

Contact: Aimee Clayton

**EMERGENCY STORM RECOVERY AUTHORIZATIONS:**  
**UNIVERSITY OF NORTHERN IOWA**

**Actions Requested:**

1. Ratify the Executive Director's actions related to the utilization of capital project delivery and purchasing processes to recover buildings damaged due to severe weather at the University of Northern Iowa (UNI), as outlined in Attachment B.
2. Receive the oral report on severe weather damage recovery activities to date at UNI.

**(ROLL CALL VOTE)**

**Executive Summary:** On May 29, 2013, the UNI campus was impacted by severe weather. The storm resulted in approximately five feet of water in the basement of Panther Village I, causing significant damage to interior finishes and mechanical equipment. It is critical that Panther Village I be fully operational prior to the commencement of the Fall 2013 Semester. On June 5, 2013, Executive Director Donley made a finding of the need to institute emergency procedures under Iowa Code Chapter 262.34(2) and authorized waiver of the capital project and purchasing procedures identified in Attachment B. Executive Director Donley's grant of emergency authorization is included as Attachment A. Pursuant to Iowa Code Chapter 262.34(2), Board ratification of the Executive Director's actions is requested.

**Background:** Iowa Code Chapter 262.34 generally requires that capital improvement projects with estimated budgets in excess of \$100,000 be subject to competitive public bidding procedures. In 2009, the following language (subsection 2) was added to Iowa Code Chapter 262.34:

Notwithstanding subsection 1, when a delay in undertaking a repair, restoration, or reconstruction of a public improvement might cause serious loss or injury at an institution under the control of the state board of regents, the executive director of the board, or the board, shall make a finding of the need to institute emergency procedures under this subsection. The board by separate action shall approve the emergency procedures to be employed.

The addition of this language provides the Regent institutions with maximum flexibility in recovering and restoring facilities following emergency situations. While a broad waiver is being requested, Regent processes will be followed to the extent practicable.

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Robert Donley, *Executive Director*

June 5, 2013

William Ruud  
President  
University of Northern Iowa  
Cedar Falls, Iowa 50614

Dear President Ruud:

On the evening of May 29, 2013, the campus of the University of Northern Iowa was impacted by severe weather. According to reports from University officials the severe weather resulted in approximately five feet of water in the basement of Panther Village I, causing significant damage to interior finishes and mechanical equipment. The operation of this facility is critical to serving the needs of students at the University of Northern Iowa.

Pursuant to Iowa Code Chapter 262.34(2), I make a finding of the need to institute emergency procedures for the repair, restoration, and reconstruction of the facility damaged by severe weather. Accordingly, the requirements of 262.34(1) and Board of Regents Policy Manual Chapters 7 and 9 may be waived and UNI may proceed with repair, restoration, and reconstruction of the affected facility in a manner best suited to expeditiously return it to fully functional status.

It is understood that the procedures to be utilized by UNI are subject to Board ratification, and the request for this ratification will be included on the agenda for the August 7 – 8, 2013 Board meeting.

Sincerely,

  
Robert Donley  
Executive Director

cc: President Rastetter

**Waiver of Board of Regent Processes**

The University of Northern Iowa seeks immediate temporary emergency-based authorizations and waivers of several capital improvement project and purchasing processes to allow for the delivery of a critically needed severe weather recovery project in an expedited time frame. More specifically, the institution is seeking temporary waivers of provisions of the Board of Regents Policy Manual as follows:

- Section 9.03C: Capital Project Evaluation Criteria – request waiver of the requirements of this section for recovery of the affected building to pre-existing conditions.
- Section 9.05C: Permission to Proceed with Planning – request waiver of the requirements of this section for recovery of the affected building to pre-existing conditions.
- Section 9.06: Program Statements and Design Documents – request waiver of the requirements of this section for recovery of the affected building to pre-existing conditions.
- Sections 9.07A, B, C, D, E, F, H: Program Descriptions and Budgets – request waiver of the requirements of these sections for recovery of the affected building to pre-existing condition and substitution of a final budget reporting process following the completion of restoration projects. A budget projection will be provided to the Board Office in the course of seeking contractor pricing, or following determination of contractor pricing for restoration work.
- Section 9.08: Consultant Agreements and Amendments – request waiver of the requirements of this section and authorize the institution to approve agreements and amendments for recovery of the affected building to pre-existing condition.
- Section 9.09: Construction, Contracts and Change Orders – request waiver of the requirements in this section for recovery of the affected building to pre-existing condition. Authorize the institution to award individual construction contracts and change orders for all work necessary to accomplish recovery of affected buildings. Contracts will be shared with the Board Office immediately.
- Sections 9.10A, B, C, D, F: Architect, Engineer and Construction Management Services Selection – request waiver of the requirements of these sections for recovery of the affected building to pre-existing condition. Authorize the institution to enter into individual agreements up to \$1,000,000. Such agreements shall be shared with the Board Office immediately.
- Sections 9.12A, B and D: Preparation of Plans and Specifications – request waiver of the requirements of these sections for recovery of the affected building to pre-existing condition.

- Sections 9.13A, B and C: Bidding for Construction Contracts – request waiver of the requirements of these sections for recovery of the affected building to pre-existing condition.
- Section 9.14: Process for Bid Openings, Receipt of Construction Bids and Award of Construction Contracts – request waiver of the requirements of this section for recovery of the affected building to pre-existing conditions.
- Section 9.15A: Construction – request waiver of the requirements of this section for recovery of the affected building to pre-existing condition. Authorize the institution to award individual construction contracts and change orders up to \$10,000,000. Contracts shall be shared with the Board Office immediately.
- Section 7.06B: Organization and Responsibilities – request waiver of the requirements of this section to seek Board Office/Executive Director approval for equipment and fixed equipment purchases in excess of \$250,000. Request waiver of the requirements of this section to seek Board of Regents approval for equipment and fixed equipment purchases in excess of \$1,000,000.