AGENDA OF THE
UTAH STATE BUILDING BOARD

Wednesday, August 5, 2009
Utah State Capitol
Room 445
Salt Lake City, Utah
9:00am

(Action)	1.	**Approval of Minutes of June 24, 2009**	Tab 1
(Action)	2.	**Proposed Amendments to Recodify Rules R23-1; R23-2; R23-4; R23-21; R23-25; R23-26; R23-29**	Tab 2
(Action)	3.	**Edit to Administrative Rule R23-23, Health Insurance Coverage in State Contracts - Implementation**	Tab 3
(Action)	4.	**Energy Projects in State Facilities**	Tab 4
(Information)	5.	**Long Term Lease Request from Salt Lake City**	Tab 5
(Action)	6.	**Dixie State College Request to Build Addition to Burns Arena**	Tab 6
(Action)	7.	**Reallocation of Courts Capital Improvement Funds**	Tab 7
(Action)	8.	**Reallocation of Southern Utah University Capital Improvement Funds**	Tab 8
(Action)	9.	**Reallocation of Snow College Capital Improvement Funds**	Tab 9
(Action)	10.	**University of Utah North Chiller Plant and Energy Project**	Tab 10
(Action)	11.	**Administrative Reports for University of Utah and Utah State University**	Tab 11
(Information)	12.	**Administrative Reports for DFCM**	Tab 12
(Action)	13.	**Agenda for Upcoming Building Board Tour of Capital Development Projects**	Tab 13

Notice of Special Accommodation During Public Meetings - In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Shannon Elliott 538-3261 (TDD 538-3260) at least three days prior to the meeting.

This information and all other Utah State Building Board information is available on DFCM web site at http://buildingboard.utah.gov

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
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MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Approval of Minutes of June 24, 2009**

Attached for your review and approval are the meeting minutes of the Utah State Building Board meeting held June 24, 2009.

DGB:SLE

Attachment

Utah State Building Board

MEETING

June 24, 2009

MINUTES

Utah State Building Board Members in attendance:
Larry Jardine, Chair
Kerry Casaday, Vice-Chair
Steve Bankhead
Wilbern McDougal
Mel Sowerby
Manuel Torres

DFCM and Guests in attendance:

Gregg Buxton	Division of Facilities Construction & Management
Kurt Baxter	Division of Facilities Construction & Management
Shannon Elliott	Division of Facilities Construction & Management
Lynn Hinrichs	Division of Facilities Construction & Management
John Harrington	Division of Facilities Construction & Management
Jeff Wrigley	Division of Facilities Construction & Management
LaPriel Dye	Division of Facilities Construction &Management/AGO
Andrew Cushing	Attorney General's Office
Keith Davis	Department of Human Services
Alyn Lunceford	Courts
John McNary	University of Utah
Ken Nye	University of Utah
Ben Berrett	Utah State University
Darrell Hart	Utah State University
Troy Caserta	Utah System of Higher Education
Greg Stauffer	Utah System of Higher Education
Jim Michaelis	Utah Valley University
Kevin Hansen	Weber State University
Sarah Parris	BNA Consulting
Jennifer Sasich	MHTN Architects
George Daines	General Public
Sheila Gelman	General Public

On Wednesday, June 24, the Utah State Building Board held a regularly scheduled meeting at the Utah State Capitol, Room 445, Salt Lake City, Utah. Chair Larry Jardine called the meeting to order at 9:00am.

❑ APPROVAL OF MINUTES OF MAY 21, 2009 .....

Chair Jardine sought a motion on the minutes of May 21, 2009.

MOTION: Manuel Torres moved to approve the minutes of the May 21 meeting. The motion was seconded by Steve Bankhead and passed unanimously.

❑ EMERGENCY RULE AND REGULAR RULE FOR HEALTH REFORM.....

Andrew Cushing stated HB331 required all state contracts over $1.5 million and all subcontracts over $750,000 to include a requirement to provide health insurance to all contractors and their dependents. The proposed rule is an attempt to provide guidance to those to which this will be applicable.

Steven Bankhead questioned if there had been any input or studies as to the financial impact of the bill would be to the state in terms of higher bids. Andrew Cushing responded that several state entities had coordinated together to develop a bill that is somewhat uniform and standard, but they had not solicited input on the financial impact. However, input was also provided by the AGC and the ACED.

Andrew Cushing explained that approval of an emergency rule was being sought as statute requires the requirement to be put into place by July 1. This will provide DFCM 120 days to further clarify the rule before implementing it.

Darrell Hart, USU, expressed disdain for the bill and felt it would be detrimental to small contractors who do small projects. Larry Jardine, Chair, also felt it would be a tremendous impact to subcontractors, which would also impact the main contractors. He was also concerned with how the contractors could ensure that the subcontractors would comply and the enforcement of violators.

Andrew Cushing felt a real issue with the bill was related to the private cause of action. It would allow employees to take a private cause of action against their employer if they did not feel they were offered the proper level of insurance.

Steve Bankhead stated there were serious implications involved for the contractors and the State as many subcontractors would just not bid state work in the future. This will increase prices as there will only be a very limited pool of higher priced, more sophisticated contractors who vie for state work.

Cyndi Gilbert asked if there were any ramifications if the Building Board chose not to pass the rule. Andrew Cushing responded that it would be a violation of state law and stop state contracts from proceeding.

Wilbern McDougal what the cost was going to be to the state of Utah and the taxpayers. He felt they ought to let the taxpayers know it will cost more. Andrew Cushing responded that no studies had been done, but the legislature had been informed of the cost implications.

MOTION: Steve Bankhead moved to recommend adoption of this rule but that the consequences of this rule and of the proposed legislation are serious. The motion was seconded by Manuel Torres and passed unanimously.

❑ APPLICATIONS TO THE BUILDING BOARD FOR THE STATE FACILITY ENERGY EFFICIENCY FUND.....

Jeff Wrigley, DFCM, stated there were two applications before the Board to be funded by the revolving loan State Facility Energy Efficiency Fund.

The Utah State University Lighting Retrofit Project consists of eight different buildings and a campus wide exit sign. The total energy savings was for slightly over 1 million kW and a cost savings of $64,700. The project will be funded entirely by the Energy Efficiency Fund. No incentives are available to match the projects since the campus is on Logan City power, but payback is expected within five years.

MOTION: Cyndi Gilbert moved to approve the Utah State University Lighting Retrofit Project. The motion was seconded by Mel Sowerby and passed unanimously.

The Department of Transportation request included the Murray maintenance station and the Wanship maintenance station. The combined total cost of the project would be $8,285, with an annual energy savings of just under 30,000 kW and a cost savings of $2,046. Murray City does not offer incentives, however the Wanship station was in Rocky Mountain Power territory and the incentive would cover the cost of both stations.

MOTION: Wilbern McDougal moved to approve the Department of Transportation, Murray and Wanship Stations Lighting Retrofit. The motion was seconded by Steve Bankhead and passed unanimously.

❑ REQUEST FOR DESIGN OF THE FIRST PHASE OF THE WEBER STATE UNIVERSITY RESIDENTIAL MASTER PLAN .....

Kevin Hansen, Weber State University, presented a master plan to allow the campus population to approximately 1000 bed spaces. Recently the LaSalle, Stansbury, and Wasatch Halls have been put back into service due to the demand for student housing.

They currently have about 475 beds in the University Village, which is the newest housing area. WSU hopes to increase the housing density on campus to allow for more student life, student activity, and more campus activities throughout the week.

Weber State University is primarily a commuter campus with approximately 22,000 students registered but only 500-600 live on campus. In order to make the strategic vision work, they have to improve and change the room options that they are providing to their students. Most of the dormitories were built back in the 1960s and the current set up is not attractive to students. Therefore, WSU would like to provide different options for students and give them a greater choice to make it much more attractive.

Approximately three years ago, WSU did a seismic and structural evaluation on Promontory Tower to determine if it would be cheaper to make it seismically safe or rebuild the 11 story structure. WSU found that Promontory Tower is seismically the highest risk building on campus. It does not have a fire sprinkler system and the Wasatch Fault is approximately 300 feet from the building. At that time, it was determined it would be more economical to tear the building down and rebuild.

Wasatch Hall was built in 1964 with 228 bed spaces in its original configuration. Extensive retrofit is required for electrical and mechanical, but the building structure is sound. The total renovation will cost approximately $11 million, with construction costing slightly over $8 million. WSU proposes renovating the building into different room configurations that are more marketable to students. Once Wasatch Hall is complete, WSU would tear down LaSalle, Stansbury and Promontory and rebuild the entire area to create a community center for the student residents.

WSU will use housing reserves to fund the design and will request revenue bonds for construction from the Legislature. Phase I construction is anticipated to being in the spring of 2010.

MOTION: Wilbern McDougal moved to approve the request from Weber State University to proceed with the design of the first phase of the new housing master plan. The motion was seconded by Manuel Torres and passed unanimously.

❑ REALLOCATION OF DEPARTMENT OF HUMAN SERVICES CAPITAL IMPROVEMENT FUNDS.....

DFCM recommended that the Building Board approve the request to transfer funds from an FY2010 capital improvement projects to the Decker Lake Emergency Chiller Replacement ($211,300), Utah State Hospital Tunnel Pipe Support Brackets ($60,000), and Utah State Hospital Swimming Pool Repairs ($40,100). The original project allocation of $311,400 was for the Blanding paving project which was later discovered to not be owned by the state.

MOTION: **Cyndi Gilbert moved to approve the reallocation of capital improvement funds. The motion was seconded by Steve Bankhead and passed unanimously.**

❑ REALLOCATION OF UTAH VALLEY UNIVERSITY CAPITAL IMPROVEMENT FUNDS .....

DFCM recommended that the Building Board review the request for Utah Valley University to reallocate FY2010 funds to an immediate repair of two campus chillers. One chiller is currently broken down and the other needs to be upgraded. The total cost of the repair and upgrade is $174,166.00. UVU requested to reallocate $181,700 from the repair of the two stairways in the courtyard to the repair of the chillers.

MOTION: **Steve Bankhead moved to approve the reallocation for Utah Valley University. The motion was seconded by Mel Sowerby and passed unanimously.**

❑ ADMINISTRATIVE REPORT FOR UNIVERSITY OF UTAH AND UTAH STATE UNIVERSITY .....

Ken Nye, University of Utah, provided the administrative report for the period of May 1 to June 5, 2009. There were six design agreements, one programming/planning agreement, two study/other agreements, and four remodeling contracts awarded during the period.

The design agreement for the EMRL Meldrum Building Auditorium was awarded for $296,054 directly to Paul D. Brown Architects as required by the donor.

There were three additions to the Project Reserve fund. Each increase consisted of transferring the remaining balance in capital to protect the reserve as the project was completed.

The Contingency Reserve quarterly report reflected the cumulative amounts of draws of contingency that had taken place in the projects from their inception.

MOTION: **Cyndi Gilbert moved to approve the administrative report of the University of Utah. The motion was seconded by Kerry Casaday and passed unanimously.**

Ben Berrett, Utah State University, provided the administrative report for the period of April 29 to June 3, 2009. There were three professional contracts and six construction contracts awarded for the period.

The $56,929.90 change order on the CEP Chillers project was to correct omissions from the design including the addition of a cable tray and electrical panel in the node, raising a tunnel lid, and adding a steam trap.

The Tippetts Gallery Lighting/HVAC project had the scope of work changed. The original intent was to put a stand alone HVAC unit on the Tippetts Gallery, which turned out not to be possible due to the mechanical access on the roof and the location of the existing mechanical room. The existing system had to be upgraded which required $126,595 from the Project Reserve Fund.

There have been twelve contracts closed, 28 are in progress, and seven new contracts have been issued since the last quarterly report.

MOTION: Manuel Torres moved to approve the administrative report of Utah State University. The motion was seconded by Mel Sowerby and passed unanimously.

❑ ADMINISTRATIVE REPORT FOR DFCM .....

Kurt Baxter provided the administrative report for DFCM for the period of April 28 to June 12, 2009. There were 20 architect/engineering agreements and 20 construction contracts awarded for the period.

The DJJS Decker Lake Facility Chiller Replacement was handled through the invitational bid process although it was over $100,000. An accelerated schedule was also approved.

Change orders occurred at the Multi Agency Office Building in the amount of $117,126. Two change orders in the amount of $91,904 occurred at the St. George New Courthouse, and five change orders occurred at the UBATC Vernal Branch Building in the amount of $61,446.

❑ OTHER .....

Gregg Buxton thanked the departing Board members for their service and distributed plaques to Kerry Casaday, Larry Jardine and Manuel Torres. All had served two terms as Building Board members.

❑ ADJOURNMENT .....

MOTION: Mel Sowerby moved to adjourn the meeting. The motion was seconded by Wilbern McDougal and passed unanimously.

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Utah State Building Board

Jon M. Huntsman, Jr.
Governor

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Salt Lake City, Utah 84114
Phone (801) 538-3018
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MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Proposed Amendments to Recodify Rules R23-1; R23-2; R23-4; R23-21; R23-25; R23-26; R23-29**

Recommendation

In accordance with HB63 of the 2008 General Session, the above named rules have been amended and recodified with new section renumbering. DFCM recommends that the Building Board approve these amendments to the following rules:

R23-1
R23-2
R23-4
R23-21
R23-25
R23-26
R23-29

If the Building Board is satisfied with the proposed amendments to these rules, DFCM recommends that a non-substantive change for each rule be filed with the Division of Administrative Rules.

DGB:LPD:sle

Attachment

R23. Administrative Services, Facilities Construction and Management.

R23-1. Procurement of Construction.

R23-1-1. Purpose and Authority.

(1) In accordance with Subsection [~~63-56-208(2)~~]63G-6-208, this rule establishes procedures for the procurement of construction by the Division.

(2) The statutory provisions governing the procurement of construction by the Division are contained in Title [~~63, Chapter 56~~]63G-6-208 and Title 63A, Chapter 5.

R23-1-2. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section [~~63-56-105~~]63G-6-103.

(2) In addition:

(a) "Acceptable Bid Security" means a bid bond meeting the requirements of Subsection R23-1-40(4).

(b) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(c) "Cost Data" means factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

(d) "Director" means the Director of the Division, including, unless otherwise stated, his duly authorized designee.

(e) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(f) "Established Market Price" means a current price, established in the usual and ordinary course of trade between buyers and sellers, which can be substantiated from sources independent of the manufacturer or supplier.

(g) "Price Data" means factual information concerning prices for supplies, services, or construction substantially identical to those being procured. Prices in this definition refer to offered or proposed selling prices and includes data relevant to both prime and subcontract prices.

(h) "Procuring Agencies" means, individually or collectively, the state, the Division, the owner and the using agency.

(i) "Products" means and includes materials, systems and equipment.

(j) "Proprietary Specification" means a specification which uses a brand name to describe the standard of quality, performance, and other characteristics needed to meet the procuring agencies' requirements or which is written in such a manner that restricts the procurement to one brand.

(k) "Public Notice" means the notice that is publicized pursuant to this rule to notify contractors of Invitations For Bids and Requests For Proposals.

(l) "Record" shall have the meaning defined in Section [~~63-2-103~~]63G-2-103 of the Government Records Access and Management Act (GRAMA).

(m) "Specification" means any description of the physical, functional or performance characteristics of a supply or

construction item. It may include requirements for inspecting, testing, or preparing a supply or construction item for delivery or use.

(n) "State" means the State of Utah.

(o) "Subcontractor" means any person who has a contract with any person other than the procuring agency to perform any portion of the work on a project.

(p) "Using Agency" means any state agency or any political subdivision of the state which utilizes any services or construction procured under these rules.

(q) "Work" means the furnishing of labor or materials, or both.

R23-1-5. Competitive Sealed Bidding.

(1) Use. Competitive sealed bidding, which includes multi-step sealed bidding, shall be used for the procurement of construction if the design-bid-build method of construction contract management described in Subsection R23-1-45(5)(b) is used unless a determination is made by the Director in accordance with Subsection R23-1-15(1)(c) that the competitive sealed proposals procurement method should be used.

(2) Public Notice of Invitations For Bids.

(a) Public notice of Invitations For Bids shall be publicized electronically on the Internet; and may be publicized in any or all of the following as determined appropriate:

(i) In a newspaper having general circulation in the area in which the project is located;

(ii) In appropriate trade publications;

(iii) In a newspaper having general circulation in the state;

(iv) By any other method determined appropriate.

(b) A copy of the public notice shall be available for public inspection at the principal office of the Division in Salt Lake City, Utah.

(3) Content of the Public Notice. The public notice of Invitation For Bids shall include the following:

(a) The closing time and date for the submission of bids;

(b) The location to which bids are to be delivered;

(c) Directions for obtaining the bidding documents;

(d) A brief description of the project;

(e) Notice of any mandatory pre-bid meetings.

(4) Bidding Time. Bidding time is the period of time between the date of the first publication of the public notice and the final date and time set for the receipt of bids by the Division. Bidding time shall be set to provide bidders with reasonable time to prepare their bids and shall be not less than ten calendar days, unless a shorter time is deemed necessary for a particular project as determined in writing by the Director.

(5) Bidding Documents. The bidding documents for an Invitation For Bids:

(a) shall include a bid form having a space in which the bid prices shall be inserted and which the bidder shall sign and submit along with all other required documents and materials; and

(b) may include qualification requirements as appropriate.

(6) Addenda to the Bidding Documents.

(a) Addenda shall be distributed or otherwise made available to all entities known to have obtained the bidding documents.

(b) Addenda shall be distributed or otherwise made available within a reasonable time to allow all prospective bidders to consider them in preparing bids. If the time set for the final receipt of bids will not permit appropriate consideration, the bidding time shall be extended to allow proper consideration of the addenda.

(7) Pre-Opening Modification or Withdrawal of Bids.

(a) Bids may be modified or withdrawn by the bidder by written notice delivered to the location designated in the public notice where bids are to be delivered prior to the time set for the opening of bids.

(b) Bid security, if any, shall be returned to the bidder when withdrawal of the bid is permitted.

(c) All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate project file.

(8) Late Bids, Late Withdrawals, and Late Modifications. Any bid, withdrawal of bid, or modification of bid received after the time and date set for the submission of bids at the location designated in the notice shall be deemed to be late and shall not be considered, unless it is the only bid received in which case it may be considered.

(9) Receipt, Opening, and Recording of Bids.

(a) Upon receipt, all bids and modifications shall be stored in a secure place until the time for bid opening.

(b) Bids and modifications shall be opened publicly, in the presence of one or more witnesses, at the time and place designated in the notice. The names of the bidders, the bid price, and other information deemed appropriate by the Director shall be read aloud or otherwise made available to the public. After the bid opening, the bids shall be tabulated or a bid abstract made. The opened bids shall be available for public inspection.

(10) Mistakes in Bids.

(a) If a mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible but only at the discretion of the Director and only to the extent it is not contrary to the interest of the procuring agencies or the fair treatment of other bidders.

(b) When it appears from a review of the bid that a mistake may have been made, the Director may request the bidder to confirm the bid in writing. Situations in which confirmation may be requested include obvious, apparent errors on the face of the bid or a bid substantially lower than the other bids submitted.

(c) This subsection sets forth procedures to be applied in three situations described below in which mistakes in bids are discovered after opening but before award.

(i) Minor formalities are matters which, in the discretion of the Director, are of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders and with respect to

which, in the Director's discretion, the effect on price, quantity, quality, delivery, or contractual conditions is not or will not be significant. The Director, in his sole discretion, may waive minor formalities or allow the bidder to correct them depending on which is in the best interest of the procuring agencies. Examples include the failure of a bidder to:

(A) Sign the bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intent to be bound;

(B) Acknowledge receipt of any addenda to the Invitation For Bids, but only if it is clear from the bid that the bidder received the addenda and intended to be bound by its terms; the addenda involved had a negligible effect on price, quantity, quality, or delivery; or the bidder acknowledged receipt of the addenda at the bid opening.

(ii) If the Director determines that the mistake and the intended bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

(iii) A bidder may be permitted to withdraw a low bid if the Director determines a mistake is clearly evident on the face of the bid document but the intended amount of the bid is not similarly evident, or the bidder submits to the Division proof which, in the Director's judgment, demonstrates that a mistake was made.

(d) No bidder shall be allowed to correct a mistake or withdraw a bid because of a mistake discovered after award of the contract; provided, that mistakes of the types described in this Subsection (10) may be corrected or the award of the contract canceled if the Director determines that correction or cancellation will not prejudice the interests of the procuring agencies or fair competition.

(e) The Director shall approve or deny in writing all requests to correct or withdraw a bid.

(11) Bid Evaluation and Award. Except as provided in the following sentence, the contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the bidding documents and no bid shall be evaluated for any requirements or criteria that are not disclosed in the bidding documents. A reciprocal preference shall be granted to a resident contractor if the provisions of Section [~~63-56-405~~] 63G-6-405 are met.

(12) Cancellation of Invitations For Bids; Rejection Of Bids in Whole or In Part.

(a) Although issuance of an Invitation For Bids does not compel award of a contract, the Division may cancel an Invitation For Bids or reject bids received in whole or in part only when the Director determines that it is in the best interests of the procuring agencies to do so.

(b) The reasons for cancellation or rejection shall be made a part of the project file and available for public inspection.

(c) Any determination of nonresponsibility of a bidder shall be made by the Director in writing and shall be based upon the criteria that the Director shall establish as relevant to this determination with respect to the particular project. An unreasonable failure of the bidder or to promptly supply information regarding responsibility may be grounds for a determination of nonresponsibility. Any bidder or determined to be nonresponsible shall be provided with a copy of the written determination within a reasonable time. The Board finds that it would impair governmental procurement proceedings by creating a disincentive for bidders to respond to inquiries of nonresponsibility. Therefore information furnished by a bidder or pursuant to any inquiry concerning responsibility shall be classified as a protected record pursuant to Section [~~63-2-304~~]63G-2-305 and may be disclosed only as provided for in Subsection R23-1-35.

(13) Tie Bids. Tie bids shall be resolved in accordance with Section [~~63-56-426~~]63G-6-426.

(14) Subcontractor Lists. For purposes of this Subsection (14), the definitions of Section 63A-5-208 shall be applicable. Within 24 hours after the bid opening time, not including Saturdays, Sundays and state holidays, the apparent lowest three bidders, as well as other bidders that desire to be considered, shall submit to the Division a list of their first-tier subcontractors that are in excess of the dollar amounts stated in Subsection 63-A-5-208(3)(a)(i)(A).

(a) The subcontractor list shall include the following:

(i) the type of work the subcontractor is to perform;

(ii) the subcontractor's name;

(iii) the subcontractor's bid amount;

(iv) the license number of the subcontractor issued by the Utah Division of Occupational and Professional Licensing, if such license is required under Utah law; and

(v) the impact that the selection of any alternate included in the solicitation would have on the information required by this Subsection (14).

(b) The contract documents for a specific project may require that additional information be provided regarding any contractor, subcontractor, or supplier.

(c) If pursuant to Subsection 63A-5-208(4)a, a bidder intends to perform the work of a subcontractor or obtain, at a later date, a bid from a qualified subcontractor, the bidder shall:

(i) comply with the requirements of Section 63A-5-208 and

(ii) clearly list himself on the subcontractor list form.

(d) Errors on the subcontractor list will not disqualify the bidder if the bidder can demonstrate that the error is a result of his reasonable reliance on information that was provided by the subcontractor and was used to meet the requirements of this section, and, provided that this does not result in an adjustment to the bidder's contract amount.

(e) Pursuant to Sections 63A-5-208 and [~~63-2-304~~]63G-2-305, information contained in the subcontractor list submitted to the

Division shall be classified public except for the amount of subcontractor bids which shall be classified as protected until a contract has been awarded to the bidder at which time the subcontractor bid amounts shall be classified as public. During the time that the subcontractor bids are classified protected, they may only be made available to procurement and other officials involved with the review and approval of bids.

(15) Change of Listed Subcontractors. Subsequent to twenty-four hours after the bid opening, the contractor may change his listed subcontractors only after receiving written permission from the Director based on complying with all of the following:

(a) The contractor has established in writing that the change is in the best interest of the State and that the contractor establishes an appropriate reason for the change, which may include, but is not limited to, the following reasons:

(i) the original subcontractor has failed to perform, or is not qualified or capable of performing,

(ii) the subcontractor has requested in writing to be released;

(b) The circumstances related to the request for the change do not indicate any bad faith in the original listing of the subcontractors;

(c) Any requirement set forth by the Director to ensure that the process used to select a new subcontractor does not give rise to bid shopping;

(d) Any increase in the cost of the subject subcontractor work shall be borne by the contractor; and

(e) Any decrease in the cost of the subject subcontractor work shall result in a deductive change order being issued for the contract for such decreased amount.

R23-1-10. Multi-Step Sealed Bidding.

(1) Description. Multi-step sealed bidding is a two-phase process. In the first phase bidders submit unpriced technical offers to be evaluated. In the second phase, bids submitted by bidders whose technical offers are determined to be acceptable during the first phase are considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to arrive at technical offers and terms acceptable to the Division and suitable for competitive pricing.

(2) Use. The multi-step sealed bidding method may be used when the Director deems it to the advantage of the state. Multi-step sealed bidding may be used when it is considered desirable:

(a) to invite and evaluate technical offers or statements of qualifications to determine their acceptability to fulfill the purchase description requirements;

(b) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description;

(c) to accomplish (a) or (b) prior to soliciting bids; and

(d) to award the contract to the lowest responsive and responsible bidder in accordance with the competitive sealed bidding procedures.

(3) Pre-Bid Conferences In Multi-Step Sealed Bidding. The Division may hold one or more pre-bid conferences prior to the submission of unpriced technical offers or at any time during the evaluation of the unpriced technical offers.

(4) Procedure for Phase One of Multi-Step Sealed Bidding.

(a) Public Notice. Multi-step sealed bidding shall be initiated by the issuance of a Public Notice in the form required by Subsections R23-1-5(2) and (3).

(b) Invitation for Bids. The multi-step Invitation for Bids shall state:

(i) that unpriced technical offers are requested;

(ii) when bids are to be submitted (if they are to be submitted at the same time as the unpriced technical offers, the bids shall be submitted in a separate sealed envelope);

(iii) that it is a multi-step sealed bid procurement, and bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

(iv) the criteria to be used in the evaluation of the unpriced technical offers;

(v) that the Division, to the extent the Director finds necessary, may conduct oral or written discussions of the unpriced technical offers;

(vi) that the item being procured shall be furnished in accordance with the bidders technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids; and

(vii) that bidders may designate those portions of the unpriced technical offers which the bidder believes qualifies as a protected record as provided in Section R23-1-35. Such designated portions may be disclosed only as provided for in Section R23-1-35.

(c) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers and they shall be allowed to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the Director, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids shall be canceled in accordance with Subsection R23-1-5(12) and a new Invitation for Bids may be issued.

(d) Receipt and Handling of Unpriced Technical Offers. After the date and time established for the receipt of unpriced technical offers, a register of bidders shall be open to public inspection. Prior to award, unpriced technical offers shall be shown only to those involved with the evaluation of the offers who shall adhere to the requirements of GRAMA and this rule. Except for those portions classified as protected under Section R23-1-35 or otherwise subject to non-disclosure under applicable law, unpriced technical offers shall be open to public inspection after

award of the contract.

(e) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids which may include an evaluation of the past performance of the bidder. The unpriced technical offers shall be categorized as acceptable or unacceptable. The Director shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

(f) Discussion of Unpriced Technical Offers. Discussion of technical offers may be conducted with bidders who submit an acceptable technical offer. During the course of discussions, any information derived from one unpriced technical offer shall not be disclosed to any other bidder. Once discussions are begun, any bidder who has not been notified that its offer has been found unacceptable may submit supplemental information modifying or otherwise amending its technical offer until the closing date established by the Director. Submission may be made at the request of the Director or upon the bidder's own initiative.

(g) Notice of Unacceptable Unpriced Technical Offer. When the Director determines a bidder's unpriced technical offer to be unacceptable, he shall notify the bidder in writing. Such bidders shall not be afforded an additional opportunity to supplement technical offers.

(h) Confidentiality of Past Performance and Reference Information. Confidentiality of past performance and reference information shall be maintained in accordance with Subsection R23-1-15(10).

(5) Mistakes During Multi-Step Sealed Bidding. Mistakes may be corrected or bids may be withdrawn during phase one:

(a) before unpriced technical offers are considered;

(b) after any discussions have commenced under Subsection R23-1-10(4)(f); or

(c) when responding to any amendment of the Invitation for Bids. Otherwise mistakes may be corrected or withdrawal permitted in accordance with Subsection R23-1-5(10).

(6) Carrying Out Phase Two.

(a) Initiation. Upon the completion of phase one, the Director shall either:

(i) open bids submitted in phase one (if bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; provided, however, that the offers have remained unchanged, and the Invitation for Bids has not been amended subsequent to the submittal of bids; or

(ii) invite each acceptable bidder to submit a bid.

(b) Conduct. Phase two is to be conducted as any other competitive sealed bid procurement except:

(i) as specifically set forth in Section R23-1-10; and

(ii) no public notice is given of this invitation to submit.

R23-1-15. Competitive Sealed Proposals.

(1) Use.

(a) Construction Management. The competitive sealed proposals procurement method shall be used in the procurement of a

construction manager under the construction manager/general contractor method of construction contract management described in subsection R23-1-45(5)(d) due to the need to consider qualifications, past performance and services offered in addition to the cost of the services and because only a small portion of the ultimate construction cost is typically considered in this selection.

(b) Design-Build. In order to meet the requirements of Section [~~63-56-703~~]63G-6-703, competitive sealed proposals shall be used to procure design-build contracts.

(c) Design-Bid-Build. The competitive sealed proposals procurement method may be used for procuring a contractor under the design-bid-build method of construction contract management described in subsection R23-1-45(5)(b) only after the Director makes a determination that it is in the best interests of the state to use the competitive sealed proposals method due to unique aspects of the project that warrant the consideration of qualifications, past performance, schedule or other factors in addition to cost.

(2) Documentation. The Director's determination made under subsection R23-1-15(1)(c) shall be documented in writing and retained in the project file.

(3) Public Notice.

(a) Public notice of the Request for Proposals shall be publicized in the same manner provided for giving public notice of an Invitation for Bids, as provided in Subsection R23-1-5(2).

(b) The public notice shall include:

(i) a brief description of the project;

(ii) directions on how to obtain the Request for Proposal documents;

(iii) notice of any mandatory pre-proposal meetings; and

(iv) the closing date and time by which the first submittal of information is required;

(4) Proposal Preparation Time. Proposal preparation time is the period of time between the date of first publication of the public notice and the date and time set for the receipt of proposals by the Division. In each case, the proposal preparation time shall be set to provide offerors a reasonable time to prepare their proposals. The time between the first publication of the public notice and the earlier of the first required submittal of information or any mandatory pre-proposal meeting shall be not less than ten calendar days, unless a shorter time is deemed necessary for a particular procurement as determined, in writing, by the Director.

(5) Form of Proposal. The Request for Proposals may state the manner in which proposals are to be submitted, including any forms for that purpose.

(6) Addenda to Requests for Proposals. Addenda to the requests for proposals may be made in the same manner provided for addenda to the bidding documents in connection with Invitations for Bids set forth in Subsection R23-1-5(6) except that addenda may be issued to qualified offerors until the deadline for best and final offers.

(7) Modification or Withdrawal of Proposals.

(a) Proposals may be modified prior to the due dates established in the Request for Proposals.

(b) Proposals may be withdrawn until the notice of selection is issued.

(8) Late Proposals, and Late Modifications. Except for modifications allowed pursuant to negotiation, any proposal, or modification received at the location designated for receipt of proposals after the due dates established in the Request for Proposals shall be deemed to be late and shall not be considered unless there are no other offerors.

(9) Receipt and Registration of Proposals.

After the date established for the first receipt of proposals or other required information, a register of offerors shall be prepared and open to public inspection. Prior to award, proposals and modifications shall be shown only to procurement and other officials involved with the review and selection of proposals who shall adhere to the requirements of GRAMA and this rule.

(10) Confidentiality of Performance Evaluations and Reference Information. The Board finds that it is necessary to maintain the confidentiality of performance evaluations and reference information in order to avoid competitive injury and to encourage those persons providing the information to respond in an open and honest manner without fear of retribution. Accordingly, records containing performance evaluations and reference information are classified as protected records under the provisions of Subsections [~~63-2-304(6)~~]63G-2-305 and shall be disclosed only to those persons involved with the performance evaluation, the contractor that the information addresses and procurement and other officials involved with the review and selection of proposals. The Division may, however, provide reference information to other governmental entities for use in their procurement activities and to other parties when requested by the contractor that is the subject of the information. Any other disclosure of such performance evaluations and reference information shall only be as required by applicable law.

(11) Evaluation of Proposals.

(a) The evaluation of proposals shall be conducted by an evaluation committee appointed by the Director that may include representatives of the Division, the Board, other procuring agencies, and contractors, architects, engineers, and others of the general public. Each member of the selection committee shall certify as to his lack of conflicts of interest.

(b) The Request for Proposals shall state all of the evaluation factors and the relative importance of price and other evaluation factors.

(c) The evaluation shall be based on the evaluation factors set forth in the request for proposals. Numerical rating systems may be used but are not required. Factors not specified in the request for proposals shall not be considered.

(d) Proposals may be initially classified as potentially acceptable or unacceptable. Offerors whose proposals are unacceptable shall be so notified by the Director in writing and they may not continue to participate in the selection process.

(e) This classification of proposals may occur at any time

during the selection process once sufficient information is received to consider the potential acceptability of the offeror.

(f) The request for proposals may provide for a limited number of offerors who may be classified as potentially acceptable. In this case, the offerors considered to be most acceptable, up to the number of offerors allowed, shall be considered acceptable.

(12) Proposal Discussions with Individual Offerors.

(a) Unless only one proposal is received, proposal discussions with individual offerors, if held, shall be conducted with no less than the offerors submitting the two best proposals.

(b) Discussions are held to:

(i) Promote understanding of the procuring agency's requirements and the offerors' proposals; and

(ii) Facilitate arriving at a contract that will be most advantageous to the procuring agencies taking into consideration price and the other evaluation factors set forth in the request for proposals.

(c) Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. Any oral clarification or change of a proposal shall be reduced to writing by the offeror.

(13) Best and Final Offers. If utilized, the Director shall establish a common time and date to submit best and final offers. Best and final offers shall be submitted only once unless the Director makes a written determination before each subsequent round of best and final offers demonstrating that another round is in the best interest of the procuring agencies and additional discussions will be conducted or the procuring agencies' requirements may be changed. Otherwise, no discussion of, or changes in, the best and final offers shall be allowed prior to award. Offerors shall also be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

(14) Mistakes in Proposals.

(a) Mistakes discovered before the established due date. An offeror may correct mistakes discovered before the time and date established in the Request for Proposals for receipt of that information by withdrawing or correcting the proposal as provided in Subsection R23-1-15(7).

(b) Confirmation of proposal. When it appears from a review of the proposal before award that a mistake has been made, the offeror may be asked to confirm the proposal. Situations in which confirmation may be requested include obvious, apparent errors on the face of the proposal or a proposal amount that is substantially lower than the other proposals submitted. If the offeror alleges mistake, the proposal may be corrected or withdrawn as provided for in this section.

(c) Minor formalities. Minor formalities, unless otherwise corrected by an offeror as provided in this section, shall be treated as they are under Subsection R23-1-5(10)(c).

(d) Mistakes discovered after award. Offeror shall be bound to all terms, conditions and statements in offeror's proposal after award of the contract.

(15) Award.

(a) Award Documentation. A brief written justification statement shall be made showing the basis on which the award was found to be most advantageous to the state taking into consideration price and the other evaluation factors set forth in the Request for Proposals.

(b) One proposal received. If only one proposal is received in response to a Request for Proposals, the Director may, as he deems appropriate, make an award or, if time permits, resolicit for the purpose of obtaining additional competitive sealed proposals.

(16) Publicizing Awards.

(a) Notice. After the selection of the successful offeror(s), notice of award shall be available in the principal office of the Division in Salt Lake City, Utah and may be available on the Internet.

(b) Information Disclosed. The following shall be disclosed with the notice of award:

(i) the rankings of the proposals;

(ii) the names of the selection committee members;

(iii) the amount of each offeror's cost proposal;

(iv) the final scores used by the selection committee to make the selection, except that the names of the individual scorers shall not be associated with their individual scores; and

(v) the written justification statement supporting the selection.

(c) Information Classified as Protected. After due consideration and public input, the following has been determined by the Board to impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract with the Division and shall be classified as protected records:

(i) the names of individual selection committee scorers in relation to their individual scores or rankings; and

(ii) non-public financial statements.

R23-1-17. Bids Over Budget.

(1) In the event all bids for a construction project exceed available funds as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed those funds by more than 5%, the Director may, where time or economic considerations preclude resolicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder in order to bring the bid within the amount of available funds.

(2) As an alternative to the procedure authorized in Subsection (1), when all bids for a construction project exceed available funds as certified by the Director, and the Director finds that due to time or economic considerations the re-solicitation of a reduced scope of work would not be in the interest of the state, the Director may negotiate an adjustment in

the bid price using one of the following methods:

(a) reducing the scope of work in specific subcontract areas and supervising the re-bid of those subcontracts by the low responsive and responsible bidder;

(b) negotiating with the low responsive and responsible bidder for a reduction in scope and cost with the value of those reductions validated in accordance with Section R23-1-50; or

(c) revising the contract documents and soliciting new bids only from bidders who submitted a responsive bid on the original solicitation. This re-solicitation may have a shorter bid response time than otherwise required.

(3) The use of one of the alternative procedures provided for in this subsection (2) must provide for the fair and equitable treatment of bidders.

(4) The Director's written determination, including a brief explanation of the basis for the decision shall be included in the contact file.

(5) This section does not restrict in any way, the right of the Director to use any emergency or sole source procurement provisions, or any other applicable provisions of State law or rule which may be used to award the construction project.

R23-1-20. Small Purchases.

(1) Procurements of $100,000 or Less.

(a) The Director may make procurements of construction estimated to cost $100,000 or less by soliciting at least two firms to submit written quotations. The award shall be made to the firm offering the lowest acceptable quotation.

(b) The names of the persons submitting quotations and the date and amount of each quotation shall be recorded and maintained as a public record by the Division.

(c) If the Director determines that other factors in addition to cost should be considered in a procurement of construction estimated to cost $100,000 or less, the Director shall solicit proposals from at least two firms. The award shall be made to the firm offering the best proposal as determined through application of the procedures provided for in Section R23-1-15 except that a public notice is not required and only invited firms may submit proposals.

(2) Procurements of $10,000 or Less. The Director may make small purchases of construction of $10,000 or less in any manner that he shall deem to be adequate and reasonable.

(3) Division of Procurements. Procurements shall not be divided in order to qualify for the procedures outlined in this section.

R23-1-25. Sole Source Procurement.

(1) Conditions for Use of Sole Source Procurement.

The procedures concerning sole source procurement in this Section may be used if, in the discretion of the Director, a requirement is reasonably available only from a single source. Examples of circumstances which could also necessitate sole source procurement are:

(a) where the compatibility of product design, equipment,

accessories, or replacement parts is the paramount consideration;

(b) where a sole supplier's item is needed for trial use or testing;

(c) procurement of public utility services;

(d) when it is a condition of a donation that will fund the full cost of the supply, material, equipment, service, or construction item.

(2) Written Determination. The determination as to whether a procurement shall be made as a sole source shall be made by the Director in writing and may cover more than one procurement. In cases of reasonable doubt, competition shall be solicited.

(3) Negotiation in Sole Source Procurement. The Director shall negotiate with the sole source vendor for considerations of price, delivery, and other terms.

R23-1-30. Emergency Procurements.

(1) Application. This section shall apply to every procurement of construction made under emergency conditions that will not permit other source selection methods to be used.

(2) Definition of Emergency Conditions. An emergency condition is a situation which creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, natural disasters, wars, destruction of property, building or equipment failures, or any emergency proclaimed by governmental authorities.

(3) Scope of Emergency Procurements. Emergency procurements shall be limited to only those construction items necessary to meet the emergency.

(4) Authority to Make Emergency Procurements.

(a) The Division makes emergency procurements of construction when, in the Director's determination, an emergency condition exists or will exist and the need cannot be met through other procurement methods.

(b) The procurement process shall be considered unsuccessful when all bids or proposals received pursuant to an Invitation For Bids or Request For Proposals are nonresponsive, unreasonable, noncompetitive, or exceed available funds as certified by the appropriate fiscal officer, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals. If emergency conditions exist after or are brought about by an unsuccessful procurement process, an emergency procurement may be made.

(5) Source Selection Methods. The source selection method used for emergency procurement shall be selected by the Director with a view to assuring that the required services of construction items are procured in time to meet the emergency. Given this constraint, as much competition as the Director determines to be practicable shall be obtained.

(6) Specifications. The Director may use any appropriate specifications without being subject to the requirements of Section R23-1-55.

(7) Required Construction Contract Clauses. The Director may modify or not use the construction contract clauses otherwise required by Section R23-1-60.

(8) Written Determination. The Director shall make a written determination stating the basis for each emergency procurement and for the selection of the particular source. This determination shall be included in the project file.

R23-1-35. Protected Records.

(1) General Classification. Records submitted to the Division in a procurement process are classified as public unless a different classification is determined in accordance with Title 63G, Chapter 2, U.C.A., Government Records Access and Management Act, hereinafter referred to as GRAMA.

(2) Protected Records. Records meeting the requirements of Section [~~63-2-304~~]63G-2-305 will be treated as protected records if the procedural requirements of GRAMA are met. Examples of protected records include the following:

(a) trade secrets, as defined in Section 13-24-2, if the requirements of Subsection R23-1-35(3) are met;

(b) commercial information or nonindividual financial information if the requirements of Subsection [~~63-2-304(2)~~]63G-2-305(2) and Subsection R23-1-35(3) are met; and

(c) records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract with the Division, including, but not limited to, those records for which such a determination is made in this rule R23-1, Procurement of Construction, or rule R23-2, Procurement of Architect-Engineer Services.

(3) Requests for Protected Status. Persons who believe that a submitted record, or portion thereof, should be protected under the classifications listed in Subsections R23-1-35(2)(a) and R23-1-35(2)(b) shall provide with the record a written claim of business confidentiality and a concise statement of reasons supporting the claim of business confidentiality. Such statements must address each portion of a document for which protected status is requested.

(4) Notification. A person who complies with this Section R23-1-35 shall be notified by the Division prior to the Division's public release of any information for which business confidentiality has been asserted.

(5) Disclosure of Records and Appeal. The records access determination and any further appeal of such determination shall be made in accordance with the provisions of Sections [~~63-2-308~~]63G-2-309 and [~~63-2-401~~]63G-2-401 et seq., GRAMA.

(6) Not Limit Rights. Nothing in this rule shall be construed to limit the right of the Division to protect a record from public disclosure where such protection is allowed by law.

R23-1-40. Acceptable Bid Security; Performance and Payment Bonds.

(1) Application. This section shall govern bonding and bid security requirements for the award of construction contracts by the Division in excess of $50,000; although the Division may require acceptable bid security and performance and payment bonds on smaller contracts. Bidding Documents shall state whether acceptable bid security, performance bonds or payment bonds are

required.

(2) Acceptable Bid Security.

(a) Invitations for Bids and Requests For Proposals shall require the submission of acceptable bid security in an amount equal to at least five percent of the bid, at the time the bid is submitted. If a contractor fails to accompany its bid with acceptable bid security, the bid shall be deemed nonresponsive, unless this failure is found to be nonsubstantial as hereinafter provided.

(b) If acceptable bid security is not furnished, the bid shall be rejected as nonresponsive, unless the failure to comply is determined by the Director to be nonsubstantial. Failure to submit an acceptable bid security may be deemed nonsubstantial if:

(i)(A) the bid security is submitted on a form other than the Division's required bid bond form and the bid security meets all other requirements including being issued by a surety meeting the requirements of Subsection (5); and

(B) the contractor provides acceptable bid security by the close of business of the next succeeding business day after the Division notified the contractor of the defective bid security; or

(ii) only one bid is received.

(3) Payment and Performance Bonds. Payment and performance bonds in the amount of 100% of the contract price are required for all contracts in excess of $50,000. These bonds shall cover the procuring agencies and be delivered by the contractor to the Division at the same time the contract is executed. If a contractor fails to deliver the required bonds, the contractor's bid shall be found nonresponsive and its bid security shall be forfeited.

(4) Forms of Bonds. Bid Bonds, Payment Bonds and Performance Bonds must be from sureties meeting the requirements of Subsection (5) and must be on the exact bond forms most recently adopted by the Board and on file with the Division.

(5) Surety firm requirements. All surety firms must be authorized to do business in the State of Utah and be listed in the U.S. Department of the Treasury Circular 570, Companies Holding Certificates of Authority as Acceptable Securities on Federal Bonds and as Acceptable Reinsuring Companies for an amount not less than the amount of the bond to be issued. A co-surety may be utilized to satisfy this requirement.

(6) Waiver. The Director may waive the bonding requirement if the Director finds, in writing, that bonds cannot be reasonably obtained for the work involved.

R23-1-45. Methods of Construction Contract Management.

(1) Application. This section contains provisions applicable to the selection of the appropriate type of construction contract management.

(2) Flexibility. The Director shall have sufficient flexibility in formulating the construction contract management method for a particular project to fulfill the needs of the procuring agencies. In each instance consideration commensurate with the project's size and importance should be given to all the appropriate and effective means of obtaining both the design and

construction of the project. The methods for achieving the purposes set forth in this rule are not to be construed as an exclusive list.

(3) Selecting the Method of Construction Contracting. In selecting the construction contracting method, the Director shall consider the results achieved on similar projects in the past, the methods used, and other appropriate and effective methods and how they might be adapted or combined to fulfill the needs of the procuring agencies. The use of the design-bid-build method is an appropriate contracting method for the majority of construction contracts entered into by the Division with a cost equal to or less than $1,500,000 and the construction manager/general contractor method is an appropriate contracting method for the majority of construction contracts entered into by the Division with a cost greater than $1,500,000. The Director shall include a statement in the project file setting forth the basis for using any construction contracting method other than those suggested in the preceding sentence.

(4) Criteria for Selecting Construction Contracting Methods. Before choosing the construction contracting method to use, the Director shall consider the factors outlined in Subsection [~~63-56-501(1)(c)~~] 63G-6-501(1)(c).

(5) General Descriptions.

(a) Application of Descriptions. The following descriptions are provided for the more common contracting methods. The methods described are not all mutually exclusive and may be combined on a project. These descriptions are not intended to be fixed for all construction projects of the State. In each project, these descriptions may be adapted to fit the circumstances of that project.

(b) Design-Bid-Build. The design-bid-build method is typified by one business, acting as a general contractor, contracting with the state to complete a construction project in accordance with drawings and specifications provided by the state within a defined time period. Generally the drawings and specifications are prepared by an architectural or engineering firm under contract with the state. Further, while the general contractor may take responsibility for successful completion of the project, much of the work may be performed by specialty contractors with whom the prime contractor has entered into subcontracts.

(c) Design-Build. In a design-build project, a business contracts directly with the Division to meet requirements described in a set of performance specifications. The design-build contractor is responsible for both design and construction. This method can include instances where the design-build contractor supplies the site as part of the package.

(d) Construction Manager/General Contractor. A construction manager/general contractor is a firm experienced in construction that provides professional services to evaluate and to implement drawings and specifications as they affect time, cost, and quality of construction and the ability to coordinate the construction of the project, including the administration of change orders. The Division may contract with the construction manager/general

contractor early in a project to assist in the development of a cost effective design. The construction manager/general contractor will generally become the general contractor for the project and procure subcontract work at a later date. The procurement of a construction manager/general contractor may be based, among other criteria, on proposals for a management fee which is either a lump sum or a percentage of construction costs with a guaranteed maximum cost. If the design is sufficiently developed prior to the selection of a construction manager/general contractor, the procurement may be based on proposals for a lump sum or guaranteed maximum cost for the construction of the project. The contract with the construction manager/general contractor may provide for a sharing of any savings which are achieved below the guaranteed maximum cost. When entering into any subcontract that was not specifically included in the Construction Manager/General Contractor's cost proposal submitted in the original procurement of the Construction Manager/General Contractor's services, the Construction Manager/General Contractor shall procure that subcontractor by using one of the source selection methods provided for in [~~Title 63, Chapter 56, Part 4, Source Selections and Contract Formation~~]Sections 63G-6-401 through 63G-6-426, in a similar manner as if the subcontract work was procured directly by the Division.

R23-1-50. Cost or Pricing Data and Analysis; Audits.

(1) Applicability. Cost or pricing data shall be required when negotiating contracts and adjustments to contracts if:

(a) adequate price competition is not obtained as provided in Subsection (2); and

(b) the amounts set forth in Subsection (3) are exceeded.

(2) Adequate Price Competition. Adequate price competition is achieved for portions of contracts or entire contracts when one of the following is met:

(a) When a contract is awarded based on competitive sealed bidding;

(b) When a contractor is selected from competitive sealed proposals and cost was one of the selection criteria;

(c) For that portion of a contract that is for a lump sum amount or a fixed percentage of other costs when the contractor was selected from competitive sealed proposals and the cost of the lump sum or percentage amount was one of the selection criteria;

(d) For that portion of a contract for which adequate price competition was not otherwise obtained when competitive bids were obtained and documented by either the Division or the contractor;

(e) When costs are based upon established catalogue or market prices;

(f) When costs are set by law or rule;

(g) When the Director makes a written determination that other circumstances have resulted in adequate price competition.

(3) Amounts. This section does not apply to:

(a) Contracts or portions of contracts costing less than $100,000, and

(b) Change orders and other price adjustments of less than $25,000.

(4) Other Applications. The Director may apply the requirements of this section to any contract or price adjustment when he determines that it would be in the best interest of the state.

(5) Submission of Cost or Pricing Data and Certification. When cost or pricing data is required, the data shall be submitted prior to beginning price negotiation. The offeror or contractor shall keep the data current throughout the negotiations certify as soon as practicable after agreement is reached on price that the cost or pricing data submitted are accurate, complete, and current as of a mutually determined date.

(6) Refusal to Submit. If the offeror refuses to submit the required data, the Director shall determine in writing whether to disqualify the noncomplying offeror, to defer award pending further investigation, or to enter into the contract. If a contractor refuses to submit the required data to support a price adjustment, the Director shall determine in writing whether to further investigate the price adjustment, to not allow any price adjustment, or to set the amount of the price adjustment.

(7) Defective Cost or Pricing Data. If certified cost or pricing data are subsequently found to have been inaccurate, incomplete, or noncurrent as of the date stated in the certificate, the Division shall be entitled to an adjustment of the contract price to exclude any significant sum, including profit or fee, to the extent the contract sum was increased because of the defective data. It is assumed that overstated cost or pricing data increased the contract price in the amount of the defect plus related overhead and profit or fee; therefore, unless there is a clear indication that the defective data were not used or relied upon, the price should be reduced by this amount. In establishing that the defective data caused an increase in the contract price, the Director shall not be required to reconstruct the negotiation by speculating as to what would have been the mental attitudes of the negotiating parties if the correct data had been submitted at the time of agreement on price.

(8) Audit. The Director may, at his discretion, and at reasonable times and places, audit or cause to be audited the books and information of a contractor, prospective contractor, subcontractor, or prospective subcontractor which are related to the cost or pricing data submitted.

(9) Retention of Books and Information. Any contractor who receives a contract or price adjustment for which cost or pricing data is required shall maintain all books and information that relate to the cost or pricing data for three years from the date of final payment under the contract. This requirement shall also extend to any subcontractors of the contractor.

R23-1-55. Specifications.

(1) General Provisions.

(a) Purpose. The purpose of a specification is to serve as a basis for obtaining a supply or construction item adequate and suitable for the procuring agencies' needs and the requirements of the project, in a cost-effective manner, taking into account, the costs of ownership and operation as well as initial acquisition

costs. Specifications shall permit maximum practicable competition consistent with this purpose. Specifications shall be drafted with the objective of clearly describing the procuring agencies' requirements.

(b) Preference for Commercially Available Products. Recognized, commercially-available products shall be procured wherever practicable. In developing specifications, accepted commercial standards shall be used and unique products shall be avoided, to the extent practicable.

(c) Nonrestrictiveness Requirements. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply, or construction item, or procurement from a sole source, unless no other manner of description will suffice. In that event, a written determination shall be made that it is not practicable to use a less restrictive specification.

(2) Director's Responsibilities.

(a) The Director is responsible for the preparation of all specifications.

(b) The Division may enter into contracts with others to prepare construction specifications when there will not be a substantial conflict of interest. The Director shall retain the authority to approve all specifications.

(c) Whenever specifications are prepared by persons other than Division personnel, the contract for the preparation of specifications shall require the specification writer to adhere to the requirements of this section.

(3) Types of Specifications. The Director may use any method of specifying construction items which he considers to be in the best interest of the state including the following:

(a) By a performance specification stating the results to be achieved with the contractor choosing the means.

(b) By a prescriptive specification describing a means for achieving desired, but normally unstated, ends. Prescriptive specifications include the following:

(i) Descriptive specifications, providing a detailed written description of the required properties of a product and the workmanship required to fabricate, erect and install without using trade names; or

(ii) Proprietary specifications, identifying the desired product by using manufacturers, brand names, model or type designation or important characteristics. This is further divided into two classes:

(A) Sole Source, where a rigid standard is specified and there are no allowed substitutions due to the nature of the conditions to be met. This may only be used when very restrictive standards are necessary and there is only one proprietary product known that will meet the rigid standards needed. A sole source proprietary specification must be approved by the Director.

(B) Or Equal, which allows substitutions if properly approved.

(c) By a reference standard specification where documents or publications are incorporated by reference as though included in their entirety.

(d) By a nonrestrictive specification which may describe elements of prescriptive or performance specifications, or both, in order to describe the end result, thereby giving the contractor latitude in methods, materials, delivery, conditions, cost or other characteristics or considerations to be satisfied.

(4) Procedures for the Development of Specifications.

(a) Specifications may designate alternate supplies or construction items where two or more design, functional, or proprietary performance criteria will satisfactorily meet the procuring agencies' requirements.

(b) The specification shall contain a nontechnical section to include any solicitation or contract term or condition such as a requirement for the time and place of bid opening, time of delivery, payment, liquidated damages, and similar contract matters.

(c) Use of Proprietary Specifications.

(i) The Director shall seek to designate three brands as a standard reference and shall state that substantially equivalent products to those designated will be considered for award, with particular conditions of approval being described in the specification.

(ii) Unless the Director determines that the essential characteristics of the brand names included in the proprietary specifications are commonly known in the industry or trade, proprietary specifications shall include a description of the particular design, functional, or performance characteristics which are required.

(iii) Where a proprietary specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

(iv) The Division shall solicit sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made in accordance with Section R23-1-25.

R23-1-60. Construction Contract Clauses.

(1) Required Contract Clauses. Pursuant to Section [~~63-56-601~~]63G-6-601, the document entitled "Required Construction Contract Clauses", Dated May 25, 2005, and on file with the Division, is hereby incorporated by reference. Except as provided in Subsections R23-1-30(7) and R23-1-60(2), the Division shall include these clauses in all construction contracts.

(2) Revisions to Contract Clauses. The clauses required by this section may be modified for use in any particular contract when, pursuant to Subsection [~~63-56-601(5)~~] 63G-6-601(5), the Director makes a written determination describing the circumstances justifying the variation or variations. Notice of any material variations from the contract clauses required by this section shall be included in any invitation for bids or request for proposals. Examples of changes that are not material variations include, but are not limited to, the following: grammatical corrections; corrections made that resolve conflicts

in favor of the intent of the document as a whole; and changes that reflect State law or rule and applicable court case law.

KEY: contracts, public buildings, procurement
Date of Enactment or Last Substantive Amendment: June 1, 2006
Notice of Continuation: May 24, 2007
Authorizing, and Implemented or Interpreted Law: [63A-5-103 et seq.]; [~~63-56-14(2)~~]63G-6-208; [~~63-56-20(7)~~]63G-6-406

R23. Administrative Services, Facilities Construction and Management.

R23-2. Procurement of Architect-Engineer Services.

R23-2-1. Purpose and Authority.

(1) In accordance with Subsection [~~63-56-208(2)~~]63G-6-208(2), this rule establishes procedures for the procurement of architect-engineer services by the Division.

(2) The statutory provisions governing the procurement of architect-engineer services by the Division are contained in Title 63G, Chapter ~~5~~6 and Title 63A, Chapter 5.

R23-2-2. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section [~~63-56-105~~]63G-6-103.

(2) The following additional terms are defined for this rule.

(a) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(b) "Director" means the Director of the Division, including, unless otherwise stated, his duly authorized designee.

(c) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(d) "Public Notice" means the notice that is publicized pursuant to this rule to notify architects or engineers of Solicitations.

(e) "Record" shall have the meaning defined in Section [~~63-2-103~~]63G-2-103 of the Government Records Access and Management Act (GRAMA).

(f) "Solicitations" means all documents, whether attached or incorporated by reference, used for soliciting information from architects or engineers seeking to provide architect-engineer services to the Division.

(g) "State" means the State of Utah.

(h) "Using Agency" means any state agency or any political subdivision of the state which utilizes the services procured under this rule.

R23-2-3. Register of Architectural or Engineering Firms.

(1) Architects or engineers interested in being considered for architect-engineer services procured by the Division under Section R23-2-19 may submit an annual statement of qualifications and performance data.

(2) The Division shall maintain a file of information submitted under Subsection (1).

(3) Except for services procured under Sections R23-2-17 and R23-2-19, an updated or project specific statement of qualifications shall generally be required in order to be considered in procurements of services for a specific project as provided in the solicitation.

R23-2-4. Public Notice of Solicitations.

The Division shall publicize its needs for architect-engineer services in the manner provided in Subsection R23-1-5(2). The public notice shall include:

(1) the closing time and date by which the first submittal of information is required;
(2) directions for obtaining the solicitation;
(3) a brief description of the project; and
(4) notice of any mandatory pre-submittal meetings.

R23-2-5. Submittal Preparation Time.
Submittal preparation time is the period of time between the date of first publication of the public notice, and the date and time set for the receipt of submittals by the Division. In each case, the submittal preparation time shall be set to provide architects or engineers a reasonable time to prepare their submittals. The time between the first publication of the public notice and the earlier of the first required submittal of information or any mandatory meeting shall be not less than ten calendar days, unless a shorter time is deemed necessary for a particular procurement as determined, in writing, by the Director.

R23-2-6. Form of Submittal.
The solicitation may provide for or limit the form of submittals, including any forms for that purpose.

R23-2-7. Addenda to Solicitations.
Addenda to the solicitation may be made in the same manner provided for addenda to the bidding documents in connection with Invitations for Bids set forth in Subsection R23-1-5(6), except that addenda may be issued until the selection of an architect or engineer is completed.

R23-2-8. Modification or Withdrawal of Submittals.
(1) Submittals may be modified prior to the due dates established in the solicitation.
(2) Architects or engineers may withdraw from consideration until a contract is executed.

R23-2-9. Late Proposals and Late Modifications.
Except for modifications allowed pursuant to negotiation, any proposal or modification received at the location designated for receipt of submittals after the due dates established in the Solicitation shall be deemed to be late and shall not be considered unless no other submittals are received.

R23-2-10. Receipt and Registration of Submittals.
After the date established for the first submittal of information, a register of submitting architects or engineers shall be prepared and open to public inspection. Prior to award, submittals and modifications shall be shown only to procurement officials and other persons involved with the review and selection process, who shall adhere to the requirements of GRAMA and this rule.

R23-2-11. Disclosure of Submittals, Performance Evaluations, and References.
(1) Except as provided in this rule, submittals shall be

open to public inspection after notice of the selection results.

(2) The classification of records as protected and the treatment of such records shall be as provided in Section R23-1-35.

(3) The Board finds that it is necessary to maintain the confidentiality of performance evaluations and reference information in order to avoid competitive injury and to encourage those persons providing the information to respond in an open and honest manner without fear of retribution. Accordingly, records containing performance evaluations and reference information are classified as protected records under the provisions of Subsection [~~63-2-304(6)~~] 63G-2-305(6) and shall be disclosed only to those persons involved with the performance evaluation, the architect or engineer that the information addresses and persons involved with the review and selection of submittals. The Division may, however, provide reference information to other governmental entities for use in their procurement activities and to other parties when requested by the architect or engineer that is the subject of the information. Any other disclosure of such performance evaluations and reference information shall only be as required by applicable law.

R23-2-12. Selection Committee.

(1) The Board delegates to the director the authority to appoint a selection committee, which may include representatives of the Board, the Division, the using agency, and architects or engineers and the general public.

(2) Each member of the selection committee shall certify as to his lack of conflicts of interest.

R23-2-13. Evaluation and Ranking.

(1) The selection committee shall evaluate the relative competence and qualifications of architects or engineers who submit the required information.

(2) The evaluation shall be based on evaluation factors set forth in the solicitation and may include:

(a) past performance and references;

(b) qualifications and experience of the firm and key individuals;

(c) plans for managing and avoiding project risks;

(d) interviews; and

(e) other factors that indicate the relevant competence and qualifications of the architect or engineer and the architect or engineer's ability to satisfactorily provide the desired services.

(3) The evaluation may be conducted in two phases with the first phase identifying no less than the top three ranked firms to be evaluated further in the second phase unless less than three firms are competing for the contract.

(4) Numerical rating systems may be used but are not required.

(5) The evaluation committee shall rank at least the top three firms.

R23-2-14. Publicizing Selections.

(1) Notice. After the selection of the successful firm, notice of the selection shall be available in the principal office of the Division in Salt Lake City, Utah and may be available on the Internet.

(2) Information Disclosed. The following shall be disclosed with the notice of selection:

(a) the ranking of the firms;

(b) the names of the selection committee members;

(c) the final scores used by the selection committee to make the selection, except that the names of the individual scorers shall not be associated with their individual scores; and

(d) the written justification statement supporting the selection.

(3) Information Classified as Protected. After due consideration and public input, the following has been determined by the Board to impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract with the Division and shall be classified as protected records:

(a) the names of individual selection committee scorers in relation to their individual scores or rankings; and

(b) non-public financial statements.

R23-2-15. Negotiation and Appointment.

The Director shall conduct negotiations as provided for in Section [~~63-56-704~~]63G-6-704 until an agreement is reached.

R23-2-16. Role of the Board.

(1) The Board has the responsibility to establish and monitor the selection process. It must verify the acceptability of the procedure and make changes in procedure as determined necessary by the Board.

(2) At each regular meeting of the Board, the Division shall submit a list of all architect-engineer services contracts entered into since its previous report and the method of selection used. This shall be for the information of the Board.

R23-2-17. Performance Evaluation.

(1) The Division shall evaluate the performance of the architectural or engineering firm and shall provide an opportunity for the using agency to comment on the Division's evaluation.

(2) This evaluation shall become a part of the record of that architectural or engineering firm within the Division. The architectural or engineering firm shall be provided a copy of its evaluation at the end of the project and may enter its response in the file.

(3) Confidentiality of the evaluation information shall be addressed as provided in Subsection R23-2-11(3).

R23-2-18. Emergency Conditions.

The Director, in consultation with the chairman of the Board, shall determine if emergency conditions exist and document his decision in writing. The Director may use any reasonable method of awarding contracts for architect-engineer services in emergency

conditions.

R23-2-19. Direct Awards.

(1) The Director may award a contract to an architectural or engineering firm without following the procedures of this rule if:

(a) The contract is for a project which is integrally related to, or an extension of, a project which was previously awarded to the architectural or engineering firm;

(b) The architectural or engineering firm performed satisfactorily on the related project; and

(c) The Director determines that the direct award is in the best interests of the State.

(2) The Director shall place written documentation of the reasons for the direct award in the project file and shall report the action to the Board at its next meeting.

R23-2-20. Small Purchases.

(1) If the Director determines that architect-engineer services can be procured for less than $100,000, or if the estimated construction cost of the project is less than $1,500,000, the procedures contained in Subsection (2) may be used.

(2) The Director shall select a qualified firm and attempt to negotiate a contract for the required services at a fair and reasonable price. The qualified firm may be, but is not required to be, selected from the register of architectural or engineering firms provided for in Section R23-2-3. If, after negotiations on price, the parties cannot agree upon a price that, in the Director's judgment, is fair and reasonable, negotiations shall be terminated with that firm and negotiations begun with another qualified firm. This process shall continue until a contract is negotiated at a fair and reasonable price.

R23-2-21. Alternative Procedures.

(1) The Division may enhance the process whenever the Director determines that it would be in the best interest of the state. This may include the use of a design competition.

(2) Any exceptions to this rule must be justified to and approved by the Board.

(3) Regardless of the process used, the using agency shall be involved jointly with the Division in the selection process.

KEY: procurement, architects, engineers
Date of Enactment or Last Substantive Amendment: July 14, 2008
Notice of Continuation: December 23, 2004
Authorizing, and Implemented or Interpreted Law: 63A-5-103 et seq.; [~~63-2-101~~]63G-2-101 et seq.; [~~63-56-208(2)~~]63G-6-208(2)

R23. Administrative Services, Facilities Construction and Management.

R23-4. Suspension/Debarment.

R23-4-1. Purpose and Authority.

(1) This rule sets forth the the basis and guidelines for suspension or debarment from consideration for award of contracts by the division.

(2) This rule is authorized under Subsection 63A-5-103(1), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management, and Subsection [~~63-56-14(2)~~]63G-6-208(2), which authorizes the Building Board to make rules regarding the procurement of construction, architect-engineering services, and leases.

R23-4-2. Definitions.

(1) "Director" means the director of the division, including, unless otherwise stated, his duly authorized designee.

(2) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(3) "Person" shall have the meaning provided in Section [~~63-56-5~~]63G-6-103.

R23-4-3. Suspended and Debarred Persons Not Eligible for Consideration of Award.

No person who has been suspended or debarred by the division, will be allowed to bid or otherwise solicit work on division contracts until they have successfully completed the suspension or debarment period.

R23-4-4. Causes for Suspension/Debarment and Procedure.

(1)(a) The causes for debarment and procedures for suspension/debarment are found in Sections [~~63-56-48~~]63G-6-804 through [~~63-56-50~~]63G-6-806, as well as Section 63A-5-208(8).

(b) Pursuant to subsection [~~63-56-48(2)(e)~~]63G-6-804(2)(e), a pattern and practice by a state contractor to not properly pay its subcontractors may be determined by the Director to be so serious and compelling as to affect responsibility as a state contractor and therefore may be a cause for debarment.

(c) A pattern and practice by a subcontractor to not honor its bids or proposals may be a cause for debarment.

(2) The procedures for suspension/debarment are as follows:

(a) The director, after consultation with the using agency and the Attorney General, may suspend a person from consideration for award of contracts for a period not to exceed three months if there is probable cause to believe that the person has engaged in any activity which may lead to debarment. If an indictment has been issued for an offense which would be a cause for debarment, the suspension, at the request of the Attorney General, shall remain in effect until after the trial of the suspended person.

(b) The person involved in the suspension and possible debarment shall be given written notice of the division's intention to initiate a debarment proceeding. The using agency and the Attorney General will be consulted by the director and may

attend any hearing.

(c) The person involved in the suspension and debarment will be provided the opportunity for a hearing where he may present relevant evidence and testimony. The director may establish a reasonable time limit for the hearing.

(d) The director, following the hearing on suspension and debarment shall promptly issue a written decision, if it is not settled by written agreement.

(e) The written decision shall state the specific reasons for the action taken, inform the person of his right to judicial or administrative review, and shall be mailed or delivered to the suspended or debarred person.

(f) The debarment shall be for a period as set by the Director, but shall not exceed three years.

(g) Notwithstanding any part of this rule, the Director may appoint a person or person(s) to review the issues regarding the suspension or debarment as a recommending authority to the Director.

KEY: contracts, construction, construction disputes
Date of Enactment or Last Substantive Amendment: March 15, 2005
Notice of Continuation: December 31, 2007
Authorizing, and Implemented or Interpreted Law: 63A-5-103 et seq.; [~~63-56-5~~]63G-6-103; [~~63-56-48~~]63G-6-804

R23. Administrative Services, Facilities Construction and Management.

R23-21. Division of Facilities Construction and Management Lease Procedures.

R23-21-1. Purpose and Authority.

(1) As provided in Subsection [~~63-56-14(1)~~] 63G-6-208(2), this rule establishes procedures for the procurement of leasing of real property.

(2) The Building Board's authority to adopt rules for the activities of the Division is set forth in Subsection 63A-5-103(1)(e).

(3) The statutory provisions governing the procurement of leasing of real property by the Division are contained in Title 63G, Chapter [~~5~~]6; Title 63A, Chapter 5; and Title 4, Chapter 1.

R23-21-2. New Leases.

A. Agency Request and Justification

An agency requesting leased space must submit a request and justification statement to the Division of Facilities Construction and Management (DFCM) preferably at least six months before the required date of occupancy. A space utilization program should be prepared by the agency. Assistance is available, if needed, from the staff of the DFCM. The staff of DFCM, along with the agency, will review the program and criteria for the space requested.

The justification statement should include the following:

Planned agency use
Present agency location
Proposed area or location of new lease
Any options that should be considered
Lease term
Present lease rate and what services are included
Present square footage
Requested square footage

B. Securing Space

If a new lease is required, an advertisement will be prepared by DFCM and competitive proposals will be solicited to comply with the State Procurement Code. Proposals will be reviewed jointly by the DFCM staff and the agency.

The review will include compliance to codes that are required by state and federal laws.

C. Negotiations

DFCM will negotiate, or may allow the agency to participate in the negotiations, so that space can be leased in the best interest of the agency and the state.

D. Lease Agreements

A standard lease agreement has been prepared for use by DFCM. An approved alternate may be used. The lessor, agency, and staff of DFCM should be involved in the preparation of the final written lease agreement.

E. Lease Approval and Processing

The lease will be distributed for approval signatures of the Lessor, the Agency Budget Officer, the Agency Director, the Attorney General, and DFCM.

The lease will be recorded by DFCM on a computerized lease

file for updating, renewal and control.

Approval of the Division of Finance is required to establish a payment schedule and issue a contract number.

R23-21-3. Renewal of Leases and Options.

DFCM will notify each agency at least six months in advance as to the expiration date of the lease. DFCM will consult with the agency on whether to renew an existing lease or seek new space. This will be based on space requirements and needs of the agency.

If the agency decides to renew a lease, they must submit a request to the Division of Facilities Construction and Management at least 120 days prior to the expiration date. If the leased space is conducive to the agency needs, then long-term leasing should be considered. Previously outlined procedures shall be followed for lease renewals and options that agencies may wish to exercise.

R23-21-4. Lease Advertisement Procedures and Specifications.

The Procurement Code requires that any agency wanting to lease new space must advertise for competitive proposals. Listed below, and in the following attachments, are the advertisement requirements of the Division of Facilities Construction and Management (DFCM).

A. Parties interested in submitting a proposal must complete a Schedule A, which is an Offeror/Lessor Proposal Sheet, and submit to DFCM before the advertised deadline.

B. The agency must submit to DFCM a Schedule B, which contains the Specifications for Advertisement of Space which DFCM will send to interested parties upon request. The advertisement will run for a period of three consecutive weekends. Materials required for advertisement must be received by DFCM no later than noon on Monday in order for the advertisement to be in the paper the following weekend.

R23-21-5. Non-State Tenants Utilizing State-Owned Space.

A. Request and Justification

A non-state or private company requesting to lease space in a state-owned facility must submit a request and justification statement to the Division of Facilities Construction and Management (DFCM) with reasonable notice prior to required date of occupancy. The criteria to evaluate the request of the non-state or private company shall include the following:

Planned use of the space
Proposed area or location of the lease
Any options that should be considered
Lease term
Lease rate and what services are included
Requested square footage
Projected use by a state agency of the space requested

B. Securing Space

Proposals will be reviewed jointly by the DFCM staff and the Agency.

Available space should be included in the master plan of all

state agencies that is presented to the Utah State Building Board.

C. Negotiations

DFCM will negotiate, or may allow the agency(ies) to participate in the negotiations, so that state-owned space can be leased in the best interest of the state and at such rates that are consistent with similar private facilities taking into consideration such things as location, etc.

D. Lease Agreements

Using a standard lease agreement as prepared for use by DFCM, the non-state tenant, state agency using proposed facility, and staff of DFCM shall be involved in the preparation of the final written lease agreement.

E. Lease Approval and Processing

The lease will be distributed by DFCM for approval signatures and processing.

KEY: leases, leasing services
Date of Enactment or Last Substantive Amendment: March 3, 1995
Notice of Continuation: December 31, 2007
Authorizing, and Implemented or Interpreted Law: 63A-5-103 et seq.

R23. Administrative Services, Facilities Construction and Management.

R23-25. Administrative Rules Adjudicative Proceedings.

R23-25-1. Purpose and Authority.

(1) Under the authority of Section 63[~~a~~]A-5-103(1)(e), this rule establishes procedures for adjudicative proceedings in accordance with the Utah Administrative Procedures Act, Section [~~63-46b-0.5~~]63G-4-101 et seq., except as provided in Subsections (2) through (4).

(2) This rule does not apply to an Agency action that is not governed by the Administrative Procedures Act and the laws of the State of Utah, including:

(a) Subsection [~~63-46b-1(2)~~]63G-4-102, Administrative Procedures Act;

(b) Title 63G, Chapter [~~5~~]6, Utah Procurement Code;

(c) Title 63[~~a~~]A, Chapter 5, Part 1, State Building Board; and

(d) Title 63[~~a~~]A, Chapter 5, Part 2, Division of Facilities Construction and Management.

(3)(a) The provisions of this rule do not govern actions or proceedings that a federal statute or regulation requires be conducted solely in accordance with federal procedures.

(b) If a federal statute or regulation requires a modification to these procedures, the federal procedures prevail.

(4) To the extent that this rule conflicts with a similar rule governing the agency, the conflicting provisions of the other rule shall govern.

R23-25-2. Designation of Proceedings.

The Agency designates all agency action subject to the scope and applicability of the Utah Administrative Procedures Act, Section [~~63-46b-0.5~~]63G-4-101 et seq. as informal proceedings.

R23-25-3. Definitions.

(1) The terms used in this rule are defined in Section [~~63-46b-2~~]63G-4-103.

(2) In addition:

(a) "Agency" means the Utah State Building Board or the Division of Facilities Construction and Management.

(b) "Presiding officer" means the director of the Division of Facilities Construction and Management, or the director's designee.

R23-25-4. Procedure.

Pursuant to Section [~~63-46b-5~~]63G-4-203, the procedure for informal adjudicative proceedings is as follows:

(1)(a) The respondent to a notice of agency action or request for agency action shall file and serve a written response, signed by the respondent or the respondent's representative, within 30 days of mailing of the notice of agency action, or within 30 days of notice of the Agency setting the matter for an informal adjudicative proceeding.

(b) The response shall be filed with the Agency and one copy shall be sent by mail to each party.

(c) Failure to file a responsive pleading may result in a default pursuant to Section [~~63-46b-11~~]63G-4-209.

(2)(a) A hearing shall be provided to any party to the proceeding requesting a hearing.

(b) The Agency shall hold a hearing if required by statute or rule.

(c) A request for a hearing shall be in writing and filed at the same time the respondent submits a written response as provided in Subsection (1)(a).

(3) In the hearing, the parties named in the notice of agency action or in the request for agency action may be represented by counsel and shall be permitted to testify, present evidence and comment on the issues.

(4) Hearings will be held only after timely notice to all parties.

(5)(a) Discovery is prohibited, but the agency may issue subpoenas or other orders to compel production of necessary evidence.

(b) Each party to the proceeding is responsible for ensuring the appearance and associated costs of witnesses.

(6) All parties shall have access to information contained in the agency's files and to all materials and information gathered in any investigation, to the extent permitted by law.

(7) Intervention is prohibited, except that intervention is allowed where a Federal statute or rule requires that the state allow intervention.

(8) All hearings are open to all parties, except the presiding officer may take appropriate measures to preserve the integrity of the hearing, including the exclusion of a witness if requested by a party, and the protection of confidentiality of records or other information protected by law.

(9) Within a reasonable time after the close of the hearing, or after the party's failure to request a hearing, the presiding officer shall issue a signed order in accordance with Subsections [~~63-46b-5~~] 63G-4-203 (1) (i), (j), and (k).

(10) All hearings shall be recorded at the agency's expense.

(11) Nothing in this section restricts or precludes any investigative right or power given to the agency by statute.

R23-25-5. Agency Review or Reconsideration.

(1)(a) If the agency director is the presiding officer, and not a designee, there is no agency review permitted pursuant to Section [~~63-46b-12~~]63G-4-301.

(b) If the agency director designates another person as the presiding officer, then a party may seek review of the presiding officer's order by filing a written request with the agency director.

(c) The requirements provided in Section [~~63-46b-12~~]63G-4-301 shall apply to any agency review.

(2)(a) Nothing contained in this Rule prohibits a party from filing a petition for reconsideration pursuant to Utah Administrative Procedures Act, Section [~~63-46b-13~~]63G-4-302.

(b) The requirements provided in Section [~~63-46b-13~~]63G-4-302 shall apply to any agency reconsideration.

R23-25-6. Public Petition for Declaratory Orders.

Petitions for declaratory orders shall be made and processed in accordance with the Department of Administrative Services Rule R13-1.

R23-25-7. Emergency Orders.

Emergency orders may be issued by the agency in accordance with Section [~~63-46b-20~~]63G-4-502.

R23-25-8. Exhaustion of Administrative Remedies.

(1) A person must exhaust their administrative remedies in accordance with Section [~~63-46b-14~~]63G-4-401 prior to seeking judicial review.

(2) In any adjudicative proceeding before the agency there shall be an opportunity for an affected party to respond and participate.

(3) Only an aggrieved party that has exhausted the available and adequate remedies before the presiding officer, including any agency review or reconsideration by the agency director, may seek judicial review of the final decision of the agency director.

R23-25-9. Civil Enforcement.

In addition to any other remedy provided by law or any other rule applicable to the agency, civil enforcement may be pursued as provided under Section [~~63-46b-19~~]63G-4-501.

R23-25-10. Waivers.

(1) In addition to any other waiver allowed by law or this rule, any procedural matter, including any right to notice or hearing, may be waived by the affected person by signing a written waiver in a form approved by the agency.

(2) The waiver provision of this rule may not be construed to prohibit a finding of default as provided in Subsection R23-25-4(1)(c) or Section [~~63-46b-11~~]63G-4-209.

R23-25-11. Agency Rights and Remedies.

Agency reserves all rights, remedies and available procedures under the Utah Administrative Procedures Act, Section [~~63-46b-0.5~~]63G-4-101, et seq., unless the reservation is in conflict with the provisions of this Rule.

KEY: administrative law, adjudicative proceedings
Date of Enactment or Last Substantive Amendment: April 11, 2007
Notice of Continuation: September 6, 2006
Authorizing, and Implemented or Interpreted Law: [~~63-46b-1~~]63G-4-102

R23. Administrative Services, Facilities Construction and Management.

R23-29. Across the Board Delegation.

R23-29-1. Purpose.

This rule provides the procedures for delegation of construction projects to the University of Utah and Utah State University.

R23-29-2. Authority.

This rule is authorized under Subsection 63A-5-103, which directs the Building Board to make rules necessary for the discharge of its duties and the duties of the Division of Facilities Construction and Management.

R23-29-3. Authority and Extent of Delegation.

(1) As permitted by subsection 63A-5-206(3)(a)(ii)(B), authority is delegated to the University of Utah and Utah State University, "the Institutions," to exercise direct supervision over the design and construction of all alterations, repairs, and improvements to existing facilities on their respective campuses up to the dollar amounts stated below.

(2) As permitted by subsection 63A-5-206(5)(c), the Board expresses its intent to authorize the delegation of the design and construction of new facilities on a project-by-project basis up to the dollar amounts stated below. New facilities means the addition of new space costing more than $100,000.

(3) This delegation is granted to Utah State University for projects having a total budget for design and construction of less than $2,000,000.

(4)(a) This delegation is granted to the University of Utah for the design and construction of all alteration, repair and improvement projects unless the Utah State Building Board, after consultation with the University of Utah, determines that the project should be managed by DFCM.

(b) For projects having a total budget for design and construction greater than $5,000,000, the University of Utah shall provide the following in writing to the Director of DFCM prior to initiating a project under this delegation:

(i) a notice of the University's desire to manage the project under this delegation authorization; and

(ii) a project management and staffing plan for the project.

(5) Projects may not be subdivided into multiple projects in order to arrive at projects which are small enough to meet the dollar limits for delegation.

(6) Substantial benefit and justification must be demonstrated before consideration will be given to any delegation requests from these institutions for projects larger than the above limits.

(7) When applicable, this delegation authority shall not take effect for a specific project until the following requirements are met:

(a) Legislative authorization for design and construction has been obtained for the construction of all new space costing more than $100,000.

(b) The requirements of section R23-29-17 regarding the completion of a DFCM administered architectural program have been satisfied.

R23-29-4. Fiduciary Control.

The Institutions shall assume fiduciary control over project finances and shall assume all responsibility for project budgets and expenditures. The Institutions shall be responsible for ensuring compliance with all applicable laws, rules, and building codes.

R23-29-5. Building Official.

Each Institution is designated as the Building Official for projects delegated. Institutions shall comply with all requirements of the Uniform Building Standards Act, Chapter 58-56. If an Institution does not have the internal staff to comply with this requirement, it must contract for the appropriate service.

R23-29-6. Procurement.

Each Institution shall comply with the state Procurement Code, Chapter [~~63-56~~]63G-6-102, and its procurement rules. Any aspect of the Institution's rules for the procurement of architect/engineer services or construction which is less restrictive than the procurement rules adopted by the Building Board must be approved by the Board.

R23-29-7. Contract Documents.

The Institutions shall utilize substantially the same standard Contract Documents as used by DFCM. Any substantive differences must be approved by the Board.

R23-29-8. Transfer of State Funds.

(1) To the extent possible, all state funds appropriated to DFCM for projects delegated to the Institutions shall be transferred to the respective Institution immediately upon their receipt by DFCM.

(2) State funds provided from state issued bonds, or from other sources containing similar restrictions, shall be transferred to the Institutions on a reimbursement basis. Such reimbursements shall be made on a monthly basis upon receipt of a reimbursement request from the Institution detailing the expenditures made on each project.

(3) Upon completion of a project, any remaining statewide funds like roofing, paving) shall remain with the Institution to be used for a similar need on its campus. This activity shall be noted in the monthly report to the Building Board.

R23-29-9. Contingencies.

The Institutions shall be subject to the same laws and rules regarding contingency funds as is DFCM. The only difference is that contingency funds for delegated projects shall be segregated from the contingency funds held by DFCM for non-delegated projects.

R23-29-10. Space Standards.
The Institutions shall comply with the space standards as adopted by the Building Board. Any significant deviations from these standards shall be reported to the Board.

R23-29-11. Design Criteria.
The Institutions shall utilize the Design Criteria adopted by the Building Board. These may be supplemented by special requirements that are unique to each Institution. Any significant departures from the Board approved Design Criteria shall be reported to the Board.

R23-29-12. Value Engineering.
The Institutions shall comply with state law and Rule R23-6 regarding the value engineering and life cycle costing of facilities. DFCM may assist each Institution as requested in the performance of these reviews.

R23-29-13. Record Drawings.
At the completion of each delegated project, each Institution shall submit a copy of all record drawings to DFCM.

R23-29-14. Statutory Requirements on DFCM Projects.
(1) In addition to those noted elsewhere in this rule, the Institutions shall comply with the following statutory requirements which have been placed on DFCM projects.
(a) Subsection 63A-5-205(3) relating to the investment of contractor's retention.
(b) Subsection 63A-5-206(3)(c)(ii) relating to the notification to local governments regarding certain types of projects.
(c) The Percent-for-Art program as provided in Sections 63A-5-206 and 63A-5-209, and Title 9, Chapter 6, Part 4.
(d) Subsection 63A-5-206(7) relating to the reporting of completed projects to the Office of the Legislative Fiscal Analyst.
(e) Section 63A-5-208 relating to the listing and changing of subcontractors and the disclosure of subcontractor bids.
(2) The Institutions and DFCM shall strive to avoid any confusion which could result from inconsistent procedures and requirements being used by each entity.

R23-29-15. Reporting.
(1) Each Institution shall report monthly to the Building Board on the status of its delegated projects.
(2) The following reports shall be presented in a similar format and content as that presented by DFCM on projects and funds it is administering.
(a) Architect/Engineer Contracts Awarded
(b) Construction Contracts Awarded
(c) Contingency Funds
(d) Statewide Funds
(e) Status Report for Projects in Construction
(3) The above reports shall be submitted to DFCM at least

ten calendar days prior to each Board meeting to be included in packet sent to the Building Board.

(4) A copy of the above reports shall be submitted to the Office of the Commissioner of Higher Education for distribution to the Board of Regents at the same time it is submitted to DFCM.

R23-29-16. Capital Budget Requests.

The Institutions shall continue to submit all capital budget requests to DFCM and the Building Board for review, prioritization, and recommendation to the Governor and the Legislature.

R23-29-17. Programming.

(1) For projects within the definition of "Capital Developments" as defined in subsection 63A-5-103(3)(a), which will be funded wholly or in part by state funds for either construction or operations and maintenance, a facility program shall be developed under the supervision of DFCM unless this requirement is waived by the Building Board.

(2) For projects which are within the delegation limits set forth in section R23-29-1 and which do not meet the requirements of subsection R23-29-17(1), the Institutions may determine the extent of programming or scope definition required and supervise the development of these documents. No DFCM review or approval will be required.

R23-29-18. Sharing of Resources.

DFCM and the Institutions shall strive to share personnel resources where resources exist at one entity and not at another. The Institutions and DFCM shall enter into a separate agreement to accomplish this sharing of resources.

R23-29-19. Staffing Levels.

(1) The Institutions have represented that they have adequate existing resources to assume the responsibilities given to them under this delegation.

(2) The Institutions shall not increase the staffing levels related to the administration of capital projects beyond the levels represented in seeking this delegation which was 32 full time staff at the University of Utah and 15 full time staff and 5 F.T.E. of student employees at Utah State University.

R23-29-20. Review of Delegated Projects.

Upon direction of the Building Board, DFCM staff may review the management of delegated projects and report its findings to the Board.

R23-29-21. Authority to Modify Delegation.

The Building Board may modify or repeal the authority delegated under this rule by amending or repealing this rule.

KEY: buildings, delegation*
Date of Enactment or Last Substantive Amendment: October 29, 1998
Notice of Continuation: March 10, 2004

Authorizing, and Implemented or Interpreted Law: 63A-5-206

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Edit to Administrative Rule R23-23, Health Insurance Coverage in State Contracts -- Implementation**

At the last meeting, the Board authorized DFCM to file an administrative rule implementing HB331. The administrative rule indicated that a SelectHealth plan would be used as a benchmark plan. In order to facilitate the use of the rule by the construction community, DFCM has been working with the Office of Legislative Research and General Counsel with the concept of providing the specifics of the benchmark plan on a state website. The state website would then be referred to in the Rule, rather than SelectHealth.

It is anticipated that the substitute language will be available by the August 5 meeting. If so, the language will be distributed, and Alan Bachman, Assistant Attorney General, will present an explanation to the Board. DFCM will then request a motion to allow the filing of the substitute language with the Division of Administrative Rules, for publication.

DGB:ASB:sle.

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Energy Projects in State Facilities**

Using a Public/Private partnership and using Tax Exempt Municipal Lease funding along with $8.5M ARRA Federal stimulus funds, DFCM plans to move forward with large scale energy efficiency and renewable energy projects in the following facilities (others may be added to the list):

- Weber State University
- University of Utah
- Utah State University
- Southern Utah University
- Dixie College
- Salt Lake Community College
- Utah Valley University
- Utah National Guard
- Capitol Complex
- Other state agencies and Higher Education facilities as identified

In addition, DFCM will use $1.5M of the ARRA stimulus funds as a matching grant to the existing Revolving Loan Funds for Energy Efficiency Projects.

An RFP was issued to pre-qualify Energy Services Companies ESCO's for this work. Selections will be made prior to August 17, 2009. A prior RFP was issued for the WSU project.

DGB:JH:sle

Utah State Building Board

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MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Long Term Lease Request from Salt Lake City**

Recommendation

DFCM recommends that the Board review the request from Salt Lake City regarding a long term lease for an Emergency Operations Center for the Department of Public Safety.

Background

The statute that requires Building Board approval of long term leases is contained in subsection 63A-5-302(2) and is repeated below.

2) The director may:

(a) subject to legislative appropriation, enter into facility leases with terms of up to ten years when the length of the lease's term is economically advantageous to the state; and

(b) with the approval of the State Building Board and subject to legislative appropriation, enter into facility leases with terms of more than ten years when the length of the lease's term is economically advantageous to the state.

Attachment

DGB:CRS:sle

July 2009

LONG TERM LEASE REQUEST

SALT LAKE CITY
FOR
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY SERVICES
AND HOMELAND SECURITY

ADDRESS: SALT LAKE CITY BLOCK 35 PLAT A

LOCATION: SALT LAKE CTIY

TYPE OF SPACE: OFFICE / EMERGENCY OPERATIONS CENTER

AMOUNT OF SPACE: APPROXIMATELY 42,028 SQUARE FEET

LENGTH OF LEASE: TWENTY (20) YEAR LEASE TERM

CONSTRUCTION COSTS: SEE ATTACHED SHEET

LEASE COST: BASED UPON A $32,000,000 BOND ISSUANCE THE ANNUAL LEASE PAYMENT WOULD BE APPROXIMATELY $2.4 MILLION WITH A 20 YEAR PAYOFF

JUSTIFICATION: THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENGY SERVICES AND HOMELAND SECURITY OFFICES AND EMERGENCY OPERATIONS CENTER IS INADEQUATE FOR CURRENT AND FUTURE NEEDS IN TERMS OF SPACE AND PROGRAM DELIVERY REQUIREMENTS.

STATE OF UTAH EMERGENCY OPERATIONS CENTER AND DIVISION OF HOMELAND SECURITY OFFICES
PROPOSED JOINT VENTURE BETWEEN SALT LAKE CITY AND THE STATE OF UTAH

Estimated Costs of Construction

Description	Joint Venture - State of Utah Share of Space	State of Utah Stand Alone Building	NOTES
Operations Center - Common Facilities Division of Homeland Security - Staff Office Space Utah Emergency Communications Center Joint Information Center State Emergency Operations Center - EOC Equipment Room(s)			
Sub-Total of Proposed Square Footage		40,000	Totals of comparable footage between HLS Proposal to Building Board and AECOM Joint Proposal
Inclusion of Statewide Information and Analysis Center (SIAC) - Fusion Center		7,500	SIAC square footage was not included in original Building Board Proposal for a Stand Alone Facility. SIAC was included in the Joint Venture Proposal
Total Square Footage of Proposed EOC	***42,028***	***47,500***	
Estimated Construction Cost - Per Square Foot	*$359.55*	*$402.50*	Estimated Cost Per Square Foot. Stand Alone figures provided by DFCM / Joint Venture figures provided by AECOM
Total Estimated Cost of Construction for Proposed EOC	***$15,111,257***	***$19,118,667***	

Additional Estimated Project Costs

Description	Joint Venture - State of Utah Share of Space	State of Utah Stand Alone Building	NOTES
Design Fees	$1,443,210	$1,080,250	
Furnishings & Equipment	$1,896,888	$1,100,000	
Public Art	$180,401	$160,999	
Other Soft Costs (Permits, Fees, Inspections, Contingencies, Moving, Specialty Consulting, etc.)	$5,818,130	$2,511,076	
Land Acquisition	$2,800,000	$2,800,000	Land Acquisition was not included in Building Board Proposal - It was anticipated that donated or state-owned property was available. For purpose of comparison, the same figure was used for both proposals (Based on AECOM's proposal)
Site Improvement	$822,400	$822,400	Site Improvement was not included in Building Board Proposal - It was anticipated that donated or state-owned property was available. For purpose of comparison, the same figure was used for both proposals (Based on AECOM's proposal)
Underground Parking Structure	$2,929,800	$2,929,800	Parking was not included in Building Board Proposal - It was anticipated that donated or state-owned property would have existing parking space. For purpose of comparison, the same figure was used for both proposals (Based on AECOM's proposal)
Total Estimated Cost of Additional Project Costs	***$15,890,829***	***$11,404,525***	
Total Estimated Cost of EOC Project	***$31,002,087***	***$30,523,192***	

Administrative Policy Analysis: Public Safety Complex Bond
April 29, 2009

Policy Recommendation

Salt Lake City should build a new public safety administration building and emergency operations facility. In addition, the City should engage in an educational public outreach program to effectively communicate accurate information so that residents, businesses, and other stakeholders all understand the costs and benefits of the proposed facilities.

Background

600 men and women work for the Salt Lake City Police Department. There are another 45 who work for the Fire Department Administration. All of these individuals, along with firefighters from the various stations, are required to work and interact at the Public Safety Building (PSB) in downtown Salt Lake City. Industry standards are set such as to provide office workers with an average of 27 square feet of space per person. The PSB averages 12 to 16 square feet per person and, depending on the floor, can be as little as 9 square feet per person in shared office space. The current facility, constructed in 1953, contains 108,000 square feet and was designed to accommodate only 123 individual workstations with associated public space and storage.

Additionally, maintenance and operation costs for the current facility continue to rise, and a number of serious incidents affecting employee and residents' health and safety have contributed to the decision to construct a new facility. For instance:

- Elevators routinely are out of commission (Deseret News 03/13/09). In one case, SWAT team members were trapped in one of the elevators when called out to a scene. They had to be extricated through the car's hatch.
- Brown water sometimes spews out of water fountains (04/10/07 Deseret News).
- Plumbing leaks have threatened Dispatch Equipment and Evidence Storage (Deseret News 04/10/07).
- Broken windows, leaking plumbing, a leaky roof, an inadequate electrical system and a failing heating and cooling system are all contributing to the increase in maintenance costs.
- The facility lacks security controls and a fire suppression system.

The City's public safety administration building houses key police and fire personnel and operations. In the event of an emergency, these public safety employees provide front line response and rescue activities to the community. A sound and structurally stable facility to house these vital operations is critical to an efficient and effective rescue operation that could impact the numbers of lives saved during an actual disaster.

In addition to a failing public safety building, Salt Lake City does not have an Emergency Operations Facility (EOF) from which to effectively manage any type of significant event or disaster impacting the City. Two of the most significant events to impact SLC during

the past ten years, the tornado in 1999 and the Trolley Square shooting in 2007, were both managed from make-shift command centers located in various City offices. The City's temporary emergency operations coordination center is located in Plaza 349, and the emergency operations policy group management center is located on the 8th floor of the public safety building. Both conference rooms have been outfitted with phone lines to act as emergency operation centers for the Mayor, City Council, City department heads, and key City personnel to coordinate emergency response activities.

Although these temporary facilities are planned to be functional and operational, in the event of a catastrophic emergency (such as an earthquake) it is likely these systems would fail. The temporary emergency operation facilities, the public safety administration building, and the associated communication and dispatch systems would likely not remain operational, and coordination and rescue efforts would most likely be managed from a trailer or some other makeshift site not adequately equipped to handle such an emergency. (Refer to appendix #1 for an updated public safety building facility assessment – April 2009).

According to the US Geological Survey web-site, "In the United States each year, natural hazards cause hundreds of deaths and cost billions of dollars in disaster aid, disruption of commerce, and destruction of homes and critical infrastructure. Although the number of lives lost to natural hazards each year generally has declined, the economic cost of major disaster response and recovery continues to rise. Each decade, property damage from natural hazards events doubles or triples. The United States is second only to Japan in economic damages resulting from natural disasters."[1]

The United Nations International Strategy for Disaster Reduction (UNISDR) report documents that the United States reported economic damages from natural disasters, from 1991-2005, totaling $364.94 billion, of which over one-third resulted from Hurricane Katrina alone[2]. Information gleaned from the insurance industry indicates that these catastrophic events are occurring more often and getting more costly as time goes on. A document from the Risk Management and Decision Process Center of The Wharton School, University of Pennsylvania, lists the 20 most costly catastrophe insurance losses, 1970-2005. Eighteen of them occurred between 1990 and 2005, and **10 of them occurred in the last five years**[3], of which eight were on US soil.

The US economic impact and devastation from natural disasters is further compounded by human-caused disasters such as the terrorist attack on the Alfred P. Murrah building in Oklahoma City and the terrorist attacks on September 11, 2001. Although human-caused

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[1] The USGS Role of Reducing Disaster Losses: Fact Sheet 2007-2008; US Geological Survey web-site.

[2] United Nations International Strategy for Disaster Reduction web-site; Disaster statistics Top 50 countries; CRED Center for Research on the Epidemiology of Disasters;
Total amount of reported economic damages: all natural disasters ; 1991-2005 (2005 US $ billion).

[3] August 18-19, 2006 CREATE Symposium – USC, Los Angeles; *Improving Homeland Security in the Wake of Large-Scale Disasters: Would Risk-Based All-Hazard Disaster Insurance Help in the Post Katrina World?*; page 7 (slide); Erwann O. Michel-Kerjan, Howard C. Kunreuther; Risk Management and Decision Processes Center, The Wharton School, University of Pennsylvania.

disasters are not as prevalent in the United States as natural disasters, even a single event, as evidenced in the 9/11 attacks, can be just as devastating.

The authors of *The Economic Impacts of Terrorist Attacks* illustrate this fact: "The casualties on 9/11 represent a clear outlier with deaths on this single day approximately equal to all transnational terrorist-related deaths recorded during the entire 1988-2000 period[4]." The loss of lives and the economic impacts from these catastrophic events to the United States have been significant. Much research has gone into understanding the causes of these events and how to best mitigate their effects. While the research is complicated, particularly when assessing the likelihood, or potential target, of a terrorist attack, pre-event planning seems to be the best defense.

According to both the US Geological Survey (USGS), and an Oct. 8, 2008 *Voice of America* newsletter, while natural hazards cannot be prevented, their impacts can be lessened with careful preparation. The USGS web-site indicates the most effective way to mitigate loss of life and property from natural disasters is to implement systems that provide early warning of hazards and design disaster-resilient communities. The U.S. Department of Homeland Security (DHS), Office for Domestic Preparedness (ODP) is also facilitating an ***all-hazards*** planning approach for homeland security.

In April of 2003, the U.S. Department of Homeland Security (DHS), Office for Domestic Preparedness (ODP) created the Urban Areas Security Initiative (UASI) recognizing that the nation's urban areas present the greatest risk and highest threat for extensive loss of life and economic disruption resulting from man-made or natural disasters. As such, DHS implemented the UASI grant program to assist "key" urban areas with dedicated funds and direct services to develop communication systems, training programs and preparedness plans to help mitigate threats and protect citizens and critical infrastructure. The mission of UASI is to create a sustainable national model program to enhance security and overall preparedness to prevent, respond to, and recover from acts of terrorism, as well as natural disasters, with the primary focus being on preventing acts of terrorism[5].

In 2008, Salt Lake City (SLC) was named a Tier II UASI, indicating that the SLC area is a "key" urban area facing a great risk and a credible threat of a catastrophic event occurring within its Metropolitan Statistical Area. According to recent FEMA documentation, "Earthquake hazards along the Wasatch Front, and therefore within Salt

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[4] The Economic Impacts of Terrorist Attacks; Harry W. Richardson, Peter Gordon and James E. Moore II 2005; published by Edward Elgar Publishing, Inc. 136 West Street, Suite 202, Northampton, MA 01060 USA; page 13.

[5] Urban Areas Security Initiative 2004 Regional Conference Report, Introduction UASI Program Background; page 3, The UASI Program is authorized by the fiscal year (FY) 2003 Omnibus Appropriation Act, Public Law (P.L.) 108-7, and the FY 2003 Wartime Supplemental Appropriations Act, P.L. 108-11. Through P.L. 108-7, DHS ODP was appropriated $100 million to develop a follow-on program to the Nunn-Lugar-Domenici Domestic Preparedness Program for key urban areas. An additional $700 million in program funding was provided through P.L. 108-11. The Department of Homeland Security Appropriations Act of 2004, P.L. 108-90 provided the Secretary of Homeland Security $725 million ($720,722,500 with rescission) for discretionary grants to augment efforts begun with the FY 2003 UASI Program to address the unique needs of high-density urban areas.

Lake City, are extreme because of three reasons: 1) The Wasatch front is part of the Intermountain Seismic Belt (ISB), 2) The Wasatch Fault appears to be the most frequent source of large earthquakes, 3) Local geologic conditions in Salt Lake Valley, such as deep valley sediments, will amplify ground shaking and areas of very shallow ground water are subject to liquefaction.

The largest magnitude earthquake that is expected on the Wasatch Fault is a 7.5 magnitude event. The chance of a large earthquake on the Wasatch Fault during the next 100 years is 25 percent. The frequency is possible, and the severity rating is ***catastrophic.*** Response and recovery to a seismic event would require multi-state and/or national mobilization.

According to best practices and recent information regarding all-hazards mitigation planning, Salt Lake City should ensure it is properly prepared to prevent, respond to, and recover from a variety of potential and possible hazards. Unfortunately, Salt Lake City, currently, is not adequately prepared to prevent, respond to, or recover from various significant, or potentially catastrophic, events.

Salt Lake City has recognized this vulnerability and need to replace its aging, and/or non-existent, infrastructure but has lacked sufficient financial resources with which to construct the necessary critical facilities. On November 6, 2007 Salt Lake City held a special bond election, City Proposition Number 1, for the purposes of Acquiring, Constructing, Furnishing and Equipping Fire, Police and Other Public Safety Facilities. The estimated cost for the critical facilities was not to exceed One Hundred Ninety-Two Million Dollars ($192,000,000)[6]. The facilities proposed at that time were: construction of a new Public Safety Administration building and associated parking structure, an Emergency Operations Center, an Eastside Public Safety Center, and a Westside Fire Station and Fire Training Center. According to the November 7, 2007, Deseret News post-election article, *Public-Safety Bond shot down in S.L.,* by Jared Page, the bond failed by only 291 votes.

Although the 2007 public safety bond was not successful, Salt Lake City Administrators have dramatically stepped up their preparedness planning efforts. Last year the City hired an emergency management director who is implementing an aggressive 18 month preparedness and training program. This new emergency manager will work closely with a new UASI director who is currently being hired. The two will work in tandem to ensure that Salt Lake City is prepared to address an all-hazards approach to protecting Salt Lake City's citizens and critical infrastructure. However, the facilities that will house these critical operations to ensure continuity of government and operations in the event of a significant event or disaster still need to be constructed.

In January, 2009, Mayor Becker announced in his State of the City address his plan to seek Salt Lake City taxpayers' support for a public safety bond election in November. As

[6] Actual description of the bond language taken from **Notice of Special Bond Election** documentation on file with the Salt Lake City recorder's office.

part of this process the Mayor assembled a team and put forth the following goals and objectives:

- Ensure fiscal responsibility and stewardship in project management; streamline operations, scrutinize costs and look for opportunities to collaborate or share facilities with other governmental agencies where appropriate.
- Ensure operational needs and efficiencies for public safety first responders and personnel are met as well as critical infrastructure standards in a new public safety building and emergency operations facility.
- Seize the opportunity to improve customer service and citizen convenience and responsiveness by fostering a "civic campus" for municipal services.
- Create environmentally friendly and sustainable projects that showcase excellence in urban design and meet a silver LEED rating.

In order to accomplish these goals several things occurred. The architectural team that assisted the City during the 2007 bond election was redeployed because of its familiarity with the City's project and expertise in designing and constructing public safety and emergency operation facilities across the nation. The architectural team was provided numerous City Master Plans and documents that could affect the planning or design elements of the project to ensure that the design team understood the communities' planning and zoning needs and desires.

In addition, and simultaneous to the architectural planning process, the City team began discussions with various governmental agencies seeking opportunities for collaboration, collocation or sharing facilities or operations. Several opportunities arose and are currently being pursued. Primarily, the Salt Lake City Police Department is actively exploring a joint crime evidence storage facility with the Valley Alliance Police Chiefs and the City and the State of Utah are exploring the feasibility of sharing the emergency operations center. If approved by the State and the City, the emergency operations facility will house the City's Emergency Operations, as well as the State of Utah's Emergency Operations, Homeland Security and information gathering division, referred to as SIAC.

Alternatives/ Analysis

Clearly the City needs to ensure it can protect its citizens and critical infrastructure in the event of an emergency and must determine how to efficiently and effectively provide the necessary facilities to house these vital operations.

Option #1) Renovate the existing Public Safety Building (PSB) rather than construct a new facility. Salt Lake City has evaluated the possibility of renovating the existing public safety building rather than replacing it. A PSB building assessment has been completed as part of this process by the Police Department and facilities management. The report is attached as appendix #1. The building deficiencies and inadequate space make this option unacceptable.

The necessary capital improvements the building requires exceed $12 million and the ongoing maintenance and utility costs exceed $500,000 annually. Due to an inefficient and outdated HVAC system the utility costs run $3.27 per square foot, approximately $1.27 higher per square foot than other similar buildings. Although the building has significant costly maintenance and repair deficiencies, the bigger issue is the lack of space which renders the building operationally inefficient and functionally inadequate.

Option #2) Build a new Public Safety Building and Emergency Operations Facility. Salt Lake City has analyzed and assessed the implications of building a new public safety building and emergency operations facility. First and foremost, Salt Lake City has the responsibility to protect the lives and security of its citizens and critical infrastructure. The City must have the facilities and resources in place to accomplish this objective. Currently the emergency operation facility does not exist, and the public safety building is neither functionally nor structurally adequate to ensure the City can fulfill its public safety responsibilities in the event a disaster should occur.

As the Administration assessed its options, other factors were considered. First, a new facility will require land acquisition. Current land values are depressed compared to recent years, which creates an opportunity for the City that may not exist a year from now. Second, the State of Utah needs to relocate its emergency operation center and is willing to co-locate in the same facility with the City, creating operational efficiencies between the two governmental agencies and likely defraying costs for both. This opportunity, too, may not exist a year from now. If the City postpones its action and does not move forward by securing the land and building the facilities, this may cause the State to move forward independently and secure a separate site, which may not be located within Salt Lake City boundaries.

In order to proceed with further analysis, the City, in collaboration with the State, hired the architecture and engineering firm AECOM to perform a feasibility study. (See appendix #2 for an outline of a Memorandum of Understanding between the City and the State of Utah addressing the State's lease obligations that will retire the debt for its share of the infrastructure costs as well as the ongoing maintenance costs). Based upon the information in the feasibility study, the State of Utah's Building Authority Board will be briefed on the lease arrangement at its next meeting scheduled for May 20th. If the project is feasible and acceptable lease arrangements can be negotiated, it is anticipated the State will issue the City a "Letter of Intent" to proceed pursuing a shared emergency operation facility.

As part of the feasibility study, AECOM conducted a needs assessment for the City as well as the State of Utah. From this needs assessment, AECOM provided the needs assessment, a space planning document, and a design of the proposed floor plates for both the public safety building and emergency operations facility. These documents are all included as appendix #3. From here project cost estimates will be developed and City staff will analysis various financing scenarios for constructing the facilities.

Policy Recommendation

Salt Lake City should build a new public safety administration building and emergency operations facility. In addition, the City should engage in an educational public outreach program to effectively communicate accurate information so that residents, businesses, and other stakeholders all understand the costs and benefits of the proposed facilities.

Next Steps:

1. Lock in prospective property acquisitions per an agreed-upon generalized site plan
2. Develop detailed project cost estimates for review by independent professionals
3. Present the site and conceptual design of the buildings
4. Engage in a public education campaign to communicate the costs and benefits of the proposal (Refer to appendix #4)
5. If State participation is granted, develop specific proposals for shared financing of construction, operation, and maintenance of the joint facilities

Salt Lake City Utah
Public Safety Facilities
Conceptual Cost Estimate - Block 35/Plat B
July 1, 2009

Section	Unit	UOM		Cost/SF	Cost	State%	State	City
Public Safety Facilities:								
Public Safety Building	132,130	SF	@	307.1	$ 40,580,000	0.00%	$ -	$ 40,580,000
Operations Center	76,415	SF	@	359.55	27,475,013	55.00%	15,111,257	12,363,756
Parking Structure (522 stalls)	201,774	SF	@	72.6	14,649,000	20.00%	2,929,800	11,719,200
Site Improvements: Block 35/Plat B					4,112,000	20.00%	822,400	3,289,600
City/State Partnership Contingency					3,384,604			3,384,604
Subtotal (Construction)					$ 90,200,617		$ 18,863,457	$ 71,337,160
Permits, Fees, Plan Check, ETC.				1.5%	1,353,009	20.00%	270,602	1,082,407
Special Testing and Inspection				2.5%	2,255,015	20.00%	451,003	1,804,012
General Contractor Contingency				7.5%	6,765,046	20.00%	1,353,009	5,412,037
Construction Contingency				10.0%	9,020,062	20.00%	1,804,012	7,216,049
Furniture, Fixtures and Equipment	193,560	SF	@	14.00	2,709,840	20.00%	541,968	2,167,872
Radio and 911 Communications System'	193,560	SF	@	23.00	4,451,880	20.00%	890,376	3,561,504
Telecommunications System	193,560	SF	@	12.00	2,322,720	20.00%	464,544	1,858,176
Public Art				1.0%	902,006	20.00%	180,401	721,605
Moving and Relocations	193,560	SF	@	3.50	677,460	20.00%	135,492	541,968
Architectural and Engineering Fees				7.5%	6,765,046	20.00%	1,353,009	5,412,037
Architectural Reimbursable				0.5%	451,003	20.00%	90,201	360,802
Specialty Consultants - Geotechnical, Environmental, Leed, Commissioning				2.0%	1,804,012	20.00%	360,802	1,443,210
Project Management/Owner Representative				4.0%	3,608,025	20.00%	721,605	2,886,420
Upgrade Building to LEED "Silver				4.0%	3,608,025	20.00%	721,605	2,886,420
Land Acquisition Costs					14,000,000	20.00%	2,800,000	11,200,000
City's Project Management Contingency					5,000,000			5,000,000
Total Project Costs					**$ 155,893,767**		**$ 31,002,087**	**$ 124,891,680**

FOR IMMEDIATE RELEASE
July 2, 2009
Contact: Marla Kennedy
Office: 801-535-7177
Cell: 801-541-3941

Mayor Becker Transmits Public Safety Complex Report and Recommendation to City Council Today

$125 million bond to be decided on by City Council

SALT LAKE CITY, UTAH – Today, Mayor Ralph Becker recommended the City Council place an initiative on the November 2009 ballot authorizing a $125 million bond for the acquisition, construction and equipping of a Public Safety Building and Emergency Operations Center.

"Salt Lake City has a critical and urgent need for an Emergency Operations Center and a new Public Safety Building. As leaders in Salt Lake City, I believe we have a moral obligation to keep our community safe and to be prepared in advance of a catastrophic emergency," explained Becker.

The City's existing Public Safety Building is an aging, overcrowded facility with more than 500 employees occupying space intended for 300 employees, and is not rated as functionally survivable should the City experience a major disaster, such as a large earthquake. The City currently does not have an Emergency Operations Center.

The recommendation put forth today reflects a significantly streamlined proposal from the $192 million public safety bond narrowly rejected by voters in 2007. "We have looked for every efficiency we could find and will continue to do so throughout the course of this project," added Becker who expressed strong support for the possibility of partnering with the State of Utah on the Emergency Operations Center, an idea currently under evaluation.

A report written by renowned local architect David H. Hart, FAIA, Architect of the State Capitol, who reviewed all of the public input and data on 10 different location options, recommended the Council focus on the area known as the Barnes Bank block (Block 35/Plat B) as the preferred location for the facilities. The Mayor upheld Hart's recommendation in his transmittal to the City Council.

In the report, Hart stated, "After thorough consideration of numerous options for the location of the Public Safety Complex, it is my recommendation the preferred site to be considered is Block 35 Plat B. Among the sites that were reviewed, this location meets the site criteria, provides the best combination of advantages, fewest disadvantages, and continues the development of the Civic Campus. The City will need to complete further work to define which portion of the block best meets the overall needs and desires of Public Safety officials and the community."

In response to today's announcement, Former City Council Member Deeda Seed remarked, "Salt Lake City has an urgent need for a new Public Safety Building. We've known for years about serious deficiencies in the current building; deficiencies that make us less safe as a community. We truly cannot afford to wait any longer to address this problem, thus I support Mayor Becker's recommendation to locate the new Public Safety Building complex on the Barnes Bank block. I am confident the Mayor and his planning team will work with the community to ensure the project is carried out in a cost-effective manner, with an emphasis on mixed-use compatibility."

The City Council will review the proposal over the next two weeks before making a final decision.

###

Cost and Operational Efficiencies that result if Salt Lake City and the State of Utah collocate in a joint EOC Facility

There is numerous cost saving advantages to sharing expensive emergency operation center (EOC) facility space. An EOC is an expensive facility to build because the basic structure must be earthquake resistant and built to a higher, survivable, essential facilities standard. In Salt Lake City, this standard would require the EOC to be reinforced throughout (built to 150% of life safety building code requirements), base isolation under the structure as well as self contained environmental and support systems, like HVAC, dedicated water supply and backup/emergency power systems. Another critical and costly component of an EOC is the extensive voice, data and telecommunication systems that must also be survivable in the event of a major disaster. These systems are the lifeblood of the rescue and response operation.

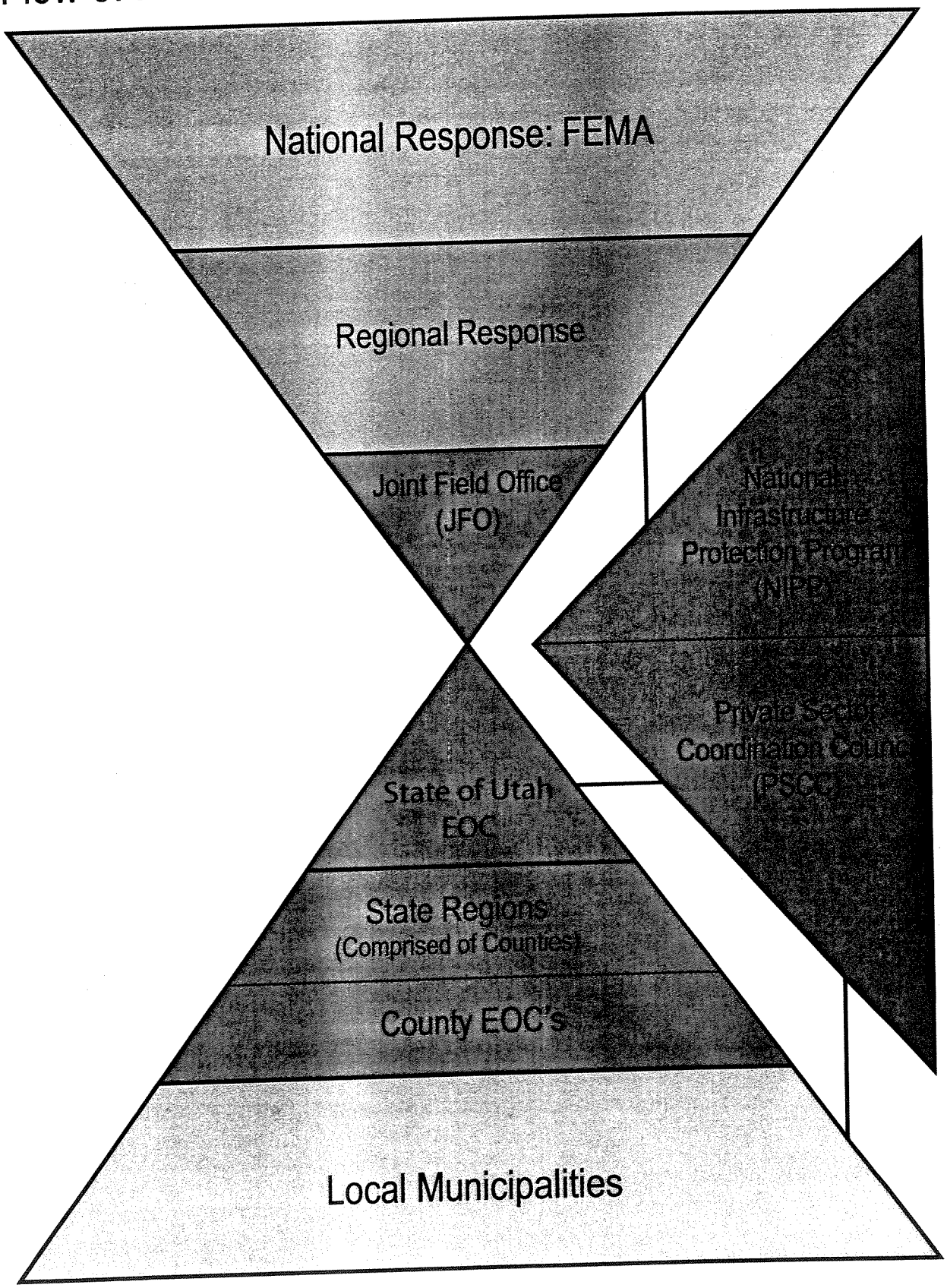
By the State and the City sharing space in this facility, and sharing the systems that support the facility, economies of scale result saving millions of dollars for both agencies. Following is a list of items that would be shared in the EOC, eliminating the need for infrastructure duplication in a second facility at a different location.

- Bricks & Mortar for the basic structure
- Technology (Telecommunication backbone infrastructure)
  - Communications – Data and Voice
  - Information Technology – Web EOC, State networks
- Joint Information Systems: Call Rooms, Media Monitoring & Media Dissemination Areas, Press Conference Areas, etc.
- Redundancies: Power/Backup Generators, Water Storage Systems, etc.
- Services: Security Systems/Guards, Credentialing, etc.
- Self Contained Support (extended stay of key personnel): showers, dorms, kitchens, exercise area, etc.

A quick review of the space needs assessment, provided by Salt Lake City and the State of Utah, indicates that at a minimum, 10,000 square feet of space is eliminated by co-locating. The base construction cost for the EOC is projected to be $360 per square foot. This savings for the bricks and mortar alone equates to $3.6 million. In addition to the cost savings and efficiencies that will result from the City and State co-locating in a joint EOC facility, operational effectiveness will increase. By co-locating various State and City programs and placing others adjacent to one another the flow of information improves and synergistic activities result. Some examples of these activities are:

- Fusion Information Gathering and Analysis (SLIC & SIAC – The City and State Agencies)
- Joint Information Systems (JIS)
- Emergency Operations
  - National Infrastructure Protection Program (NIPP)/Critical Infrastructure and Key Resources (CIKR)

Flow of Resources once a Disaster has been Declared



Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Dixie State College Request to Build Addition to Burns Arena**

Recommendation

DFCM recommends that the Building Board review the Dixie State College request to build an addition to the Burns Athletic Arena.

Background

Dixie State College has received donations to build a weight room/athletic training addition area at the Burns Arena. The funds for design and construction will come from a donor. There will be no state funds used for the project or for future O&M.

DGB:KFB:sle

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Reallocation of Courts Capital Improvements Funds**

Recommendation

DFCM recommends that the Building Board review the Courts request to reallocate Capital Improvement Funds from two completed project to a new project.

Background

Two Courts projects have significant funds remaining after construction:

1. Farmington Courts add relief air equipment, $151,000
2. Layton Courts Building HVAC system Improvements, $370,000

Courts has requested to use these funds for the Provo Juvenile Courts Work Crew Facility to be used by the Work Crew Program.

DGB:KFB:sle

Attachment

Administrative Office of the Courts

Chief Justice Christine M. Durham
Utah Supreme Court
Chair, Utah Judicial Council

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

July 14, 2009

Greg Buxton, Director
Facilities Construction & Management
4110 State Office Building
Salt Lake City, Utah 84114

Dear Gregg:

With the current budget situation and the reduced funding for Capital Improvement projects in FY 2010 it is more important than ever that we evaluate what improvement projects receive funding. With the assistants of your staff I have evaluated the Courts projects that have been funded over the last two years. Based on that evaluation, and the budget cuts from the 2009 legislative session Courts is requesting the redirection of project funds from projects 08047150 (the Layton Courts Building HVAC system improvement) $369,900 and project 08606115 (Farmington Courts add relief air equipment) $155,405 to rehabilitate the animal shelter (Work Crew Facility) building on the Provo Juvenile Courts property. If additional funding is required for this project Courts will rank this project at the top of our Improvement Funding Request for 2011. We are requesting these funds be redirected at this time so that the facility can be made available for occupancy when the leases terminate. This project will require additional funding from the FY 2011 Capital improvements funding

08606115 (Farmington Courts add relief air equipment)

The original intent of this project was to add a relief air system to the HVAC system in the Farmington Court facility. The original solution was to redesign the HVAC system and add several new air intakes and exhaust locations into the system. When the engineering firm evaluated the problem, they proposed a solution that solved the problem and had the additional benefits of being more effective at a much lower cost.

The remaining funds in this project are $155,405.00. We are requesting that these funds be redirected to the Provo Juvenile Courts Work Crew Facility to be used for planning, design and remodeling the building for the Work Crew Program.

08047150 (Layton Courts Building HVAC system improvement)

The original intent of this project was to increase the cooling capacity of the facility to accommodate the cooling needs of new equipment in the building. The HVAC system was not maintaining the proper temperature range after additional equipment was installed. The original plan for the project was to replace and overhaul the existing HVAC system in the facility. As the project proceeded it became apparent that we needed to look at the specific problem, not the facility. When the engineer identified and isolated the problem to the computer room it was determined that a single room cooling unit in the computer room would resolve the problem. That cooling system has been installed and has resolved the problem.

The remaining funds in this project are $369,900. We are requesting that these funds be redirected to the Provo Juvenile Courts Work Crew Facility to be used for planning, design and remodeling the building for the Work Crew Program.

Please submit this request to the Building Board for approval at your earliest opportunity.

Thank you for your support and continued assistance.

Sincerely,

Alyn Lunceford
Facilities Manager

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Reallocation of Southern Utah University Capital Improvement Funds**

Recommendation

DFCM recommends that the Building Board review the Southern Utah University request to reallocate Capital Improvement funds to make additional repairs/alteration to the central plant.

Background

Two SUU projects recently bid significantly under budget:

1. Heat Plant Condensate tank Relocation
2. Steam Tunnel Ventilation Project

The saving from these projects is $167,000. SUU would like to use these funds for additional energy conservation projects at the central plant. A letter from SUU explaining the projects is attached.

DGB:KFB:sle

Attachment

SUU SOUTHERN UTAH UNIVERSITY

June 17, 2009

Mr. Jeff Reddoor
Division of Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114

RE: Reallocation of Southern Utah University Capital Improvement Funds

Dear Mr. Reddoor:

Southern Utah University (SUU) requests DFCM's support to prepare an agenda item for the Utah State Building Board to reallocate FY2010 Capital Improvement funds due to the current favorable bid climate. As you identified, the amount remaining and allocation request from two FY2010 projects that were recently bid is $167,618. The funds would be used to remove three 38 year old buried oil fuel tanks and piping next to the Central Heat Plant and additional energy conservation modifications in the Central Heat Plant.

Background

Southern Utah University has benefited from the current construction climate on two recently bid Central Heat Plant Projects: Condensate Tank Relocation and Steam Tunnel Ventilation. With the constricted Capital Improvement funding this past year, other vital projects related to the Central Heat Plant continue to be a pressing need.

SUU would like to reallocate the $167,618 savings to continue repairs in the Central Heat Plant. This would encompass design of additional energy conservation modifications which would include: insulation on steam valves and piping, replacement of draft induction motors with high efficiency units, LED high bay lights, and replacement of the large bay access doors. In addition, removal of the three 38 year old buried fuel tanks and disposal or sale of the remaining #5 heavy oil (that DEQ fines us for, if used), and removal of associated #5 oil piping. Once the tanks are removed, backfill and restoration of the landscaping will be required.

Thank you for your help and support.

Sincerely,

David F. Tanner

David F. Tanner
Associate Vice President for Facilities Management

DFT:cm

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Reallocation of Snow College Capital Improvement Funds**

Recommendation

DFCM recommends that the Building Board review the Snow College request to reallocate Capital Improvement funds from the Ephraim Campus Fire Alarm Project.

Background

Recently a chiller in the Washburn building at the Richfield Campus failed. The cost to replace the chiller is estimated at around $300,000. DFCM proposes reallocating funds from the Ephraim Fire Alarm Project to cover the Washburn building chiller replacement.

DGB:KFB:sle

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **University of Utah North Chiller Plant and Energy Project**

Recommendation

DFCM recommends that the Building Board review the request from the University of Utah to obtain delegation for the design and construction of the North chiller plant and energy project.

Background

The majority of the project was authorized by the 2009 Legislature. A chiller plant thermal energy storage system will be constructed that will include a 2.7 million gallon storage tank. The energy savings resulting for the work will repay the portion of the bond that was used to fund the project. The total cost of the project is less than 20 million, funded primarily through a revenue bond approved in SB 5 in the 2009 legislative session.

DGB:KFB:sle

Attachment

THE UNIVERSITY OF UTAH

Office of the Vice President
for Administrative Services

June 5, 2009

Mr. Gregg Buxton, Director
Division of Facilities Construction and Management
4110 State Office Building, PO Box 1160
Salt Lake City, UT 84114-1160

Dear Gregg:

RE: UNIVERSITY OF UTAH NORTH CHILLER PLANT AND ENERGY PROJECT

The University of Utah requests delegation for the design and construction of the North Chiller Plant and Energy Project. This project consists of a central chiller plant and other infrastructure to support 11 existing buildings, plus current and future development in the north central portion of campus along with a number of energy saving measures.

The majority of this project was authorized in the 2009 Legislative session as infrastructure development through SB 5, Revenue Bond and Capital Facilities Authorizations. This project also provides chilled water to the USTAR project that was authorized in the 2006 Legislative session through SB 75, USTAR Initiative.

The chillers in the existing buildings will be removed for re-use by the University at other facilities or salvaged. A thermal energy storage system will also be constructed that will include a 2.7 million gallon chilled water storage tank, providing for energy savings. In order to provide for future development, the North Chiller Plant will have adequate space for two future 2000 ton chillers and the piping and other components will also be sized for future growth.

The energy savings resulting from this work will repay the portion of the revenue bond that funds it. The future capacity is being funded through this revenue bond with repayment funded from charges to future projects for their share of the infrastructure. Any remaining debt payments not covered by energy savings and charges to future projects will be funded from the University's research overhead.

The total project cost is estimated to be less than $20 million funded primarily through a revenue bond authorized by the Legislature in SB 5. The USTAR project will also contribute funds to this project to cover its share of the chiller capacity. No other state funds will be used for the design and construction of the project. Further details regarding the scope and cost of the project will be provided at the meeting.

Associate Vice President Facilities Management
1795 East South Campus Dr Rm 219
V. Randall Turpin University Services Building
Salt Lake City, UT 84112-9404
(801) 581-6510
FAX (801) 581-6081

The University initiated this work over a year ago as a delegated project costing less than $10 million. The initial scope of work was a central chiller plant to support USTAR and other buildings in the area. The project grew as additional energy savings opportunities were identified and determined to be cost effective. For example, the addition of the thermal energy storage system added about $5 million to the cost of the project. As the cost now exceeds the threshold for across the board delegation, approval by the Building Board of a project specific delegation is needed.

In light of the work that has already been done by the University, we respectfully request your support of our delegation request to the Utah State Building Board.

Thanks again for your continued support and consideration.

Sincerely,

Michael G. Perez
Associate Vice President

c: Cory Higgins, Director, Plant Operations
Ken Nye, Director, FM Business Services

T:\AVP FM.DFCM.North Chiller Plant & Energy Project. 060809

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Administrative Reports for University of Utah and Utah State University**

Attached for your review and approval are the administrative reports for the University of Utah and Utah State University.

DGB:SLE

Attachments

THE UNIVERSITY OF UTAH

Office of the Vice President
For Administrative Services

July 17, 2009

Mr. Gregg Buxton, Director
Division of Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114

Subject: U of U Administrative Reports for August 5, 2009 Building Board Meeting.

Dear Gregg:

The following is a summary of the administrative reports for the U of U for the period 6/6/09 to 7/17/09. Please include this in the packet for the June 24, 2009 Building Board Meeting.

Professional Services Agreements (Page 1)
The Professional Services Agreements awarded during this period consist of:
5 Design Agreements, 0 Programming/Planning Agreement, 2 Study/Other Agreements.

Item 2, Temporary Replacement Parking on Wasatch Drive
This design agreement for $ 192,025 was awarded without competition to Cliff Berkey Engineering due to the extremely short time period in which the project must be completed. This agreement provides for the design of two parking lots that will replace parking lost due to construction. The lots must be ready for fall semester.

Construction Contracts (Page 2)
The Construction Contracts awarded during this period consist of:
2 New Space Contracts, 3 Remodeling Contracts, 3 Site Improvement Contracts.

Report of Project Reserve Fund Activity (Page 3)
Increases: Increases consist of transferring the remaining balance in capital to protect reserve as they are completed.

Decreases: None.

Associate Vice President Facilities Management
1795 East South Campus Dr Rm 219
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Salt Lake City, UT 84112-9404
(801) 581-6510
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Report of Contingency Reserve Fund (Page 4)
Increases: None.

Decreases: Project #13198, HTW Line Replacement – Engineering Area
This project was the University's first effort at a major replacement of High Temperature Water (HTW) lines. During the course of the project, a substantial number of unknown conditions have been encountered. Most of these have involved utilities which were generally known to exist but for which the exact location and depth was not known. Most of these utilities were installed in the 1950's and 1960's. The information that was captured at that time regarding location and depth was substantially less detailed than is the current practice. Most of the cost overrun is due to the substantial effort required to relocate utilities or to modify the new HTW line to work around them. The University is now installing a triple wall, pre-insulated pipe that has a very long expected life. For this type of pipe, every change and jog is much more costly than with traditional pipe. The slower pace necessitated by the unknown conditions also required a shut down of the project during the winter months resulting in additional costs for project supervision and re-mobilization.

In subsequent projects to replace HTW lines, we are avoiding the above pitfalls by requiring the engineer to do more extensive research on existing conditions and by taking the replacement lines through buildings when possible where existing conditions are more easily determined. In addition, current HTW projects are in the Health Sciences area where utilities are generally buried more deeply and are therefore more easily avoided. This area was also constructed more recently so we have substantially better information about existing utilities.

Representatives from the University of Utah will attend the Building Board meeting to address any questions the Board may have.

Sincerely,

Kenneth E. Nye, Director
Facilities Management Business Services

Enclosures

cc: University of Utah Trustees
Mike Perez
Gregory L. Stauffer

THE UNIVERSITY OF UTAH

Professional Services Agreements
Awarded From June 6, 2009 to July 17, 2009

Item Number	Project No.	Project Name	Firm Name	Project Budget	Contract Amount
	Design				
1	20143	BLDG 525, Level A, Remodel Inpatient Pharmacy	HKS Architects	$2,000,000	$148,700
2	20148	Temporary Replacement Parking on Wasatch Drive	Cliff Berkey Engineering	$2,252,758	$192,025
3	20163	USA 2009 Re-Roofs	Gilles Stransky Brems Smith	$350,400	$20,952
4	20164	MBH 304 Remodel	Smith Hyatt Architects	$44,925	$5,600
5	20178	350 VRTUSB, Print and Mail Services Remodel Project	HFS Architects	$112,796	$5,550
	Programming/ Planning				
	Study/ Other				
6	20175	0530 - WINTRO - Study for Grant Proposal	FFKR Architects	$40,000	$27,500
7	20175	0530 - WINTRO - Study for Grant Proposal	Spectrum Engineers	$40,000	$10,000

THE UNIVERSITY OF UTAH

Construction Contracts
Awarded From June 6, 2009 to July 17, 2009

Item Number	Project No.	Project Name	Firm Name	Design Firm	Project Budget	Contract Amount
	Construction - New Space					
1	20172	Frisco Peak Observatory	Utah Commercial Contractors Inc	Design Build	$160,000	$500
2	20152	EMRL Meldrum Bldg Addition	Layton Construction	Paul D. Brown Architects	$4,500,000	$38,511
	Construction - Remodeling					
3	20097	Marriott Library Special Collections Reading Room Upgrade	Archer Construction Inc	MJSA Architecture	$2,815,000	$49,762
4	20174	William Browning Building Remodel Various Rooms	T & S Customs	NA	$104,450	$47,658
5	20151	USA Apartments 500C Balcony Replacement	Craig Bonham Construction	Reavely Engineers & Assoc.	$90,000	$56,845
	Construction - Site Improvement					
6	20014	NE Medical Terrace Concrete Restoration	Gerber Construction		$320,000	$183,873
7	20117	Parking Lot No.6 Repair	Miller Paving	Cliff Berkey Engineering	$400,000	$340,653
8	20118	USA Phase 3 West Village Parking Repairs	Morgan Asphalt Inc	Bingham Engineering Inc	$425,000	$354,900

University Of Utah
Report Of Project Reserve Fund Activity
For the Period of June 6, 2009 to July 17, 2009

PROJECT NUMBER	PROJECT TITLE	TRANSFER AMOUNT	DESCRIPTION FOR CONTINGENCY TRANSFER	% OF CONSTR. BUDGET
	BEGINNING BALANCE	282,322.26		
	INCREASES TO PROJECT RESERVE FUND:			
12647	UMFA Price Museum Basement Storage	779.50	Remaining Balances returned to Project Reserve Fund	
13049	HEB North Bldg Replace Fire Alarm & Sprinkler System	9,127.22	Remaining Balances returned to Project Reserve Fund	
20004	SSB Replace Fire Detection System	334.87	Remaining Balances returned to Project Reserve Fund	
	DECREASES TO PROJECT RESERVE FUND:			
	CURRENT BALANCE OF PROJECT RESERVE:	**292,563.85**		

University Of Utah
Report Of Contingency Reserve Fund Activity
For the Period of June 6, 2009 to July 17, 2009

PROJ. NO.	DESCRIPTION	CURRENT TRANSFERS	TOTAL TRANSFERS FROM CONTINGENCY	% OF CONSTR. BUDGET	PROJECT STATUS
	BEGINNING BALANCE	2,590,938.93			
	INCREASES TO CONTINGENCY RESERVE FUND				
	DECREASES TO CONTINGENCY RESERVE FUND				
	NEW CONSTRUCTION				
	REMODELING				
13198	HTW Line Replacement - Engineering Area	(697,995.10)		45.97%	Construction
	ENDING BALANCE 01-00376-7000-05107	1,892,943.83			

UtahState University
VICE PRESIDENT FOR BUSINESS AND FINANCE

15 July 2009

David G. Buxton, Director
Division of Facilities Construction
and Management
State Office Building Room 4110
PO Box 141160
Salt Lake City, Utah 84114-1163

Dear Gregg:

SUBJECT: USU Administrative Reports for August 2009 Building Board Meeting

The following is a summary of the administrative reports for USU for the period 06/03/09 to 07/15/09:

Professional Contracts, 5 contracts issued (Page 1)
Comments are provided on the report.

Construction Contracts, 12 contracts issued (Page 2)
Comments are provided on the report.

Report of Contingency Reserve Fund (Page 3)
The contingency amounts for the FY10 delegated capital improvement projects have been added to the Contingency Reserve Fund. The list includes 11 new projects and the restoration of 3 projects that were put on hold in FY09 due to budget cuts and then restored in FY10. The combined construction budgets for these 14 projects total $4,733,936. An amount of $315,613 has been added to the Contingency Reserve Fund. This amount represents 6.66% of the construction budgets for the FY10 projects.

Report of Project Reserve Fund Activity (Page 4)
Five projects closed adding $49,201.37 to the Project Reserve Fund.

Current Delegated Projects List (Pages 5-6)
Of USU's 65 current projects, 5 are Complete, 19 Substantially Complete, 27 in Construction, 8 in the Design/Study phase, and 6 Pending.

Representatives from Utah State University will attend the Building Board meeting to address any questions the Board may have.

Sincerely,

Fred R. Hunsaker
Interim Vice President for
Business and Finance

FRH/jm
c: Gregory L. Stauffer
Darrell E. Hart
Ben R. Berrett
Stanley G. Kane

1445 Old Main Hill Logan, UT 84322-1445 Ph: (435) 797-1146 Fax: (435) 797-0710 www.usu.edu/vpbus

UtahStateUniversity
Office of the Vice President for Business and Finance
1445 Old Main Hill
Logan, UT 84322-1445

Professional Contracts
Awarded From 06/03/09 to 07/15/09

	Contract Name	Firm Name	A/E Budget	Fee Amount	Comments
1	Spectrum Locker Rooms Remodel	Architectural Design West	$34,500.00	$34,000.00	
2	HPER Office/Classroom Upgrade	Architectural Design West	$15,182.00	$19,500.00	Balance needed from other line item budgets
3	FAC 214 (Choir Room) Remodel	Architectural Design West	$10,000.00	$10,000.00	
4	Miscellaneous Critical Improvements FY09	Spectrum Engineers	$10,607.00	$4,965.00	Design security video surveillance system for various locations
	MISCELLANEOUS CONTRACTS				
5	Anthropology Museum Relocation	AJC Architects	$20,000.00	$20,000.00	Conceptual design/feasibility only

UtahStateUniversity
Office of the Vice President for Business and Finance
1445 Old Main Hill
Logan, UT 84322-1445

Construction Contracts Awarded From 06/03/09 to 07/15/09

	Project	Firm Name	Design Firm	Const Budget	Contract Amt	Comments
1	NE Campus (NFS) Steam Line Replacement	Spindler Construction	USU Facilities Planning and Design	$427,313.00	$419,894.00	
2	Classroom Upgrades FY10	USU Facilities	USU Facilities Planning and Design	$257,522.00	$53,311.47	Classroom upgrades at various locations
3	Paving (NE Campus Steam Line Replacement Site)	Spindler Construction	USU Facilities Planning and Design	$51,822.00	$51,822.00	
4	Campus-wide Ventilation	Advanced Heating & Air Conditioning	USU Facilities Planning and Design	$158,120.00	$34,231.00	Replace heating coils in the Veterinary Science Building
5	Health, Life Safety & Code Compliance FY10	USU Facilities	USU Facilities Planning and Design	$89,285.00	$23,111.69	Replace Spectrum emergency generator
6	Campus-wide Sidewalk Replacement	Sorensen & Gnehm Construction	USU Facilities Planning and Design	$301,000.00	$10,890.00	CM/GC contract pre-construction fee to replace sidewalks/concrete at various locations
	MISCELLANEOUS CONTRACTS					
7	Health, Life Safety & Code Compliance FY10	American Asbestos Abatement		$89,285.00	$8,795.00	BRASC building asbestos abatement
8	Spectrum Locker Rooms Remodel	Environmental Abatement		$6,640.00	$6,640.00	Asbestos abatement
9	Miscellaneous Critical Improvements FY09	Sorensen & Gnehm Construction		$176,786.00	$2,954.00	Central Energy Plant ceiling insulation repair
10	Classroom Upgrades FY10	Eagle Environmental		$257,522.00	$2,946.00	Family Life 118/120 asbestos abatement
11	Health, Life Safety & Code Compliance FY09	Environmental Abatement		$181,818.00	$1,650.00	USU trailers asbestos abatement (preparation for removing)
12	Military Science Renovation (2nd floor)	Environmental Abatement		$4,000.00	$600.00	Asbestos abatement

UtahStateUniversity

Office of the Vice President for Business and Finance
1445 Old Main Hill
Logan, UT 84322-1445

Report of Project Reserve Fund Activity
From 06/03/09 to 07/15/09

Project Title	Transfer Amount	Description	% of Construction Budget
BEGINNING BALANCE	**$233,740.31**		
INCREASES TO PROJECT RESERVE FUND			
Health, Life Safety & Code Compliance FY08	9,142.30	Close project	7.13%
Spectrum Outside Air Intake Dampers	1,088.89	Close project	1.28%
Veterinary Science Fume Hood Upgrades	17,339.34	Close project	1.90%
Campus Safety Lighting	10,648.87	Close project	2.71%
Engineering Lab Emergency Lighting Upgrades	10,981.97	Close project	6.70%
DECREASES TO PROJECT RESERVE FUND			
None			
ENDING BALANCE	**$282,941.68**		

UtahStateUniversity
Office of the Vice President for Business and Finance
1445 Old Main Hill
Logan, UT 84322-1445

Current Delegated Projects List
07/15/09

Project Number	Project Name	Phase	Project Budget	
CAPITAL DEVELOPMENT/IMPROVEMENT				
A12309	Campus Safety Lighting 2-3	Complete	$589,727	
	Campus Safety Lighting FY07		129,007	
A08087	New Well (Industrial Science)	Substantial Completion	342,425	
	Well Pump House and Controls		250,000	
	Pump House and Equipment		588,776	
A08073	HPER Upgrades (Floors, A/C, Locks, Fire Alarms)	Substantial Completion	1,057,583	
A12820	Veterinary Science Fume Hood Upgrades	Complete	500,000	
	Fume Hood Upgrades FY07		300,000	
	Veterinary Science Mechanical Upgrades		271,718	
A08070	Carousel Square Remodel	Substantial Completion	1,984,237	
A13216	Agricultural Buildings Relocation	Construction	10,748,411	*
A14526	Utah Botanical Center Wetland Discovery Lab	Substantial Completion	1,752,422	
A15262	Bus Turnaround	Substantial Completion	1,435,468	
A15867	SER Mechanical Upgrade/UPS Replacement	Substantial Completion	945,285	
A15303	Old Main Hill Landscaping	Substantial Completion	311,613	
A07961	Building 86C/Wind Tunnel Replacement (Structures Lab)	Substantial Completion	889,656	
A16874	Engineering Lab Emergency Lighting Upgrades	Complete	166,250	
A16967	Fume Hood Upgrades FY08	Substantial Completion	486,650	
	A/C & Controls Upgrade FY08		423,375	
A16878	Campus-wide Medium Voltage Upgrades	Substantial Completion	682,808	
A16873	Fire Alarm Upgrades FY08	Partial Completion	282,051	
A16881	CEP Chillers	Construction	1,469,035	
A16876	Access Control/Security Systems Upgrades	Construction	188,800	
A16871	Classroom Upgrades FY08	Construction	806,798	
A16966	Building Commissioning	Complete	239,640	
A16877	CEP Electrical Feed	Equipment order	188,685	
A16968	Campus-wide Ventilation	Construction	188,932	
A16872	Tanner Fountain	Substantial Completion	314,752	
A16971	Planning & Design Fund	Design/Study	100,000	
A17575	Brigham City Science Lab Addition	Substantial Completion	2,286,297	
A16783	UWRL Hydraulics Laboratory	Substantial Completion	1,831,953	
A18156	NFS 248 Remodel	Substantial Completion	461,382	
A18615	Steam Line Replacement to NFS	Substantial Completion	933,000	

A18972	Planning & Design Fund FY09	Design	100,000
A18973	Health, Life Safety & Code Compliance Projects FY09	Construction	192,727
A18728	Campus-wide Sidewalk Replacements	Construction	319,900
A18974	Business Building Cladding	Construction	422,158
A18975	Water Lab Fire Lane Access/Bridges	Construction	916,025
A18976	Water Lab Fume Hood Upgrade	Design	1,392,647
A18977	Spectrum Outside Air Intake Dampers	Complete	98,911
A18978	Tippetts Gallery Lighting/HVAC	Construction	802,650
A18979	DDC Controls for VAV Boxes	Substantial Completion	127,274
A18980	CPD Fire Alarm FY09	Construction	139,357
A18981	Natural Resources Siding	Construction	94,453
A18982	Campus-wide Benches/Trash Receptacles/Urns	Construction	118,038
A18983	Emergency Generators FY09	Substantial Completion	58,007
A18984	Eccles Conference Center/Business Walkways	Pending	189,393
A18985	Miscellaneous Critical Improvements FY09	Construction	196,193
A18594	Tennis Courts Relocation	Substantial Completion	656,921
A18363	Tooele Classrooms Addition	Construction	3,608,399
A19843	TSC 3rd Floor HVAC Remodel	Substantial Completion	636,812
A20091	Military Science Renovation (Psychology Teaching Lab/1st & 2nd Floors)	Construction	197,207
A19028	Roosevelt Child Lab Remodel/Bookstore Storefront	Design	250,000
A20143	SER Observatory	Construction	265,347
A20520	USTAR Biofuels Outdoor Facility (Innovation Campus)	Construction	709,662
A20557	Campus-wide Medium Voltage Upgrade FY10	Construction	615,632
A20794	Ray B. West Window Replacement	Construction	761,600
A20856	Miscellaneous Critical Improvements FY10	Construction	378,571
A20857	Planning & Design Fund FY10 (NEW PROJECT)	Pending	100,000
A20858	Health, Life Safety & Code Compliance Projects FY10 (NEW PROJECT)	Construction	94,642
A20859	Classroom Upgrades FY10 (NEW PROJECT)	Construction	284,548
A20860	HPER Office/Classroom Upgrade (NEW PROJECT)	Design	189,878
A20861	Fine Arts Complex Safety Repairs (NEW PROJECT)	Pending	331,812
A20862	Building Recommissioning (NEW PROJECT)	Pending	236,607
A20863	Campus Wide Bike Racks (NEW PROJECT)	Pending	47,273
A20864	Business MCC and E-Panel (NEW PROJECT)	Pending	94,546
A20865	NE Campus (NFS) Steam Line Replacement (NEW PROJECT)	Construction	474,361
A20736	Spectrum Locker Rooms Remodel (NEW PROJECT)	Design	332,500
A20471	Anthropology Museum Relocation (NEW PROJECT)	Conceptual Design/Feasibility only	20,000
A20974	FAC 214 (Choir Room) Remodel (NEW PROJECT)	Design only	10,000
PAVING (STATEWIDE)			
A08076	Miscellaneous Paving	Construction	63,773
TOTAL (65)			$48,674,560

* Project management delegated to USU.

UtahStateUniversity
Office of the Vice President for Business and Finance
1445 Old Main Hill
Logan, UT 84322-1445

Report of Contingency Reserve Fund
From 06/03/09 to 07/15/09

Project Title	Current Transfers	Total Transfers To (From) Contingency	% to Construction Budget	Project Status	% Completed (Paid)
BEGINNING BALANCE	**$429,726.44**				
INCREASES TO CONTINGENCY RESERVE FUND					
FY10 Capital Improvement Projects					
Health, Life Safety & Code Compliance FY10	5,358.00	5,358.00	6.00%		
Classroom Upgrades FY10	15,452.00	15,452.00	6.00%		
HPER Office/Classroom Upgrade	10,122.00	10,122.00	6.00%		
Fine Arts Complex Safety Repairs	18,188.00	18,188.00	6.00%		
Ray W. West Window Replacement	38,400.00	38,400.00	6.00%		
Building Recommissioning FY10	13,393.00	13,393.00	6.00%		
Campus Wide Medium Voltage Upgrade FY10	35,944.00	35,944.00	6.00%		
Campus Wide Bike Racks	2,727.00	2,727.00	6.00%		
Business MCC and E-Panel	5,454.00	5,454.00	6.00%		
NE Campus (NFS) Steam Line Replacement	25,639.00	25,639.00	6.00%		
Miscellaneous Critical Improvements FY10	21,429.00	21,429.00	6.00%		
Water Lab Fume Hood Upgrade (RESTORED from FY09)	107,353.00	107,353.00	8.50%		
Natural Resources Siding (RESTORED from FY09)	5,547.00	5,547.00	6.00%		
Eccles Conference Ctr/Business Walkways (RESTORED FY09)	10,607.00	10,607.00	6.00%		
DECREASES TO CONTINGENCY RESERVE FUND					
Tippetts Gallery Lighting/HVAC (Architect modification)	(15,604.50)	(15,604.50)	2.76%	Construction	20%
Building Commissioning (Change order)	(6,564.39)	(28,101.26)	14.61%	Complete	100%
Campus Wide Medium Voltage Upgrade FY10 (Change order/ contractor support)	(1,575.65)	(1,575.65)	0.26%	Construction	5%
Water Lab Fire Lane Access/Bridges (Change order)	(1,478.01)	(31,115.54)	3.82%	Construction	79%
Engineering Lab Emergency Lighting Upgrades (Change order)	(203.40)	(498.03)	0.30%	Complete	100%
ENDING BALANCE	**$719,913.49**				

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
Fax (801) 538-3267

MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Administrative Reports for DFCM**

The following is a summary of the administrative reports for DFCM.

Lease Report (Page 1 - 2)
No significant items

Architect/Engineering Agreements Awarded, 42 Agreements Issued (Pages 3 - 5)
No significant items

Construction Contracts Awarded, 39 Contracts Issued (Pages 6 - 9)
Item #5, DOT Hurricane Maintenance Station
The balance of the construction budget was transferred to the DOT Project Reserve Fund.

Item #10, UU Skaggs Pharmacy Research Building
This is a CM/GC agreement. The balance of the construction costs will be added by future change orders.

Report of Contingency Reserve Fund (Page 10)
Increases
Increase from decrease change order.

Decreases, New Construction
USU Sant Engineering Innovation Building
This transfer of $281,506 covers the State's share of change order #9 primarily for the 3rd floor lab build out, as well as the final credits from the contractor.

CUCF New 192 Bed Expansion
This transfer of $242,226 covers change order #16 to replace the surge tank and deaerating tank that failed during the boiler replacement phase of the project.

Decreases, Remodeling
Fort Douglas National Guard Museum HVAC Upgrade
This transfer of $50,587 covers change order #3 for an unknown condition. This covers the cost to install a new 300 kva transformer, high voltage wiring, terminations at the new transformer, taping into the high voltage line, and modifications to the switchgear can at the building for the new transformer.

Report of Contingency Reserve Fund Continued (Page 10)

Decreases, Remodeling Continued
UBATC Roosevelt Campus Culinary/Administrative Classroom Remodel
This transfer of $40,369 covers change order #2 which consists of various items including: scope changes to change door types, provide solid surface window sills, an unknown condition for gas line changes, errors to make changes to wall assembly to accommodate fire rating, install additional insulation, fire alarms per fire marshal, can lights and breakers needed for RTU and additional concrete demolition.

DOT Parley's Canyon Maintenance Station Replacement
This transfer of $39,797 covers change order #1 and #2 for various items including: unknown conditions for Rocky Mountain power changes, excavation issues resulting in exporting native soil and importing structural fill material. Also included is a scope change for a roof panel change to design standards not originally seen.

SLCC Redwood Road Campus Utility Tunnel Piping Runs
This transfer covers change orders #2 and #3. The change orders include unknown conditions for extra work for the piping, additional insulation, modification to the steam PRV station at the CT building, and additional cost to provide anchors and guides for the condensate piping. Also included are omissions for additional clips and hangers that were required on the existing pipe racks, relocating an existing BTU meter in the chilled water line, and two additional guides for the condensate lines.

Report of Project Reserve Fund Activity (Page 11)
Increases
These items reflect savings on projects that were transferred to Project Reserve per statute.

Decreases
Funds returned to project for final insurance costs.

DGB:DDW:sll

Attachment

DFCM

Division of Facilities Construction and Management
4110 State Office Building, Salt Lake City, UT 84114
Telephone (801) 538-3018 FAX (801) 538-3267

LEASE REPORT
From 6/1/2009 to 7/9/2009

No	Agency/Location	Services	Space Type	Lease Term	Square Feet Old	Square Feet New	Cost/Sq. Ft. Old	Cost/Sq. Ft. New	Comment
LEASES									
1.	Administrative Services DFCM, Salt Lake City	Net	Parking	2 Yrs.	27,600	21,600	$ 3.40	$ 3.20	New lease for existing location, decrease in cost and square footage.
2.	Health, Health Systems Improvement, Ogden	Partial	Office	1 Yr.		552		$ 4.38	New location for program growth.
3.	Public Safety Highway Patrol, Beaver	Full	Office	5 Yrs.	390	390	$ 0.00	$ 0.00	New lease for existing location, no-cost lease.
4.	Trust Lands, Price	Full	Office	2 Yrs.		689		$11.32	New location for program growth.
AMENDMENTS									
1.	Administrative Services Salt Lake City	Partial	Parking	2 Yrs.	33,000	33,000	$ 1.60	$ 1.60	Renewal, no change in cost.
2.	Administrative Services DFCM, Salt Lake City	Partial	Parking	2 Yrs.	2,475	2,475	$ 3.03	$ 2.91	Renewal at market, decrease in cost.
3.	Alcoholic Beverage Control, Store Salt Lake City	Net	Parking	5 Yrs.	2,400	2,400	$ 2.20	$ 2.20	Renewal, no change in cost.

DFCM

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LEASE REPORT
From 6/1/2009 to 7/9/2009

No	Agency/Location	Services	Space Type	Lease Term	Square Feet Old	Square Feet New	Cost/Sq. Ft. Old	Cost/Sq. Ft. New	Comment
4.	Community and Culture GOED, Salt Lake City	Full	Office	Same	36,144	38,737	$17.00	$17.51	Increase in square footage for program growth.
5.	Insurance Insurance Fraud Salt Lake City	Full	Office	11 Mos.	5,253	5,253	$19.50	$19.50	Renewal, no change in cost.
6.	National Guard Recruitment, Orem	Net	Office	1 Yr.	1,334	1,344	$24.13	$24.85	Renewal at market.
7.	National Guard Recruitment, Riverton	Net	Office	3 Yrs.	1,344	1,344	$27.00	$28.00	Renewal at market.
8.	Public Safety Highway Patrol, Ferron	Partial	Office	2 Yrs.	200	200	$12.00	$12.00	Renewal, no change in cost.

Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

Professional Contracts Awarded From 6/4/2009 To 7/15/2009

Design

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
1	YTH CORR	DJJS DECKER LAKE YTH FACILITY CHILLER REPLACEMENT	VAN BOERUM & FRANK ASSOC INC	DESIGN	$20,000.00	$13,200.00
2	ABC	ABC 34 LOADING DOCK EXTENSION	KING ENGINEERING INC	DESIGN	$6,543.00	$5,625.00
3	SLCC	SLCC REDWOOD ROAD IRRIGATION SYSTEM UPGRADE	PROJECT ENGINEERING CONSULTANTS	DESIGN	$38,921.00	$37,655.47
4	COURTS	JJS WASATCH YOUTH CENTER LIGHTING UPGRADE	ELECTRICAL ENGINEERING & LIGHTING DESIGN	DESIGN	$2,390.00	$3,180.00
5	SUU	SUU TENNIS COURTS REBUILD	SUNRISE ENGINEERING INC	DESIGN	$16,114.00	$16,000.00
6	UVSC	UVU HEAT PLANT WATER LINE IMPROVEMENTS	KING ENGINEERING INC	DESIGN	$15,840.00	$8,375.00
7	SUU	SUU UTILITY TUNNEL ENTRY/EXIT HATCHWAYS	STANLEY CONSULTANTS INC	DESIGN	$7,251.00	$8,158.00
8	UVSC	UVU GENEVA BLDG REROOF	MCNEIL ENGINEERING INC	DESIGN	$16,155.00	$8,000.00
9	SUU	SUU STEAM CONDENSATE LINE SAFETY REPAIRS	STANLEY CONSULTANTS INC	DESIGN	$6,767.00	$7,006.00
10	SUU	SUU STEAM SYSTEM ANCHORING & EXPANSION	STANLEY CONSULTANTS INC	DESIGN	$15,443.00	$17,373.00
11	PARKS	OTTER CREEK ST PARK NEW FISH CLEANING STATION	SARGENT DESIGN GROUP	DESIGN	$0.00	$10,000.00
12	UVSC	UVU WOLVERINE CENTER REROOF	MCNEIL ENGINEERING INC	DESIGN	$18,699.00	$10,000.00
13	TAX	TAX COMMISSION KITCHEN REMODEL	THALMANN FRED L AIA	DESIGN	$9,500.00	$9,500.00
14	DFCM	DFCM OGDEN REGIONAL CENTER ELEVATOR MODERNIZATION	JSA ARCHITECTS, LLC	DESIGN	$58,000.00	$58,370.00
15	DEAF&BLD	DEAF BLIND SCHOOL LIBBIE EDWARDS REMODEL	AXIS ARCHITECTS	DESIGN	$144,950.00	$146,090.00

Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

Professional Contracts Awarded From 6/4/2009 To 7/15/2009

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
16	SLCC	SLCC SCC CENTER FOR NEW MEDIA	GSBS PC	DESIGN	$1,627,797.00	$1,656,275.00
17	CORR-OTHR	AP&P NUCCC FIRE ESCAPE STAIRS AND SHOWER UPGRADE	SCOTT P EVANS ARCHITECT&ASSOC	DESIGN	$23,609.00	$18,388.00
18	ST HOSP	STATE HOSPITAL PAVING IMPROVEMENTS	KING ENGINEERING INC	DESIGN	$16,688.00	$6,825.00
19	DFCM	DHS CEDAR CITY REGIONAL CENTER SITE IMPROVEMENTS	CAMPBELL & ASSOCIATES	DESIGN	$4,322.00	$6,500.00
20	COURTS	RICHFIELD COURTS JUDGES PARKING	CAMPBELL & ASSOCIATES	DESIGN	$18,098.00	$16,500.00
21	SLCC	SLCC SOUTH CITY NORTH ENTRY STAIRS/ADA RAMP	COOPER ROBERTS SIMONSEN ARCHITECTS	DESIGN	$0.00	$9,900.00
22	SLCC	SLCC RRC STUDENT UNION BLDG SKYLIGHT	HART FISHER SMITH & ASSOCIATES	DESIGN	$12,000.00	$11,125.00
23	DIXIE	DIXIE COLLEGE NORTH PHOTO LAB RELOCATION	CAMPBELL & ASSOCIATES	DESIGN	$6,493.00	$6,492.00
24	DRAPR FAC	DRAPER PRISON WASATCH A-D BLOCKS REROOF	RIDGELINE ROOF CONSULTING INC	DESIGN	$20,739.00	$8,895.00
25	NG	NATL GUARD WEST JORDAN AASF SOUTH HANGAR ROOFTOP UNIT	WHW ENGINEERING INC	DESIGN	$5,500.00	$5,500.00

Programming/Master Planning

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
26	UVSC	UVU SCIENCE BLDG ADDITION	MHTN ARCHITECTS INC	PROGRAMMING	$225,000.00	$224,645.00
27	DIXIE	DIXIE HOLLAND CENTENNIAL COMMONS	SCHEER & SCHEER INC	PROGRAMMING	$325,000.00	$323,579.00

Miscellaneous Services

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
28	USU	USU VERNAL BINGHAM ENTRE BLDG ENERGY MODELING SERVICES	NEXANT INC	INSP OBSERV SER	$0.00	$17,900.00

Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

Professional Contracts Awarded From 6/4/2009 To 7/15/2009

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
29	DFCM	AIR INFILTRATION SPECIFICATION PREPARATION	ARCHITECTURAL TESTING	UNCLASS CONSULT	$0.00	$4,999.00
30	UU	USTAR NEUROSCIENCE & BIOMEDICAL TECH	SUNRISE ENGINEERING INC	INSP OBSERV SER	$800,129.00	$547,185.15
31	SUU	SUU GIBSON SCIENCE CENTER ADDITION	HEERY INTERNATIONAL INC	COMMISSIO NING	$258,000.00	$96,389.00
32	REGION ?	UDOT SCOFIELD MAINT STATION	IVIE CODE GROUP INC	INSP OBSERV SER	$10,000.00	$9,375.00
33	UU	UU ECCLES SCHOOL OF BUSINESS EXPANSION	IVIE CODE GROUP INC	INSP OBSERV SER	$400,000.00	$376,364.00
34	DEAF&BLD	DB LIBBIE EDWARDS REMODEL HAZMAT ABTMNT OVERSIGHT	ROWLAND CONSULTING INC	HAZ MAT CONSULT	$13,000.00	$12,096.25
35	SLCC	SLCC SCC MAIN BLDG NO WING WINDOWS HAZMAT OVERSIGHT	R&R ENVIRONMENTAL	HAZ MAT CONSULT	$0.00	$23,850.00
36	STORES	HURRICANE ABC	IVIE CODE GROUP INC	INSP OBSERV SER	$40,000.00	$11,241.00
37	STORES	CEDAR CITY ABC INSPECTIONS	IVIE CODE GROUP INC	INSP OBSERV SER	$40,000.00	$12,074.00
38	POST	POST ACADEMY REUSE PROJECT FOR UCAT	CALDWELL RICHARDS SORENSEN	INSP OBSERV SER	$20,151.00	$14,241.00
39	NG	VETERANS NURSING HOME	IVIE CODE GROUP INC	INSP OBSERV SER	$40,000.00	$34,007.00
40	SLCC	SLCC SCC CTR FOR NEW MEDIA BLDGS 301/303 SURVEY/ASSMNT	IHI ENVIRONMENTAL	HAZ MAT CONSULT	$40,000.00	$46,750.00
41	NG	NATL GUARD CAMP WMS BRIDGE STRUCTURAL SURVEYS	IBI GROUP	INSP OBSERV SER	$27,000.00	$26,800.00
42	DEAF&BLD	DB LIBBIE EDWARDS REMODEL PHASE II OVERSIGHT	ROWLAND CONSULTING INC	HAZ MAT CONSULT	$55,924.00	$8,446.25

End of Report

Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

Construction Contracts Awarded From 6/4/2009 To 7/15/2009

Construction

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
1	STORES	ABC NEW HURRICANE LIQUOR AND WINE STORE	R & O CONSTRUCTION CO	Const New Space	$2,596,819.00	$1,259,572.00
2	STORES	ABC NEW CEDAR CITY LIQUOR AND WINE STORE	JACOBSEN CONSTRUCTION	Const New Space	$2,596,819.00	$1,267,000.00
3	NG	NATL GUARD CAMP WMS BLDG 7160 REMODEL	UTAH CORRECTIONAL INDUSTRIES	Const Remodel	$117,000.00	$117,000.00
4	POST	RAMPTON COMPLEX-POST ACADEMY REUSE PROJECT DPS/UCAT	BRODERICK & HENDERSON CONSTRUCTION LC	Const Remodel	$2,015,768.00	$2,031,162.70
5	REGION 4	HURRICANE MAINT STATION	JACOBSEN CONSTRUCTION	Const Remodel	$3,920,850.00	$2,230,000.00
6	SUU	SUU GENERAL CLASSROOM BLDG SEATING	FETZER ARCHITECTURAL WOODWORK	Const Remodel	$130,000.00	$68,540.00
7	SUU	SUU STEAM TUNNEL VENTILATION PROJECT	MECHANICAL SERVICE & SYSTEMS I	Const Remodel	$0.00	$98,394.00
8	NG	NATL GUARD WEST JORDAN AASF LONGBOW CREW TRAINER	PROBST ELECTRIC INC	Const Remodel	$40,000.00	$41,410.00
9	HEALTH	CANNON HEALTH BLDG GENERATOR UPGRADE	ELECTRO SPECIALTIES INC	Const Remodel	$319,692.00	$209,938.00
10	UU	UU LS SKAGGS PHARMACY RESEARCH BUILDING	JACOBSEN CONSTRUCTION	Const New Space	$53,160,327.00	$145,000.00

Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

Construction Contracts Awarded From 6/4/2009 To 7/15/2009

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
11	WSU	WSU PETERSON PLAZA PLANT/WALL CAP REPLACEMENT	GREENE'S INC	Const Site Imp	$32,000.00	$31,800.00
12	NG	NATL GUARD WEST JORDAN ARMORY LOCKER RM REMODEL	RUECKERT CONSTRUCTION COMPANY	Const Remodel	$100,000.00	$99,000.00
13	ST HOSP	STATE HOSPITAL TUNNEL PIPE SUPPORT BRACKETS REPLACEMENT	RALPH TYE & SONS INC	Const Remodel	$30,000.00	$23,684.00
14	DIXIE	DIXIE BURNS ARENA ELEVATOR IMPROVEMENTS	THYSSENKRUPP ELEVATOR CORPORATION	Const Remodel	$43,059.00	$33,824.00
15	WILDLIFE	OGDEN BAY ECOSYSTEM MODULAR OFFICES	AVALON CONSTRUCTION	Const Remodel	$0.00	$285,746.00
16	DWS	ENTRANCE REPLACEMENT/LANDSCAPING IMPROVEMENTS	STALLINGS CONSTRUCTION INC	Const Remodel	$231,384.00	$167,829.00
17	DATC	COMPOSITE REMODEL DATC	PATRIOT CONSTRUCTION	Const Remodel	$0.00	$16,546.00
18	WSU	WSU INFORMATION BOOTH	SAUNDERS CONSTRUCTION INC	Const Remodel	$0.00	$285,746.00
19	NG	NATL GUARD MANTI ARMORY PIPING REPLACEMENT	RALPH TYE & SONS INC	Const Remodel	$267,000.00	$266,412.00
20	WSU	WSU MILLER ADMINISTRATION BLDG 1ST FLOOR REMODEL	SME STEEL / ONYX CONSTRUCTION	Const Remodel	$150,000.00	$140,000.00
21	DFCM	DFCM CONFERENCE ROOM AV REMODEL	COMP VIEW	Const Remodel	$75,000.00	$48,911.63

Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

Construction Contracts Awarded From 6/4/2009 To 7/15/2009

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
22	WILDLIFE	VERNAL GAME FARM NEW SHOP AND HOUSE RENOV	CSM CONSTRUCTION INC	Const Remodel	$0.00	$289,400.00
23	SNOW	SNOW COLLEGE CAMPUS WIDE FIRE ALARM UPGRADE	TAYLOR ELECTRIC INC.	Const Remodel	$632,000.00	$899,330.00
24	NG	NATL GUARD CAMP WMS BLDG 5080 RENOVATION	KELLER CONSTRUCTION INC	Const Remodel	$400,000.00	$399,000.00
25	SUU	SUU COMPLETION OF SHELLED AUDITORIUM	VELOCITY CONSTRUCTION INC	Const Remodel	$466,000.00	$332,030.00
26	ST HOSP	STATE HOSPITAL ADMIN BLDG KITCHEN GREASE TRAP RELOCATION	MECHANICAL SERVICE & SYSTEMS I	Const Remodel	$27,000.00	$26,247.00

Miscellaneous Construction

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
27	WSU	WSU A-2 PARKING LOT EXPANSION/RECONFIGURATION	POST CONSTRUCTION CO INC	Paving	$512,433.00	$241,850.00
28	UU	UU ALINE WILMONT SKAGGS BIOLOGY BLDG	UTAH CORRECTIONAL INDUSTRIES	Roofing	$126,538.00	$96,000.00
29	SUU	SUU PARKING LOT SLURRY AND REPAIR	MEL CLARK INC	Paving	$50,000.00	$49,397.03
30	BATC	BATC N. PARKING LOT/BUS LOT IMPROVEMENTS	STAKER & PARSON COMPANIES	Paving	$133,520.00	$119,403.00
31	WILDLIFE	DWR FISH HATCHERY PAVING	HOLBROOK ASPHALT CO	Paving	$26,000.00	$25,618.59
32	DAS	NAVAJO TRUST INSTALL NEW 6500 CFM SWAMP COOLERS	ROBERT JAMES DAVIS DBA:PINNACLE HVAC	Mechanical	$9,000.00	$8,910.00

Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

Construction Contracts Awarded From 6/4/2009 To 7/15/2009

	Agency	Contract Name	Firm	Type	Budget	Contract Amt
33	DFCM	PRICE ABC REPLACE RTU	CARRIER BUILDING SYSTEMS & SVC	Mechanical	$13,000.00	$12,300.00
34	SUU	SUU HEAT PLANT CONDENSATE TANK RELOCATION	KOH MECHANICAL CONTRACTORS INC	Mechanical	$3,900.00	$129,850.00
35	SUU	SUU ELECTRONIC LEARNING CENTER ASBESTOS ABATEMENT	ROCMONT INDUSTRIAL CORP	Haz Mat Const	$20,000.00	$24,448.00
36	SLCC	SLCC SCC MAIN BLDG NO WING WINDOW RPLCMNT ABATEMENT	ROCMONT INDUSTRIAL CORP	Haz Mat Const	$33,000.00	$32,500.00
37	DWS	PARKING LOT MAINT. 1385 S. STATE	M&M ASPHALT SERVICE	Paving	$71,500.00	$21,317.50
38	OFF-EDUC	BOE MAIN PARKING LOT PAVING	MORGAN PAVEMENT MAINTENANCE	Paving	$62,200.00	$27,574.00
39	DFCM	DCC RIO GRANDE DEPOT ASBESTOS ABATEMENT	ROCMONT INDUSTRIAL CORP	Haz Mat Const	$0.00	$14,750.00
					39	**$11,617,440.45**

End of Report

DFCM

Division of Construction and Management
4110 State Office Building Salt Lake City, UT 84144
Telephone (801) 538-3018 Fax (801) 538-3267

Aug-09

REPORT OF CONTINGENCY RESERVE FUND

		PROJECT TITLE	GENERAL STATE FUNDS CURRENT TRANSFERS	TRANSPORTATION FUNDS CURRENT TRANSFERS	TOTAL TRANSFERS FROM CONTINGENCY	% TO CONSTR. BUDGET	PROJECT STATUS	% Complete
		BEGINNING BALANCE	4,038,606.42	17,440.53				
	INCREASES TO CONTINGENCY RESERVE FUND							
05027	WSU	New Humanities Bld/Chilled Water Plant	641,145.67	-	(538,289.37)	-2.14%	Construction	94%
	DECREASES TO CONTINGENCY RESERVE FUND							
	NEW CONSTRUCTION							
01283	USU	Sant Engineering Innovation Bldg	(281,505.45)	-	233,439.25	2.62%	Construction	97%
06041	CUCF	New 192 Bed Expansion	(242,225.61)	-	817,008.40	4.57%	Construction	100%
02243	U OF U	Museum Of Natural History	(49,377.22)	-	49,377.22	0.08%	Construction	3%
05049	SUU	Teacher Education Center	(26,119.31)	-	29,666.62	0.26%	Closed	100%
07042	Health	Unified Lab Facility	(21,030.00)	-	361,579.00	1.46%	Construction	86%
06281	Courts	St George Courthouse	(17,310.00)	-	321,373.28	1.37%	Construction	72%
	REMODELING							
08249	UNG	Fort Douglas Museum HVAC Upgrade	(50,587.00)	-	114,905.00	16.46%	Construction	100%
08046	UBATC	Roosevelt Campus Admin/Culinary Remodel	(40,368.83)	-	76,592.90	11.01%	Construction	100%
08211	UDOT	Parley's Canyon Maint Station Replacement	(39,796.52)	-	49,024.95	5.60%	Construction	16%
08100	SLCC	Rrc Utility Tunnel Piping Runs	(32,288.00)	-	57,671.00	7.84%	Construction	50%
08099	Dixie College	Health/Tech Bldg Remodel	(23,655.03)	-	41,090.89	1.88%	Construction	36%
07183	DNR	Admin Bldg HVAC Renovation	(17,119.28)	-	48,568.14	2.22%	Construction	29%
08074	SLCC	SCC Upgrade Fire Alarms	(8,421.00)	-	8,421.00	6.36%	Construction	100%
07196	UVU	Losee Center Remodel Programming/Design	(6,738.42)	-	49,812.60	1.20%	Construction	81%
08073	SLCC	MC Emergency Generator	(6,712.00)	-	6,712.00	5.31%	Construction	63%
08084	DATC	Cosmetology Expansion Area Remodel	(6,388.73)	-	21,575.15	9.81%	Construction	86%
08060	WSU	Visual Arts/McKay Bldgs Drainage Improvements	(4,845.00)	-	4,845.00	2.55%	Construction	72%
08080	Education	Elect/Generator Upgrade	(4,402.00)	-	4,402.00	1.28%	Construction	55%
07177	Health	Cannon Bldg Upgrade AHU Fan Airflow	(3,990.00)	-	3,990.00	1.24%	Construction	70%
08081	Health	Medical Examiner Lighting/Generator Upgrade	(97.50)	-	3,546.71	1.56%	Construction	55%
05199	DFCM	Provo Reg Ctr Replace Concrete Plaza	(90.00)	-	119,985.57	57.00%	Construction	100%
08252	Corrections	Oquirrh #5 Security Door Improvements	(72.45)	-	72.45	0.09%	Closed	100%
	TOTAL		3,796,612.74	17,440.53				

DFCM

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REPORT OF PROJECT RESERVE FUNDS ACTIVITY

Aug-09

PROJECT TITLE	STATE FUNDS	DOT FUNDS	DESCRIPTION	% of Constr. Budget
BEGINNING BALANCE	**8,848,486**	**256,599**		
INCREASES TO PROJECT RESERVE FUND:				
DWR - New Midway Fish Hatchery	74,408.78		Balance of Various Project Budgets	0.86%
SUU - Centrum Arena Door Replacement	2,950.00		Balance of Design, Inspection & Insurance Budgets	2.95%
DECREASES TO PROJECT RESERVE FUND:				
SUU - Randall Jones Theater Lighting System	(180.00)		Return Funds For Insurance Costs	0.06%
ENDING BALANCE	**8,925,665**	**256,599**		

Utah State Building Board

Jon M. Huntsman, Jr.
Governor

4110 State Office Building
Salt Lake City, Utah 84114
Phone (801) 538-3018
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MEMORANDUM

To: Utah State Building Board
From: David G. Buxton
Date: August 5, 2009
Subject: **Agenda for Upcoming Building Board Tour of Capital Development Projects**

DFCM will discuss a proposed agenda for the upcoming Building Board tour of FY 2011 Capital Development projects.

DGB:KDB:sle