

1 **R277. Education, Administration.**

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

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

4 _____ (1) This rule is authorized by:

5 _____ (a) [Article X, Section 3](#) of the Utah Constitution, which vests general control and
6 supervision of public education in the Board;

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

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

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

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

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

17 ~~[B.] (1)(a) "CM" means an individual designated as a construction manager, which~~
18 ~~acts as the agent of the owner of a construction project and may include: [~~The CM may~~~~
19 ~~be an architect, engineer, general contractor, or other professional consultant. It may also~~
20 ~~be an entity which is referred to as a construction management firm. The CM works as the~~
21 ~~agent of the owner of the construction project.]~~

22 _____ (i) an architect;

23 _____ (ii) an engineer;

24 _____ (iii) a general contractor;

25 _____ (iv) a professional consultant; or

26 _____ (v) a construction management firm.

27 _____ (b) A "CM" may, at the discretion of the project owner, assist in the development and
28 implementation of any or all of the predesign, design, bidding, construction, and occupancy
29 stages of the construction project.

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

32 ~~[The CM, at the discretion of the owner, may assist in the development and implementation~~
33 ~~of any or all of the predesign, design, bidding, construction, and occupancy stages of the~~
34 ~~construction project. The CM is responsible for the effective, orderly, and acceptable~~
35 ~~completion of the construction project.]~~

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

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

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

42 ~~—— A. This rule is authorized by Article X, Section 3 of the Utah Constitution which vests~~
43 ~~general control and supervision of public education in the Board, Subsection 53E-3-401(4)~~
44 ~~which allows the Board to adopt rules in accordance with its responsibilities and Section~~
45 ~~53E-3-705 which requires the Board to prepare an annual school plant capital outlay report~~
46 ~~of all LEAs, which includes information on the number and size of building projects~~
47 ~~completed and under construction.~~

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

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51 **R277-454-3. Standards.**

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

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

56 (a) advertising requirements;

57 (b) public opening requirements;

58 (c) performance bond requirements; and

59 (d) payment bond requirements, and other statutory requirements].

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61 **KEY: educational facilities, education finance**

62 **Date of Enactment or Last Substantive Amendment: November 8, 2012**

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

64 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-3-](#)**

65 **[705](#)**