

## R701, Capital Facilities<sup>1</sup>

**R701-1 Purpose:** To establish the respective roles of the Board of Higher Education (“Board”), the Boards of Trustees, and the Presidents regarding capital facilities and institutional requests for new capital facility projects.

### R701-2 References

- 2.1 [Utah Code § 53B-7-101](#), Combined Requests for Appropriations
- 2.2 [Utah Code Title 53B, Chapter 20](#), Property Rights – Title and Control
- 2.3 [Utah Code Title 53B, Chapter 22](#), Capital Developments
- 2.4 [Utah Code Title 63A, Chapter 5b, Part 3](#), Division of Facilities Construction and Management
- 2.5 [Utah Code § 63A-5b-401](#), Definitions
- 2.6 [Utah Code § 63A-5b-403](#), Institutions of Higher Education – Capital Development Projects
- 2.7 [Board Policy R711](#), Division of Facilities and Construction Management Delegation of Capital Facilities Projects
- 2.8 [Board Policy R706](#), Capital Facilities Master Planning
- 2.9 [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests
- 2.10 [Board Policy R742](#), Degree-granting Institution Nondedicated Capital Project Prioritization Process
- 2.11 [Board Policy R743](#), Degree-granting Institution Dedicated Capital Project Allocation
- 2.12 [Board Policy R744](#), Technical College Capital Project Prioritization Process
- 2.13 [Board Policy R745](#), Approval Process for Use of Dedicated Capital Project Funds

### R701-3 Definitions

- 3.1 **“Architectural Programming”** means a formal decision-making process used to identify and define the goals and uses of a capital project and to define the scope of work and cost prior to design or construction.
- 3.2 **“Capital Facilities”** are defined as fixed capital assets such as buildings and structures, real estate, utilities and distribution infrastructure, landscape features, hardscape (surface parking, plazas, sidewalks, and exterior stairs and ramps), roadways, campus lighting, and other improvements that serve and protect the general purposes of an institution.
- 3.3 **“Capital Development Project”** is defined by Utah Code section 63A-5b-401(1)(a).
- 3.4 **“Capital Improvement Project”** is defined by Utah Code section 63A-5b-401(2).
- 3.5 **“Dedicated Project”** means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or from the Board’s prioritization of dedicated funds for a technical college under Board Policy R744.
- 3.6 **“Nondedicated Project”** means a capital development project for which state funds from a source other than the institution’s allocation are requested or used.
- 3.7 **“Remodeling”** means any alteration, modification, or improvement project other than routine maintenance or repair work, regardless of the source of funding.

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**R701-4 Effective and Efficient Use of Resources:** The Utah System of Higher Education seeks to maximize the effective and efficient use of state resources. Institutions must demonstrate that requests for construction of new capital facilities or remodeling of existing facilities meet the requirements of Board Policies R741 and R745, and either Board Policies R742 and R743 for degree-granting institutions, or Board Policy R744 for technical colleges.

**4.1 Remodeling:** Institutions should remodel existing capital facilities for the purpose of changing the building's function only when the project is justified by, and consistent with, the institution's mission and in accord with the Board's previously approved goals and objectives.

#### **R701-5 State Funded Capital Projects Approvals**

**5.1 Boards of Trustee Review of Requests:** Institutions shall obtain approval from their respective Boards of Trustees before they may submit a funding request for dedicated, nondedicated, and capital improvement projects to the Board. Boards of Trustees shall ensure that proposed project requests meet the requirements of Board Policies R741 and R745, and either Board Policies R742 and R743 for degree-granting institutions, or Board Policy R744 for technical colleges.

**5.2 Commissioner's Office Recommendations:** The Commissioner and [the Commissioner's](#) staff shall provide annual recommendations for dedicated, nondedicated, and improvement projects ~~—under~~ Board Policies R741 through R745 ~~in preparing its recommendations to~~ [the Board for](#) the Division of Facilities Construction and Management ("DFCM"), the Governor, and the Legislature.

**5.3 Board of Higher Education Allocation for Dedicated Projects:** The Board shall establish and annually review a formula for the allocation of dedicated project funding provided by the Legislature in accordance with Board Policies R741, R743, and R744. The Board shall allocate dedicated project funds to institutions annually by June 30.

**5.4 Institutional Use of Funds for Dedicated Projects:** The process for institutions to request the use of legislative appropriations allocated by the Board for a dedicated project are governed by Board Policy R745. The Board shall annually submit a list of recommended dedicated projects to DFCM, the Governor, and the Legislature.

**5.5 Board of Higher Education Prioritization of Nondedicated Projects:** [At least once every three years,](#) ~~the~~ Board shall ~~annually~~ prioritize nondedicated projects for the Utah System of Higher Education in accordance with Board Policy R742 for degree-granting institutions, and Board Policy R744 for technical colleges, ~~and~~ [The Board](#) shall [annually](#) submit final [nondedicated project](#) recommendations to DFCM, the Governor, and the Legislature.

**R701-6 Submission of Capital Improvement Project Requests:** Each year institutions shall submit to the DFCM and the Board of Higher Education a prioritized list of projects for funding through the state capital improvement program.

**6.1 Non-inclusion of Equipment:** Institutions may not include acquisition of equipment unless it is an integral component of a capital improvement project.

**6.2 Non-inclusion of Normal Maintenance:** Normal maintenance of fixed capital assets (i.e., unplanned or discretionary) shall be considered part of the annual operating budget and may not be included as a component of a capital improvement project. Normal maintenance excludes preventive and corrective maintenance of equipment scheduled by the DFCM, as well as planned or programmed maintenance of major structural components of a facility, e.g., roofs, parking lots.

**R701-7 Responsibilities of Institutional Presidents:** A president or their designee may:

**7.1 Other Necessary Actions:** Take all necessary actions relating to construction and remodeling activities that do not require DFCM approval.

**7.2 Routine Repair and Maintenance:** Assume the responsibility for routine repair and maintenance of existing structures or facilities, e.g., painting, roof repair, plumbing and electrical repairs, etc.). Institutions must adhere to the DFCM facility maintenance standards.

**7.3 Change Orders:** Assume the responsibility to approve and recommend to DFCM any change orders on projects under construction, as long as funds are available and the change order is within the approved purpose of the project.

**7.4 Accept Completed Facilities:** Accept completed capital facilities from DFCM.

**R701-8 Architectural Programming of State-Funded Capital Development Projects:** Prior to entering into a contract for architectural programming services for a future state-funded capital development project that has not been approved by the Legislature, an institution shall first receive approvals of the institution's Board of Trustees, the Board, and DFCM, in that order.

**8.1 Approval Not Needed for Projects Authorized by Legislature:** Institutions do not need Board approval to architecturally program a facility that has been affirmatively authorized and funded by the Legislature.

**8.2 Institutions May Seek Reimbursement:** Institutions that fund an architectural program for a facility using donations, institutional funds, or other funds not appropriated by the Legislature may request reimbursement for those funds in the state-funded capital development project request.

**R701-9 Board Review of Completed State-Funded Capital Development Projects:** As required by Utah Code section 53B-22-204(8) the Board shall review the cost and the design of all completed dedicated and nondedicated projects.