

Fayetteville State University

**MINUTES**

*Special Meeting*  
of the  
Board of Trustees

3:30PM  
Friday, May 8, 2009  
Chancellor's Conference Room  
(202 C. J. Barber Building)

The meeting of the FSU Board of Trustees was called to order at 3:44PM by the Chairperson, Ms. Gloria Moore Carter.

The following trustees were in attendance:

In person: Gloria Moore Carter, John Griffin, Jr., Roosevelt Wright, and Monica Carson (non-voting).

Via Telephone: John B. Brown, Jr., Terrence Murchison, Juanita Pilgrim, Lucy Vidal-Barreto, and Ruth Woods. Trustee Emeritus W. T. Brown also attended.

Trustees Linda Allan, Jerry Dean, Shirish Devasthali, and Sylvia Ray were absent.

Chairperson Carter read the Ethics Statement to ensure that trustees would have no conflict of interests associated with their participation in the Board discussions. There being none, the meeting continued.

In light of and in response to discussions in the special meeting of the Board on May 4, 2009, Attorney Wanda Jenkins presented additional background documentation to support the university's recommendation to approve Rentenbach Constructors, Inc. as the CM at Risk for the Science and Technology Building project and authorize the university staff to negotiate a contract with this firm.

She (Jenkins) noted that the university is ready to respond to any remaining questions of trustees as related to the university's recommendation. Trustee Brown stated that he is now satisfied with the university's response, although he expressed some concern relative to the way the university responded to inquiries from an interested party or the process used. Following Trustee Griffin's inquiry about notification to DPR.

Attorney Jenkins provided clarity about the process available to the university and the fact that no response was given to any company prior to understanding the interpretation provided by State Construction and the Attorney General's offices. Consequently, the university has only

two options: 1) to go to the second choice (which is what FSU is recommending), or to reopen the solicitation process. Due to budgetary and time constraints, the university was proposing to proceed with the second choice firm recommendation since the first choice firm was no longer eligible for consideration (as perceived by the State Construction Office through the Attorney General's office). Questions were then raised as to the rank and cost differences between the firms recommended.

Chairperson Carter shared email correspondence she received from DPR requesting the Board to consider re-opening the solicitation process so that they could be eligible for consideration. In response, Attorney Jenkins shared comments from a legal perspective on the issue of fairness of opportunities not allowed to other companies; thus, the newly-formed firm should not be allowed to present its proposal, as the same opportunity was not provided to the other firms.

Once compliance and due diligence were assured, Trustee Lucy Vidal-Barreto moved that because of the cost and time involved with soliciting and evaluating new proposals, that the Board approve Rentenbach Construction, Inc. (the university's original second choice) as the CM at Risk for the Science and Technology Building project, and authorize the university staff to negotiate a contract with this firm. The motion further stated that the Board authorize the university staff to negotiate a contract with Samet Corporation (the university's original third choice) should Rentenbach Constructors, Inc be unable to accept the project or should negotiations fail with Rentenbach Constructors, Inc, The motion was properly seconded by Trustee Brown and passed with six (6) affirmative votes (Brown, Carter, Pilgrim, Vidal-Barreto, Wright, Woods) and two (2) negative votes (Griffin and Murchison). The motion carried.

It was then moved by Trustee Wright that the Board go into closed session pursuant to NCGS 143-318.11(a)(6). The motion was properly seconded by Trustee Griffin, passed and carried.

The Board reconvened in open session. It was moved by Trustee Griffin and properly seconded by Trustee Brown to adjourn. The motion carried, and the meeting adjourned at 4:20PM.

Respectfully submitted,

Carolyn M. Smith, Recorder

Attachments