

Contact: Aimee Clayton

EMERGENCY STORM RECOVERY AUTHORIZATIONS (IBSSS)

Actions Requested:

1. Ratify the Executive Director's actions related to the utilization of capital project delivery and purchasing processes to recover buildings temporarily lost due to severe weather damage at the Iowa Braille and Sight Saving School (IBSSS), as outlined in Attachment B.
2. Authorize Iowa State University and the University of Iowa, on behalf of IBSSS; to advance funds, expend resources to provide damage response services and to coordinate reconstruction efforts in the immediate aftermath of the recent storm. This includes immediate response, clean-up, emergency generation and stabilization, as well as the coordination of reconstruction efforts and the use of university equipment, public safety and facilities staff.
3. Authorize IBSSS working with the Board of Regents Office and University staff(s) to establish the necessary authorization and record keeping procedures to file claims and meet insurance company, state and federal disaster reimbursement requirements.
4. Receive the oral report on severe weather damage recovery activities to date at IBSSS.

Executive Summary: On July 11, 2011, the IBSSS campus was impacted by severe storm weather. Each of the buildings on campus was affected to varying degrees, with Old Main and Cottage suffering extensive damage. That same day, 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 processes 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.

*Governing Iowa's public
universities and special schools*

University of Iowa
Iowa State University
University of Northern Iowa
Iowa School for the Deaf
Iowa Braille and Sight Saving School
Lakeside Lab Regents Resource Center
Quad-Cities Graduate Center
Southwest Iowa Regents Resource Center
Tri-State Graduate Center



David W. Miles, President, *Dallas Center*
Jack B. Evans, Pro Tem, *Cedar Rapids*
Nicole C. Carroll, *Carroll*
Robert N. Downer, *Iowa City*
Ruth R. Harkin, *Cumming*
Greta A. Johnson, *Le Mars*
Craig A. Lang, *Brooklyn*
Katie S. Mulholland, *Marion*
Bruce L. Rastetter, *Hubbard*

Robert Donley, *Executive Director*

July 11, 2011

Patrick Clancy
Superintendent
Iowa Braille and Sight Saving School
1002 G Avenue
Vinton, Iowa 52349

Dear Mr. Clancy:

You contacted me this morning to report on the status of facilities at the campus of the Iowa Braille and Sight Saving School (IBSSS) following severe weather in Vinton. According to your report, each of the buildings on campus have been affected to varying degrees by the storm, with Old Main and Cottage suffering extensive damage. You've indicated that these facilities are critical to serving the needs of students, faculty and staff at IBSSS as well as AmeriCorps members currently residing on campus.

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 facilities damaged by the July 11, 2011 severe weather. Accordingly, the requirements of 262.34(1) may be waived and IBSSS may proceed with repair, restoration, and reconstruction of the affected facilities in a manner best suited to expeditiously return them to fully functional status.

It is understood that the procedures to be utilized by IBSSS are subject to Board ratification, and the request for this ratification will be included on the agenda for the August 4, 2011 Board meeting. It is further understood that, consistent with Regent Policy Manual Chapter 9.11, Iowa State University shall be responsible for the administration of any capital improvement projects pursued in accordance with this emergency authorization. Iowa State University may coordinate with the University of Iowa and the University of Northern Iowa as it deems necessary.

Sincerely:

Robert Donley
Executive Director

cc: David Miles
Don Boddicker
Dean McCormick
Joan Racki
Patrice Sayre
Don Guckert
Morris Mikkelsen

Waiver of Board of Regent Processes

Iowa Braille and Sight Saving School¹ seeks immediate temporary emergency-based authorizations and waivers of several capital project and purchasing processes to allow for the delivery of critically needed severe weather recovery projects in an expedited time frame. More specifically, IBSSS is seeking temporary waivers of specific 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 affected buildings to pre-existing conditions.
- Section 9.05C: Permission to Proceed with Planning – request waiver of the requirements of this section for recovery of affected buildings to pre-existing conditions.
- Section 9.06: Program Statements and Design Documents – request waiver of the requirements of this section for recovery of affected buildings to pre-existing conditions.
- Section 9.07A, B, C, D, E, F, H: Program Descriptions and Budgets – request waiver of the requirements of this section for recovery of affected buildings to pre-existing conditions 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 affected buildings to pre-existing conditions.
- Section 9.09: Construction, Contracts and Change Orders – request waiver of the requirements in this section for recovery of affected buildings to pre-existing conditions. 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.
- Section 9.10A, B, C, D, F: Architect, Engineer and Construction Management Services Selection – request waiver of the requirements of this section for recovery of affected buildings to pre-existing conditions. Authorize the institution to enter into individual agreements up to \$1,000,000. Such agreements shall be shared with the Board Office immediately.
- Section 9.12A, B and D: Preparation of Plans and Specifications – request waiver of the requirements of this section for recovery of affected buildings to pre-existing conditions.

¹ Pursuant to Regent Policy Manual Chapter 9.11 and 7.06.B.7, Iowa State University is responsible for administration of capital improvement projects and purchases in excess of \$5,000 at IBSSS.

- Section 9.13A, B, C: Bidding for Construction Contracts – request waiver of the requirements in this section for recovery of affected buildings to pre-existing conditions and authorize the institution to employ prequalification-based solicitation.
- 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 affected buildings to pre-existing conditions and authorize the institution to employ prequalification-based solicitation.
- Section 9.15A: Construction – request waiver of the requirements of this section for recovery of affected buildings to pre-existing conditions. 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.