

Effective 5/10/2016

63A-5-103 Board -- Powers.

- (1) The State Building Board shall:
 - (a) in cooperation with agencies, prepare a master plan of structures built or contemplated;
 - (b) submit to the governor and the Legislature a comprehensive five-year building plan for the state containing the information required by Subsection (2);
 - (c) amend and keep current the five-year building program for submission to the governor and subsequent legislatures;
 - (d) as a part of the long-range plan, recommend to the governor and Legislature any changes in the law that are necessary to ensure an effective, well-coordinated building program for all agencies;
 - (e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:
 - (i) that are necessary to discharge its duties and the duties of the Division of Facilities Construction and Management;
 - (ii) to establish standards and requirements for life cycle cost-effectiveness of state facility projects;
 - (iii) to govern the disposition of real property by the division and establish factors, including appraised value and historical significance, in evaluating the disposition;
 - (iv) to establish standards and requirements for a capital development project request, including a requirement for a feasibility study; and
 - (v) for operations and maintenance expenditures for state-owned facilities that require, and establish standards for:
 - (A) reporting;
 - (B) utility metering;
 - (C) creating operations and maintenance programs within all agency institutional line items;
 - (D) reviewing and adjusting for inflationary costs of goods and services on an annual basis; and
 - (E) determining the actual cost for operations and management requests for a new facility;
 - (f) with support from the Division of Facilities Construction and Management, establish design criteria, standards, and procedures for planning, design, and construction of new state facilities and for improvements to existing state facilities, including life-cycle costing, cost-effectiveness studies, and other methods and procedures that address:
 - (i) the need for the building or facility;
 - (ii) the effectiveness of its design;
 - (iii) the efficiency of energy use; and
 - (iv) the usefulness of the building or facility over its lifetime;
 - (g) prepare and submit a yearly request to the governor and the Legislature for a designated amount of square footage by type of space to be leased by the Division of Facilities Construction and Management in that fiscal year;
 - (h) assure the efficient use of all building space; and
 - (i) conduct ongoing facilities maintenance audits for state-owned facilities.
- (2)
 - (a) An agency shall comply with the rules described in Subsection (1)(e)(v)(E) for new facility requests submitted to the Legislature for the 2017 General Session or any session of the Legislature after the 2017 General Session.
 - (b) On or before September 1, 2016, each agency shall revise the agency's budget to comply with the rules described in Subsection (1)(e)(v)(C).

- (c) Beginning on December 1, 2016, the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget shall, for each agency with operating and maintenance expenses, ensure that each required budget for that agency is adjusted in accordance with the rules described in Subsection (1)(e)(v)(D).
- (3) In order to provide adequate information upon which the State Building Board may make a recommendation described in Subsection (1), any state agency requesting new full-time employees for the next fiscal year shall report those anticipated requests to the building board at least 90 days before the annual general session in which the request is made.
- (4)
 - (a) The State Building Board shall ensure that the five-year building plan required by Subsection (1)(c) includes:
 - (i) a list that prioritizes construction of new buildings for all structures built or contemplated based upon each agency's present and future needs;
 - (ii) information, and space use data for all state-owned and leased facilities;
 - (iii) substantiating data to support the adequacy of any projected plans;
 - (iv) a summary of all statewide contingency reserve and project reserve balances as of the end of the most recent fiscal year;
 - (v) a list of buildings that have completed a comprehensive facility evaluation by an architect/engineer or are scheduled to have an evaluation;
 - (vi) for those buildings that have completed the evaluation, the estimated costs of needed improvements; and
 - (vii) for projects recommended in the first two years of the five-year building plan:
 - (A) detailed estimates of the cost of each project;
 - (B) the estimated cost to operate and maintain the building or facility on an annual basis;
 - (C) the cost of capital improvements to the building or facility, estimated at 1.1% of the replacement cost of the building or facility, on an annual basis;
 - (D) the estimated number of new agency full-time employees expected to be housed in the building or facility;
 - (E) the estimated cost of new or expanded programs and personnel expected to be housed in the building or facility;
 - (F) the estimated lifespan of the building with associated costs for major component replacement over the life of the building; and
 - (G) the estimated cost of any required support facilities.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Building Board may make rules prescribing the format for submitting the information required by this Subsection (4).
- (5)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Building Board may make rules establishing circumstances under which bids may be modified when all bids for a construction project exceed available funds as certified by the director.
 - (b) In making those rules, the State Building Board shall provide for the fair and equitable treatment of bidders.
- (6)
 - (a) A person who violates a rule adopted by the board under Subsection (1)(e) is subject to a civil penalty not to exceed \$2,500 for each violation plus the amount of any actual damages, expenses, and costs related to the violation of the rule that are incurred by the state.
 - (b) The board may take any other action allowed by law.

- (c) If any violation of a rule adopted by the board is also an offense under Title 76, Utah Criminal Code, the violation is subject to the civil penalty, damages, expenses, and costs allowed under Subsection (1)(e) in addition to any criminal prosecution.

Amended by Chapter 298, 2016 General Session