

1 **RESOLUTION APPROVING CONTRACT FOR**
2 **CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY**
3 **AND RESEARCH INITIATIVE CENTERS**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Lyle W. Hillyard**

7 House Sponsor: Ron Bigelow

8
9 **LONG TITLE**

10 **General Description:**

11 This resolution authorizes the Division of Facilities Construction and Management and
12 its director to execute contracts governing certain building projects.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ authorizes the Division of Facilities Construction and Management and its director
16 to execute contracts with contractors and subcontractors to perform the work
17 required on two Utah Science Technology and Research Initiative Centers
18 construction projects, even though the amounts due under those contracts will be
19 greater than the amount that the Legislature has appropriated for that particular
20 fiscal year for the projects;
- 21 ▶ prohibits the division and its director from making payments or other expenditures
22 under the contract that are greater than the amount of funds made available by the
23 Legislature for any fiscal year from bond proceeds or appropriations; and
- 24 ▶ requires the division and its director to make certain reports about the projects'
25 funding and status to the Legislature's Executive Appropriations Committee.

26 **Special Clauses:**

27 None

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

30 WHEREAS, the state of Utah is engaged in a comprehensive multi-year construction
31 program to construct two new Utah Science Technology and Research Initiative Centers;

32 WHEREAS, the Legislature has chosen to fund the projects in phases, appropriating the
33 estimated annual cash flow required for the projects projected by the Division of Facilities
34 Construction and Management director, which will result in the Legislature funding only a
35 portion of the total costs of the projects each year;

36 WHEREAS, it is unclear whether or not the Division of Facilities Construction and
37 Management and its director have the authority under the Utah Code to enter into contracts for
38 an entire construction project when only a portion of the construction project has been funded
39 by the 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 Utah Science Technology and Research Initiative Centers construction
43 projects:

44 NOW, THEREFORE, BE IT RESOLVED that the Division of Facilities Construction
45 and Management and its director be authorized to execute contracts with contractors and
46 subcontractors to perform the work required on the entire construction project, even though the
47 amounts due under those contracts will be greater than the amount that the Legislature has
48 appropriated for that particular fiscal year for the projects.

49 BE IT FURTHER RESOLVED that the Division of Facilities Construction and
50 Management and its director may not make payments or other expenditures under the contract
51 greater than the amount of funds made available by the Legislature for any fiscal year from
52 bond proceeds or appropriations.

53 BE IT FURTHER RESOLVED that the Division of Facilities Construction and
54 Management and its director shall, no later than December 31 of each year, report on the
55 funding needs for the projects for the next fiscal year and on the status of the projects to the
56 Legislature's Executive Appropriations Committee.

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

58 Division of Facilities Construction and Management and its director.