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2014 June 3 -- Agenda and Attachments

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Board of



TRUSTEES

VOL. 139 JUNE 3, 2014

SPECIAL MEETING
UNIVERSITY OF CONNECTICUT BOARD OF TRUSTEES

AGENDA

University of Connecticut
President's Office Conference Room
Albert Gurdon Gulley Hall
Storrs, Connecticut

June 3, 2014

OPEN SESSION

Call to order at 12:30 p.m.

1. Public Participation (limited to agenda items)
2. Utilization of Exigent Procurement Procedures for Work Included in Project Budget (Final) for Residential Life Facilities – South Campus Envelope – Gable Repairs
3. Project Budget (Final) for North Eagleville Road Area Infrastructure Repair/ Replacement and Upgrade Phase I – Exigent Repair and Utilization of Exigent Procurement Procedures for Certain Associated Work
4. Downtown Hartford Campus Agreements
5. Adjournment

ITEM NO. 2



June 3, 2014

TO: Members of the Board of Trustees

FROM: John M. Biancamano
Interim Executive Vice President for Administration and Chief Financial Officer

Mun Y. Choi
Provost and Executive Vice President for Academic Affairs

RE: Utilization of Exigent Procurement Procedures for Work Included in Project
Budget for Residential Life Facilities – South Campus Envelope – Gable Repairs
(Final Budget: \$3,000,000)

RECOMMENDATION:

That the Board of Trustees approve the use of exigent procedures to procure the services necessary to repair the gable end walls of the South Campus Complex ("the South Campus").

BACKGROUND:

The South Campus comprises four buildings: Wilson, Rosebrooks, Snow, and Rome Halls. The buildings were constructed in approximately 1998. Design and/or construction deficiencies were first identified in the buildings during 2012. Since then, the University has (in addition to exercising legal remedies) investigated the deficiencies and addressed those that posed a risk to the University community.

To date, the University's consultants have identified four categories of deficiencies in the buildings. First, water infiltration is occurring throughout the complex and the exterior envelopes and roofs of the buildings are deteriorating. Repairs were put on hold when the second, third, and fourth deficiencies were identified because the latter deficiencies posed a greater risk to the University community. Second, pre-cast concrete capstones located on the gables and intermediate walls of the buildings were improperly secured. The Board of Trustees approved a \$3,000,000 project budget for this work (the budget was subsequently reduced to \$1,500,000) and the deficiency was remedied. Third, architectural precast stone failed and dislodged from one of the buildings. The University erected temporary scaffolding to protect the community from the most immediate threat of additional falling stone. The Board of Trustees approved a \$4,500,000 project budget to repair the architectural precast stone and the University is currently

negotiating with an architect, a project manager, and a contractor for the project. It is the fourth deficiency that is the subject of this resolution.

The fourth deficiency identified is that the gable walls were not designed and/or constructed to meet the applicable Connecticut State Building Code design wind load requirements. The Board of Trustees initially approved a \$3,000,000 project budget for the necessary repairs on December 11, 2013 and supplemented that approval with additional resolutions on January 29, 2014 and March 26, 2014 (collectively, the "Gable Repair Budget"). Emergency repairs have ensured that the gable walls will remain secure under most circumstances (the "Phase I Gable Repairs"). However, additional repairs are needed to strengthen, reinforce, and brace the gable walls so that they will, as required by the applicable Connecticut State Building Code, withstand the high wind loads that could be experienced during hurricane season (the "Phase II Gable Repairs"). The Phase II Gable Repairs would permanently remedy the gables' deficiencies and would not need to be altered when the larger water infiltration and deterioration problems are addressed.

This resolution does not modify the previously approved Gable Repair Budget. The \$3,000,000 Gable Repair Budget will be sufficient to fund the Phase II Gable Repairs. The purpose of this resolution is to authorize the University to utilize exigent procurement processes to contract for the services necessary for the Phase II Gable Repairs.

The Connecticut General Statutes generally require the University to competitively procure its contracts. However, competitive procurement is not required for a contract that the Board of Trustees deems to address an emergency. The Board of Trustees' approval of this resolution would deem the following contracts to address an emergency:

A contract with an architect/engineer for the construction administration services necessary to execute the Phase II Gable Repairs. Without limiting the scope of this resolution, it is currently anticipated that Wiss, Janney, Elstner (the consultant who has identified these and other South Campus deficiencies and has provided services necessary to remedy other South Campus deficiencies) will be selected for this contract.

A contract with a project manager for the project management services necessary to execute the Phase II Gable Repairs. Without limiting the scope of this resolution, it is currently anticipated that Jacobs Engineering (the consultant who has managed the remediation of South Campus deficiencies to date) will be selected for this contract.

A contract with a construction contractor who will provide the construction services necessary to execute the Phase II Gable Repairs. Without limiting the scope of this resolution, it is currently anticipated that All Phase Enterprises (the contractor who conducted the Phase I Gable Repairs) will be selected for this contract.

CAPITAL PROJECT BUDGET REPORTING FORM

TYPE BUDGET: REVISED FINAL

PROJECT NAME: RESIDENTIAL LIFE FACILITIES - SOUTH CAMPUS ENVELOPE: GABLE REPAIRS & PROTECTIVE WORK

<u>BUDGETED EXPENDITURES</u>	<u>APPROVED FINAL 12/11/2013</u>	<u>APPROVED REVISED FINAL 1/29/2014</u>	<u>APPROVED REVISED FINAL 3/26/2014</u>	<u>PROPOSED REVISED FINAL 6/3/2014</u>
CONSTRUCTION	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000
DESIGN SERVICES	125,000	125,000	145,000	145,000
TELECOMMUNICATIONS	-	-	-	-
FURNITURE, FIXTURES AND EQUIPMENT	-	-	-	-
CONSTRUCTION ADMINISTRATION	250,000	250,000	250,000	250,000
OTHER AE SERVICES (including Project Management)	150,000	150,000	150,000	150,000
ART	-	-	-	-
RELOCATION	-	-	-	-
ENVIRONMENTAL	-	-	-	-
INSURANCE AND LEGAL	25,000	25,000	25,000	25,000
MISCELLANEOUS	50,000	50,000	30,000	30,000
OTHER SOFT COSTS	-	-	-	-
SUBTOTAL	\$ 2,600,000	\$ 2,600,000	\$ 2,600,000	\$ 2,600,000
PROJECT CONTINGENCY	400,000	400,000	400,000	400,000
TOTAL BUDGETED EXPENDITURES	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>
<u>SOURCE(S) OF FUNDING</u>				
UCONN 2000 PHASE III	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>
TOTAL BUDGETED FUNDING	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>

ITEM NO. 3



June 3, 2014

TO: Members of the Board of Trustees

FROM: John M. Biancamano
Interim Executive Vice President for Administration and
Chief Financial Officer

Mun Y. Choi
Provost & Executive Vice President for Academic Affairs

RE: Project Budget for North Eagleville Road Area Infrastructure Repair/Replacement
and Upgrade Phase I – Exigent Repair – (Final: \$3,000,000) and Utilization of
Exigent Procurement Procedures for Certain Associated Work

RECOMMENDATION:

That the Board of Trustees approve (1) the Final Budget of \$3,000,000 for the design and construction of the Emergency Repair (also referred to as Phase I) described below and (2) the use of exigent procedures to procure the services necessary for the Emergency Repair.

BACKGROUND:

The University owns, operates and maintains a vast underground and above ground utility infrastructure. This includes water, sewer, high voltage electrical distribution, and cooling/heating generation and distribution systems. It is the heating distribution system that is the subject of this Resolution.

The vast majority of the University buildings on the main campus are heated with high pressure steam generated by the University-operated Central Utility Plant (CUP). The steam is distributed via an underground network of steam supply and condensate return pipes. There is approximately 48,300 feet of underground steam and condensate piping on the main campus. Approximately 95% (45,800 feet) is direct buried. Approximately 5% (2,500 feet) is installed in newer utility tunnels. The oldest of the piping was installed in the 1930s, 68% of the piping is more than 40 years old, and 22% of the piping is between 30 and 35 years old. The expected serviceable life of steam and condensate piping is between 50 and 60 years.

The University has observed an increasing frequency of failures within the system including pipe breaks, steam trap malfunctions, valves bursting, and vaults deteriorating. On September 27, 2012, the Board of Trustees approved a Planning Budget (the "Planning Budget") to fund detailed scope development, preparation of contract documents, and completion of detailed project estimates and schedules necessary to improve the heating generation and distribution system (the "Improvement Project").

Unfortunately, a critical section of supply and return pipe failed on April 26, 2014. The failure occurred in an undetermined location at the intersection of Route 195 and North Eagleville Road. A temporary solution has been implemented to bypass this failure. However, the temporary solution does not have enough capacity to supply the north-east section of campus during the heating season. The failed line segment must be replaced now and cannot wait for the development of the rest of the Improvement Project. Replacement of the failed line, together with work typically associated with such a replacement, is referred to in this resolution as the "Emergency Repair." The least disruptive way to conduct the Emergency Repair is to install a new +/- 1,200 foot steam and condensation line parallel to the existing line, but in the grassed areas. The new line would then be "jacked" (pushed) under CT Route 195. The failed line will be left in place. This approach is advantageous because it would effect a permanent solution and would not require excavating Route 195 or North Eagleville Road.

At the University's request, URS (the engineer providing services for the Improvement Project) has shifted its focus from the Improvement Project to developing plans and specifications for the Emergency Repair.

To facilitate the execution of the Emergency Repair, this Resolution proposes the following two items for the Board of Trustees' approval:

- (1) That the Board of Trustees approve the attached Proposed Final Project Budget. Due to unforeseeable constraints placed on the project timing and the operational importance of the work, the University requests that the three step budget approval be waived. The Proposed Budget is based on very preliminary engineering estimates. The University will return to the Board of Trustees for approval of a Revised Proposed Final Project Budget if costs are projected to exceed these preliminary estimates. The Proposed Budget does not include funds necessary to administer, manage, or construct the remainder of the Improvement Project. The University anticipates returning to the Board of Trustees for approval of a Revised Proposed Final Project Budget once plans are in place to effectuate the remainder of the Improvement Project.
- (2) That the Board of Trustees approve the use of exigent procurement procedures to secure the services needed for the Emergency Repair. The Connecticut General Statutes generally require the University to competitively procure its contracts. However, competitive procurement is not required for a contract that the Board of Trustees deems

to address an emergency. The Board of Trustees' approval of this Resolution would deem the following contracts to address an emergency:

- a. A contract with a project manager for the project management services necessary to execute the Emergency Repair. Without limiting the scope of this Resolution, it is currently anticipated that Strategic Building Solutions (SBS) will be selected for this contract. SBS has successfully managed similar steam line replacements on campus.
- b. A contract with a construction contractor who will provide the construction services necessary to execute the Emergency Repair. Discussions are underway with several contractors who are qualified to perform the work.

It is not necessary that the engineering contract with URS be deemed to address an emergency. This is because the design, administration, and other engineering services necessary for the Emergency Repairs are within the scope of the competitively procured contract URS was awarded for the Improvement Project.

Attachment

CAPITAL PROJECT BUDGET REPORTING FORM

TYPE BUDGET: FINAL

**PROJECT NAME: NORTH EAGLEVILLE ROAD AREA INFRASTRUCTURE REPAIR/REPLACEMENT:
PHASE I EXIGENT REPAIR**

	APPROVED PLANNING 9/27/2012	PROPOSED FINAL 6/3/2014
<u>BUDGETED EXPENDITURES</u>		
CONSTRUCTION	\$ -	\$ 2,000,000
DESIGN SERVICES	495,000	450,000
TELECOMMUNICATIONS	-	-
FURNITURE, FIXTURES AND EQUIPMENT	-	-
CONSTRUCTION ADMINISTRATION	-	100,000
OTHER AE SERVICES (including Project Management)	20,000	80,000
ART	-	-
RELOCATION	-	-
ENVIRONMENTAL	25,000	25,000
INSURANCE AND LEGAL	10,000	5,000
MISCELLANEOUS	-	45,000
OTHER SOFT COSTS	50,000	-
SUBTOTAL	\$ 600,000	\$ 2,705,000
PROJECT CONTINGENCY	150,000	150,000
TOTAL BUDGETED EXPENDITURES	\$ 750,000	\$ 2,855,000
<u>SOURCE(S) OF FUNDING</u>		
UConn 2000 PHASE III - FY13 DM	\$ 750,000	\$ 750,000
UConn 2000 PHASE III - FY15 DM	-	2,250,000
TOTAL BUDGETED FUNDING	\$ 750,000	\$ 3,000,000

ITEM NO. 4

June 3, 2014

TO: Members of the Board of Trustees

FROM: Susan Herbst
President

Mun Choi
Executive Vice President and Provost

John Biancamano
Executive Vice President & CFO (interim)

RE: Greater Hartford Campus – Relocation from West Hartford to Hartford

RECOMMENDATIONS:

In order to accomplish the relocation of the Greater Hartford Campus from West Hartford to Hartford, the administration recommends that the Board of Trustees adopt the following four resolutions:

1. The Board authorizes the relocation of the University's Greater Hartford Campus from West Hartford to Hartford, Connecticut pursuant to General Statutes Section 10a-109w;
2. The Board approves the Phase III Development Agreement among the University, HBN Front Street District, Inc., the Capital Region Development Authority and the State of Connecticut, together with all exhibits and schedules thereto;
3. The Board approves the Campus Development Agreement among the University, FSD University, LLC and the State of Connecticut, together with all exhibits and schedules thereto; and
4. The Board approves the Parking Memorandum of Understanding between the University and the Capital Region Development Authority, together with all exhibits and schedules thereto.

BACKGROUND:

The University wishes to invest in, and maintain a vibrant presence in, the city of Hartford. To accomplish this goal, a strategically important University initiative is to consolidate the various Hartford area academic programs and relocate them into a central, downtown Hartford location. In 2013, the University requested expressions of interest from developer teams to identify potential locations for a Hartford Campus. Thirteen development teams responded, three were invited for discussions and one location, the "Hartford Times" site in the entertainment/residential/retail district ("E/R/R District"), within Adriaen's Landing, was identified as the preferred site.

At its August 7, 2013 meeting, the Board of Trustees approved a planning budget in the amount of one million dollars to confirm the viability of the Hartford Times site and authorized the University to employ legal, architectural and engineering teams to assist with due diligence and planning. Shortly thereafter, the University entered into a predevelopment agreement with HBN Front Street District, Inc. (the Developer) to undertake due diligence and site planning activities. From the time this site was first identified as the preferred location, the University intended to preserve and restore the historical front of the Hartford Times Building on Prospect Street. An initial concept plan for the Hartford Times site was later developed. The University investigated available resources already existing in the neighborhood and identified opportunities for partnering by using existing spaces for academic purposes.

At its April 23, 2014 meeting, the Board of Trustees approved a revised planning budget in the amount of ten (10) million dollars to release design of the new main building and to provide supporting design and due diligence services for other projects related to the neighborhood campus development.

With the approval of the recommended resolutions today, the Board of Trustees will formally approve the relocation of the Greater Hartford Campus from West Hartford to Hartford and the construction of a Downtown Hartford Campus.

Recommendation No. 1: Statutory Requirement to Approve the Relocation

General Statutes Section 10a-109w, entitled "Authorization for relocation of West Hartford campus," requires a resolution of the Board authorizing the relocation as a threshold step in implementing the relocation of the West Hartford campus to Hartford. Accordingly, the Board must first authorize the relocation before it approves the entering into of any agreements related to the relocation.

Recommendation Nos. 2, 3 &4: The Three Operative Agreements

As described above, the new building will be developed on land that is located within Adriaen's Landing. Adriaen's Landing, in turn, has its own statutory overlay vesting the State of Connecticut's Office of Policy and Management ("OPM") with oversight. HBN

Front Street District, Inc., ("HBN") is currently the OPM-approved developer of the Adriaen's Landing E/R/R District. HBN will develop the University's new downtown campus building through an affiliate, FSD University, LLC. Three documents provide the foundation for the development of the University's new building. They are:

1. The "Phase III Development Agreement." Because HBN is executing other, unrelated, development within the E/R/R District, it was important to "sever" the University's development parcel (known as "Phase III") from the rest of the development. That way, any development issues presented in the other areas of the E/R/R District will not affect the University in pursuing Phase III. This agreement -- among the University, HBN, the Capital Region Development Authority ("CRDA") and the State of Connecticut -- accomplishes this severance. It contains the terms and conditions for the development of Phase III in compliance with the legislation governing Adriaen's Landing. Among the key provisions of this agreement are:
 - The State will transfer fee title in the land to the University at project completion;
 - The University assumes environmental liability from the state;
 - The University will comply with Adriaen's Landing SBE/MBE/WBE & Workforce requirements;
 - The State agrees to Concept Plans and has limited review rights over further design;
 - The State will maintain and restore existing garages into the future;
 - The State has the right to a reverter and a reversion option under abandonment or declining enrollment, respectively; and
 - The University is subject to a restriction on the transfer of the new building to any person other than an affiliate of the University or HBN for the retail space without the consent of the State.
2. The "Campus Development Agreement." This is a turn-key agreement among the University, FSD University, LLC ("FSD", a single-purpose entity affiliated with HBN) and the State under which FSD will provide design and construction services for the project. It will require FSD to build the downtown campus building to the University's requirements. Prior to negotiating the Campus Development Agreement, the parties agreed to (but never executed) a "Term Sheet" containing the essential terms. The essential terms of the Term Sheet have been carried forward into the Campus Development Agreement.

FSD will earn a one and one-half percent development fee on contracted cost and will receive the revenue from leasing retail space. Other key provisions of this agreement include:

- FSD agrees to meet all University Standards and Specifications;

- The University is an active participant in design and construction of the project;
 - The University has approval rights at all stages of design;
 - FSD agrees to meet schedule deadline for opening Fall 2017;
 - FSD agrees to meet Adriaen's Landing SBE/MBE/WBE and Workforce Goals;
 - Most cost overrun risk is passed down to the construction manager (CM) through a Guaranteed Maximum Price (GMP);
 - Project will be constructed under a Project Labor Agreement (PLA);
 - Reconciliation mechanism if built retail space is less than a threshold of 19,000 square feet; and
 - The University agrees to lease the retail space to FSD following completion for FSD to sub-lease to tenants for pre-approved uses and for other uses with the consent of the University.
3. The "Parking Memorandum of Understanding" between the University and CRDA contains the business terms providing for the University's students, faculty and staff to have access to parking in CRDA-controlled facilities. The University and CRDA will enter into a more detailed Parking Agreement at a future date.

The University will pay 45 dollars per month per space actually used by staff, faculty and full-time students, and there will be a 50 percent reduction in this rate for part-time students. Other key provisions of this agreement include:

- Capacity to park up to 850 automobiles at any given time;
- University staff and faculty will have access to capacity remaining at the South Garage in the E/R/R District, with the balance of staff/faculty parking in the Connecticut Convention Center in designated areas;
- Up to 600 guaranteed spaces for students on a roaming basis;
- Shuttle services for approximately 12 event-conflict days per year; and
- Introduction of University security systems into garages, as necessary.

CONCLUSION

These four resolutions, and the agreements which they authorize, are the next critical milestone not only in the University's continuing enhancement of its academic and research mission, but also in the University's contribution to the economic development of the downtown neighborhood, the capital city and the entire State of Connecticut.