

R745, Approval Process for Use of Dedicated Capital Project Funds¹

R745-1 Purpose: To provide the process for the Utah Board of Higher Education’s approval of Utah System of Higher Education (“USHE”) institutions’ use of capital development project funds appropriated by the Legislature for dedicated capital projects.

R745-2 References

- 2.1 [Utah Code § 53B-2a-117](#), Technical Colleges – Capital Development
- 2.2 [Utah Code § 53B-22-201](#), Capital Developments
- 2.3 [Utah Code Title 63A, Chapter 5b](#), Administration of State Facilities
- 2.4 [Board Policy R701](#), Capital Facilities
- 2.5 [Board Policy R706](#), Capital Facilities Planning
- 2.6 [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests
- 2.7 [Board Policy R743](#), Degree-granting Institution Dedicated Capital Project Allocation Formula
- 2.8 [Board Policy R744](#), Technical College Capital Project Prioritization Process
- 2.9 [Board Policy R751](#), Institutional Facilities Space Utilization

R745-3 Definitions

3.1 “Capital Development Project” means:

3.1.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.1.2 A new facility with a construction cost of \$500,000 or more; or

3.1.3 A purchase of real property if an appropriation is requested and made for the purchase.

3.2 “Capital Projects Fund” means a capital project restricted fund created by Utah Code sections 53B-22-202 and 53B-2a-118 to receive appropriations for USHE dedicated projects.

3.3 “Capital Program” means the services to define the scope and purpose of a proposed capital project as defined by Utah Code section 63A-5b-502.

3.4 “Dedicated Project” means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or a capital development project from the Board’s prioritization of dedicated funds for technical colleges under Utah Code section 53B-2a-117.

R745-4 Approval Process: The Board shall ~~annually~~ review and authorize dedicated projects submitted by degree-granting institutions. At least once every three years, the Board shall review and prioritize or projects ~~prioritized by the Board~~ for technical colleges under Board Policy R744-8.

4.1 Capital Programming and Cost Estimation: Before an institution may submit a dedicated capital project for Board approval and legislative consideration, the institution shall create a capital program to define the scope and purpose of the facility. In collaboration with the Department of Facilities Construction and Maintenance (“DFCM”), the institution shall use the program to create a realistic construction budget estimate (“CBE”) for the project.

4.2 Submissions: ~~Degree-granting~~ institutions shall submit capital development requests for funding from dedicated project allocations to the Board for evaluation based on procedures developed annually by the Office of the Commissioner, including a submission of the capital

¹ Adopted May 21, 2021, ~~amended and~~ Renumbered July 14, 2022, ~~and~~ Amended July 14, 2022, November 18, 2022, and XXX.

program and the construction budget estimate. Each [degree-granting](#) institution may submit one or more projects. Project costs for the combined total of all submitted projects must be less than or equal to the institution's balance in the Higher Education Capital Projects Fund after the annual Board allocation. Institutions may not submit projects to the Governor, DFCM, or the Legislature without prior Board approval.

4.3 Board Review and Authorization of Projects: The Board shall annually review dedicated project requests submitted by a degree-granting institution [and vote to authorize or deny each project. At least once every three years, the Board shall review a dedicated project request](#) ~~or~~ by a technical college after the Board has prioritized the college's use of funds under Board Policy R744-8 and vote to authorize or deny each project. Subject to available funding, if a degree-granting institution's dedicated capital project or a technical college dedicated capital project prioritized by the Board under R744-8 meets the requirements of Board Policy R741, the Board may authorize the project.

4.4 Board Submission of Authorized Projects: The Board shall submit its approved dedicated projects to DFCM and the Governor for review and recommendation and to the Legislature for further consideration and authorization to use allocated funds in the Higher Education Capital Projects Funds. Institutions may not spend allocated funds unless affirmatively authorized by the Legislature and funded by the Legislature for operation and maintenance.

R745-5 Operation and Maintenance for Dedicated Projects: Under Utah law, all authorized projects may request operation and maintenance funding from the Legislature in conjunction with dedicated capital project funding. If the Legislature does not fund the operation and maintenance for a particular project, the requesting institution must identify funds to operate and maintain the facility before construction may begin.

R745-6 Review upon Completion of a Dedicated Project: As required by statute, the Board shall review the costs and design of each capital project completed using dedicated capital project funds. Institutions shall submit all costs of a dedicated capital project to the Board, including but not limited to soft costs, land purchases, programming, design, and construction costs upon substantial completion. The institution shall also provide information to the Board on design decisions and elements for discussion in relation to costs of construction.