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## UNIVERSITY OF WYOMING REGULATIONS

**Subject:** Project Development Policy and Procedure for UW Capital Construction Projects

**Number:** UW Regulation 6-9

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### I. PURPOSE

To provide a process for capital construction projects at the University of Wyoming.

### II. DEFINITIONS

**Capital Construction Project:** Projects that consist of new construction, demolition, renovation and capital renewal of or to any University building or facility and any other improvement necessary for the University building or facility, major maintenance as defined in W.S. § 16-6-101(a)(v) and major building and facility repair and replacement as defined in W.S. § 21-15-109(a)(iii).<sup>1</sup>

**Renovations:** Projects that include the process of improving a broken, damaged or outdated structure, which includes but is not limited to restoration, refurbishment, reconstruction, remodeling, updating, modernization, and refitting.

**University Capital Construction Project:** Those projects that require planning levels I, II, and III under Wyoming law (W.S. § 9-5-108). These projects are funded in whole or in part by state funds or University Pledged Revenues and are generally provided as a result of a budget request approved for submission by/to the Board of Trustees. For purposes of this Regulation, Capital Construction Projects include new construction in any amount and renovations, major maintenance or other capital construction projects for more than \$500,000.<sup>1</sup>

### III. CAPITAL CONSTRUCTION PROJECTS

The solicitation and performance of Capital Construction Projects for the University that do not meet the definition of University Capital Construction Project shall be done in compliance with all applicable laws, University Regulations, and University processes and procedures which shall be administered by the Senior Vice President for Finance and

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<sup>1</sup> This definition for Capital Construction Project is consistent with Wyoming statutes and covers a wide range of projects that fall under Section III of this Regulation. A portion of projects that meet this definition will also meet the criteria for a University Capital Construction Project and are governed by the specific University processes set forth within Sections IV through VI of this Regulation.

Administration or designee. The procurement of Capital Construction Projects at the University shall be in compliance with W.S. § 9-2-3006.

#### **IV. UNIVERSITY CAPITAL CONSTRUCTION PROJECTS**

All University Capital Construction Projects shall be subject to the processes set forth below.

##### **A. Planning**

University Capital Construction Projects shall be developed by the Division of Administration in consultation with campus and other university constituencies and approved by the Board of Trustees. The Guiding Principles in Section V shall apply to this policy and procedure. No planning shall proceed without prior approval of the Board of Trustees.

##### **B. Project Concept and Intent**

For University Capital Construction Projects, UW's Planning Team, as appointed and charged by the UW Vice President for Finance and Administration or designee, shall meet with the primary campus department(s) requesting the project to create a "Statement of Need" or "Project Vision Statement" with the essential purpose and basic elements of the program requirements for the project. The Statement of Need shall include basic information, e.g. "this building renovation is planned to renovate the engineering building with program elements to assist UW in achieving Tier 1 Engineering status." This document may be relatively short with only the basic information regarding the purpose and functionality of the project and shall be approved by the Board of Trustees.

##### **C. Level I (Reconnaissance Study)**

For University Capital Construction Projects, the Planning and Construction Management Office will prepare the Level I reconnaissance study. UW typically does not request state funds for Level I reconnaissance studies, but pays for the work from available resources. The Planning and Construction Management Office shall work with the Planning Team (which shall consist solely of university employees and appropriate stakeholders) to develop the Level I reconnaissance study. The Division of Administration shall ensure that stakeholders working with the Planning Team include a variety of constituencies, including policymakers and at least one member of the Board of Trustees.

The Level I reconnaissance study shall include all information required by Wyoming law (W.S. § 9-5-108).

Upon completion of the Level I reconnaissance study, the Vice President for Finance and Administration or designee shall review and may direct further work or modifications to the Document. If the Vice President or designee, after review, approves the Document, the Vice President or designee, subject to the approval of the President, will submit it to the Facilities Contracting Committee of the Board for review, prior to consideration by the Board of Trustees.

**D. Level II (Feasibility Study)**

Upon completion of the Level I reconnaissance study and review and approval by the Board of Trustees, the Vice President for Finance and Administration, subject to the approval of the President, shall submit a recommendation for funding for a Level II feasibility study to the Facilities Contracting Committee for review prior to consideration by the Board of Trustees. This typically includes a recommendation for a state budget request for funding.

If funding is secured for a Level II feasibility study, a Consultant will be selected through an RFP/RFQ process with criteria including a focus on planning and conceptual estimating to achieve an appropriate initial or preliminary budget in advance of design drawings.

The Vice President for Finance and Administration or designee shall select the firm and enter into contract negotiations with the selected firm. The negotiations shall be based on contract templates with terms and conditions that have been reviewed by the Office of General Counsel. No contract shall be executed for Level II services except upon recommendation of the Facilities Contracting Committee of the Board of Trustees and prior approval by the full Board of Trustees.

The Consultant shall prepare a Level II feasibility study in collaboration with the Planning Team and stakeholders.

The Level II feasibility study shall include all information required by Wyoming law (W.S. § 9-5-108) and additionally shall include the following: a program of spaces required in the facility; the functional, adjacency and proximity requirements for each space; conceptual illustrations, including floor plans as required for conceptual construction cost estimating; and the anticipated project budget. The Level II feasibility study shall also identify target dates for occupancy and operational use of the project. Further:

1. In the Level II feasibility study, the project requirements—including time and the space requirements, primary building systems, and unique attributes of the various program elements—shall be identified through meetings with the UW Planning Team, stakeholders, and other UW staff, as appropriate. The project requirements and space program shall determine the total assignable square feet

(ASF) of new space to be included in the proposed project.

2. If the project involves a new building, the Level II feasibility study shall also include analysis of the appropriate location for the building. The Vice President for Finance and Administration or designee shall develop a recommendation for location for the building in consultation with campus and external constituencies. The Vice President for Finance and Administration or designee, subject to the approval of the President, shall submit a recommendation for location for the new building to the Facilities Contracting Committee of the Board for review, prior to consideration by the Board of Trustees. Depending upon the nature and complexity of the project, this recommendation may be submitted prior to completion of the Level II feasibility study in accordance with paragraph 3. The location of any new building must be approved by the Board of Trustees.
3. UW shall utilize external consultants with planning/design experience in the particular building type and the regional construction market to estimate the anticipated design and construction costs for the building being considered, including costs associated with landscaping. This information—together with the anticipated durations—shall be used to establish the Initial Project Budget and Initial Project Schedule.
4. The project cost estimate may be prepared by an independent cost estimating sub-consultant of the Consultant hired by UW, and shall be reviewed and adjusted as appropriate in collaboration with the Planning Team and, once approved, shall become the Initial Project Budget for the project.
5. In developing the Initial Project Budget, the Consultant and their cost estimating sub-consultant, if any, shall use their expertise and relevant knowledge of the local construction market along with recognized industry publications, government labor and material cost indexes, available costs of similar projects by peer institutions, the knowledge of the Planning and Construction Management Office, stakeholder input, and any illustrations, examples, drawings or other information available or developed as part of their contract deliverables. The construction cost estimate will also include adjustments for cost escalation as appropriate based upon the approximate schedule for construction.
6. The Level II feasibility study shall include an estimate of the additional operations and maintenance costs for the project when it is fully operational.
7. The construction cost component of the Initial Project Budget is used as a basis for estimates for the cost of other components. The following are typical percentages of the construction and other project costs for the listed

components, but may vary depending upon the project:

- 15% Owner’s Construction Contingency
- 5% Owner’s Bid Contingency
- 10% Design Fees (Including CMAR Preconstruction Services fee, if CMAR is used)
- 4% Furniture, Furnishings & Equipment (FF&E)
- 3% Audio-Visual/Information Technology Equipment and Cabling (AV/IT)
- 0.75% Moving Expenses
- 4% Administrative Expenses, including but not limited to:
  - a. Owner’s Consultants (Geotechnical Engineer, Site Surveyor, Industrial Hygienist, Commissioning Authority, Quality Control Engineer);
  - b. City and state plan review fees;
  - c. Planning and Construction Management Office staff time allocated to the project;
  - d. University Operations staff time and materials; and
  - e. Temporary utilities.

The Initial Project Budget would be presented in categories similar to the example below:

FOR ILLUSTRATION ONLY

Construction Budget	\$	-
Construction/GMP	\$	-
Owner Contingency for Bid Alternates	\$	-
<i>Total Construction Budget</i>	\$	-
Soft Costs	\$	-
Owner Construction Contingency	\$	-
Design & Project Administration Costs	\$	-
Furniture, Furnishings & Equipment (FF&E)	\$	-
AV/IT	\$	-
<i>Total Soft Costs</i>	\$	-
Total Project Budget	\$	-

**E. Level III (Design and Construction) – Funding**

Upon completion of the Level II feasibility study, and after review and approval by the Vice President for Finance and Administration or designee, the Vice President for Finance and Administration or designee, subject to approval of the President, shall submit a recommendation for funding to the Facilities Contracting Committee for review prior to submission to the Board. The recommendation shall include both sources of funding for the project and a proposed project budget. This typically includes a recommendation for a state budget request for funding.

**F. Level III (Design and Construction) – Design**

If Level III design and construction funding is secured, the Vice President for Finance and Administration or designee, subject to approval of the President, shall submit a recommendation for a construction delivery method to the Facilities Contracting Committee for review prior to submission to the Board for approval. Of the construction delivery methods permitted by law (W.S. § 16-6-701), the following are approved by the Board for use at the University: Design-bid-build; Construction Manager-at-Risk (CMAR); and Design-Build.

The Vice President for Finance and Administration or designee shall ensure that a Request For Qualifications (RFQ), Request For Proposals (RFP) process is used to select the firm(s) that will design the project. Except in unusual circumstances, the design process shall not commence unless adequate funding for construction of the project has been secured.

The Vice President for Finance and Administration or designee, subject to approval of the President, shall select a design firm and shall pursue negotiations with the selected firm. The negotiations shall be based on contract templates with terms and conditions that have been reviewed by the Office of General Counsel. No contract shall be executed for Level III design services except upon recommendation of the Facilities Contracting Committee of the Board of Trustees and prior approval by the full Board of Trustees.

Prior to execution of the agreement, the Vice President for Finance and Administration or designee shall establish a project budget which shall be submitted to the Facilities Contracting Committee for review prior to submission to the Board for approval. Once the Board approves the project budget, no modifications which would increase the construction or project budget shall be made without the approval of the Board.

When work under the design agreement commences, the Vice President for Finance and Administration or designee shall designate a project manager who will be responsible for all communications on behalf of the university with the design firm.

The Vice President for Finance and Administration or designee shall also establish in writing a chain of command – organizational chart for the design phase of each project. This organizational chart shall identify lines of authority and reporting responsibilities. The project manager shall follow the guidelines in Section VI. The Planning Team shall serve as an advisory group to the project manager. The Vice President for Finance and Administration or designee shall keep the Facilities Contracting Committee apprised of progress of the design process.

**The design process shall have the following guiding principles:**

1. The exterior design of the facility and associated landscaping shall be consistent with campus design standards pursuant to the UW Historical Preservation Plan, Long Range Development Plan, Design Guidelines and Construction Standards and any other relevant documentation.
2. The facility will be constructed as to comply with all applicable code requirements, including the Americans with Disabilities Act.
3. The facility will be designed so that operations and maintenance can be accomplished effectively and efficiently.
4. The facility shall meet the program requirements envisioned by the principal users of the facility.

**Interior Design and Program:**

On all University Capital Construction Projects, the Vice President for Finance and Administration or designee shall provide a report to the Facilities Contracting Committee regarding the development of the interior design. Items to be included in the report are as follows:

1. Floor plans reflecting the approved layout by the Planning Team.
2. A narrative demonstrating why the layout meets the expectations of those anticipated programs which will occupy the space.
3. A narrative demonstrating how the design reflects the intent outlined in the levels I and II documents, thus meeting the intent by which the State or University funded the project.

The interior design and program must be reported to the Facilities Contracting Committee prior to proceeding with the Design Development phase of design. The Vice President for Finance and Administration or designee shall submit the final interior design to the Facilities Contracting Committee for review prior to

submission to the Board for approval, and in no case shall the approved interior design be modified except upon prior approval of the Board.

**Exterior Design Advisory Committee:**

On all University Capital Construction Projects, the Vice President for Finance and Administration shall appoint an Exterior Design Advisory Committee, in consultation with the Board's Facilities Contracting Committee. Landscaping for all projects in excess of \$500,000 shall be referred to the Exterior Design Committee for review and input. The Exterior Design Committee shall have members as follows:

1. One member of the Board of Trustees, appointed by the President of the Board
2. One member of the Wyoming Legislature
3. One member of the Division of Administration
4. One representative of the community who is not an employee of the University
5. One representative of the unit that will primarily use the building
6. When utilizing private funds, one representative of the UW Foundation.

The Exterior Design Committee shall be chaired by the appointee who is a member of the Board of Trustees. The Vice President for Finance and Administration or designee shall provide staff support for the committee and such information as the Committee requires. This Committee shall meet with the design firm and provide input to the design firm on the exterior design of the project buildings. The design of all new or renovated buildings shall be consistent with the existing historical buildings on campus and incorporate elements consistent with the UW Historic Preservation Plan and any applicable Long Range Development Plan/s. The Committee shall hold at least one community/public meeting to seek input. The design firm shall meet with the Exterior Design Committee prior to submitting any exterior design, even in draft form, to the Facilities Contracting Committee or the University.

The design firm shall take the Committee's input into consideration in designing the exterior of the building and associated landscaping. The design firm shall document all departures from the Historic Preservation Plan creating the exterior building design and landscaping. The proposed exterior design and landscaping shall be submitted to the Facilities Contracting Committee of the Board of Trustees for review and approval. This process may require multiple iterations of the design at no additional cost to the University prior to the approval. Once the Committee

approves the exterior building design and landscaping, the balance of the design process shall thereafter continue. If the design team proposes to modify the approved exterior design and landscaping for any reason, the design team shall immediately notify the Project Manager in writing and provide the Project Manager a detailed description of those proposed modifications.

The Vice President for Finance and Administration or designee shall submit the final exterior design to the Facilities Contracting Committee for review prior to submission to the Board for approval, and in no case shall the approved exterior design be modified except upon prior approval of the Board.

The exterior design advisory committee process must be complete prior to the design team commencing with the Design Development phase of design.

#### **G. Level III (Design and Construction) – Construction**

The selection of a contractor and agreement for construction services will reflect the construction delivery method approved by the Board. The Vice President for Finance and Administration or designee shall ensure that a competitive process is used to select the firm(s) that will construct the project. The construction process shall not commence unless adequate funding for construction of the project has been secured.

The Vice President for Finance and Administration or designee, subject to approval of the President, shall select a construction firm. In accordance with paragraph F of this policy, if CMAR or Design-Build is the approved delivery method, the Vice President for Finance and Administration or his designee shall pursue negotiations with such firm. The negotiations shall be based on contract templates with terms and conditions that have been reviewed by the Office of General Counsel. If design-bid-build is the approved delivery method, award will be determined by the lowest responsive and responsible bid. No contract shall be executed for construction except upon recommendation of the Facilities Contracting Committee of the Board of Trustees and prior approval by the full Board of Trustees.

The Vice President for Finance and Administration shall also establish in writing a chain of command – organizational chart for the construction phase of each project. This organizational chart will identify lines of authority and reporting responsibilities. The project manager shall follow the guidelines in Section VI.

#### **Construction Process**

For all construction delivery methods, the following apply:

1. The Board of Trustees must approve all construction contracts for University

Capital Construction Projects, including the Guaranteed Maximum Price (GMP), prior to authorization to proceed to construction. Except in unusual circumstances, the GMP shall be based on approximately 90% completion of construction documents.

2. No changes resulting in a use of the owners' contingency without prior approval of the Trustees can be made except for changes which are not more than \$50,000.00. However, in no event shall the cumulative total of all changes result in an amount which exceeds 40% of the owner's contingency fund without board approval.
3. No project components which are designated as contingency funds shall be expended without the prior approval of the Vice President for Finance and Administration or designee. The Vice President for Finance and Administration or designee shall keep the Facilities Contracting Committee apprised of the extent to which these funds are expended.

#### **H. Contract Documents**

All Contracts and Agreements for design and construction of University Capital Construction Projects as defined in this Regulation shall (1) be consistent with and incorporate material provisions of this Regulation; and (2) include a provision that the contractor acknowledges it has read and understands this Policy.

### **V. UNIVERSITY OF WYOMING CAPITAL CONSTRUCTION GUIDING PRINCIPLES**

These guiding principles are intended to address issues which have arisen during recent construction projects. They are intended to be the initial set of guiding principles for University Capital Construction Projects as defined within the Policy and are expected to be modified, refined and adapted as UW proceeds with construction projects.

- A. The exterior design of the facility and associated landscaping shall be consistent with campus design standards pursuant to the UW Historical Preservation Plan. The Architect and Engineer shall focus its objectives to achieve a varied but cohesive architectural style that enhances the character of the University and respects its history.
- B. The building shall be located and sited consistent with the current UW Long Range Development Plan.
- C. Facilities will incorporate today's most advanced thinking in construction design, programmatic design, and sustainability, while providing flexibility for programmatic growth, new technologies and long term use and functionality of the

facility.

- D.** Investments in facilities will demonstrate wise stewardship of funds, taking full advantage of opportunities to reduce costs through standardization, shared resources and institutional collaboration.
- E.** Anticipate and provide plans to address infrastructure requirements of the campus in the most efficient and least intrusive manner possible.
- F.** Each University Capital Construction Project shall have its own guiding principles developed by the college or unit intended to address the programmatic and functionality of the proposed facility which supplement, but not deviate from, these guiding principles for that specific project. The college or unit shall consult with the Office of Diversity, Equity and Inclusion in developing these guiding principles. During the project concept and intent phase and prior to approval of the Statement of Need or Project Vision Statement (see section IV.B.), the Vice President for Finance and Administration or designee shall submit the project specific guiding principles to the Facilities Contracting Committee and the Board of Trustees as an information item. These two sets of principles will be reviewed at the start of each design meeting to ensure the design reflects the principles.

## **VI. UNIVERSITY OF WYOMING CAPITAL CONSTRUCTION PROJECTS PROJECT MANAGEMENT GUIDELINES**

The following guidelines shall be incorporated by the University Project Manager into the management of all University Capital Construction Projects:

- A.** The University Project Manager shall maintain a document continuously tracking outstanding/ unresolved issues for the project. The document shall contain the following information:
  - 1.** Issue number
  - 2.** Description of the outstanding item
  - 3.** Responsible party
  - 4.** Date created
  - 5.** Date required
  - 6.** Date resolved
- B.** The University Project Manager shall create a project list serve that identifies all individuals associated with each project. This list shall include the following information:
  - 1.** Name
  - 2.** Firm/ Organization

3. Role
  4. Phone number
  5. Email address
- C. The University Project Manager shall host and manage a project document sharing website. The site shall be accessible by all parties included on the project list serve. The site shall be updated weekly with the most current documents. The website, at a minimum, shall contain the following documents:
1. Meeting minutes
  2. An open items/ issues log
  3. Audio recordings of all design and construction meetings
  4. Current design/ construction documents
  5. Value engineering/ cost control logs
  6. Project list serve

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**Responsible Division/Unit:** Division of Administration

**Source:** None

**Links:** <http://www.uwyo.edu/regs-policies>

**Associated Regulations, Policies, and Forms:** None

**History:**

UW Regulation 1-102(I)(B), Attachment H approved by the UW Board of Trustees July 2015  
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