1   **RESOLUTION APPROVING CONTRACT FOR**

2   **STATE CAPITOL RENOVATION**

3   2005 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: L. Alma Mansell**

6

7   **LONG TITLE**

8   **General Description:**

9   This resolution authorizes the Capitol Preservation Board and its executive director to

10   execute contracts governing the entire capitol building project.

11   **Highlighted Provisions:**

12   This resolution:

13   ▸   authorizes the Capitol Preservation Board and its executive director to execute

14   contracts with contractors and subcontractors to perform the work required on the

15   entire capitol construction project, even though the amounts due under those

16   contracts will be greater than the amount that the Legislature has appropriated for

17   that particular fiscal year for the project;

18   ▸   prohibits the Capitol Preservation Board and its executive director from making

19   payments or other expenditures under the contract that are greater than the amount

20   of funds made available by the Legislature for any fiscal year from bond proceeds or

21   appropriations; and

22   ▸   requires the Capitol Preservation Board and its executive director to make certain

23   reports about project funding and status to the Legislature's Executive

24   Appropriations Committee.

25   **Special Clauses:**

26   None

27

28   *Be it resolved by the Legislature of the state of Utah:*

29   WHEREAS, the state of Utah is engaged in a comprehensive five-year construction

30   project on capitol hill that involves base isolation, stabilization, and remodeling of the state

31   capitol;

32   WHEREAS, the Legislature has chosen to fund the project in phases, appropriating the

33   estimated cash flow required for the project projected annually by the Capitol Preservation

34   Board executive director, which will result in the Legislature funding only a portion of the total

35   costs of the project each year;

36   WHEREAS, it is unclear whether or not the Capitol Preservation Board and its

37   executive director have the authority under the Utah Code to enter into contracts for an entire

38   construction project when only a portion of the construction project has been funded by the

39   Legislature; and

40   WHEREAS, it is more cost efficient and will result in a more seamless, consistent, and

41   higher quality end product if the state contracts with the same contractors and subcontractors to

42   work on the entire five-year project:

43   NOW, THEREFORE, BE IT RESOLVED that the Capitol Preservation Board and its

44   executive director be authorized to execute contracts with contractors and subcontractors to

45   perform the work required on the entire construction project, even though the amounts due

46   under those contracts will be greater than the amount that the Legislature has appropriated for

47   that particular fiscal year for the project.

48   BE IT FURTHER RESOLVED that the Capitol Preservation Board and its executive

49   director may not make payments or other expenditures under the contract greater than the

50   amount of funds made available by the Legislature for any fiscal year from bond proceeds or

51   appropriations.

52   BE IT FURTHER RESOLVED that the Capitol Preservation Board and its executive

53   director shall, no later than December 31 of each year, report on the funding needs for the

54   project for the next fiscal year and on the status of the project to the Legislature's Interim

55   Executive Appropriations Committee.

56   BE IT FURTHER RESOLVED that copies of this resolution be sent to the chair of the

57   Capital Preservation Board and its executive director.

Legislative Review Note
     as of   1-17-05 10:03 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

                        Office of Legislative Research and General Counsel

State Impact

This resolution allows the Capitol Preservation Board to enter into contracts for renovation of the capitol building beyond current appropriations or bonding authority. Those contracts will bind the Legislature for payment. Mailing requirements of this

Individual and Business Impact

No direct fiscal impact.

Office of the Legislative Fiscal Analyst