

Contact: Aimee Clayton

REVISIONS TO CHAPTER 9 OF THE BOARD OF REGENTS POLICY MANUAL

Action Requested: Receive proposed revisions to Chapter 9 – Property and Facilities of the Board of Regents Policy Manual.

Executive Summary: Changes are proposed to the Policy Manual to conform with current practice. The process for substantive revisions involves initial review and comment by the Board (“first reading”) and final Board approval for publication at a subsequent Board meeting. This is the first reading of proposed revisions to Chapter 9.

Background: The following are proposed substantive changes to Chapter 9:

- 9.14 – adds language identifying the institutional representative to whom questions and concerns with the bidding of a contract should be directed.

Proposed revisions to Chapter 9 are provided in Attachment A; proposed new language has been underlined.

PROPOSED REVISIONS

IX. PROPERTY AND FACILITIES

9.14 Process for Bid Openings, Receipt of Construction Bids and Award of Construction Contracts

A. Notification of Bid Openings

The universities shall notify the Board Office immediately when a bid opening for a project with a budget of \$250,000 or greater is scheduled, via e-mail or an alternate method to be determined by the university and the Board Office.

B. Receipt of Construction Bids

1. All construction bids shall be received until 2:00 p.m. on the date designated in the advertisement, after which such bids will promptly be publicly opened and read aloud by the chief business officer or designee. No deviation in the uniform receipt time shall be permitted without prior written permission of the executive director. Bid openings on weekends, Mondays, university recognized or federal holidays, or on days immediately preceding or following a university recognized or a federal holiday will be avoided when possible.
2. Each envelope containing a bid shall receive a time stamp which will register the official time of receipt.
3. A university representative shall be present at the place designated for receipt of bids prior to and through the 2:00 p.m. uniform receipt time.
4. No bid shall be received after the 2:00 p.m. cutoff time, unless the university's representative determines that a prospective bidder was in line ready to have a bid received at 2:00 p.m.
5. Bidders shall not use any institutional offices or equipment other than public telephones in bid preparation.
6. Upon receipt, bids will be secured by a university representative and will be moved by the same representative to the place designated for opening of bids.
7. The place where bids are to be opened publicly and read aloud shall be posted and announced to bidders when bids are received. A bidder shall be urged by the university's representatives to proceed immediately to the bid opening location after bid receipt has taken place.
8. Any bidder who submitted a timely bid and has concerns related to the bidding of a construction contract under this chapter shall contact the university Associate Vice President of Facilities, or his/her designated representative, within two

university business days following public opening of the bids. The Associate Vice President of Facilities, or his/her designated representative, shall discuss the issue(s) with the bidder in an effort to resolve the dispute. If an acceptable resolution is not achieved, the Associate Vice President, or his/her designated representative, shall document the bidder's concerns in writing and forward them to the appropriate decision-maker along with the recommendation to award the contract. Once a contract has been awarded in accordance with this chapter the decision is final.

C. Award of Construction Contracts

1. A Regent construction contract shall be let consistent with Iowa Code to the lowest responsible bidder. However, if in the judgment of the Board, bids received are not acceptable, the Board may reject all bids and proceed with the construction, repair, or improvement by a method as the Board may determine as provided by Iowa Code.
2. University Actions and Reports
 - a. With the approval of the president of the university, the chief business officer or designee shall award the construction contract as authorized by the Manual.
 - b. On projects with budgets of \$250,000 or more, the universities shall forward to the Board Office, via e-mail or an alternate method to be determined by the university and the Board Office, a copy of the bid tabulation within 24 hours of the bid opening. The bid tabulation shall include the construction cost estimate(s) for the Base Bid and any alternates.
 - c. A listing of contracts awarded by the university for projects with approved budgets exceeding \$250,000 shall be provided to the Board Office as requested.
3. For construction contracts to be awarded by the Board Office as provided for in this Manual, the chief business officer or designee, shall furnish to the Board Office, via e-mail or an alternative method to be determined by the university and the Board Office, a signed recommendation for award of the construction contract, which will include the copy of the bid tabulation with construction cost estimate(s), a report of the bid opening and any bidding irregularities, as well as written statement indicating whether award of the contract to the low bidder will allow the project to proceed within the last approved project budget or whether a revised project budget is necessary.
 - a. The award recommendation should include one of the following statements:

The award can be made as there are no unusual circumstances or irregularities in the recommended action

or

The following irregularities or unusual circumstances are called to your attention for appropriate action: (detail)

- b. The award recommendation should include copies of any targeted small business documentation provided with the bid, if applicable.
- c. If the chief business officer determines that any unusual circumstances exist which require special attention of the Board, the report of the bid opening and the award recommendation shall include a statement thereof; and said matters shall be considered by the Board of Regents at its next meeting, at which time all interested parties may file a written statement.
- d. Regardless of other provisions of this Manual, for all projects with budgets exceeding \$250,000 for which there is a bidding irregularity, the construction contract shall be awarded by the executive director who shall inform the Board of the irregularity and the award, or the contract may be forwarded by the executive director to the Board for its action.
- e. The executive director shall notify each university formally by letter of action taken on each award of a contract.
- f. If the proposed award involves unusual circumstances or Board approval of a revision of the project budget as provided for in this Manual as determined by the executive director, the proposed award will be presented to the Board for action.
- g. On construction contracts to be awarded by the executive director or the Board, the contract shall not be considered to be awarded until the university receives a formal letter from the executive director, or approval by the Board. Upon approval to award the contract by the executive director or the Board, the university may proceed to issue a "Notice of Award" to the contractor with a copy to the Board Office.