

Utah State Building Board



MEETING

May 21, 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
LaPriel Dye	Division of Facilities Construction & Management/AGO
David Hart	Capitol Preservation Board
Jerry Jensen	Corrections
Keith Davis	Human Services
Peggy Grusendorf	Utah State Hospital
Troy Caserta	Office of the Commissioner of Higher Education
Greg Stauffer	Office of the Commissioner of Higher Education
Bob Askerlund	Salt Lake Community College
Gordon Storrs	Salt Lake Community College
David Tanner	Southern Utah University
Ken Nye	University of Utah
Mike Perez	University of Utah
Darrell Hart	Utah State University
Elizabeth Mitchell	AIA Utah
Ken Naylor	AIA Utah
Chris Coutts	Architectural Nexus
Mike Groth	Beecher Walker Associates
Glen Beckstead	MHTN Architects
Jackie McGill	Spectrum Engineers
Jeff Nielson	General Public

On Thursday, May 21, 2009, the Utah State Building Board held a regularly scheduled meeting at the Utah State Capitol Complex, Room E250, Salt Lake City, Utah. Chair Larry Jardine called the meeting to order at 9:00am.

APPROVAL OF MINUTES OF APRIL 8, 2009

Chair Jardine sought a motion on the minutes of April 8, 2009.

MOTION: Manuel Torres moved to accept the meeting minutes of April 8, 2009. The motion was seconded by Steve Bankhead and passed unanimously.

FIVE YEAR REVIEW OF ADMINISTRATIVE RULE R23-3 (PLANNING AND PROGRAMMING FOR CAPITAL PROJECTS).....

Administrative Rules need to be reviewed every five years and a determination must be made whether to continue the rule. Rule R23-3, Planning and Programming for Capital Projects, is up for its five year renewal. Mr. Bachman asked for the Board to move to continue the rule and allow DFCM to file the administrative rule to continue Rule R23-3.

MOTION: Kerry Casaday moved to allow for the continuance of Rule R23-3 and allow DFCM to file the rule. The motion was seconded by Manuel Torres and passed unanimously.

FIVE YEAR REVIEW OF ADMINISTRATIVE RULE R23-29 (ACROSS THE BOARD DELEGATION)

Alan Bachman stated the five year review was also up for Rule R23-29, Across the Board Delegation. He sought approval to continue the rule and allow DFCM to file the administrative rule.

MOTION: Manuel Torres moved to allow for the continuance of Rule 23-29. The motion was seconded by Kerry Casaday and passed unanimously.

APPROVAL OF DESIGN AND CONSTRUCTION OF NEW BUILDING AT CORRECTIONS FOR UTAH STATE LIBRARY, LIBRARY FOR THE BLIND AND DISABLED RECORDING PROGRAM

The State Library and Corrections currently partner to house a library at the Prison and have inmates do the book recordings. The temporary trailer space is over crowded with no air conditioning and it lacks the equipment necessary to obtain good sound recordings. The State Library is very happy with this partnership and has offered to fund the new building and the O&M funds.

MOTION: Wilbern McDougal moved to approve the design and construction of a new building at Corrections for the Utah State Library. The motion was seconded by Steve Bankhead and passed unanimously.

☐ RAISING THE HIGH PERFORMANCE BUILDING RATING SYSTEM (HPBRS) STANDARDS TO A MINIMUM OF LEED SILVER CERTIFICATION WITH ADDITIONAL DFCM DESIGN CRITERIA FOR TARGETED NEW CONSTRUCTION IN STATE OWNED BUILDINGS

Over the period of the last three years, DFCM has employed the High Performance Building Rating System (HPBRS) as part of the design standards for development projects. DFCM created the standard, which could be administered by DFCM and avoided some costs of a third party review. DFCM also felt the national standards did not include some of their desired criteria in regards to energy conservation and water conservation.

Recently the US Green Building Council upgraded the LEED standard making it more regionally applicable, and also strengthened the requirements for energy and water conservation. As the design community embraced the new standard, DFCM realized the HPBRS needed to be updated or DFCM needed to adopt a new standard. DFCM felt upgrading to the LEED Silver standard plus some additional criteria would ensure the HPBRS goals and objectives were achieved. This also included requiring a design charette with the energy manager and the design team and a life cycle analysis.

Lynn Hinrichs clarified that the LEED Silver standard would not apply to the capital improvement projects. DFCM will identify the applicable projects through the Capital Budget Estimates both in design and construction.

Mel Sowerby commented that initially the LEED certification was more a matter of bookkeeping than energy savings, and questioned if LEED had become better as a performance standard. Lynn Hinrichs responded that the LEED documentation process had improved to a web based process to allow the designers and contractors to interact. He was unsure if the backlog of approvals through the US Green Building Council had improved, but hoped there would be a return time on reviews.

Steve Bankhead questioned if the LEED standard was too expensive just for the sake of a certificate. Lynn Hinrichs felt that the HPBRS and the LEED Silver certification were very similar in requirements and cost; however, achieving the Gold or Platinum certification would increase the cost without the return on those investments. Mr. Bankhead proposed using the LEED standard without formally adopting it to allow for flexibility. He did not see a justification for the cost for a LEED certificate. Mr. Hinrichs responded that would be very time consuming for DFCM in terms of training. The cost for the certification had become very reasonable and many design teams are already trained.

Glen Beckstead, ProCost, commented that many buildings obtain LEED Silver but do not register the building. The cost of increasing from HPBRS to LEED Silver is approximately \$75,000 and the payback in 20 years is approximately \$2.7 million at 2% interest. He felt LEED Silver had become the standard of the industry and was not expensive.

Ken Naylor and Elizabeth Mitchell, AIA Utah, supported LEED Silver as the next logical step in terms of evaluating buildings for their sustainability and energy efficiency. AIA did not advocate a specific rating system, but supported DFCM's decision to move in this direction. Mr. Naylor felt the third party verification deterred individuals from circumventing the system.

Manuel Torres asked what initiated HBPRS. Lynn Hinrichs stated three years ago, DFCM committed to energy conservation within the state and began reviewing several processes to save energy on building construction that would coincide with national standards. At that time DFCM felt LEED was too new and chose to develop a similar process to achieve the efficiencies. DFCM now felt that the adoption of LEED Silver, Version Three, would allow them to achieve the desired energy conservation and water conservation desired. As changes occur with LEED Silver, DFCM would have the option to continue with the current LEED Silver or adopt the updates. Once adopted by the Board, any projects currently under design would need to meet the new standard.

MOTION: Steve Bankhead moved to approve the adoption of the LEED standards with additional DFCM design criteria. The motion was seconded by Kerry Casaday 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 March 20 to May 1, 2009. There were four design agreements, two programming/planning agreements and one construction contract awarded for the period.

There were six capital improvement projects closed out during the period and the remaining balance went back to the project reserve fund. The current balance in the project reserve fund is now \$292,517.35.

MOTION: Steve Bankhead moved to accept the administrative report of the University of Utah. The motion was seconded by Mel Sowerby and passed unanimously.

Darrell Hart, Utah State University, provided the administrative report for the period of March 18 to April 29, 2009. There were four professional contracts and two construction contracts awarded during the period. There were two projects closed adding \$15,265.93 to the project reserve fund.

Of USU's 64 current projects, two are complete, 25 are substantially complete, 22 are in construction, five in the design/study phase, one on hold and one pending.

MOTION: Mel Sowerby moved to accept the administrative report of Utah State University. The motion was seconded by Kerry Casaday and passed unanimously.

☐ ADMINISTRATIVE REPORT FOR DFCM.....

Kurt Baxter provided the DFCM administrative report for the period of March 18 to April 28, 2009. There were 27 architect/engineering agreements and 42 construction contracts awarded for the period.

There were decreases to the contingency fund due to a \$134,521 change order for the University of Utah Marriott Library Renovation, a change order in the amount of \$104,743 for the Multi-Agency Office Building, and a Uintah Basin ATC \$159,212 change order. There was also a transfer of \$141,050 returned to the budgeted contingency previously transferred to the Governor's Mansion Carriage House Improvements.

☐ DISCUSSION OF BUILDING BOARD PRIORITIZATION PROCESS

Steve Bankhead stated the Building Board continuously struggles with the reconciliation and integration of the Board of Regents rankings for higher education projects with the Building Board rankings. Approximately two years ago, the Building Board passed a motion to not change the rankings provided by the Board of Regents at the request of the Regents. Mr. Bankhead was not present at that meeting and wished to revisit the motion.

Mr. Bankhead explained his understanding of the Board of Regent's Q&P process. The qualification or "Q" part is a very quantitatively driven system that evaluates all of the space in an institution and then compares the space to a national standard. It then evaluates the full time equivalent students with the space and the utilization of space by formula. Through this process, the "Q" score of each institution is evaluated. Mr. Bankhead felt the "Q" score process was extremely valuable and would like the raw "Q" scores to be provided to the Board each year. However, he did not feel the "Q" score evaluated the quality of space, life safety or other building deficiencies. The "P" process evaluated the parts that the "Q" process did not take into consideration, mainly other funds and life safety.

Mr. Bankhead struggled with there being only a 12 point variation in the "Q" process, and the other funds projects having a variation of 0 to 15 points. This allows institutions with more space per square foot to obtain a higher ranking if they receive funding for their projects. The Building Board process addresses other funds in objective five with a weighting of one.

Mr. Bankhead did not feel the Q&P process adequately addressed lack of space and growth versus life safety, and put some institutions at a disadvantage. He felt that the Regents' process was flawed, but did not fault the institutions for using it to their advantage. He felt the Building Board should have the flexibility to re-rank projects if they saw gross inequities caused by flaws in the formula. He felt the Building Board's ranking system addressed the need to maintain existing buildings and provided growth where overcrowding exists.

Gregg Buxton noted that the Legislature had closely followed the Building Board's rankings over the last few years with the exception of a few projects. He suggested they all look at their processes and control some of the political ranking that occurs prior to the prioritizations. A huge problem exists with agencies and institutions not respecting the prioritization processes and trying to circumvent the processes with the Legislature.

Greg Stauffer, Office of the Commissioner of Higher Education, felt there was important to both processes and noted that the Legislature still has the prerogative to both lists in their ranking. Dr. Stauffer felt both boards had their own missions and terms of what they are to accomplish. Regardless of the system used, the campuses find the best way to minimize their shortages and maximize their scores.

Kim Hood, Department of Administrative Services, asked if the Regents took into account the size of the community and their ability to raise funds when ranking the projects. Dr. Stauffer stated that was debated at length in 2006 and it was determined then that it would be 1% regardless of location. It is very seldom that campuses receive over four points for donations. Steve Bankhead noted the Building Board's process does not address smaller communities either and felt it should somehow be handicapped in the process as well.

Manuel Torres stated the Building Board met with the Board of Regents about six years ago to discuss the Board's prioritizations and the Regents indicated they were going to make changes to their process at that time. Mr. Torres did not feel the Regents had fulfilled their agreement with making the changes if the Board followed their prioritizations. Dr. Stauffer asked for a reminder of the agreements made, but noted some changes were made in 2006.

Mel Sowerby did not think the Building Board should prescribe how the Regents administer their process, and noted the Regents' responsibility was for higher education and the Building Board's was for the state as a whole.

Mike Perez, University of Utah, stated the Q&P process does penalize some of the larger institutions and the research institutions because employees funded by non-state appropriations were not counted in the "Q". He also felt that life safety issues were a huge concern and did not feel they were given adequate priority for serious development dollars. Mr. Perez recognized the dilemma that smaller institutions faced in raising donations, but did not want to penalize those with the ability. He thought the Mr. Bankhead's suggestion of handicapping the weight was a good one and offered the University of Utah's assistance in further discussion of revising both processes.

Darrell Hart, Utah State University, agreed with many of the statements. He suggested revising the capital development process to run similarly to the capital improvement process, which he felt worked exceptionally well. By allocating an amount of money based on a formula, it would allow the institutions to determine the best use of the funding based on their needs. Steve Bankhead appreciated the capital improvement system as well, but did not feel that it addressed the growth rate or future needs at the institutions.

Bob Askerlund, Salt Lake Community College, stated the eroding infrastructure is a non-indexing of O&M dollars. As the institutions are given new O&M dollars, they immediately spread those throughout the campus to help with the older buildings. The current O&M portion is the same at 22 years ago. Indexing may somewhat decrease the reliance on the capital improvement process to maintain existing infrastructure.

REALLOCATION OF EXCESS FUNDS FROM SNOW COLLEGE NIELSEN HALL ASBESTOS ABATEMENT PROJECT

DFCM recommended that the Building Board review the request from Snow College to transfer excess funds from the Mary Nielsen Hall asbestos abatement project to the metal jackets of steam and condensate project-Ephraim. The Mary Nielsen Hall project was anticipated to cost \$54,900 and only cost \$14,900. Snow College requested the remaining funds be transferred to the metal jackets of steam and condensate project-Ephraim instead of returning to the project reserve fund.

Kurt Baxter stated that 10% had been cut off the capital improvement estimates this year. He thought this would set precedence for others to request for funds to return to other projects.

MOTION: Manuel Torres moved to approve the reallocation of remaining funds from Mary Nielsen Hall Asbestos Abatement Project to the Metal Jackets of Steam and Condensate Project-Ephraim. The motion was seconded by Steve Bankhead and passed unanimously.

ADJOURNMENT

MOTION: Mel Sowerby moved to adjourn at 10:50am. The motion was seconded by Steve Bankhead and passed unanimously.

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