimate.

5) Procurement Phase

- Write detailed scopes of work for inclusion in the bid documents and used to ensure full coverage of scope addressed within bids.
- Conduct community outreach meetings when local, minority or disadvantaged small business inclusion is required. Meet with these Contractors to answer questions or otherwise encourage their participation in the bidding process.
- Recruit and evaluate qualified bidders based on financials, capacity, experience, safety, and workload. Place advertisements in local publications to stimulate bid interest and satisfy bidding requirements.
- Assist the Designer and Owner in selecting testing agency. Assist Designer with permitting.
- Provide a complete review and evaluation of the Contractor's proposals, including: consistency with design documents; completeness of scope; adequacy of allowances; and impact of exclusions and assumptions.
- Make recommendation on best and lowest bid. Assist Owner with review of contractor agreements. Verify estimate and establish contingency budgets as appropriate.

6) Construction Phase

- Initiate, prepare, receive, coordinate, file, process, distribute, monitor and review project documents. These documents include correspondence, meeting minutes, submittals, change orders, design clarifications, pay requests, schedules, estimates, logs and reports.
- Provide onsite observation, monitoring and reporting on the following:
 - Coordination of inspections by consultants and design professionals as required for the accurate and correct installation of the work.
 - Report on the compliance of the work with the contract documents
- With Contractor, merge master program schedule with construction schedule. Monitor for schedule adherence. Monitor monthly construction progress in relation to construction schedule. Lead efforts to maintain and improve construction progress.
- Create a final project budget. Monitor and report on budget status. Report monthly on actual costs versus project budget relative to activities in progress, providing estimates for uncompleted tasks. Identify variance between actual and budgeted or estimated costs and advise Owner and Designers whenever costs projections exceed budget.
- Review and evaluate all changes to work with regard to cost and schedule impact. Provide recommendations to Owner on all changes to the work.
- Conduct and document Progress Meetings. Attend weekly coordination meetings.
- Monitor and advise on safety.
- Advise Owner and Designer on potential delays or claims. Develop plan for recovery and disposal of claim.
- Manage the RFI process. Consult with the Designers if Contractor or any of their subcontractors request interpretations of the meaning and intent of the Drawings and Specifications. Track to ensure prompt response from Designers.
- Review and evaluate field problems with the Designers. Advise Owner of recommended resolutions.

7) Post Construction Phase

- Ensure completion of punch list resolution and contract close-out.
- Coordinate move-in activities and staff training on system operations.
- Ensure completion of commissioning, start-up and operation interfaces.
- Coordinate Owner-required issues (e.g. building keying, signage, programming, security requirements, etc.)
- Coordination of completion and distribution of documents required prior to opening, such as building operations manuals, complete record documents, emergency evacuation plan, etc.

**Joint Committee on State Building Construction
Report****Background**

The Joint Committee was established during the 1978 Session. The bill creating the Joint Committee (1978 HB 2722) was recommended by the Special Committee on Ways and Means – B as a result of its interim study of state building construction procedures.

The Joint Committee was expanded from six members to ten members by 1999 HB 2065. It is comprised of five members of the Senate and five members of the House of Representatives. Two members each are appointed by the Senate President, the Senate Minority Leader, the Speaker of the House of Representatives, and the House Minority Leader. The Chairperson of the Senate Committee on Ways and Means and the Chairperson of the House Committee on Appropriations serve on the Joint Committee, or in lieu of a Chairperson serving, a member of such committee is to be appointed by that Chairperson to serve (KSA 46-1701).

Terms of office are until the first day of the regular legislative session in odd-numbered years. A quorum of the Joint Committee is six members. The Chairperson and Vice-Chairperson are elected by the members of the Joint Committee at the beginning of each regular session of the Legislature and serve until the first day of the next regular session. In odd-numbered years, the Chairperson is to be a Representative and the Vice-Chairperson is to be a Senator. In even-numbered years, the Chairperson is to be a Senator and the Vice-Chairperson is to be a Representative (KSA 46-1701).

The Joint Committee may meet at any location in Kansas on call of the Chairperson and is authorized to introduce legislation. Members receive the normal *per diem* compensation and expense reimbursements for attending meetings during periods when the Legislature is not in session (KSA 46-1701).

The primary responsibilities of the Joint Committee are set forth in KSA 46-1702. The Joint Committee is to review and make recommendations on all agency capital improvement budget estimates and five-year capital improvement plans, including all project program statements presented in support of appropriation requests, and to continually review and monitor the progress and results of all state capital construction projects. The Joint Committee also studies reports on capital improvement budget estimates that are submitted by the State Building Advisory Commission. The Joint Committee makes annual reports to the Legislature through the Legislative Coordinating Council and such other special reports to committees of the House of Representatives and the Senate as appropriate (KSA 46-1702).

Each state agency budget estimate for a capital improvement project is submitted to the Joint Committee by July 1, in addition to the Division of the Budget and the State Building Advisory Commission. Each estimate includes a written program statement describing the project in detail (KSA 75-3717b).

The budget estimate requirement does not apply to federally-funded projects of the Adjutant General or to projects for buildings or facilities of the Kansas Correctional Industries of the Department of Corrections that are funded from the Correctional Industries Fund. In those cases, the Adjutant General reports to the Joint Committee each January regarding the federally-funded projects, and the Director of Kansas Correctional Industries advises and

consults with the Joint Committee prior to commencing such projects for the Kansas Correctional Industries (KSA 75-3717b and 75-5282).

The Secretary of Administration issues monthly progress reports on capital improvement projects, including all actions relating to change orders or changes in plans. The Secretary of Administration is required to first advise and consult with the Joint Committee on each change order or change in plans for a project having an increase in project cost of \$125,000 or more prior to approving the change order or change in plans (KSA 75-1264). This threshold amount was increased from \$25,000 to \$75,000 in 2000 HB 2017, and finally to \$125,000 in 2008 HB 2744. Similar requirements were prescribed in 2002 for projects undertaken by the State Board of Regents for research and development facilities for state educational facilities (KSA 76-786) and in 2004 for projects undertaken by the Kansas Bioscience Authority (KSA 74-99b16).

2000 HB 2017 also detailed the alternative procedure in cases when the Joint Committee will not be meeting within ten business days and the Secretary of Administration determines that it is in the best interest of the state for a change order or change in plans having an increase in project costs of \$75,000 (now \$125,000) or more to be approved prior to being presented to the Joint Committee. In each case, a summary description of the proposed change order or change in plans is mailed to each member of the Joint Committee who may request a presentation and review of the proposal at a meeting of the Joint Committee. If, within seven business days of the date the notice was mailed, two or more members notify the Director of Legislative Research of a request to have a meeting on the matter, the Director will notify the Chairperson of the Joint Committee who will call a meeting as soon as possible. The Secretary of Administration is not to approve the proposed action prior to a presentation of the matter at a meeting of the Joint Committee. If the proposed matter is not requested to be heard by two or more members, then the Secretary of Administration is deemed to have advised and consulted with the Joint Committee and may approve the proposed change order, change in plans, or change in proposed use.

In the comprehensive energy bill, 2009 Senate Substitute for HB 2369, the state is required to establish energy efficiency performance standards for state-owned and leased real property and for the construction of state buildings. State agencies are required to conduct an energy audit at least every five years on all state-owned property, and the Secretary of Administration is prohibited from approving, renewing, or extending any building lease unless the lessor has submitted an energy audit for the building. Each year, the Secretary of Administration shall submit a report to the Joint Committee that identifies properties where an excessive amount of energy is being used.

Committee Activities

In addition to its statutory duties, the Joint Committee met in Hutchinson and Wichita on September 16-17, 2009 and toured a variety of state facilities. On the first day, the Joint Committee toured the Hutchinson Correctional Facility and learned about utilizing inmate labor on state projects and in private industry. The Joint Committee next visited Hutchinson Community College for a presentation on its five-year capital improvements budget and a tour of deferred maintenance projects. In addition, the Committee visited the Hutchinson Law Enforcement Training Center for a tour of the facility, and a review of the programs provided at the Center.

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On the second day of, the Committee toured Wichita State University's deferred maintenance projects and received an update on the activities of the National Institute for Aviation Research (NIAR). In addition, the Committee toured the National Institute for Aviation Research (NCAT) Jabarra Campus and received a briefing on the progress of the facility and the use of state funds for the program since FY 2009. The NCAT received \$2.3 million in FY 2009 and \$2.5 million in FY 2010 from the State Economic Development Initiatives Fund.

Kansas State Fair

The Joint Committee then visited the Kansas State Fair for a review of the five-year capital improvements plan and a tour of the State Fair during its September meeting. The agency discussed the 1989 signed agreement between the State and the State Fair whereby the State would match up to \$300,000 of whatever the amount the State Fair contributes to its capital improvements fund. There were four years in which the State did not provide matching funds, and left the State Fair with a \$1.043 million deficit. The Legislature dealt with the deficit by authorizing \$29.0 million in bonds, but the State Fair must now deal with bond payments. If the State Fair cannot make the yearly bond payments of \$700,000, the State must make payments as the guarantor. The Joint Committee is concerned with the bond payments and also recommends the Legislature explore options to alleviate the State Fair's debt, starting with fulfilling its agreement to provide matching capital improvement funds.

The President of the Kansas State Fair Board expressed concern about the electricity costs for the State Fair. The State Fair has had an agreement with Westar that included an interruptible service rider (ISR) and a capacity credit agreement. The ISR means that Westar has the option to call the agency on short notice to reduce the electrical load for the day. By agreeing to these terms, the State Fair received a more favorable utility rate. Westar has notified the agency that after April 2009, the State Fair will no longer be eligible for the capacity credit agreement that has provided the most significant savings. Because the Kansas State Fair's peak load is confined to one or two months of the year, electricity costs are prohibitive and create an anomaly in Westar's policy. Because of costs, the State Fair has investigated ways to reduce its energy usage so that it would not have to pay as much to Westar. The State Fair has used two 1,500 kilowatt generators to lower peak demand but electricity costs remain high due to Westar's peak load policy. The Joint Committee discussed using wind generators, diesel-powered generators, and geothermal power to reduce peak demand. However, the initial costs associated with each alternative are a deterrent.

Conclusions and Recommendations

The Joint Committee makes two recommendations for the Kansas State Fair, regarding energy usage and state matching funds. First, the Joint Committee recommends the Legislature continue discussion with Westar Energy regarding its peak load policy.

Second, the Joint Committee is concerned about the State's agreement to match capital improvement expenses and recommends the Legislature fulfill that agreement.

Troop F Headquarters

During its September meeting, the Joint Committee toured the Troop F Headquarters in Kechi, where Major Alan Stoecklein showed the crowded conditions of the headquarters and

expressed the need for a new 25,000 square foot building to accommodate the troopers and staff.

The Kansas Highway Patrol has identified the need for a new Troop F headquarters since FY 1993. The current Troop F headquarters is located in a Kansas Department of Transportation (KDOT) facility, with a garage used by the KHP on the same property. KDOT has a need for the buildings currently used for the Troop F Headquarters and the garage facility. KHP and KDOT have worked together to include the cost of constructing the Troop F facility in the KDOT capital improvement budget since FY 1993. No funding has been approved for this project.

KHP estimates 20,680 square feet will be needed to accommodate current staffing and functionality, plus a new dispatch center. Since the building will need to operate for more than thirty years, an additional 4,320 square feet was included for limited growth and space for functions for which the KHP may be responsible in the future. The cost for the new building is \$4.0 million, which is based on a building cost of \$160.00 per square foot for 25,000 square feet, with all costs projected at \$6,928,963. KHP proposes to finance the project through bonds issued by the Kansas Development Finance Authority at a total cost of \$9,762,673 over fifteen years.

Conclusions and Recommendations

The Joint Committee recognizes the severity of the problem Troop F faces and recommends Legislative action to ensure Troop F has adequate space and facilities to operate efficiently and effectively. The Joint Committee recommends the Legislature explore options and initiate action to alleviate conditions that hamper the troop's ability to carry out its duties. In addition, the Committee suggests the KHP investigate opportunities to co-locate with other agencies in the Wichita area.

Kansas Bureau of Investigation

During the interim, the Committee reviewed the Kansas Bureau of Investigation (KBI) five-year plan and received an update on its laboratory expansion project. Currently, the Kansas Bureau of Investigation (KBI) is in the process of purchasing property adjoining its location at SW Tyler and SW 17 Street in Topeka in order to expand its laboratory space. The present phase of acquisition is on hold as funds originally designated for that purpose were redirected as part of the budget reduction process. The KBI has stated that two owners were willing to sell their properties but the KBI cannot make good-faith offers until funding becomes available. KBI estimates that \$326,000 is needed to complete land acquisition. There are four properties with houses that remain to be purchased; two of these have reasonable selling prices while the other two are far above market value. The Director of the KBI commented that co-locating with the Kansas Department of Health and Environment or Washburn University is still a possibility. The site of the former State Hospital is no longer available. The current project on the site of headquarters is expected to be adequate for at least twenty years.

The Joint Committee raised questions regarding the security, possible use of eminent domain, costs, and funding for the purchase of the remaining properties.

Conclusions and Recommendations

The Joint Committee recommends that the Legislature consider whether the optimum location for expansion is at its current location, or whether the agency should relocate to a new building at Forbes Field within the next five to seven years.

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Agency Satellite Offices

The issue arose when the Kansas Department of Aging presented a lease to the Joint Committee regarding the opening of a new location in Lawrence. Members of the Joint Committee questioned the wisdom and expense of satellite offices so close to the home offices in Topeka. In evaluating the closure of satellite offices, the Joint Committee recommends the Legislature consider travel expenses for staff and clients and the possibility of co-locating with other agencies to save money.

Conclusions and Recommendations

The Joint Committee recommends considering the closure of satellite offices when they are in proximity to home offices.

Changes to the DA 418 Reports

The DA 418B report provides project explanations for an agency's capital improvement projects. As the Committee reviewed the Regents five-year capital improvements plans, questions were raised about whether or not all of the projects complied with KSA 76-790, the statute that requires the Regents, when new construction is funded 51% or higher with private funds, to provide plans for future annual maintenance costs. Discussion followed about where the most beneficial place for reporting this information, and the DA 418 A and B were suggested.

Conclusions and Recommendations

The Committee recommends the Department of Administration's form DA 418B should include a statement to show that the Regents institutions are complying with KSA 76-790.

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