

Contact: Aimee Clayton

EMERGENCY STORM RECOVERY AUTHORIZATIONS (ISD)

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 Iowa School for the Deaf, as outlined in Attachment B.
2. Receive the oral report on severe weather damage recovery activities to date at ISD.

(ROLL CALL VOTE)

Executive Summary: On August 18, 2011, the ISD campus was impacted by severe weather. Each of the buildings on campus was affected to varying degrees, with the Lied Multipurpose Complex suffering extensive hail damage to its roof. Heavy rains occurred in the weeks following the hail storm, resulting in additional damage to the building. On August 30, 2011, 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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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
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Katie S. Mulholland, *Marion*

Robert Donley, *Executive Director*

August 30, 2011

Dr. Jeanne Prickett
Superintendent
Iowa School for the Deaf
3501 Harry Langdon Boulevard
Council Bluffs, Iowa 51503

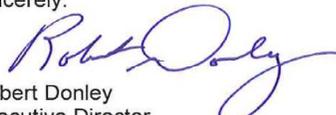
Dear Dr. Prickett:

On the evening of Thursday, August 18, 2011, the Iowa School for the Deaf campus was impacted by severe weather. According to reports from ISD officials, many of the buildings on campus were affected to varying degrees by the storm, with the Lied Multipurpose Complex suffering extensive damage. You've indicated that these facilities are critical to serving the needs of students, faculty and staff at ISD.

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 facilities damaged by the August 18, 2011 storm. Accordingly, the requirements of Iowa Code Chapter 262.34(1) and relevant provisions of Regent Policy Manual Chapters 7 and 9 may be waived, and ISD may proceed with the 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 ISD are subject to Board ratification, and the request for this ratification will be included on the agenda for the September 20, 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.

Sincerely:


Robert Donley
Executive Director

cc: Craig Lang
Jim Heuer
Rich Connell
Dean McCormick
Joan Racki
Patrice Sayre

Waiver of Board of Regent Processes

Iowa State University, on behalf of the Iowa School for the Deaf¹, seeks immediate temporary emergency-based authorizations and waivers of several capital improvement project and purchasing processes to allow for the delivery of critically needed severe weather recovery projects 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 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.
- Sections 9.07A, B, C, D, E, F, H: Program Descriptions and Budgets – request waiver of the requirements of these sections for recovery of affected buildings 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 affected buildings to pre-existing condition.
- Section 9.09: Construction, Contracts and Change Orders – request waiver of the requirements in this section for recovery of affected buildings 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 affected buildings 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 affected buildings to pre-existing conditions.

¹ Pursuant to Regent Policy Manual Chapters 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 ISD.

- Sections 9.13A, B and C: Bidding for Construction Contracts – request waiver of the requirements of these sections for recovery of affected buildings 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 affected buildings to pre-existing conditions.
- Section 9.15A: Construction – request waiver of the requirements of this section for recovery of affected buildings 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.