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Policy Profile

Policy Title:	Capital Construction Planning and Projects
APS Number:	3002
Effective:	April 9, 2015
Approved by:	President Bruce D. Benson
Responsible University Officer:	Vice President and Chief Financial Officer
Responsible Office:	Vice President and Chief Financial Officer
Policy Contact:	Director of Capital Assets, 303-860-5639
Supersedes:	Capital Construction Planning and Projects, April 1, 2012
Last Reviewed/Updated:	April 9, 2015
Applies to:	All Campuses and President's Office

Policy Snapshot

Brief Description: This policy guides the process to plan, build and maintain new facilities.

Reason for Policy: Promotes the efficient use and effective stewardship of the physical infrastructure of the university; aids in planning for facilities which support the university's teaching, research, and public service mission; and assists in compliance with state policies and statutes.

I. Introduction

This policy outlines procedures applicable to all campuses for the development, implementation, and management of the university's long-range capital plan and annual capital budget. This policy statement is designed to be responsive to the operating, regulatory, and statutory changes which have evolved since July 15, 1986, including recent changes in the 2014 legislative session. In addition, during the 2009 and 2010 legislative sessions, new and/or modified statutory authority was given to the Colorado Commission on Higher Education, the governing boards of the colleges and universities in Colorado, and the Office of the State Architect. ?

II. Policy Statement

- A. The policy on capital construction will apply to all related activities of the campuses and the Office of the President, consistent with the statutes and policies of the State of Colorado. All campuses will design and implement a formal, continuing process for the development and maintenance of capital construction projects and campus master plans which support the mission of the university.
1. Statutory Requirements ? Annually, each campus is required to submit a board-approved, five-year capital improvement plan, and a two-year cash-funded plan to the Colorado Commission on Higher Education (Commission). These plans shall be in accordance with a Board of Regents- and commission-approved campus master plan. No capital construction shall commence except in accordance with an approved master plan, program plan, and design development plan except wholly cash-funded projects approved by the Legislative Capital Development Committee on the Two-Year Cash Funded Capital Program list. Wholly or partially state-funded projects costing over \$2 million also require commission program plan approval. State-funded program plans must adhere to commission prescribed policies, procedures and standards for space utilization. All capital construction projects costing under \$2 million must be reported annually to the commission and general assembly.
 2. Campus Master Plans - Each campus shall develop its own campus master plan, prioritized capital improvement plans, and design guidelines. The campus master plans shall encompass facility and land use plans which support the implementation of the academic role and mission. Campus master plans, including an analysis of the effectiveness of existing space, shall be reviewed annually by the campus chancellor, or their designee, for necessary revision and review. Master plans and amendments require chancellor, president and Board of Regents' approval. Master plan amendments must be approved prior to, or in conjunction with, proposed program plans which are inconsistent with the officially adopted master plan. In accordance with the master plan, each campus is responsible for maintaining a balanced five-year capital improvement plan that takes into consideration, growth, renewal, improvement, infrastructure, environmental impact, life safety, transportation, preservation, energy impact, and operating costs. Two-year cash-funded capital improvement plans, which may be opportunity driven, should also consider a comprehensive and coordinated

academic, physical, and resource plan review.

3. Procedures for Requesting Approval and Funding - Although the State of Colorado requests annual submissions of capital project needs, funding amounts vary from year-to-year and are directly related to the state budget situation. Each year the Vice President for Budget and Finance or his/her designee will develop a request budget calendar with the assistance of the capital construction committee (facilities directors). The calendar shall be promulgated no later than April 15 each year and be included in the university budgeting-planning calendar. The calendar will be responsive to budget instructions issued by state agencies. Each year at the June regents' meeting, the campuses shall submit, for approval, a prioritized state-funded capital construction request, Five-Year Plan, and Two-Year Cash-Funded List. The submission shall be in accordance with the current budget instructions issued by state agencies, as available, and the university vice president and chief financial officer. Disclosure will be in the form of general narrative supporting the campus request priorities and in the completion of system budget format materials. Following receipt of the campus requests, the director of capital assets will develop, for president and regent consideration, the vice president's recommendation for university-wide state capital construction request priorities. Each campus will submit annual controlled maintenance requests in accordance with the Office of the State Architect guidelines. These requests will also be forwarded to the director of capital assets.
4. Campus Capital Projects Process
 - a. Project Initiation. Initial proposal, evaluations, re-evaluations, and initial endorsement by the chancellor-designated campus administrator (university officer).
 - b. Concept Development. Initial programming and fiscal planning to include first approximations of scope, location, size, configuration, budget, schedule, conformance with campus master and academic plans, the campus five-year plan and/or two-year cash-funded plan, university and commission requirements, land use, access, and related issues. Chancellor authorization is required prior to the development of a formal program plan.
 - c. Program Plan and Fiscal Plan Development. All projects costing over \$2 million require program plan approval by the Board of Regents per the Board of Regents Laws Article 13. The program plan shall define a project's functional interior and exterior requirements, including space sizes, contents, activities and relationships in response to the needs of the user. A project program plan will serve as a source of information about the project, and as a basis for design and the fiscal plan. Program plans shall be developed in accordance with university and/or commission formats, standards, criteria, and timetables. Any mixed-funded project, including state funds, will be treated as a state-funded project and must meet commission program planning guidelines. Cash-funded projects must abide by university guidelines for program planning per Appendix 1 ? University Funded Projects ? Program Plan Requirements. The fiscal plan must be certified by the appropriate campus budget/fiscal officer before submission to the Office of the President. If borrowing or revenue bonds are involved, the university

treasurer must develop or certify the financing package. The fiscal plan must demonstrate that the campus has the financial capacity to pay for the project, including the debt service, if applicable, as well as any new net operating costs such as operations and maintenance; utilities and energy; and renewal (life-cycle).

- d. Project Design. Each campus chancellor or their delegate is responsible for the contracting of all design professionals in accordance with state statute and Appendix 2 ?Selecting Architects and Engineers. Project design shall comply with the high performance standard certification program established pursuant to Section 24-30-1305.5, C.R.S. , and campus design guidelines and construction standards. Project design is subject to the University Design Review Board review, approval and appeal process outlined in Appendix 3 ? Design Review Board and to the Design Review Board Procedures. Building code responsibilities and related plan review shall be clearly defined by the campuses and adhere to the policies or delegation authority of the Office of the State Architect.
 - e. Project Construction. Each campus chancellor or their delegate shall be responsible for construction contracts in adherence with the university policies on contract authority, procurement, and state statutes. The campus shall administer projects according to the delegated authority granted by the Office of the State Architect and established campus procedures for construction. Code compliance and documentation must meet or exceed minimum state standards. The project shall comply with the high performance standard certification program established pursuant to Section 24-30-1305.5, C.R.S.
5. University-wide Planning/Coordination - A university-wide capital construction committee (facilities directors) is charged with advising the Vice President for Budget and Finance or his/her designee on matters regarding facility construction, maintenance and operations, sustainability and providing technical assistance between campuses. The committee shall be comprised of a representative from each campus (designated by each chancellor) and the Vice President for Budget and Finance or his/her designee (chair). The committee should meet on a quarterly basis to discuss processes, priorities, problems, technical matters and other issues related to campus planning and facility management.
 6. Capital Construction Monitoring and Reporting - Recent legislation has allowed the university to streamline project approvals placing more emphasis on project reporting and documentation. Campuses are responsible for the following reports:
 - a. Project Documentation and Project Status Report ? Project documentation as required by the Office of the State Architect, campus policies, and the university policy on record retention shall be kept by the campus. Each campus will provide, on a quarterly basis, a project status report. ?Projects? reported on this form will include all activities defined as capital construction by this policy. The quarterly report will be submitted to the Board of Regents Capital Construction Subcommittee.
 - b. Facility Space Inventory - The campus must maintain an accurate physical space inventory of all buildings it owns or leases per Appendix 4 ? Facility

Space Inventory.

- c. Annual and Miscellaneous Reporting ? Annual reports required by state statute, the Office of the State Architect and the Colorado Department of Higher Education shall be coordinated through the system office. Requests for specific facility-related data may come from the Colorado General Assembly, the Colorado Department of Higher Education, or the federal government. Campuses should notify and copy the Vice President for Budget and Finance or his/her designee of these requests.

III. Definitions

For the purposes of this policy, capital construction is defined according to Section 24-30-1301 C.R.S. Capital construction projects arise out of the university's need to create, expand, relocate, or alter a program due to growth, advances in technology, or changes in methods of program delivery. Projects addressing physical space requirements needed to accommodate particular functions, such as those traditionally included in facility programs, constitute program-driven requests and therefore are considered to be capital construction projects. The following section includes paraphrased definitions, for complete statutory definitions, see Section 24-30-1301 C.R.S.

- A. *Capital construction* is defined according to Section 24-30-1301 (2) C.R.S.
 - a. For purposes on this policy, *capital construction* means:
 - Acquisition or disposition of real property;
 - Construction, demolition, renovation or remodeling of any real property;
 - Site improvement or development;
 - Installation of fixed or movable equipment after construction or renovation;
 - Contracting for architects, engineers or other planning consultants; or
 - Installation, development or upgrade of Information Technology.
- B. *Capital assets* is defined according to Section 24-30-1301 (1) C.R.S.
 - a. For purposes on this policy, *capital assets* means:
 - Real property;
 - Information Technology (except personal computers, laptops, printers);
 - Fixed equipment; or
 - Movable equipment (except if instructional or scientific).
- C. *Controlled maintenance* is defined according to Section 24-30-1301(4) C.R.S. Controlled maintenance projects arise out of the deterioration of a facility's physical and functional condition and the inability to comply with current codes. These are defined as maintenance-driven requests, as opposed to program-driven requests that constitute capital construction projects.
 - a. For purposes on this policy, *controlled maintenance* means:
 - Corrective repairs or replacement, including improvements for health, life safety, and code requirements, used for existing real property.
 - Corrective repairs or replacement, including improvements for health, life safety, and code requirements, of the fixed equipment necessary for the operation of real property, when such work is not funded in the university's

operating budget.

- D. *Capital renewal* is defined according to Section 24-30-1301 (3) C.R.S.
- a. For purposes on this policy, *capital renewal* means a controlled maintenance project of real property or integrated projects that exceed a cost of two million dollars in a fiscal year.

IV. Related Policies, Procedures, Forms, Guidelines and Other Resources

Attachments Directly Related to this Administrative Policy Statement

1. Appendix 1 - Program Plans for University Funded Projects
2. Appendix 2 - Selecting Architects and Engineers
3. Appendix 3 - University of Colorado Design Review Board
4. Appendix 4 - Facility Space Inventory

Other Related Administrative Policy Statements

1. APS 2005 - Contracting Authority
2. APS 2006 - Retention of University Records
 - a. System Schedule
 - b. CU-Boulder Schedule
 - c. UCCS Schedule
 - d. CU Denver Schedule

Other Resources (i.e., training, secondary contact information)

1. CCHE Capital Policies
2. Office of the State Architect
3. Procurement Service Center
4. Office of University Controller
5. Office of Policy and Efficiency

V. History

1. Initial policy - Developing, Requesting and Monitoring Capital Construction Projects ? was approved 07/01/1981.
2. Revised 07/15/1986.
3. Revised effective 07/01/2010. Renamed Capital Construction Planning and Projects (Previously named Developing, Requesting and Monitoring Capital Construction Projects.) This action consolidated previous APS with APS 3001 Facilities Space Inventory and APS 3003 Procedures for Selecting Architects & Engineers for Planning, Design & Construction Projects.
4. Revised effective 01/01/11. The policy was revised to reflect comments from the Design Review Board.

5. Revised effective 04/01/12 to clarify the terms, and goals of the University Design Review Board.
6. Non-substantive changes made on 09/01/2014 to Appendix 3.
7. Revised effective April/9/2015 to reflect legislative changes made in HB 14-1387.

Appendix 1 ? Program Plans for University Funded Projects

Guidelines to Developing Program Plans for Regent Approval

Overall Observations

Flexibility legislation enacted in 2009 removes the University of Colorado from much of the program planning requirements of the state system. It is therefore incumbent upon the proposer of a capital project to present sufficient information to the Board of Regents that allows the board members to make an informed decision about the merits of a proposed capital project. Each campus shall use good professional judgment when developing a project so as to ensure that the project is in conformance with the strategic plan and master plan of the campus on which the project resides.

Program Plan Format

In general, there is no required format for program plans beyond that which is described below. Each campus? facilities planning director shall develop processes and procedures that reflect their respective institution?s method of developing consensus about a capital project. A project originator shall work with their facilities departments to ensure that these procedures are followed. Program plans that are requesting state capital construction funds must use the State of Colorado format.

Each program plan should have the following information presented as appropriate for the scope and size of the project (see following Table 1 for project specific elements):

- A. **An Executive Summary**, one page in length, that contains the basic information given in the rest of the document;
- B. **Goal and Objectives** that will be accomplished by the implementation of this project;
- C. **Factual Data** that supports or influences the decisions being made about the proposed facility;
- D. **Facilities Response** including alternatives that were considered in developing the plan;
- E. **Implementation Information** that describes the schedule, cost, funding sources, and operation costs; and,
- F. **Appendices** that contain more in-depth information as required to fully describe the proposed project.

Impact Upon Master Planning

Occasionally proposed program plans may be, or appear to be, inconsistent with the currently-approved master plan. When such a situation occurs, be certain to include the appropriate changes to the campus master plan as a separate submission to the director of capital assets. The master plan update should indicate how the changes to the master plan are consistent with the institution's role and mission.

TABLE 1 - Guidelines for Program Plans*

A. Executive Summary
B. Goals and Objectives:
Academic
Student Life
Sustainable Design
Business
Other
C. Factual Data
Programmatic Description
Existing Conditions
Academic
Capacity
Facilities Condition
Health/Safety
Other
Changing Factors & Projected Needs
Academic
Capacity
Facilities Condition
Health/Safety
Other
Economic Impact
Consistency with Institutional Mission
Consistency with Strategic Plan
Consistency with Master Plan
D. Facilities Response
Project Description
Backfill Analysis
Technical Issues
Master Plan Relationship
Land Use Plan Relationship
Pedagogical Relationship
Site
Utilities
Design
Construction
Legal
Review Processes
Other
Alternatives
Goals & Objectives Impacts
Fiscal Impacts
E. Implementation Information
Budget
3rd Party Review
Funding Sources
Schedule/Phasing
Operating Costs
F. Appendices
Site Plan
Infrastructure Plan
Architectural Program
Space Requirements
Spatial Relationships
Acknowledgements
Other

*Program Plan elements to be included are project specific.

Appendix 2 ? Procedures for Selecting Architects and Engineers for Planning, Design and Construction Projects

INTRODUCTION

The following policies and procedures for the selection of consulting architects and engineers are based upon the statutory requirements and those expressed concerns of Article 30, Part 14, Title 24 of the Colorado Revised Statutes (CRS 24-30-1401-1408).

STATEMENT OF POLICIES AND PROCEDURES

1. Each campus requiring the services of a consulting architect or engineer (A/E) will determine as precisely as possible the scope of the work the A/E will be expected to perform.
2. Public notice will be given according to state statute (CRS 24-30-1405) except when using CRS 24-30-1407 to use an architect or engineer that has prior existing plans.
3. A committee comprised of a campus staff architect/planner, project manager, user group representative and design review board member (if requested by the Campus Architect) will evaluate the expressions of interest to determine which three or more firms will be interviewed.
4. These firms will then be invited in accordance with procedures outlined by the Office of the State Architect to participate in discussions with the committee.
5. Prior to discussions, all the firms who will participate in the discussions should be invited to tour the area of proposed work.
6. Each firm should be evaluated on the criteria outlined by the Office of the State Architect and the following general criteria:
 - Project team
 - Firm capabilities
 - Prior experience
 - Project approach
 - Sustainable design and understanding of problems and solutions
 - Fiscal responsibility
 - Commitment to campus design guidelines

Before scheduled discussions begin, committee members should familiarize themselves with the scoring system and determine the appropriateness of the interview questions and set their relative value. The sample score sheets provided by the Office of the State Architect should be used as a guide and modified as appropriate to fit the specific project. There should be no questioning as to specific

fees for the proposed project during these quality evaluation discussions; however, general questions about financial areas and/or the firm's willingness and ability to meet budget requirements as shown on the attached sheet are appropriate.

7. Following each interview, each committee member should complete the rating of all appropriate items on the score sheet. After all interviews have been completed, the committee should total all the scores to determine a prioritized list of three A/Es. During discussions, it is essential that the established schedule, format and time limit be maintained so that each A/E receives equal treatment.
8. Based upon the score sheet ranking, the three top firms should be submitted in rank order to the campus chancellor for approval to negotiate a fair and reasonable fee.
9. Consistent with 24-30-1407, a single architect or engineering firm can be presented to the Chancellor based on being able to reuse their existing drawings, specifications, designs, or other documents from a prior project.
10. Upon chancellor approval, negotiations for fair and reasonable compensation should begin and progress in the following manner:
 - Establish a negotiating team. The negotiator can be a single individual or a group but at least one of the negotiators should be a committee member to provide continuity of thought.
 - Negotiate with the most qualified firm for agreement on fair and reasonable compensation.
 - In the event that negotiations are unsuccessful, formally discontinue negotiations with the most qualified firm and begin negotiations with the second most qualified firm.
 - If these negotiations are also unsuccessful, formally discontinue negotiations and begin negotiations with the next most qualified firm on the list.
 - Should these negotiations also fail, formally discontinue the negotiations. Renegotiations can then begin with any and all of the three most qualified A/E firms and/or the scope of their work can be reconsidered until satisfactory negotiations are achieved or all proposals rejected.
11. Scores for each firm interviewed will be made available to the Board of Regents upon request only.

Appendix 3 ? University of Colorado Design Review Board

A. Authority of the DRB

The Design Review Board (?DRB?) will have the authority and responsibility specified in the Charge to the Board below.

- B. Charge to the Design Review Board** The charge to the Design Review Board consists of:
1. **Reviewing** and **advising** appropriate campus officials on the facilities portion of campus master plans and development of land use plans, with particular concern for aesthetic and physical characteristics of the individual campus.
 2. **Reviewing** and **evaluating** at the time of project design, proposals for new construction, major exterior renovations, and building additions, with particular concern for consistency with adopted campus design guidelines, including:
 - Basic planning
 - Architectural design including form, colors, materials, and texture
 - Landscape design and materials
 - Building placement and massing
 - Area and site planning
 - Campus aesthetics
 - Consistency of detailing
 - Land use criteria and policies
 - Campus entryway signage and signage design guidelines
 - Sustainable design

DRB Review and Approval, and Appeal from DRB decisions

DRB Review and Approval

The DRB will formally approve or deny project design at each stage of the design review process (see procedures). All areas of disagreement with the DRB recommendations should be discussed and, to the extent possible, resolved with the University Architect.

Appeal Process

If a campus disagrees with a formal DRB action, the campus may appeal that decision to the president through the Vice President of Budget and Finance or his/her designee.

- Prior to a formal appeal, a chancellor may choose to bring the matter to the attention of the Vice President of Budget and Finance or the President.
- Within 30 days of a DRB decision that a campus wishes to appeal, the campus architect, through the appropriate Vice Chancellor, shall advise the Vice President of Budget and Finance or his/her designee on design directions that vary from the DRB's recommendations.
- Before resolving such an appeal, the president shall consult with the campus chancellor.
- The president's decision on a campus's appeal from a DRB decision shall be final.

3. **Conducting periodic reviews** of the campus facilities and environs. These reviews may be performed by a combination of campus presentations and walking tours. As a result, every attempt will be made to meet on each campus throughout the year. It is requested that the campus chancellor accompany the Design Review Board on the campus tours.
4. **Members of the DRB** will be sensitive to the complicated nature of providing

architectural services and will seek appropriate ways to work with project architects in expediting reviews and design input early in the process.

5. **A member of the DRB** may, at the discretion of the Campus Architect, serve on each campus consulting architect selection committee if the project warrants DRB review. The DRB member or campus will report back to the DRB at the next regular meeting the outcomes of the selection process.
6. **The Vice President for Budget and Finance or his/her designee (ex officio member)** will work with the campuses in providing early identification of projects (scope, program planning goals) to the DRB.

C. Composition of the Design Review Board

The president shall appoint the members of the DRB, which membership shall be comprised of:

- Two highly regarded architects;
- One highly regarded landscape architect;
- One architect or engineer with expertise in sustainable building design;
- One senior administrator or faculty from the College of Architecture & Planning (who may fill the expertise listed above);
- The Vice President for Budget and Finance or his/her designee (ex officio); and
- A campus staff member designated by the campus for its respective campus projects.

The President will appoint members for a five-year term¹. Member services will be procured by annual renewable one-year contracts. The president may re-appoint members for an additional term, provided that a member does not serve more than ten consecutive years, if the president determines that a member has demonstrated specialized expertise, represents the specialized need of a campus, or offers other unique services. Appointments shall be staggered so that member(s) rotate off every year except in the case where a term is renewed.

Candidates for membership shall be solicited, when appropriate, from university design professionals, from the Colorado AIA (The American Institute of Architects), the Colorado ASLA (The American Society of Landscape Architects), and from present Design Review Board members.

The current membership shall be posted on the university system website. Former members may be granted emeritus status by the president. Emeritus members may, at the request of the university, fill in for current members when they cannot fulfill their obligations, or perform special projects. Emeritus status may be rescinded at any time by the president.

D. Administration of the DRB

The DRB will be administered by the Office of the Vice President of Budget and Finance. The budget for the Design Review Board will be reviewed annually and will be set by the president after consultation with the vice president and chief financial officer.

The budget review will include both the general system administration account and provision for special charges.

E. Contractual relationship between DRB members and the university

The university shall procure DRB member services through annual contracts. In addition to delineating the scope of work, DRB member's contracts shall address the following issues:

1. *Conflict of Interest* - The conflict of interest statutes, laws, policies and procedures of the State of Colorado, the Regents of the University of Colorado, and the University of Colorado apply to the Design Review Board. Any member of the Design Review Board desiring to compete for a university capital project on his or her own behalf or on behalf of any firm, corporation, partnership, or any other entity of which he or she is a member, partner, shareholder, or any other type of owner must **recuse** himself or herself from discussions and decisions regarding that project prior to serving on an architect selection committee or submitting, or accepting a proposal for consulting services, and the **DRB** member shall not attempt to influence the decisions of other **DRB** members. If a **DRB** member or any firm, corporation, partnership, or any other entity of which he or she is a member, partner, shareholder, or any other type of owner has a direct personal or private interest in any matter pending before the **DRB**, the member shall disclose such interest to the Vice President for Budget and Finance or his/her designee and the **DRB** and shall not vote on the matter and shall not attempt to influence the decisions of other Board members. If the **DRB** member is not awarded the contract, the member becomes eligible once again for full board participation.
2. *Professional Fees* - Members of the Design Review Board are eligible for reimbursement of personal expenses and modest compensation directly related to Design Review Board activities, pursuant to their contract with the university and to applicable university policies and State statutes. Reimbursement will be at current rates and practices as established by the Regents and/or the State of Colorado. Campus staff representative members will not receive additional compensation.

Appendix 4 ? Facility Space Inventory

These measurements are necessary to ensure the best use and most efficient utilization of space. Proper measurement and classification of space usage also furthers compliance reporting to state and federal agencies.

Process:

1. Each campus must develop and maintain a program of space management that is responsible for overseeing space and space usage for their respective campus properties and properties related to the campus. The university controller and the Vice President for Budget and Finance or his/her designee will assist the offices as necessary to ensure space facilities inventory systems are coordinated and standardized as necessary.

2. Each chancellor may designate a space management coordinator for the campus. The responsibility for the proper operation of the program may be delegated to such a coordinator. The coordinator will seek such advice and assistance as deemed necessary to develop the policy and procedures for the campus. The coordinator is responsible for developing an effective space plan to ensure space needs are met.
3. There shall be a master list of the buildings for each campus and an inventory of gross space for each building shall be made of record and reported to the Office of the State Architect per current state policies. An inventory of separate rooms, their space and classification, shall be made of record and the total of such room inventory shall be kept in balance with the building space recorded.
4. The campus coordinator should be delegated the power by the chancellor to obtain, through the several organizations on the campus, the assigned and assignable space. A physical check of the actual space, and a comparison of the results of this check to the inventory records, shall be made on a routine basis resulting in the entire inventory being completely checked within a three-year period of time. This procedure may be undertaken on a continuous cycle or on a periodic basis.
5. The campus coordinator shall work with the campus registrar and institutional research departments to report on the utilization of classroom and academic laboratory space consistent with Department of Higher Education guidelines.

1. Appointment term changed from four to five years, effective September 1, 2014, at the recommendation of the President and due to the number of members increasing. The new appointment term will better accommodate the rotation of members.

Groups audience:

Office of Policy and Efficiency (OPE)

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