

SO YOU WANT TO BUILD A BUILDING: SOME HELPFUL HINTS FOR THOSE DEANS WHO MAY DEVELOP AN “EDIFICE COMPLEX”

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WHEN I became Dean of the University of Oklahoma College of Law in July of 1996, I inherited a physical plant that was truly *Dismal!*

The Law Center Building, which had been completed and inhabited in 1976, had suffered greatly over the years.

The roof leaked when it was raining. The roof leaked when it wasn't raining. The roof stored up rainwater and leaked on dry days. We had to put sheets of plastic over the books in the library

Most of the floors in the building were covered with carpet—the same carpet that was placed in the building in 1976. You can imagine what it looked like after twenty years of wear, summer and winter.

Paint was peeling off in places. Faculty offices were very small and poorly ventilated. The administrative offices were tiny and overrun with the wiring of computers, telephones, printers, and duplicators, etc. until they looked like something out of a bad jungle movie.

The lighting, heating, and cooling in the classrooms were inadequate. The classroom furniture had been repaired and each year for so many years that the screw holes no longer fit.

You get the idea—a mess!

The ABA and AALS were breathing down our necks—insisting in a most persistent and somewhat unpleasant manner that SOMETHING HAD TO BE DONE. So, something was.

Money was raised—a little over \$19 million in gifts and pledges in less than one year—never an easy task. (How the money was raised is saved for another dissertation at some future time.) Notices were sent out. Bids were received. A contractor was selected. Designs were completed and blueprints, working drawings, and specifications were prepared. Ground was broken. In two and a half years, a new building was built and was joined with the old building, which had been totally renovated. The old building contains 90,000 sq. ft. more or less. The new one, 80,000. The 170,000 sq. ft. building that has emerged is magnificent. Better even than I thought it could be. There are a few glitches here and there, but overall, it's a handsome and functional structure. From start to finish the project took almost five years.

The purpose of this writing is not to brag about what was accomplished here, although I'm always glad to do so. It's to warn others who are taking the same path that there are substantial, unexpected problems that will arise along the way. There are hazards and pitfalls that await the unwary, which can turn a well-intentioned

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project into a monument to discomfort and inconvenience or can cause significant cost overruns and delays in completion.

The following suggestions arise from our experience throughout the process. They are the result of having to “learn by doing.” They represent the result of a lot of worry, anxiety, and sleepless nights. It is probable that a smarter and more careful Dean would have avoided many of the pitfalls and problems. I didn’t. I ran headfirst into most of them.

The suggestions are offered in the hope that one of our colleagues out there, somewhere, might be able to use one or more of them to avoid some of the trials and tribulations that I confronted throughout our construction project. I wish I had had the benefit of these little nuggets when we started.

So, without further explanation or apology, please take a look at the following suggestions and the underlying problems they might help you avoid.

1. *Money*

Before starting the project, you must be sure you have enough money to complete it. I know that sounds quite obvious, but it is more complicated than it sounds. Of course, you must have enough to build, furnish, and equip your new building complex. But beyond that, you should expect the unexpected and plan for it. You really must have a significant contingency fund within the project budget to deal with problems that will arise.

We were told that our heating and air-conditioning system in the existing building was working well and could be connected to the system in the new building with no problem. We were told this by the University AirCon people and by the heat and air subcontractors. All of them were wrong; the old system wasn’t working well and was not compatible with the new system. The result was that after having most of the building completed, we had to go back into the ceilings and replace substantial portions of the air-conditioning valves and duct work. Very expensive and very unexpected.

Another “money” problem can occur with the “code” requirements that you will face. This is particularly true if your project involves redoing an older building. In our state, as in most, if you do substantial remodeling of a building that was built before the various codes were enacted, the building must be brought up to “code” requirements. That includes “fire code,” “electrical code,” “Americans with Disabilities Act,” etc. These “code” requirements can really escalate costs. We spent an unexpected \$500,000 just to bring our existing building into compliance with the “fire code.” Some of it defies logic, like having to install a fire suppression sprinkling system in an atrium area that was built entirely of concrete and brick. Nevertheless, to get an occupancy permit at the end of construction, you have to comply with even the most unreasonable code requirements. You should discuss all of these compliance issues with your architect and contractor well in advance.

Finally, you will need to anticipate the possibility that a significant cost may be incurred because of “cash flow” requirements. You can’t just relax when you reach your goal for money for the construction project!

You will probably raise much of your money from gifts that take the form of pledges spread out over three to five years. We did, and we didn’t want to wait

until all the money was in hand to start construction. So, we went ahead anyway, knowing that our cash needs would substantially precede the receipt of a large percentage of our pledged gifts.

Fortunately, the University agreed to “cash flow” the project, that is, to advance funds against the pledges and to do so without charging interest. It’s a good thing it did. Interest charges against several million dollars for two to three years are expensive and could have made a big dent in the budget for the project. You had better make your cash availability arrangements in advance to be sure you have the cash when you need it.

One other kind of major expense may develop and should be planned and provided for. If your construction requires you to move your law library, you will be facing substantial costs. In our case, we had to move the entire law library away from the law school. We rented an old movie theater several blocks away for a working library of 150,000 volumes and put the remaining 200,000 volumes in crates, which were stored in a heated and air-conditioned warehouse in another city. Rental of these facilities was expensive. Packing, moving, and unpacking books—both coming and going—was extraordinarily expensive. It may be that professional library movers earn more than brain surgeons ... at least it sure seemed like it.

You may have to face the same problem with clinics. We had to rent office space and move both our clinics along with their libraries, file cabinets, desks, etc. away from the law school and back at substantial expense.

Since we rebuilt all of the faculty offices, we had to move all of our faculty and a lot of staff from their permanent law school offices to temporary offices, and in many cases, to home offices. All of that moving cost a lot as well.

Anyway, moving and storage expenses are sometimes not included in the project budget and need to be anticipated.

2. Building Design

Obviously, a successful building project starts with the design architects. I think you need to spend plenty of time with the architects who are going to design your new building. The design architect really needs to understand your vision for the structure and how it will work within the College.

It’s important that you really analyze the ideas and proposals that come from the designers to see if they really work and can’t be improved upon with more mature reflection. Don’t just accept what the architects say. Analyze their suggestions to be sure it’s going to be built the way you want it.

In our case, there were a number of items that I persuaded the architects to change or add. For example, our courtroom had been designed without windows because the Federal Courtrooms in Oklahoma City (which they used as a model) didn’t have any. We added three majestic floor-to-ceiling windows, which really improved the beauty of the room.

Under the original design, the main entry doors opened directly into the center hallway, which meant that the air-conditioning system’s “air lock” doors went across the hallway. This would have required persons coming from one end of the building to the other to pass through the two sets of inner doors, which would have

been a nuisance and which would have destroyed the visual impact of the great corridor. By suggesting the addition of an external chamber-entry room, that problem was eliminated.

These changes were expensive, but were well worth it. I know you will have many such good ideas that can be incorporated into the project. Don't hesitate to fight for them. If they cost more, you can always go raise some more money

3. *Blueprints, Working Drawings, and Specifications*

After the basic design is established, the architects will prepare blueprints, working drawings, and specifications, which the contractor will use to build the building.

It's extremely important that you read and study these drawings until you are familiar with them in great detail. Don't hesitate to ask any question you may have at this time. If you don't, some things will become "etched in stone" and any changes will come too late.

For example, left to their own devices, the electrical subcontractor will place the electric wall sockets right in the middle of the wall two or three feet above the floor. Maybe that's where you want them, but maybe not. They may look a lot better close to the floor, and cords won't be hanging down the walls. Think about how many such "plug ins" you may need in each space for lamps, phones, computers, space heaters, printers, etc. Little details like this can make a great difference in the looks and functionality of the project.

And, of course, heating and cooling system subcontractors always feel compelled to place thermostats in the middle of walls at eye level unless you intervene. Of course, once they do that, the placing of portraits or other artwork to be hung becomes much more difficult, if not impossible.

You should be sure that all of these little details are spelled out clearly in the plans.

4. *Be Available During Construction*

I used to imagine that once the architects had prepared the blueprints, construction drawings, and specifications, all the contractors and subs had to do was build the building in accordance therewith. That's not how it works. Nearly every day during construction some problem developed that required a decision.

When a problem that is not covered by the plans develops or when the plans aren't clear, the subcontractor who is actually doing the work stops, submits an R.F.I. (Request for Instructions), and waits for the answer. The R.F.I. goes to the contractor, then to the architect, and then to the owner. If you are not available to make a decision, the work will be stopped until you are. If you are there and can view the problem and make an immediate decision, much time can be saved, and as we all know, time is money. If you are not available, someone else may make the decision, and you may not like the result.

5 *Employ a Permanent On-Site Architect*

When I saw the first construction budget proposals, I was surprised to see \$250,000 listed as salary for an “on-site architect.” I was particularly surprised and concerned since we were paying our architectural firm a substantial fee and were also paying a good-sized fee to our university architects. I really couldn’t see why we needed a permanent “on the job” architect. I balked, but I was persuaded that it was a good idea, and so we did it. I believe it’s some of the best money we spent. Our guy was on the job every day, working with the contractor and subcontractors, supervising and inspecting each phase of construction. He interpreted the plans and made countless “on the spot” decisions that allowed the construction to continue smoothly. If there is any way you can afford it—do it—you will be glad you did.

6. *Prepare for and Attend the Construction Meetings*

During construction, the contractors, subcontractors, and architects will meet once a week to discuss progress, anticipate the upcoming construction phases, deal with unanswered R.F.I.’s, and generally discuss the project. Our group met in the construction offices every Wednesday morning at 10:00 a.m. The meeting usually lasted at least two hours.

Normally, the owner is represented by his architects and doesn’t attend personally. My Associate Dean went step by step with me throughout the construction process. One of us attended every meeting. Because one of us was there, innumerable controversies were resolved immediately so that construction could continue uninterrupted.

We would also meet every Tuesday afternoon with our “on-site” architect, our university architect, an architect from the design firm, our interior designer, and the person charged with buying furniture and fixtures, to prepare for the Wednesday morning construction meeting. The purpose of these meetings was to be sure we were all in agreement on important issues as they arose and could present a united front to our contractors.

This extra effort was truly valuable in bringing the project to completion on time and within budget.

Over the several hundred construction meetings that one or both of us attended, we got to know the contractors, subcontractors, and suppliers, and because of those relationships, we got a much better job.

Incidentally, there is always a bit of tension and potential disagreement between the contractor and subcontractors on one side and the owner and architects on the other. The contractors want to build as expeditiously and sometimes as cheaply as possible. The owner/architects want the structure built in the right and lasting way. You should always be mindful of this difference in viewpoint throughout your project.

7 *Furniture, Equipment, Carpets, and Accessories*

The part of our project that really went over budget was interior decorations, furnishings, and accessories. The result was quite impressive, but the cost was extraordinary. You will, no doubt, work with an interior decorator who will offer you a number of choices as to types of furniture, fabrics, carpets, paint colors, window treatments, etc. The decorator will put together a series of samples of materials of compatible colors and textures from which you are to make a selection. Try to get samples as large as possible. It's really hard to determine how a vast expanse of material will look when you only have a 2" by 2" swatch of it from which to make your decisions. And, equally important, try to get some firm prices for all of those items that are within your budget. The furniture costs alone can really inflate the cost of the project.

Also very important, establish an early time line to order and to receive delivery of these kinds of items. I was amazed to learn that it may take many months for the carpet makers to make the carpet you want. Orders must be made months before the items are needed. If orders are not submitted early enough, you may have a building that is near completion and occupancy and nothing with which to decorate or furnish it. On the other hand, if the items arrive too soon, you may have trouble finding a good place to store them until the building is ready. As with comedy, timing is critical. Arranging an appropriate arrival date can also be a big problem for light fixtures, computers, student seating in classrooms, projectors, screens, blackboards or whiteboards, etc.

So, watch your time line and F.F.E. (Furniture, Fixture, and Equipment) budget. Problems in these areas can really cause havoc with your opening and dedication plans.

CONCLUSION

I am sure that there are other problems that developed that I no longer recall, or have blocked from my mind. I'm also sure that problems will arise in your construction project that we didn't meet. Maybe those here discussed will help you avoid some difficulties that you might have otherwise encountered.

Getting our building completed has been one of the most satisfying experiences of my life. To have an opportunity to dream a dream, to see it take visual form in the design state, and then to be a part of the construction process as it becomes a physical reality is a remarkably fulfilling experience. As I indicated earlier, the process will bring lots of worries, headaches, and sleepless nights, but in the end, it's worth it all. I hope some of what I have offered here will be helpful as you undertake to build your dream for your school.

It is truly a flame that's worth the candle.