

11.200 Construction Projects

11.201 Definitions. For this Regents Rule, the terms listed below have the following meaning:

1. “Major Project” means a) a New Construction Project with a total Project Cost of \$1,000,000 or more; b) a Repair and Renovation Project with a total Project Cost of \$2,000,000 or more; c) any Project required by statute to be approved by student election; and d) regardless of dollar value, any Project specifically designated by the Board to be a Major Project.
2. “Minor Project” means a) a New Construction Project with a total Project Cost of less than \$1,000,000; and b) a Repair and Renovation Project with a total Project Cost of less than \$2,000,000.
3. “New Construction” means the creation of a new building, facility, or outdoor space; the addition to an existing building, facility, or outdoor space; or new infrastructure that does not currently exist on a campus.
4. “Project” means the process of constructing, repairing, renovating, adding onto, or altering a campus building, facility, outdoor space, or its infrastructure, or acquiring new property.
5. “Project Cost” includes, but is not limited to, the cost of construction, installed equipment, architectural and engineering services, surveys, plans, specifications, site development and infrastructure, and other expenses required to complete a Project.
6. “Repair and Renovation” means construction upgrades to an existing building, facility, or outdoor space, or existing infrastructure, including the finish-out of shell space.

11.202 Capital Improvement Plan. The Capital Improvement Plan shall provide a process of strategic capital project planning related to future development and preservation of construction programs and physical plants for the System Administration and each Institution and shall include a five-year projection of all Major Projects.

11.203 Valuation of a Project. In the event that a Project is initiated with a good faith belief that the total Project Cost will not exceed \$1,000,000 for New Construction or \$2,000,000 for Repair and Renovation, and if at any time

thereafter the Project budget is increased to meet the definition of a Major Project, then the Project must be included on the Capital Improvement Plan and the Plan must be approved by the Board prior to the increase in Project Costs being incurred.

- 11.204 Feasibility and Planning. Contracts related to feasibility and planning are governed by Regents Rule 03.900. Feasibility and planning efforts that are intended to result in a Major Project are not required to be included in the Capital Improvement Plan.
- 11.205 Responsibility. The Vice Chancellor for Facilities Planning and Construction shall develop and maintain the Capital Improvement Plan in coordination with the System Administration and the Institutions. The System Administration and each Institution shall adopt a capital planning process to provide input into development and maintenance of the Capital Improvement Plan.
- 11.206 Approval of the Annual Capital Improvement Plan. Annually, the Vice Chancellor for Facilities Planning and Construction shall review the Capital Improvement Plan with the Chancellor and the Presidents. Upon approval by the Chancellor, the Capital Improvement Plan shall be submitted to the Board for approval. Throughout the year, any amendment of the Capital Improvement Plan requires approval of the Chancellor and the Board.
- 11.207 Major Projects included in the Capital Improvement Plan. A Major Project included in the Capital Improvement Plan approved by the Board provides authority for the System Administration or Institution to expend funds up to the total Project Cost for that project as specified in the Capital Improvement Plan. With approval of the Chancellor, additional funds may be expended in an amount up to 5% in excess of the total Project Cost, but the excess amount must be reported in an amendment to the Capital Improvement Plan at the next regularly scheduled Board meeting. For Major Projects required by statute to be approved by student election, programming and preliminary design costs may be incurred after the Major Project has been included on a Capital Improvement Plan approved by the Board, but construction costs shall not be incurred until the Major Project has been approved by student election.
- 11.208 Minor Projects. Minor Projects and contracts related to Minor Projects are exempt from Board approval.
- 11.209 Delegations of Authority.
 - 1. Project Management.

- a. Major Projects not exceeding \$4,000,000 and Minor Projects for an Institution will be managed by the Institution.
- b. Projects for System Administration and Major Projects exceeding \$4,000,000 for an Institution will be managed by the System Office of Facilities Planning and Construction.
- c. When in the best interest of the System, the Vice Chancellor for Facilities Planning and Construction has the authority to delegate management of Major Projects exceeding \$4,000,000 to an Institution. When in the best interest of the System, the Chancellor has the authority to delegate management of a Project for an Institution to the System Office of Facilities Planning and Construction. When in the best interest of an Institution, the President has the authority to request management of a Project by the System Office of Facilities Planning and Construction.
- d. The Vice Chancellor for Facilities Planning and Construction has the authority to establish or approve Project design and construction guidelines based on the applicable Master Plan, Capital Improvement Plan, and quality design and project implementation criteria for use in System Administration or Institution Projects.
- e. Management of Projects includes responsibility for preparation of plans, specifications, and contract documents, and management of the construction, repair, or renovation related to the Project.
- f. The Board delegates to the Chancellor authority to set Project management rates to be incorporated into Project budgets to support the System Office of Facilities Planning and Construction.

2. Contracting Authority.

- a. Subject to the requirements of this Chapter, the Board delegates to the Chancellor authority to negotiate, approve, and sign all contracts related to Major Projects included in the approved Capital Improvement Plan and all contracts related to a Minor Project. For contracts with a value of \$1,000,000 or less, this authority may be further delegated.
- b. Subject to the requirements of this Chapter, the Board delegates to each President, for their respective Institutions, authority to negotiate, approve, and sign all contracts related to Major Projects managed by the Institution and included in the approved Capital Improvement Plan and all contracts related to a Minor Project

managed by the Institution. For contracts with a value of \$1,000,000 or less, this authority may be further delegated.

- 11.210 Texas Higher Education Coordinating Board. Projects shall be submitted to the Texas Higher Education Coordinating Board by the Vice Chancellor for Facilities Planning and Construction as required by state law and regulations.
- 11.211 Construction Procurement Methods. The System Administration and the Institutions shall use only the procurement methods set forth in Chapter 51 of the Texas Education Code for all Projects.
- 11.212 Historically Underutilized Business Program. The System Administration and the Institutions shall seek the involvement of and make a good faith effort to promote the use of Historically Underutilized Businesses in its Projects as prime contractors, sub-contractors, and material suppliers.
- 11.213 Building Code. The System Administration and the Institutions shall follow the International Building Code (IBC) as the standard for Projects. The Chancellor shall designate one or more “Building Official(s)” as defined by the IBC. The Building Official shall have the authority to establish guidelines for interpreting the IBC.
- 11.214 Naming. Buildings, facilities, structures, outdoor spaces, and other areas may be named as specified in Regents Rule 09.200.
- 11.215 Plaques. A commemorative plaque shall be placed on New Construction as determined by the Chancellor.
1. The plaque shall be inscribed with the following:
 - a. the name of the building or facility;
 - b. the name of the architecture or design firm;
 - c. the name of the general contractor, construction manager at risk, construction manager-agent, or design build firm;
 - d. the month and year that the Board voted to authorize award of the construction contract; and
 - e. the year of the dedication ceremony.
 2. The plaque also shall identify, as of the date the Board voted to authorize award of the construction contract, the following:

- a. the names of the Chairman and Vice Chairman of the Board, and the names of the other members of the Board, including the Student Regent, arranged in alphabetical order; and
- b. the names of those occupying the positions of Chancellor and President.

Adopted: November 15, 2007
Effective: November, 15, 2007
Revised: May 15, 2013 (editorial); February 23, 2018