



**WALSH GALLEGOS**  
KYLE ROBINSON & ROALSON P.C.

## **MEMORANDUM**

TO: Dr. Glendon Forgey, President, Frank Phillips College

FROM: Kelley Kalchthaler, Attorney Walsh Gallegos Kyle Robinson & Roalson, P.C.

RE: Frank Phillips College/New Residence Hall Project – Proposed Agenda and Motion Language

DATE: April 9, 2025

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Below is the proposed agenda and motion language for your upcoming Board meeting:

### **I. ARCHITECT**

**OPEN SESSION:** Consider and possible action regarding proposed contract with architectural firm, Parkhill, Smith & Cooper, Inc., for pre-bond planning/architectural-engineering design services/contact administration services for a New Residence Hall project.

*Proposed Motion Language: I move that the Board approve the proposed contract with the architectural firm Parkhill, Smith & Cooper, Inc. for the New Residence Hall Project and authorize the President to finalize negotiations (if any) and execute the contract.*

### **II. DELIVERY METHOD OF CONSTRUCTION SERVICES FOR RESIDENCE HALL PROJECT**

**OPEN SESSION:** Consider and possible action to select the delivery method of construction services for the New Residence Hall Project.

*Proposed Motion Language: I move that the Board select Construction Manager At-Risk ("CMAR") and the delivery method of construction services for the new Residence Hall Project as providing the best value for the college.*

### **III. FINANCIAL ADVISOR**

**OPEN SESSION:** Consideration and possible action to select a Financial Advisor to provide financial planning services, and delegating authority to the President to negotiate and execute the final contract.

*Proposed Motion Language: I move that we select PFM Financial Advisors, LLC (“PFM”) based on their demonstrated competence and qualifications to provide financial planning services; and authorize the President to negotiate and execute an contract with PFM in a form approved by counsel for the College.*

#### **IV. BOND COUNSEL**

**CLOSED SESSION:** Pursuant to Section 551.071 of the Texas Government Code, consultation with the Board’s attorney concerning legal issues related to a revenue bond

**OPEN SESSION:** Consideration and approval of a resolution approving an engagement agreement for bond counsel legal services with Walsh Gallegos Kyle Robinson & Roalson, P.C and Cantu Harden Montoya LLP; and other matters in connection therewith.

*Proposed Motion Language: I move that the Board approve a contingent fee engagement agreement for co-bond counsel and co-disclosure counsel legal services with Walsh Gallegos Kyle Robinson & Roalson, P.C. and Cantu Harden Montoya LLP and adopt the Resolution as presented.*

#### **V. PREVAILING WAGE RATE ADOPTION<sup>1</sup>**

**OPEN SESSION:** Consider and possible action to adopt required Prevailing Wage Rate Schedule pursuant to Texas Government Code Section 2258.022 for construction projects authorized by the Board in the 2024-25 and 2025-26 school year, including the New Residence Hall Project.

*Proposed Motion Language: “I move that the Board adopt the most current prevailing wage rates for Hutchinson County, published by the United States Department of Labor in accordance with the Davis-Bacon Act, and its subsequent amendments, in connection with any construction projects authorized by the Board in the 2024-25 and 2025-26 school years and that only the base wage rates shown in the applicable wage rate decision be used, unless federal funds are utilized in connection with the specific construction project.”*

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<sup>1</sup> (\*\*Note: Tex. Government Code § 2258.022 requires the Board to adopt the prevailing wage rates. These rates must also be included in all future bid packages and incorporated into any construction contract itself. The Department of Labor does update these rates a few times a year, so whenever the college go out for bid for construction services, we will first verify what the current rates are and then to include in any bid package. This motion language allows Administration to do that without going back to the Board until the end of the 2025-26 school year.”