# AGENDA OF THE
# UTAH STATE BUILDING BOARD

**Wednesday, April 12, 2006**
**Utah State Capitol Complex**
**Room West 125**
**Salt Lake City, Utah**
**9:00am**

| | | | |
|---|---|---|---|
| (Action) | 1. | **Approval of Minutes of March 15, 2006** | Tab 1 |
| (Action) | 2. | **Allocation of FY2007 Capital Improvement Funds** | Tab 2 |
| (Action) | 3. | **Amendments to Rule R23-1 and R23-2** | Tab 3 |
| (Action) | 4. | **Utah Schools for the Deaf and Blind** | Tab 4 |
| (Action) | 5. | **Discussion of Capital Development Process** | Tab 5 |
| (Information) | 6. | **Statewide Master Planning for Government Office Space Needs** | Tab 6 |
| (Information) | 7. | **Administrative Reports**<br>- University of Utah<br>- Utah State University | Tab 7 |
| (Information) | 8. | **Administrative Reports for DFCM** | Tab 8 |
| (Information) | 9. | **Other** | |

**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 Lofgreen 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*

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

To: Utah State Building Board
From: F. Keith Stepan
Date: April 12, 2006
Subject: **Approval of Minutes of March 15, 2006**

Attached for your review and approval are the meeting minutes of the Utah State Building Board meeting held on March 15, 2006.

FKS:sll

Attachment

# Utah State Building Board

**MEETING**

**March 15, 2006**

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## MINUTES

**Utah State Building Board Members in attendance:**
Larry Jardine, Chair
Kerry Casaday, Vice-Chair
Steven Bankhead
Katherina Holzhauser
Manuel Torres
Richard Ellis, Ex-Officio

**DFCM and Guests in attendance:**

| | |
|---|---|
| Keith Stepan | Division of Facilities Construction & Management |
| Robert Franson | Division of Facilities Construction & Management |
| Kent Beers | Division of Facilities Construction & Management |
| Shannon Lofgreen | Division of Facilities Construction & Management |
| Curtis Clark | Division of Facilities Construction & Management |
| Alan Bachman | Attorney General's Office/DFCM |
| John Sparano | AIA Utah |
| Ken Nye | University of Utah |
| Kerry Carlson | FFKR Architects |
| Kevin Hansen | Weber State University |
| Kevin Walthers | Utah System of Higher Education |
| Kim Wixon | Department of Health |
| Lindsay Marek | VCBO Architecture |
| Matt Rich | Jacobsen Construction |
| Randall Funk | University of Utah |
| Rick Stock | Architectural Nexus |
| Scot Olson | Utah National Guard |
| Scott Potter | Utah National Guard |
| Soren Simonsen | Salt Lake City Council |

On Wednesday, March 15, 2006, the Utah State Building Board held a regularly scheduled meeting at the University of Utah Officer's Club in Fort Douglas, Salt Lake City, Utah. Chair Larry Jardine called the meeting to order at 9:47am and thanked the University for their hospitality.

## ❑ APPROVAL OF MINUTES OF JANUARY 30, 2006 .....

Chair Jardine sought a motion on the meeting minutes of the Utah State Building Board on January 30, 2006.

**MOTION: Steve Bankhead moved to approve the meeting minutes of January 30, 2006. The motion was seconded by Katherina Holzhauser and passed unanimously.**

## ❑ DELEGATION OF SCOREBOARD/PLAYFIELD PROJECT TO WEBER STATE UNIVERSITY .....

DFCM recommended the authorization and delegation to Weber State University for their scoreboard and playfield project. Some foundation work will need to be done, and the field will require improved drainage and sprinkler systems. There will be no additional O&M.

Robert Franson also noted DFCM will host an Inspection Services Seminar on March 29. Weber State will participate in the seminar and will use DFCM's Building Official for their inspections.

**MOTION: Steve Bankhead moved to approve the delegation of the scoreboard/playfield project to Weber State University. The motion was seconded by Kerry Casaday and passed unanimously.**

## ❑ EARLY ALLOCATION OF FY2007 CAPITAL IMPROVEMENT FUNDS .....

Kent Beers explained each year DFCM has a small number of projects requiring early fiscal year allocation in order to allow them to begin earlier than normal to meet critical deadlines. The Bridgerland ATC project included installation of new boilers including a summer boiler. The boilers require placement prior to winter, and the summer boiler may be used to save energy this summer if installed on time.

The Human Services Slate Canyon Water Line Phase I and II will replace the water line feeding the State Hospital. DFCM proposed that Provo City buy the water line from the state, but the city was not interested. The upgrade is needed for the hospital to maintain quality water, and the work needs to be done in the summer as the canyon is inaccessible during the winter.

The Developmental Center Tulip Tree/Old School Asbestos Abatement and Building Demolition was funded last year, but a considerable amount of asbestos was discovered once the project began. The project requires additional funding to complete due to the unexpected amount of asbestos.

**MOTION: Steve Bankhead moved approval for the early allocation of the capital improvement projects. The motion was seconded by Katherina Holzhauser and passed unanimously.**

## ❑ AMENDMENTS TO RULES R23-1 AND R23-2, PROCUREMENT.....

Alan Bachman stated the Utah Procurement Code had been renumbered, therefore requiring an amendment to the rule to update the proper Code references. The amendment was also statute driven in order to update the procurement rules in terms of what is released in the competitive process to ensure confidentiality complies with the current Government Records Access and Management Act (GRAMA) statute.

Mr. Bachman requested more time to meet with the construction industry to clarify what is protected and what will be released prior to receiving the Board's approval of the rule. Approval of the amendments will be requested at the April meeting.

## ❑ ADMINISTRATIVE REPORTS OF UNIVERSITY OF UTAH AND UTAH STATE UNIVERSITY .....

Randall Funk, University of Utah, provided the administrative report for the period of January 13 to February 24, 2006. There was one new design agreement, one programming agreement, and three study agreements awarded for the period. There was also one remodeling contract and one site improvement contract awarded. One transfer was made out of the Contingency Fund for the PMT Fire Alarm and Sprinkler System. Two increases were made to the Project Reserve Fund for the New 2000 Ton Chiller and the OSH Fire Alarm and Sprinkler System.

**MOTION: Manuel Torres moved to approve the administrative report of the University of Utah. The motion was seconded by Steve Bankhead and passed unanimously.**

Due to a severe snow storm, Kent Beers provided the administrative report for Utah State University for the period of January 11 to February 22, 2006. There were three professional contracts and three construction contracts awarded for the period. One transaction occurred in the Project Reserve Fund for the HPER Building flooring upgrades. There were 56 projects in various stages of progress included in the Delegated Project list. Quarterly reports on the Contingency Fund Cumulative Transfers, Summary of the Statewide Accounts, and Construction Contract Status were also provided.

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

## ❑ STATE BUILDINGS ENERGY STANDARD .....

Curtis Clark distributed amendments to the DFCM Design Manual to accommodate DFCM energy programs. He highlighted a new paragraph added to the Codes and Standards section clarifying the version used in the design and construction of State-owned buildings establishing design codes submitted to the State Building Official. The hyperlinks on the online documents in Section 2.1 were also updated due to the new DFCM web site.

The first program proposed related to Energy-Efficiency Products. The new addition to the DFCM Design Manual stated products will be purchased in the upper 25% of the efficiency range where life-cycle is cost effective. The Energy Group will also target products to serve the State well through stipulated products, and will promote these stipulated products to lower costs through quantity discounts. This simple requirement mirrors Energy Star products.

Mr. Clark proposed new Energy Design Standards to replace the existing requirements. The existing standard had several problems including calling for a 10% improvement over the energy standards which were very hard to implement and impossible to enforce. Therefore, Mr. Clark designed a more prescriptive program that is easier to apply and enforce. The Energy Design Standards call for lighting systems to be 10% better than Code, envelope systems to be 10% better than Code, and all other systems to comply with Code. The program is available on the web site from the Department of Energy and indicates whether or not an entity complies with the requirement. Katherina Holzhauser suggested the requirement should be changed to 10% or better.

The third proposed program was for a High Performance Building Rating System. It is similar to the US Green Building Council LEED Program; however, it has some significant differences. The volunteer program rating system has several components, but the purpose is to substantially improve energy efficiency in state buildings. The program should also conserve water; incorporate daylighting design to improve occupant production and visual acuity; design buildings with better air quality, better lighting and better acoustics to increase the health of state employees; select materials with little or no off-gases; and incorporate sustainable site standards. A Design and Technology Charette would also be held with the design team to discuss sustainable design and incorporate items into the design at the beginning of the project. A series of mandatory requirement prerequisites were also included.

The energy efficiency requirements are two-fold and require energy modeling for all state buildings. Approximately 30% energy savings is targeted for state buildings. The sustainable credits contain 43 points total, and the standard would be to comply with 20 of those points. The point system includes the following:

- Daylighting Credits (6 points)
- Energy Credits (5 points)
- Renewable Energy Credits (6 points)
- Indoor Air Quality Credits (9 points)
- Commissioning and Training Credits (2 points)

- Acoustics Credits (2 points)
- Sustainable Material Credits (2 points)
- Waste Reduction Credits (2 points)
- Water Reduction Credits (3 points)
- Performance Measurement and Verification Credits (2 points)
- Innovation in Design Credits (4 points)

Steve Bankhead asked how the Building Board could ensure a balance between cost and benefit to the design criteria. Keith Stepan commented it was critical to do so due to increasing costs. An evaluation of LEED was done at the Warnock Engineering Building indicating that just the paperwork and application would cost approximately $150,000 so the State determined it was more beneficial to design their own program. The charette would aid in determining project costs, and the value engineering process and the commissioning agent will audit for unnecessary items included just to obtain points. Those who put forth the effort to gain the credits would be properly acknowledged.

Manuel Torres asked how much cost savings was received in a LEED certified building. Mr. Clark responded a high performance building can save between 30 and 40% in energy. Major renovation projects can save approximately 25 to 35%. The state program requires 30% of energy savings to be achieved. In the LEED rating system points may be received in a variety of areas.

Randall Funk stated the University of Utah campus was mindful to this type of system. They have individuals who are very cognizant of using energy and natural resources. The LEED program increases costs in building the structure and administering the LEED program. The program developed by DFCM included input from the institutions. The benefit is more appropriate to the location and environment in the state.

Soren Simonsen, architect and member of the Salt Lake City Council, commented he had been a member of the US Green Building Council for five years. He was happy to see the Building Board take action on the issue. He addressed some of the concerns regarding the LEED program and advocated for ongoing consideration of the program. His company had been involved with eight buildings in Utah that were involved in the process of LEED certification.

California looked at the LEED program determined it provided considerable economic benefits for the state. They now require all state buildings to achieve a minimum LEED Silver Certification. Through their years of analysis and study, they developed a program that saves money in energy costs and employee productivity. The LEED program is very comprehensive although many people focus on the energy aspect. It saves on capital costs and long term operating costs.

Mr. Simonsen acknowledged DFCM's program, but advocated for the LEED program that has demonstrated great value to federal, state and local agencies. His own experience with Salt Lake City has yet to be fully realized because there are no completed projects that

have received certification. He encouraged the Board to adopt the program presented by DFCM, and look to LEED in the future as a possible way to increase and enhance the performance of state facilities.

**MOTION: Katherina Holzhauser moved to approve the standard once the addition of the term "or more" was included when defining the minimum Code standards. The motion was seconded by Manuel Torres and passed unanimously.**

## ❑ REPORT ON LEGISLATIVE RESULTS .....

Chair Jardine acknowledged Ken Nye who recently accepted employment with the University of Utah. On behalf of the Board, he expressed their sincere appreciation for his efforts and recommended a letter from the Board be prepared acknowledging his efforts and expressed the Board's appreciation of his good work.

**MOTION: Manuel Torres moved to send a letter of appreciation from the Board to Ken Nye. The motion was seconded by Steve Bankhead and passed unanimously.**

Keith Stepan stated Mr. Nye had been with state government for 27 years. He presented Mr. Nye a letter from Governor Huntsman congratulating him on his retirement and thanking him for his commitment and dedication to the state. Kenneth Nye expressed appreciation to the Board in working with them over the years.

Ken Nye reported the recent legislative session proved very beneficial for capital budget. He referred to a comparison of the Building Board's recommendations versus the Legislature's actions. The Legislature provided at least partial funding for six of the Building Board's top priorities. The Health Lab request was not funded due to concerns with the project scope. It is anticipated the project will receive a large consideration next year. Design only funding was provided for Weber State Buildings One and Two. Design funding was agreed to due to the impact of inflation with the hope construction could begin following the next session. The USU Agricultural Relocation and the land purchase for Mountainlands ATC were also funded. The Capitol Preservation Board received $50 million which leaves $35 million needed next session to complete the Capitol.

The Legislature also funded the USTAR initiative presented to the Building Board in November. Between cash appropriations and bonding, $160 million of state funding was provided for the new buildings at the University of Utah and Utah State University. As part of the initiative, the University of Utah is required to provide $30 million in matching funds and Utah State is required to provide $10 million. The design may begin while the institutions raise funding, however, bond proceeds cannot be used until institutional funding is received.

The Legislature fully funded the 1.1% in ongoing money for capital improvements, and allocated $2.5 million out of the fund balance from Risk Management for capital improvement projects with life safety issues. Higher education will receive 61% of the $65 million because of their existing space allotment.

A few years ago the Legislature took away the ongoing General Fund money from the operating budget and replaced it with funds from the Contingency and Project Reserve to fund DFCM's administrative budget. Last year they restored $1 million to the General Fund, and this year they restore the remaining $1,830,000. DFCM's operating budget funding source issue is now resolved, but there is still a portion funded through capital improvements to pay for capital improvement staff. This is not anticipated to change.

HB80 was sponsored by Representative Fred Hunsaker. The bill passed and addressed the State Building Energy Efficiency Program by providing in statute that DFCM is responsible for administering program. It also removed the requirement for half of the savings from SBEEP to go to the McAllister Critical Lands Fund. The legislation included the authorization for the Building Board to require entities who receive capital improvement funds to repay all or part of those funds from savings resulted from the project. This could be a tool to encourage alternative funding sources.

SB75 created an authority to oversee the USTAR initiative. DFCM is responsible for managing the construction of the project, but must report to the oversight of construction to USTAR authority board. The board will allocate funds and oversee research efforts being pursued around the state.

Four bills were passed that may have some impact on all public bodies subject to the Open Meetings Law. The bills will need to be merged together and a confirmation process will need to come from the Legislature.

## ❑ ADMINISTRATIVE REPORTS FOR DFCM .....

Keith Stepan highlighted the new lease mentioned on the summary for the Health Systems Improvements in St. George. The lease is for $22.40/sf which is about $6.00 more than the average, but standard for the area.

There were four new architect/engineering agreements awarded, and 14 new construction contracts awarded. A commitment was made during the session to spend excess project reserve funds on three design projects approved last year.

## ❑ ADJOURNMENT.....

**MOTION: Manuel Torres moved to adjourn at 11:25am. The motion was seconded by Katherina Holzhauser and passed unanimously.**

# Utah State Building Board

**Jon M. Huntsman, Jr.**
*Governor*

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Salt Lake City, Utah 84114
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## MEMORANDUM

To: Utah State Building Board
From: F. Keith Stepan
Date: April 12, 2006
Subject: **Allocation of FY2007 Capital Improvement Funds**

**Recommendation**

Attached are DFCM's recommendations for the allocation of the FY 2007 capital improvement funds. DFCM has reviewed each project requested by state agencies and institutions of higher education and determined the highest priority needs across the state. DFCM suggests that an opportunity be provided for agencies and institutions to comment on the proposed allocations. At the conclusion of the discussion, the Board should take action to approve the allocation of capital improvement funds.

**Background**

DFCM's recommendations for the allocation of capital improvement funds were developed under the process approved by the Board. The total cost of all requests received this year totaled over $150 million. Funding from the Legislature totaled $65.4 million ($62.9 million regular funding plus $2.5 million from Risk Management's reserve account). Narrowing the list of projects to identify the highest priority needs represents an enormous undertaking by DFCM staff. In developing its recommendations, DFCM placed the greatest priority on issues raised in facility condition assessments and on critical repairs to HVAC, structural, electrical, and infrastructure. Repairs and upgrades addressing life safety issues were given the highest priority.

Several documents are attached to explain and support DFCM's recommendations. The first document entitled Summary of Replacement Costs of Facilities vs Share of FY 2007 Capital Improvement Funding shows how the recommended funding is allocated among state agencies and institutions of higher education compared to the share of the facility replacement cost that each classification generates. The second document entitled Summary of Capital Improvement Funding FY 2003 – FY 2007 provides a five-year overview of the allocation of capital improvement funding to each agency and institution.

The third document entitled FY 2007 Capital Improvement Projects shows DFCM's recommendations for this year's allocation of improvement funds. The amount in the request column reflects the original request for the project. The next column shows the amount recommended by DFCM for the project. The final column identifies the life safety projects funded by the $2.5 million allocated from Risk Management's reserve account.

At the Board meeting DFCM will hand out a document entitled FY 2006 Capital Improvement Project Status Report. This performance report documents the percentage of projects completed or under construction that were approved by the Board last year. This report measures DFCM's annual performance in completing the projects within the year.

FKS:KDB:sll

Attachments

## Division of Facilities Construction and Management
## Summary of Replacement Costs of Facilities Versus Share of FY 2007 Capital Improvement Funding

| Agency/Institution | | FY 2007 Funding | Percent FY 2007 Funding | Percent Replacement Cost |
|---|---|---|---|---|
| Total Higher Education | $ | 36,667,500 | 61% | 61% |
| Total State Agencies | $ | 23,932,300 | 39% | 39% |
| Subtotal | $ | 60,599,800 | 100% | 100% |
| Statewide Funding Issues | $ | 4,993,500 | | |
| Grand Total | $ | 65,593,300 | | |

# Summary of Capital Improvement Funding FY2003 - FY2007

| Agency | FY2003 | % | FY2004 | % | FY2005 | % | FY2006 | % | FY2007 | % | Total | % |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Higher Education** | | | | | | | | | | | | |
| College of Eastern Utah | $ 988,300 | 3% | $ 1,081,000 | 3% | $ 1,075,800 | 3% | $ 1,743,900 | 3% | $ 1,024,600 | 2% | **$ 5,913,600** | 3% |
| Dixie College | $ 1,386,100 | 4% | $ 1,145,500 | 3% | $ 1,242,000 | 3% | $ 1,427,800 | 3% | $ 1,290,100 | 2% | **$ 6,491,500** | 3% |
| Salt Lake Community College | $ 1,646,700 | 5% | $ 1,731,300 | 4% | $ 1,770,200 | 4% | $ 2,460,600 | 5% | $ 3,588,900 | 6% | **$ 11,197,700** | 5% |
| Snow College | $ 1,404,000 | 4% | $ 975,500 | 3% | $ 1,100,000 | 3% | $ 1,945,000 | 4% | $ 1,847,500 | 3% | **$ 7,272,000** | 3% |
| Southern Utah University | $ 1,020,000 | 3% | $ 1,649,100 | 4% | $ 2,757,500 | 7% | $ 1,857,800 | 4% | $ 2,525,100 | 4% | **$ 9,809,500** | 4% |
| University of Utah | $ 5,505,100 | 17% | $ 6,722,300 | 17% | $ 6,959,800 | 17% | $ 9,406,000 | 18% | $ 11,638,800 | 19% | **$ 40,232,000** | 18% |
| Utah State University | $ 3,414,000 | 10% | $ 3,913,000 | 10% | $ 4,146,000 | 10% | $ 5,265,000 | 10% | $ 6,432,800 | 11% | **$ 23,170,800** | 10% |
| Utah Valley State College | $ 1,113,000 | 3% | $ 2,021,600 | 5% | $ 2,151,000 | 5% | $ 2,787,600 | 5% | $ 2,682,800 | 4% | **$ 10,756,000** | 5% |
| Weber State University | $ 2,119,400 | 6% | $ 2,801,000 | 7% | $ 2,487,800 | 6% | $ 3,394,200 | 7% | $ 3,795,700 | 6% | **$ 14,598,100** | 6% |
| UCAT | $ 1,394,500 | 4% | $ 1,712,700 | 4% | $ 883,700 | 2% | $ 1,254,500 | 2% | $ 1,841,200 | 3% | **$ 7,086,600** | 3% |
| **Total Higher Education** | **$ 19,991,100** | **61%** | **$ 23,753,000** | **61%** | **$ 24,573,800** | **61%** | **$ 31,542,400** | **61%** | **$ 36,667,500** | **61%** | **$ 136,527,800** | **61%** |
| | | | | | | | | | | | | |
| **State Agencies** | | | | | | | | | | | | |
| Agriculture | $ 152,700 | 0% | $ 407,000 | 1% | $ 148,300 | 0% | $ 450,000 | 1% | $ 146,600 | 0% | **$ 1,304,600** | 1% |
| Alcoholic Beverage Control | $ 293,700 | 1% | $ 193,400 | 0% | $ 89,100 | 0% | $ 434,400 | 1% | $ 383,600 | 1% | **$ 1,394,200** | 1% |
| Capitol Preservation Board | $ 595,000 | 2% | $ 586,000 | 2% | $ 806,700 | 2% | $ 1,472,300 | 3% | $ 1,538,500 | 3% | **$ 4,998,500** | 2% |
| Community & Economic Dvlp. | $ - | 0% | $ - | 0% | $ 30,000 | 0% | $ 125,000 | 0% | $ 485,600 | 1% | **$ 640,600** | 0% |
| Corrections | $ 2,134,800 | 6% | $ 2,472,900 | 6% | $ 2,606,600 | 6% | $ 3,693,723 | 7% | $ 3,327,900 | 5% | **$ 14,235,923** | 6% |
| Courts | $ 537,400 | 2% | $ 1,019,000 | 3% | $ 1,439,500 | 4% | $ 1,875,200 | 4% | $ 2,120,000 | 3% | **$ 6,991,100** | 3% |
| DFCM | $ 1,905,400 | 6% | $ 601,400 | 2% | $ 2,147,600 | 5% | $ 1,990,400 | 4% | $ 3,111,500 | 5% | **$ 9,756,300** | 4% |
| Environmental Quality | $ 114,100 | 0% | $ 498,200 | 1% | $ - | 0% | $ 313,600 | 1% | $ 318,000 | 1% | **$ 1,243,900** | 1% |
| Fairpark | $ 375,000 | 1% | $ 700,000 | 2% | $ 253,600 | 1% | $ 304,000 | 1% | $ 515,200 | 1% | **$ 2,147,800** | 1% |
| Health | $ 212,600 | 1% | $ 198,000 | 1% | $ 724,000 | 2% | $ 466,300 | 1% | $ 743,800 | 1% | **$ 2,344,700** | 1% |
| Human Services | $ 1,614,300 | 5% | $ 2,020,400 | 5% | $ 2,143,900 | 5% | $ 2,600,800 | 5% | $ 3,050,000 | 5% | **$ 11,429,400** | 5% |
| National Guard | $ 300,000 | 1% | $ 1,309,000 | 3% | $ 583,100 | 1% | $ 1,060,500 | 2% | $ 1,503,800 | 2% | **$ 4,756,400** | 2% |
| Natural Resources | $ 3,021,500 | 9% | $ 2,445,200 | 6% | $ 2,637,300 | 6% | $ 3,210,400 | 6% | $ 3,415,000 | 6% | **$ 14,729,400** | 7% |
| Public Ed/Rehab/Deaf & Blind | $ 220,000 | 1% | $ 142,200 | 0% | $ 99,300 | 0% | $ 87,700 | 0% | $ 188,400 | 0% | **$ 737,600** | 0% |
| Public Safety | $ 145,800 | 0% | $ 1,202,000 | 3% | $ 321,000 | 1% | $ 382,500 | 1% | $ 119,500 | 0% | **$ 2,170,800** | 1% |
| Tax Commission | $ 42,100 | 0% | $ - | 0% | $ 51,000 | 0% | $ 86,000 | 0% | $ 199,200 | 0% | **$ 378,300** | 0% |
| Transportation | $ 760,700 | 2% | $ 838,500 | 2% | $ 1,183,600 | 3% | $ 1,072,000 | 2% | $ 1,855,800 | 3% | **$ 5,710,600** | 3% |
| Workforces Services | $ 600,100 | 2% | $ 538,400 | 1% | $ 774,200 | 2% | $ 545,900 | 1% | $ 909,900 | 2% | **$ 3,368,500** | 1% |
| **Total State Agencies** | **$ 13,025,200** | **39%** | **$ 15,171,600** | **39%** | **$ 16,038,800** | **39%** | **$ 20,170,723** | **39%** | **$ 23,932,300** | **39%** | **$ 88,338,623** | **39%** |
| | | | | | | | | | | | | |
| **Subtotal** | **$ 33,016,300** | **100%** | **$ 38,924,600** | **100%** | **$ 40,612,600** | **100%** | **$ 51,713,123** | **100%** | **$ 60,599,800** | **100%** | **$ 224,866,423** | **100%** |
| | | | | | | | | | | | | |
| Statewide Funding | $ 3,090,400 | | $ 3,790,100 | | $ 3,444,300 | | $ 4,448,477 | | $ 4,993,500 | | **$ 19,766,777** | |
| Restoration of FY 02 Projects | $ 4,400,000 | | | | | | | | | | **$ 4,400,000** | |
| **Grand Total** | **$ 40,506,700** | | **$ 42,714,700** | | **$ 44,056,900** | | **$ 56,161,600** | | **$ 65,593,300** | | **$ 249,033,200** | |

# FY 2007 Capital Improvements

**Approved By Building Board April 12, 2006**

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **Higher Education** | | | |
| **College Of Eastern Utah** | | | |
| Price: BDAC Chilled Water System, Plant Adaptation/Code Compliance | $ 645,000 | $ 645,000 | |
| Price: Career Center Building Plant Adaptation and Code Compliance | $ 192,000 | $ - | |
| Price: Art Building Plant Adaptation and Code Compliance | $ 36,300 | $ - | |
| Roofing: Price BDAC Roof Replacement | $ 350,000 | $ 379,600 | |
| | | **$ 1,024,600** | |
| **Dixie State College** | | | |
| Campus Master Planning | $ 85,000 | $ 85,000 | |
| Burns Arena Study Area Upgrades and Window Replacement | $ 650,000 | $ 614,900 | |
| Hurst Field: Building Sealing and Dewatering System Upgrade | $ 1,080,400 | $ - | |
| Hansen Stadium: Recaulk Bleachers & Remodel Training/Weight Rm | $ 740,000 | $ - | |
| Smith's Computer Center: Laboratory Lighting Replacement | $ 78,000 | $ 92,500 | |
| Tanner Amphitheater Remodeling | $ 675,400 | $ - | |
| Campus Fire Alarm System Improvements | $ 885,000 | $ - | |
| Roofing: North Instructional Building Re-Roof | $ 250,000 | $ 218,200 | |
| Roofing: Automotive Building Re-Roof | $ 160,000 | $ 144,500 | |
| Haz Mat: Gymnasium Steam Line Asbestos Abatement | $ 50,000 | $ 50,000 | $ 50,000 |
| Haz Mat: Jennings Health and Technology Mechanical Asbestos | $ 85,000 | $ 85,000 | $ 85,000 |
| | | **$ 1,290,100** | |
| **Salt Lake Community College** | | | |
| Redwood Rd: Utility Tunnel Expansion | $ 841,000 | $ 1,034,000 | |
| Tech Bldg: Developmental Ed Program Remodel | $ 270,000 | $ 384,800 | |
| Redwood Rd: Quad Lighting Upgrade | $ 175,000 | $ 209,800 | |
| Redwood Rd and Jordan: Boiler Control Replacement | $ 95,000 | $ 173,900 | |
| SCC - Grand Theater Fly System/Lighting/Power Upgrades | $ 100,000 | $ 100,000 | |
| RRC - Remove BB and TB Chillers | $ 60,000 | $ 71,600 | |
| Medowbrook Campus: Petroleum Storage Relocation | $ 10,000 | $ 10,000 | $ 10,000 |
| Jordan Campus: Hot Water Piping Upgrade | $ 540,400 | $ 540,400 | |
| SCC - Grid System Replacement | $ 100,000 | $ 185,000 | |
| SCC Grand Theater Dimmer System; IR Fire Alarm System; ATC Secondary Electrical Network; CT Panel Repairs and GFCI | $ 112,600 | $ 133,100 | |
| Vocational Education Building at Draper Prison | $ 200,000 | $ 200,000 | |
| Roofing: Auto Trades Roof Replacement | $ 150,000 | $ 156,300 | |
| Paving: Redwood Road Lot W Paving Improvements | $ 345,000 | $ 345,000 | |
| Paving: Redwood Road Main Campus Slurry | $ 45,000 | $ 45,000 | |
| | | **$ 3,588,900** | |

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **Snow College** | | | |
| Activity Center HVAC Upgrade and Storage Room Addition | $ 500,000 | $ 500,000 | |
| Heat Plant Third Boiler Upgrade | $ 800,000 | $ 805,000 | |
| Sevier Valley Center Classroom | $ 150,000 | $ 150,000 | |
| Sevier Valley Center Labs | $ 150,000 | $ 150,000 | |
| Washburn Bldg Exterior Doors | $ 85,000 | $ - | |
| Roofing: Science Building | $ 37,900 | $ 37,900 | |
| Roofing: Family Life Building | $ 150,000 | $ 150,000 | |
| Paving: Slurry Parking Lots Ballpark Ephraim | $ 49,500 | $ 54,600 | |
| | | **$ 1,847,500** | |
| **Southern Utah University** | | | |
| Campus Life Safety Issues | $ 570,000 | $ 570,000 | $ 570,000 |
| Heat Plant Fuel Tanks and Emergency Generator | $ 400,000 | $ 400,000 | |
| Master Plan Auditorium Renovation | $ 50,000 | $ 50,000 | |
| Electronic Learning Center Remodel-Computer Forensic Crime Lab | $ 40,000 | $ 60,600 | |
| Randall Jones Theater Seating Upgrades and Other Improvements | $ 476,900 | $ 476,900 | |
| Campus Drainage Upgrade | $ 30,000 | $ 30,000 | |
| 15 KV Protective Switch Equipment | $ 95,000 | $ 95,000 | |
| Centrum Art Remodel Digital Photo Lab | $ 95,000 | $ 95,000 | |
| Utility Tunnel Upgrade | $ 150,100 | $ 150,100 | |
| Roofing: Harris Buildings #1 & #2 | $ 80,000 | $ 80,000 | |
| Roofing: Student Services Building | $ 228,500 | $ 228,500 | |
| Roofing: Physical Plant/Automotive | $ 150,000 | $ 90,500 | |
| Roofing: General Classroom & Computer Sciences | $ 225,000 | $ 198,500 | |
| | | **$ 2,525,100** | |
| **University of Utah** | | | |
| Replace Fire Alarm and Sprinkler System in HEB-North Bldg | $ 1,500,000 | $ 1,500,000 | |
| Replace Fire Alarm and Sprinkler System in HEB-South Bldg | $ 990,000 | $ 990,000 | |
| Campus Wide Asbestos Abatement | $ 62,500 | $ 62,500 | |
| Conversion to Drought Tolerant Landscaping | $ 200,000 | $ 200,000 | |
| High Temp. Water Generator #2 | $ 1,500,000 | $ 1,500,000 | |
| Energy and Minerals Research Lab (EMRL) HVAC System Upgrade | $ 805,000 | $ 805,000 | |
| Foundation Repairs at HCI | $ 400,000 | $ 400,000 | |
| Electrical Switchgear Upgrade, Lower Campus South Phase I | $ 1,125,000 | $ 1,125,000 | |
| Restoration of the Park Building Exterior Phase I | $ 875,000 | $ 875,000 | |
| Restoration of the Park Building Exterior Phase II | $ 800,000 | $ 800,000 | |
| Campus Central Monitoring & Control System Upgrade. Phase I | $ 500,000 | $ 500,000 | |
| Phase II of HEDCO Fume Hood System Upgrade | $ 1,077,000 | $ 1,077,000 | |
| Replace Chillers in Eccles Broadcast Center | $ 375,000 | $ 375,000 | |
| Replace Chiller in Kennecott Research Building | $ 281,300 | $ 281,300 | |
| Museum of Natural History (Bldg. 005) Chiller Replacement | $ 172,000 | $ 172,000 | |

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **University of Utah - continued** | | | |
| Replace Chiller Oil Seals | $ 128,000 | $ 128,000 | |
| Conversion to Central Security System | $ 225,000 | $ 225,000 | |
| Replace Floor Coverings Buildings 589, 001, 025, 073, 003, 027, 350 | $ 450,000 | $ - | |
| Campus Utility Metering System Upgrade. Phase 1 | $ 719,000 | $ - | |
| Roofing: Student Health Bldg. #044 | $ 50,000 | $ 50,000 | |
| Roofing: Hedco Bldg. # 057 | $ 200,000 | $ 200,000 | |
| Roofing: HPER Complex Stairwell Covers (4ea.) | $ 25,000 | $ 25,000 | |
| Roofing: Carlson Hall Bldg. # 031 | $ 18,000 | $ 18,000 | |
| Roofing: Experimental Studies Building Bldg. #060 | $ 135,000 | $ 70,000 | |
| Paving: Eccles Building Access Road Concrete Improvements | $ 110,000 | $ 110,000 | |
| Paving: Union Building Loading Dock | $ 40,000 | $ 40,000 | |
| Paving: Chemistry Building Loading Dock | $ 35,000 | $ 35,000 | |
| Paving: Federal Way Paving Improvements | $ 75,000 | $ 75,000 | |
| | | **$ 11,638,800** | |
| **Utah State University** | | | |
| Bus Turnaround | $ 1,500,000 | $ 1,500,000 | |
| High-Voltage Upgrades | $ 400,000 | $ 400,000 | |
| Kent Concert Hall Seating | $ 250,000 | $ 250,000 | |
| SER Mechanical Upgrade | $ 400,000 | $ 400,000 | |
| Eccles/Science-Technology Chilled Water | $ 300,000 | $ 300,000 | |
| Well Pump House and Controls (Phase II) | $ 250,000 | $ 250,000 | |
| Auditorium Upgrades | $ 250,000 | $ 250,000 | |
| Ray B. West Women's Restroom | $ 50,000 | $ 50,000 | |
| Old Main Entrance | $ 65,000 | $ 65,000 | |
| Animal Science Window Replacement | $ 350,000 | $ 350,000 | |
| Vet. Science Mechanical Upgrades | $ 300,000 | $ 300,000 | |
| Facilities Chiller, Transformer, Generator | $ 400,000 | $ 400,000 | |
| Upgrade Fire Alarms | $ 200,000 | $ 200,000 | $ 200,000 |
| Old Main Hill Landscaping | $ 270,000 | $ 270,000 | |
| Fume Hood Upgrades | $ 300,000 | $ 300,000 | |
| Main Elevator | $ 120,000 | $ 120,000 | |
| Gas Line Replacements | $ 100,000 | $ 100,000 | |
| Campus-Wide Wireless Utility Network | $ 100,000 | $ 100,000 | |
| Campus Safety Lighting | $ 150,000 | $ 150,000 | |
| Roofing: Physical Facilities Building | $ 200,000 | $ 182,000 | |
| Roofing: Fieldhouse | $ 125,000 | $ 124,500 | |
| Roofing: Roosevelt Classrooms | $ 150,000 | $ 155,300 | |
| Paving: East Campus Dr. East Shuttle Lot | $ 167,000 | $ - | |
| Paving: Motor Pool North Rebuild | $ 216,000 | $ 216,000 | |
| | | **$ 6,432,800** | |

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **Utah Valley State College** | | | |
| Orem Campus: Sky Lights in Administration Building Roof. | $ 271,000 | $ 324,100 | |
| Orem Campus: Science Building Remodel Phase II | $ 650,000 | $ 650,000 | |
| Orem Campus: Exterior Steel Panel Upgrade | $ 210,000 | $ 251,700 | |
| Orem Campus: Remove Pavers and Replace with Concrete | $ 125,000 | $ 125,000 | |
| Orem Campus: Energy Saving Projects Identified by ESCO | $ 180,000 | $ 180,000 | |
| Orem Campus: Replace HVAC Units with High Efficiency Units | $ 77,000 | $ 72,000 | |
| Orem Campus: ADA Code Compliance | $ 29,000 | $ - | |
| Orem Campus: Energy Conservation Devices | $ 465,000 | $ - | |
| Paving: Orem Campus: Slurry Road & Parking Lots D, E, and F | $ 80,000 | $ 80,000 | |
| Paving: Orem Campus: Parking Lot V Phase II | $ 1,000,000 | $ 1,000,000 | |
| | | **$ 2,682,800** | |
| **Weber State University** | | | |
| Lind Lecture Hall Asbestos Abatement & Restoration | $ 725,000 | $ 1,076,400 | $ 167,300 |
| Buildings # 4 Galvanized Pipe Replacement –Phase II | $ 475,000 | $ 475,000 | |
| Peterson Plaza – Concrete Replacement & Landscape Development | $ 470,000 | $ 470,000 | |
| Science Lab North Curtain Wall Weatherproofing | $ 235,000 | $ 256,300 | |
| Stadium Light Tower Replacement Study | $ 25,000 | $ 25,000 | |
| Telecomm & Computer Center Electrical & Air Conditioning Upgrades | $ 600,000 | $ 600,000 | |
| Swenson Gymnasium Swimming Pool Repair | $ 450,000 | $ 320,000 | |
| Campus Irrigation System Upgrades | $ 225,000 | $ 225,000 | |
| Roofing Improvements – Annex #8 & Alumni Center | $ 20,000 | $ 12,500 | |
| Roofing: Social Science Bldg. | $ 100,000 | $ 160,500 | |
| Paving: W-8 Parking Lot & Access Road Overlay | $ 175,000 | $ 175,000 | |
| | | **$ 3,795,700** | |
| **UCAT** | | | |
| BATC: Install Energy Efficient Summer Boiler | $ 400,000 | $ 606,000 | |
| O/WATC: Business Building Carpet Replacement | $ 240,000 | $ 225,000 | |
| DATC: Student Services/Welding/Foyer Remodel/Addition | $ 250,000 | $ 250,000 | |
| DATC: Culinary Arts Remodel/Addition | $ 250,000 | $ 250,000 | |
| UBATC: Metal Storage Unit Addition | $ 160,000 | $ 188,600 | |
| UBATC: Paint Booth Upgrade | $ 70,000 | $ 70,000 | |
| UBATC: Auto Trades Floor Resurface/Overhead Doors | $ 40,000 | $ 66,600 | |
| Paving: O/WATC North Entrance Road Expansion | $ 60,000 | $ 80,000 | |
| Paving: UBATC: South Lot Parking Overlay | $ 105,000 | $ 105,000 | |
| | | **$ 1,841,200** | |
| **State Agencies** | | | |
| **Agriculture** | | | |
| Replace Plumbing Fixtures & Water Supply Network | $ 114,000 | **$ 146,600** | |

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **Alcoholic Beverage Control** | | | |
| Store 18 (Cedar 4898); Roof Top Units/Irrigation Ditch/Retaining Wall | $ 75,000 | $ 130,700 | |
| Roofing: Store 7 (Price); Roof and Flooring | $ 85,000 | $ 64,700 | |
| Statewide ADA Upgrades | $ 35,000 | $ 35,000 | |
| Store 28 (Vernal); Remodel Break Area and Janitorial Closet | $ 8,000 | $ 8,000 | |
| Store 14 (Salt Lake City); Replace Exterior and Fire Doors | $ 16,500 | $ 29,200 | $ 29,200 |
| Fire Alarm: #3 W.Valley, #30 Layton, #19 Ogden, #22 Brigham | $ 60,600 | $ 55,500 | $ 55,500 |
| Store 11 (Magna); Replacement of Dock Lift | $ 11,000 | $ 11,000 | |
| Store 6 (Logan); Upgrade Lighting in Warehouse | $ 7,000 | $ 7,500 | |
| Roofing: Store 20 (Salt Lake); Roof/Service Door/Canopy | $ 52,000 | $ 42,000 | |
| | | **$ 383,600** | |
| **Capitol Preservation Board** | | | |
| Asbestos Abatement | $ 200,000 | $ 200,000 | $ 200,000 |
| Capitol Hill Sidewalk Repairs | $ 125,000 | $ 125,000 | |
| Gas Meter/Fire Hydrant Protection | $ 7,500 | $ 7,500 | |
| Handrail Upgrades | $ 40,000 | $ 40,000 | |
| Install Street and Crosswalk Lights for Pedestrian and Auto Safety | $ 22,000 | $ 22,000 | |
| Capitol Plaza: Tunnel Replacement | $ 49,000 | $ 49,000 | |
| Miscellaneous Improvements | $ 200,000 | $ 200,000 | |
| Travel Council: Retaining Wall Rails | $ 10,700 | $ 10,700 | |
| State Office Bldg: Frequency Drives and Controls Upgrade | $ 215,200 | $ 215,200 | |
| Travel Council: Exterior Painting and Wood Repair | $ 64,200 | $ 64,200 | |
| State Office Bldg: Carpet Replacement--Public Areas | $ 60,300 | $ 60,300 | |
| State Office Bldg: Snowmelt System | $ 74,500 | $ 74,500 | |
| Capitol Plaza: Benches and Trash Receptacles | $ 23,600 | $ 23,600 | |
| UT Pioneers: Pressure Wash/Recaulk/Repair Carriage House | $ 89,400 | $ 89,400 | |
| Capitol Plaza: Site Signage for Building and Campus | $ 80,300 | $ 80,300 | |
| Capitol Plaza: Control Gates for East Parking Lots | $ 32,100 | $ 32,100 | |
| State Office Bldg: Interior Repainting | $ 53,500 | $ 53,500 | |
| State Office Bldg: Exterior Walkway and Concrete Work | $ 42,200 | $ 42,200 | |
| Travel Council: Exterior and Interior Lighting Upgrade | $ 149,000 | $ 149,000 | |
| | | **$ 1,538,500** | |
| **Community and Economic Development** | | | |
| Fine Arts (Dinning): Foundation Damp Proofing/Exterior Repair/Painting | $ 75,000 | $ 150,000 | |
| Rio Grande Depot: Interior Lighting/Ceiling Tile/Paint/Carpet/Asbestos | $ 485,600 | $ 335,600 | |
| | | **$ 485,600** | |
| **Corrections** | | | |
| CUCF Boiler and ATC Control Upgrade | $ 740,100 | $ 740,100 | |
| Draper Electrical & Security Upgrades | $ 1,187,000 | $ 1,161,300 | |
| Field Operation Centers Improvements | $ 632,900 | $ 654,000 | |

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **Corrections - continued** | | | |
| Plan Room Remodel | $ 30,000 | $ 30,000 | |
| Administration / Academy Improvements | $ 410,200 | $ 536,400 | |
| Timpanogos Air Duct and Electrical Upgrades | $ 1,500,000 | $ - | |
| Paving: CUCF Central Plant Asphalt Repairs | $ 206,100 | $ 206,100 | |
| | | **$ 3,327,900** | |
| **Courts** | | | |
| Ogden Second District Court HVAC | $ 165,000 | $ 178,400 | |
| Cedar Courts Fire Alarm System | $ 89,000 | $ 106,700 | |
| Finish Shelled West Jordan Courtroom | $ 400,000 | $ 448,500 | |
| Provo Fourth District Court Fire Alarm Replacement | $ 160,000 | $ 191,800 | $ 191,800 |
| Matheson Courthouse Jury Box Renovation | $ 265,200 | $ 263,100 | |
| Provo Fourth District Court Courtroom Improvements | $ 160,000 | $ 170,900 | |
| Ogden District Court: Public Counter Alteration and Lighting Upgrade | | $ 244,000 | |
| Ogden District Court Paint/Carpet Replacement | $ 87,000 | $ 142,100 | |
| Vernal Juvenile Court Rooftop HVAC Units | $ 78,200 | $ 97,700 | |
| Richfield Courthouse Boiler Replacement | $ 90,000 | $ 95,000 | |
| Ogden Juvenile Court Lighting | $ 50,000 | $ 143,900 | |
| Brigham City Court Piping Upgrades | $ 150,000 | $ - | |
| Roofing: Richfield Courthouse Roof Replacement | $ 40,000 | $ 37,900 | |
| | | **$ 2,120,000** | |
| **DFCM** | | | |
| Heber Wells Building: Space Enclosure/Build Out for Commerce | $ 1,500,000 | $ 1,500,000 | |
| State Library: Paint Exterior Canopy and Repair Window Shades | $ 22,000 | $ 42,000 | |
| State Library: Upgrade Boiler Controls | $ 15,000 | $ 16,700 | |
| Ogden Regional: Remodel Offices/Sprinkler Heads/Misc. Improvements | $ 77,000 | $ 77,000 | |
| Heber Wells: Replace Air Handler Fans | $ 470,800 | $ 470,800 | |
| Brigham City: Exterior Upgrades/Repairs & Window/Door Upgrades | $ 604,000 | $ 604,000 | |
| Provo Regional Ctr: Caulk Exterior Fenestrations & Gasket Replacement | $ 70,000 | $ 120,000 | |
| Governor's Mansion: Upgrade Air Conditioning | $ 38,000 | $ 43,500 | |
| Governor's Mansion: Install 40-Ton Waterside Economizer | $ 21,000 | $ 27,500 | |
| Moab Regional Ctr; Replace HVAC Components and Controls | $ 130,000 | $ 130,000 | |
| Moab Regional Ctr; Replace Fire Alarm Panel | $ 40,000 | $ 40,000 | $ 40,000 |
| Cedar City Regional Ctr: Replace Fire Alarm Panel/Wiring | $ 55,000 | $ - | |
| State Library: Bead Blast and Repaint Exterior Window Shades | $ 33,000 | $ - | |
| Heber Wells: Replace Emergency Generator and Power Network | $ 1,047,400 | $ - | |
| Paving: State Library Parking Lot Slurry and Striping | $ 40,000 | $ 40,000 | |
| | | **$ 3,111,500** | |
| **Environmental Quality** | | | |
| Building #2: Upgrade HVAC System | $ 313,000 | **$ 318,000** | |

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **Fairpark** | | | |
| Replace Cast Iron Water Lines | $ 220,000 | $ 386,200 | |
| Wasatch Bldg: Upgrade Domestic Water System and Water Heaters | $ 40,900 | $ 41,500 | |
| Discovery Bldg: Replace Exterior Doors and Ceiling Repairs | $ 12,000 | $ 12,500 | |
| Rodeo Arena Drainage | $ 20,000 | $ 25,000 | |
| Roofing: Bonneville Bldg | $ 100,000 | $ - | |
| Roofing: Market Bldg #13 | $ 42,600 | $ - | |
| Paving: Slurry Seal and Overlay | $ 200,000 | $ 50,000 | |
| | | **$ 515,200** | |
| **Health** | | | |
| Children's Special Needs Clinic: Install Supplemental Heat Panels | $ 240,000 | $ 240,000 | |
| Children's Special Needs Clinic: ADA Access | $ 30,000 | $ 30,000 | |
| Cannon Health: Upgrade Plumbing/Hot Water Heater/Restroom ADA | $ 78,000 | $ 473,800 | |
| | | **$ 743,800** | |
| **Human Services** | | | |
| USH: Slate Canyon Water Line Replacement Phase I | $ 1,400,000 | $ 1,400,000 | |
| USH: Slate Canyon Water Line Replacement Phase II | $ 1,400,000 | $ 1,400,000 | |
| USDC: Therapy Bldg Chiller Replacement | $ 35,000 | $ - | |
| DHS/DJJS Decker Lake: Control Room Remodel | $ 180,000 | $ - | |
| USDC: Tulip Tree and Old School Abatement and Demolition | $ 250,000 | $ 250,000 | |
| | | **$ 3,050,000** | |
| **National Guard** | | | |
| Tooele Armory: Replace Hydronic System and Boiler | $ 114,000 | $ 168,800 | |
| Tooele Armory: Water Supply/Plumbing Fixtures/Water Heater | $ 92,000 | $ 37,200 | |
| Tooele Armory: Fascia/Soffit/Carpet/Windows/Paving/Entrance/Remodel | $ 345,600 | $ 345,900 | |
| Manti Armory: Replace Existing Water Lines | $ 39,000 | $ 89,000 | |
| American Fork Armory: Boiler Upgrade | $ 140,000 | $ 147,000 | |
| Lehi Armory: Replace Window System | $ 60,000 | $ 66,500 | |
| Lehi Armory: Electrical & HVAC Upgrade | $ 50,000 | $ 125,000 | |
| Veteran's Nursing: Home Emergency Power Upgrade | $ 60,000 | $ 89,900 | |
| Blanding Armory: Replace Emergency UPS with Generator | $ 90,000 | $ - | |
| Beaver Armory: Install Fire Alarm System | $ 45,000 | $ - | |
| Beaver Armory: Install Fire Alarm System | $ 45,000 | $ - | |
| Roofing: Jake Garn Airport | $ 225,000 | $ 281,300 | |
| Paving: Vernal Armory Paving Repairs | $ 75,000 | $ 83,200 | |
| Paving: Mount Pleasant Armory Paving Repairs | $ 150,000 | $ - | |
| Paving: Draper Complex Maintenance Concrete Repair | $ 50,000 | $ 50,000 | |
| Paving: Veteran's Nursing Home Parking Lot Repairs | $ 20,000 | $ 20,000 | |
| | | **$ 1,503,800** | |

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **Natural Resources** | | | |
| East Canyon BOR Partnership | $ 1,000,000 | $ 1,000,000 | |
| Snow Canyon: State Park Replace Maintenance Bldg | $ 260,000 | $ 260,000 | |
| Camp Floyd St Park: Fire Detection/Alarm; Cemetery Water Tank | $ 80,000 | $ 83,000 | |
| Edge of Cedars St Park: Upgrade HVAC Controls at Repository | $ 75,000 | $ 103,400 | |
| Wasatch Mountain State Park: Repair Sewer Lines | $ 50,000 | $ 50,000 | |
| Utah Lake State Park: Construct New Storage Shed | $ 69,500 | $ 64,300 | |
| Antelope Island State Park: Install Retaining Wall and New Pavilions | $ 275,000 | $ 302,300 | |
| Starvation State Park: Renovate Existing Restrooms | $ 125,000 | $ 164,200 | |
| Dead Horse Point State Park: Improve Safety Wall | $ 69,800 | $ 76,600 | $ 76,600 |
| Roofing: Red Fleet State Park | $ 22,000 | $ 20,000 | |
| Roofing: Antelope Island State Park | $ 30,000 | $ 30,000 | |
| Roofing: Jordanelle State Park | $ 100,000 | $ 48,100 | |
| Paving: Millsite State Park | $ 30,000 | $ 30,000 | |
| Paving: Hyrum State Park | $ 25,000 | $ 25,000 | |
| Paving: Snow Canyon State Park | $ 60,000 | $ - | |
| Paving: Kodachrome State Park | $ 40,000 | $ - | |
| Paving: Green River State Park | $ 195,400 | $ 195,400 | |
| Paving: Yuba Lake State Park | $ 42,000 | $ 42,000 | |
| DWR: Springville Hatchery Buildings | $ 250,000 | $ 275,700 | |
| DWR: Cache Valley Hunter Ed Upgrades | $ 320,000 | $ 320,000 | |
| DWR: Hardware Ranch: Plumbing/Waterproofing/Water Line/Paving | $ 145,000 | $ 145,000 | |
| DWR: Nash Wash Flood Control, Culinary Water System Upgrade | $ 27,000 | $ - | |
| DWR: Fish Lake Cabin & Shed | $ 50,000 | $ - | |
| Paving: DWR: Farmington Bay Wildlife Management Area Road | $ 150,000 | $ 180,000 | |
| | | **$ 3,415,000** | |
| **Office of Education** | | | |
| Trinity AME Landscaping to Correct Water Drainage Problem | $ 15,000 | $ 15,000 | |
| Admin Bldg: Upgrade DDC Controls | $ 120,000 | $ 131,800 | |
| Buffmire Bldg: Storefront Windows/Air Handler Pneumatic Controls | $ 35,000 | $ 41,600 | |
| | | **$ 188,400** | |
| **Public Safety** | | | |
| Farmington Office: Install Fire Alarm System | $ 14,300 | $ 30,000 | $ 30,000 |
| Defense Depot Crime Lab: Install Fire Detection and Alarm System | $ 13,000 | $ 18,000 | $ 18,000 |
| Farmington Office: Sidewalk and Curb Ramp Replacement | $ 22,000 | $ 29,500 | |
| BCI Building HVAC Repairs | $ 10,000 | $ 10,000 | |
| Paving: Officers Shooting Range at Camp Williams | $ 75,000 | $ 32,000 | |
| | | **$ 119,500** | |
| **Tax Commission** | | | |
| Replace Computer Air Conditioner/Air Cooled Condensing Units | $ 199,200 | **$ 199,200** | |

| Agency/Institution | Request | DFCM Recommend | Life Safety |
|---|---|---|---|
| **UDOT** | | | |
| Region 3 (Orem 9349) Install Fire Sprinkler System and Alarm System | $ 300,000 | $ 331,800 | $ 331,800 |
| Replace Existing Building - Tooele Maintenance Station | $ 900,000 | $ 900,000 | |
| Replace Existing Building - Greendale Junction Maintenance Station | $ 700,000 | $ - | |
| Cal Rampton Upgrade Parking Lot Lighting | $ 372,400 | $ 444,800 | $ 444,800 |
| Maintenance Testing Facility Replace Shop Overhead Doors | $ 107,000 | $ - | |
| Roofing: Cottonwood Maintenance Shop | $ 54,200 | $ 54,200 | |
| Roofing: Statewide Maintenance Shed Roof Repairs | $ 125,000 | $ 125,000 | |
| | | **$ 1,855,800** | |
| **Workforce Services** | | | |
| Metro Office Building Upgrade Underground Parking Garage Door | $ 50,000 | $ 135,000 | |
| Admin Bldg: Elevator Upgrades | $ 774,900 | $ 774,900 | |
| | | **$ 909,900** | |
| **Statewide Programs** | | | |
| Capital Improvement Project Management and Audits | $ 1,800,000 | $ 1,764,100 | |
| Facility Condition Assessment Program | $ 350,000 | $ 350,000 | |
| Hazardous Materials Survey & Assessment Program | $ 150,000 | $ 150,000 | |
| Hazardous Materials Emergency Abatement | $ 150,000 | $ 150,000 | |
| Roofing Preventative Maintenance | $ 350,000 | $ 350,000 | |
| Roofing Emergency Program | $ 500,000 | $ 500,000 | |
| Roofing Seismic Program | $ 300,000 | $ 300,000 | |
| Paving Preventative Maintenance | $ 330,000 | $ 330,000 | |
| Paving UCI | $ 250,000 | $ 250,000 | |
| Energy Savings Program | $ 300,000 | $ 300,000 | |
| Emergency Fund | $ 200,500 | $ 249,400 | |
| Planning & Design Fund | $ 300,000 | $ 300,000 | |
| Land Option Fund | $ - | $ - | |
| | | **$ 4,993,500** | |
| **Total FY 2007 Capital Improvement Projects Funded** | | **$ 65,593,300** | **$ 2,500,000** |
| **Funding Sources** | | | |
| FY 2007 Funding From the Legislature | | $ 62,921,300 | |
| FY 2007 Funding From Risk Management for Life Safety Projects | | $ 2,500,000 | |
| FY 2006 Canceled Projects to be Reallocated | | $ 172,000 | |
| **Total FY 2007 Funding** | | **$ 65,593,300** | |

# 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: F. Keith Stepan
Date: April 12, 2006
Subject: **Amendments to Rule R23-1 and R23-2**

**Recommendation:**
If the Board is satisfied with the proposed amendments following presentation from DFCM and any comments that may be made by those affected by the amendments, DFCM recommends that the Board approve the attached amendments to R23-1 and R23-2.

**Background:**
Concerns have been raised regarding the legality of a provision in the rules for the Division of Purchasing that provided for confidentiality of unsuccessful proposals submitted under the competitive sealed proposals procurement method.

Representatives of the media challenged whether this provision met the requirements of the Government Records Access and Management Act (GRAMA). The legal challenge was held in abeyance while the Procurement Policy Board considered whether to change the rule. The Procurement Policy Board recently voted unanimously to substantially modify its rule. The rules for the procurement of construction and architect-engineer services by DFCM are adopted by the Building Board. These rules are patterned after Purchasing's rule and currently contain provisions similar to that which was challenged in Purchasing's rule. Based on the discussions conducted by the Policy Board, DFCM believes that similar amendments should be made to DFCM's procurement rules.

*Considerations for DFCM Rule Amendments*

1. Performance Evaluations and Reference Information – The Board had previously heard testimony and concluded that 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, shall be protected records.

2. Cost Information – For many years, the DFCM rule has provided for disclosure of the amount of cost proposals submitted in an RFP process. GRAMA also provides that "bids" are to be public. While an argument can be made that the term "bids" does not

apply to cost proposals submitted under the competitive proposals process, DFCM recommends that this provision of disclosure be retained.

3. Non-Public Financial Statements – DFCM recommends that protected status be provided to financial statements which are submitted in response to a RFP if the statements are not otherwise public. Disclosing this information would impair the procurement process and harm those submitting.

*Other Amendments Not Related to GRAMA*

1. Tie Bids – With the passage of SB220 which specifies how tie bids should be resolved, Subsection R23-1-5(13) on page 4 is amended to be consistent with this new statute.

2. Justification Statements – The requirements for justification statements are clarified in Subsection R23-1-15(15) on page 11 of rule R23-1.

3. By rule amendment, the Building Board recently changed the level at which formal project bidding is required from $50,000 to $100,000. The Board also changed the level of the bonding requirement from $50,000 to $100,000. However, there have been concerns about the change in the bonding level. DFCM recommends that the Building Board modify the amendment to R23-2 to retain the bonding requirement level of $50,000.

4. A number of technical corrections and clarifications are made.

Further discussion at the April Board meeting will be held, after which the Board may take action on these amendments.

FKS:sll

Attachment

**Amendments Proposed for Consideration by**
**Utah State Building Board**
**On March 15, 2006**

**R23. Administrative Services, Facilities Construction and Management.**
**R23-1. Procurement of Construction.**
**R23-1-1. Purpose and Authority.**

(1) In accordance with Subsection **[~~63-56-14(2)~~]** **63-56-208(2)**, 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 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 **[~~63-56-5~~]** **63-56-105**.

(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 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.

**[~~(m)~~]** **(n)** "State" means the State of Utah.

**[~~(n)~~]** **(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.

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

**[~~(p)~~]** **(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 **[~~R23-1-115(1)(c)~~]** **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) **[~~Proposal Form~~]** **Bidding Documents**. The bidding documents for an Invitation For Bids**:**

**(a)** shall include a **[~~proposal~~]** **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 **[~~63-56-20.6~~]** **63-56-405** 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 **[~~or offeror~~]** 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 **[~~offeror~~]** to promptly supply information regarding responsibility may be grounds for a determination of nonresponsibility. Any bidder or **[~~offeror~~]** determined to be nonresponsible shall be provided with a copy of the written determination within a reasonable time. **[~~Information~~]** **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 **[~~offeror~~]** pursuant to any inquiry concerning responsibility shall be classified as a protected record pursuant to Section 63-2-304 and [~~shall not be disclosed to the public by the Division without the prior written consent of the bidder or offeror~~] **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.**

**[~~(a) Definition. Tie bids are low responsive bids from responsible bidders that are identical in price.~~**

**~~(b) Award. Award shall be determined through a coin toss or the drawing of lots as determined by the Director. The coin toss or drawing of lots shall be open to the public,~~**

~~**including the bidders who submitted the tie bids.**~~

~~**(c) Record. Documentation of the tie bids and the procedure used to resolve the award of the contract shall be placed in the contract file.]**~~

(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).

(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 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, 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 **~~[contain trade secrets or other proprietary data which are to remain confidential. If the bidder selected for award has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the Director shall examine the request to determine its~~**

~~validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the Director shall inform the bidder in writing what portion of the offer will be disclosed and that, unless the bidder withdraws the offer, it will be disclosed.]~~ **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**. **[~~The~~]** **Except for those portions classified as protected under Section R23-1-35 or otherwise subject to non-disclosure under applicable law,** unpriced technical **[~~offer of the successful bidder~~]** **offers** shall be open to public inspection ~~[for a period of 90 days]~~ after award of the contract. **[~~Unpriced technical offers of bidders who are not awarded contracts shall not be open to public inspection.~~]**

(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 ~~[63-56-43.1]~~ 63-56-703, 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.

**[~~(a)~~]** 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.**

**~~[(b) Except as provided in this rule, proposals of the successful offeror shall be open to public inspection after award of the contract. Proposals of offerors who are not awarded contracts shall not be open to public inspection although the amount of each offeror's cost proposal shall be disclosed after the contract is awarded.~~**

**~~(c) The Request for Proposals may provide that certain information required to be submitted by the offeror shall be considered confidential and classified as protected if such information meets the provisions of Section 63-2-304 of the Government Records Access and Management Act.~~**

**~~(d) If the offeror selected for award has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the Director shall examine the request to determine its validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the Director shall inform the offeror in writing what portion of the proposal will be disclosed and that, unless the offeror withdraws the proposal, it will be disclosed.]~~**

(10) Confidentiality of **[~~Past~~]** Performance **Evaluations** and Reference Information. The Board finds that it is necessary to maintain the confidentiality of **[~~past~~]** 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 **[~~past~~]** performance **evaluations** and reference information are classified as protected records under the provisions of Subsections 63-2-304**[~~(2) and~~]** (6) 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).

**[~~(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 **[~~determination~~]** **justification statement** shall be made showing the basis on which the award was found to be most advantageous to the state **[~~based on the~~]** **taking into consideration price and the other** evaluation factors set forth in the Request for Proposals. **[~~This requirement may be satisfied through documentation of a scoring of the proposals based on the evaluation factors and associated points as identified 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 **[~~a contract is entered into,~~]** **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 $50,000 or Less.

(a) The Director may make procurements of construction estimated to cost $50,000 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 $50,000 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 $5,000 or Less. The Director may make small purchases of construction of $5,000 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. Qualifications of Contractors.**~~

~~**(1) Project Specific Requirements. The Division may include qualification requirements in the bidding documents as appropriate for that specific project.]**~~

**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 63, 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 3-2-304 will be treated as protected records if the procedural requirements of GRAMA are met. Examples of protected records include, but are not limited to, 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) 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 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 cosurety 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 **~~[63-56-36(1)(c)]~~** **63-56-501(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 **[~~Sections 63-56-20 through 63-56-35.8~~]** **Title 63, Chapter 56, Part 4, Source Selections and Contract Formation,** 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 **[~~records~~]** **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 **[~~Records~~]** **Information**. Any contractor who receives a contract or price adjustment for which cost or pricing data is required shall maintain all books and **[~~records~~]** **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, 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), 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: October 18, 2005**
**Notice of Continuation: June 6, 2002**
**Authorizing, and Implemented or Interpreted Law: 63A-5-103 et seq.; 63-56-14(2); 63-56-20(7)**

**Amendments Proposed for Consideration by**
**Utah State Building Board**
**On March 15, 2006**

**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 ~~63-56-14(2)~~ **63-56-208(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 63, Chapter 56 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 **[~~63-56-5~~]** **63-56-105**.

(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 and engineers of Solicitations.

(e) **"Record" shall have the meaning defined in Section 63-2-103 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 and engineers seeking to provide architect-engineer services to the Division.

**[~~(f)~~]** **(g)** "State" means the State of Utah.

**[~~(g)~~]** **(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/Engineering Firms.**

(1) Architects and 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 and 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 and 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 and engineers shall be prepared and open to public inspection. Prior to award, **[~~proposals~~]** **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 [~~Contents of~~] Submittals, Performance Evaluations, and References.**

(1) Except as provided in this rule, submittals **[~~of the successful architect or engineer~~]** shall be open to public inspection after **[~~award of the contract~~]** **notice of the selection results**. **[~~Submittals of architects and engineers who are not awarded contracts shall not be open to public inspection.~~**

~~(2) The Solicitation may provide that certain information required to be submitted by the offeror shall be considered confidential and classified as protected if such information meets the provisions of Section 63-2-304 of the Government Records Access and Management Act.~~

~~(3) If the architect or engineer selected for award has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the Director shall examine the request to determine its validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the Director shall inform the architect or engineer in writing what portion of the proposal will be disclosed and that, unless the architect or engineer withdraws the submittal, it will be disclosed.~~

~~(4)~~**]**

**(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 **[~~past~~]** 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 **[~~past~~]** performance **evaluations** and reference information are classified as protected records under the provisions of Subsection 63-2-304**[~~(2) and~~]** (6) and shall be disclosed only to those persons involved with the performance evaluation, the architect-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-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, engineers and others of 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 and 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-engineer and the architect-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. **[~~Notice of the selection results shall be provided to each firm competing for the contract.~~]**

**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.**

**Negotiation and Appointment.**

The Director shall conduct negotiations as provided for in Section **[~~63-56-44~~]** **63-56-704** until an agreement is reached.

**R23-2-15. 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 contracts entered into since its previous report and the method of selection used. This shall be for the information of the Board.

**R23-2-16. Performance Evaluation.**

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

(2) This **[~~rating~~]** **evaluation** shall become a part of the record of that architectural/engineering firm within the Division. The architectural/engineering firm shall be **[~~apprised in writing of its performance rating~~]** **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-(4)~~]** **R23-2-11(3)**.

**R23-2-17. 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.

**R23-2-18. Direct Awards.**

(1) The Director may award a contract to an architectural/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/engineering firm;

(b) The architectural/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.

**R23-2-19. Small Purchases.**

(1) If the Director determines that the services of architects and engineers can be procured for less than $50,000, or if the estimated construction cost of the project is less than $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 and 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.

**R23-2-20. 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: March 15, 2005**
**Notice of Continuation: December 23, 2004**
**Authorizing, and Implemented or Interpreted Law: 63A-5-103 et seq.; 63-56-14(2)**

# 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: F. Keith Stepan
Date: April 12, 2006
Subject: **Utah Schools for the Deaf and Blind**

**Recommendation:**

DFCM recommends that the Board consider the Utah State Board of Education/Schools for the Deaf and Blind's request to commission a professional consultant to develop a "program" for their proposed new classroom and service building for the sensory impaired students of this state. Additional consideration should be given to a private citizen's group proposal to design and build a donated building for use by Schools for the Deaf and Blind to provide services to the sensory impaired students of Utah County.

**Background:**

Each year for the past three years the administrators of the Schools for the Deaf and Blind have requested funding for a new school to be appropriated to provide services and classroom space for sensory impaired students in the Salt Lake Valley. Although this year's Building Board ranked their request as number 11, they were not funded by the legislature.

Due to the facts that are noted below, their project may receive a high level of support and consideration during the 2007 Legislative Session.

1. The Schools for the Deaf and Blind proposal was listed on the Governor's 2006 budget request.
2. For several years, the Building Board has considered the schools facility needs and following a site visit, noted the program urgency and critical time table of a new building to replace the Connor Street facility.
3. The current lease agreement with the building owner/developer will end on June 30, 2009. A design and construction time table of two years becomes critical during the 2007 Legislative Session funding process.
4. The 2006 proposal for funding was $10.7 million. Future funding requests may exceed that amount due to inflationary construction costs. An early start on preparation of a formal program will save the state money.

5. Program funding will be provided by Schools for the Deaf and Blind.

Utah Valley Proposal

A group of private citizens (parents) wish to improve the education facilities for the sensory impaired students who reside in Utah County. This group, represented by Michelle Archibald, will inform the Building Board of their intentions. The pre-school students are currently housed in portable classroom buildings that offer limited opportunity for the presentations of the Schools of the Deaf and Blind's programs. The private group may provide planning, design services and construction costs without any state resources.

Following the donation of the land and building to the State of Utah, they would then seek state funds for ongoing O&M.

FKS:sll

Attachment

LINDA RUTLEDGE
Superintendent

MELANIE AUSTIN
Assistant Superintendent

ADMINISTRATIVE OFFICES
742 Harrison Boulevard
Ogden, UT 84404-5298
801-629-4700 Voice
801-629-4701 TDD
801-629-4896 FAX
-800-990-9328 Toll Free

SALT LAKE OFFICE
2870 S. Connor Street
Salt Lake City, UT 84109-1932
801-464-2000 Voice
801-464-2001 TDD
801-467-6762 FAX

OREM OFFICE
424 South 350 East
Orem, UT 84058
801-224-6590 Voice
801-224-8018 FAX

JEAN MASSIEU
SCHOOL OF THE DEAF
1350 W. South Jordan Parkway
South Jordan, UT 84095
801-253-6000 Voice
801-253-6001 TDD
801-302-1911 FAX

March 7, 2006

DFCM
4110 State Office Building
Salt Lake City, UT 84114
Attn: State Building Board

Dear State Building Board Members:

In anticipation of support of a new facility in the Salt Lake City area, the Utah Schools for the Deaf and the Blind is requesting a place on the agenda of your next meeting. We are seeking permission to complete an architectural and program study. It is estimated that the construction timeline from programming to completion will be 14 to 18 months for programming to completion, thus necessitating the completion of the planning process prior to the legislative session in 2007.

USDB provides services throughout the state and the Salt Lake Facility is one of three hubs necessary to serve more than 2,000 students statewide. The building will require unique technological and disability specific adaptations necessary for our students to be successful. Assistive technology devices and services are required for students with sensory impairments and should not be limited because of current facilities.

The urgency of this building remains a priority. The facility where the Jean Massieu School of the Deaf currently resides will be demolished in July 1, 2008. The Connor Street location can not accommodate the necessary classrooms, offices, or provide appropriate mainstreaming opportunities. Though the Granite School District has worked to provide classrooms, it is unable to provide the necessary stability for our students. Over 30 classrooms are located in the Granite School District; due to the closure of two schools, space for five to seven classrooms will be unavailable for the next school year. USDB has experienced growth as with the overall state and is unable to accommodate student needs as we provide an equal and strong educational setting.

Students in our South Division are currently located in portable classrooms in our effort to increase stability for the students, however; the locations do not meet the needs of our students. Our parents in the Alpine district have concerns with the current portable classrooms and their vision is to build a facility that supports disability specific adaptations. USDB supports there vision as we look at current facilities throughout the state

USDB will continue to build a strong partnership with Granite School District and Jordan School District as we develop this plan. Thank you for your continued support in addressing this need.

Sincerely,

Linda Rutledge

Linda Rutledge,
Superintendent

## Keith Stepan - permission to be on agenda for April 12

**From:** <mlarchibald@comcast.net>
**To:** <kstepan@utah.gov>
**Date:** 3/17/2006 1:32 PM
**Subject:** permission to be on agenda for April 12

**Attachment 1:** 060316 LTR to DFCM re building.doc (application/octet-stream)

<--- this is the following letter in an Word document.

Date: 16 March 2006

To: State Building Board, DFCM

From: Michelle Archibald and Hailey Liechty, Parents

Parents of children with hearing impairments, who live in Utah County and attend Utah School for the Deaf and Blind are requesting to be on the DFCM agenda on 12 April 2006.

As Utah County parents of children who are deaf, we have been very disappointed in and frustrated with the facilities available for our children. Currently a run-down portable double-wide trailer located at Orem Elementary School on 450 West 400 South, in Orem, serves 38 children. This facility houses the preschool, kindergarten, first and second grades for the Utah School for the Deaf and Blind-South District. The present facility is inadequate for teaching deaf children in many ways:

- It is not acoustically sound.

- There is not space for audiological services to serve children with hearing aids and cochlear implants. They need frequent and regular hearing tests, hearing aid repair and programming and CI (cochlear implant) mapping and testing. There is also not adequate space for services such as speech therapy, testing, observation, behavior therapy, psychology, physical and occupational therapy, family education, storage, mainstreamed classrooms.

- The bathrooms are not set up in a way to give the children privacy.

- The administration and faculty are spread out at other schools in portable trailers or serve out of their cars. Some of these trailers/offices do not have phones.

- ITS LOCATION (PLAYGROUND, PARKING AND BUILDING) IS NOT SAFE FOR DEAF CHILDREN.

The children deserve a beautiful space that will support and encourage success, as do the teachers and service providers who care for the deaf children in our community. When we first entered this world of deafness we were so very appreciative of just having found someone that could help us go through the journey of having a deaf child. However, now we have more experience and have seen other programs and facilities, and know what we, parents and children, can accomplish with adequate resources. Thus we have decided, and are very determined, to work to build a state-of-the-art educational facility that will no longer limit, but enhance, the services provided.

We are currently working on getting funding through and already existing nonprofit foundation. An architect, Gerard Meyer, has drawn up a preliminary sketch plan that has helped to give us an idea of the cost of the building and the amount of land we need. We have written a proposal to Alpine School District and they are currently deciding whether they will allow us to build on their land.

Our hope is to have the building up and running for the next school year, fall or winter 2006-7.

Sincerely,

Michelle Archibald, Pleasant Grove, 801.796-0582, mlarchibald@comcast.

Hailey Liechty, Lindon, 801 785.4947, hailey@xmission.com

The following is our CASE STATEMENT:

Our vision is to build a beautiful, acoustically sound building that would serve as a preschool and center for children who are hearing impaired and their families. A place to gather.

The children served would be ages newborn to approximately 8 years old, or when they are successfully mainstreamed into elementary school. A place to learn and grow.

It would house a preschool with six classrooms (including space for a hearing preschool) and office space for therapists and Utah School for the Deaf administrators. It would also house a library for reference materials for families who have children recently diagnosed with hearing loss. There would also be a display area for hearing aids, cochlear implants and samples of other assistive devices. A place to discover what is available to help their children.

An audiology suite would be located there so that children's hearing could be tested easily, frequently and hearing aids and cochlear implants could be programmed or mapped for more accurate hearing and faster developmental progress. A place for timely neurological development.

An auditorium is central to this plan for the children to perform and for parents to gather and learn from professionals. A place for support, education and communication.

An endowment fund needs to be created to ensure that the facility, grounds and services can be maintained. A way to serve generations

# 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: F. Keith Stepan
Date: April 12, 2006
Subject: **Discussion of Capital Development Process**

**Recommendation**
DFCM recommends that the Board review the Capital Development process to determine if there are adjustments or modifications they wish to make to any of the following procedures.

1. The method used to score and rank projects. Discussion could include:
   (a) should the current system be continued, simplified or modified;
   (b) should certain scoring categories be combined, altered or eliminated;
   (c) should there be category weighting adjustments;
   (d) should DFCM provide scoring recommendations for some, all, or none of the categories?

2. Project site visits including how information is presented to the Board on tours. It has been suggested that the Board develop a fact sheet common to all projects to assist them in evaluating and comparing different projects at the time of the site visits.

3. The hearings and final ranking of projects. Topics could include:
   (a) how best to use rankings from the Board of Regents and UCAT;
   (b) developing a separate ranking for small projects;
   (c) other.

The Board may elect to take no action on any of these items or organize a committee to review them and make recommendations to the entire Board in May. Changes to the Capital Development process should be finalized by May so agencies and institutions have adequate time to assemble materials, organize presentations and otherwise comply with changes that the Board may adopt.

FKS:KDB:sll

# 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: F. Keith Stepan
Date: April 12, 2006
Subject: **Statewide Master Planning for Government Office Space Needs**

Under the direction of D'Arcy Dixon Pignanelli, Executive Director, Department of Administrative Services, DFCM will spearhead a master planning effort to examine statewide facility space needs for state government over the next decade. A committee will be formed with representatives from various state agencies joining with DFCM to address issues such as (a) demographic trends; (b) space utilization; (c) prototype building design; (d) locations for regional centers; (e) transportation issues; (f) etc.

The first phase of the master planning project is scheduled to be completed by late summer of 2006 in time to assist the Board in evaluating certain projects that will be presented during the capital development hearings. DFCM will update the Board periodically on the progress of the master planning effort.

FKS:KDB:sll

# 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: F. Keith Stepan
Date: April 12, 2006
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.

FKS:sll

Attachment

THE UNIVERSITY OF UTAH

March 24, 2006

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

Re: Delegated Projects Report for the Meeting of April 12, 2006

Dear Keith:

The status report of delegated projects to the University of Utah is enclosed for the Utah State Building Board.

Please call me at 581-4493 if there are any questions.

Sincerely,

Randall Funk

Randall Funk
Director, Campus Design & Construction

Enclosures

c: Mike Perez

**Campus Design & Construction**
V. Randall Turpin University Services Building
1795 E. South Campus Drive, Rm 201
Salt Lake City, Utah 84112-9403
(801) 581-6883
FAX (801) 581-6081

THE UNIVERSITY OF UTAH

MEMORANDUM

To: Utah State Building Board
From: Randall Funk
Date: March 24, 2006
Subject: Administrative Reports for University of Utah

The following is a summary of the administrative reports for the University of Utah:

**Architect/Engineering Agreements Awarded** (Page 1)
Four (4) new Design Agreements, one (1) Programming Agreement, and two (2) Study Agreements.

**Construction Contracts Awarded** (Page 2)
One (1) Remodeling contract and one (1) Site Improvement contract.

**Report of Contingency Reserve Fund** (Page 3)
Three transfers out of Contingency Reserve:
- EMRL, Chiller Replacement
- Biology, Facade Repair
- Medium Voltage Switchgear Upgrade, Lower West Campus

**Report of Project Reserve Fund Activity** (Page 4)
Three (3) transfers into Project Reserve:
- Fire Surplus Reallocation
- OSH Fire Alarm/Sprinkler System
- Campus Wide Drought Tolerant Landscape

Attachments

**Campus Design & Construction**
V. Randall Turpin University Services Building
1795 E South Campus Drive, Rm 201
Salt Lake City, Utah 84112-9403
(801) 581-6883
FAX (801) 581-6081

# University of Utah
# Architect/Engineer Agreements
# Awarded From February 24, 2006 to March 24, 2006

Design

| Project No. | Project Name | Firm Name | Project Budget | Contract Amount | Comments |
|---|---|---|---|---|---|
| 0525-12625 | University Hospital - Remodel Clinic 10 for Cardiovascular Center | VCBO Architecture | $700,000 | $69,473 | Award Date 27 February 2006 |
| 0525-12044 | University Hospital - B Level Remodel for Endoscopy Relocation | Architectural Nexus | $1,821,000 | $171,973 | Award Date 27 February 2006 |
| 0701-12872 | University Student Apartments Tower - Domestic Hot Water Tank Replacement | Stanley Consultants, Inc. | $230,000 | $12,350 | Award Date 06 March 2006 |
| 8847-12778 | Rice Eccles Stadium - New Stadium Graphics | Reaveley Engineers and Associates, Inc. | $180,000 | $18,437 | Award Date 15 March 2006 |

Programming

| Project No. | Project Name | Firm Name | Project Budget | Contract Amount | Comments |
|---|---|---|---|---|---|
| 8831-12350 | Red Butte Garden and Arboretum - Rose Garden and Amphitheater Site Masterplan | 3 D/ International | $6,500,000 | $18,861.00 | Award Date 27 February 2006 |

Study

| Project No. | Project Name | Firm Name | Project Budget | Contract Amount | Comments |
|---|---|---|---|---|---|
| 0901-12912 | University Of Utah Hospitals and Clinics Greenwood Center Infusion Pharmacy Upgrade Feasibility Study | HFS Architects | To Be Determined | $4,850 | Award Date 06 March 2006 |
| 8911-12457 | Business College - Chilled Water Piping Study | Colvin Engineering Associates, Inc. | To Be Determined | $5,000 | Award Date 10 March 2006 |

## University of Utah
## Construction Contracts
## Awarded From February 24, 2006 to March 24, 2006

Construction - New Space

| Project No. | Project Name | Firm Name | Design Firm | Project Budget | Contract Amount | Comments |
|---|---|---|---|---|---|---|

Construction - Remodeling

| Project No. | Project Name | Firm Name | Design Firm | Project Budget | Contract Amount | Comments |
|---|---|---|---|---|---|---|
| 0085-12353 | Henry Eyring Building - Stair Replacement | Desert Sage Contractors | HFS Architects | $225,000 | $197,153 | Award Date 15 March 2006 |

Construction - Site Improvement

| Project No. | Project Name | Firm Name | Design Firm | Project Budget | Contract Amount | Comments |
|---|---|---|---|---|---|---|
| 0082-12353 | Aline Wilmot Skaggs Biology Research Building Provide HTW Generator | K.O.H. Mechanical | Van Boerum & Frank Associates, Inc. | $185,000 | $145,975 | Award Date 10 March 2006 |

**University Of Utah**
**Report Of Contingency Reserve Fund Activity**
**For the Period of February 24, 2006 to March 24, 2006**

| PROJ. NO. | DESCRIPTION | CURRENT TRANSFERS | TOTALS TRANSFERS FROM CONTINGENCY | % TO CONSTR. BUDGET | PROJECT STATUS |
|---|---|---|---|---|---|
| | BEGINNING BALANCE | 1,911,363.60 | | | |
| | **INCREASES TO CONTINGENCY RESERVE FUND** | | | | |
| | **DECREASES TO CONTINGENCY RESERVE FUND** | | | | |
| 0061-11937 | EMRL, Chiller Replacement | -1,907.31 | | 1% | Complete |
| 0084-11640 | Biology, Facade Repair | -9,207.21 | | 39% | Complete |
| 8804-12598 | Medium Voltage Switchgear Upgrade, Lower West Campus | -2,213.94 | | 1% | Construction |
| | NEW CONSTRUCTION | | | | |
| | REMODELING | | | | |
| | PLANNING / OTHER | | | | |
| | ENDING BALANCE 01-00341-7000-05107 | 1,898,035.14 | | | |

# University Of Utah
# Report Of Project Reserve Fund Activity
# For the Period of February 24, 2006 to March 24, 2006

| PROJECT NUMBER | PROJECT TITLE | TRANSFER AMOUNT | DESCRIPTION FOR CONTINGENCY TRANSFER | % OF CONSTR. BUDGET |
|---|---|---|---|---|
| | BEGINNING BALANCE | 377,395.71 | | |
| | **INCREASES TO PROJECT RESERVE FUND:** | | | |
| 8807-12741 | Fire Surplus Reallocation | 197,454.57 | | 73% |
| 0054-12122 | OSH Fire Alarm/Sprinkler System | 22,455.37 | | 4% |
| 8844-12130 | Campus Wide Drought Tolerant Landscape | 6,741.90 | | 3% |
| | **DECREASES TO PROJECT RESERVE FUND:** | | | |

**CURRENT BALANCE OF PROJECT RESERVE:** **604,047.55**

**Utah State UNIVERSITY**

OFFICE OF THE VICE PRESIDENT
FOR FINANCE AND BUSINESS
1445 Old Main Hill
Logan, UT 84322-1445
(435) 797-1146
FAX: (435) 797-0710

22 March 2006

F. Keith Stepan, Director
Division of Facilities Construction
and Management
4110 State Office Building
Salt Lake City, Utah 84114

Dear Keith:

SUBJECT: USU Administrative Reports for April 2006 Building Board Meeting

The following is a summary of the administrative reports for USU for the period 02/22/06 to 03/22/06:

**Professional Contracts, 5 contracts issued** (Page 1)
Item 1, Utah Botanical Center (Wetland Discovery Lab) - This project is approved only through design at this time. Construction will not take place until adequate funds are obtained.

Item 3, Early College High School - The school will be located at the USU Innovation Campus. Renovation of an existing building will occur in time for the school to be opened Fall 2006.

**Construction Contracts, 8 contracts issued** (Page 2)
Item 1, Northeast Staff Parking Lot Expansion (Paving) - The bid for this project is $36,209 higher than the available funding. Rather than reducing the budget from another paving project, we are closing the Roofing account and transferring the balance to be used for paving needs. We do not anticipate DFCM will delegate roofing projects to USU in the future. It is felt this is an appropriate use of the remaining funds to close the Roofing account.

**Report of Contingency Reserve Fund** (Page 3)
No significant items.

**Report of Project Reserve Fund Activity** (Page 4)
The budget for the Sci-Tech Library Fire Alarm Upgrade is $175,000. The cost, processed as a change order to the Merrill Library project, is $205,000. The $30,000 difference needed is being funded from the Project Reserve.

**Current Delegated Projects List** (Pages 5-6)
Of the 53 projects on USU's current list, 12 are in the Design/Study phase, 22 in Construction, 11 Substantially Complete, 2 Complete, and 6 Pending. Three new projects have been added.

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

Sincerely,

W. Glenn Ford
Vice President for Business and Finance

WGF/jm
c: Darrell E. Hart
David A. Besel
Stanley G. Kane

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

# Professional Contracts
## Awarded From 02/22/06 to 03/22/06

| | Contract Name | Firm Name | A/E Budget | Fee Amount | Comments |
|---|---|---|---|---|---|
| 1 | Utah Botanical Center - Wetland Discovery Lab | AJC Architects | $64,396.00 | $64,396.00 | Project approved only through design at this time |
| 2 | Agricultural Buildings Relocation | Cache Landmark Engineering | $50,000.00 | $49,700.00 | Utilities engineering/design |
| 3 | Early College High School | Architectural Nexus, Inc. | $48,000.00 | $48,000.00 | Design/Master Plan |
| | MISCELLANEOUS CONTRACTS | | | | |
| 4 | Carousel Square Remodel | Gramoll Construction | | $6,774.00 | Pre-design services |
| 5 | Children's House | CMT Engineering Labs | | $3,500.00 | Wetland delineation study |

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

# Construction Contracts Awarded From 02/22/06 to 03/22/06

| | Project | Firm Name | Design Firm | Const Budget | Contract Amt | Comments |
|---|---|---|---|---|---|---|
| 1 | Northeast Staff Parking Lot Expansion (Paving) | LeGrand Johnson Construction | Cache Landmark Engineering | $197,491.00 | $233,700.00 | Balance needed to be funded by closing Miscellaneous Roofing and transferring $43,538.90 to Paving |
| 2 | Widtsoe Building/Chemistry 342-346 | USU Facilities | USU Facilities Planning and Design | $91,318.00 | $91,318.00 | In-house construction |
| 3 | New Fire Connections | Spindler Construction (Construction mgt.) | USU Facilities Planning and Design | $25,000.00 | $6,233.00 | |
| | MISCELLANEOUS CONTRACTS | | | | | |
| 4 | Utah Botanical Center Greenhouse/Shade House | Cravo Equipment | USU Facilities Planning and Design | $71,093.39 | $71,093.39 | Materials purchase only |
| 5 | Campus Electrical Upgrade (Combined project) | Royal Utility Supply | ICPE, Inc. | $612,792.00 | $33,139.28 | Equipment purchase only (Transformer nitrogen blankets) |
| 6 | Recommission Old Main | Midgley - Huber | Spectrum Engineers | $50,926.00 | $7,634.00 | Equipment purchase only (Variable frequency controllers) |
| 7 | Recommission Old Main | Gritton & Associates | Spectrum Engineers | $50,926.00 | $3,228.00 | Equipment purchase only (Pumps) |
| 8 | BNR 162 Remodel | Environmental Abatement, Inc. | Unified Electrical Consulting | n/a | $1,320.00 | Asbestos abatement |

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

# Report of Contingency Reserve Fund
# From 02/22/06 to 03/22/06

| Project Title | Current Transfers | Total Transfers To (From) Contingency | % to Construction Budget | Project Status | % Completed (Paid) |
|---|---|---|---|---|---|
| **BEGINNING BALANCE** | **$487,727.17** | | | | |
| **INCREASES TO CONTINGENCY RESERVE FUND** | | | | | |
| None | | | | | |
| **DECREASES TO CONTINGENCY RESERVE FUND** | | | | | |
| Education Building Chiller Replacement (Change order) | (1,729.00) | (1,729.00) | 1.15% | Construction | 89% |
| SER Chiller/Steam/Condensate Replacement (Contractor support/Moving) | (939.30) | (939.30) | 0.24% | Construction | 46% |
| Technical Support Services Renovation (Locks) | (769.76) | (22,304.26) | 3.95% | Substantial Completion | 99% |
| Concrete Replacements (Landscape repair/Change order) | (629.27) | (12,731.16) | 27.50% | Complete | 100% |
| **ENDING BALANCE** | **$483,659.84** | | | | |

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

# Report of Project Reserve Fund Activity
## From 02/22/06 to 03/22/06

| Project Title | Transfer Amount | Description | % of Construction Budget |
|---|---|---|---|
| **BEGINNING BALANCE** | **$119,054.56** | | |
| **INCREASES TO PROJECT RESERVE FUND** | | | |
| None | | | |
| **DECREASES TO PROJECT RESERVE FUND** | | | |
| Sci-Tech Library Fire Alarm Upgrade | (30,000.00) | Amount needed to complete upgrade | 17.14% |
| **ENDING BALANCE** | **$89,054.56** | | |

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# Current Delegated Projects List
## 03/22/06

| Project Number | Project Name | Phase | Project Budget | |
|---|---|---|---|---|
| **CAPITAL DEVELOPMENT/IMPROVEMENT** | | | | |
| A08051 | Fume Hoods Biology/Natural Resources | Substantial Completion | $871,612 | |
| A08080 | Transformer/High Voltage Distribution Line/Water System (2001 Utility Upgrade) | Partial Completion/Construction | 990,000 | |
| A08052 | Campus Air Conditioning Phase II | Substantial Completion | 500,035 | |
| A07975 | Housing Fire and Life Safety Improvements | Partial Completion/Construction | 2,500,287 | * |
| A08066 | Veterinary Science Electrical/Mechanical Upgrade | Substantial Completion | 382,035 | |
| A12309 | Campus Safety Lighting 2-3 | Partial Completion/Design | 550,485 | |
| A13267 | Electrical Cabling from North Sub-Station | Construction | 200,000 | |
| A08029 | Technical Support Services Renovation | Substantial Completion | 767,262 | |
| A08071 | Central Plant Chiller Addition (Natural Resources & Spectrum) | Substantial Completion | 1,481,947 | |
| A08089 | Buried Natural Gas Pipe Replacement | Substantial Completion | 100,000 | |
| A11546 | Steam/Condensate Pipe Replacement | Substantial Completion | 320,000 | |
| A08085 | Lundberg Fire Escape | Design | 50,000 | |
| A08087 | New Well | Design | 350,000 | |
| A11539 | Veterinary Science Fire Pumps/Generator | Design | 350,000 | |
| A08000 | Inside Wiring Phase I | Substantial Completion | 1,951,551 | |
| A11548 | CPD/ECC Fire Alarm Upgrade | Construction | 165,841 | |
| A08072 | Recital Hall | Substantial Completion | 13,121,911 | * |
| A12589 | Brigham City Campus Remodel | Construction | 1,156,249 | * |
| A08073 | HPER Upgrades (Floors, A/C, Locks, Fire Alarms) | Partial Completion/Construction | 1,057,583 | |
| A11544 | Art Barn Electrical Upgrade | Construction | 20,000 | |
| A12743 | Agricultural Science Electrical Upgrade | Construction | 100,000 | |
| | Education Overhead Fire Doors Replacement | Pending | 80,000 | |
| A12820 | Veterinary Science Fume Hood Upgrades | Scoping Study | 500,000 | |
| A08001 | Inside Wiring Phase II | Construction | 475,715 | |
| A08070 | Carousel Square Remodel | Design/Equipment Installation | 2,000,000 | |
| A08071 | CEP 2nd/3rd Chiller Project | Substantial Completion | 1,000,000 | |
| A12819 | Museum Chiller Connection/Air Handler | Substantial Completion | 400,000 | |
| A13269 | Campus Electrical Upgrade | Construction | 350,000 | |
| A13138 | Education Building Chiller Replacement | Construction | 159,111 | |
| A13270 | Classroom Upgrades | Construction | 150,000 | |
| A13139 | SER Chiller/Steam/Condensate Replacement | Construction | 475,000 | |
| A12895 | Facilities Building Renovation and Addition | Feasibility Study | 500,000 | |

| | | | | |
|---|---|---|---|---|
| A13271 | New Fire Connections | Construction | 30,000 | |
| A13272 | Business Building Electrical Upgrade | Construction | 75,000 | |
| A13273 | Replace High Voltage Switches/Phase I | Construction | 150,000 | |
| A13274 | Recommission Old Main | Equipment Purchase | 150,000 | |
| A13275 | Replace NFS Freezer | Pending | 150,000 | |
| A13277 | CEP By-Pass Stack | Pending | 400,000 | |
| A13278 | Concrete Replacements | Complete (REVISED) | 60,135 | |
| A13216 | Agricultural Buildings Relocation | Design | 5,000,000 | * |
| A08060 | Children's House | Design | 482,537 | |
| A14473 | BNR 162 Remodel | Construction | 285,305 | |
| A14093/A14097 | LARC BSL-3 Facility | Design | 500,000 | |
| A14313 | Widtsoe Building/Chemistry 342 - 346 | Construction | 151,516 | |
| A14573 | Early College High School (NEW PROJECT) | Design only | 75,000 | |
| A14526 | Utah Botanical Center - Wetland Discovery Lab (NEW PROJECT) | Design only | 64,396 | |
| A14579 | Utah Botanical Center - Greenhouse/Shade House (NEW PROJECT) | Materials Purchase | 71,093 | |
| **PAVING (STATEWIDE)** | | | | |
| A08076 | 900 East Rebuild | Pending | 64,600 | |
| A08076 | Northeast Staff Parking Lot Expansion | Construction | 263,539 | |
| A08076 | East Campus Drive Center Shuttle Lot | Pending | 90,000 | |
| A08076 | Miscellaneous Paving | Pending | 2,621 | |
| **ROOFING (STATEWIDE)** | | | | |
| A08028 | Miscellaneous Roofing | Complete | 0 | |
| **ENERGY & WATER CONSERVATION (STATEWIDE)** | | | | |
| A11547 | Insulate Condensate Lines | Partial Completion/In-house Installation | 208,230 | |
| **TOTAL (53)** | | | $41,350,596 | |

* Project management delegated to USU.

# 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: F. Keith Stepan
Date: April 12, 2006
Subject: **Administrative Reports for DFCM**

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

**Lease Report**
Nothing to report this period

**Architect/Engineering Agreements Awarded, 17 Agreements Issued** (Pages 1 - 2)
No significant items

**Construction Contracts Awarded, 25 Contracts Issued** (Pages 3 - 4)
Items #1, 11, and 15
Additional funds from Project Reserve were used to award these contracts that bid over budget.

Item #4, Provo Courts Facility Security System Upgrade
The amount of the actual bid over the budget, was divided evenly between Courts and DFCM Project Reserve Funds.

Item #5, University of Utah Sutton Geology/Geophysics Building
This is a CM/GC agreement, with the initial agreement only including preconstruction services. The balance of the construction costs will be added by future change orders.

Item #8, New Monument Valley Health Clinic
This is a CM/GC agreement, with the initial agreement only including preconstruction services. The balance of the construction costs will be added by future change orders.

Item #14, University of Utah Humanities Building Phase I
This is a CM/GC agreement, with the initial agreement only including preconstruction services. The balance of the construction costs will be added by future change orders.

Item #22, Snow College AC Building Parking Lot Paving Repairs
Director Stepan waived the invitational bid limits and the bonding requirements on this contract award, due to increased construction costs and re-bidding not believed to result in a lower bid. Additional unallocated paving funds were added to award the contract.

**Report of Contingency Reserve Fund** (Page 5)
Increases
No significant items

Decreases, New Construction
University of Utah Health Sciences Education Building
This transfer covers the State's share of change orders #36, 42 – 44, 46 and #47. This includes scope changes for material substitution for site benches, adding the autoclave purchase and installation, concrete sidewalks were thickened where necessary for fire truck and maintenance vehicle traffic. Omissions for an added sink faucet and lab fixtures, and various HVAC revisions are also included.

**Report of Contingency Reserve Fund Continued** (Page 5)
Decreases, Remodeling
CUCF Mega Building Shower Repairs
This transfer along with previously reported transfers, are to repair and fix some prior work on these showers, the original contractor is also participating with the costs.

West Valley Courts Building Remodel
This transfer covers change order #3, consisting of scope changes for new water heater to meet code, various unknown items pertaining to the HVAC system and new piping, and additional card readers required for building access and flow.

Northern DWR Regional Complex Improvements
This transfer covers change order #1 consisting of; scope changes for additional drywall, and new stalls in the bathroom to match new building colors, omissions for additional cabinets not shown on the drawings, as well as updating the building security system.

The major decrease to move contingency funds to the project reserve fund is described below in the project reserve fund report.

**Report of Project Reserve Fund Activity** (Page 6)
Increases
These items reflect savings on projects that were transferred to Project Reserve per statute, as well as the $1,500,000 that was transferred from the DFCM Contingency Reserve Fund to the Project Reserve Fund, per 2006 House Bill #1, to provide additional funds for FY'06 projects that have exceeded budget due to the rapid construction cost escalation.

Decreases
Transfers are to cover actual construction costs that came in over budget on these projects.

**Statewide Planning Fund** (Page 7)
No changes

**Emergency Fund Report** (Page 8)
Increases
$17,899 – State Hospital Water well pump repairs, project is cancelled
$4,582 – Weber Valley Youth Detention Facility sewer repairs, project came in under budget.

Decreases
$80,000 – Fremont Indian State Park Museum emergency repairs for a failed HVAC and controls system.

FKS:DDW:sll

Attachment

# Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

## Professional Contracts Awarded From 2/17/2006 To 3/22/2006

### *Design*

| | Agency | Contract Name | Firm | Type | Budget | Contract Amt |
|---|---|---|---|---|---|---|
| 1 | UVSC | UVSC SCIENCE BLDG. REMODEL PHASE 1 | VCBO ARCHITECTURE LLC | DESIGN | $34,290.00 | $34,290.00 |
| 2 | USU | ROMNEY STADIUM PHASE 2 NORTH END ZONE DEVELOP | VCBO ARCHITECTURE LLC | DESIGN | $25,000.00 | $16,070.00 |
| 3 | DWS | WFS CLEARFIELD OFFICE NEW PARK LOT | JUB ENGINEERS INC | DESIGN | $13,500.00 | $13,486.00 |
| 4 | DRAPR FAC | DRAPER PRISON PERIMETER SECURITY UPGRADES | BOWEN COLLINS & ASSOCIATES INC. | DESIGN | $22,500.00 | $22,100.00 |
| 5 | UU | UU SUTTON GEOLOGY/GEOPHYSICS BLDG & IVOR THOMAS LAB | COOPER ROBERTS SIMONSEN ARCHITECTS | DESIGN | $1,732,943.00 | $1,351,322.00 |
| 6 | UU | U OF U GEOLOGY AND GEOPHYSICS BLDG | APPLIED GEOTECHNICAL ENGINEER | DESIGN | $7,000.00 | $6,150.00 |
| 7 | USU | USU ROMNEY PHASE 2 NORTH END ZONE DEVELOPMENT | CA CARTWRIGHT & ASSOCIATES | DESIGN | $15,000.00 | $15,270.00 |
| 8 | UVSC | UVSC DIGITAL LEARNING CENTER | RB&G ENGINEERING INC | DESIGN | $10,000.00 | $9,810.00 |
| 9 | PARKS | DEAD HORSE POINT NEW ENT. STATION BLDG. | JOHANSEN & TUTTLE ENGINEERING | DESIGN | $9,200.00 | $10,700.00 |
| 10 | UVSC | UVSC AIRPORT HANGAR ADDITION | VINCENT DESIGN GROUP INC | DESIGN | $7,000.00 | $6,600.00 |
| 11 | UDOT-ADMN | UDOT REGION 3 FIRE SPRINKLER/ALARM SYSTEM | PROTECTION CONSULTANTS INC | DESIGN | $70,365.00 | $15,250.00 |
| 12 | UVSC | UVSC DIGITAL LEARNING CENTER TOPOGRAPHICAL | GREAT BASIN ENGIENERING NORTH | DESIGN | $10,000.00 | $5,550.00 |
| 13 | NG | CAMP WILLIAMS JLTC BLDG #4 NEW CMU BLDG. | JSA ARCHITECTS, LLC | DESIGN | $33,000.00 | $32,500.00 |

### *Miscellaneous Services*

| | Agency | Contract Name | Firm | Type | Budget | Contract Amt |
|---|---|---|---|---|---|---|
| 14 | WSU | WSU SHEPHERD UNION BLDG REMODEL | R&R ENVIRONMENTAL | HAZ MAT CONSULT | $35,000.00 | $34,724.00 |

# Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

## Professional Contracts Awarded From 2/17/2006 To 3/22/2006

| | Agency | Contract Name | Firm | Type | Budget | Contract Amt |
|---|---|---|---|---|---|---|
| 15 | SUU | SUU NEW TEACHER EDUC BLDG ASBESTOS ABATEMENT | ROCMONT INDUSTRIAL CORP | HAZ MAT CONSULT | $35,000.00 | $34,755.00 |
| 16 | DIXIE | DIXIE MISC. IMPRVMNTS GYM, AUDITORIUM, NO PLAZA | CHRISTENSEN BROTHERS AND ASSOCIATES | INSP OBSERV SER | $13,510.00 | $8,360.00 |
| 17 | PARKS | CORAL PINK SAND DUNES OBSERVATION WALK/RESTRMS | CHRISTENSEN BROTHERS AND ASSOCIATES | INSP OBSERV SER | $5,112.00 | $10,080.00 |

**End of Report**

# Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

## Construction Contracts Awarded From 2/17/2006 To 3/22/2006

### *Construction*

| | Agency | Contract Name | Firm | Type | Budget | Contract Amt |
|---|---|---|---|---|---|---|
| 1 | WSU | WSU CENTRAL COOLING TOWER REPAIRS | A H PALMER & SONS | Const Remodel | $61,116.00 | $63,900.00 |
| 2 | SLCC | SLCC SCC/LHM EMERGENCY GENERATOR IMPROVEMENTS | TASCO ENGINEERING INC | Const Remodel | $283,225.00 | $234,400.00 |
| 3 | PARKS | GOBLIN VALLEY SP NEW VISITORS CENTER AND RESTROOM | BUSK INCORPORATED | Const New Space | $536,286.00 | $536,286.00 |
| 4 | COURTS | PROVO COURTS SECURITY SYSTEM UPGRADE | HIDDEN PEAK ELECTRIC CO INC | Const Remodel | $145,039.00 | $190,981.00 |
| 5 | UU | UU SUTTON GEOLOGY/GEOPHYSICS BLDG CM/GC | GRAMOLL CONSTRUCTION COMPANY | Const New Space | $12,111,221.00 | $83,000.00 |
| 6 | DFCM | GOVERNORS MANSION SECURITY UPGRADES | UTAH CONTROLS INC | Const Remodel | $13,500.00 | $13,352.00 |
| 7 | CAP PRESV | CPB FURNITURE ART/ARTIFACT SOFTWARE | GALLERY SYSTEMS, INC | Const Remodel | $45,000.00 | $44,363.14 |
| 8 | NAVAJO | NEW MONUMENT VALLEY HEALTH CLINIC - CM/GC | HOGAN & ASSOC CONSTRUCTION INC | Const New Space | $1,751,626.00 | $9,200.00 |
| 9 | DFCM | DNR PHOTOVOLTAIC POWER SYSTEM | THE GREEN BUILDING CENTER | Const Remodel | $15,000.00 | $14,500.00 |
| 10 | SUU | SUU-HARRIS/ PLANT OPR/SCIENCE BLDGS STRUCTURAL REPAIRS | CARTER ENTERPRISES | Const Remodel | $154,032.00 | $137,500.00 |
| 11 | STORES | VERNAL ABC STORE #28 LOADING DOCK/EXTERIOR DOOR IMPRVMNTS | WISE BUILDERS LLC | Const Remodel | $28,000.00 | $60,026.00 |
| 12 | UBATC | UBATC - PAINT BOOTH EXP/ADA DOOR IMPROVEMENTS | WISE BUILDERS LLC | Const Remodel | $100,000.00 | $98,600.00 |
| 13 | UDOT-ADMN | UDOT RAMPTON RESTROOM IMPROVEMENTS | EHP CONSTRUCTION INC | Const Remodel | $41,986.00 | $38,953.00 |
| 14 | UU | UOFU HUMANITIES BLDG PHASE I - CM/GC | GRAMOLL CONSTRUCTION COMPANY | Const New Space | $7,800,000.00 | $52,000.00 |

# Division of Facilities Construction and Management

4110 State Office Building Salt Lake City, UT 84114

## Construction Contracts Awarded From 2/17/2006 To 3/22/2006

| | Agency | Contract Name | Firm | Type | Budget | Contract Amt |
|---|---|---|---|---|---|---|
| 15 | YTH CORR | JJS SW UTAH YTH CTR HVAC SYSTEM UPGRADE | TOD R PACKER HEATING & AIR CONDITIONING | Const Remodel | $308,296.00 | $332,310.00 |

### *Design/Build*

| | Agency | Contract Name | Firm | Type | Budget | Contract Amt |
|---|---|---|---|---|---|---|
| 16 | WILDLIFE | DWR FOUNTAIN GREEN FISH HATCHERY RACEWAY COVER BLDG | CONTINENTAL ENGINEERING & CONSTRUCTION | Design Build | $752,000.00 | $751,185.00 |

### *Miscellaneous Construction*

| | Agency | Contract Name | Firm | Type | Budget | Contract Amt |
|---|---|---|---|---|---|---|
| 17 | UU | UU WIDTSOE AND EMERY BLDGS ROOFING IMPROVEMENTS | UTAH CORRECTIONAL INDUSTRIES | Roofing | $838,971.00 | $416,076.00 |
| 18 | TAX | TAX COMMISSION SECURITY UPGRADES | AMERICAN SECURITY & FIRE, INC. | Mechanical | $12,000.00 | $11,895.00 |
| 19 | DEVEL CTR | DEVELOPMENTAL WEST DRIVE/MAIN AREA PAVING IMPRVMNT | PREFERRED PAVING | Paving | $50,490.00 | $36,571.18 |
| 20 | SFTY-OTH | DPS MOAB REG TRUCK DRIVER TRAINING AREA PAVING IMPRVMNTS | LEGRAND JOHNSON CONSTRUCTION | Paving | $243,880.00 | $243,033.20 |
| 21 | NG | LEHI NATL GUARD ARMORY REROOF | ALL WEATHER WATERPROOFING INC | Roofing | $153,000.00 | $121,312.00 |
| 22 | SNOW | SNOW COLLEGE AC BLDG PARKING LOT PAVING REPAIR | GEORGE W JOHANSEN CONSTRUCTION | Paving | $44,843.00 | $57,480.00 |
| 23 | NG | CC ARMORY PARKING LOT IMPRVMNTS | WESTERN ROCK PRODUCTS | Paving | $33,660.00 | $20,715.48 |
| 24 | DHS-OTHER | CC HUMAN SERVICES PAVING IMPRVMNTS | A-T ASPHALT PAVING | Paving | $42,075.00 | $20,750.00 |
| 25 | WILDLIFE | HARDWARE RANCH & MULTI BLDGS. | ROWLAND CONSULTING INC | Haz Mat Const | $9,500.00 | $9,300.00 |

**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

Apr-06

## 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 | 9,294,562.73 | 71,644.54 | | | | |
| | INCREASES TO CONTINGENCY RESERVE FUND | | | | | | | |
| 05017 | Courts | Cedar City Remodel/HVAC Improvements | 1,025.00 | - | - | 0.00% | Construction | 100% |
| | DECREASES TO CONTINGENCY RESERVE FUND | | | | | | | |
| | NEW CONSTRUCTION | | | | | | | |
| 02032 | U OF U | Marriot Library Renovation | (124,952.46) | - | 48,810.40 | 0.09% | Construction | 18% |
| 02042 | U OF U | Health Science Education Building | (123,630.63) | - | 219,168.37 | 0.71% | Construction | 10000% |
| 02278 | WSU | Gymnasium Renovation | (48,066.00) | - | 126,767.00 | 1.83% | Design | 56% |
| 01284 | U OF U | Warnock Engineering Building | (28,019.57) | - | 67,228.50 | 0.27% | Construction | 32% |
| | REMODELING | | | | | | | |
| 01254 | Corrections | CUCF Mega Bldg Shower Repairs | (54,517.32) | - | 258,642.81 | 49.53% | Construction | 100% |
| 05009 | Courts | W. Valley Courts Bldg. Purchase/Remodel | (45,411.24) | - | 177,435.04 | 17.51% | Construction | 121% |
| 05047 | Wildlife | Northern Regional Complex Improvements | (27,133.82) | - | 27,133.82 | 20.59% | Pending | 93% |
| 05031 | DFCM | Provo Reg. Ctr Repl Chillers/Cntrls Upgrade | (10,424.00) | - | 16,836.00 | 3.89% | Pending | 86% |
| 04146 | Human Services | USDC Raintree Bldg Remodel | (8,386.00) | - | 95,103.52 | 6.34% | Construction | 95% |
| 05209 | UNG | Lehi Restroom Remodel | (1,512.00) | - | 1,512.00 | 1.75% | Pending | 0% |
| 04200 | Courts | Provo HVAC Upgrade | (1,098.00) | - | 4,395.00 | 2.50% | Pending | 52% |
| 05023 | UVSC | Alpine Life & Learning Bldg. Renovation | (655.00) | - | 655.00 | 0.19% | Design | 0% |
| 05183 | OWATC | BDO Buildout Phase III | (407.00) | - | 50,134.09 | 12.69% | Construction | 100% |
| 04202 | DFCM | Provo Regional Ctr Fire Alarm Upgrade | (177.65) | - | 19,766.30 | 5.77% | Construction | 48% |
| | PLANNING / OTHER | | | | | | | |
| 00000 | DFCM | DFCM Transfer To Project Reserve Per 2006 House Bill #1 Item #21 | (1,500,000.00) | - | 1,500,000.00 | 284.41% | Administration | NA |
| | TOTAL | | 7,321,197.04 | 71,644.54 | | | | |

# DFCM

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

## REPORT OF PROJECT RESERVE FUNDS ACTIVITY

Apr-06

| PROJECT TITLE | STATE FUNDS | DOT FUNDS | DESCRIPTION | % of Constr. Budget |
|---|---|---|---|---|
| **BEGINNING BALANCE** | **4,671,793** | **68,371** | | |
| **INCREASES TO PROJECT RESERVE FUND:** | | | | |
| Transfer from DFCM Contingency Reserve Fund per 2006 House Bill #1 | 1,500,000 | | Per 2006 House Bill #1 to Augment Prj Reserv Fund | N/A |
| Dixie Gymnasium, Cox Auditorium, and N. Plaza Improvements | 154,023 | | Balance of Consruction Budget | 13.16% |
| UVSC Administration Bldg. Piping and HVAC Replacement | 118,250 | | Balance of Construction, Inspection, Insurance, Moving | 8.79% |
| DEQ Building #1 Upgrade Mechanical System | 37,750 | | Balance of Construction, Ispection & Insurance Budgets | 14.24% |
| State Hospital Rampton Bldg. Chiller Staging | 25,800 | | Cancellation of Project | N/A |
| Draper Prison Promontory Conversion to Women's Facility | 19,963 | | Balance of Inspection & Insurance Budgets | 1.75% |
| WSU Central Heat Plant Boiler Controls Upgrade | 18,465 | | Balance of Construction, Ispection & Insurance Budgets | 11.07% |
| SLCC Redwood Road Campus Misc. Improvements | 7,073 | | Residual Project Balance | 7.07% |
| UVSC Vineyard School Remodel | 6,985 | | Balance of Inspection & Insurance Budgets | 0.58% |
| SLCC South City Campus Carpet Replacement | 4,438 | | Balance of Consruction Budget | 3.07% |
| Snow College South Land Purchase/Paving Improvements | 4,303 | | Residual Project Balance | 5.83% |
| Davis ATC Campus Plumbing & Backflow Prevention | 867 | | Balance of Inspection Budget | 1.31% |
| **DECREASES TO PROJECT RESERVE FUND:** | | | | |
| Juvenile Justice Southwest Youth Home HVAC Upgrade | (24,014) | | To Award Construction Contract | 7.79% |
| Provo District Court Bldg. Security Upgrade | (22,971) | | To Award Construction Contract | 15.84% |
| Springville Fish Hatchery Fry Tanks Waterline Repairs | (17,800) | | To Award Construction Contract | 10.66% |
| Fairpark Restrooms Upgrade for ADA | (11,370) | | To Award Construction Contract | 7.84% |
| **Ending Balance** | **6,493,553** | **68,371** | | |

# DFCM

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

## STATEWIDE PLANNING FUND

**$350,000**

**Apr-06**

| INSTITUTION/ AGENCY | PROJECT NUMBER | PROJECT TITLE | AMOUNT |
|---|---|---|---|
| Snow College | 02273700 | Master Plan | 25,000 |
| Snow College | 05004700 | Snow Badger Stadium Renovation | 42,397 |
| **PLANNING FUND UNENCUMBERED BALANCE** | | | **$282,603** |

# DFCM

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

## EMERGENCY FUND REPORT

| | Apr-06 |
|---|---|
| **BEGINNING BALANCE:** | **$364,678** |
| **INCREASES TO EMERGENCY FUND:** | |
| Funds returned from State Hospital water well pump repairs, project was cancelled | 17,899 |
| Funds returned from Weber Valley Youth Detention Facility sewer repairs, came in under budget | 4,582 |
| **DECREASES TO EMERGENCY FUND:** | |
| Fremont Indian State Park Museum emergency repairs for a failed HVAC and controls system | (80,000) |
| **ENDING BALANCE OF EMERGENCY FUND** | **$307,159** |