

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

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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



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

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

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

WHEREAS, it is unclear whether or not the Division of Facilities Construction and Management and its director have the authority under the Utah Code to enter into contracts for an entire construction project when only a portion of the construction project has been funded by the Legislature; and

WHEREAS, it is more cost efficient and will result in a more seamless, consistent, and higher quality end product if the state contracts with the same contractors and subcontractors to work on the entire Utah Science Technology and Research Initiative Centers construction projects:

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

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

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

BE IT FURTHER RESOLVED that copies of this resolution be sent to the chair of the Division of Facilities Construction and Management and its director.

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**Legislative Review Note**  
**as of 3-9-09 11:37 AM**

**Office of Legislative Research and General Counsel**

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**Fiscal Note**

**S.J.R. 22 - Resolution Approving Contract for Construction of Utah Science  
Technology and Research Initiative Centers**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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