

R277-454 received final approval by the Utah State Board of Education on September 8, 2022. R277-454 was published in the October 1, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 7, 2022.

## **R277. Education, Administration.**

### **R277-454. Construction Management of School Building Projects.**

#### **R277-454-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Article X, Section 3 of the Utah Constitution, which vests general control and supervision of public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-3-705, which requires the Board to prepare an annual school plant capital outlay report for all LEAs, which includes the number and size of building projects completed and under construction.

(2) The purpose of this rule is to specify the standards local boards of education shall follow in using construction management for school construction projects.

#### **R277-454-[1]2. Definitions.**

~~[A. "Board" means the Utah State Board of Education.]~~

~~[B.](1)(a) "CM" means an individual designated as a construction manager, which acts as the agent of the owner of a construction project and may include: [The CM may be an architect, engineer, general contractor, or other professional consultant. It may also be an entity which is referred to as a construction management firm. The CM works as the agent of the owner of the construction project. The CM, at the discretion of the owner, may assist in the development and implementation of any or all of the predesign, design, bidding, construction, and occupancy stages of the construction project. The CM is responsible for the effective, orderly, and acceptable completion of the construction project.]~~

(i) an architect;

(ii) an engineer;

(iii) a general contractor;

(iv) a professional consultant; or

(v) a construction management firm.

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\_\_\_\_\_ (b) A "CM" may, at the discretion of the project owner, assist in the development and implementation of predesign, design, bidding, construction, and occupancy stages of the construction project.

\_\_\_\_\_ (c) A "CM" is responsible for the effective, orderly, and acceptable completion of a construction project.

~~[C.](2) "Construction management" means a contractual and professional working relationship between the owner of a construction project and a CM.~~

~~[\_\_\_\_\_ D. "LEA" means a local education agency, including local school boards/public school districts and charter schools.]~~

### **~~[R277-454-2. Authority and Purpose.~~**

~~\_\_\_\_\_ A. This rule is authorized by Article X, Section 3 of the Utah Constitution which vests general control and supervision of public education in the Board, Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities and Section 53E-3-705 which requires the Board to prepare an annual school plant capital outlay report of all LEAs, which includes information on the number and size of building projects completed and under construction.~~

~~\_\_\_\_\_ B. The purpose of this rule is to specify the standards local boards of education shall follow in using construction management for school construction projects.]~~

### **R277-454-3. Standards.**

~~[A.](1) A construction management contract shall clearly specify the duties of the CM with respect to the building project.~~

~~[B.](2) An LEA shall bid each component part of the building project in accordance with statutory:~~

~~\_\_\_\_\_ (a) advertising requirements];~~

~~\_\_\_\_\_ (b) public opening requirements];~~

~~\_\_\_\_\_ (c) performance bond requirements]; and~~

~~\_\_\_\_\_ (d) payment bond requirements], and other statutory requirements].~~

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**KEY: educational facilities, education finance**

**Date of Last Change: 2022~~[November 8, 2012]~~**

**Notice of Continuation: September 13, 2017**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-705**