



**ADMINISTRATIVE POLICY STATEMENT**

**Policy Title:** Capital Construction Planning and Projects

**APS Number:** 3002

**APS Functional Area:** **FACILITIES**

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

**Effective:** January 1, 2024

**Approved by:** President Todd Saliman

**Responsible University Officer:** Vice President and Chief Financial Officer

**Responsible Office:** Vice President and Chief Financial Officer

**Policy Contact:** Assistant Vice President for Budget, Planning and Capital, 303-860-6205

**Supersedes:** Capital Construction Planning and Projects, August 14, 2020

**Last Reviewed/Updated:** January 1, 2024

**Applies to:** All Campuses and President’s Office

**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 requirements that control many aspects of *capital construction* planning, approval, and oversight.

**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 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. Subject to the monetary review thresholds in II.A.4.c, no *capital construction* shall commence except in accordance with an approved master plan, program plan, and design development plan. 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 wholly cash-funded *capital construction* projects 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. 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 their 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 May or June regents' meeting, the campuses shall submit, for approval, a prioritized state-funded *capital construction* request and Five-Year Plan. 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 senior director of *capital assets* will develop, for president and regent consideration, the vice president's recommendation for universitywide 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, along with other annual reporting to the Office of the State Architect, will also be forwarded to the senior 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, 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 new construction projects costing over \$2 million and renovation or renewal projects costing over \$5 million require program plan approval by the Board of Regents per [Article 13 - Business and Finance of the Laws of the Regents](#). All new acquisition projects also require approval by the Board of Regents; program plan approval is required for acquisitions valued at more than \$2 million. 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 A – Program Plans for University-Funded Projects](#). Program plans for the acquisition of real property must abide by university guidelines for program planning per [Appendix B - Program Plans for University Acquisitions of Real Property](#). 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 C – Procedures for Selecting Architects and](#)

[Engineers for Planning, Design and Construction Projects](#). 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 D – University of Colorado Design Review Board](#) and 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. Universitywide Planning/Coordination - A universitywide *capital construction* committee (facilities directors) is charged with advising the vice president for budget and finance or their 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 their 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 - 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 Finance Subcommittee.
  - b. Facility Space Inventory - The campus must maintain an accurate physical space inventory of all buildings it owns or leases per [Appendix E – 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 their 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., and Joint Legislative Rule 45. *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.

1. For purposes of 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.
1. For purposes of 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.
1. For purposes of 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.
1. For purposes of 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

- A. Attachments Directly Related to this Administrative Policy Statement
1. [Appendix A - Program Plans for University-Funded Projects](#)
  2. [Appendix B – Program Plans for University Acquisitions of Real Property](#)
  3. [Appendix C - Procedures for Selecting Architects and Engineers for Planning, Design and Construction Projects](#)
  4. [Appendix D - University of Colorado Design Review Board](#)
  5. [Appendix E - Facility Space Inventory](#)
  6. [Appendix F - Public-Private Partnership Evaluation](#)
- B. 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. [University of Colorado Denver | Anschutz Medical Campus Schedule](#)
- C. [Other Resources \(i.e., training, secondary contact information\)](#)
1. [Colorado Commission on Higher Education \(CCHE\) Capital Policies](#)
  2. [Office of the State Architect](#)
  3. [Procurement Service Center](#)
  4. [Office of University Controller](#)
  5. [Office of Policy and Efficiency](#)
  6. [Guidance for Submittal of Real Property Transactions for Review and Approval](#)

## V. HISTORY

- Adopted: July 1, 1981 - Developing, Requesting and Monitoring Capital Construction Projects.
- Revised: July 15, 1986; July 1, 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; January 1, 2011 - The policy was revised to reflect comments from the Design Review Board; April 1, 2012 - to clarify the terms, and goals of the University Design Review Board; September 1, 2014 - Non-substantive changes made to Appendix C; April 9, 2015 - to reflect legislative changes made in HB14-1387; March 2020 - Non-substantive revisions made to Appendix C; August 14, 2020; January 1, 2024 - to insert a new Appendix B and renumber previous Appendices accordingly.
- Last Reviewed: January 1, 2024.

## Appendix A – Program Plans for University-Funded Projects

### Guidelines to Developing Program Plans for Regent Approval

#### Overall Observations

The University of Colorado is exempt from many of the program planning requirements of the state system. It is therefore incumbent upon each campus to present sufficient information in their program plans so the Board of Regents can 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 its strategic and master plans.

#### Program Plan Format

In general, there is no required format for program plans for wholly cash-funded projects 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 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 and an analysis of whether a project is a good candidate for a public-private partnership (P3) [see Appendix E];
- E. **Implementation Information** that describes the schedule, cost, funding sources, and operation costs. For new construction and complete renovation projects, campuses must identify how they will pay for future controlled maintenance of the facility, including, but not limited to, creating or adding to a fund dedicated to paying for controlled maintenance of wholly cash-funded projects commenced after FY 2019-20; 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 senior 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\*

<b>A. Executive Summary</b>
<b>B. Goals and Objectives:</b>
Academic
Student Life
Sustainable Design
Business
Other
<b>C. Factual Data:</b>
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
<b>D. Facilities Response:</b>
Project Description
Backfill Analysis
Technical Issues
Master Plan Relationship
Land Use Plan Relationship
Pedagogical Relationship
Site
Utilities
Design
Construction
Legal
Review Processes
Other
Alternatives
P-3 Evaluation (see Appendix E)
Goals & Objectives Impacts
Fiscal Impacts
<b>E. Implementation Information:</b>
Budget
3 <sup>rd</sup> Party Review
Funding Sources
Schedule/Phasing
Operating Costs
Future Controlled Maintenance Costs
<b>F. Appendices:</b>
Site Plan
Infrastructure Plan
Architectural Program
Space Requirements
Spatial Relationships
Acknowledgements
Other

\*Program Plan elements to be included are project specific

## Appendix B – Program Plans for University Acquisitions of Real Property

OUTLINE	REQUIRED?	EXPLANATION
<b>A. Executive Summary</b>	<b>Yes</b>	
<b>B. Goals and Objectives:</b>	<b>Yes</b>	Explain how acquisition/disposition supports goals and objectives in as many categories as apply from list below.
Academic	If applicable	Will the acquisition be supported by the revenue generated by the academic program(s) to be located on the property?
Business - Auxiliary Operations (Housing, Parking, Retail)	If applicable	Does the acquisition/disposition improve auxiliary services? Will the acquisition be supported by the revenue generated by the auxiliary services to be located on the property?
Healthcare	If applicable	Does the acquisition/disposition improve the delivery of healthcare services?
Research	If applicable	Does the acquisition/disposition improve the delivery of research?
Student Life	If applicable	Does the acquisition/disposition improve student life services?
Infrastructure (Easements, Rights-of-Way, Roadways, Utilities)	If applicable	Is the acquisition/disposition necessary to provide or improve access to campus? Is there a community benefit? Are roadways or utility connections or access improved?
Maintenance (Including Deferred Maintenance)	Yes	Does the acquisition/disposition address deferred maintenance?
Sustainable Design - Sustainability	Yes	How does the acquisition/disposition promote sustainability?
Diversity, Equity, Inclusion and Access	Yes	Does the acquisition/disposition benefit an underserved population?
Economic Impact	Yes	Does the purchase promote economic development (for campus programs and/or the surrounding community)?
Consistency with Institutional Mission	Yes	Illustrate how the acquisition/disposition supports the institutional mission and is consistent with existing planning documents.
Consistency with Strategic Plan		
Consistency with Master Plan		
<b>C. Summary Information:</b>	<b>Yes</b>	
Transaction Description	Yes	Description of proposed transaction.
Property and Improvements Description	Yes	Provide summary detail about the property location (including maps), size, site, improvements, utilities, and proximity to other campus assets.
Due Diligence	Acquisitions	See "University of Colorado Due Diligence Process for Real Property Acquisitions"
Title Review	Acquisitions	
Inspection	Acquisitions	
Sustainability Analysis	Acquisitions	
Environmental Evaluation	Acquisitions	
Historical and Cultural Evaluation	Acquisitions	
Property Survey	Acquisitions	
Site Analysis and Zoning Review	Acquisitions	



OUTLINE	REQUIRED?	EXPLANATION
Current Uses	Acquisitions	See "University of Colorado Due Diligence Process for Real Property Acquisitions"
Rent Roll Analysis (if leased)	Acquisitions	
Contract and Service Agreement Review (if applicable)	Acquisitions	
Cost Analysis (Current Costs and Potential Income)	Acquisitions	
Appraisal	Acquisitions	
Health/Safety/Code Compliance, including accessibility (ADA)	If applicable	Provide detail about needed improvements or limitations.
Parking Analysis	Acquisitions	Is there sufficient on-site parking for the planned future use? If not, is there a plan to add parking or accommodate parking in a different location?
Campus Planning Review	Acquisitions	
Facilities Condition	If applicable	If a building is included in an acquisition, include a summary analysis of the building condition and Facility Condition Index score (if available).
Campus Communications Review	Acquisitions	
Legal	Yes	Include statement re: whether CU legal review has been completed.
<b>D. Financial Analysis and Budget</b>	<b>Yes</b>	
Budget and Funding Sources	Yes	What is the source of funds for the acquisition and all future O&M? If the transaction is a disposition, where will the funds be deposited and what is the planned future use of the funds? Note APS 4005 requires that the proceeds of real estate sales be credited to the Permanent Land Fund <b>unless otherwise directed by the Board of Regents (or donor).</b>
Financing	Yes	Provide detail about the buyers/sellers, costs, and financing plan.
Future Operating Costs	Yes	If disposition, confirm that there is no further obligation to operate or maintain property. If acquisition, estimated annual costs, including future operating and maintenance (DM) costs.
Future Deferred Maintenance Costs	Yes	See above. <i>The recommendation is to include a fund for future deferred maintenance needs in the acquisition plan.</i>
<b>E. Implementation Information:</b>	<b>Yes</b>	
Capacity	Acquisitions	Include analysis of future use of site or building compared to programming.
Backfill Analysis	If applicable	Required for dispositions.
Schedule/Phasing	Yes	Anticipated sale/purchase date. Timeline: Due diligence, approvals, documentation, closing.
Construction	If applicable	Is future construction planned on site? If yes, briefly summarize the planned construction (size - GSF, # of floors).

<b>OUTLINE</b>	<b>REQUIRED?</b>	<b>EXPLANATION</b>
Communications and Community Engagement	If applicable	Provide a schedule and plan for regular communications and community engagement (both campus and external community groups).
Alternatives	Yes	What alternatives did the campus consider? What if the purchase/sale doesn't proceed? What is the exit strategy?
Donor Naming Review	If applicable	If acquisition/disposition involves donor naming recognition, provide information about how the acquisition or disposition process will comply with APS 3004.
P-3 Evaluation (see APS 3002, Appendix E)	Yes	
<b>F. Additional Analysis Required for Qualifying Acquisitions</b>	If applicable	<i>Required for complicated or high-profile transactions.</i>
Business Case	Yes	Develop a business case and present it to key stakeholders for review and approval.
Market Analysis	Yes	Conduct a market analysis.
Micro Master Plan	Yes	Complete a micro Master Plan.
Transition and Management Plan	Yes	Define leadership roles and responsibilities. Establish a review and approval cycle.
Exit Strategy	Yes	Provide a step-by-step exit strategy aligned with the project timeline and defining precipitating factors.
<b>G. Appendices:</b>		
Site Plan	Yes	Map showing location in relationship to campus. Survey maps, if relevant.
Spatial Relationships	Yes	Illustration showing site relationship to surrounding infrastructure (if relevant).

# UNIVERSITY OF COLORADO

## DUE DILIGENCE PROCESS FOR REAL PROPERTY ACQUISITIONS

Below is an outline of the due diligence process used by the university in evaluating proposed real property acquisitions, either by purchase or by gift once the university has determined there is a business case or programmatic need to justify the acquisition or gift acceptance. Once due diligence is completed, the results will be summarized into the program planning documents to be presented for approvals.

### A. Title and governing document review

A title insurance commitment is to be ordered to understand potential ownership restrictions or issues. From this report, university counsel will:

1. verify legal description
2. confirm all owners of record and form of ownership
3. determine existence of any liens or encumbrances, including any pending legal action
4. review current deed and title exception documents, such as recorded easements, covenants, mortgages, condominium declarations and rights of first refusal
5. determine any deed restrictions that could limit intended or future property uses
6. depending upon current ownership, examine any partnership or other ownership agreements to understand any transfer restrictions and capital call requirements
7. obtain updated title report as close to transaction closing as possible to verify that no additional liens or encumbrances impact the property (also helpful to review for property leases containing rights of first offer and purchase option provisions)

### B. Physical inspection of property

University facilities staff will visit the property and determine if additional professional inspections of the property condition are necessary, such as structural, mechanical, and geotechnical studies. A property condition report, a facility condition assessment, and an ADA evaluation are to be completed as applicable.

### C. Sustainability analysis

If the property includes structures, University facilities staff will also calculate the property's Energy Use Intensity (EUI) and determine availability of renewable energy technologies.

### D. Environmental evaluation

Prior to acquiring commercial, industrial, and farming property, a Phase I Environmental Site Assessment ("ESA") must be performed on the property. Additional assessments may be necessary if recommended by the Phase I ESA. Residential property may not require the same level of environmental evaluation depending upon the results of the physical inspection.

### E. Historical and cultural evaluation

University planning staff will assess any potential limitations and opportunities on property use or development due to historic designations, prior property uses, or significant cultural aspects of the property or surrounding area.

### F. Property survey

University facilities or planning staff will order a land survey of the property that meets at least ALTA/NSPS minimum standards.

G. Site analysis and zoning review

University planning staff will provide an analysis of the property site and the impact of current zoning, regardless of the university's intended use and possible sovereignty. Such analysis will include the property's permitted and prohibited uses, allowable density, height limitations, view planes, floodplains, required setbacks, and parking requirements.

H. Review of any leases, contracts or other agreements related to the property

University counsel and facilities staff will review the following contracts if ownership is subject to the following contracts:

1. Lease terms if property is to be transferred subject to a lease
2. Property management agreements
3. Maintenance agreements and warranties, including assignability
4. Development agreements

I. Analysis of operating statements and calculation of holding costs and potential income

University budget and finance staff will examine the property operating statements and project what operating costs will be incurred if the property is acquired, as well as estimate any potential income that the property might generate through academic and/or auxiliary operations. Examples of operating costs include:

1. annual property taxes, if not otherwise exempt
2. homeowners' and other common interest association fees
3. hazard and liability insurance
4. property management fees
5. utility expenses
6. security expenses
7. maintenance expenses
8. trash removal
9. snow removal and landscaping

J. Appraisal

University budget and finance staff will order and review an appraisal of the property that estimates the fair market value of the property based on current zoning and market conditions.

## **Appendix C – 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 (C.R.S. 24-30-1401-1408).

### **STATEMENT OF POLICIES AND PROCEDURES**

- A. 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.
- B. Public notice will be given according to state statute (C.R.S. 24-30-1405) except when using C.R.S. 24-30-1407 to use an architect or engineer that has prior existing plans.
- C. 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.
- D. 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.
- E. Prior to discussions, all the firms who will participate in the discussions should be invited to tour the area of proposed work.
- F. 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.

- G. 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.
- H. 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.
- I. Consistent with C.R.S. 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.

- J. 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 are rejected.
- K. Scores for each firm interviewed will be made available to the Board of Regents upon request only.

## Appendix D – 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 DRB 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<sup>1</sup>, 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 campus 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 their 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 their 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 DRB 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.

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<sup>1</sup> Projects within the boundaries of the Auraria Higher Education Center (AHEC) campus are reviewed by the AHEC Design Review Team, rather than the DRB. One member of the DRB serves as a member of the AHEC Design Review Team for CU Denver projects on the AHEC campus.

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 their 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 CU Denver College of Architecture & Planning (who may fill the expertise listed above);
- one architect or engineer who has firsthand experience with the policies or processes of the state architect (individual must serve in a voluntary capacity if currently employed by the state);
- the vice president for budget and finance or their designee (ex officio); and
- a campus staff member or a representative from an industry group that will occupy some or all of a completed facility designated by the campus for its respective campus projects. (The campus delegate is not counted towards a committee quorum and only votes to break a tie.)

The president will appoint members for a five-year term. 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<sup>2</sup> 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 DRB 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.

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<sup>2</sup> 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.



**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 and the University of Colorado apply to the DRB.
2. *Professional Fees* - Members of the DRB are eligible for reimbursement of personal expenses and modest compensation directly related DRB 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 and any state employee appointed to the board in a voluntary capacity will not receive additional compensation.

## Appendix E – 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:

- A. 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 their designee will assist the offices as necessary to ensure space facilities inventory systems are coordinated and standardized as necessary.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

**Appendix F – Public-Private Partnership Evaluation**  
The higher a project score, the stronger the case for P3 consideration

	<b>PRIMARY CONSIDERATIONS</b>	Y/N	Weighting (0-10)	Score	Cumulative Score
A-1	Are project and project control central components of campus academic mission (education and research) and campus goals?		Y = 0 N = 6-10		
A-2	Does campus have sufficient direct debt capacity to finance project without partner?		Y = 0-5 N = 6-10		
A-3	Does campus have internal expertise to complete and operate project?		Y = 0-5 N = 6-10		
A-4	If project fails, is there significant reputational damage to the campus?		Y = 0-5 N = 6-10		
	If cumulative score of section A > 24, continue analysis.				
<b>SECONDARY CONSIDERATIONS</b>					
B-1	Can potential partnership increase revenue to the campus?		Y = 6-10 N = 0-5		
B-2	Is campus willing to forego revenue in order to transfer certain risks to private partner?		Y = 6-10 N = 0-5		
B-3	Does a potential partnership have the support of campus leadership?		Y = 6-10 N = 0-5		
B-4	Can potential partner finance, complete and operate project for lower cost than campus?		Y = 6-10 N = 0-5		
B-5	Is project completion urgent and can private partner expedite schedule?		Y = 6-10 N = 0-5		
	If cumulative score of section A+B > 30, continue analysis.				
<b>OTHER CONSIDERATIONS</b>					
C-1	Can utilizing private partner shorten approval processes and avoid political uncertainty?		Y = 6-10 N = 0-5		
C-2	Can partner meet campus quality and performance requirements?		Y = 6-10 N = 0-5		
C-3	Does the campus have sufficient resources to manage and monitor partnership during and following project completion?		Y = 6-10 N = 0-5		
	If cumulative score of A+B+C > 45, consider a P3.				