

**DEPARTMENT OF ADMINISTRATION
REAL ESTATE AND CONSTRUCTION SERVICES**

STATUTE REQUIREMENTS FOR PROJECTS POLICY

RECS – CT - 05

7/3/2008

Purpose

To maintain compliance with State Statutes and Department policy on Bonded Capital Improvements and Construction Projects

References

1. The attached table (TABLE CT-05) of State Statutes pertaining to Construction Projects
2. RECS Contracting Policy RECS-CT-01 Minn. Stat. §16A.15, §16C.05, §16C.08, §16B.31

Definitions

For purposes of this policy, the following definitions apply:

1. **Staff:** An employee of the State of Minnesota.
2. **Contract:** An agreement, a Professional/Technical Services Contract (P/TS), a Basic Services Agreement (BSA), a Joint Powers Agreement, purchase order, construction contract, or any document that obligates or is intended to obligate the State to a financial commitment or other commitment related to expenditure of State resources.
3. **“Execute” or “fully execute”:** Obtaining agreement and signatures from a vendor and authorized state officials where indicated on the signature page of the contract; or obtaining authorized signatures on a developing encumbrance.
4. **Project Manager (PM):** State employee classified as an Architect of any classification level; Engineer of any classification level, Engineering Technician of any classification level, Contract Specialist of any classification level, or other staff who are assigned to manage a project(s) and/or contracts related to the project(s).

Policy and Action:		Responsible Person:
1.	Staff are to familiarize themselves with and comply with State Statutes, State Laws, and departmental policies when carrying out their duties. “References” above apply.	All Staff
2.	The attached TABLE CT-05 contains State Statutes related to projects receiving funding from bonded appropriations (bonding bills). Project Managers are to manage and deliver their projects in accordance with these State Statutes.	Project Managers
3.	When managing Predesign Projects, Project Managers shall ensure that the Statutes contained in TABLE CT-05 are included as a reference in the Predesign Submittal and that they are integrated into the predesign, design and construction; and associated costs are included in the cost planning and estimates for the project.	Project Managers

Policy and Action:		Responsible Person:
4.	When applying the Statutes in TABLE CT-05 to projects being managed, Staff shall verify the latest version of the Statute using the internet link provided in the Table. (Each yearly legislative session enacts laws that amend and/or delete State Statutes)	Project Managers
RESPONSIBILITIES		
1.	For a project(s) contained in bonding bill appropriations (Laws), staff assigned to the project(s) shall solicit and contract only for work that is specified within the language of the appropriation/Law and within the specified dollar amount of the appropriation/Law.	Project Managers
2.	Prior to preparing final construction documents, verify that notification has been sent to the appropriate committee chairs in the legislature and the Responses from the chairs have been received. (Reference: Statute 16B.335)	Project Managers
3.	In accordance with Minn. Stat. §16A.15, a contract shall be fully executed prior to giving approval to vendors to proceed with work. All bidding and contracting for construction shall be coordinated with Materials Management Division (MMD). See Contracting Policy RECS-CT-01 for additional requirements. See Standards of Work for contracting processes.	Project Managers
4.	See your supervisor when considering design/build, best value or construction manager at risk delivery methods.	Project Managers
5.	The Project Manager shall be the staff person responsible for managing and monitoring the contracts associated with the projects assigned to them and to adhere to the requirements of this policy.	Project Managers
6.	Staff shall carry out their activities and duties in a manner that seeks to achieve the Divisions Goals and Objectives related to contracting, project delivery and reporting of project status.	Project Managers/ Support Staff
ATTACHMENTS		
1.	TABLE CT-05	

TABLE CT-05
APPLICABILITY OF STATUTES FOR PROJECTS RECEIVING STATE FUNDING
REFERENCE: Link to State Statutes: <https://www.revisor.leg.state.mn.us/pubs>

STATUTE	STATUTE COMPLIANCE REQUIRED BY		
	State Agency	Higher Ed	Political Subdivisions
1. §16B.241 Coordinated Facility Planning	YES	NO	NO
2. §16B.32, Subd 1 Alternative Energy Sources	YES	NO	NO
3. §16B.32, Subd 1a Renewable Energy Sources 2% of energy use	YES	NO	NO
4. §16B.32, Subd 2 Energy Conservation Goals (may participate in Program – not mandatory)	YES	YES	NO
5. §16B.325 Apply Sustainable Guidelines (B3)	YES	YES	YES
6. §16B.326 Written plan w/predesign to consider providing Geothermal & Solar Energy Heating & Cooling Systems	YES	YES	YES
7. §16B.33 State Designer Selection Board	YES	YES	NO
8. §16B.335, Subd 1, Notification to House & Senate Committees	YES	YES	YES
9. §16B.335, Subd 3 Predesign Submittal	YES	YES	YES
10. §16B.335, Subd 4 Energy Conservation Standards §216C.19 §216C.20	YES YES YES	YES YES YES	YES YES YES
11. §16B.335, Subd 5 & 6 Information Tech. Review by OET	YES	NO	NO
12. §16B.335, Subd. 3c Consider the use of MINNCOR products	YES	YES	YES
13. §16B.35 Art in State Buildings	YES	YES	YES
14. M.S. 16B.305 Capital budget requests. Subd 1. Architectural and cost standards.	YES	YES	YES
15. M.S. 16B.30 General authority to undertake construction projects	YES	YES when state funded	NO
16. M.S. 16A.138 Officials not to exceed appropriation.	YES	YES	YES
17. M.S. 16A.139 Misappropriation of money.	YES	YES	YES