

POLICY ON THIRD-PARTY CONSTRUCTION PROJECTS

I. POLICY STATEMENT

Auburn University's (the University's) "Policy on Third-Party Construction Projects" provides guidance and direction regarding the execution of construction projects by private corporations, State of Alabama organizations, or non-University organizations on the University's campus or property.

II. POLICY PRINCIPLES

On occasion, the University allows Private Corporations, State of Alabama Organizations, University-affiliated Foundations, or Non-University Organizations to execute new Construction Projects on the campus or other lands owned by the University. The purpose of these projects is to enable these third-party organizations to support and enhance the University's mission. Such projects represent a major commitment by the University to allow its property and real estate, one of its most valuable resources, to be used in this manner. As such, it is essential that:

- A. all proposed Third-Party Construction Projects support the University's mission and are appropriate in terms of function, scope, and intent;
- B. all Third-Party Construction Projects are executed in a well-planned, professional, and high-quality manner;
- C. all Third-Party 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 Third-Party Construction Projects comply with the Auburn University Campus Master Plan, as well as binding declarations and covenants, as applicable;
- E. all Third-Party Construction Projects comply with Auburn University Character and Image Standards and Design and Construction Standards, as applicable;
- F. all Third-Party Construction Projects comply with applicable national, state, and local environmental and/or storm water management regulations;
- G. all contracts for Third-Party Construction Projects be managed and administered in compliance with the State of Alabama Public Works Law and requirements of the Alabama Building Commission, as applicable.

III. EFFECTIVE DATE

APPROVED: May 2, 2014

IV. APPLICABILITY

This policy applies to all Third-Party Construction Projects performed on the University's campus or other University-owned property or real estate.

V. POLICY MANAGEMENT

Responsible Office: Auburn University Facilities Management

Responsible Executive: Executive Vice President, Auburn University

Responsible Officer: Assistant Vice President, Facilities Management

VI. DEFINITIONS

Construction Project: any undertaking to construct, maintain, repair, alter, rehabilitate, modify, renovate, remediate, reclaim or demolish any building, structure or improvement on or to the University's campus or other University-owned property or real estate. Construction Projects are further categorized by the type of work being performed as follows:

Alterations and Modifications Projects: change how the space within a facility is used. Alterations and Modifications Projects may also improve or upgrade building systems or components, including those that are not necessarily deteriorated to the point that repair or replacement is required. The difference between an Alterations and Modification Project and a Renovation Project is that the primary purpose of an alteration/ modification is to change the use of space within the facility or upgrade the quality of an otherwise functional space, whereas the primary purpose of a renovation is to keep the facility in good operating condition and extend the life of the building.

Maintenance and Repair Projects: keep facilities in good operating condition and maintain the existing functionality by fixing or replacing inoperable, deteriorated, or malfunctioning building systems or components. Maintenance and Repair Projects in a facility typically are not as extensive as Renovation Projects.

New Construction Projects: constructs a new facility or builds a substantive addition to an existing building or infrastructure that increases the assets of the University.

Renovation Projects: repair, replace, and upgrade all or most of the systems in a facility, or a major portion of a facility. The purpose of a Renovation Project is to extend the life of a building. Renovation Projects are undertaken when building deterioration is so extensive that a comprehensive repair to the whole building is required to keep facility in good operating condition and to maintain its functionality. Renovation Projects may alter, modify, or reconfigure the spaces within a facility. The difference between a Renovation Project and an Alterations and Modification Project is that the primary purpose of a renovation is to keep the facility in good operating condition and extend the life of the building, whereas the primary purpose of the alteration/modification is to change the use of space within the facility or upgrade the quality of an otherwise functional space.

Non-University Organizations: Organizations that are not formally part of the University and not otherwise a State of Alabama Organization, including but not limited to: Fraternities, Sororities, Community Organizations, etc.

Private Corporation: A corporation that is legally separate and distinct from the University, including but not limited to: the Auburn University Foundation; the University Research and Technology Foundation; the Tigers Unlimited Fund; and the Edward Via College of Osteopathic Medicine.

State of Alabama Organizations: Organizations that are agencies or subdivisions of the State of Alabama whether at the state, county, or local level.

Third-Party Construction Projects: Any Construction Project proposed or undertaken by State of Alabama Organizations, Non-University Organizations, University-affiliated Foundations, or Private Corporations (sometimes collectively referred to herein as “Third-Party Organizations” or “Third Parties”). Note: Projects for which the University is provided APSCA or other state sources of funding are considered University Projects and not Third-Party Construction Projects.

University-affiliated Foundations: Foundations that have been created or recognized to support the University including but not limited to: The Auburn Research and Technology Foundation, Tigers Unlimited Foundation, the Auburn Alumni Association, the Auburn University Foundation, etc.

VII. POLICY PROCEDURES

- A. The University President must approve all Third-Party Construction Projects and contracts. Auburn University Facilities Management (“Facilities Management”) will manage this process on behalf of the University President.
- B. Facilities Management shall review and approve the proposed site location and facility orientation of any Third-Party Construction Project to ensure conformance with the Campus Master Plan. Facilities Management shall also check to make sure that the proposed project and contract complies with any covenants or declarations attached to the land upon which the project shall be undertaken.
- C. Facilities Management shall review all Third-Party Construction Project design proposals. No project will begin without formal written approval of the final design by Facilities Management.
 - 1. Facilities Management shall provide the design standards for Third-Party Construction Projects. Compliance with assigned design standards will be a key element of the Facilities Management design review approval.
 - 2. Facilities Management shall participate in project reviews at all stages of design and project development, including, but not limited to schematic design, covenant review, design document completion, 90% construction document completion, and final construction document completion for all Third-Party Construction Projects. The project design shall not progress beyond any of these milestones until the University’s design review comments for that milestone are incorporated in the revised design.
- D. Facilities Management shall make the final determination as to whether the proposed Third-Party Construction Project meets the Auburn University Character and Image Standards and also whether appropriate conditions within the covenants and declarations have been satisfied.
- E. Facilities Management shall issue a written “Notice to Proceed” prior to allowing construction operations to start on any Third-Party Construction Project.
- F. During the construction phase of any Third-Party Construction Project, Facilities Management shall act as the “owner’s representative” on behalf of the University and

shall participate in the construction oversight of the project. Facilities Management shall ensure the University's interests are protected regarding, without limitation:

1. Coordination with other University organizations
2. Minimizing impact on campus operations and environment
3. Project safety
4. Project quality
5. Site utilities and infrastructure.
6. Construction site storm water management

G. Notwithstanding anything in this Policy to the contrary, the Third-Party Organization shall at all times be solely and exclusively responsible for designing and constructing the project properly and safely in full compliance with all applicable laws, regulations, ordinances, standards, and other rules, whether federal, state, or local. The University's role on Third-Party Construction Projects is not to supervise, superintend, inspect, oversee, or direct how the work is done but rather, through Facilities Management, to satisfy itself that the Third-Party Organization fulfills its duty and contractual obligations to construct the project consistent and in full compliance with University policies as well as any local, state, and federal laws and regulations.

H. The Third-Party Organization responsible for the project will reimburse Facilities Management for the actual cost of the project development, design review, and construction observation work undertaken by Facilities Management during performance of the Third-Party Construction Project. Prior to the start of any Third-Party Construction Project, Facilities Management will estimate the cost of its work. Based on this estimate, funds to cover Facilities Management's costs must be received from the Third-Party Organization prior to a Notice to Proceed being issued. Any adjustment for actual costs, whether additive or deductive, shall be made upon final completion of the project.

I. Facilities Management has the authority to suspend construction operations if problems exist with any of the issues listed above. If such a suspension is issued, the Third-Party Organization shall correct the issue prior to commencing construction operations.

VIII. SANCTIONS

None.

IX. EXCLUSIONS

None.

X. INTERPRETATION

All questions regarding this policy are the purview of the Assistant Vice President, Facilities Management.

ADOPTED: May 2, 2014