

**Board of Regents Meeting**  
**Memorial Union, Kansas Room**  
**Friday, 9/25/2015**  
**4:00 - 6:00 PM CT**

**I. Call to Order**

**II. Roll Call**

Mr. Beck  
Mr. Boles  
Mr. Feuerborn  
Mr. Hoferer  
Mr. McGivern  
Mrs. Parks  
Mr. Sneed  
Mrs. Sourk  
Mr. Wolgast

**III. FY 2016 Public Budget Hearing**

**IV. Approval of Minutes of Past Meeting(s)**

**A. Approval of the Minutes of the July 23, 2015 Meeting**

*July 23, 2015 Washburn University Board of Regents Minutes - Page 3*

**V. Officer Reports**

**A. Chair's Report**

**B. President's Report**

**C. Committee Report(s)**

**1. Budget/Finance Committee**

**2. Audit Committee**

**D. Treasurer's Report**

**1. Liquidated Claims Approval - July 2015**

*Liquidated Claims - July - Page 9*

**2. Liquidated Claims Approval - August 2015**

*Liquidated Claims - August - Page 10*

**VI. New Business**

**A. Consent Agenda**

**1. Faculty/Staff Personnel Actions**

*Faculty Staff Personnel Changes - Page 11*

**B. Action Items**

**1. Renewal of Insurance Policies**

*Insurance Renewal - Page 12*

**2. Architect Selection for Indoor Practice and Campus Operations Facility**

*Indoor Practice Facility Campus Operations - Page 13*

**3. Carpet Replacement at Mabee Library - C16012**

*Mabee Carpet - Page 14*

**4. Housing Management Software for Residential Living**

*Housing Management Software - Page 15*

**5. Replacement of HVAC Controllers in the LLC - E16031**

*M-Cell Controllers for LLC - Page 16*

**6. Contracted Services with Pinegar, Smith & Associates, Inc.**

*PinegarSmith - Page 17*

*Pinegar Smith Contract - Page 19*

**7. Music Sound Attenuation - Project #C16002**

*Garvey Sound - Page 23*

**8. University Marketing Services**

**C. Information Item(s)**

**1. Report of Purchases between \$25,001 and \$50,000**

*Purchases - Page 24*

**2. KPI Dashboards**

**WASHBURN UNIVERSITY OF TOPEKA**  
**BOARD OF REGENTS**  
**MINUTES**  
**July 23, 2015**

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**I. Call to Order**

Chairperson Sneed called the meeting to order at 4:00 p.m. in the Kansas Room of the Memorial Union on the Washburn University campus.

**II. Roll Call**

Present were: Mr. Beck, Mr. Boles\*, Mr. Hoferer, Mr. McGivern, Mrs. Parks, Mr. Sneed, Mrs. Sourk and Mr. Wolgast.

- Mr. Boles participated via telephone conference call.

**III. FY 2016 Amended General Fund Budget – Washburn University**

Vice President for Administration and Treasurer, Rick Anderson, presented the item. The General Fund Budget was amended because of an additional \$770,000 allocation for the forensic program by the Kansas Legislature. It was moved by Regent Hoferer, and seconded by Regent Parks, to approve the item. Motion passed.

**IV. FY 2016 Public Budget Hearing**

The regular business meeting recessed at 4:02 p.m.

The Public Budget Hearing opened. No one registered in advance to speak and no one in the audience requested the opportunity to speak. The Public Budget Hearing closed at 4:04 p.m. It was moved by Regent Sourk, and seconded by Regent Wolgast, to approve the public budget. Motion passed.

The regular business meeting reconvened at 4:04 p.m.

**V. Approval of Minutes of the June 11, 2015 meeting**

It was moved by Regent Parks and seconded by Regent Boles to approve the Minutes of the June 11, 2015 meeting. Motion passed.

**VI. Officer Reports**

**A. Chair's Report**

On behalf of the entire Board, Chairperson Sneed thanked Regent Sourk for her service as chair for the past year.

Chairperson Sneed said the Board meeting dates for the upcoming fiscal year will be held on: Thursday September 25, 2015, Thursday, November 12, 2015, Friday, December 4, 2015, Thursday, February 18, 2016, and Thursday, April 21, 2016. The Board's Annual Meeting will be held on Thursday, June 16, 2015 and the Public Budget Hearing meeting will be held on July 21, 2016. All meetings will begin at 4:00 p.m. He said at least three additional Board workshops will be held throughout the year. The first will be to address enrollment and will be held on September 24, 2015, in the afternoon. There will also be one scheduled later to address Title IX.

The Board committee appointments for the next fiscal year are as follows:

Budget Committee – Regent Hoferer (Chair), Regent Sourk and Regent McGivern  
Audit Committee – Regent Boles (Chair), Regent Wolgast and the KBOR appointee  
Washburn Tech Advisory Council – Regent Beck  
Presidential Assessment Committee – Regent Parks (Chair), Regent McGivern and Regent Sneed.

Regent Sneed introduced and welcomed new Regent Terry Beck.

## **B. President's Report**

President Farley said for several years have hosted the girl's state program, saying it is good for Washburn and, from what we hear, good for them as well. This year's program was held from June 6 through 12 and attended by about 275 persons.

Dr. Farley said the Kansas Youth League Forum brings together persons who have a disability, saying over 50 persons attended the event on campus this year.

President Farley announced Washburn Tech will be holding a press conference tomorrow, July 24, at 11:45 a.m. to announce a new training center for Fiat Chrysler. This will be one of ten training centers in the U.S.

He said on August 31, Carl Ice, President of BNSF, and Governor Brownback will be on the Washburn Tech campus for the grand opening of the locomotive diesel training center.

President Farley said Washburn is currently hosting a group of 20 students from Hallym University in South Korea attending until October 10, and 15 students from Sakae University through July 31.

Dr. Farley mentioned upcoming dates to remember –

- Move-in date for the LLC and Washburn Village is August 13. Be here backs willing to help students move in
- The Athletic Department BBQ is on August 16. Doors open at 5:30 and we expect about 600-700 people. This is great support for athletics.
- The all-University Convocation is August 17, followed by a picnic. This is an opportunity to treat the students to accolades from our faculty and hope to get students off to a good start. There will also be a presentation of the fifth and final video in a series about Washburn, with this video looking forward at the future of Washburn.

- August 28 unveils the 2015 Foundation campaign video in Washburn A & B to inspire faculty and staff to contribute to faculty and staff annual giving campaign. This year's theme is about 19 years of great successes. Washburn has raised hundreds of thousands of dollars through the campaign.

### **C. Committee Report(s)**

The Presidential Assessment Committee is to report on its efforts in executive session at end of meeting.

### **D. Treasurer's Report**

It was moved by Regent Wolgast and seconded by Regent Sourk to approve the Liquidated Claims Approval for May and June, 2015. Motion passed.

## **VII. New Business**

### **1. Action Items**

#### **1. Revision to Board Policy, Sections A.1 and A.2**

University Counsel, Marc Fried, responded to questions from the Board regarding the policy revisions. Fried discussed the process used to develop the proposed revisions. In responding to a question about the pending litigation involving KU, Fried noted that it is his position that Title IX does require an investigation of any matter involving a student, even if off campus, to determine if that event creates a hostile environment for the student on campus, which is similar to KU's position.

Fried also noted that if the case should lead to a change in law that would require the policy to be revised further, those changes would be brought back to the Board for approval. Fried noted the language in the policy is a combination of language from other institutions' policies, suggestions from regulations and original language from Washburn.

Fried confirmed that Dr. Pam Foster, the Equal Opportunity Director, is also the Title IX Coordinator, as she handles all complaints of discrimination, and that Clery Act compliance rests primarily with the Police Department as it relates to criminal statistical data. Fried further responded there has been a slight uptick in complaints filed, but that would be consistent with the increase in publicity about Title IX, similar to the early 1990s when the Department of Education first directed institutions to use Title IX to address issues of sexual assault on campus. In addressing the possibility of false claims, Fried stated such claims are possible with any issue but hopefully the process put in place will help vet out any false claims. President Farley noted for the Board that Fried was addressing this issue as Dr. Foster was out of town attending her son's wedding.

Fried also discussed the various efforts being put in place to train students, faculty and staff on the new policy and procedures. It was moved by Regent Wolgast and seconded by Regent Sourk to approve the revised policy. Motion passed.

## **2. Memorandum of Understanding with Topeka Public Schools**

Vice President for Academic Affairs, Randy Pembrook, presented the item and stated that Washburn Tech was approached by USD 501 to take over the GED program at Washburn Tech. He said Washburn Tech thinks they can get students enrolled in the GED program to also enroll in some higher education certification helping these students move forward more quickly. 700 students have entered the program over past five years. Dr. Pembrook said persons working for USD 501 in the program would be applying for these positions so as soon as the agreement is approved, hiring can begin and the program can get up and running.

Dr. Pembrook introduced Susan Fish, Director of Adult Education for KBOR, who said that in the last three years 343 students used a GED to get an additional credential and they are very excited about this prospect of working with Washburn Tech. Washburn Tech Dean, Clark Coco, said USD 501 felt that given the mission for GED students, considering the practical application of GED and of Tech education, it makes more sense for the program to be with Washburn Tech vs K-12. Students who pass the GED program receive a Kansas high school diploma as of the date they passed. It was moved to approve the agreement by Regent Hoferer and seconded by Regent Sourk. Motion passed.

## **3. Technical Instructor – Phlebotomy at Washburn Institute of Technology**

Vice President for Academic Affairs, Randy Pembrook, presented this item, noting the partnership with others in this project. He said Carole Wheeler of St. Francis Health Center approached Washburn about a phlebotomy training program. She said turnover in this field is incredible for various reasons. The School of Nursing, Applied Studies and Washburn Tech worked together to develop an 11-hour program that can handle 36 students/year to meet needs of hospitals. Washburn has subsequently learned funds are available through a Topeka community foundation just for phlebotomy programs so Washburn is looking to work with them for student scholarships. Classroom space at Washburn Tech for this program will not be an issue. The program is to be in a compressed 8–12 week session. It was moved to approve the hiring of the Technical Instructor by Regent Parks and seconded by Regent Boles. Motion passed.

## **4. Benton Hall 114 Remodel for X-ray Machine – C14036, C15001**

Vice President for Administration and Treasurer, Rick Anderson, noted that this item and the next item on the agenda are related. This item is to remodel an area of Benton Hall to accommodate an x-ray machine. It was moved by Regent Hoferer and seconded by Regent Sourk to approve the expenditure for remodeling. Motion passed.

**5. X-Ray Machine for Allied Health**

Vice President for Administration and Treasurer, Rick Anderson, noted this is for purchasing the x-ray machine to go into the remodeled space at Benton Hall. Motion to approve the purchase by Regent Sourk and seconded by Regent McGivern. Motion approved.

**6. KanTRAIN Third-Party Evaluation Services – RFP #15017**

Vice President for Academic Affairs, Randy Pembroke, presented this item which is to hire a company to conduct a statistical analysis of program efforts to determine best use of data to gain employment. He said the analysis is to provide confirmation of processes used in grant application and is required by the grant. It was moved to authorize the hiring of the third-party evaluation services by Regent Sourk and seconded by Regent Parks. Motion passed.

**B. Consent Agenda**

It was moved by Regent Sourk and seconded by Regent Beck to approve the Consent Agenda. Motion passed.

As approved by action of the Board:

**1. Faculty/Staff Personnel Actions**

appoint Marguerite Perret as Interim Chair of the Art Department effective August 1, 2015 at an annual salary of \$61,072; increase FTE of Karen Benda from .5 to .75, at an annual salary of \$28,349; salary increase of \$1,000 to Donald Crowder; position conversion to tenure track with rank of Assistant Professor to Keith Farwell; change Jamie Olsen to 12 month at an annual salary of \$60,000 effective July 1, 2015; salary increase to \$46,100 annually to Roberta Sue Salem; and new positions: Adult Education Coordinator/Instructor at an annual salary of \$45,000 effective July 1, 2015; full time Adult Education-ESL instructor at an annual salary of \$35,000 effective July 1, 2015; Adult Education/50% at an annual salary of \$14,500 effective July 1, 2015; two ABE instructors/50% at an annual salary of \$14,500 each effective July 1, 2015; Senior Administrative Assistant effective July 1, 2015; and, Phlebotomy Instructor at an annual salary of \$40,000 effective July 1, 2015.

**C. Information Item(s)**

**1. Report of Purchases between \$25,001 and \$50,000**

It was moved to ratify the purchases by Regent McGivern and seconded by Regent Hoferer. Motion passed.

### **VIII. Executive Session**

It was moved by Chairperson Sneed, and seconded by Regent Sourk, to recess into executive session to discuss personnel matters of non-elected personnel issues to protect privacy of individual, and to reconvene in open session at 5:00 p.m. Motion passed.

The Board recessed into executive session at 4:45 p.m.

The Board reconvened in open session at 5:00 p.m.

It was moved to adjourn by Regent Boles and seconded by Regent Beck. Motion passed. The meeting adjourned at 5:00 p.m.

/s/

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Marc Fried  
Secretary, Board of Regents



**Agenda Item No. V. D. 1.**  
**Washburn University Board of Regents**

**SUBJECT:** Liquidated Claims Approval – July 2015

**DESCRIPTION:** Attached is the list of claims processed for the month of July, 2015 by fund, and a summary of all claims by fund is detailed below. The payroll claims will be presented to the Board of Regents for review at the September 25, 2015 meeting through the Chairperson.

To the best of my information and belief, I certify that the liquidated claims submitted in this transmittal are in compliance with all applicable laws and University policies.

\_\_\_\_\_  
Rick Anderson, Vice President for Administration & Treasurer

<b>WASHBURN UNIVERSITY</b>		
<b>Fund #</b>	<b>Fund Name</b>	<b>Total</b>
<b>Claims</b>		
1.	General Fund	\$ 2,432,657
2.	Debt Retirement & Construction Fund	2,798
3.	Building and Construction Fund	2,014,306
4.	Endowment Fund	-0-
5.	Student Loan Fund	-0-
7.	Tort Claim Fund	6,126
8.	Restricted and Agency Fund	224,517
9.	Plant Fund	-0-
10.	Smoothing Fund	-0-
12.	Capital Improvement	-0-
13.	Government and Research Fund	805,137
	Sub-Total	5,485,541
	Payroll	2,669,581
	Payroll Withholding ACH Transactions	2,611,296
	*Wire Transfers (Investments)	-0-
	<b>Total</b>	<b>\$10,766,418</b>

<b>WASHBURN INSTITUTE OF TECHNOLOGY</b>		
1.	General Fund	\$ 171,765
3.	Building and Construction Fund	138,829
5.	Student Loan Fund	-0-
8.	Restricted and Agency Fund	6,887
13.	Government and Research Fund	528,261
	Sub-Total	845,742
	Payroll	296,025
	Payroll Withholding ACH Transactions	165,498
	<b>Total</b>	<b>\$1,307,265</b>

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Jerry B. Farley, President

**Agenda Item No. V. D. 2.**  
**Washburn University Board of Regents**

**SUBJECT:** Liquidated Claims Approval – August 2015

**DESCRIPTION:** Attached is the list of claims processed for the month of August, 2015 by fund, and a summary of all claims by fund is detailed below. The payroll claims will be presented to the Board of Regents for review at the September 25, 2015 meeting through the Chairperson.

To the best of my information and belief, I certify that the liquidated claims submitted in this transmittal are in compliance with all applicable laws and University policies.

\_\_\_\_\_  
Rick Anderson, Vice President for Administration & Treasurer

<b>WASHBURN UNIVERSITY</b>		
<b>Fund #</b>	<b>Fund Name</b>	<b>Total</b>
<b>Claims</b>		
1.	General Fund	\$10,787,127
2.	Debt Retirement & Construction Fund	-0-
3.	Building and Construction Fund	3,027,199
4.	Endowment Fund	-0-
5.	Student Loan Fund	10,146
7.	Tort Claim Fund	96,772
8.	Restricted and Agency Fund	204,868
9.	Plant Fund	-0-
10.	Smoothing Fund	-0-
12.	Capital Improvement	-0-
13.	Government and Research Fund	663,891
	Sub-Total	14,790,003
	Payroll	2,466,738
	Payroll Withholding ACH Transactions	4,118,123
	*Wire Transfers (Investments)	-0-
	<b>Total</b>	<b>\$21,374,864</b>

<b>WASHBURN INSTITUTE OF TECHNOLOGY</b>		
1.	General Fund	\$ 175,341
3.	Building and Construction Fund	752,335
5.	Student Loan Fund	-0-
8.	Restricted and Agency Fund	2,717
13.	Government and Research Fund	342,303
	Sub-Total	1,272,696
	Payroll	309,884
	Payroll Withholding ACH Transactions	170,532
	<b>Total</b>	<b>\$1,753,112</b>

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Jerry B. Farley, President

**Agenda Item No. VI. A. 1.**  
**Washburn University Board of Regents**

SUBJECT: Faculty/Staff Personnel Actions

DESCRIPTION:

The following routine adjustments to specific salary lines must either be reported to the Board or approved by the Board.

Name	Position	Change	Financial Implications	Comments	Action
Position under recruitment	Research Analyst/Assistant Director, KanTRAIN	New position	Up to \$63,000. Fully grant-funded	Position funded through TAACCCT grant through September 30, 2018	Request approval
Kathleen Menzie	Interim Chair of Communication Studies/Chair of Mass Media/Associate Professor POSN 000053	Remove "Interim" from title effective October 1, 2015	No salary change	Updated title: Chair of Communication Studies/Chair of Mass Media/Associate Professor	Request approval

RECOMMENDATION:

President Farley recommends approval of these personnel actions.

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Date

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Jerry B. Farley, President

**Agenda Item No. VI. B. 1.**  
**Washburn University Board of Regents**

SUBJECT: Renewal of Insurance Policies

DESCRIPTION:

The University's property insurance was renewed in July through the Midwest Higher Education Compact program. The renewal date for the remainder of the insurance coverage is October 1.

Workers Compensation constitutes the highest premium of all the University property and casualty insurance policies. The University continues to work closely with our insurance agent and workers compensation carrier to improve both the frequency and severity of claims. The 2015-16 experience modification factor of .72 is the lowest it has been in at least the last ten years.

The list of renewal policies and premiums compared with the current year are as follows:

<b>Insurance Coverage</b>	<b>Last Year</b>	<b>Renewal</b>
Crime	\$ 8,394	\$ 8,394
Automobile (annualized)	39,141	39,700
General Liability	67,157	77,761
Educators Legal Liability	33,141	39,330
Workers Compensation	376,753	321,497
Excess Indemnity (Umbrella)	29,242	29,231
Non-Owned Aircraft	7,350	7,350
Foreign Liability	5,856	5,856
Pollution Liability (annual premium of 3yr prepaid policy)	8,306	8,306
Student Healthcare Professional Liability	17,966	17,091
Broadcasters Legal Liability - KTWU	2,995	2,995
IMA Brokerage Fee	60,000	60,000
Sports Accident Insurance	74,670	96,078
Cheerleader Catastrophic Accident Insurance	672	672
<b>TOTAL</b>	<b>\$731,643</b>	<b>\$714,261</b>

FINANCIAL IMPLICATIONS: Total premiums are consistent with FY 16 budget.

RECOMMENDATION: President Farley recommends approval to purchase insurance policies as listed.

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Date

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Jerry B. Farley, President

**Agenda Item No. VI. B. 2.**  
**Washburn University Board of Regents**

**SUBJECT:** Architect Selection for Indoor Practice and Campus Operations Facility

**DESCRIPTION:** At the April 24, 2015 Board of Regents Meeting, the Board gave approval to the administration to begin the process of selecting an architect to lead the efforts for detailed program planning, site development, project cost estimating, and conceptual/schematic design to assist in fund raising activities for the Indoor Practice and Campus Operations Facility.

Five firms responded to the Request for Qualifications for leading the planning and design efforts for the new facility and three were asked to provide detailed presentations to the selection committee on August 19<sup>th</sup> and 20<sup>th</sup>. The firms that provided presentations were:

- Architect One, Topeka KS
- PGAV Architects, Westwood KS.
- Schwerdt Design Group, Topeka KS

The firms were evaluated based on the following criteria:

- Specialized experience in designing athletic practice facilities
- Successful completion of similar type projects
- Capacity of firm to meet established schedules
- Quality of work on past Washburn University projects
- Organization and approach to the proposed project
- Interview and presentation

All three firms, along with their specialty partners, gave high level presentations that accurately demonstrated their expertise and aspiration to provide design services for this project. The firm of Schwerdt Design Group was selected for recommendation to provide design services for the Indoor Practice and Campus Operations Facility.

**FINANCIAL IMPLICATIONS:**

Architectural services for similar type projects typically run 7-9% of the total project cost, depending on the complexity of the project. The project budget estimate will be established in the detail programming and schematic design phase of the project design.

**RECOMMENDATION:**

President Farley recommends the Board of Regents approve the award of a contract to Schwerdt Design Group for the Indoor Practice and Campus Operations Facility.

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Date

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Jerry B. Farley, President

**Agenda Item No. VI. B. 3.**  
**Washburn University Board of Regents**

SUBJECT: Carpet Replacement at Mabee Library – C16012

DESCRIPTION:

This project is to replace the carpet in selected areas on the third floor of Mabee Library. Some areas on the third floor have been replaced during previous renovation projects. The remaining carpet is old and worn and in need of replacement. This project is to replace the remaining portions of carpet and to keep all the carpet consistent on the third floor.

The project was bid with a Base Bid to replace remaining carpet on the third floor and Alternate #1 to remove carpet from the center stairwell and replace it with rubber tile flooring for better maintenance. Bid documents were emailed to contractors within the Topeka area, and 2 bids were received. The bids came in as follows:

BIDDER	BASE BID	ALTERNATE #1
<b>Hall Floor Covering</b>	<b>\$51,747</b>	<b>\$ 9,432</b>
Country Carpet	\$70,700	\$11,300

Only the Base Bid was taken at this time due the limits of the allotted budget.

FINANCIAL IMPLICATIONS:

An expenditure of \$51,747 from the FY16 Capital Improvement Budget.

RECOMMENDATION:

President Farley recommends the Board of Regents approve award of the contract to Hall Floor Covering in the amount of \$51,747 for the carpet replacement project at Mabee Library.

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Date

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Jerry B. Farley, President

**Agenda Item No. VI. B. 4.**  
**Washburn University Board of Regents**

SUBJECT: Housing Management Software for Residential Living

DESCRIPTION:

Residential Living is requesting approval to purchase housing management software. The software provides a comprehensive suite of functionality, including housing contracts, room assignments, meal plan selection, RA hiring process, preventive maintenance tracking, workflow and integration with Banner.

Requests for proposals were sent to seven vendors. Proposals were received from the following vendors. The first year cost shown below includes the initial cost plus the first year's hosting fee. The annual cost is for maintenance and hosting in subsequent years.

<u>Vendor</u>	<u>First Year Cost</u>	<u>Annual Cost</u>	<u>Five Year Total Cost</u>
<b>StarRez Inc., Greenwood Village, CO</b>	<b>\$55,500</b>	<b>\$14,910</b>	<b>\$115,140</b>
RMS Inc., Raleigh, NC	\$51,600	\$16,600	\$118,000
Symplicity, Arlington, VA	\$50,167	\$8,800	\$85,367

Symplicity's proposal was rejected because it did not meet all of the proposal requirements. StarRez was selected as the best overall proposal based on ease of use for Residential Living staff, excellent support services, and lower ongoing annual costs.

FINANCIAL IMPLICATIONS:

Funding is available from the FY2015 Technology Equipment fund (\$20,000) and from Residential Living reserves. Ongoing annual costs will be funded from Residential Living's operating budget.

RECOMMENDATION:

President Farley recommends approval to award a contract to StarRez.

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Date

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Jerry B. Farley, President

**Agenda Item No. VI. B. 5.**  
**Washburn University Board of Regents**

**SUBJECT:** Replacement of HVAC Controllers in the LLC- E16031

**DESCRIPTION:**

This project will provide for the replacement of Honeywell M-Cell controllers for 56 suites in the Living Learning Center. The existing controllers for the HVAC building automation system (BAS) are failing at an increasing rate and warrant complete replacement. These new next generation controllers will provide tighter control, increased reliability and be more responsive to the ever changing internal and external environment.

The purchase and installation of the controllers is a sole source purchase as they need to be fully integrated with the current system serving the building and the required programming is proprietary to the Honeywell Corporation.

**FINANCIAL IMPLICATIONS:**

An expenditure of \$79,798 from the FY16 Capital Equipment funds.

**RECOMMENDATION**

President Farley recommends the Board of Regents approve award of a contract to Honeywell in the amount of \$79,798 for the replacement of the M-Cell controllers in the Living Learning Center.

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Date

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Jerry B. Farley, President



**Agenda Item No. VI. B. 6.**  
**Washburn University Board of Regents**

SUBJECT: Contracted Services with Pinegar, Smith & Associates, Inc.

DESCRIPTION:

Historically, Washburn University has maintained a visible presence in state government. The firm of Pinegar, Smith & Associates provided supplemental support as a contracted lobbyist firm for many years. They have assumed primary responsibility for legislative analysis and response for the University for the past four years. Services provided by Pinegar, Smith & Associates include monitoring legislative activity on a day-to-day basis, covering committee hearings, arranging private meetings of legislators with Dr. Farley, and monitoring the daily session for any activity related to issues of interest to Washburn. Additional responsibilities include:

Assisting Washburn University develop a federal and state legislative agenda.

Monitoring legislation in the Kansas Legislature which affects, or is of interest to, Washburn University.

Assisting in the advancement of the university's legislative program of Washburn at the federal and state level. This includes personal meetings with elected officials and their staff to convey and articulate the goals of the University.

Providing verbal (or written if requested) reports to the President and Special Assistant regarding services rendered on timely legislative and administrative issues.

Monitoring and attending meetings of the Kansas Higher Ed Caucus.

Providing assistance to Washburn University in the planning and coordination of legislative social activities and functions which provide benefit to the legislative program of Washburn University.

Attending and participating, as appropriate, in the Washburn University Executive staff meetings.

Attending and participating in other University meetings, functions, etc., as requested the Washburn University President or Special Assistant to the President.

FINANCIAL IMPLICATIONS:

The annual rate for this proposal will be \$86,478.00, payable as mutually agreed to between the parties. In addition, Pinegar & Smith will also bill for any reasonable out-of-pocket expenses incurred, such as postage, shipping, printing and photocopies, entertainment, lobbyist registration fees and out-of-town travel and lodging. Funding for these services currently exists.

RECOMMENDATION:

President Farley recommends the Board of Regents to approve the contract submitted by Pinegar, Smith & Associates to provide to aforementioned services for the period of August 1, 2015 to July 31, 2016.

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Date

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Jerry B. Farley, President



## CONTRACT FOR PROFESSIONAL SERVICES

**THIS CONTRACT FOR PROFESSIONAL SERVICES** (“Agreement”) is made and entered into by and between Washburn University of Topeka, 1700 SW College Avenue, Topeka, Kansas 66621 (hereinafter “Client”), and Pinegar, Smith & Associates, Inc., 513 SW Van Buren Street, Topeka, Kansas 66603-3302 (hereinafter “Consultant”).

The parties agree as follows:

### 1. Statement and Subject of Employment

a. Client retains and employs Consultant to represent Client with regard to legislative and administrative policy issues which may come before the United States Congress, Kansas Legislature and other government agencies or bodies in Kansas, which is further provided as follows:

- i. Consultant will assist Client with developing a federal and state legislative agenda;
- ii. Consultant will provide monitoring of legislation in the Kansas Legislature which affects or is of interest to Client;
- iii. Consultant will provide monitoring of legislation in the United States congress which affects or is of interest to Client;
- iv. Consultant will assist Client in advancing the legislative program of Client at both the federal and state level, which includes personal meetings with elected officials and their staff to convey and articulate the goals of the Client;
- v. Consultant will provide verbal (or written if requested) reports to University President and Special Assistant to the President regarding services rendered on timely legislative and administrative issues.
- vi. Consultant will monitor and attend meetings of the Kansas Higher Ed Caucus;
- vii. Consultant will provide assistance to Client in the planning and coordination of legislative social activities and functions which provide benefit to the legislative program of Client;

viii. Consultant will attend and participate, as appropriate, in University Executive Staff meetings; and,

ix. Consultant will attend and participate in University meetings, functions, etc., as requested by the University President or Special Assistant to the President.

b. It is understood and agreed that Consultant is not responsible for handling or addressing legislative or administrative matters on behalf of KTWU or any other public television broadcasting station.

c. It is understood and agreed that Consultant is not responsible for handling or addressing legislative or administrative matters on behalf of Washburn Institute of Technology.

## **2. Term of Agreement**

The term of this Agreement shall be for a one-year period beginning August 1, 2015 through July 31, 2016 (“Agreement Term”).

## **3. Consultant’s Fee**

In consideration for the representation and services provided under this Agreement, Client shall pay Consultant Eighty-Six Thousand Four Hundred Seventy Eight Dollars (\$86,478.00) (“Consultant’s Fee”), payable in twelve (12) equal monthly installments of Seven Thousand Two Hundred Six Dollars and 50 cents (\$7,206.50) per installment. The first monthly installment shall be due and payable immediately upon the signing of this Agreement, with each subsequent installment due and payable on the first day of each month thereafter.

## **4. Costs and Other Expenses**

Reasonable costs incurred by Consultant in advancing Client’s cause are to be borne by Client (filing fees, postage, long distance telephone calls, copying, travel and entertainment, etc.). All such reasonable expenses shall be payable on a monthly basis, with a detailed invoice of such items provided to Client by Consultant. Payment shall be made within thirty (30) days of the invoice date.

## **5. Fee in Event of Discharge**

Client reserves the right to terminate this Agreement at any time; *provided*, Client provides Consultant thirty (30) days written notice of such termination. Notwithstanding, in the event Client elects to terminate this Agreement, Consultant shall be compensated by Client for services rendered and expenses incurred until the date of such termination. Such compensation shall be determined through an equitable adjustment of Consultant’s Fee based upon the date of discharge in relation to the Agreement Term.

## **6. Association of Others**

Consultant, with approval of Client, may employ, retain and/or consult with other persons to assist Consultant in representing Client, at Consultant's expense. All such persons shall report exclusively to Consultant.

## **7. Withdrawal of Consultant**

Consultant may withdraw from Client's representation at any time; *provided*, Consultant provides Client with thirty (30) days written notice. Notwithstanding, Consultant shall be compensated by Client for services rendered and expenses incurred until the date of such withdrawal. Such compensation shall be determined through an equitable adjustment of Consultant's Fee based upon the date of withdrawal in relation to the Agreement Term.

## **8. Notice**

Any notice required or contemplated under this Agreement shall be in writing and shall be deemed to have been duly served if delivered in person to the party for whom it is intended, or if delivered at or sent by registered or certified mail to the address of the person for whom it is intended. All notices for Washburn University of Topeka shall be provided to University counsel, Washburn University of Topeka, 1700 SW College Avenue, Topeka, Kansas 66621. All notices for Pinegar, Smith & Associates, Inc. shall be provided to Pinegar, Smith & Associates, Inc., 513 SW Van Buren Street, Topeka, Kansas 66603-3302.

## **9. Favorable Outcome Not Warranted**

Consultant agrees to faithfully and diligently represent Client, but Consultant makes no warranties or representations concerning the success or results obtained from Consultant's services or representation under this Agreement. All statements of Consultant on these matters are statements of opinion only.

## **10. Modifications of Agreement**

Any modifications of this Agreement or any additional obligations assumed by either party in connection with this Agreement shall be binding only if evidenced in writing and signed by both parties.

## **11. Entire of Agreement**

This Agreement embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained in this Agreement. This instrument supersedes and modifies all previous communications, representations or agreements, either verbal or written, between the parties.

**12. Law to Govern Contract**

It is agreed that this Contract shall be governed by, construed and enforced in accordance with the laws of the State of Kansas.

**13. Confidentiality of Information**

To the extent this paragraph is not superseded by law, each party agrees that all of the information, data, processes and procedures related to the subject matter of this Agreement is and shall be maintained as confidential information.

**14. Nondiscrimination**

Neither party shall discriminate against any person during the performance of this Agreement because of race, color, religion, age, national origin, ancestry, disability, sex, sexual orientation, gender identity, genetic information, marital or parental status, or any basis prohibited by federal, state or local law or University’s equal education opportunity statement.

**15. Miscellaneous**

The parties hereby acknowledge that it is their intent to consummate this Agreement, and further agree to cooperate in good faith to effectuate and implement all the terms and conditions of the Agreement. This Agreement or any section thereof shall not be construed against any party due to the fact that said Agreement or any section thereof was drafted by said party. If any portion, provision or part of this Agreement is held to be invalid, unenforceable, unconscionable, or void for any reason whatsoever, that portion shall be severed from the remainder, and shall not affect the validity or enforceability of the remaining provisions, portions or parts.

**IN WITNESS WHEREOF** the parties of this Agreement have caused it to be executed in duplicate and one copy provided to each party.

Pinegar, Smith & Associates, Inc.

Washburn University of Topeka

By: \_\_\_\_\_  
John D. Pinegar

By: \_\_\_\_\_  
Jerry B. Farley, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Agenda Item No. VI. B. 7.**  
**Washburn University Board of Regents**

SUBJECT: Music Sound Attenuation – Project #C16002

DESCRIPTION:

The Garvey Fine Arts Center was originally constructed starting in 1966. Much of the original block and concrete walls remain. This type of construction lends poorly to the fine arts that are practiced in this building. Sound infiltration between rooms and floors negatively affect practice and skill development for students. An architect and sound engineer evaluated the highest priority spaces and developed a plan to help address these sound transference issues. The first spaces to be addressed will be rooms 212, 214, 216, 218, and 220. These spaces will be modified to minimize sound transference between rooms, between floors, and to minimize hallway noise.

Plans and specifications were available for review in August 2015. Bids were received for the Sound Attenuation Project on September 15, 2015. These contractors received plans and the bids were as follows:

<u>CONTRACTOR</u>	<u>BID</u>
<b>Osborne Construction, Topeka KS</b>	<b>\$81,100</b>
Senne Company, Topeka KS	\$85,800
Kelley Construction, Topeka KS	\$92,600
B.A. Green, Lawrence KS	\$99,500
JP Construction, Topeka KS	Bid Disqualified

FINANCIAL IMPLICATIONS:

An expenditure of \$81,100 from the FY 2015-2016 Capital Improvement Funds.

RECOMMENDATION:

President Farley recommends the Board of Regents approve award of a contract to Osborne Construction in the amount of \$81,100 for the Sound Attenuation Project at the Garvey Fine Arts Center.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jerry B. Farley, President

**Agenda Item No. VI. C. 1.**  
**Washburn University Board of Regents**

SUBJECT: Report of Purchases between \$25,001 and \$50,000

BACKGROUND:

At the March 8, 2001 Board of Regents Budget and Finance Committee meeting, the administration presented an item for discussion to increase the Board expenditure approval limit from \$25,000 to \$50,000. The increase was approved by the Board of Regents at its May 9, 2001 meeting.

DESCRIPTION:

In compliance with that approval and to ensure the Board fully complies with its fiduciary responsibilities, the Board of Regents requested all items approved by the administration between \$25,001 and \$50,000 be listed each month and included for information.

FINANCIAL IMPLICATIONS:

These expenditures are in line with current year budgets.

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Date

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Jerry B. Farley, President



## Report of Purchases between \$25,000 and \$50,000 July and August 2015

<u>Description</u>	<u>Vendor</u>	<u>Amount</u>
<b><u>Washburn University</u></b>		
Campus Wi-Fi enhancements and network equipment Competitively bid <i>Funding source:</i>	Yellow Dog Networks Kansas City, MO	\$44,228
<ul style="list-style-type: none"> <li>• Annual technology equipment funds</li> </ul>		
Network storage expansion Competitively bid <i>Funding sources:</i>	ISG Technology Inc. Topeka, KS	\$42,315
<ul style="list-style-type: none"> <li>• Annual technology equipment funds</li> <li>• ITS project funds</li> <li>• ITS general fund budget</li> </ul>		
Construct an ADA pedestrian route between the tennis courts and the SRWC Competitively bid <i>Funding source:</i>	Dinkel Construction Inc. Topeka, KS	\$39,871
<ul style="list-style-type: none"> <li>• Facilities Service project funds</li> </ul>		
Provide architectural services for renovation of School of Nursing offices in Petro Competitively bid <i>Funding source:</i>	HTK Architects PA Topeka, KS	\$35,000
<ul style="list-style-type: none"> <li>• Annual capital improvement funds</li> </ul>		
Concrete repairs in parking lot #9 (south of Law School) Change orders on project previously approved by the board on April 24, 2015 for \$216,014 <i>Funding source:</i>	Dinkel Construction Inc. Topeka, KS	\$25,775
<ul style="list-style-type: none"> <li>• Facilities Services project funds</li> </ul>		
<b><u>Washburn Tech</u></b>		
Classroom furniture State of Kansas contract <i>Funding source:</i>	Designed Business Interiors, Inc. Topeka, KS	\$35,675
<ul style="list-style-type: none"> <li>• KanTRAIN grant</li> </ul>		

<u>Description</u>	<u>Vendor</u>	<u>Amount</u>
Computers for Diesel program Competitively bid <i>Funding source:</i> <ul style="list-style-type: none"> <li>• Annual technology equipment funds</li> </ul>	Twotrees Technologies Emporia, KS	\$30,420
Medical equipment Single source <i>Funding source:</i> <ul style="list-style-type: none"> <li>• KanTRAIN grant</li> </ul>	D.R.E. Inc. Louisville, KY	\$27,465
Classroom furniture State of Kansas contract <i>Funding source:</i> <ul style="list-style-type: none"> <li>• KanTRAIN grant</li> </ul>	Scott Rice Office Works Lawrence, KS	\$26,470
Tools for Auto Technology program Single source – business partner <i>Funding source:</i> <ul style="list-style-type: none"> <li>• Perkins grant</li> </ul>	Snap-On Industrial Crystal Lake, IL	\$25,202