

Utah State Building Board



MEETING

May 4, 2011

MINUTES

Utah State Building Board Members in attendance:

Mel Sowerby, Chair
Cyndi Gilbert
Steve Bankhead
Jeff Nielson
Wilbern McDougal
George Daines
Sheila Gelman
Ron Bigelow, Ex-Officio

DFCM and Guests in attendance:

Kim Hood	Department of Administrative Services
Gregg Buxton	Division of Facilities Construction & Management
Cee Cee Niederhauser	Division of Facilities Construction & Management
Bruce Whittington	Division of Facilities Construction & Management
Lynn Hinrichs	Division of Facilities Construction & Management
John Nichols	Division of Facilities Construction & Management
Cheryl Searle	Division of Facilities Construction & Management
John Harrington	Division of Facilities Construction & Management
Alan Bachman	Attorney General's Office/DFCM
LaPriel Dye	Attorney General's Office/DFCM
Nichole Sherwood	Legislative Fiscal Analyst Office
Jerry Jensen	Department of Corrections
Ken Nye	University of Utah
Ben Berrett	Utah State University
Rick Stock	Dunn Associates
David Tanner	Southern Utah University
Keith Davis	DHS
Bob Askerlund	Salt Lake Community College

Emily Mellor	BNA Consulting
Tiffany Woods	BHB Engineers
Sherry Ruesch	Dixie State College
Elizabeth Mitchell	AIA Utah
Cynthia Cook	FFKR Architects
Leisa Bare	Psomas Engineering
Senator Stuart Adams	Senate Capital Facilities Committee
Gordon Snow	
Chip Nelson	
Ned Carnahan	
David Fitzsimmons	

On Wednesday, May 4, 2011 the Utah State Building Board held a regularly scheduled meeting in Room 250 of the Utah State Capitol Building, Salt Lake City, Utah. Chair Mel Sowerby called the meeting to order at 9:04 a.m.

APPROVAL OF MINUTES OF APRIL 6, 2011

Chair Sowerby sought a motion for approval of the minutes.

MOTION: Cyndi Gilbert moved to approve the meeting minutes of April 6, 2011. The motion was seconded by Sheila Gelman and passed unanimously.

PERMISSION TO ENTER INTO NEGOTIATIONS WITH Uintah County TO CONSTRUCT A FACILITY TO HOUSE DINOSAUR BONES

DFCM Real Estate Specialist, Cheryl Searle reported on this agenda item and displayed a map of the Vernal area showing the Museum of Natural History (See Attachment to Minutes - 1). This building was originally planned as a 3-prong building which included a wing for the National Parks Service and the Western History Museum. It was anticipated that this building would increase tourism to the area, but unfortunately the National Park Service lost their funding while the Natural History Museum was being constructed. Presently, the National Parks Service does not have plans to provide funding for this project in the future and with the current economic conditions they have no guarantee this wing will be completed. As a result of this problem, the Western History Museum decided to stay in its present location in downtown Vernal. Ms. Searle indicated the locations on the map for the property owned by the State of Utah as well as the adjacent property owned by Uintah County. This property, owned by Uintah County, would have been the parking lot for the three facilities. In 2001 DFCM made an agreement with Uintah County and traded the old Museum of Natural History in Vernal for the property where the new Museum of Natural History is located. This ten year agreement allowed the State to stay in the building to store dinosaur bones being excavated in the area. However, this agreement is about to expire and the state needs to find another location to house the bones. Uintah County has approached the state indicating they are interested in constructing a site to

house the bones, and as a result DFCM is requesting permission to enter into negotiations with Uintah County for this purpose. Several options will be considered in these negotiations and once the decision has been made, DFCM will return to the Building Board for permission to move forward.

MOTION: George Daines moved to approve the Request for Permission to Enter into Negotiations with Uintah County to Construct a Facility to House Dinosaur Bones. The motion was seconded by Cyndi Gilbert and passed unanimously.

☐ PERMISSION TO ENTER INTO NEGOTIATIONS WITH UINTAH COUNTY FOR PROPERTY TRADE.....

Cheryl Searle reported that there was a period of time when Uintah County billed DFCM for Operation and Maintenance Fees for the office space in the County Administration Building. From 2005 to 2009, DFCM could not obtain the specific paperwork from Uintah County in order to process this request and therefore had an outstanding bill for O&M charges. The necessary documentation has now been obtained to pay this fee. However, Uintah County has always had a desire to own a piece of state property located behind the 8th District Court in Vernal (See Attachment to Minutes - 2) and they are interested in negotiating a small piece of property in exchange for this fee. DFCM Real Estate would like to look at the future needs of the state before any trade is considered. They are requesting permission to allow DFCM to negotiate with Uintah County concerning this possibility in the future. Director Buxton clarified that this property would have to be declared surplus property before any exchange could take place and of course, if any transaction takes place with Uintah County, it would have to be approved by the Building Board.

MOTION: George Daines moved to approve the Request for Permission to Enter into Negotiations with Uintah County for Property Trade. The motion was seconded by Cyndi Gilbert and passed unanimously.

☐ STATE BUILDING ENERGY EFFICIENCY PROGRAM REPORT

DFCM Energy Director, John Harrington manages the State Energy Efficiency Program. They are required by statute to submit the 2009-2010 Energy Report to the Governor's Office and Legislature. They are submitting this report to the Building Board as an informational item so that Board members understand the role of DFCM in regards to energy efficiency in state buildings. Mr. Harrington reported their program was created in 1999 to promote energy efficiency in both new construction as well as existing buildings throughout the state. Their main interface with the Building Board involves getting approval for projects for the Revolving Loan Fund. They have many multi-million dollars energy projects going on in almost every campus and agency throughout the state. In addition, they are the largest user of the Utility Incentive Program (which is free grant money) and

ARRA monies in order to enable agencies and institutions to leverage their own funds for projects – a total of \$30 Million throughout the state. Their program also educates and promotes energy conservation throughout the state with utility auditing. The entire focus is sustainability, efficiency and saving operational dollars. Chair Sowerby asked about the LEED requirements for state buildings. Mr. Harrington responded that back in 2006 the state established the High Performance Building Program which had their own point system for energy efficiency of their buildings. At the time, LEED was more focused on sustainability goals rather than energy efficiency goals so during that time the state decided to focus on energy efficiency and cost savings which would give the biggest payback to the state. During 2009, LEED evolved to a different standard with a focus on energy efficiency and the state followed because Architects, Engineers and others in the construction industry understood the LEED process. Since this was the industry standard, the state switched to the LEED Silver Certification Standard. The Building Board approved the move to the LEED Standard back in 2009. This has facilitated better communication with the construction industry and some great energy savings for the state

❑ PROPOSAL OF NEW RULE R23-31 EXECUTIVE RESIDENCE COMMISSION .

Bruce Whittington, Deputy Director over Facilities for DFCM introduced the Executive Residence Commission as an oversight group which assists the state in making sure appropriate renovations and remodels occur at the Governor's Mansion. This group has been in place since the mansion fire renovation and consists of professionals and experts in the historical preservation field. The passage of SB 203 revitalized the commission, made minor modifications to the membership, and changed their reporting and recommendation rule so that recommendations are made to the State Building Board. The Commission met several times during 2011 and would like to propose a new Legislative Rule which clarifies the areas of the mansion that are historical areas and have direct oversight responsibility. It separates the Mansion into two preservation zones -- Preservation Zone 1 which has been completely restored to historical significance, and Preservation Zone 2 which is not historical and alternations can be made without approval. Rule 23-31 would clarify the process and assist with future renovations at the Mansion.

At this point in the meeting, Chair Sowerby welcomed Senator Stuart Adams to the meeting and asked if he had any comments concerning this issue. He said that this piece of Legislation indicates the confidence the Legislature has in the expertise of the Building Board.

There was considerable discussion concerning the appointment of members of the Commission, the funding for the mansion repairs, the appropriation of funds for upkeep of the Governor's Mansion, the previous Carriage House remodel, and the demarcation of zones and processes involved. There were also concerns about who would determine facility needs. Mr. Whittington reassured the Board that the Commission would provide the expertise and advice to the Building Board who would make the final decisions. DFCM Director Gregg Buxton added that DFCM staff working at the Mansion would possibly make

recommendations for improvements to the Mansion also. George Daines clarified that this Rule requires that changes to Zone 1 of the Mansion must receive Building Board approval before it is given Legislative approval. Assistant Attorney General, Alan Bachman explained that the Rule 23-31 does not change the process by which monies are allocated for projects. It simply creates an expert group of people who oversee the Mansion because of its historical and architectural quality. He requested that if the Boarding Board were to approve this Rule, and if there aren't any negative comments during the 30 day publication period, that DFCM be allowed to proceed and make the rule effective without having to present it to the Building Board again.

MOTION: George Daines moved to approve the Proposed New Rule for the Executive Residence Commission and add into that approval the provision recommended by Alan Bachman that if there are not significant objections that the Rule becomes effective without coming before the Building Board again. The motion was seconded by Wilbern McDougal and passed unanimously.

☐ REALLOCATION OF CAPITAL IMPROVEMENT FUNDS

Director Gregg Buxton indicated this was a reallocation of funds for the National Guard. Colonel Olson from the National Guard could not attend the meeting. The Guard is requesting that they be allowed to use funds from a previous Capital Improvement project and reallocate it to another project for their Agency (See Attachment to Minutes - 3).

MOTION: Cyndi Gilbert moved to approve the Reallocation of Capital Improvement Funds. The motion was seconded by Sheila Gelman and passed unanimously.

☐ ADMINISTRATIVE REPORTS FOR UNIVERSITY OF UTAH AND UTAH STATE UNIVERSITY

Ken Nye from the University of Utah reported there were six Design Agreements and five other types of Consulting Agreements awarded. Under Construction Contracts, there were six Remodeling Contracts and two Site Improvement Contracts awarded. The Project Reserve Fund did not have any activity during this reporting period. The Contingency Reserve Fund had two decreases this month – the first was a very small item from the HPER Mall Tunnel & HTW project for \$5,400. The second decrease for \$54,734 was from the Health Science Library – Fire Alarm & Sprinkler System Project. This building was full of asbestos before they began this project; so the construction crew ran into a lot of unknown conditions there. In addition there were some issues concerning electrical distribution that did not meet code and the building official felt should be addressed. The project is now complete with this change order. The University has only withdrawn 1.5% of the construction budget for contingency issues on this project and felt they have done quite well considering the number of unknown conditions there. Cyndi Gilbert asked Mr. Nye if

they had an idea how many more asbestos projects are left at the University. Mr. Nye responded that there are a lot of old buildings on campus and structures built before the 1970's generally have asbestos in them. The University has been addressing these issues when needed rather than disrupting spaces for asbestos removal. In this particular project, the lighting and fire sprinkling had to be replaced as a result of the asbestos abatement. Ms. Gilbert asked if the University knew how much asbestos had been eradicated on campus. Mr. Nye said that many of their older buildings have gone through some degree of remodeling which would include asbestos removal and feels more than half the asbestos issues have been corrected, however he does not have an exact percentage.

MOTION: Steve Bankhead moved to approve the Administrative Report for University of Utah. The motion was seconded by Cyndi Gilbert and passed unanimously.

Ben Berrett gave the Administrative Report for Utah State University. He reported they had one professional and six construction contracts issued during this reporting period. The Contingency Reserve Fund decreased by a \$20,000 change order for the CEP Chiller's Project. The Project Reserve fund also had a draw of almost \$26,000 in order to award a construction contract for the CEP Chillers. They currently have 42 projects they are presently working on and expect this number to increase by twenty projects because of new Capital Improvements. They usually carried about 100 projects so they have a lower number of projects due to the decrease in Capital Improvement funding. Page one refers to Sant Engineering Clean Room Remodel which is a Research/Lab Building constructed three to four years ago by Sant Engineering. Renovations are commons for research buildings when they are given a new assignment as was the case with this structure. They received a research grant so they are creating a small clean room on the upper floor of that building which will eventually evolve to a \$400,000 project. Page two shows construction projects 1) Rich Davis Halls Renovation involving windows and minor remodels; 2) Innovation Campus Demolition/Land Cleanup which involved a lot of the AG Properties which were relocated to the south end of Logan and involved cleaning out of old sheds, barns and concrete pads, etc. 3) Innovation Campus Demolition/Land Cleanup which involved asbestos abatement, 4) The CEP Chillers, the project mentioned earlier, included a draw from the Project Reserve and the Contingency Reserve Fund. 5) Medium Voltage Upgrades and 6) Innovation Campus Demolition/Land Cleanup involving cut/cap utility lines. Page three shows two decreases to the Contingency Reserve Fund. The CEP Chillers is the oldest project on their books and originally had a scope to add chilled water capacity to the campus chilled water system. Originally the plan involved a chiller and/or thermal storage. The University decided they could not do a thermal storage within the original budget so they added provisions for the thermal storage and a smaller chiller to increase their capacity. Part of this project involved an upgrade to some of the pumping on the other end of the chilled water system and therefore was delayed due to the timing of the College of Agriculture project which tied into the tunnel in the chilled water distribution system. The College of Agriculture project has now progressed to the point where they know how to do the pumping which required a change order to get two smaller, more costly

pumps which would fit in the room. There was also a small change order for the Water Lab Fume Hood Upgrade. These two will be closed out by next month.

MOTION: Wilbern McDougal moved to approve the Administrative Report for Utah State University. The motion was seconded by Sheila Gelman and passed unanimously.

☐ ADMINISTRATIVE REPORT FOR DFCM.....

Lynn Hinrichs, Deputy Director from DFCM reported there were two new leases and five amended leases with no significant problems. There were eleven Architect and Engineering Agreements awarded, as well as a couple of small design contracts, programming, commissioning, geotechnical, and hazmat consulting with no significant issues. There were seven awarded Construction Contracts. Among the significant ones were University of Utah Eyring Chemistry Building Thatcher Addition and the Sorensen Arts/Education Complex. Those were CMGC Agreements so the balance of the cost will be added by change order. Item #10 Uintah Basin ATC Emergency Intercom System Replacement was noted because DFCM Director, Gregg Buxton waived the bid bond requirements for a trusted contractor. The Contingency Reserve had a large draw for the USU USTAR Life Science Research Center. Although that building was substantially complete, DFCM allowed Utah State University to take funds obligated by the Legislature for that project which had been put in the Project Reserve Fund to build out additional research space. This space would house a new fuel source perspective investigator. DFCM's interpretation of this Legislation is that it can be used for the USTAR build out as it continues for both of those facilities. The David Eccles School of Business had a large change order of \$172,400 which was mostly used for a smoke vac system that wasn't designed into the original project. In addition the University of Utah USTAR Neuroscience Research Center had three change orders amounting to \$135,000 which consisted of added cable trays, electrical metering, changing stairwell details to comply with code requirements, added electrical circuiting and j-boxes for laser curtains and miscellaneous items. The Strawberry Maintenance Facility required a transfer for a change order of \$56,302 to change the code requirement from IBC 2006 to 2009 which would upgrade the steel package on that building. There were some increases to the Project Reserve Fund from projects that were closed out and had monies left over such as the St. George Courthouse, two projects from Corrections, SUU Fire Sprinklers and the Provo Courts which increased the Project Reserve by less than \$1,000,000. Chair Sowerby questioned if the transfer of \$172,000 on the David Eccles School of Business was an Architect's error? Mr. Hinrichs indicated it could be called an error; however it was more of an omission in which there was value added to the project and that is why DFCM paid for it with the Contingency.

☐ AMENDMENT TO ADMINISTRATIVE RULE R23-23, HEALTH REFORM, TO CONFORM WITH HB 128 OF THE 2011 LEGISLATIVE SESSION. THIS INCLUDES AUTHORIZATION TO FILE A REGULAR RULE AND EMERGENCY

RULE FOR SUCH COMPLIANCE

Assistant Attorney General, Alan Bachman reported that the Utah Legislature changed the benchmark for health insurance required by certain contractors and designers. Unfortunately the bill becomes effective May 10th as opposed to July 1st which means that they have to be ready to communicate to contractors and designers what benchmark to comply with. The current Administrative Rule has one benchmark but the new Statute has a different benchmark. They are presenting this to the Board today and request that they can file a regular rule that would mimic the state statute in the Administrative Rule so that they have the new benchmark (which was just enacted by the Legislature in HB128) and request in the motion to also allow it to be filed as an emergency rule, which would be effective on May 10, 2010. Therefore, on that specific date, the construction community would have one benchmark to follow for health insurance. The only change to this Administrative Rule is the insertion of pieces of the State Statute and the specification that this benchmark be published on the DFCM Website. Mr. Bachman also requested that if the Boarding Board were to approve this Rule, they have requested the Building Board include in their motion the idea that if there aren't any negative comments during the 30 day publication period, that DFCM would proceed and make the rule effective without having to put it on the Building Board Agenda again.

MOTION: Cyndi Gilbert moved to approve Amendment to Administrative Rule R23-23, Health Reform, to Conform with HB 128 of the 2011 Legislative Session be approved as presented and to include authorization to file a regular rule and emergency rule for such compliance.

Steve Bankhead had concerns with R23-23-7 (1a) which reads "that the offer for qualified health insurance to the contractor's employees include his dependents". He asked if this part was new in the Administrative Rule. Mr. Bachman said that it is in the Statute and when he went through the Statute and HB128, he wanted to make sure the Administrative Rule was in compliance with both.

MOTION: The original motion made by Cyndi Gilbert was seconded by Sheila Gelman and passed unanimously.

☐ APPRECIATION TO DEPARTING BUILDING BOARD MEMBERS AND ADMINISTRATION OF OATH TO NEW MEMBERS

DFCM Director, Gregg Buxton expressed appreciation in behalf of the Governor to Chair Mel Sowerby, Steve Bankhead, Wilbern McDougal and Cyndi Gilbert for their devoted service to the State of Utah. The departing members were given a certificate and letter of appreciation from Governor Herbert.

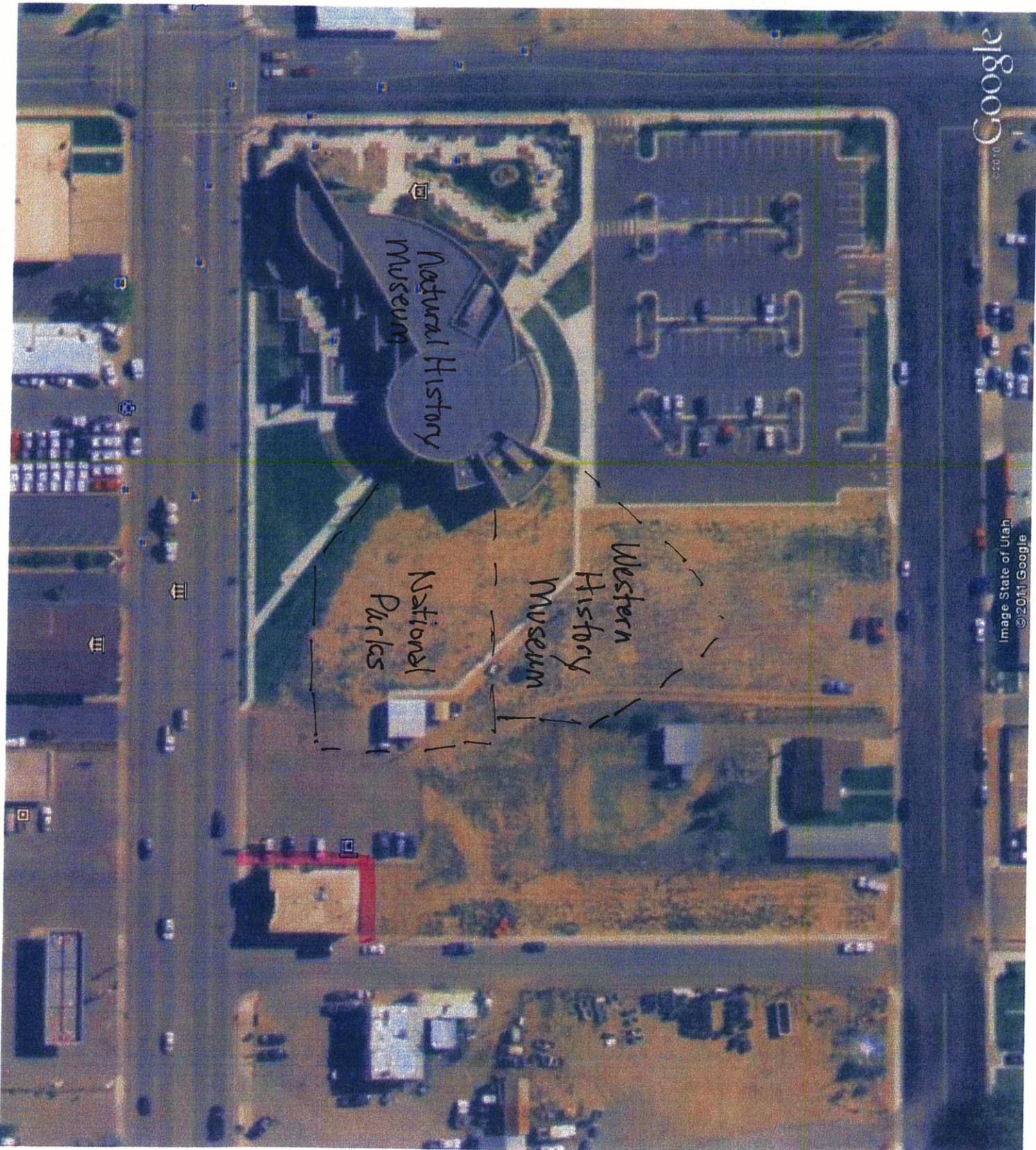
The departing members expressed their appreciation to the DFCM Staff for the positive experience they had while serving on the Board. They made some suggestions for

improvements which included having Board members be more involved in VBS Selections, a more detailed DFCM Report which conveys the progress of major construction projects and creates more perspective, background and context for the Building Board members to serve properly. Steve Bankhead praised the DFCM Administration and said he enjoyed his experience serving on the State Building Board. Cyndi Gilbert also expressed her appreciation and suggested that after their annual prioritization list is submitted to the Legislation, Board members should be notified of the results. This would help Board members feel their input was valued and appreciated. She also suggested that Building Board meetings be held later in the morning for those who have to travel great distances in order to contain their travel to one day. She felt this would help not only Board members but Agencies and Institutions. Chairman Sowerby encouraged DFCM to move forward with their plans to make electronic participation more available to members of the Board and Institutions. Kim Hood, Director of Administrative Services thanked the Building Board members. She said the State presently is doing a thorough review of all Boards and Commissions within the Department and some of the recommendations involved the need to have a Board orientation for new members to acclimate them to the procedures and policies. She is committed to seeing this happen for the State Building Board. Wilbern McDougal, likewise expressed his appreciation and said his service on the Board was an educational experience for him. Senator Stuart Adams suggested that those in attendance give the Building Board a round of applause in appreciation for their public service

Notary Public, Cee Cee Niederhauser asked the new members of the Board to come forward and take the Oath of Office. David Fitzsimmons, Ned Carnahan and Gordon Snow were put in as new members of the Board to serve a term of four years.

ADJOURNMENT

MOTION: Chair Sowerby asked for a motion to adjourn. Cyndi Gilbert moved to adjourn the meeting at 10:39 a.m. The motion was seconded by Sheila Gelman and passed unanimously.



Attachment to Minutes (1)



E Main St

40

Youth
Correction

Eighth
District
Court

S 1000 E

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UTARNG FY 2012 Capital Improvement for Build Board Approval

\$1,008,264.00

Priority	Project Name	Cost Estimate		Description / Justification
1	Draper Replace the boilers and piping	\$ 475,000.00		The existing Boilers are 33 years old and run about 55% efficient. We experience a high tube failure rate annually, which increases our maintenance cost. Replace with multiple modulating 98% efficient Boilers and associated pumping.
1	TOOELE ARMORY 00562 Replace boiler	\$59,652.00	0562HV01	The boiler in this facility is the original one. This building was constructed in 1957. This boiler is 52 years old. It is need of replacement.
2	Draper Men's & Women's Locker room update	\$ 290,000.00		Bad shape, 30+ years old, not adequate shower space, tile is falling off walls, need to update tile, showers, toilets, sinks, fixtures, need additional locker space. Must meet ASHRAE Building fresh air standards
5	Orem perimeter fencing	\$ 25,000.00		With current construction going on behind the Orem Armory by the UTA for TRAX vehicles are damaging the armories ifrastructure. Also recent vandalism has occurred on the property from loiters. Fencing built to army specifications would better protect the armories assessts. Need to verify the property boundies
6	AGCW Readiness Center parking lot.	\$ 80,000.00		The asphalt surface needs to have the cracks sealed and the surface overlaid. It is in our maintenance program to resurface every 8-10 years. The surface of the asphalt needs to be brought up to the level of the curb and gutter and drainage system to prevent further erosion and failure of the surface. Restripe parking spaces.
7	AGCW Building 1830 Parking Lot	\$ 25,000.00		The asphalt in the non-org. parking has failed and is coming apart. The sub-surface needs to be removed and recompacted.
8	Spanish Fork Parking lot.	\$ 53,612.00		The asphalt in the non-org. parking has failed and is coming apart.
Total		\$ 1,008,264.00		