

# Policy on Authority to Execute Construction Projects

## **I. POLICY STATEMENT**

Auburn University's (the "University") *Policy on Authority to Execute Construction Projects* mandates the process for executing construction projects on the University's main campus and other land owned by the University.

## **II. POLICY PRINCIPLES**

The University executes construction projects to build new facilities; maintain, repair, and renovate existing facilities; and implement other improvements to the campus infrastructure, grounds, or lands owned by the University. These projects represent major investments of University resources and have long-term impact to the University campus. As such, it is essential that:

- A. All construction projects are executed in a well-planned, professional, and high-quality manner;
- B. All construction contracts executed by the University are managed and administered in compliance with the Alabama Competitive Bid and Public Works Laws;
- C. All construction projects are designed with sound architectural and engineering principles and practices as well as comply with national life safety, fire protection, electrical, and other building codes intended to ensure and maintain safety, as well as binding declarations and covenants;
- D. All construction projects for new facilities comply with the Auburn University Campus Master Plan, as well as binding declarations and covenants;
- E. All construction projects comply with the Auburn University Character and Image Standards and Design and Construction standards, as well as binding declarations and covenants;
- F. All construction projects that make improvement to University land and property comply with applicable national, state and/or local regulations regarding environmental concerns and storm water management.
- G. To ensure that these requirements are met, Auburn University Facilities Management ("Facilities Management") has the sole authority to bid, award, and manage construction contracts on behalf of the University or to execute construction projects on University property.

## **III. EFFECTIVE DATE**

November 1, 2017

## **IV. APPLICABILITY**

This policy applies to all University organizations and all projects executed on property owned by the University as well as all capital grants (federal, state, corporate, and/or foundation supported) provided for construction projects.

## **V. POLICY MANAGEMENT**

**Responsible Office:** Auburn University Facilities Management

**Responsible Executive:** Executive Vice President, Auburn University

**Responsible Officer:** Associate Vice President, Facilities Management

## **VI. DEFINITIONS**

**Construction Project:** Consistent with the State of Alabama Title 39, any project that constructs, repairs, renovates, alters, remodels, installs, maintains, modifies, or replaces University facilities, infrastructure or grounds as well as their associated equipment and components. See Appendix A for additional guidance as to what constitutes a construction project at Auburn University.

**Main Campus:** For the purposes of this policy, the term "main campus" shall refer to Auburn University's main campus and the North Auburn campus.

**Minor Repairs:** Work consisting of the replacement of components of an existing system and with a cost under \$3,000 (see Appendix B.)

**Public Works:** Per the State of Alabama Title 39-2-1 (6): the construction, installation, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, curbs, gutters, side walls, bridges, docks, underpasses, and viaducts as well as any other improvement to be constructed, installed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise.

**Public Works Bid Law:** Alabama Code - Title 39: Public Works governs construction projects by State organizations within Alabama. Chapter 2, "Letting, Execution, and Administration of Public Improvements Contracts by State Agencies Generally," details the legal requirements for bidding, award, and administration of construction contracts and projects by state and municipal organizations in Alabama.

## **VII. POLICY PROCEDURES**

### **A. Execution of Construction Contracts and Projects by Facilities Management:**

1. With few exceptions, all construction contracts on behalf of the University will be bid, awarded, and managed by Facilities Management. All construction projects involving University General Funds or those impacting University facilities, grounds, and property shall be managed and executed by Facilities Management.
2. Appendix B provides a table detailing how construction work shall be contracted.

### **B. Delegation of Authority to Execute Construction Projects by Facilities Management:**

1. Under certain circumstances, Facilities Management may delegate the authority to execute and manage a construction project to another University organization. This type of delegation may be given for projects on an outlying University property where day-to-day management by Facilities Management may not be feasible. An example of such delegation would be authorizing the staff at the Solon-Dixon Forestry Education Center (SDFEC) to oversee and manage a contract for work at SDFEC. The process by which this delegation shall occur is explained below:
  - a. The organization desiring to execute a construction project will submit a Project Initiation Form (PIF) to Facilities Management to initiate a project.
  - b. Facilities Management will review the project request, and if acceptable, issue a Preliminary Project Approval.
  - c. If a Preliminary Project Approval is granted, Facilities Management will work with

the requesting organization during the project development and will conduct design reviews, as appropriate for the project.

- d. If the project development and design steps proceed satisfactorily, Facilities Management will issue the requesting organization a Construction Project Permit.
- e. With this permit, Facilities Management will assist the requesting organization to solicit bids for the work.
- f. Once the project has been successfully bid and Facilities Management determines the contractor to be qualified to execute the work, Facilities Management will issue a Construction Project Notice to Proceed to the requesting organization authorizing them to commence work.

- 2. No construction projects or contracts shall be undertaken on the University's main campus or other property without written approval by Facilities Management.

### **VIII. SANCTIONS**

Failure to follow the procedures listed above may result in the cancellation of non-conforming contracts and projects.

### **IX. EXCLUSIONS**

- A. Third Party Construction Projects: Construction projects executed by Private Corporations, State of Alabama Organizations, University-affiliated Foundations, or Non-University Organizations will be governed by the University Policy on Third-Party Construction Projects.
- B. Auburn University Montgomery: Construction projects executed on the Auburn University Montgomery campus will be governed by a separate University Policy.
- C. Projects at the Auburn University Regional Airport: Construction projects regarding airport infrastructure and other facilities funded by the Federal Aviation Administration (FAA) and/or the state's Aeronautics Bureau at the Auburn University Regional Airport are not subject to the requirements of this policy but will be coordinated with Facilities Management. These projects will be accomplished using University policies and procedures regarding grant funding. Construction projects involving the University General Fund funding or University owned facilities at the Airport are subject to the requirements of this policy. Special consideration, however, for delegation of authority in Section VII (B) will be given since it is recognized that the airport is under contract with an engineering firm that has been selected using University procedures and in compliance with FAA and Aeronautics Bureau standards. All projects, University and third-party, will be completed in compliance with the airport's master plan and the *Guidelines for the Development, Design, and Construction of Aircraft Hangars by Third Parties*. Work required to respond to an emergency situation, as defined above, is authorized per the procedures of Appendix C of this policy.
- D. Minor Projects by Auxiliary Services or Athletics Department: Minor maintenance and repair projects, that do not meet the definition of construction projects as defined above, in Auxiliary

Services and the Athletics Department facilities on the University's main campus by their "in-house" staffs are not subject to the requirements of this policy. Additionally, projects involving athletic facility equipment such as scoreboards, timers, public address and sound systems, special event lighting systems, advertising boards, as well as work involving graphic packages or other non-building system related work are not subject to the requirements of this policy. Work required to respond to an emergency situation, as defined above, is authorized per the procedures of Appendix C of this policy.

- E. Minor Agricultural, Veterinary, or Forestry Related Projects: Minor maintenance and repair projects, that do not meet the definition of construction projects as defined above, for the College of Agriculture, School of Forestry and Wildlife Science, College of Veterinary Medicine, Agricultural Experimental Station, and Agricultural Cooperative Extension Service facilities located in designated "Field Laboratories" on the University's main campus (to include the North Auburn campus) or those located on property outside of the University's main campus are not subject to the requirements of this policy. Work required to respond to an emergency situation, as defined above, is authorized per the procedures of Appendix C of this policy.
  
- F. Agricultural and Forestry Operations: Agricultural tilling and planting, as well as tree planting and harvesting, by the College of Agriculture , School of Forestry and Wildlife Science, Agricultural Experimental Station, and the Agricultural Cooperative Extensive Service are not subject to the requirements of this policy.
  
- G. Rural Studio: Projects located on property outside of the University's main campus that are undertaken as student learning assignments where the project is designed, administered, and constructed primarily by students working under faculty direction and oversight are not considered to be a construction project as defined by this policy, and are not subject to the requirements of this policy. Faculty providing direction and oversight to student workers shall be licensed professionals and are responsible for safety and compliance.

#### **X. INTERPRETATION**

All questions regarding this policy are the purview of the Associate Vice President for Facilities Management.

APPROVED: May 22, 2015  
REVISED: November 1, 2017

## APPENDIX A

### **Additional Guidance for Determining What Constitutes a Construction Project**

Any project that involves work of the following nature is considered to be a construction project for the purpose of determining applicability of this policy:

1. Any project that adds square footage to the campus facility inventory.
2. Any project that erects or builds a facility or structure, even if intended as a temporary structure.
3. Any project that installs, replaces or modifies building heating, ventilating, air conditioning, plumbing, drainage, sanitary sewer or water distribution systems. Minor repairs to existing systems or work on plumbing and drainage systems in support of College of Agriculture Farm Unit research operations shall not be considered a construction project.
4. Any project that adds load to a facility's electrical system, installs or modifies electrical distribution panels, involves work on systems with a voltage higher than 120 volts, or which that installs, replaces, or modifies a building's electrical system. Minor repairs to existing electrical systems in support of College of Agriculture Farm Unit research operations are not considered to be construction projects. In general, all but the simplest repairs should be done by licensed electricians.
5. Any project that involves hazardous material such as lead-based paint or asbestos.
6. Any project that installs, replaces, repairs, or modifies key building systems such as elevator, fire detection, fire sprinkler, emergency notification, or energy management systems.
7. Any project that disturbs over 2,500 square feet of University land is considered a construction project and is subject to storm water management requirements.
8. Any project that modifies campus landscaping, ground cover, drainage, or storm water management systems. Minor repairs to campus landscaping are not considered to be construction projects for the purposes of this policy.
9. Any project involving facility or building-related maintenance work in the excess of \$50,000.

## APPENDIX B

# Contracting for Construction Services

### **Cost of work: Over \$50,000**

All construction related work over \$50,000 must be formally bid by Facilities Management using State of Alabama Large Public Works bid law procedures.

### **Cost of Work: \$3,000 - \$50,000**

Units should submit a Project Initiation Form (PIF) to Facilities Management. Facilities Management will assist the Unit by contracting for the work as a Small Public Works contract consistent with State and University requirements. Contact Walker Davis, Chief Estimator at (334) 703-0050 or [davisw4@auburn.edu](mailto:davisw4@auburn.edu) for questions or support.

### **Cost of Work: Under \$3,000**

Units may order service work or materials directly, using a credit card or department funding. Contractors or suppliers should submit invoice for payment through Procurement and Business Services (PBS) by submitting a requisition.

**APPENDIX C**  
**Emergency Repairs**

1. Purpose: This appendix provides the procedure for responding to an emergency situation.
2. Policy Background: When a bona fide emergency exists, the State of Alabama authorizes the use of procedures, other than those defined in the Alabama Large Public Works Bid Law, to make an immediate emergency response. The time frame allowed by the State for using this emergency authority is very short – generally limited to the time (up to 24 hours) needed to eliminate the immediate emergency situation. It generally does not extend beyond that immediate timeframe to include the longer restoration or recovery effort.
3. Definition: An “emergency” is an unexpected, emergent condition or situation that, if left uncorrected would:
  - a. Pose a significant safety hazard to student, faculty, staff, visitors, and others on the Auburn University campus or other Auburn University property.
  - b. Jeopardize animal welfare.
  - c. Cause a significant shutdown of University operations.
  - d. Result in the loss or disruption of a research program or experiment.
  - e. Result in major loss of utilities, if left uncorrected.
  - f. Result in further facility damage, if left uncorrected.
4. Emergency Response Organizations:
  - a. Whenever possible, Facilities Management should be engaged to respond to an emergency and to lead the response effort.
  - b. Risk Management and Safety should be engaged as quickly as possible in an emergency to ensure that the University utilizes insurance to the maximum extent possible to cover the cost of the repairs and restoration.
  - c. For units outside the main campus, it is recognized that the local staff will have to initiate the emergency response effort.
  - d. To ensure that only those authorized to expend College/School/Departmental funds contract for emergency work, the College/School/Department should designate, in writing, those Directors/Managers who have this delegated authority. This delegation of authority should be completed at the earliest possible time so that it is in place if, and when, an emergency occurs.
5. Emergency Response Procedures: The following procedure shall be utilized in emergency situations:
  - a. When a situation exists that meets the criteria of an emergency, the responsible unit is authorized to execute a contract to perform the immediate work necessary to eliminate/remediate the emergency situation.
  - b. Within 72 hours of taking such contracting action, the responsible unit shall submit a document detailing the justification for the emergency contracting action. This justification shall be signed by the Dean of the College/School or the Vice President in charge of that unit. The justification shall be submitted to Auburn University General Counsel, Facilities Management, and Risk Management and Safety.