

**SOUTH DAKOTA BOARD OF REGENTS**

**Budget and Finance**  
**Consent**

**AGENDA ITEM: 8 – O**  
**DATE: June 22-23, 2022**

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**SUBJECT**

**BOR Policy 6:5 Revisions – Building Committees (Second Reading)**

**CONTROLLING STATUTE, RULE, OR POLICY**

BOR Policy 6:5 – Building Committees

**BACKGROUND / DISCUSSION**

At the May 2022 Board of Regents (BOR) meeting, the Regents reviewed the initial changes for Board Policy 6:5. This is the second and final reading of the policy.

A workgroup reviewed existing Board policies related to the building process and what changes/modifications could be implemented to expedite that process while still maintaining its integrity. The group consisted of Jerilyn Roberts, SDSMT; Les Olive, formerly of SDSU; Holly Farris, BOR staff; Stacy Watters, State Engineer; and other interested parties.

Key changes to Policy 6:5 – Building Committees include:

- Clarification that both SDCL § 5-14-1 and § 5-14-3 should be referenced in this policy. Previously only SDCL § 5-14-3 was referenced.
- Section 1.1 clarifies that an architect engaged in preliminary work on a project may be eligible for final design and development so long as they were selected through a competitive process for the preliminary work.

**IMPACT AND RECOMMENDATIONS**

This is the second reading of the policy. There have been no additional edits since the first reading at the May Board meeting. The recommended revisions were approved by the Business Affairs Council and are supported by the Board office staff.

Board staff recommends approval.

**ATTACHMENTS**

Attachment I – Proposed Revisions to BOR Policy 6:5 – Building Committees

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**DRAFT MOTION 20220622\_8-O:**

I move to approve the second and final reading of the proposed revisions to BOR Policy 6:5 – Building Committees as outlined in Attachment I.

## SOUTH DAKOTA BOARD OF REGENTS

### Policy Manual

**SUBJECT:** Building Committees

**NUMBER:** 6:5

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#### A. PURPOSE

To identify the makeup of a building committee, when a committee is required, and the responsibilities of the building committee.

#### B. DEFINITIONS

1. **Capital Improvement:** ~~Any new construction, addition, renovation, remodeling, or maintenance and repair project that has a total project cost of \$5.0M or more, including all related phases, shall be classified as a capital improvement (SDCL 5-14-3). All new construction or any addition beyond mechanical space, regardless of building size or total project cost, will be considered a capital improvement. (SDCL 5-14-1 and 5-14-3). Any repair, rebuilding, renovation, alteration or construction project, that has a cost of \$5.0M or more, including all related phases, shall be classified as a capital improvement. (SDCL 5-14-3)~~

#### C. POLICY

The Board will appoint a Building Committee for each capital improvement project at the various schools and institutions in the System. The committee shall be appointed by the President of the Board and shall consist of the Executive Director who shall chair the committee, the president or superintendent of the institution or school, a Regent, and the State Engineer.

##### 1. **Committee Responsibilities**

The building committee shall assume the following responsibilities:

- 1.1. The building committee shall ~~interview and~~ select architects for the purpose of developing and designing capital improvements facilities. Architects may be contracted for two phases: 1) the program plan development, if a formal A/E engagement is deemed necessary for this phase, and 2) the final design of the project. ~~All A/E engagements relative to capital improvements, whether done by the institution, their Foundation, or a related entity, must go through a Building Committee.~~ Any A/E firm that works on a master plan which includes specific designs or floor plans for buildings, in which the A/E firm was engaged by an institution, their Foundation, or a related entity but not selected by a competitive

~~process~~Building Committee, will not be considered by the Building Committee for the final design and development of any project contained in the master plan or preliminary concept development.

- 1.2. The building committee shall review proposed designs to assure their compliance with the requirements of Regents Policy Manual 6:4.
- 1.3. The building committee shall review proposed project budgets to assure their compliance with the requirements of Regents Policy Manual 6:4.
- 1.4. The building committee shall direct the state engineer to refer to it for additional review and approval all proposed design modifications that would affect the operating cost, utility or life expectancy of the capital improvement.
- 1.5. The building committee shall direct the state engineer to refer to it for additional review and approval of all proposed design modifications that would significantly affect the project budget.
- 1.6. The building committee shall direct the state engineer to advise ~~if~~ of all developments in the course of construction that might affect the legal rights or liabilities of the Board.
- 1.7. The building committee shall report to the full Board any developments that might affect the operating cost, utility or the life expectancy of the capital improvement, that might significantly affect the project budget or that might affect the legal rights or liabilities of the Board.

**FORMS/APPENDICES:**

None.

**SOURCE:**

BOR June 1991; April 1992; August 2006; June 2010; August 2017; August 2019.