

## Chapter 70: Execution of Instruments

### 70.060 Consulting, Design and Construction

Bd. Min. 12-12-64, p. 26,063; Amended Bd. Min. 11-19-76; 8.250 R.S.Mo 1929; Bd. Min. 5-5-89, Amended Bd. Min. 12-15-95; Bd. Min. 9-27-01; Bd. Min. 3-22-02; Bd. Min. 12-11-03, Bd. Min. 5-5-06, Bd. Min. 10-5-07, Bd. Min. 9-24-10, Bd. Min. 8-19-11, Bd. Min. 1-31-13; Amended 4-11-14; Amended Bd. Min. 12-7-17. **Amended Bd. Min 6-27-24**

- A. The President shall have the authority to hire consultants and administer facilities design and construction operations in conformance with these Collected Rules and Regulations.
- B. Board of Curators have an active role in establishing capital plans and priorities. Board of Curators approval shall be obtained for:
  1. Campus master plans when significant changes are proposed, but not less than every five years.
  2. A five-year Capital Project Plan for each campus annually. Capital Project Plan shall include:
    - a. All planned new buildings or additions over \$5,000,000 in project cost
    - b. All planned renovation/infrastructure projects over \$8,000,000 in project cost
    - c. Planned total spend summary for all capital improvements each yearAll projects on the capital project plan shall support the campus strategic plan and master plan.
  3. The architectural and engineering consultant fees and the project budget, funding, and scope of work for renovation/infrastructure projects with a total project cost of \$8,000,000 or more; or new building or addition projects with a total project cost of \$5,000,000 or more, before the design of the project is started. This does not include the pre-design programming and planning to develop the estimated project cost, scope of work, and justification.
  4. The architectural and engineering consultant when the fees are more than \$500,000 and the project cost is less than \$5,000,000 for new buildings

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and additions; or the project cost is less than \$8,000,000 for renovation/infrastructure projects.

5. If a previously approved Capital project changes substantially in size, scope, or cost, or the source of funds changes significantly, the Capital project shall be reapproved before construction begins, the Guaranteed Maximum Price is increased, or, in the case of a project that includes a series of construction contracts, the next construction contract is approved.

C. Debt Financed Capital Improvement Projects

1. Board of Curators approval shall be obtained for the use of debt financing on a project prior to bidding.
2. Facilities and Administrative Cost Recovery may be used as an identified funding source for the debt service on debt issued to build research and academic buildings at the University of Missouri, on a facility for which the Board has approved a business plan. The approval of a business plan must occur prior to hiring architectural and engineering consultants. See CRR 145.010 *"Policy for Management and Oversight of Debt and Derivatives"* for overall limitations on this funding source.

- D. Project Design of new buildings and building additions with a total project cost greater than \$5,000,000 will be provided to the Board of Curators for informational review before design is complete and construction contracts are awarded.

- E. An annual report shall be provided to the Board with the status of each project on the approved capital plan and all projects approved by the Board.

F. Competitive Bidding:

1. Contracts for construction, renovation or repair projects estimated to cost \$25,000 or more shall be awarded to the lowest, responsive, responsible bidder or bidders based on pre-established criteria.
2. For contracts estimated to cost between \$25,000 and \$100,000, bids shall be solicited from a minimum of three contractors.
3. Contracts estimated to cost \$100,000 or more shall be advertised for bid for five days in two newspapers with a circulation of at least 50,000, and at least two times over a 10-day period in a newspaper located in the county

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where the work is located, or advertised through an electronic medium if this method is more advantageous in soliciting competitive bids.

4. Competitive bids are not required for:

a. Contracts Under \$25,000. ~~Contracts estimated at less than \$25,000, if there are no savings or advantages to bidding.~~

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b. Master Construction Agreements. Individual projects may be performed under Master Construction Agreements without seeking competitive bids for the individual projects, regardless of whether the cost exceeds the thresholds set forth herein.

c. Donor Funded Projects. Notwithstanding any provision herein to the contrary, the Board of Curators may, at its discretion, dispense with the competitive bidding and advertising requirements in this Section 70.060 as they relate to the construction of a building on University property if a private donor providing all or substantially all of the money for such construction project specifies, as a condition precedent to the donation, the architect and/or the general contractor to be utilized. In exercising its discretion concerning such donations, the Board of Curators' considerations will include, but not necessarily be limited to, the capabilities and prior experience of the architect and/or general contractor with similar construction projects, the ability of the University to assure that the building meets all applicable construction standards and codes, any conflicts of interest that may exist for the donor, the architect and/or general contractor and the ability of the University to assure compliance with all applicable contract terms and laws related to such construction projects. Any such approval by the Board of Curators to dispense with the competitive bidding and advertising requirements in this Section 70.060 shall be contingent upon the willingness of the specified architect and/or general contractor to agree in writing to comply with standard University contract terms and conditions and to perform such contractual obligations for a specified amount within the specified budget for the construction project.

d. Emergency Procurement. The Executive Vice President for Finance/Chief Financial Officer or Director of Facilities Planning and Development or other delegate may waive the requirement of competitive bids for construction and repair projects when they determine that there exists a threat to life, property, public health, or public safety or when immediate expenditure is necessary for

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repairs to University property in order to protect against further loss of or damage to University property, to prevent or minimize serious disruption in University services, or to ensure the integrity of University records. Emergency procurements shall be limited to only the supplies or services necessary to meet the emergency and shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the emergency and reasons for the selection of the particular contractor should be included in the contract file.

G. Master Construction Agreements

1. Master Construction Agreements shall be competitively procured based on price, qualifications, and quality of services provided in evaluating the best proposal.
2. The construction cost for individual projects performed by Master Construction Agreements shall not exceed \$3,000,000.
3. Master Construction Agreements shall be annual agreements with annual renewals not to exceed a total contract period of (5) five years.
4. Subcontracts for individual projects performed under a Master Construction Agreement should be procured using as much competition as practical under the circumstances but are not required to be formally advertised for bidding.

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H. Alternative Procurement Methods

1. Notwithstanding anything to the contrary herein, contracts for construction projects may be awarded and performed using the Design-Build, Construction Manager at Risk, or Construction Manager Agency project delivery methods, in accordance with applicable statutes or policies created by the President or the President's designee.

I. Codes and Standards

1. All facilities shall comply with International Code Council (ICC) Codes. Codes and standards required by accreditation agencies will also be used unless the ICC requirements are more stringent. In the event that special design features and/or construction systems are not covered in the ICC codes, the applicable edition of the National Fire Protection Association

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(NFPA) family of standards and/or the NFPA 101 Life Safety Code shall be used.

2. All facilities shall be in conformance with the Americans with Disabilities Act.

- K. Preference shall be given to Missouri products and firms when such are equally or better suited for the intended purpose and can be obtained without additional cost. Firms are considered "Missouri firms" if they maintain a regular place of business in the State of Missouri.
- L. The prevailing wages in the community where construction takes place shall be required to be paid on all construction projects for construction work. Prevailing wages are not required to be paid for maintenance work.

**Deleted: I.** → Construction projects, other than individual projects performed on master construction agreements, estimated to cost \$100,000 or more shall be advertised for bid for five days in two newspapers with a circulation of at least 50,000, and at least two times over a 10 day period in a newspaper located in the county where the work is located, or advertised through an electronic medium if this method is more advantageous in soliciting competitive bids...

**Deleted: J.** → Notwithstanding any provision herein to the contrary, the Board of Curators may, at its discretion, dispense with the competitive bidding and advertising requirements in this Section 70.060 as they relate to the construction of a building on University property if a private donor providing all or substantially all of the money for such construction project specifies, as a condition precedent to the donation, the architect and/or the general contractor to be utilized. In exercising its discretion concerning such donations, the Board of Curators' considerations will include, but not necessarily be limited to, the capabilities and prior experience of the architect and/or general contractor with similar construction projects, the ability of the University to assure that the building meets all applicable construction standards and codes, any conflicts of interest that may exist for the donor, the architect and/or general contractor and the ability of the University to assure compliance with all applicable contract terms and laws related to such construction projects. Any such approval by the Board of Curators to dispense with the competitive bidding and advertising requirements in this Section 70.060 shall be contingent upon the willingness of the specified architect and/or general contractor to agree in writing to comply with standard University contract terms and conditions and to perform such contractual obligations for a specified amount within the specified budget for the construction project.