



Ohio Administrative Code

Rule 3333-1-28 Criteria for local administration by institutions of higher education.

Effective: May 25, 2020

(A) Authority

This rule is established by authority conferred upon the chancellor of the Ohio department of higher education in division (B) of section 3345.51 of the Revised Code upon consultation with the Ohio facilities construction commission and representatives of institutions of higher education. This rule shall only apply to capital projects exceeding four million dollars in state capital appropriations dollars which are locally administered pursuant to sections 123.24 and 4115.51 of the Revised Code.

(B) Definitions

(1) "Institution" means a state university, a state community college, and the northeast Ohio medical university.

(2) "Capital project" means a project exceeding four million dollars in state capital appropriations dollars which consists of construction, reconstruction, improvement, renovation, enlargement, or alteration, or other structural, mechanical, electrical, or telecommunication improvements, or the installation of heating, cooling, or ventilating plant or other equipment or material supplied therefore.

(3) "Contract documents" means the standard conditions of contract for construction and the agreements for professional services for design associates and construction managers.

(C) Institution requirements

Institutions of higher education, when administering capital facility projects under the authority of section 3345.51 of the Revised Code, shall comply with the following criteria:

(1) The institution has been certified in accordance with section 123.24 of the Revised Code; and



(2) The board of trustees of the institution passes a resolution stating its intent to comply with section 153.13 of the Revised Code and the guidelines established in accordance with section 153.16 of the Revised Code.

(3) The institution maintains adequate staffing levels and expertise consistent with the number of capital projects being administered by the institution. In the event staff vacancies occur in positions requiring training for initial certification, the staff replacement shall attend the certification program offered by the Ohio facilities construction commission at the earliest reasonable opportunity.

Institution staffing shall include the following:

(a) Institutional designee. The institutional designee is the one principal contact designated by the institution. The institutional designee may be the university architect or engineer, director of capital facilities, or an institution vice president empowered by the institution with a level of authority similar to the state architect.

(b) Project manager. The project manager is an individual responsible for the capital project from inception through construction completion, contract closeout and warranty. The project manager should be a licensed design professional, with a degree in architecture, engineering, planning or construction management, or have substantial field experience in managing public construction projects. Due to differing organizational structures, the project manager may also assume the role(s) of the project coordinator.

(c) Project coordinator. The project coordinator is the individual responsible for executing and tracking capital funded contracts, preparation of controlling board criteria for and tracking of funding releases, verification of costs and approval of payments based on the project manager's prior review, processing change orders, and supervision of the bidding process. Due to the differing organizational structures, the functions of project coordinator may be accomplished by the institutional designee, project manager, fiscal officer or the fiscal staff.

(d) Fiscal officer and staff. The fiscal staff is support staff responsible for capital projects accounting including the management of escrow accounts.



- (4) An institution shall use the contract documents developed by the Ohio facilities construction commission and the Ohio attorney general, as applicable, under Chapter 153. of the Revised Code.
- (a) An institution may modify the contract documents where necessary for the specific needs of a particular project and to identify the institution as the contracting entity.
- (b) The Ohio facilities construction commission shall be notified in advance of any modifications of the standard conditions of contract for construction documents. The Ohio facilities construction commission may disapprove such modifications.
- (5) An institution shall comply with all applicable state laws governing capital projects, including, but not limited to, Chapter 153. of the Revised Code; sections 9.31 to 9.335 of the Revised Code; and
- (6) An institution shall advertise for the selection of a design associate for a capital project in the Ohio register. The capital project may also be advertised in the local media.
- (7) An institution shall comply with sections 153.06 and 153.07 of the Revised Code regarding advertisement for construction; and
- (8) An institution shall comply with the statutory requirements for the establishment of lien escrow accounts and the processing of contractor payment requests subject to any outstanding liens; and
- (9) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution, or the board's designee shall notify the chancellor in writing of its request to administer the capital project.
- (D) Project scope and funding
- (1) Expenditures must be for capital improvements.
- (2) The project scope must meet the intent and purpose of the appropriation.



(3) The location and positioning of the project should be in accord with a campus master plan or, in the absence of a master plan, should harmonize with the existing campus environment.

(4) The size, capacity and arrangement of the project should meet projected enrollment and programmatic needs.

(5) Project design should provide maximum flexibility to meet future facility requirements.

(6) Project design should give priority to development or renovation which yields the maximum amount of usable or net assignable space and a minimum amount of unusable or non-assignable space.

(7) Project design must be such that the project can and will be completed, including necessary equipment and furnishings, and ready for full occupancy without exceeding appropriated funds. Should the project budget exceed appropriated funds, the institution must either supplement funding from its own resources or revise the scale or scope of the project to bring the budget into balance with appropriated funding. Project design should take into account the potential need to eliminate or defer project elements by establishing alternate construction packages which may be accepted or rejected, based on budgetary constraints. If a program plan is approved containing elements which could lead to costs exceeding appropriated funds, such approval shall not imply that any additional state funding, either through transfers from other appropriations or from future appropriations, is or will be supported by the chancellor.

(8) Design must comply with applicable building and safety codes.

(9) Design should seek ways to minimize increases in operating costs or, if possible, reduce operating costs.

(10) Design should maximize energy efficiency to provide for energy resource conservation.

(11) If not already accessible, renovated and new facilities should meet the requirements of the Americans with Disabilities Act.



(E) Authorization to levy fees by the institution

Institutions may assess a local administration fee for a capital project administered under the authority of section 3345.51 of the Revised Code. The fee shall not exceed 1.5 per cent of actual construction costs.