

TITLE 128
PROCEDURAL RULE
WEST VIRGINIA BOARD OF REGENTS

SERIES 16
POLICY REGARDING ACCEPTANCE, OCCUPANCY AND
FINAL PAYMENT FOR NEW BUILDINGS

§128-16-1. General.

1.1. Scope. -- This rule establishes the procedure for acceptance, occupancy and final payment for new buildings.

1.2. Authority. -- W. Va. Code §18-26

1.3. Filing Date. -- August 8, 1971

1.4. Effective Date. -- October 8, 1971

§128-16-2. Required procedures.

2.1. RESOLVED, That prior to acceptance by the Board of Regents of a new building or an addition to an existing building, the following actions shall be completed:

(a) An inspection of the facility by the architect, the owner (the Board of Regents as represented by a staff member), the contractor and other parties concerned and a determination of a date of substantial completion.

(b) The architect/engineer shall:

(1) Prepare a "Certificate of Substantial Completion," with a punch-list appended thereto of items to be completed or corrected, for approval and acceptance by the contractor and the owner (the Board of Regents).

(2) Present to the owner written certification of his right for occupancy from the contractor, the contractor's surety and insurance company.

(3) Present to the owner written certification that permission for occupancy is acceptable with the State Fire Marshal.

(4) Present letter of certification to the President of the institution with one (1) copy to the Board's Director of Physical Facilities, stating that

construction of the building is complete in accordance with the contract documents, subject only to punch-list items remaining to be completed and/or corrected and recommending that the building be accepted by the Board for occupancy as of a stated date.

(c) The President of the institution shall present his written recommendation for acceptance of the project to the Board of Regents through the Chancellor.

2.2. RESOLVED, That no building or addition thereto constructed on any campus under the jurisdiction of the West Virginia Board of Regents shall be occupied in part or in whole prior to the date of substantial completion or prior to official action by the Board authorizing occupancy.

By definition, the date of substantial completion is "the date certified by the architect/engineer when construction is sufficiently complete, in accordance with the contract document, so the owner may occupy the project for the use for which it is intended".

2.3. RESOLVED, That final payment to a contractor for work performed in accordance with contract documents shall be made upon certification by the architect of the following:

(a) Completion of punch-list items appended to "Certificate of Substantial Completion".

(b) Receipt of contractor's affidavit as to release of liens.

(c) Receipt of contractor's affidavit as to payment of debts and claims.

(d) Receipt of agreement of contractor's surety company as to final payment.

(e) Certification by the architect/engineer as to project completion.