

MINUTES OF
BOARD OF REGENTS MEETING
MAY 11, 1979

TEXAS TECH UNIVERSITY
and
TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE
Lubbock, Texas

Minutes

Board of Regents Meeting
May 11, 1979

M110. The Board of Regents of Texas Tech University and Texas Tech University School of Medicine met in regular session May 11, 1979 at 9:05 a.m. in the Board of Regents Suite on campus. The following Regents were present: Mr. Robert L. Pfluger, Chairman, Mr. J. Fred Bucy, Mr. Clint Formby, Dr. Nathan C. Galloway, Mr. Joe Pevehouse, Mr. James L. Snyder, Mr. Lee Stafford and Mr. Don R. Workman. Regent Roy K. Furr was absent. University officials and staff present were: Dr. Cecil Mackey, President; Dr. Glenn E. Barnett, Vice President for Planning; Mr. Kenneth W. Thompson, Vice President for Finance and Administration; Dr. Charles S. Hardwick, Vice President for Academic Affairs; Dr. Robert H. Ewalt, Vice President for Student Affairs; Dr. Richard A. Lockwood, Vice President for the Health Sciences Centers; Mr. Bill J. Parsley, Director of Public Affairs; Dr. Clyde E. Kelsey, Jr., Vice President for Development and University Relations; Dr. J. Knox Jones, Jr., Vice President for Research and Graduate Studies; Mr. Fred J. Wehmeyer, Associate Vice President for Administrative Services; Dr. John Baier, Assistant Vice President for Student Affairs; Mrs. Freda Pierce, Secretary of the Board; Dr. Marilyn E. Phelan, General Counsel; Mr. Walter Brown, Director of New Construction; Mr. Clyde J. Morganti, Assistant to the President; Dr. Carl H. Stem, Dean, College of Business Administration; Dr. George S. Tyner, Dean, School of Medicine; Mr. Max C. Tomlinson, Director of Accounting and Finance; Dr. Margaret Wilson, President, and Dr. Gary Elbow, President-elect, Faculty Senate; Dr. Richard Saeks, Horn Professor of Electrical Engineering; Dr. Robert J. Baker, Horn Professor of Biology; Dr. Harold Luce, Chairperson, Department of Music; Ms. Jeannine Porter, Intern, Office of Vice President for Planning and Ms. Jane Brandenberger, Director, University News and Publications.

Others present were: Ms. Phyllis Kinnison and Ms. Nelda Jobe, Teachers, Lubbock Independent School District; Ms. Ruthanne Brockway, Avalanche-Journal; Ms. Tanj McDougale and Mr. David Swofford, KLBK-TV; Mr. Larry Elliott, KCBD-TV and Mr. Scott Lassetter, External Vice President, Student Association.

M111. Mr. Pfluger called the meeting to order and asked Dr. Charles Hardwick to give the invocation.

M112. Mr. Pfluger then recognized Elizabeth Edwin and Beverly Jones, Co-editors of the La Ventana. They came forward and presented the "Man of the Year" Award to Mr. Clint Formby. They explained that this award is based on outstanding

contributions to Texas Tech and its students, and is bestowed on a person who has had unusually good rapport with students. His picture will be on the cover of the "Texas Business Magazine" section of the yearbook. Mr. Pfluger and the entire Board congratulated Mr. Formby upon being honored.

M113. Mr. Pfluger then read the following statement: "The Board of Regents of Texas Tech University and Texas Tech University School of Medicine now having been duly convened in open session, and statutory notice of these meetings of the Board of Regents having been duly given to the Secretary of State, I, as Chairman of the Board of Regents, hereby publicly announce Executive Sessions of the Board to be held in compliance with Article 6252-17 Texas Civil Statutes, and these Executive Sessions are specifically authorized by Section 2 - Paragraphs E, F, and G of the Statute." The Board of Regents of Texas Tech University reconvened in open meeting at 10:07 a.m. with Texas Tech University School of Medicine recessed until the conclusion of the present session.

M114. Upon motion made by Mr. Snyder, seconded by Dr. Galloway, the Board by unanimous vote approved the Minutes of the meeting of March 30, 1979.

M115. Upon motion made by Mr. Workman, seconded by Dr. Galloway, the Board by unanimous vote approved Articles for Ratification being Items 1 a through 2 b.

M116. Mr. Formby reported for the Academic and Student Affairs Committee. The following five items (M117 through M121) constitute action taken upon committee recommendation.

M117. Upon motion made by Mr. Stafford, seconded by Mr. Formby, the Board by unanimous vote approved the following: RESOLVED that the Board of Regents of Texas Tech University approves the appointment with tenure, of Gary E. White, Professor of Accounting, and Robert J. Freeman, Professor of Accounting.

M118. Dr. Mackey called attention to an outline supplied the Board regarding a forthcoming report on Secretarial Administration. He explained that a complete report would be given in the August meeting, and if the committee desired further information, to let administration know. Mr. Formby requested that job market projections be included in the account.

M119. Dr. Mackey introduced Horn Professors, Drs. Robert J. Baker and Richard E. Saeks to the Board. All Regents congratulated the two on this outstanding achievement.

M120. Dr. Mackey recognized Dr. Margaret Wilson, President of the Faculty Senate, and she introduced Dr. Gary Elbow, President-elect for the 1979-80 academic year.

M121. Mr. Formby reported that his committee had discussed off-campus doctoral programs and asked the Administration to supply a report on this subject.

M122. Mr. Bucy reported for the Finance Committee. The following five items, (M123 through M127) constitute action taken upon committee recommendation.

M123. Upon motion made by Mr. Bucy, seconded by Mr. Snyder, the Board by unanimous vote approved the following: RESOLVED that the bid of Taylor Publishing Company for the printing and binding of the La Ventana Yearbook for the years 1980 and 1981 in the base cost amount of \$46,746.29 annually is accepted and that a contract be duly executed.

M124. Upon motion made by Mr. Bucy, seconded by Mr. Workman, the Board by unanimous vote approved the following: RESOLVED that the Board of Regents of Texas Tech University approves the residence halls rates as recommended for 1979-80; Attachment No. 1.

M125. Upon motion made by Mr. Bucy, seconded by Mr. Pevehouse, the Board by unanimous vote approved the following: RESOLVED that the Board of Regents of Texas Tech University approves the awarding of a General Operating Account Depository Contract to the First National Bank at Lubbock for the period September 1, 1979 through August 31, 1983, with option for renewal in two-year increments thereafter upon mutual written agreement.

M126. Upon motion made by Mr. Bucy, seconded by Mr. Pevehouse, the Board by unanimous vote approved the following: RESOLVED that the Board of Regents of Texas Tech University rejects all bids for the Cash Investment Depository Contract and authorizes the President to seek new bids to be considered by the Board at its August meeting.

M127. Upon motion made by Mr. Bucy, seconded by Mr. Workman, the Board by unanimous vote approved the following: RESOLVED that effective the beginning of the fall semester, 1979, a compulsory Student Service Fee of \$2.35 per semester credit hour registered shall be collected from each student provided that the maximum shall not be more than twenty-eight dollars (\$28.00) for any regular semester or six-week summer session. Mr. Workman requested a study of the possibility of giving students a choice of services and subsequent fees to be paid.

M128. Mr. Snyder reported for the Public Affairs, Development and University Relations Committee. The two following items, (M129 and M130) constitute action taken upon committee recommendation.

M129. Upon motion made by Mr. Snyder, seconded by Mr. Workman, the Board by unanimous vote approved the following: RESOLVED that the Board of Regents of Texas Tech University upon recommendation of the Board of Directors, Texas Tech University Foundation, appoints the persons nominated as Directors of the Texas Tech University Foundation as reflected on the attached list; Attachment No. 2.

M130. At the request of Mr. Snyder, Bill Parsley reviewed the bills pending before the Legislature, and asked for the continued support of the Regents by keeping in touch with elected officials during the legislative session. Mr. Pfluger expressed appreciation to Mr. Parsley for his work on behalf of Texas Tech University.

M131. Mr. Workman reported for the Campus and Building Committee. The following nine items, (M132 through M140) constitute action taken upon committee recommendation.

M132. Upon motion made by Mr. Workman, seconded by Mr. Snyder, the Board by unanimous vote approved the following: RESOLVED that the attached Traffic and Parking Regulations for Texas Tech University for the 1979-80 school year be approved; Attachment No. 3.

M133. Upon motion made by Mr. Workman, seconded by Mr. Snyder, the Board by unanimous vote approved the following: RESOLVED that the Board of Regents of Texas Tech University approves the attached Amendment to Contract No. 237 with Bob Ford, Project Architect on the renovation of West Hall and authorizes the Chairman of the Board of Regents to sign the Amendment: Attachment No. 4.

M134. Upon motion made by Mr. Workman, seconded by Dr. Galloway, the Board by unanimous vote approved the following: RESOLVED that the bid of Dillard Electric Company for Phase II of the renovation of fire alarm systems in campus buildings in the amount of \$65,067 is accepted, and a contract be duly awarded; Attachment No. 5.

M135. Upon motion made by Mr. Workman, seconded by Dr. Galloway, the Board by unanimous vote approved the following: RESOLVED that the President is authorized to proceed with planning, including schematic designs and contract documents for the construction of dressing rooms in the Lubbock Coliseum.

M136. Upon motion made by Mr. Workman, seconded by Dr. Galloway the Board by unanimous vote approved the following: RESOLVED that authorization is given the President to proceed with planning, including schematics and contract documents, for the final construction phase of the Goddard Range and Wildlife Management Building.

M137. Upon motion made by Mr. Workman, seconded by Dr. Galloway, the Board by unanimous vote approved the following: RESOLVED that authorization is given the President to proceed with planning to provide additional facilities for the Department of Music. Mr. Workman commented that such drawings and dollar estimates would be brought to the Board.

M138. Upon motion made by Mr. Workman, seconded by Mr. Formby, the Board by unanimous vote approved the following: RESOLVED that authorization is given the President to proceed with planning renovations to provide facilities for R.O.T.C. in the basement of the Journalism Building. Mr. Workman explained that schematic drawings and dollars would be brought to the Board.

M139. Upon motion made by Mr. Workman, seconded by Mr. Formby, the Board by unanimous vote approved the following: RESOLVED that May 4, 1979 is recorded as the completion date for the renovation of Texas Tech University Center at Junction, 1978.

M140. Upon motion made by Mr. Workman, seconded by Dr. Galloway, the Board by unanimous vote approved the following: RESOLVED that the Board of Regents of Texas Tech University appoints the following listed Appraisers to make their independent appraisal of the approximate ten (10) acres abutting on the North of a tract known as the Turner Tract on the East side of Quaker Avenue and in the NW part of Section 2, Block E-2, Lubbock County, Texas: Harris and Cantrell Appraisal Co., Lubbock, Texas, Donald Tapp Appraisal Service, Lubbock, Texas, Jimmy J. Goddard, Lubbock, Texas.

M141. Mr. Workman reported for the Committee of the Whole. Upon motion made by Mr. Workman, seconded by Dr. Galloway, the Board by unanimous vote approved the following: RESOLVED that the Board of Regents of Texas Tech University adopts the attached policy regarding appeals of grievants within the University, effective as of this date, and directs that it be included in the official Policy Manual of the Board of Regents; Attachment No. 6.

M142. The following Board meeting dates were adopted for the coming year:

October 5, 1979
November 16, 1979
February 8, 1980
March 28, 1980
May 9, 1980
September 12, 1980

M143. Mr. Pfluger appointed a Nominating Committee composed of Mr. Bucy, Mr. Formby, and Mr. Pevehouse to recommend a slate of officers for election at the August Board meeting.

M144. Mr. Formby reported that the Museum and Ranch Heritage Committee is studying the five-year plan for The Museum. He stated that it is a good plan, and explained that the committee will meet in late June or early July with representatives of the West Texas Museum Association and the Ranching Heritage Center along with Dr. Hardwick to discuss common projects and how they can work together with the Museum Association.

M145. There being no further business, the meeting adjourned.

(Mrs.) Freda Pierce, Secretary

Attachments (May 11, 1979)

1. Residence Halls Rates, 1979-80; Item M124.
2. List of Directors, Texas Tech University Foundation; Item M129.
3. Traffic and Parking Regulations - 1979-80, Item M132.
4. Amendment to Contract, Bob Ford, Project Architect, West Hall;
Item M133.
5. Renovation of Fire Alarm Systems; Item M134.
6. Policy Regarding Appellate Procedures; Item M141.

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I, Freda Pierce, the duly appointed and qualified Secretary of the Board of Regents, hereby certify that the above and foregoing is a true and correct copy of the Minutes of Texas Tech University Board of Regents meeting on May 11, 1979.

(Mrs.) Freda Pierce, Secretary

SEAL

May 11, 1979

RESIDENCE HALLS RATES - 1979-80

Double Room and 20 Meals Per Week

	<u>1979-80</u>
Gordon and Doak	\$1215
Horn, Knapp, Weeks, Wells Carpenter, Sneed, Bledsoe	1315
Wall, Gates, Hulen, Clement Stangel, Murdough	1447
Chitwood, Weymouth, Coleman	1545

Add \$140.00 per year for
room and board in all
buildings for single room

Gaston	\$458
	to
	\$723

TEXAS TECH UNIVERSITY FOUNDATION

DIRECTORS

New Nominations

(Term Expiring August 31, 1982)

Vernon Clem
Buddy Forbess
Bob Rawls
Bob Schuster
Anne Snyder
Don Tusha
Mrs. Nelda Laney

Renominations

(Term Expiring August 31, 1982)

S. C. Arnett, Jr., M.D.
Mrs. Robert Arnold
Douglas Boren
Mrs. Durwood Bradley
Frank M. Carter
R. Guy Carter
G. R. Close
Bill Collins
C. H. Cummings
Richard Dickey
William R. Dunbar
Joe Kirk Fulton
R. H. Fulton
F. William Holder, Jr.
Joe R. Horkey
Frank Junell
John H. Latham
John F. Lott
Reginald Martin
Raymond Pfluger
B. E. Rushing
J. T. Talkington
George Wilson

TRAFFIC AND PARKING RULES AND REGULATIONS

1979 - 1980

I. Introduction

These regulations are established by the University to facilitate the safe and orderly conduct of University business and to provide parking space as conveniently as possible within the limits of space available. Operating a motor vehicle on campus is a privilege and is conditioned, in part, on complying with these rules and regulations.

II. Applicability of State General and Criminal Laws

Article 51.201 of the Texas Education Code provides that: "All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state."

III. Authority of Board of Regents to Make Rules and Regulations

Article 51.202 of the Texas Education Code provides as follows: "Rules and Regulations; Penalty--

A. The governing board of each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys and any other institutional property under its control, including but not limited to the following:

1. limiting the rate of speed;
2. assigning parking spaces and designating parking areas and their use and assessing a charge for parking;
3. prohibiting parking as it deems necessary;
4. removing vehicles parking in violation of institutional rules and regulations or law at the expense of the violator; and
5. instituting a system of registration for vehicle identification, including a reasonable charge.

B. A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200."

IV. General Regulations

- A. The University makes every effort to provide protection to vehicles parked on campus, but cannot assume responsibility for any loss.
- B. The person to whom a vehicle is registered with the University maintains non-transferable parking privileges and is responsible for all violations of the parking rules.
- C. Pedestrians will be given the right-of-way at all times.
- D. The maximum speed limit on campus streets is 20 miles-per-hour, unless otherwise posted. The parking lot speed limit is 10 miles-per-hour.
- E. The campus is defined as all lands owned by the University within the City of Lubbock, Texas. This area is restricted for use as described in these regulations. Any vehicle in violation of the regulations or not having a valid Texas Tech University permit will be issued a campus citation which may be changed to a Court Appearance citation.
- F. These regulations apply to all persons who operate vehicles on campus.
- G. The Chief of Police and the Traffic and Parking Coordinator are responsible for the enforcement and implementation of these regulations and shall use their judgment in their interpretation.

V. Vehicle Registration

- A. In order to operate or benefit from the use of a vehicle on campus, each member of the University community must obtain in his or her name, a vehicle registration permit. No person may register a vehicle in his or her name which belongs to another student, faculty or staff member. Operation of a vehicle without a permit is a violation of the Code of Student Affairs and University policy.
- B. Students are required to register each motor vehicle to be operated on campus at the time they register for school or at the time they commence operating a vehicle on campus.
- C. Faculty and staff shall register their vehicles on or before the date they commence operating a vehicle on the campus. Upon termination of employment with the University, an employee's parking privileges shall be canceled. If the decal(s) is returned to Traffic and Parking, the refund in effect at the time it is returned will be issued.
- D. Faculty and staff, whose dependents are students, may allow those dependents to register a commonly operated vehicle for a student permit in addition to the reserved permit. If both vehicles are on campus at the same time, the vehicle with the student permit must be parked in the designated student parking area and not in either the faculty or staff member's reserved space or in the time limit areas on campus.
- E. Any person giving false information, or failing to complete the vehicle registration form, is subject to appropriate disciplinary action and revocation of parking privileges.

- F. Parking permits must be permanently affixed to the front windshield immediately above or adjacent to the Texas Inspection Sticker. All permits are self-adhering and application in any other manner will subject the vehicle to ticketing. Vehicle registration is not complete until the permit is properly and completely affixed to the vehicle of record.
- G. Replacement permits will be issued when remnants of the permit, proof of loss or destruction of the permit is provided. A fee of \$1.00 will be charged for each replacement permit.
- H. Faculty and staff who hold reserved parking permits may obtain one duplicate permit at no additional charge. Additional permits will be \$1.00 each. Exceptional circumstances may warrant the issuance of a duplicate permit to a vehicle operated by a person other than the holder of the reserved space. Such an arrangement must be authorized by the Traffic and Parking Coordinator. Duplicate permits do not allow for more than one vehicle to be on campus during the reserved period.

VI. Types of Parking Permits (See Map for Areas)

- A. Reserved space permits are issued to full-time faculty and staff and part-time staff not enrolled as students. Individuals eligible for reserved parking are encouraged to form car pools. Up to six decals will be issued to car pool participants for the same parking space. Parking of vehicles with car pool decals is restricted to the reserved space assigned and only one of the car pool vehicles may be on campus at any given time. Any remaining space after the needs of the faculty and staff are met will be available for assignment to Part-time Instructors, Graduate Teaching Assistants, and Graduate Research Assistants who hold contracts for one-half time or more. Such assignments may be revoked as necessary to accommodate the regular faculty and staff requirements. Nine-month parking permits will not be issued to staff members holding twelve-month appointments.
1. The permit will contain the lot and space number assigned to the registrant. The space is reserved from 7:00 a.m. to 5:30 p.m., Monday through Friday, during the long academic session. During the summer sessions, hours are from 7:00 a.m. to 3:00 p.m., Monday through Friday, on the main campus. The Medical School hours are from 7:00 a.m. to 5:30 p.m., Monday through Friday, year-round.
 2. In certain designated reserved lots, a limited number of spaces are reserved 24 hours per day, Monday through Friday, for the use of the permit holders of that reserved lot only. Residence hall staff living in the residence halls will be provided parking spaces that are reserved 24 hours daily.
 3. Access to the campus during the hours that parking spaces are reserved is restricted to vehicles with reserved space parking permits.

- B. Reserved area permits are issued for either of two locations: The Physical Plant (R-18) or the School of Medicine. R-18 permits will be issued to faculty, staff and part-time staff enrolled as students as space is available.
- C. Residence hall permits will be issued to residents for their vehicles only. Their permit is valid from 7:00 a.m. to 5:30 p.m., Monday through Friday, for the designated residence hall lot only. Permits will be issued for the capacity of the lot. Excess residence hall vehicles will be issued commuter permits until the residence hall lot has available space. A student changing residence halls or moving off-campus must exchange his permit at the Traffic and Parking Office.
- D. Commuter permits will also be issued for vehicles belonging to students not residing in on-campus residence halls and to students residing in the residence halls until space becomes available in the residence hall lot.
 - 1. Parking is available in three paved and one unpaved University lots.
 - 2. When not in use for programs and events, the Coliseum/Auditorium lot on which the City has an easement will also be available.
- E. Persons with physical disabilities will be issued parking permits to assist them. Sufficient documentation of disability must be provided the staff of Student Health for review. Limited parking space necessitates restriction of permits to those most seriously handicapped.
 - 1. Persons with disabilities identified as most severe will be provided parking permits to enable them to park in areas designated for the handicapped. These handicapped areas are reserved from 7:00 a.m. to 9:00 p.m., Monday through Friday.
 - 2. Persons with disabilities identified as less severe will be accommodated with available parking in proximity to their need.
- F. Motorcycle permits will be issued to allow parking in designated two-wheel areas. Permits must be permanently attached to the top of the front headlight, front fender or shock absorbers.
- G. Temporary permits will be issued for \$1.00 per week for area parking and \$2.00 per week for reserved space parking.
- H. Summer school permits will be issued to students attending one or both sessions. Students may utilize residence hall parking not in use during the summer sessions; however, time limit and reserved areas continue to be enforced.
- I. Students bringing a new vehicle on campus on a weekend are to report to the University Police. A temporary permit valid from 5:00 p.m. Sunday, until 5:00 p.m. Monday will be issued. This permit will allow students sufficient time to register their new vehicle in accordance with these regulations.
- J. Inoperable vehicles are to be reported to the University Police. Operators should identify their problem and follow the instructions given by the University Police.

VII. Visitor and Time Limit

- A. Visitors are welcome to the campus and special parking areas are set aside for them. Visitor passes are required throughout the campus during the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, excluding holidays. Visitor's passes may be obtained at any entry station.
 - 1. A visitor is defined as an individual with no official connection with Texas Tech University as a student, faculty or staff member.
 - 2. Visitors parked in areas not designated for visitor parking are subject to receiving a campus citation and being towed and impounded at the owner's expense.
- B. Time limit parking areas are designated as such and are enforced from 7:00 a.m. to 5:30 p.m., Monday through Friday, unless otherwise posted.

VIII. Texas Tech Bookstore

Time limit parking is available for Texas Tech Bookstore patrons. Individuals may enter the campus at University Avenue and 15th Street and proceed directly to the lot adjacent to the Bookstore entrance. Parking is limited to 30 minutes.

IX. Motorcycles, Motorbikes and Bicycles

- A. In the State of Texas, motorcycles, motorbikes and bicycles are subject to the same rules and regulations as automobiles. Operators are subject to a moving violation, to be adjudicated in Municipal Court, 10th Street and Avenue J, Lubbock, Texas, for failing to comply with the Official Texas Motor Vehicle Law Booklet.
- B. Motorcycles and motorbikes must be parked in areas designated for parking of such vehicles (see map).
- C. Bicycles should be parked in racks whenever available. Use of shrubs and trees to secure bicycles may result in said bicycles being impounded by the University Police Department at owner's expense.
- D. No person shall operate a bicycle upon a sidewalk or sidewalk area.

X. Rules and Regulations

- A. Parking is governed by markers and traffic signs. Parking is permitted only in areas clearly identified for parking. A valid parking space is defined as an area designated on three sides by lines and/or posts, curbs or other types of barriers.
- B. The absence of No Parking signs does not imply that parking is allowed. Street parking is prohibited except where signs indicate parking is permitted.

C. The following illegal parking acts may result in a citation being issued:

1. Parking in non-designated area
2. Parking permit not properly installed
3. Parking permit on vehicle other than authorized
4. Falsifying, reproducing or altering parking permit
5. Parking in No Parking Zone
6. Parking in service drives or access drives to parking lots
7. Unauthorized parking in reserved parking lots
8. Obstructing traffic, street, sidewalk, crosswalk, driveway, trash container and building entrance or exit
9. Parking overtime
10. Parking in a striped zone
11. Parking a vehicle with any part thereof extending across a line
12. Parking in 24-Hour Reserved Zones without proper permit
13. Parking on wrong side of street facing on-coming traffic
14. Parking without a valid permit
15. Parking in a Two-Away Zone
16. Other parking violations as defined on the face of the citation

D. Moving Violations

1. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state. Article 51.201, Texas Education Code (may be adjudicated in Municipal Court, 10th Street and Avenue J, Lubbock, Texas).
2. All violations as set forth in ordinances enacted by the City of Lubbock, Texas (may be adjudicated in Municipal Court, 10th Street and Avenue J, Lubbock, Texas).
3. It shall be unlawful for any person to drive, operate, push, park or leave standing a motor vehicle on any area of the campus not designated for driving such a motor vehicle.
4. It shall be unlawful for any person to drive by, through or beyond a barricade or a road block that is lawfully erected.

II. Resolving Citations

A. Citations may be resolved in one of the following ways:

1. Pay a \$6.00 service fee for each citation. If payment is made within 72 hours (Saturday, Sunday and official University holidays are not part of the 72 hours), the fee will be \$5.00.
2. Voluntarily surrender a valid parking permit to the Traffic and Parking Office and request to lose all privileges of parking on campus for a period of 30 days for each citation. Upon completion of the surrender period the permit will be replaced for a \$1.00 fee. Only citations bearing the individual's permit number may be resolved in this manner. Revoked permits may not be surrendered to resolve citations.

B. The Vice President for Administration shall provide an equitable and efficient appeals process through the establishment of the Parking and Violation Appeals Committees. Written appeals will be provided to the Appeals Committee by the Traffic and Parking Coordinator when there is a significant dispute over facts or major extenuating circumstances.

- C. After a period of 20 days from the date of issuance of the citation or from the date of final determination of an appealed citation, citations not resolved in the Traffic and Parking Coordinator's Office will be overdue. Overdue citations will subject the permit holder's vehicle(s) to towing and removal of the parking permit(s). Overdue citations may result in restriction of subsequent academic registration or other services at Texas Tech University. Parking and other restricted services will be restored when all overdue citations have been resolved.
- D. Notice of violation for vehicles without permits and returned notices of violation will be sent to the address on file with the Texas Department of Highways Motor Vehicle Division.
- E. Overdue citations may be changed to Court Appearance citations. Upon issuance of the Court Appearance citation, the University citation will be canceled. Such Court Appearance citations will be processed in the appropriate court as provided by law.
- F. Six valid violations of the Traffic and Parking Regulations within the academic year shall result in the revocation of the individual's parking privileges for a period of 90 days. If, at the end of the 90 days, the individual's parking privileges are restored, a single violation of the Regulations will result in permanent revocation for the academic year.
 - 1. All service fees must be paid before any parking privileges are restored.
 - 2. The reinstatement waiting period shall commence with the return of the parking permit(s) to the Traffic and Parking Office.

III. Towing and/or Impounding Vehicles

- A. The following violations may subject a vehicle to towing and impounding:
 - 1. Illegally parking in a reserved space
 - 2. Obstructing a street or access road to any building or parking lot
 - 3. Parking on the turf, sidewalk and non-designated parking areas
 - 4. Parking in a designated handicap zone without a handicap parking permit
 - 5. Abandoning vehicles on the University campus
 - 6. Parking in violation of the Traffic and Parking Regulations
 - 7. Parking permit on vehicle other than authorized
 - 8. Parking overtime in excess of one hour in a time limit zone
 - 9. Overdue citation(s)
 - 10. Parking without a valid permit
 - 11. Parking on campus while parking privileges are suspended
- B. When a vehicle has been towed, it will be necessary for the operator of the vehicle to contact the University Police for release. The tow fee does not include the citation reinstatement fee.
 - 1. The normal towing fee is \$20.00, in addition to the citation(s) cost. Some towing fees may be higher, depending on the vehicle towed and the towing service used.
 - 2. Vehicles towed and impounded will be charged storage at the rate of \$0.50 per day commencing 72 hours after impoundment. The maximum storage fee to be charged is \$15.00 per month.

- C. If a motor vehicle or bicycle is parked on University property and is not moved for a period of 30 days, the University may deem the same to be abandoned. Abandoned motor vehicles or bicycles may be impounded and disposed of in the same manner as such vehicles are disposed of by the City of Lubbock, Texas.

XIV. University Police Department

- A. University Police Officers are duly commissioned peace officers of the State of Texas. Upon request of an officer of the University Police Department, any person on the campus is required to identify himself with proper identification.
- B. All thefts, accidents or other offenses that occur on campus should be reported to the University Police Department immediately. Accident reports should be made prior to moving the involved vehicles. One-vehicle accidents and inoperable vehicles must also be promptly reported. Keys or valuables should not be left in a vehicle. ALWAYS KEEP YOUR VEHICLE LOCKED.

(THESE TRAFFIC AND PARKING REGULATIONS ARE SUBJECT TO REVISION)

The Campus Bus System

Eight buses operate between commuter parking lots on the North and West sides of the campus providing service to the central area of the campus. No fares are collected on any campus bus. The service is provided through student service fees and University support.

Four bus routes operate on campus during the Long Term:

Red Route: Operates clockwise from C-1 to C-6, every ten minutes from 8:00 a.m. to 3:30 p.m. on M-W-F and 8:30 a.m. to 3:30 p.m. on T-Th.

Green Route: Operates counterclockwise from C-1 to C-6, every ten minutes from 7:05 a.m. to 3:40 p.m. on M-T-W-Th-F.

Blue Route: Operates from C-1 to University Center, every eight minutes from 7:04 a.m. to 5:30 p.m. on M-W-F and 7:04 a.m. to 4:30 p.m. on T-Th.

Yellow Route: Operates from C-6 to Memorial Circle, every ten minutes from 7:05 a.m. to 5:30 p.m. on M-W-F and 7:05 a.m. to 4:30 p.m. on T-Th.

There are three off-campus routes which run at off-peak periods traveling as far as three-quarters of a mile from the campus. These buses leave Memorial Circle at 20 minutes after each class ends.

During the summer sessions three buses operate every day between C-1 and C-4, every ten minutes from 7:00 a.m. to 12:20 p.m. Buses operate on class days and stop at designated bus stop areas. Revisions of bus routes and schedules are proposed through the Student Association.

The Shuttle Bus Service

The shuttle bus service provides evening transportation between commuter parking lots and residence halls. A 12-passenger University vehicle with an amber revolving light for easy identification is used. Hours of operation are from dusk to 2:00 a.m., daily during the long term. The van travels a fixed route and is operated by a staff member of the University Police Department.

PARKING FEES AND REFUNDS

Rates Through	Faculty-Staff Reserved		Faculty-Staff Reserved		Faculty-Staff Area		Residence Halls		Commuter		Two- Wheel		East Stadium	
	12 Months		9 Months		12 Months		9 Months		9 Months		9 Months		9 Months	
	Cost	Refund	Cost	Refund	Cost	Refund	Cost	Refund	Cost	Refund	Cost	Refund	Cost	Refund
Sept. 30	\$40.00	\$33.35	\$30.00	\$23.35	\$18.00	\$15.00	\$21.00	\$16.35	\$18.00	\$14.00	\$ 5.00	\$ 3.85	\$10.00	\$ 7.80
Oct. 31	36.70	30.00	26.70	20.00	16.50	13.50	18.70	14.00	16.00	12.00	4.40	3.30	8.90	6.65
Nov. 30	33.35	26.70	23.35	16.70	15.00	12.00	16.35	11.70	14.00	10.00	3.85	2.75	7.80	5.55
Dec. 31	30.00	23.35	20.00	13.35	13.50	10.50	14.00	9.35	12.00	8.00	3.30	2.20	6.65	4.45
Jan. 31	26.70	20.00	16.70	10.00	12.00	9.00	11.70	7.00	10.00	6.00	2.75	1.65	5.55	3.35
Feb. 28	23.35	16.70	13.35	6.70	10.50	7.50	9.35	4.70	8.00	4.00	2.20	1.10	4.45	2.20
Mar. 31	20.00	13.35	10.00	3.35	9.00	6.00	7.00	2.35	6.00	2.00	1.65	.55	3.35	1.10
Apr. 30	16.70	10.00	6.70	-0-	7.50	4.50	4.70	-0-	4.00	-0-	1.10	-0-	2.20	-0-
May 31	13.35	6.70	3.35	-0-	6.00	3.00	2.35	-0-	2.00	-0-	.55	-0-	1.10	-0-
June 30	10.00	3.35			4.50	1.50								
July 31	6.70	-0-			3.00	-0-								
Aug. 23	3.35	-0-			1.50	-0-								

SUMMER SCHOOL SESSIONS

July 12	\$ 6.00	\$ 3.00	\$ 6.00	\$ 3.00	\$ 1.70	\$ 1.10
July 31	3.00	1.50	3.00	1.50	1.00	.55
Aug. 23	3.00	.75	3.00	.75	1.00	-0-

Refunds are based on the above schedule.
Refunds will not be given unless remnants
of the permit(s) are presented at the time
of refund request.

AMENDMENT TO CONTRACT NO. 237

The contract between the Board of Regents of Texas Tech University and Bob Ford, Project Architect on the Renovation of West Hall, dated August 7, 1978, is amended to read as follows:

E. COMPENSATION AND PAYMENT TO THE ARCHITECT

The Owner agrees to pay the Architect as compensation for the basic services eight percent (8%) of the authorized and approved construction cost, as such term "Construction cost and alternates" is defined in paragraph D above, less the amount of \$12,000.00 which represent the value of the work in the feasibility study on West Hall performed by the Architect under Contract No. 212 and used in the performance of this contract.

1. Payments to the Architect for basic services may be made monthly in proportion to the service actually performed, but not to exceed the percentage specified at the completion of each phase of work as follows:

Schematic Design Phase	15%
Design Development Phase	20%
Construction Documents Phase	40%
Bidding or Negotiation Phase	5%
Construction Phase	20%

All other Articles and provisions of the contract will remain as written and all parties do hereby ratify and confirm such terms, stipulations, covenants and conditions therein set forth.

IN WITNESS WHEREOF, the parties hereto have executed this amendment, in triplicate, each of which shall be considered an original by their duly appointed officers, this the 14th day of May, 1979.

OWNER
BOARD OF REGENTS
TEXAS TECH UNIVERSITY

ARCHITECT
BOB FORD

/s/ Robert L. Pfluger
Robert L. Pfluger, Chairman

/s/ Bob Ford
Bob Ford

ATTEST:

/s/ Freda Pierce
Freda Pierce, Secretary

RENOVATION OF FIRE ALARM SYSTEMS

1979

Petroleum Engineering

Child Development Center

Library, Phase I

Science Building

Chemistry Addition

POLICY ON APPELLATE PROCEDURES WITHIN
THE UNIVERSITY RELATED TO GRIEVANCES

The Board of Regents of Texas Tech University does not serve as an appellate body for individual grievances of students, faculty or staff members.

The University shall establish grievance procedures for various types of grievances of students, faculty and staff members. Each such procedure will indicate the final level of review within the University that is available to an individual grievant, and a decision at the level so indicated will constitute final University action on the grievance.

TEXAS TECH UNIVERSITY
Lubbock, Texas

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TEXAS TECH UNIVERSITY

Lubbock, Texas

FOR BOARD ACTION OR RATIFICATION

Personnel Matters

Commissioning of Peace Officers

1. a. Commission as Peace Officers the following persons, effective the date indicated, in accordance with Chapter 80, Acts of the 60th Legislature, Regular Session, 1967, as amended by Chapter 246, Acts of the 62nd Legislature, Regular Session, 1971.

<u>Name</u>	<u>Date</u>
Don Powell	February 26, 1979
B. Wayne Teeters, Jr.	March 12, 1979
Danny R. Mannin	April 1, 1979

Other Authorizations, Approvals
and Ratifications

Out of Country Leaves

2. a. Approve leave for Dr. Frazer Williams, Assistant Professor of Electrical Engineering, from 7:00 a.m. June 30, 1979 to 10:00 p.m. July 22, 1979, to go to Munich, Germany, to attend "Laser Optik 79", then to Grenoble, France to attend the XIVth International Conference on Phenomena in Ionized Gasses. He will present a paper at the Grenoble meeting. This trip will directly benefit undergraduate and graduate education at Texas Tech University. (Estimated cost \$400.00, Account No. 22-E187-200000; \$500.00, Account No. 12-E547-200000; \$500.00, Account No. 12-530D-200000; \$500.00, Account No. 12-G001-200000)

Approve leave for Dr. Charles S. Hardwick, Vice President for Academic Affairs, from 8:00 a.m. June 26, 1979 to 11:40 p.m. July 7, 1979, to go to Belgrade, Yugoslavia to attend a Yugoslav-American Seminar and the 2nd Congress of the International Association for Semiotic Studies in Vienna, Austria. He will participate as a discussant on the Semiotic Studies' program. (Estimated cost \$1,500.00, Account No. 12-0015-200000)

Leaves of Absence

2. b. Approve leave of absence without pay for Mr. Eray Derman, Assistant Professor in the Division of Architecture for September 1, 1979 through May 31, 1980. Approval of this leave will enable him to complete one year of professional experience within an office environment, which is a requirement before taking the examination for architectural registration in Texas. Approval of this leave is recommended by Dr. Hardwick.

Approve leave of absence without pay for the 1979 fall semester for Mr. Bruce M. Kramer, Associate Professor of Law. This leave is requested to permit him to visit the University of Indiana School of Law, at which time he plans to resume his regular schedule. Approval of this leave is recommended by Dr. Hardwick.

Approve leave of absence without pay for Ms. Janet Samuelson, Lecturer in English, for the year 1979-1980. She is doing research at Michigan State University, and plans to resume her regular schedule here following completion of her research. Approval of this leave is recommended by Dr. Hardwick.

Approve leave of absence without pay for Mr. Frank F. Skillern, Professor of Law, for the 1979-80 academic year. The purpose of this request is to permit him to serve as a visiting professor at the University of Arkansas Law School where he will teach courses in his area of interests. Approval of this leave is recommended by Dr. Hardwick.

Approve leave of absence without pay for Dr. Betty Tevis, Professor of Physical Education, for the academic year 1979-80. This leave is requested to permit her to work with the American Heart Association to enhance her ability in the area of teaching health courses. Approval of this leave is recommended by Dr. Hardwick.

Approve leave of absence without pay for Professor Donald W. Thayer in the Department of Biological Sciences to continue for the period through August 31, 1980. He is now serving as program manager for applied biology and biological applications in the Division of Applied Research at the National Science Foundation. This experience will be of professional benefit to him and of subsequent benefit to Texas Tech University. Approval of this leave is recommended by Dr. Hardwick.

Approve leave of absence without pay for Mr. Jeremy C. Wicker, Professor of Law, for the 1979-80 academic year. The purpose of this request is to permit him to teach at Ohio State University College of Law, after which time he plans to return to teaching at Texas Tech. Approval of this leave is recommended by Dr. Hardwick.

TEXAS TECH UNIVERSITY
Lubbock, Texas

For Information Only: Professorial Appointments
March and April, 1979

3.

<u>Name, Rank and/or Title</u>	<u>Department or Office</u>	<u>Appointment Period</u>
Barnes, Wayne Visiting Lecturer	Biological Sciences	3/20/79 3/28/79
Bovill, Carl H. Visiting Lecturer	Architecture	3/1/79 3/31/79
Brouch, Virginia M. Visiting Professor	Art	6/11/79 6/15/79
Byszewski, W. Visiting Assistant Professor	Electrical Engineering	1/15/79 5/31/79
Castleberry, James N., Jr. Visiting Professor	Law	7/16/79 8/25/79
Eisenberg, John F. Visiting Lecturer	Biological Sciences	4/18/79 4/30/79
Fowler, Richard G. Adjunct Professor	Physics	3/1/79 3/31/79
Logan, H. Donn Visiting Lecturer	Architecture	3/1/79 3/31/79
Nowak, William J. Lecturer	Architecture	1/15/79 5/31/79
Sartor, Dale A. Visiting Lecturer	Architecture	3/1/79 3/31/79
Sawyer, Wilbur H. Visiting Lecturer	Biological Sciences	4/2/79 4/13/79
Sutton, John F. Professor	Law	6/4/79 7/14/79
Wilson, Brent G. Visiting Professor	Art	6/23/79 6/27/79

TEXAS TECH UNIVERSITY
Lubbock, Texas

Summary of Professorial Appointments
March and April, 1979

4.

ARTS AND SCIENCES

Art	
Visiting Professor	2
Biological Sciences	
Visiting Lecturer	3
Physics	
Adjunct Professor	1

ENGINEERING

Architecture	
Lecturer	1
Visiting Lecturer	3
Electrical Engineering	
Visiting Assistant Professor	1

LAW

Professor	1
Visiting Professor	<u>1</u>
Total	<u>13</u>

TEXAS TECH UNIVERSITY
Lubbock, Texas

For Information Only: Resignations and/or Terminations -
Professorial Personnel - March and April, 1979

5.

<u>Name, Rank and/or Title</u>	<u>Department or Office</u>	<u>Effective Date</u>
Cheney, Paul Assistant Professor	Business Administration	8/31/79
*Kireilis, Ramon W. Professor	Health, Physical Education and Recreation	1/15/79
Light, Alfred R. Assistant Professor	Political Science	3/7/79

* Retiring Faculty

TEXAS TECH UNIVERSITY
Lubbock, Texas

Summary of Professorial Resignations
March and April, 1979

6.

ARTS AND SCIENCES

Health, Physical Education and
Recreation

Professor 1

Political Science

Assistant Professor 1

BUSINESS ADMINISTRATION

Assistant Professor 1

Total 3

TEXAS TECH UNIVERSITY
Lubbock, Texas

For Information Only: Faculty and Professional Staff
Appointments other than Professorial Ranks -
March and April, 1979

7.

<u>Description</u>	<u>Appointment Period</u>	
	<u>9 months or over</u>	<u>4.5 months or under</u>
1. Instructor -----	-0-	-0-
2. Instructor, Part-time (Non-student) --	-0-	-0-
3. Part-time Instructor (Grad. Student) -	-0-	-0-
4. Teaching Assistant -----	-0-	4
Total -----	-0-	4

TEXAS TECH UNIVERSITY
Lubbock, Texas

For Information Only: Official Travel
March 5 through April 16, 1979

8.

Out-of-State Travel Leaves:

1. Purpose of Leaves Summarized into Five Groups:	<u>Number</u>
a. To Present an Original Paper -----	34
b. To Attend a Professional Meeting -----	154
c. Trip in Conjunction with Research Project -----	7
d. Trip Required in Performance of University Duties ---	72
e. Multiple Purpose: Meeting/Paper -----	<u>8</u>
Total -----	<u>275</u>

2. Estimated Expenses and Source of Funds to be Used:	<u>Number</u>	<u>Estimated Amount</u>
a. From State Appropriated Funds -----	157	\$41,503.82
b. From Auxiliary Accounts -----	16	6,190.39
c. Gifts, Grants, and/or Contract Research -----	99	34,133.16
d. From Current Restricted Funds -----	-0-	-0-
e. From Museum -----	3	1,515.50
f. From Revolving Funds -----	-0-	-0-
g. From Agency Funds and Other Sources -----	-0-	-0-
h. From Unappropriated Funds -----	-0-	-0-
Total -----	<u>275</u>	<u>\$83,342.87</u>

Contracts

Page and Wirtz Construction Co. - Renovation of West Hall

9. a. The following Contract No. 254 with Page and Wirtz Construction Company in the amount of \$1,187,630 for renovation of West Hall is entered for information purposes. Execution of this contract was authorized in the Board meeting of March 30, 1979, Item M99.

Contract No. 254

AGREEMENT

made this second day of April in the year Nineteen Hundred Seventy Nine.

BETWEEN

The Board of Regents, Texas Tech University, Lubbock, Lubbock County, Texas, acting herein by and through Robert L. Pfluger, Chairman of the Board of Regents, the Owner, and Page and Wirtz Construction Company, Lubbock, Texas, Contractor.

The Owner and the Contractor agree as set forth below:

ARTICLE 1

THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, all Addenda issued prior to execution of this Agreement and all Modifications issued subsequent thereto. These form the Contract, and all are as fully a part of the Contract as if attached to this Agreement or repeated herein. An enumeration of the Contract Documents appears in Article 8.

ARTICLE 2

THE WORK

The Contractor shall perform all the Work required by the Contract Documents for the renovation of West Hall.

ARTICLE 3

ARCHITECT

Bob Ford, Architect, Lubbock, Texas

ARTICLE 4

TIME OF COMMENCEMENT AND COMPLETION

The Work to be performed under this Contract shall be commenced on or before a date to be specified in a written "Notice to Proceed" from the Owner and completed in 420 consecutive calendar days thereafter.

The Contractor further agrees to pay, as liquidated damages, the sum of \$280 for each consecutive calendar day after date shown in Notice to Proceed.

ARTICLE 5

CONTRACT SUM

The Owner shall pay the Contractor for the performance of the Work, subject to additions and deductions by Change Order as provided in the Conditions of the Contract, in current funds, the Contract Sum of:

One million one hundred eighty seven thousand six hundred thirty dollars (\$1,187,630), which includes base bid of \$1,035,530 and alternates No. 1, 2, 3, 4, 6.

ARTICLE 6

PROGRESS PAYMENTS

Based upon Applications for Payment submitted to the Architect by the Contractor, recommended by the Architect, and approved by Owner, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided in the conditions of the Contract as follows:

Once each calendar month, the Owner shall make a progress payment to the Contractor on the basis of a duly certified and approved estimate of the Work performed during the preceding calendar month under this Contract; but to insure the proper performance of this Contract, the Owner shall retain ten percent (10%) of the amount of each estimate until final completion and acceptance of all Work covered by this Contract: Provided that the Owner, at any time after fifty percent (50%) of the Work has been completed finds that satisfactory progress is being made, may make any of the remaining progress payments in full; and provided further that, upon completion and acceptance of each separate building, public work, or other division of the Contract on which the price is stated separately in the Contract, payment may be made in full including retained percentages thereon less authorized deductions. It shall be the Owner's option that upon "substantial completion" of the entire Work he may increase the total payments to ninety-five percent (95%) of the Contract price provided satisfactory evidence is furnished that all payrolls, material bills, and other indebtedness connected with the Work have been paid.

In addition, and in connection with any progress payment, if the Owner requests same, he shall be furnished manifest proof of any Subcontractors' actual fiscal account as related to the actual Subcontract value; and such account shall be in a form as requested by the Owner.

ARTICLE 7

FINAL PAYMENT

Final payment, constituting the entire unpaid balance of the Contract Sum, shall be paid by the Owner to the Contractor thirty days after Substantial Completion of the Work unless otherwise stipulated in the Certificate of Substantial Completion, provided the Work has then been completed, the Contract fully performed and a final Certificate for Payment has been issued by the Contractor and approved by the Architect.

ARTICLE 8

MISCELLANEOUS PROVISIONS

Terms used in this Agreement which are defined in the Conditions of the Contract shall have the Meanings designated in those Conditions.

The Contract Documents, which constitute the entire agreement between the Owner and the Contractor, are listed in Article 1 and, except for Modifications issued after execution of this Agreement, are enumerated as follows:

	<u>Pages</u>
Table of Contents	3
Notice to Bidders	1
Information to Bidders	3
Proposal	4
Bid Bond (Form)	2
Power of Attorney	1
Agreement (Form)	4
Performance Bond (Form)	2
Payment Bond (Form)	2
Exemption Certificate	1
Equal Opportunity Clause	2
Wage Scale	1
Uniform General Conditions	16
Supplementary General Conditions	22
Specifications, Divisions 1 through 10 (11, 12, 13, are N.A.) 14 through 16 dated February 15, 1979.	
Drawings: Dated January 8, 1979, February 9, 1979, February 24, 1979 and February 26, 1979.	

Architectural	Sheets 1 through 26
Structural	N.A.
Mechanical	Sheets MEP 1, M-1 through M-9
Plumbing	Sheets P-1 through P-5
Electrical	Sheets E-1 through E-12
Addendum No. One	

The Owner reserves the right to do work and to award other contracts in connection with other portions of the project.

Included in the total contract sum is \$617,567 which represents cost of materials and other expenses requiring tax exemptions from City and State sales taxes.

ARTICLE 9

PAYMENT AND PERFORMANCE BONDS

It is hereby agreed that a Performance Bond and a Payment Bond, each of 100% of the contract sum, are included herein and made a part of this contract.

ARTICLE 10

OWNER'S REPRESENTATIVE

The Owner hereby designates the President of Texas Tech University or the person designated as acting President in his absence, as its duly authorized and designated representative as that term is used and appears in this Agreement to act for and on behalf of Owner. This designation shall remain in full force and effect until and unless Contractor is otherwise notified in writing by Owner and directed to Contractor at his address.

This Agreement executed the day and year first written above.

OWNER
BOARD OF REGENTS
TEXAS TECH UNIVERSITY

/s/ Robert L. Pfluger
Robert L. Pfluger Chairman

CONTRACTOR
PAGE AND WIRTZ CONSTRUCTION CO.

By /s/ Jack Wirtz - V.P.

ATTEST:

/s/ Freda Pierce
Freda Pierce, Secretary

Mike Klein General Contractor, Inc. - Hazardous Chemical Storage Building

9. b. The following Contract No. 253 with Mike Klein General Contractor, Inc. in the amount of \$128,740 for the construction of a Hazardous Chemical Storage Building is entered for information purposes. Execution of this contract was authorized in the Board meeting of March 30, 1979, Item M100.

Contract No. 253

AGREEMENT

made this second day of April in the year Nineteen Hundred and Seventy Nine.

BETWEEN

The Board of Regents, Texas Tech University, Lubbock, Lubbock County, Texas, acting herein by and through Robert L. Pfluger, Chairman of the Board of Regents, the Owner, and Mike Klein General Contractor, Inc., Lubbock, Texas, Contractor.

The Owner and the Contractor agree as set forth below:

ARTICLE 1

THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, all Addenda issued prior to execution of this Agreement and all Modifications issued subsequent thereto. These form the Contract, and all are as fully a part of the Contract as if attached to this Agreement or repeated herein. An enumeration of the Contract Documents appears in Article 8.

ARTICLE 2

THE WORK

The Contractor shall perform all the Work required by the Contract Documents for the construction of a Hazardous Chemical Storage Building.

ARTICLE 3

ARCHITECT

Howard Schmidt and Associates, Lubbock, Texas.

ARTICLE 4

TIME OF COMMENCEMENT AND COMPLETION

The Work to be performed under this Contract shall be commenced on or before a date to be specified in a written "Notice to Proceed" from the Owner and completed in 120 consecutive calendar days thereafter.

The Contractor further agrees to pay, as liquidated damages, the sum of \$140 for each consecutive calendar day after date shown in Notice to Proceed.

ARTICLE 5

CONTRACT SUM

The Owner shall pay the Contractor for the performance of the Work, subject to additions and deductions by Change Order as provided in the Conditions of the Contract, in current funds, the Contract Sum of:

One hundred twenty eight thousand seven hundred forty dollars (\$128,740.00), which includes base bid of \$123,740 and Alternate No. 1 in the amount of \$5,000.

ARTICLE 6

PROGRESS PAYMENTS

Based upon Applications for Payment submitted to the Architect by the Contractor, recommended by the Architect, and approved by Owner, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided in the conditions of the Contract as follows:

Once each calendar month, the Owner shall make a progress payment to the Contractor on the basis of a duly certified and approved estimate of the Work performed during the preceding calendar month under this Contract; but to insure the proper performance of this Contract, the Owner shall retain ten percent (10%) of the amount of each estimate until final completion and acceptance of all Work covered by this Contract: Provided that the Owner, at any time after fifty percent (50%) of the Work has been completed finds that satisfactory progress is being made, may make any of the remaining progress payments in full; and provided further that, upon completion and acceptance of each separate building, public work, or other division of the Contract on which the price is stated separately in the Contract, payment may be made in full including retained percentages thereon less authorized deductions. It shall be the Owner's option that upon "substantial completion" of the entire Work he may increase the total payments to ninety-five percent (95%) of the

Contract price provided satisfactory evidence is furnished that all payrolls, material bills, and other indebtedness connected with the Work have been paid.

In addition, and in connection with any progress payment, if the Owner requests same, he shall be furnished manifest proof of any Subcontractors' actual fiscal account as related to the actual Subcontract value; and such account shall be in a form as requested by the Owner.

ARTICLE 7

FINAL PAYMENT

Final payment, constituting the entire unpaid balance of the Contract Sum, shall be paid by the Owner to the Contractor thirty days after Substantial Completion of the Work unless otherwise stipulated in the Certificate of Substantial Completion, provided the Work has then been completed, the Contract fully performed and a final Certificate for Payment has been issued by the Contractor and approved by the Architect.

ARTICLE 8

MISCELLANEOUS PROVISIONS

Terms used in this Agreement which are defined in the Conditions of the Contract shall have the Meanings designated in those Conditions.

The Contract Documents, which constitute the entire agreement between the Owner and the Contractor, are listed in Article 1 and, except for Modifications issued after execution of this Agreement, are enumerated as follows:

	<u>Pages</u>
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Power of Attorney	1
Agreement (Form)	4
Performance Bond (Form)	2
Payment Bond (Form)	2
Exemption Certificate	1
Equal Opportunity Clause	2
Wage Scale	3
Uniform General Conditions	16 (Incl. Amendments 1 & 2)
Supplementary General Conditions	22

Specifications, Divisions 1 through 10, (11 through 14 N.A.) 15 and 16,
entitled Hazardous Chemical Storage Building.

Drawings: Dated February 28, 1979
Architectural Sheets 1, 4, 5 and 6
Structural Sheets 2 and 3
Mechanical)
Plumbing) Sheet 7
Electrical Sheet 8
Addenda No. 1 and 2

The Owner reserves the right to do work and to award other contracts in connection with other portions of the project.

Included in the total contract sum is \$110,000 which represents cost of materials and other expenses requiring tax exemptions from City and State sales taxes.

ARTICLE 9

PAYMENT AND PERFORMANCE BONDS

It is hereby agreed that a Performance Bond and a Payment Bond, each of 100% of the contract sum, are included herein and made a part of this contract.

ARTICLE 10

OWNER'S REPRESENTATIVE

The Owner hereby designates the President of Texas Tech University or the person designated as acting President in his absence, as its duly authorized and designated representative as that term is used and appears in this Agreement to act for and on behalf of Owner. This designation shall remain in full force and effect until and unless Contractor is otherwise notified in writing by Owner and directed to Contractor at his address.

This Agreement executed the day and year first written above.

OWNER
BOARD OF REGENTS
TEXAS TECH UNIVERSITY

/s/ Robert L. Pfluger
Robert L. Pfluger, Chairman

ATTEST:

/s/ Freda Pierce
Freda Pierce, Secretary

CONTRACTOR
MIKE KLEIN GENERAL CONTRACTOR, INC.

By /s/ Mike Klein
Mike Klein, President

ATTEST:

By /s/ Nola Klein
Nola Klein, Secretary and Treasurer

* * * * *