

**UNIVERSITY OF ALABAMA SYSTEM
BOARD RULE 415
BOARD SUBMITTAL CHECKLIST CRITERIA**

**BOARD SUBMITTAL CHECKLIST NO. 4
CAPITAL PROJECT - STAGE IV SUBMITTAL ¹
(Construction Contract Award)**

CAMPUS: The University of Alabama

PROJECT NAME: Performing Arts Academic Center

MEETING DATE: February 2 - 3, 2023

- 1. Board Submittal Checklist No. 4
- 2. Transmittal Letter to Chancellor from Campus President requesting project be placed on the agendas for the forthcoming Physical Properties Committee and Board of Trustees (or Executive Committee) Meetings
- 3. Proposed Board Resolution requesting approval of Construction Contract Award, Construction Budget and Project Budget by the Board of Trustees
- 4. Executive Summary of Proposed Capital Project with final Contract Construction Budget and Project Budget (include all proposed project funding for movable equipment and furnishings) ²
- 5. Tabulation of competitive bids – certified by Project Architect/Construction Manager
- 6. Recommendations for Contract Award by Architect/Construction Manager
- 7. Campus Map(s) showing project site
- 8. Final Business Plan (if applicable) ³

Prepared by: Matt Ernst

Approved by:




¹ Reference Tab 3I - Board Rule 415 Instructional Guide

² Reference Tab 3E - Board Rule 415 Instructional Guide

³ Reference Tab 3V - Board Rule 415 Instructional Guide



December 21, 2022

Chancellor Finis E. St. John IV
The University of Alabama System
500 University Boulevard East
Tuscaloosa, Alabama 35401

Dear Chancellor St. John:

I am pleased to send to you for approval under Board Rule 415 the attached documents for a Stage IV submittal for the Performing Arts Academic Center project.

The resolution requests authorization to award the construction contract for the Construction Package B – Sitework & Selective Foundations and approval of the budget reallocation.

The item has been thoroughly reviewed and has my endorsement. With your concurrence, I ask that it be added to the agenda for The Board of Trustees of The University of Alabama at their regular meeting on February 2-3, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "S.R. Bell".

Stuart R. Bell
President

Enclosure



THE UNIVERSITY OF ALABAMA

RESOLUTIONAPPROVAL OF THE REALLOCATED PROJECT BUDGET; PROVIDING
AUTHORIZATION TO EXECUTE A CONSTRUCTION CONTRACT FOR THE
PERFORMING ARTS ACADEMIC CENTER

WHEREAS, in accordance with Board Rule 415, on April 4, 2014, The Board of Trustees of The University of Alabama (“Board”) approved the Stage I submittal for the Performing Arts Academic Center (formerly Performing Arts Center) project (“Project”) to be located on the Peter Bryce campus at a projected cost of \$60,000,000; and

WHEREAS, in accordance with Board Rule 415, on April 10, 2015, the Board approved the top three ranked architectural firms and authorized officials of The University of Alabama (“University”) to proceed with negotiations; and

WHEREAS, upon completion of negotiations with the top ranked firm of TurnerBatson Architect, of Birmingham, Alabama, the University has established a design fee of 5.6% of construction, less a \$10,000 credit for landscaping design, plus \$52,000 for programming design, \$57,500 for the Welcome Center programming, \$50,000 for enhanced construction administration services, \$20,000 for enhanced printing, \$865,000 for specialty consultants for theater equipment and rigging, audio visual and acoustical design, and reimbursable expenses not to exceed \$110,300; and

WHEREAS, on November 4, 2016, the Board approved a Revised Budget to reflect the negotiated architect fees; and

WHEREAS, on November 4, 2016, the Board approved the Stage III submittal; and

WHEREAS, in accordance with Title 39, State Bid Law of Alabama Code, on June 13, 2019, the University received competitive bids for Package A – Storm Water Package and Price Construction Company, Inc., Peterson, Alabama, was declared the lowest responsible bidder for the Project with a base bid amount of \$254,982; and

WHEREAS, Price Construction Company, Inc., final contract amount was \$247,864 as reflected in the Project budget below; and

WHEREAS, on April 12, 2019, the Board approved the recommended ranking of the Commissioning Consultant and authorized officials of the University to proceed with negotiations; and

WHEREAS, upon completion of negotiations with Environmental Systems Corporation of Huntsville, Alabama, the University has established a final lump sum fee for Commissioning Services of \$214,109; and

WHEREAS, the University has deemed it appropriate to include space for the Opera program into the existing footprint and within the previously approved square footage so that Bryant-Jordan Hall can be decommissioned in accordance with the plans for the Peter Bryce Preserve; and

WHEREAS, on June 10, 2022, the Board approved a Revised Budget of \$133,000,000 to reflect the current construction market and associated changes to soft costs; and

WHEREAS, the University has determined it necessary to separate the Project into three separate construction packages so as to maintain the project schedule, including Construction Package A – Utilities and Infrastructure, Construction Package B – Sitework and Selective Foundations and Construction Package C – Building Construction and a budget reallocation to reflect this separation; and

WHEREAS, the Construction Package A – Utilities and Infrastructure Package includes storm water improvements to prepare the Project site; and

WHEREAS, the Construction Package B – Sitework and Selective Foundations includes partial foundations and sitework to prepare the Project site; and

WHEREAS, the Construction Package C – Building Construction will include the construction of the new Performing Arts Academic Center; and

WHEREAS, on December 21, 2022, pursuant to Title 39, State Bid Law of Alabama Code, competitive bids were received for Package B - Sitework and Selective Foundations and M.J. Harris Construction Services, LLC was declared the lowest responsible bidder with a base bid amount of \$5,985,000 as referenced on the certified bid tab, for the work related to the Project; and

WHEREAS, the University is requesting approval to award the construction contract for Package B – Sitework and Selective Foundations to M.J. Harris Construction Services, LLC, in the amount of \$5,985,000; and

WHEREAS, the University is requesting approval for a Budget Reallocation to reflect the current construction and equipment packaging; and

WHEREAS, the Project will be funded from Gifts (Realized through 2023) in the amount of \$18,500,000, University Central Reserves to be repaid through current pledges in the amount of \$19,750,000, Arts and Sciences Reserves and Future Gifts in the amount of \$20,000,000, and Future Revenue Bonds in the amount of \$74,750,000; and

WHEREAS, the Project design, location and program have been reviewed and are consistent with the University Campus Master Plan, University Design Standards and the principles contained therein; and

WHEREAS, the revised budget for the Project is as stipulated below:

BUDGET:	REVISED
<i>Package A – Utilities and Infrastructure</i>	\$ 247,864
Package B - Sitework & Selective Foundations	\$ 5,985,000
Package C – Building Construction	\$ 87,548,488
Owner Furnished Contractor Installed Theater Equipment (To be bid with Construction)	\$ 7,750,000
Owner Furnished Theater Equipment	\$ 3,750,000
Landscaping	\$ 900,000
Furniture, Fixtures, and Equipment	\$ 2,000,000
Security/Access Control	\$ 750,000
Telecommunication/Data	\$ 1,500,000
Contingency* (~4.9%)	\$ 5,147,049
UA Project Management Fee** (3%)	\$ 3,339,852
Architect/Engineer Fee (~7.2%)	\$ 7,789,441
Escalation/ Inflation	\$ 2,868,523
Commissioning Fee	\$ 214,109
Other*****	\$ 3,209,674
TOTAL PROJECT COST	\$ 133,000,000

* Contingency is based on 5% of the costs of Package C – Building Construction, OFCI Equipment, Owner Furnished Theater Equipment & Landscaping, and 2.5% of Package B – Sitework & Selective Foundations

** UA PM Fee is based on 3% of Package A – Utilities & Infrastructure, Package B – Sitework & Selective Foundations, Package C – Building Construction, OFCI Equipment, Owner Furnished Theater Equipment, Landscaping, and Contingency

*** Architect/Engineer Fee is based on 5.5% for Package B – Sitework & Selective Foundations, Package C – Building Construction, OFCI Equipment, Owner Furnished Theater Equipment, Landscaping, & Escalation plus \$524,580 in additional services, \$1,134,000 for Specialty Consultants, & \$146,750 in Reimbursables.

****Other expenses include Geotech, Construction Materials Testing, Inspections, Advertising, Printing, and other associated project costs, as applicable.

Work Completed. Final Contract/Agreement Amount.

Current Package for Contract Award Approval.

WHEREAS, officials at The University of Alabama have determined that the Board will incur certain costs in connection with the acquisition, construction, and installation of the Project prior to the issuance of the Bonds, and the Board intends to allocate a portion of the proceeds of the Bonds to reimburse the Board for certain of the costs incurred in connection with the acquisition, construction, and installation of the Project paid prior to the issuance of the Bonds; and

NOW, THEREFORE, BE IT RESOLVED by The Board of Trustees of The University of Alabama that:

1. The University of Alabama does hereby declare that it intends to allocate a portion of the proceeds of the Bonds to pay or to reimburse the Board for capital expenditures incurred after the date that is no more than 60 days prior to the date of the adoption of this resolution, but prior to the issuance of the Bonds in connection with the acquisition, construction, and installment of the Project. This portion of this resolution is being adopted pursuant to the requirements of Treasury regulations Section 1.150-2(e).
2. The Budget reallocation and revision for the Project are hereby approved as stipulated above.

BE IT FURTHER RESOLVED Stuart R. Bell, President, Matthew M. Fajack; Vice President of Finance and Operations and Treasurer; or those officers named in the most recent Board Resolutions granting signature authority for The University of Alabama be, and each hereby is, authorized to act for and on behalf of the Board of Trustees to execute the aforementioned contract with M.J. Harris Construction Services, LLC for Package B – Sitework and Selective Foundations for this Project in accordance with Board Rule 415.

**EXECUTIVE SUMMARY
PROPOSED CAPITAL PROJECT
BOARD OF TRUSTEES SUBMITTAL**

MEETING DATE: February 2-3, 2023

CAMPUS: The University of Alabama, Tuscaloosa, Alabama

PROJECT NAME: Performing Arts Academic Center

PROJECT NUMBER: 432-15-599

PROJECT LOCATION: Peter Bryce Campus

ARCHITECT: TurnerBatson Architects

THIS SUBMITTAL:	PREVIOUS APPROVALS:
<input type="checkbox"/> Stage I	April 4, 2014
<input type="checkbox"/> Stage II - Architect	April 10, 2015
<input type="checkbox"/> Stage II – Commissioning	April 12, 2019
<input type="checkbox"/> Stage III	November 4, 2016
<input type="checkbox"/> Revised Budget & Scope	June 10, 2022
<input checked="" type="checkbox"/> Stage IV – Package B	

PROJECT TYPE	SPACE CATEGORIES	PERCENTAGE	GSF
<input checked="" type="checkbox"/> Building Construction	Instructional	~ 89%	115,929
<input type="checkbox"/> Building Addition	Support	~ 11%	14,159
<input type="checkbox"/> Building Renovation			
<input type="checkbox"/> Equipment			
TOTAL		100%	130,088

BUDGET	Current		Revised	
<i>Package A – Utilities and Infrastructure</i>	\$	247,864	\$	247,864
Package B – Sitework & Selective Foundations	\$	-	\$	5,985,000
Package C – Building Construction	\$	87,548,488	\$	87,548,488
Structural Steel Package (OFCI)	\$	5,500,000	\$	-
Owner Furnished Contractor Installed Theater Equipment (To be Bid with Construction)	\$	11,500,000	\$	7,750,000
Owner Furnished Theater Equipment	\$	-	\$	3,750,000
Landscaping	\$	900,000	\$	900,000
Furniture, Fixtures and Equipment	\$	2,000,000	\$	2,000,000
Security/Access Control	\$	750,000	\$	750,000
Telecommunication/Data	\$	1,500,000	\$	1,500,000
Contingency (~4.9%) *	\$	5,272,424	\$	5,147,049
UA Project Management Fee (3%) **	\$	3,329,063	\$	3,339,852
Architect/Engineer Fee (~7.2%) ***	\$	7,783,467	\$	7,789,441
Escalation/ Inflation	\$	3,244,911	\$	2,868,523
Commissioning	\$	214,109	\$	214,109
Expenses (Geotech, Construction Materials Testing)	\$	1,496,565	\$	-
Other****	\$	1,713,109	\$	3,209,674
TOTAL PROJECT COST	\$	133,000,000	\$	133,000,000
Construction Cost per Square Foot: \$751 (Package B & C plus related contingency)				

* Contingency is based on 5% of the costs of Package C – Building Construction, OFCI Equipment, Owner Furnished Theater Equipment & Landscaping, and 2.5% of Package B – Sitework & Selective Foundations

** UA PM Fee is based on 3% of Package A – Utilities and Infrastructure, Package B – Sitework & Selective Foundations, Package C – Building Construction, OFCI Equipment, Owner Furnished Theater Equipment, Landscaping, and Contingency

*** Architect/Engineer Fee is based on 5.5% for Package B – Sitework & Selective Foundations, Package C – Building Construction, OFCI Equipment, Owner Furnished Theater Equipment, Landscaping, & Escalation plus \$524,580 in additional services, \$1,134,000 for Specialty Consultants, & \$146,750 in Reimbursables.

****Other expenses include Geotech, Construction Materials Testing, Inspections, Advertising, Printing, and other associated project costs, as applicable.

Work Completed Actual Contract/Agreement Amount.
Current Package for Approval.

ESTIMATED ANNUAL OPERATING AND MAINTENANCE (O&M) COSTS:		
(Utilities, Housekeeping, Maintenance, Insurance, Other)		
130,088 sf x ~\$3.89/sf		\$ 506,042
Total Estimated Annual O&M Costs:		\$ 506,042

FUNDING SOURCE:		
Capital Outlay:		
	Gift (Realized through 2023)	\$18,500,000
	University Central Reserves to be Repaid Through Current Pledges	\$19,750,000
	Arts & Science Reserves and Future Gifts	\$20,000,000
	Future General Revenue Bonds	\$74,750,000
O&M Costs:	University Annual Operating Funds	\$506,042

NEW EQUIPMENT REQUIRED		
Total Equipment Costs:		N/A

PROJECT SCOPE:

The Performing Arts Academic Center (formerly Performing Arts Center) project (“Project”) will consist of the demolition of the North Wing of the Bryce Main building and the construction of an approximately 130,088 square foot performing arts center for the Department of Theatre and Dance (“Department”). The Project will provide a multi-functioning, state-of-the-art venue for performances and infrastructure. This facility will allow the Department to combine all performance and academic functions in a single area of campus.

The Project will provide a 350-seat drama theater, 450-seat dance theater, and a 250-seat studio theater that will address the Department’s growing needs and demands for performance space, seating capacity, and functionality. The building will also contain support spaces such as a scenery shop, various control rooms and rehearsal halls. In addition, faculty offices and classrooms will be relocated to the connected Peter Bryce Main building.

Prominently located on axis with the Bryce Central pavilion and the intersection of North Campus Way and Peter Bryce Boulevard, the Project will provide a grand entry for performance events. The facility will also connect to the Bryce Main building via a new lobby. Connecting the old and new will provide two main entry and exit points for productions allowing for smooth transitions. Additionally, courtyards created between the buildings have the potential to be developed to serve as event support areas for outdoor venues and programming.

The relocation of the Department of Theatre and Dance will make the vacated space in the English Building and Rowand-Johnson Hall available for other pressing academic needs.

Space will also be provided for the Opera Department to relocate from Bryant-Jordan Hall so that facility can be decommissioned in accordance with the plan for the Peter Bryce Preserve.

**N/A on Stage I Projects*

PROJECT STATUS

SCHEMATIC DESIGN	Date Initiated	May 2015
	% Complete	100%
	Date Completed	April 2016
PRELIMINARY DESIGN:	Date Initiated	May 2016
	% Complete	100%
	Date Completed	July 2016
CONSTRUCTION DOCUMENTS:	Date Initiated	August 2016
	% Complete	100%
	Date Completed	January 2023
BID DATE (Main Package - Projected):		March 2023

RELATIONSHIP AND ENHANCEMENT OF CAMPUS PROGRAMS

Over the past ten years, undergraduate student enrollment in the Department of Theatre and Dance (“Department”) increased from 135 to 299 students or 121% without the addition of any facilities. The Performing Arts and Academic Center project (“Project”) will provide Theatre and Dance with a state-of-the-art performance center that includes a drama theater, dance performance space, and seat studio space combined into one facility. Furthermore, the planned relocation of faculty offices and classroom space for the Department in the Peter Bryce Main building will provide synergies for the proposed Performing Arts Center in the future. This Project will also allow for the reallocation of space that will be vacated by Theatre and Dance for other purposes in alignment with the strategic plan.

TABULATION OF BIDS



Project Name
 Performing Arts Academic Center -
 Sitework & Selective Foundation
 Package
UA Project No.
 432-15-599B

Bid Due
 December 21, 2022 10:00 a.m. local time
Bid Location
 405 Cahaba Circle
 Tuscaloosa, Alabama 35404

Architect/Engineer
 TURNERBATSON
 1950 Stonegate Drive, Suite 200
 Birmingham, Alabama 35242
 phone: (205) 403-6201
 fax: (205) 403-6206

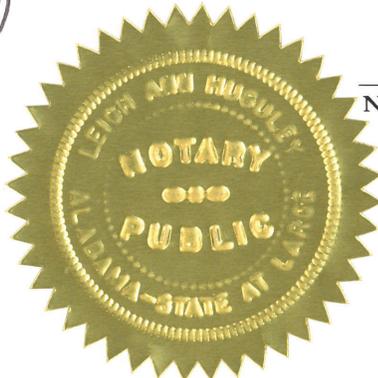
FUNDS AVAILABLE: Not Announced
BIDS SHALL BE VALID FOR: Sixty (60) Days
CONSTRUCTION DURATION: Area 'A' (Dance) Completion - May 26, 2023 or 110 Calendar Days;
Area 'B' and 'C' Completion - June 30, 2023 or 145 Calendar Days

CONTRACTOR	John Plott Company, Inc.	Kyser Construction, LLC	M. J. Harris Construction Services, LLC
	P. O. Box 20183 Tuscaloosa, AL 35402 (205) 345-5678 GC Lic. #9266	214 Hargrove Road E. Tuscaloosa, AL 35401 (205) 366-3530 GC Lic. #42467	One Riverchase Ridge, #300 Birmingham, AL 35244 (205) 380-6800 GC Lic. #47765
Addenda ONE - FIVE	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
LICENSE # ON ENVELOPE	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
BONDING COMPANY OR BID DEPOSIT	Western Surety Co.	Cincinnati Insurance Co.	Travelers Casualty & Surety Co. of America
UNIT PRICE #1 <i>Description on back of page</i>	\$ 50.00	\$ 35.00	\$ 26.70
UNIT PRICE #2 <i>Description on back of page</i>	\$ 15.00	\$ 21.00	\$ 16.00
UNIT PRICE #3 <i>Description on back of page</i>	\$ 100.00	\$ 250.00	\$ 69.50
BASE BID ON PROPOSAL	\$ 6,576,300.00	\$ 8,000,000.00	\$ 5,985,000.00
ENVELOPE ADJUSTMENT	-	-	-
TOTAL BID	\$ 6,576,300.00	\$ 8,000,000.00	\$ 5,985,000.00

I CERTIFY THAT THE ABOVE BIDS WERE RECEIVED SEALED AND WERE PUBLICLY OPENED AND READ ALOUD AT THE TIME AND PLACE INDICATED AND THAT THIS IS A TRUE AND CORRECT TABULATION OF ALL BIDS RECEIVED FOR THIS PROJECT. I RECOMMEND AWARD OF THE CONTRACT FOR CONSTRUCTION TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER AS SHOWN ABOVE, AS DETERMINED BY THE AVAILABLE FUNDS AND SUBJECT TO THE INSTRUCTIONS TO BIDDERS AND ANY APPLICABLE LAW.

Eric Berg
 Eric Berg, Principal
 TURNERBATSON

Sworn to and subscribed before me this 21st day of December, 2022.



Leigh Ann Hugulay
 Notary Public
April 2, 2023
 My Commission Expires

Unit Price Descriptions:

Unit Price #1: Excavation and Replacement of Unsuitable Materials. Price per CYIP.

Unit Price #2: Provide and Place Off-Site Borrow Material in Lieu of UA Crushed Concrete Material. Price per CYIP.

Unit Price#3: Unit Price to Operate and Maintain Sump Pumps. Price per Hour.

PERFORMING ARTS ACADEMIC CENTER

Rendering Approved November 4th, 2016



PERFORMING ARTS ACADEMIC CENTER

LOCATION MAP

