ITEMS FOR DISCUSSION AND ACTION\FISCAL, FACILITIES AND AUDIT

June 16, 2020

ACTION:

First Round Approval of Revisions to Board Policy 8060; Capital Construction Budget Requests; and Deletion of Policies 8061; Capital Construction; Needs Statements; 8062; Capital Construction; Program Statements; and 8063; Capital Construction; Construction Documents Related to Capital Projects Planning Requirements

Board Policy 8060 is being revised to update 8060 and incorporate the information from Board Policies 8061, 8062 and 8063. This will provide one policy location for the capital construction request and planning process, and better define requirements associated with planning documents such as program statements.

The System Office recommends approval of the Revisions to Policy 8060 and Deletion of Policies 8061, 8062 and 8063 Related to Capital Projects.

ATTACHMENTS:

Revisions to Board Policy 8060 (PDF)
Deletion of Board Policy 8061 (PDF)
Deletion of Board Policy 8062 (PDF)
Deletion of Board Policy 8063 (PDF)

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POLICY: 8060 Capital Construction; Budget Requests;

Planning, Design and Construction Documents Page 1 of 25

BOARD POLICY

The Board is committed to the development of facilities and buildings to serve higher education programs in the State College System. In carrying out this responsibility, the Board is guided by the principle that buildings and facilities central to the mission of each state college should be constructed by the State of Nebraska. The Board wishes to make known its position that state funding should not require as a condition that private funds also be raised.

The following guidelines are to be used in the development of the State College System Capital Construction Budget Requests (CCBR):

General Information

The colleges are to submit a Capital Construction Budget Request for new projects or renovation to existing facilities if the work is beyond routine maintenance and repair. Preliminary information related to the anticipated capital construction budget request shall be submitted to the Fiscal and Facilities Subcommittee by May 1st of the calendar year in which the requests are to be submitted to the Governor and Legislative Fiscal Office. The project information should be prepared to support the project and provide the criteria that will assist the Fiscal and Facilities Subcommittee in making priority recommendations to the Board on a set of campus merged priorities.

Economic Considerations

The colleges should be guided by the present economic conditions in establishing a realistic Capital Construction Budget Request.

Priorities of Projects

Projects should be prioritized in accordance with campus needs and planning objectives. Generally all projects with a total project cost of two hundred fifty thousand dollars (\$250,000) or greater shall receive a separate priority. Projects less than two-hundred fifty thousand dollars (\$250,000) may be included as a part of a category of projects. An individual project less than two-hundred fifty thousand dollars (\$250,000) may receive a separate priority if circumstances dictate or the project is individually distinct.

The issues shown below will be analyzed for each project in the capital request to determine its relative priority:

- * Academic, Research and Service Programs Supported
- * Program Needs
- * Life, Health, Safety and Emergency Needs
- * Previously Allocated Funds
- * Space Analysis
- * Building Evaluations
- * Infrastructure Needs

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Support of Projects

An analysis of space is required to support requests for renovation, additions or new construction projects in the capital budget request. The campus priority of projects should be supported by a space analysis providing evidence existing space is unsatisfactory or there is lack of adequate space. Whenever possible, the colleges are to explore the potential for renovating an existing facility before considering new construction.

Approval of Projects

Need or Program Statements for all projects included in the CCBR must have been approved by the Board. Program Statements previously approved more than two years earlier, must be updated by May 1st. Updating shall include any major changes in program and a revised budget adjusted for inflation.

Costs of Projects

Project costs should normally be based on methodologies adopted by professionals in the field or on Means Building Construction Cost Data adjusted for inflation to the midpoint of construction. A cost summary shall be provided that includes the budgets for construction contracts, movable equipment, site preparation and improvement, utilities, art work, architectural and engineering fees, and miscellaneous other costs.

The Board has the responsibility of prioritizing capital construction projects within the State College System. When the projects submitted by the colleges have been evaluated and approved for funding requests, the colleges are authorized to prepare the forms required by the state for submitting capital construction budget requests to the Governor and Legislature. The completed forms will be forwarded to the System Office by September 1st of the appropriate fiscal year for inclusion in a State College Capital Construction Budget Request notebook and submittal to the proper state offices for consideration.

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Section 1: Capital Construction Project, Definition

For both state-supported and revenue bond facility projects, a *Capital Construction Project* is defined as a project estimated at five hundred thousand dollars (\$500,000) total project cost and above, for renovation and new construction of programmatic spaces. This threshold does not include costs of the project attributed to fire and life safety upgrades, Americans with Disability Act (ADA) requirements, deferred repair and renewal work and utilities infrastructure, and energy conservation improvements. Majority funded LB 309 Task Force for Building Renewal projects, and Contingency Maintenance projects, are excluded regardless of project size. Campus site improvements are considered a *Capital Construction Project* when reaching the threshold stated above, after subtracting utilities infrastructure costs.

The Vice Chancellor for Facilities and Information Technology (IT) determines whether a project qualifies as *Capital Construction Project* based on information provided by the College, and if applicable, by the project design consultants.

Section 2: Capital Construction Board Approval and Reports

All projects meeting the Section 1 definition of a Capital Construction Project will require Board approval, and subsequent quarterly status reports to the Board, per Board Policy 8050. Non-Capital Construction LB 309 Task Force and Contingency Maintenance projects are Board approved and reported per Board Policies 8050 and 9006.

When a Capital Construction Project reaches two million dollars (\$2,000,000) or more in estimated total project costs, Board approval of a Program Statement is required. See Section 5. This Program Statement approval requirement applies also to biennial Capital Construction Budget Requests (CCBR) seeking state general funds equal to or greater than the established State Building Division (SBD) Program Statement requirement (currently seven hundred five thousand dollars [\$705,000] until January of 2022).

Section 3: Capital Construction Budget Requests (CCBR)

The CCBR is a biennial set of requests for state general funds, submitted by the Nebraska State College System (NSCS) to the state of Nebraska every September 15th of even numbered years. It includes requests for major renovation and new construction projects, as well as LB 309 Task Force for Building Renewal requests. It does NOT apply to revenue bond building or Contingency Maintenance projects. After the NSCS CCBR is approved by the Board, the System Office is responsible for submitting the NSCS CCBR to applicable state offices by the published state deadlines.

CCBR preliminary information (not including LB 309 Task Force requests information) is due to the Vice Chancellor for Facilities and IT by December 1st of odd numbered years. This information is reviewed by the Fiscal, Facilities and Audit (FFA) Committee and the Chancellor. The CCBR preliminary information (excludes estimated costs and priorities) is submitted to the Board for approval at the subsequent January Board meeting.

Detailed cost estimates and narratives of approved preliminary *Capital Construction Project* requests are submitted to the Vice Chancellor for Facilities and IT by March 31st of even numbered years. After review, the Chancellor and FFA Committee recommend the final NSCS CCBR, with priorities and total project costs, for approval at the subsequent June Board meeting. CCBR Program Statements must be approved by the Board no later than at the June Board meeting.

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Program Statements approved two (2) years earlier or before do not need another approval by the Board, unless there is a change in scope as defined by the Coordinating Commission for Postsecondary Education (CCPE), and as determined by the Vice Chancellor for Facilities and IT. Simple adjustments of project budgets to account for inflation can be made without modifying the Program Statements when these adjustments are accounted for in the final NSCS CCBR as approved by the Board.

When a CCBR request is a major utilities or infrastructure project, which does not propose renovations or additions to programmatic spaces, an engineering study may be submitted to the state in place of a Program Statement. Engineering studies do not require Board approval, but are used as Board information to approve a utilities infrastructure project in the NSCS CCBR.

Section 4: Need Statements

A Need Statement is a planning document for renovation or new construction of programmatic spaces when a Program Statement is not required. For any CCBR renovation or addition project (excluding LB 309 Task Force requests) when the estimated total project cost is below the SBD Program Statement threshold stated in *Section 2*, only a Need Statement is required to be submitted with the CCBR.

Need Statements do not require Board approval, but are used as Board information for approving CCBR project requests, or for approving *Capital Construction Projects* that do not meet a requirement for a Program Statement.

The Need Statement template can be found on the NSCS website by clicking here (URL).

Section 5: Program Statements

A Program Statement is a planning document for renovation or new construction of programmatic spaces that details the scope of the proposed space modifications and associated construction, and provides a thorough total project budget estimate. Program Statements are typically developed by architecture/engineering consulting firms using program and facilities information provided by the College. Program Statements are required for Board approval of *Capital Construction Projects* per *Section 2*.

When preparing a Program Statement, see also the requirements of *Board Policy 8036; Facilities; Planning for Technology*.

<u>Program Statements are presented by the project design consulting firm to the Board for the purpose of obtaining Board approval.</u>

The Vice Chancellor for Facilities and IT is responsible for submitting Program Statements to applicable state offices for review, and to the CCPE for approval.

The Program Statement template can be found on the NSCS website by clicking here (URL).

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Section 6: Schematic Design

The Schematic Design phase typically starts once adequate funding for the project is in place, and this phase is intended to validate or modify Program Statement assumptions, consider alternative design layouts, and eventually arrive at schematic floor plans, building elevations, and other final Schematic Design documents before proceeding to the Design Development phase.

The project design team comprised of College and System Office personnel, and others as appropriate, approves the final Schematic Design documents based on consistency with the Program Statement and total project cost budget.

Section 7: Design Development

The Design Development phase refines and elaborates on the Schematic Design documents and creates drawings that serve as a basis for the development of construction bid documents. Programmatic spaces, floor plans and building elevations are modified and updated based on more defined design requirements, and further refinement of construction systems and materials.

For any Capital Construction Project that requires a Program Statement, the final Design Development documents for that project also require presentation to the Board, using the same procedures as described in Section 5.

The Design Development document template can be found on the NSCS website by clicking here (URL).

Section 8: Construction Documents

Once the Design Development documents are approved by the Board, construction documents are developed for the purpose of obtaining bids. For *Construction Manager at Risk* projects, the bids are used to establish the *Guaranteed Maximum Price* (*GMP*). For additional information, see *Board Policy 8071*. Reviewing and approving construction documents are delegated to the project's design team described in *Section 6*.

For additional guidance on Board Policy 8060 and Capital Construction Projects, click here (URL).

For specific construction bidding applicability and procedures, see *Board Policy 8064; Capital Construction and Information Technology (IT); Bids.*

For Capital Construction contracts guidance and procedures, see Board Policies 8065 through 8068.

For completion of Capital Construction Projects, see Board Policy 8069; Capital Construction; Inspections; Substantial Completion; Final Completion.

Legal Reference: RRS 85-411 Campus buildings and facilities; Board; powers

Policy Adopted: 3/11/94 Policy Revised: 9/15/06

Policy Revised:

POLICY: 8061 Capital Construction; Needs Statements Page 1 of 2

BOARD POLICY

A Needs Statement shall be prepared to support the College's initial funding request for a capital construction project, excluding funds provided by the Task Force for Building Renewal for deferred repairs, energy conservation, ADA or fire life safety projects. This document may be prepared by in house staff unless the complexity of the project would require the assistance of a consultant specializing in such type of projects. It shall be submitted as documentation of the need for the specific capital construction project on that campus and shall contain specific data to assist the Board in analyzing the request.

For any project whose total project cost exceeds the limit established by the State Building Division for the requirement of a Program Statement (currently seven hundred five thousand dollars [\$705,000] until January 1, 2022), a subsequent Program Statement shall also be developed. In such cases, requests for appropriations will follow the procedures adopted by the State Building Division for Capital Construction projects:

- 1. Year one: request will be for planning funds
- 2. Year(s) two, three, etc.: requests will be for design plans and construction funds

For any project whose estimated total cost is less than the dollar limit stated above for the requirement of a Program Statement, only a Needs Statement is required. Under this procedure, the initial request for funding may include the total funding required to initiate and complete the project.

The Needs Statement shall be comprised of the following sections:

1. Project Description

A narrative statement describing the project and the primary concepts and objectives to be fulfilled as a result of the capital construction request.

2. Project Justification

- a) Data, which supports the request for funding:
 - 1) Functions/purpose(s) of the proposed program
 - 2) Current and projected user levels
 - Existing physical and programmatic deficiencies
 - 4) Compliance with comprehensive capital facilities plan

b) Space requirements

- 1) Square footage needed for program
- 2) Available square footage in existing facilities
- 3) Additional space requirements for program
- 4) Impact on existing space

3. Project Budget and Proposed Funding Source a) Cost estimates 1) Program planning 2) Professional fees 3) Construction 4) Moveable equipment 5) Land sequisition 6) Other costs 7) Total project east per gross square feet 8) Construction cost per gross square feet 9) Source of cost data (Means-cost estimate guides should be used. If variation from Mean is used, it should be footnoted.) b) Funding sources 1) State funds 2) Cash funds 3) Federal funds 4) Revenue bond funds 5) LB 309 funds 6) Private donations 7) Other sources 4. Future Funding Requirements a) Operational budget and personnel projections b) Other costs 5. Time Line for Project a) Funding request b) Start of construction Completion of construction Legal Reference: RRS 81-1108.41 Policy Adopted: 2/11/04 Policy Adopted: 2/12/04 Policy Revised: 11/7/14	POL	ICY:	8061 Capital Construction; Needs Statements Page 2 of 2
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BOARD POLICY

A Program Statement shall be prepared to support the College's funding request for the design and construction of a project that is estimated to cost more than the limit established by the State Building Division for the requirement of a Program Statement (currently seven hundred five thousand dollars [\$705,000] until January 1, 2022), excluding funds provided by the Task Force for Building Renewal for deferred repairs, energy conservation, ADA or fire life safety projects. This document is generally prepared by an architect/engineering firm with input from College personnel on the programmatic need for the project on that campus and shall contain specific data to assist the Board in analyzing and approving the request. When preparing a program statement, refer to Board Policy 8036; Facilities; Planning for Technology.

Requests for appropriations will follow the procedures adopted by the State Building Division for Capital Construction projects:

- 1. Year one: request will be for planning funds (Program Statement)
- 2. Year(s) two, three, etc.: requests will be for design plans and construction funds

The Program Statement shall be submitted to the Board for review at least five (5) weeks prior to the request for approval of the document. Following review by the Board, System Office staff, personnel from the Governor's Budget Office, the Legislative Fiscal Office, the State Building Division and other designated persons, the document will be considered for approval, after which time it will be submitted to the Governor's Budget Office, Building Division, Legislative Fiscal Office and the Coordinating Commission for Postsecondary Education (CCPE). Revenue Bond documents are exempt from CCPE review. No contract for the design, construction of a new facility, major modification or repair of an existing facility may be initiated unless an acceptable Program Statement has been approved by the Board.

If more than two (2) years elapse after the Program Statement is approved by the Board, an update to the document shall be prepared. The update shall include a revised project budget and construction schedule. If the scope of the project has been altered, that section of the Program Statement shall also be amended and presented to the Board for approval.

The Program Statement shall be comprised of the following sections:

1.	Introdu	ction
	a. b.	Background and history Project description Purpose and chiestives
2.	Justifica	Purpose and objectives ation of the Project
	a. b.	Data which supports the funding request Alternatives considered (when applicable)
3.	Locatio	n and site considerations
	a. b.	-County -Town or campus
	e. d.	Proposed site Statewide building inventory (not required for new buildings)

(3) Renovation

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e.	Influence	e of project on existing site conditions	
	(1)	Relationship to neighbors and environment	
	(2)	Utilities	
	(3)	Parking and circulation	
4. Comp	orehensive p	lan compliance	
a.	Year of t	he agency's comprehensive plan and updates or revisions	
b.	Consiste	ncy with the agency comprehensive capital facilities plan	
e.	Consiste	ncy with the current version of the Statewide Comprehensive Capital roject Review Criteria/Statewide Plan (whichever applies) (excluding	
	project p	rogramming)	
5. Analy	vsis of existi	ng facilities	
a.	Function	s/purpose of existing programs as they relate to the proposed project	
b		potage of existing areas	
		on of existing space by facility, room and/or function (whichever is appl	icable)
d.	- Physical	deficiencies	
		matic deficiencies	
f.	Replacer	nent cost of existing building	
6. Facili	ty requireme	ents and the impact of the proposed project	
a.	Function	s/purpose of the proposed program	
	(1)	Activity identification and analysis	
		Projected occupancy/use levels	
		- Personnel projections	
		Describe/Justify projected enrollments/occupancy	
b.	Space requirements		
	(1)	Square footage by individual areas and/or functions	
	(2)	Basis for square footage/planning parameters	
	(3)	Square footage difference between existing and proposed areas (net and	l gross)
e.	Impact o	f the proposed project on existing space	
	(1)	Reutilization and function(s)	
	N /	Domalition	

POLICY:

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7. Equipment Requirements List of available equipment for reuse (if applicable) Additional equipment (if applicable) (1) Fixed equipment Movable equipment Special or technical equipment Special Design Considerations Construction type Heating and cooling systems Life Safety/ADA Historic or architectural significance Artwork (for applicable projects) **Phasing** Future expansion Other 9. Project budget and fiscal impact Cost estimates criteria (1) Identify recognized standards, comparisons and sources used to develop the estimated cost Identify the year and month on which the estimates are made and the inflation factors used (3) Gross and net square feet (4) Total project cost per gross square foot Construction cost per gross square foot Total project cost Program planning Professional fees - professional design consultants -in-house consultants -other consultants Construction -general, including mechanical, electrical, elevator -fixed equipment -site improvements (utilities, sidewalks, parking, landscaping, etc.) Moveable equipment

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	(5)	Special or technical equipment	
		Land acquisition	
	(7) —	Artwork (for applicable projects)	
	(8)	Other costs (agency administration costs, moving, temporary space, tes	iting,
		surveys, legal fees, insurance, etc.)	
	(9)	Project contingency	
e.		Impact based upon first full year of operation (include proposed futage of each)	nding sources and
	(1)	Estimated additional operational and maintenance costs per year	
	(2)	Estimated additional programmatic costs per year	
	(3)	Applicable building renewal assessment charges	
10. Fundi	ng		
a.	Total fi	unds required	
b.	Project	Funding sources (amounts and/or percentage of each)	
	(1)	State funds	
	(2)	— Cash funds	
	(3)	Federal funds	
	(4)	- LB 309 tunds	
	(5)	Revenue bonds	
	(6) 	Private donations	
	(7)	Other sources	
e.	Fiscal y	year expenditures for project duration	
11. Time	line		
a.	Need S	statement (if applicable)	
b.		m Statement	
c.	- Fundin		
		oional consultants selection	
		Development documents	
f.	Receive	e bids for construction	
g.		of contract and start of construction	
h		etion of construction	

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12. Higher Education Supplement

a. CCPE Review

- (1) CCPE review is required
- (2) CCPE review is not required

b. Method of contracting

- (1) Identify method
- (2) Provide rationale for method selection

Legal Reference: RRS 81-1108.41 State comprehensive capital facilities plan; State Comprehensive Capital

Facilities Planning Committee; program statement; appropriation for drawings and construction; contracts; approval; report; contents

Policy Adopted: 3/11/94
Policy Revised: 12/3/98
Policy Revised: 9/10/02
Policy Revised: 2/12/04
Policy Revised: 6/7/07
Policy Revised: 2/27/09
Policy Revised: 6/2/14
Policy Revised: 11/7/14
Policy Revised: 6/18/15
Policy Revised: 4/20/18

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BOARD POLICY

The Board has an oversight function for capital construction projects which require its periodic review and approval of certain capital construction projects. In order to make that process more orderly, the Board directs that the following procedures be used in processing capital construction documents through the Board's approval function.

PROCEDURE

Program Statement

College personnel shall work with the architect/engineers in putting together a Program Statement that will be submitted to the Board at least five (5) weeks prior to the meeting at which approval is requested. The documents will be forwarded to the System Office for distribution to the Board and other appropriate state agencies along with any additional information that the college wishes to provide.

The architect/engineers will give a presentation to the Board at the meeting, if so desired.

Comments and questions will be forwarded by the System Office to the college for their use in preparing responses in consultation with the professional consultants.

When all issues/concerns have been addressed to the reviewers' satisfaction, the Board will give approval to the Program Statement and the college may notify the architect/engineer to begin the next phase of construction document development.

Schematic Design

The review and approval process of the Schematic Design Phase will be delegated to appropriate college personnel, System Office staff and, if so directed by the Board, representatives from other agencies. It is anticipated that this activity will take about one month once the documents are in the hands of the reviewers. Once the approvals have been granted by this group of persons, the college may direct the professional consultants to proceed with the following phase. A report of that committee's action will be provided to the Board at a subsequent meeting.

Design Development

The identical process of receipt, distribution of documents for comments, resolution of issues, and approval by the Board that is followed for the Program Statement shall be followed for this phase. Documents shall be received by the Board at least five (5) weeks prior to the meeting at which approval is requested.

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Contract Documents

Since this is a review of technical documents, this approval function will be delegated to the Vice Chancellor for Facilities, Planning, and Information Technology and other System Office staff the Vice Chancellor may deem necessary and other agencies as deemed appropriate by the Board. When approval has been granted to the documents for this phase by all the involved parties, the college may proceed with advertising for bids. It is anticipated that this timeline will not exceed one month once the contract documents are in the hands of the reviewers.

The above procedures indicate that Board approvals of the documents will take place at regularly scheduled meetings and that such a process will require some long range planning at the onset of the project. If, for some reason, it becomes necessary to solicit the required approvals in between meeting dates, a conference call of the Board may be scheduled, but such an approach should not be utilized except in extreme emergencies. Requests for such conference calls will be submitted to the System Office, Chairperson of the Board, and Chairperson of the Fiscal and Facilities Subcommittee for their consideration.

Policy Adopted: 3/11/94
Policy Revised: 9/15/06
Policy Revised: 6/7/07