

Prepared by the Office of Procurement, Real Property & Risk Management.

This Procedure replaces A8.547 dated August 1982.

A8.305

A8.300 Real Property

August 2002

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A8.305 Use of Non-University Space and Facilities

1. General

This administrative procedure provides guidelines and instructions for the use of non-University space and facilities. It is the policy of the University of Hawaii to use existing University, State, or other public facilities to the maximum extent practicable. However, when such facilities are either unavailable or otherwise insufficient to meet the operational requirements of University programs, privately-owned space and facilities may be rented or leased provided the need is clearly justified.

2. Types of Use

a. The following types of non-University space and facilities may be utilized to meet operational requirements:

- 1) Training facilities;
- 2) Auditoriums, camps, and classroom space;
- 3) Athletic and recreational facilities;
- 4) Office and warehouse space; and
- 5) Other facilities necessary to administer the educational, research and community service responsibilities of the University.

b. The rental of hotel space and services or booth space at conventions and trade shows shall be administered pursuant to the procedures for the procurement of goods and services in accordance with APM A8.200.

- c. The rental of non-University facilities may be considered when:
- 1) Program needs cannot be satisfactorily met by University facilities;
 - 2) Terms are on a favorable basis to the University with due consideration given to cost, maintenance and operational efficiency;
 - 3) Rental charges, maintenance fees, and other costs are consistent with prevailing rates in the community for comparable facilities; and
 - 4) Competition has been obtained to the maximum extent practicable among suitable available locations meeting minimum University requirements.
- d. A facilities use agreement may be entered into when the duration of use of the non-University space or facility is for ninety (90) days or less **and** the total payment for such use is less than \$5,000.
- Such use of non-University space or facilities may be accomplished by execution of a short-term facilities use agreement and issuance of a purchase order.
- e. A lease or other form of rental agreement shall be prepared when the duration of use of the non-University space or facilities will exceed ninety (90) days or involve University payments exceeding \$5,000.

3. Procedures

a. Short-term Use of Non-University Space and Facilities

1) Action to be taken by the University Program or Department requiring non-University space or facilities

- a) The "Agreement for Short-term Use of Non-University Space or Facilities" form (**Attachment 305.1**) should be prepared and forwarded for review and signature by the facility manager. If the facility manager insists on revising the provisions contained in

the Short-term Facilities Use form, the fiscal officer should either seek other suitable facilities or refer the matter to the Office of Procurement, Real Property and Risk Management (OPRPRM) for review and consideration.

- b) Upon receipt of the Short-term Facilities Use form signed by the facility manager, the fiscal officer should submit a completed requisition form together with the Short-term Facilities Use form to OPRPRM for review and execution.
 - c) The Short-term Facilities Use package should be submitted to the OPRPRM at least two (2) weeks prior to the scheduled commencement of use to provide adequate time for administrative review and final distribution. Delinquent or "after-the-fact" submissions shall be cause for rejection unless adequate justification is provided for ratification.
 - d) Any agreements or other forms required by the facility manager, in addition to or in lieu of the Short-term Facilities Use form, shall be forwarded to the OPRPRM for review and execution.
 - e) All requests for future modifications or amendments to existing Short-term Facilities Use agreements shall be forwarded to the OPRPRM for processing in accordance with these procedures.
- 2) Action to be taken by the Office of Procurement, Real Property and Risk Management (OPRPRM)
- a) The OPRPRM shall execute the Short-term Facilities Use form and/or other rental documents on behalf of the University and shall authorize and issue the purchase order for the payment of rental/use fees and other charges.
 - b) A central file for all completed Short-term Facilities Use forms shall be maintained by the OPRPRM.

b. Long-term use of non-University space and facilities

1) Action to be taken by the Program or Department requiring non-University space or facilities

- a) The following information shall be submitted to the OPRPRM at least two (2) months prior to the desired commencement date for use of the non-University space or facilities:
- (1) Description of use;
 - (2) Proposed Lessor, location of premises, including tax map key number;
 - (3) Cost per month per square foot, including any separate charges, if applicable, for utilities, janitorial services, parking, general excise and real property taxes, etc;
 - (4) Total square footage of space required;
 - (5) Floor plan showing area to be leased;
 - (6) Any required renovation to the premises, and whether the cost will be assumed by the Lessor or the University;
 - (7) Compliance of the space or facilities with the minimum requirements for access as provided in the Americans with Disabilities Act (ADA);
 - (8) Term of the lease;
 - (9) Source of funding for lease payments;
 - (10) Sufficient explanation on why space other than University facilities must be leased; and
 - (11) Other locations investigated, including the square foot cost for each, and the reasons for non-selection.

- b) The OPRPRM shall be advised in writing, at least two (2) months in advance or longer as may be required by the lease or other rental agreement, of any desired renewal, cancellation, or termination action regarding any existing long-term agreements.
- c) All requests for modifications or amendments to existing agreements shall be forwarded to the OPRPRM for processing in accordance with these procedures.

2) Action to be Taken by the Office of Procurement,
Real Property and Risk Management

The OPRPRM shall:

- a) Review and determine the sufficiency of the supporting information provided by the department or program for the use of non-University space or facilities on a long-term basis.
- b) Prepare a draft lease or other form of rental agreement based on the information furnished.
- c) Forward the agreement to the Vice President for Administration and Chief Financial Officer and/or the Office of the Senior Vice President for Legal Affairs and University General Counsel when required under APM Section A8.300.
- d) Distribute copies of the fully-executed document to the parties involved.
- e) Maintain a central file of all leases and other rental documents.
- f) Review and approve encumbrance and payment documents for the agreements as necessary.
- g) Provide assistance and advice to University programs in the administration of existing lease and rental agreements and in resolving problems arising in the use of non-University premises.