

Six-Year Capital Budget Request

2008-2014 Budget Development



Virginia Department of
Planning and Budget

Instructions for Developing the Six-Year Capital Budget Request for 2008-2014

Table of Contents

	<i>Page</i>
I. Introduction	
Key dates for the 2008-2014 capital budget submissions	1
II. Capital Budget Submissions	
2008-2014 capital outlay plan	4
Detailed 2008-2010 capital project request submissions	6
Environmental impact reports	8
Review and approval process	9
III. Capital Outlay Leases	
Definition	11
Review and approval process	12
Proposed capital outlay leases	13
IV. Packaging a Capital Budget Submission	14
V. Capital Budget Forms & Instructions	16
DPB Form H-1 Summary and Financial Information	
DPB Form CNJ Project Request Justification	
Form C-1_S-1 Project Cost and Scope Profiles	
DPB Form T-1 Project Technology Profile	
DPB Form E-1 Project Energy Profile	
DPB Form MR-1 Maintenance Reserve Subproject Request	
DPB Form MR-2 Summary of Future Maintenance Reserve Subprojects	
Appendix A: Definitions and Criteria	17
Appendix B: Central Agency Responsibility for Lease Review	22

I. Introduction

This document provides guidance for submitting the Six-Year Capital Outlay Plan for 2008-2014. It contains instructions for preparing requests for the following:

- 2008-2014 capital projects,
- 2008-2014 maintenance reserve subprojects,
- Supplements to capital projects previously funded,
- Equipment for projects previously funded, and
- Proposed capital lease agreements.

The process for developing six-year capital proposals has been modified slightly from the process used in previous years. The capital planning process begins with agencies submitting to Department of Planning and Budget (DPB) summary information (DPB Form H-1) on **all projects** that are being requested for the six-year period included in their capital plan. The DPB Form H-1 includes a narrative section that should focus on the programmatic justification and need for the project. In June, agencies may submit detailed narrative and technical information for those projects identified by DPB that are currently unfunded and in the Governor's approved Six-Year Capital Improvement Plan for the 2006-2008 and 2008-2010 biennia, if those projects are still needed based on current conditions, master site plans, and strategic plans. DPB will provide a list of these projects. The current Six-Year Capital Improvement Plan may be found at: <http://dpb.virginia.gov/budget/06-08/SixYearCapitalPlan.pdf>. The detailed submissions consist of the combined Project Cost and Scope Profiles (Form C-1_S-1), the Project Request Justification (DPB Form CNJ), and if applicable, the Project Technology Profile (DPB Form T-1) and the Project Energy Profile (Form E-1). Based on the DPB Form H-1 submission and the agency strategic plan submissions in July, DPB may identify additional projects and authorize agencies to prepare detailed narrative and technical information for these projects.

An interagency team – consisting of agency staff, staff from central review and oversight agencies, and legislative money committee staff – may be established for major projects requested for the 2008-2010 biennium. The team will work together from budget development throughout the life of the project to ensure swift project execution and quick resolution of problems.

The following items summarize the capital submission requirements-

- ✓ **The plans should place an emphasis on long-term planning for capital outlay expenditures.** An agency request should be based on its strategic plan, master site plan, and Six-Year Capital Outlay Plan.
- ✓ **DPB Form C-1_S-1.** This is again in an Excel document required for all projects authorized for detailed submission. **Please note that you may need to reduce the security level to open the form because of embedded macros. Incomplete forms will be returned.** Incomplete or poorly-documented submissions will not be recommended for funding.
- ✓ **Capital outlay leases.** The DPB Form H-1 has been modified and will be used for new leases sought over the six years and for existing capital leases that will terminate during these biennia and for which the agency anticipates the need for renewal. The DPB Form L-1 will no longer be used.

- ✓ **Submission of Maintenance Reserve Plans.** The annual maintenance reserve plan is due no later than July 16, 2007. Detailed instructions will be issued at a later date.
- ✓ **Electronic format required.** No hard copies of the project request justifications are required unless you have additional documentation to support the requests. Electronic and regular mail guidelines and addresses are included in Section IV.

Key Dates for 2008-2014 Capital Budget Submissions

<i>Date</i>	<i>Action</i>
March 9, 2007	The Department of Planning and Budget (DPB) issues instructions for the preparation of six-year capital proposals.
April 18, 2007	Agencies submit summaries of all projects in their six-year plan to DPB (DPB Forms H-1) along with their 2008-2010 maintenance reserve requests (DPB Forms MR-1), and maintenance reserve projects planned for future biennia (DPB Forms MR-2). Proposed capital outlay lease requirements will be shown on the DPB Form H-1. (DPB Form L-1 will no longer be used.)
June 8, 2007	Agencies submit detailed narrative and technical information for those projects identified by DPB that are currently unfunded and in the Governor's approved Six-Year Capital Improvement Plan for the 2006-2008 and 2008-2010 biennia if those projects are still needed based on current conditions, master site plans, and strategic plans. DPB will provide a list of projects separately.
June 22, 2007	DPB validates new subprojects for inclusion in agency FY 2008 Maintenance Reserve Plans and notifies agencies.
Jun-Aug 2007	Project team meetings, if needed, are held on selected major projects.
July 12, 2007	Based on the April 18, 2007, submissions and July 1 agency strategic plans, DPB notifies agencies of 2008-2010 capital projects for which project request justifications (project cost and scope profiles, project request justification, technology profile, and energy profile) are needed.
July 16, 2007	Agencies submit to DPB an updated 2008 Maintenance Reserve Plan (DPB Form MR-3), including those subprojects validated for the 2008-2010 biennium.
Aug 15, 2007	Higher education agencies submit financial feasibility studies to the State Council for Higher Education for 9(d) revenue bond projects.
Aug 15, 2007	Agencies submit to DPB updated project timelines and draw schedules for capital projects included in the Governor's Capital Implementation Plan.
Aug 17, 2007	Agencies submit project request justifications (project cost and scope profiles, project request justification, and project technology) for all projects authorized on July 12, 2007.

- Sept 1, 2007 The Secretary of Finance issues status and revised draw schedules for projects in the Capital Implementation Plan.
- Sept 7, 2007 Agencies submit financial feasibility studies for revenue bond projects (with appropriate copies) to the Department of the Treasury.
- Nov 1, 2007 Governor submits Six-Year Capital Improvement Plan.
- Dec 20, 2007 Governor submits 2008-2010 biennial budget to the General Assembly.

II. Capital Budget Submissions

The capital budget submission sets forth an agency's capital project needs for the next six years. The request ranks the projects in priority order and justifies the need for them in terms of the agency's goals, objectives, programs, and services. Different components of the request are due at different times. By April 18, 2007, each agency is required to prepare summary information for **all projects** requested for each of the three biennia included in the six-year plan, including supplements to previously-funded projects and equipment for projects previously funded. The April 18, 2007 submission should also present detailed information on your maintenance reserve funding needs for the 2008-2010 biennium. By June 8, submission of detailed narrative and technical information is due for those projects identified by DPB that are currently unfunded and in the Governor's approved Six-Year Capital Improvement Plan for the 2006-2008 and 2008-2010 biennia, if those projects are still needed based on current conditions, master site plans, and strategic plans. DPB will provide a list of these projects.

By July 12, 2007, DPB will notify agencies of additional projects where more detailed information is needed. This more detailed narrative and technical information is to be submitted by August 17, 2007. Two different submission dates for the detailed information allows agency workload and central agency review to be spread out. It is important to understand that any authorization on the part of DPB does not constitute a commitment on the part of the Governor to fund these projects in the 2008-2010 budget. Finally, agencies must submit an updated 2008 Maintenance Reserve Plan (DPB Form MR-3) on July 16, 2007

Appendix A provides guidance on whether property, plant, or equipment needs should be included in the operating or capital budget. It also addresses the various types of multi-task projects, including maintenance reserve, discussed in the instructions below.

Submission instructions are included in Section IV.

2008-2014 Capital Outlay Plan – Due April 18 and June 8, 2007

Components of the Six-Year Capital Outlay Plan due on April 18 are:

- ✓ Summary and financial information (Form H-1) for all projects included in the plan,
- ✓ Detailed 2008-2010 maintenance reserve subproject requests (Form MR-1), and
- ✓ Summary of future maintenance reserve subprojects planned for future biennia (MR-2).

Components of your Six-Year Capital Outlay Plan due on June 8 are:

- ✓ Detailed narrative and technical information for unfunded projects identified by DPB in the approved Six-Year Capital Improvement Plan that are still priority projects.

Summary and Financial Information (Form H-1) – Due April 18, 2007

Except for maintenance reserve projects, which have their own set of forms and instructions (see below), an agency must prepare a "DPB Form H-1, Summary and Financial Information" for each project included in the 2008-2014 capital outlay plan, regardless of the biennium for which the project is requested. However, as noted in the form instructions, certain portions of the DPB Form H-1 are completed only for projects being requested for the first biennium of the six-year plan. If an umbrella

project is requested, a separate DPB Form H-1 is needed for **each** of the subprojects within that umbrella project. The DPB Form H-1 is also used to summarize data for projects being requested for the next six years that involve leasing arrangements that may qualify as “capital outlay leases.” Requests to authorize projects under the Public-Private Educational Facilities Infrastructure Act of 2002 (PPEA) should be made using DPB Forms CNJ and H-1.

For a definition of a capital outlay lease and further details, see Section IV.

The purpose of the DPB Form H-1 is to summarize the size and scope of the project and provide estimates on the project’s cost. It also identifies operating costs or savings that will be incurred once the project comes on-line. **Each agency will need to provide a sufficient description and justification for the project so that the reader knows what is being requested and why it is needed.**

Be sure to include in your requests funding to cover unanticipated cost increases for projects previously funded and requests for equipment for projects coming on-line in the 2008-2010 timeframe that were not funded in the project budget.

See DPB’s website for “DPB Form H-1, Summary and Financial Information,” and the instructions for completing the form.

Note: If funding is being requested in the 2008-2010 or 2010-2012 biennium for a project that was not included in an agency’s 2006-2012 six-year capital plan, an explanation is needed in Section J of the DPB Form H-1 as to why the project was not anticipated and included in that plan.

Maintenance Reserve Request Submission (Forms MR-1, MR-2) – Due April 18, 2007

Agencies and institutions are reminded of the following provisions in § 4-4.01 of Chapter 3, the 2006 Appropriation Act:

- ✓ First priority when requesting capital outlay appropriations shall be maintenance reserve, and
- ✓ First priority when expending capital funds shall be given to roof repairs.

All agencies with a physical plant are to submit maintenance reserve requests to identify any new requirements needed to maintain or extend the useful life of their facilities. As done with stand-alone capital projects, an agency should identify maintenance reserve requirements over the six-year planning period. The maintenance reserve request for the 2008-2010 biennium should be submitted using Form MR-1 and reflect only those subprojects required for that biennium and not the agency’s total six-year need. Projects for the two subsequent biennia should be submitted using Form MR-2. **Do not include similar work in both the maintenance reserve request and a stand-alone capital project. Also, do not submit a request for a previously validated maintenance reserve project that has not been funded.**

Maintenance reserve subprojects are **not** intended to enhance, upgrade, or otherwise improve plant, property, or equipment unless such work is incidental to the main purpose of the project (less than 25 percent of the overall cost). The maintenance reserve plan should cover facilities funded from nongeneral funds, as well as those supported with general fund dollars.

(See Appendix A of these instructions for further definition of maintenance reserve subprojects.)

The 2008-2014 maintenance reserve request should include the following items-

- ✓ **“DPB Form MR-1, Maintenance Reserve Subproject Request.”** This form describes the subproject and summarizes information about the need, cost, and eligibility for maintenance reserve funding. DPB Form MR-1 is prepared only for maintenance reserve subprojects being requested for the 2008-2010 biennium.

- ✓ **“DPB Form MR-2, Summary of Future Maintenance Reserve Subprojects.”** This form lists and prioritizes all of the individual subprojects planned in the final four years of your six-year plan. A separate form is completed for each of the last two biennia. **Institutions of higher education with authority to manage their maintenance reserve programs at the local level need only include the new projects on the DPB Form MR-2, but the MR-2 should be completed for all three biennia.**

See DPB’s website for the detailed instructions for completing these forms.

DPB will review each maintenance reserve subproject request and validate those that meet the criteria. DPB will return to each agency by June 22, 2007, copies of the DPB Form MR-1 indicating whether individual subprojects have been approved or disapproved. Each agency must then incorporate the newly validated subprojects into its maintenance reserve plan for the 2008-2010 biennium using the DPB Form MR-3 no later than July 16, 2007. This form is submitted annually to show the current status of the agency maintenance reserve plan by subproject. DPB will base its recommendations for 2008-2010 maintenance reserve funding on this comprehensive update of the maintenance reserve plan. Detailed instructions on how to prepare the 2008 maintenance reserve plan will be issued later.

Detailed 2008-2010 Capital Project Request Submission – Unfunded, Approved CIP Projects Due on June 8 and Additional Projects Authorized on July 12 and Due on August 17

Every agency must prepare a detailed capital project request for each project requested for the 2008-2010 biennium for which DPB approves the submission of more detailed information. Agencies are authorized to submit, on June 8, detailed narrative and technical information for those projects that are currently unfunded and in the Governor’s approved Six-Year Capital Improvement Plan for the 2006-2008 and 2008-2010 biennia, if those projects are still needed based on current conditions, master site plans, and strategic plans. DPB will provide a list of these projects. The primary purpose of the detailed capital project request is to provide a carefully reasoned explanation of the need for the project, describe what the project entails, demonstrate how it relates to program goals and objectives, and identify the projected costs. The detailed capital project request consists of the following two elements-

- ✓ **Project Request Justification (DPB Form CNJ).** The project request justification presents the specific detailed information explaining the programmatic need for the project and describing why it is necessary to the delivery of an agency’s services and activities. It also relates the project to the agency’s strategic plan.

- ✓ **Project Definition Worksheets (DPB Forms C-1_S-1, T-1, and E-1).** These documents are used to identify design parameters and any special requirements associated with the project. Information from the worksheets are used to establish a “design-to” construction budget, a “design-to” gross area, and a project design budget. Along with the project definition worksheets, agencies, under certain circumstances, are also required to submit Environmental Impact Reports to the Department of Environmental Quality (DEQ).

Note about umbrella projects:

If an agency is combining more than one facility or improvement into an umbrella project, it may not be necessary to provide a project request justification and a series of project definition worksheets for each separate subproject within the umbrella. Depending on the nature of the umbrella project, one or more of the components can be consolidated. Consult with your DPB analyst on the requirements for submitting any umbrella projects that you may have.

Project Request Justification (DPB Form CNJ)

The CNJ Form was developed as a means for agencies to describe - in a reasonable amount of detail - how they developed their numbers and how a project relates to the agency’s strategic plan. The DPB Form CNJ should describe the present facilities and their condition and ability to meet programmatic demand and should identify alternative options when available. The form allows agencies to update and expand the initial project narrative included on the DPB Form H-1. Any projected changes (cost, scope, space, etc) from the original DPB Form H-1 should be explained in this narrative. Essentially, the project request justification details the project’s scope and justifies its need in as much detail as possible.

In order for projects to receive full consideration for funding, all information requested in the form must be thoroughly addressed. The need must be demonstrated from several perspectives, including the agency's programs and activities and the condition of its existing facilities, to show why it is important to fund the request. The quality of the submission is extremely important. Remember who the audience is for this submission and do not use technical engineering terms and jargon. If technical engineering terms and jargon must be used, they must be explained in the narrative. Decision-makers may only have this narrative as the basis for considering the merits of the request.

Project Cost and Scope Profiles (Form C-1_S-1)

The intent of the S-1 Form is to allow agencies to determine the project’s budget and define the project scope. In addition to the narrative sections, one especially useful section of the S-1 is the "space plan" which asks the users to define the various types of spaces needed, the number of users, and any special equipment requirements.

The form was designed for agencies to complete, without having to hire a design consultant. If an agency is understaffed or is proposing a particularly complex project, it is not precluded from using an outside firm to assist in completing this form, but the requesting user at most agencies should be able to easily complete the S-1 Form with some assistance from in-house facility management or capital outlay staff. If further assistance is needed, feel free to contact the appropriate agency reviewer in the Department of General Services’ Bureau of Capital Outlay Management (BCOM), who may be able to assist you with these worksheets.

The S-1 also was designed to serve as the baseline scope definition document that an agency can provide to its architecture and engineering (A/E) as part of the A/E contract for design phase services. The S-1 gives an agency's design consultant a blueprint or roadmap to further develop the project scope during the schematic design. Rather than a full-blown "programming" exercise for the agency and its A/E, a well-documented S-1 Form provides for a more concise and efficient "program refinement" during schematic design. In completing the S-1 form, the agency has had a more involved role in defining the first cut at the project scope and therefore has a greater commitment (or "buy in") to it. By going through the scope definition process, the agency should be able to communicate its needs to its design consultants.

These forms have been combined into an Excel document. An agency needs to describe all unique aspects, conditions, and proposed design features that may influence the project's cost. Failure to do so may result in understating the amount of funds needed to complete the project.

Agencies should submit **all** cost-related backup material supporting project cost and design information. If this backup information cannot be submitted electronically, it should be mailed to the capital submissions clerk at DPB. (See Section IV of these instructions) For example, if a schematic or preliminary estimate, a life cycle cost analysis, or a value engineering study has been prepared for a project, this data should be submitted. Likewise, if a listing of comparable projects and associated costs has been developed, this material should be provided. Also, any supporting design data, such as feasibility studies, schematic design documents, or preliminary design documents completed but not already submitted to BCOM, should be included. This backup material helps BCOM evaluate the reasonableness of the proposed project budget and the appropriateness of the proposed technical solution.

Project Technology Profile (DPB Form T-1).

The Project Technology Profile (T-1) is used to describe the general scope of work and cost estimates for capital projects with a significant technology component. These projects should have been included in an agency's IT Strategic Plan submitted to the Virginia Information Technologies Agency (VITA).

Project Energy Profile (DPB Form E-1).

The Project Energy Profile (E-1) is used to describe potential energy savings for those capital projects with a significant energy component. The information will be used to determine if the projects are eligible for oil overcharge or other energy funding streams. The projects may be sent to the Department of Mines, Minerals, and Energy (DMME) for review of the energy component.

See the DPB website for copies of the justification and profile sheets and instructions for completing these forms.

Environmental Impact Reports

Section 10.1-1188 of the Code of Virginia requires state agencies to prepare and submit an Environmental Impact Report (EIR) to the Department of Environmental Quality (DEQ) for each major state project. "Major state project" means the acquisition of an interest in land for construction of any state facility (including gifts, leases, and purchases), the construction of any state facility, or expansion of an existing facility costing over \$100,000. In accordance with §10.1-1190 of the Code of Virginia, the state comptroller shall not authorize payments of funds for major state projects unless the request is accompanied by written approval of the Governor, after his consideration of the comments by DEQ on the environmental impact of the

facility. For more information pertaining to the requirements of the EIR law, contact DEQ's Office of Environmental Impact Review at (804) 698-4325.

Table of Capital Budget Submission Forms

2008-2014 Capital Budget Forms

Initial Submission (Capital Outlay Plan)

Type Project	H-1	MR-1	MR-2
Acquisition	x		
Renovation	x		
New Construction	x		
Demolition	x		
Master Lease	x		
Maintenance Reserve (08-10)		x	
Maintenance Reserve (10-12)			x
Maintenance Reserve (12-14)			x
PPEA Project	x		

Detailed Submission

Type Project	C1-S1	T-1	E-1	CNJ
Acquisition		x*	x*	x
Renovation	x	x*	x*	x
New Construction	x	x*	x*	x
Demolition	x*			x
Master Lease				
Maintenance Reserve (08-10)				
Maintenance Reserve (10-12)				
Maintenance Reserve (12-14)				
PPEA Project				x

* Submit form as needed depending on the scope and complexity of project

Review and Approval Process

DPB reviews all capital project requests and identifies, with the assistance of the cabinet secretaries, those projects that should be considered for funding in the 2008-2010 biennium. BCOM reviews the project profiles to determine an appropriate “design-to” construction budget, “design-to” gross area, and design budget for the project.

Major capital projects requested for the 2008-2010 biennium may be reviewed by project teams consisting of staff from BCOM, DPB, the State Council of Higher Education for Virginia (SCHEV), the Department of Mines, Minerals, and Energy (DMME), DEQ, and/or the legislative money committees. These project teams will meet with each agency to discuss the project submission. The objective of the project team meetings is to reach agreement on “design to” targets for each project. The “design to” targets will include agreements on:

- Space requirements,

- Characteristics of construction,
- Construction budget, and
- Length of time to design and complete the construction.

If the project is approved for funding, this information will be communicated to an architectural and engineering firm. These targets must be adhered to as the schematic and preliminary designs for the project are developed.

III. Capital Outlay Leases

Definition

The leasing of property for use by state agencies may be treated as an operating expense or a capital expense, depending on the nature and term of the lease. A lease is generally considered an “operating lease,” and accounted for as an operating expense if the lease is for a short period of time (e.g., one year) **and** there is no transfer of ownership involving any portion of the leased property to the lessee (all property interests remain with the lessor).

On the other hand, if a lease is for a longer duration covering a substantial portion of the useful life of the leased property, or if it allows for the transfer of ownership of some portion of the property to the Commonwealth (lessee) at the expiration of the lease (e.g., option to buy, lease-acquisition, etc.), the lease may be classified as a “capital lease” and accounted for as a capital outlay expense. A capital lease does not necessarily mean that an agency takes title of the property. Unlike an operating lease, a capital lease is considered a long-term liability of the Commonwealth and is included in the calculation of the Commonwealth’s debt capacity. The “capital lease” definitions are based on the generally accepted accounting procedures (GAAP), as set forth in the Governmental Accounting Standards Board (GASB) *Statement No. 13: Accounting for Operating Leases with Scheduled Rent Increases* and the Financial Accounting Standards Board (FASB) *Statement No. 13: Accounting for Leases*. (See Role Of Department of Accounts in Appendix B.)

For purposes of the state’s budgeting process, certain lease agreements are defined as “capital outlay leases” which must be requested and budgeted as capital outlay projects. A “capital outlay lease” may not necessarily meet the GAAP definition of a “capital lease,” but a capital lease is always a capital outlay lease. A “capital outlay lease” includes:

- ✓ Any lease agreement involving the acquisition or improvement of real property, as that term is defined in the Commonwealth Accounting Policy and Procedures (CAPP) Manual (see Appendix B),
- ✓ The purchase of equipment by means of a capital lease agreement if the equipment would meet the capital project definitions if it were purchased outright, or
- ✓ Any acquisition or improvement of real property financed by a lease agreement in which the project cost is equal to or exceeds \$5.0 million.

For purposes of the latter, “project cost” is equal to (1) the annual amount of the lease payments multiplied by the number of years of the lease, including the automatic renewal periods, up to a maximum of 20 years or (2) the expected total of all annual lease payments over the term of the lease if the lease amount varies from year to year.

Below are some examples to help clarify whether a lease would qualify as a capital outlay lease.

Example 1

Agency XYZ proposes to lease a new building from a real estate developer for \$250,000 per year for 10 years with an option to renew thereafter at the lessee’s discretion for five-year intervals up to a maximum of 25 years (i.e., there are three automatic renewal periods). This lease would qualify as a capital outlay lease based on the following project costs:

Annual lease payment	\$250,000
Term of lease and renewal period (capped at 20 years)	<u>x 20 years</u>
Total "Project Cost"	\$5,000,000

Example 2

Same as #1 above, except that the lessee can renew for only an additional five years (i.e., the total term of the lease with the renewal period is 15 years). This lease **would not** qualify as a capital outlay lease based on the following project costs, assuming that it does not otherwise meet the CAPP definition of a capital lease. (See Appendix B under Department of Accounts.)

Annual lease payment	\$250,000
Term of lease and renewal period	<u>x 15 years</u>
Total "Project Cost"	\$3,750,000

Example 3

Same as #1 above, except that the annual lease payment is \$200,000. This lease **would not** qualify as a capital outlay lease based on the following project costs, assuming that it does not otherwise meet the CAPP definition of a capital lease. (see Appendix B under Department of Accounts.)

Annual lease payment	\$200,000
Term of lease and renewal period (capped at 20 years)	<u>x 20 years</u>
Total "Project Cost"	\$4,000,000

Example 4

Same as #1 above, except that the annual lease payments are \$230,000 per year for the first 10 years, \$270,000 per year for the next five years, and \$300,000 per year thereafter. The lease would qualify as a capital outlay lease based on the following project costs:

Lease payments first 10 years (\$230,000 x 10)	\$2,300,000
Lease payments next five years (\$270,000 x 5)	\$1,350,000
Lease payments through year 20 (\$300,000 x 5)	<u>\$1,500,000</u>
Total "Project Cost"	\$5,150,000

Review and approval process

Unless otherwise specifically provided by law, all real property leases, whether "operating" or "capital," are subject to review by the Department of General Services (DGS) pursuant to §2.2-1149, Code of Virginia. Section 4-5.07, Chapter 3, of the 2006 Appropriation Act, requires any agency acquiring real property by means of a lease to certify to the DGS Director that: (1) funds are available within the agency's appropriation to cover the cost of the lease, and (2) that the volume of leased space conforms with the space planning procedures for leased facilities developed by DGS. Contact the Division of Real Estate Services at DGS for instructions to comply with these requirements.

In addition, “capital leases” are subject to a separate level of review and approval based on the guidelines promulgated by the secretary of finance. (See Section 4-3.03, Chapter 3, of the 2006 Appropriation Act.) For purposes of this requirement, any agency or institution of higher education proposing to acquire property through a “capital outlay lease,” as defined above, must submit a capital outlay request for the property just as if the agency were proposing to purchase the property outright. Agencies cannot enter into capital outlay leases during budget execution without prior approval to initiate a capital project. (See Section 4-4.00, Chapter 3, of the 2006 Appropriation Act, for capital project requirements.)

Capital outlay leases for real property are to be authorized by language in the capital outlay section (Part Two) of the Appropriation Act. This authorization must be obtained prior to entering into any such agreements. Appropriations to support all lease payments will be included in the operating section of the Appropriation Act (Part I). Appropriations to support lease payments for all general fund capital leases for real property financed by the issuance of securities (i.e., tax supported debt) will be included in the Treasury Board’s appropriation in order to ensure consistent management and control. Appendix B summarizes the role of central agencies in the review of leases.

Proposed Capital Outlay Leases

If an agency is proposing or expects to have use of property during the next six years through any arrangement that may qualify as a capital outlay lease, the transaction must be reported to DPB on the DPB Form H-1. On the DPB Form H-1, the project should be identified as a capital outlay lease.

The DPB Form H-1 captures certain financial and narrative information that enables the secretary of finance to ascertain whether the proposal is indeed a “capital outlay lease” that is subject to these capital budget instructions, and the extent to which the lease will impact the Commonwealth’s debt capacity calculations. It also assists decision makers in determining whether leasing is the most cost-effective method for meeting the agency’s capital needs.

An agency needs to list, as a separate project on the DPB Form H-1, each lease it anticipates entering into during the next six years. **This reporting requirement applies regardless of the source of financing** (i.e., general fund, special fund, federal trust fund, etc.). Moreover, institutions of higher education must report all proposed leases meeting these criteria regardless of program area (educational and general programs, auxiliary enterprises, or sponsored programs).

IV. Packaging A Capital Budget Submission

Submission Contents

April 18, 2007 Submission

The 2008-2014 Capital Outlay Plan submission should contain the following material, packaged in the sequence listed below.

1. A “DPB Form H-1, Summary and Financial Information.” **All projects should be submitted in one Microsoft Access file.**
2. Maintenance reserve request
 - ✓ A “DPB Form MR-1, Maintenance Reserve Subproject Request.” **(Only for subprojects being requested for the 2008-2010 biennium). All subprojects should be submitted in one Microsoft Access file.**
 - ✓ A DPB Form MR-2 for each of the two future biennia (20010-12 and 2012-14).

June 8 and August 17, 2007 Submissions

The June 8, 2007, and August 17, 2007, submissions should include the detailed project narrative and technical forms, as applicable.

- ✓ Project Request Justification (Form CNJ).
- ✓ Project Cost and Scope Profiles (Form C-1_S-1). If the cost totals for each category do not match the summary figures on the H-1 form, an explanation must be provided on the Form CNJ.
- ✓ Any additional back-up material to support the scope and cost profiles.
- ✓ Project Technology Profile (Form T-1), if the project has a significant technology component.
- ✓ Project Energy Profile (Form E-1) if the project has a significant energy savings component.
- ✓ Environmental Impact Report (submitted directly to DEQ).

Naming Files

The DPB Form H-1 and DPB Form MR-1 are Microsoft Access documents. Rename the file to show the agency code and type of file (H-1 or MR-1). Example: 208FormH-1.mdb. The Form C-1_S-1 is an Excel document, and the remaining documents are Microsoft Word documents. The suggested format for naming the excel documents is **agency code-priority-biennium-C1S1-brief description**. (See the

instructions in the excel document.) The format for the Word files is **agency code, a 2-3 word description of project, and type of form**. For example, 122 Bradford Renovation Form L-1.doc

Submission Packages

All Agencies

- ✓ Email the forms and schedules:
capitalbudget@dpb.virginia.gov
- ✓ **PLEASE MAKE SURE THAT THE AGENCY NAME AND AGENCY CODE ARE INCLUDED IN THE SUBJECT LINE OF THE E-MAIL MESSAGE.**
- ✓ Any supporting documentation not in electronic format should be sent to:

Capital Submission Clerk
Department of Planning and Budget
1101 East Broad Street, Room 5040
Richmond, Virginia 23219-1922
- ✓ Agencies must send DPB six copies of any supporting documentation. Institutions of higher education must send seven copies.

V. Capital Budget Forms and Instructions

The forms and the instructions for completing the forms are available through the Internet on DPB's website at "www.dpb.virginia.gov." The forms and instructions are under the "Documents and Forms" page and then under "Capital Budget."

- ✓ DPB Form H-1 Capital Project Request, Summary and Financial Information
- ✓ DPB Form CNJ Project Request Justification
- ✓ DPB Form C-1_S-1 Project Cost and Scope Profiles
- ✓ DPB Form T-1 Project Technology Profile
- ✓ DPB Form E-1 Project Energy Profile
- ✓ DPB Form MR-1 Maintenance Reserve Subproject Request
- ✓ DPB Form MR-2 Summary of Future Maintenance Reserve Subprojects

Appendix A

Definitions and Criteria

This appendix helps determine how to categorize and budget for capital outlay projects. These definitions and criteria apply to any capital outlay request, whether the state owns or leases the facility. Depending on its cost, size, and scope, a project may be funded in an agency's operating or capital budget. Many factors affect how a capital outlay project is funded and administered.

Capital projects include, but are not limited to, the following:

- ✓ New construction projects with a total project cost exceeding \$250,000,
- ✓ Improvements, renovations, repairs, replacement, maintenance, or combination projects for a single building with a total project cost exceeding \$500,000,
- ✓ Umbrella projects, and
- ✓ Blanket projects with a total project cost exceeding \$500,000.

Capital outlay projects fall into one of four categories -- acquisition, new construction, improvements, or equipment. Projects funded in the capital budget may stand-alone or may be grouped together. A project with multiple subprojects may fall into one of three types -- maintenance reserve, umbrella projects, or blanket projects. The nature of the projects and the source of funds determines the project type.

Operating or Capital Budget?

You have some discretion in determining whether expenses related to property, plant, and equipment may be included in the operating or capital budget. The following section on Project Categories provides general guidelines to help make a determination as to whether a project should be included in the capital budget.

The routine operating and maintenance costs associated with property, plant, and equipment, regardless of the expense or method of financing, should always be included in the operating budget. These expenses include personal service costs, utility bills, supplies, and materials.

Project Categories

As stated above, all projects requested for funding in the capital budget must fit in one of four categories -- acquisition, new construction, improvements, or equipment. The following definitions and criteria will help agencies select the proper category for capital project requests. If two or more of the categories seem to apply to a project, such as a new construction project that also involves improvements, only one category should be selected and used in the project title and all related documents and references. In these situations, it is preferable to use the category that best describes the majority of the work being done.

Consult a DPB analyst if: 1) a project is identified that does not meet any of the definitions or criteria; 2) a series of identical projects is proposed (such as towers, ramps, or sheds) that meet one or more of the criteria other than dollar thresholds; or 3) a project category is questionable or there is a question as to whether it should be considered an operating budget item or a capital budget item, such as equipment. An

agency's analyst can advise on the appropriate means of requesting the project (for example, operating budget, maintenance reserve, capital budget, or umbrella project).

Acquisition

Definition. Acquisition of any interest in land, including improvements of any kind located on the acquired land, except certain utility easements.

Criteria. All acquisitions of real property are subject to the capital project proposal process. This includes capital leases as defined earlier in the instructions. Donations of real property are addressed in the Department of General Services' Directive No. One, Real Property Management.

New Construction

Definition. A new construction project is a single undertaking involving construction of one or more facilities. Included in the project are: all work necessary to accomplish a specific purpose and produce a complete and usable new structure; the associated architectural and other technical services; the equipment installed and made part of the facility; and site development and improvements. New construction includes:

- Construction of or site work for a new plant, including the erection, installation, or assembly of a new building, structure, or utility system.
- Any addition, expansion, or extension to a structure that adds to its overall exterior dimensions.
- Complete replacement of a facility that, because of age, hazardous conditions, obsolescence, structural and building safety conditions or other causes, is beyond the point where it may be economically repaired or renovated and can no longer be used for its designated purpose.

Criteria. If a new construction project meets one or more of the following criteria, it is subject to the capital project proposal process:

- It creates additional building space of 5,000 square feet or greater (does not apply to site development or building systems projects);
- It has a total project cost of \$250,000 or greater; or
- It is acquired through a lease with options to purchase or any other alternative financing approach.

Improvements

Definition. An improvement is defined as all work necessary to produce a complete and usable change to an existing facility or structure, including the associated architectural and other technical services, the fixed equipment installed and made part of the facility or structure, and site development. Improvements include:

- Alteration of interior space arrangement and other physical characteristics, such as utilities, so that the structure may be more effectively used for its present designated functional purpose.
- Conversion of interior arrangement and other physical characteristics, such as utilities and fixed equipment installed on and made a part of the facility or structure, so that an existing structure may be effectively utilized for a new functional purpose.

- Renovation of most or all of a facility or structure or an existing mechanical system to comply with current building code requirements or to modernize it so that it may be more effectively used for its designated functional purpose.
- Restoration of a facility or structure, to the maximum extent possible, to its former or original state (historic property).
- Relocation from one site to another of a facility or structure either by moving it intact or by disassembling it and subsequently reassembling it.
- Major repair to restore a facility, mechanical system, or utility system to a condition that allows it to continue to be appropriately used, including the reprocessing or replacement of parts or materials that have deteriorated by action of the elements or "wear and tear" in use.

Criteria. If an improvement to an existing facility or structure has a cost of \$500,000 or greater, it is subject to the capital project proposal process.

Equipment

Definition. Equipment is a tangible resource of a permanent or long-term nature used in an operation or activity.

Criteria. All equipment needs associated with projects defined as new construction or improvements must be included in the capital budget for these projects. If the equipment is to be financed by revenue bonds, it must be requested in the capital budget.

No precise criteria exist for the funding of equipment purchases as a stand-alone capital project. An agency should consult with its DPB analyst to determine whether an equipment purchase not associated with an improvement or construction project should be requested in the capital or operating budget.

Capital Projects Funded in the Operating Budget

If the cost of a project falls below the dollar threshold for the category definitions, it may be funded in an agency's operating budget. However, generally an agency must complete projects funded in its operating budget within the fiscal year in which the funds have been appropriated. Unlike capital budget appropriations, operating budget appropriations may revert at the end of a fiscal year.

Projects included in the operating budget must still meet the requirements of:

- The Uniform Statewide Building Code,
- The Commonwealth's Handicapped Accessibility Standards contained in Chapter VII of the Construction and Professional Services Manual,
- The DEQ requirements for environmental impact reports for projects costing over \$100,000, and
- The agency's approved Master Site Plan.

Further, §2.2-2402 of the Code of Virginia stipulates that an agency may not begin construction or erection of a building or remodeling, removal, or addition to the exterior of an existing building unless the Art and Architectural Review Board has approved the design and proposed location.

Multi-Task Capital Projects

A capital outlay project can consist of a stand-alone project or a group of projects combined together because they involve a series of identical or similar tasks. The most common multiple task project is “maintenance reserve” which groups a number of repair and replacement projects. Another type of multiple task project is an “umbrella project.” Umbrella projects group together a series of similar subprojects such as life safety improvements in multiple buildings at a facility. Any of the five project categories can have umbrella projects. The final type of multiple task project is the “blanket authorization project.” Blanket projects include only activities that are financed by nongeneral funds.

The following descriptions of multiple task projects will help determine whether or not projects should be grouped together in some fashion.

Maintenance Reserve

A maintenance reserve project is a major repair or replacement to plant, property, or equipment that is intended to extend its useful life. Each subproject usually costs between \$25,000 and \$500,000. However, a subproject costing under \$25,000 or over \$500,000 that meets the criteria may also qualify as a maintenance reserve subproject with the permission of DPB. Consult a DPB analyst if you have any questions.

A subproject that meets one or more of the following criteria may be included in a maintenance reserve plan:

- Repair or replacement of functionally obsolete, damaged, or inoperable built-in equipment such as elevators, furnaces, plumbing fixtures, air conditioning, and ventilation.
- Repair or replacement of components of a plant, such as exterior wood, masonry, ceilings, floors, floor coverings, doors, windows, roofs, sidewalks, parking lots, fencing, and exterior lighting.
- Repair or replacement of existing utility systems, such as steam lines, natural gas, air, electrical, water, and sewer.
- Correction of problems resulting from erosion and drainage.
- Work related to handicapped access, energy conservation, building and safety codes compliance, lead paint abatement, or asbestos correction.

A subproject that meets one or more of the following criteria is normally **not considered** maintenance reserve:

- Maintenance contracts to clean, maintain, repair, or protect existing plant, property, or equipment.
- Routine periodic maintenance, such as servicing, adjusting, minor repairs, painting, scraping, cleaning, and spraying of plant or property.
- Repair or replacement of office, motorized, medical, laboratory, electronic, photographic, educational, cultural, computerized, and other specific-use, moveable equipment that is not permanently installed as a part of the plant or property.
- Leak testing and monitoring of underground storage tanks and the removal of underground storage tanks not associated with tank replacement.

Note: Institutions of higher education should see guidelines in Item C-325 C., Chapter 3, 2006 Appropriation Act.

Umbrella Projects

An umbrella project contains a series of identical or similar tasks. They can be small planning, acquisitions, construction or improvement projects, or equipment purchases. For example, a series of upgrades of wastewater treatment plants at correctional field units could be grouped into one umbrella project. An agency must separately identify, describe, and provide cost estimates for each task within the umbrella project. Consult with a DPB analyst if you need help in making this determination.

Blanket Projects

A blanket project provides authorization for a series of improvements to existing facilities or structures that are to be financed by nongeneral funds. The purpose of the blanket project is to furnish flexibility in responding to unanticipated needs identified during the biennium.

The initial budget request does not specifically define the scope and cost of the tasks within the blanket project. However, once a blanket has been approved, the agency must clearly define each subproject in terms of size and scope before it will be authorized for implementation. In addition, you must explain why subprojects submitted under the blanket project could not have been anticipated and included as a stand-alone project in the agency's Six-Year Capital Plan. The total budget for each task funded under a blanket project should not exceed \$500,000. An agency's budget analyst can address specific questions about blanket projects.

Note: A blanket project should not contain nongeneral fund maintenance reserve subprojects. These nongeneral fund subprojects should be specifically identified and included in an agency's maintenance reserve plan.

Appendix B

Central Agency Responsibility for Lease Review

Role of the Department of General Services

The Department of General Services (DGS) reviews all leases, both capital and operating, as well as purchases and donations of real property to state agencies. Section 2.2-1149 of the Code of Virginia specifies that: “No state department, agency or institution shall acquire real property by gift, lease, purchase or any other means without following the guidelines adopted by the Department and obtaining the prior approval of the Governor. The Department shall review every proposed acquisition of real property by gift, lease, purchase or any other means by any department, agency or institution of the Commonwealth and recommend either approval or disapproval of the transactions to the Governor based on cost, demonstrated need, and compliance with the Department’s guidelines.”

In addition, § 4-5.07a of Chapter 3 specifies that: “Agencies shall not acquire real property by lease until the agency certifies to the Director of the Department of General Services that (i) funds are available within the agency's appropriations made by this act for the cost of the lease and (ii) the volume of leased space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. This provision shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of 23-38.88 Code of Virginia.”

The policies and procedures governing the leasing of real property can be found in “Chapter One: Acquisition by Lease,” Real Property Management Manual, administered by the Bureau of Real Property Management within the Division of Engineering and Buildings.

Role of the Department of Accounts

The Department of Accounts (DOA) reviews information on complex long-term proposed leases to determine whether they are capital or operating leases. DOA also provides guidance and technical assistance to agencies in performing an economic analysis to determine if the terms of the lease are favorable to the Commonwealth. The economic analysis will help to determine the economic feasibility of the lease, including the best method of acquisition, and whether the implicit interest rate is reasonable when compared to Treasury Board financing rates.

The policies and procedures governing lease accounting can be found under “Lease Accounting,” in DOA’s *Commonwealth Accounting Policies and Procedures (CAPP) Manual*. The CAPP manual defines a **capital lease** as: “Any lease that meets one or more of the following criteria:

- The lease transfers ownership of the property to the lessee by the end of the lease term;
- The lease contains a bargain purchase option;
- The lease term is equal to 75 percent or more of the remaining estimated economic life of the leased property, unless the beginning of the lease term falls within the last 25 percent of the total economic life of the leased property; and/or

- The present value, at the beginning of the lease term, of the minimum lease payments (reduced for executor costs and profit thereon) equals or exceeds 90 percent of the fair value of the leased property to the lessor, at the inception of the lease, less any related investment tax credit retained by the lessor and expected to be realized by him. This criterion does not apply if the beginning of the lease term falls within the last 25 percent of the total economic life of the leased property.”

A **bargain purchase option** is: “A provision allowing the lessee, at his option, to purchase the leased property for a price that is sufficiently lower than the expected fair value of the property at the date the option becomes exercisable, that exercise of the option appears, at the inception of the lease, to be reasonably assured.”

The **estimated remaining economic life of the leased property** is: “The estimated remaining period during which the property is expected to be economically usable by one or more users with normal repairs and maintenance, for the purpose for which it was intended at the inception of the lease, without limitation by the lease term.”

The **fair market value of the leased asset** is: “The price for which the asset could be sold in an arm’s-length transaction between unrelated parties. The fair market value of the leased asset may be estimated in a number of ways:

- Check the lease agreement,
- Ask the lessor,
- Compare to a similar purchased asset,
- Call the tax assessor; or
- Multiply the square foot of rental space by the estimated cost per square foot for similar assets.”

The **present value** is: “The equivalent value now of a series of future payments, discounted back to the present date at a specific rate of interest.”

These definitions are based on the generally accepted accounting procedures (GAAP), as set forth in the Governmental Accounting Standards Board (GASB) *Statement No. 13: Accounting for Operating Leases with Scheduled Rent Increases* and the Financial Accounting Standards Board (FASB) *Statement No. 13: Accounting for Leases*.

Role of the Treasury Board

The Code of Virginia outlines the oversight role of the Treasury Board when agencies and institutions enter into capital lease agreements. For those capital leases financed by the issuance of securities, § 2.2-2416, Code of Virginia, authorizes the Treasury Board to: “ Make recommendations to the Governor, notwithstanding any provisions to the contrary, on proposed bond issues or other financing arrangements; approve the terms and structure of bonds or other financing arrangements executed by or for the benefit of educational institutions and state agencies other than independent state authorities, including bonds or other financing arrangements secured by leases, lease purchase agreements, financing leases, capital leases or other similar agreements; and agreements relating to the sale of bonds;”

Section 2.2-2416 also authorizes the Treasury Board to “Approve, notwithstanding any provisions to the contrary, the terms and structure of bonds or other financing arrangements executed by or for the benefit of state agencies, boards and authorities where debt service payments on such bonds or other financing arrangements are expected by such agency, board or authority to be made, in whole or in part,

directly or indirectly, from appropriations of the Commonwealth, including bonds or other financing arrangements secured by leases, lease purchase agreements, financing leases, capital leases or other similar agreements, and agreements relating to the sale of bonds”.

The Treasury Board also has an oversight responsibility when agencies and institutions enter into certain installment agreements. Section 2.2-2417 of the Code of Virginia states that: “The Treasury Board, or the Board’s designee, shall review and approve the financial terms of all contracts for the purchase or financing of the purchase by agencies, institutions, boards and authorities which receive appropriations from the Commonwealth, i.e., the using agencies, of personal property, including personal property to be affixed to realty, whether by lease-purchase, installment purchase or otherwise, where payment of the purchase price is deferred through installment payments, includes the payment of interest, or is otherwise financed by the seller, lessor, or third parties.”

Section 4-5.07 b of the Appropriation Act states: “Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the state treasurer that funds are available within the agency’s appropriations made by this act for the cost of the lease.”

The Treasury Board provides through the Master Equipment Leasing Program an equipment financing arrangement open to all state agencies and institutions. The guidelines governing the Master Equipment Lease Program are found in *Guidelines for Credit Purchases of Equipment and Energy Projects by State Agencies, Institutions, and Boards & Authorities*, issued by the Treasury Board.

Additional Requirements for Telecommunication and Information Technology Equipment

Section 4-5.04 b of the Appropriation Act outlines the responsibilities of the Virginia Information Technologies Agency (VITA) for the purchase, lease, or contract for certain telecommunications and information technology equipment, software, and services. VITA is responsible for the approval of contracts for telecommunications equipment.

Role of the Department of Planning and Budget

The *Instructions for Developing the Six-Year Capital Budget Request for 1998-2004* required agencies and institutions, for the first time, to submit a capital outlay request for any proposed capital lease. Agencies were advised that, beginning with the 1998-2000 biennium, all capital lease agreements must be submitted as capital requests. Agencies would no longer be able to enter into capital leases during budget execution without prior approval to initiate a capital project.

To ensure that no capital leases were inadvertently overlooked, agencies were required to submit information on all proposed leases of real property and equipment that have a value of \$250,000 or more, and that contractually obligate the agency for five years or more. The five years would include any provision for automatic renewal at the option of the lessor that would extend the lease beyond five years. The reporting requirements apply, regardless of the source of financing, and regardless of the program area (including auxiliary enterprises and sponsored programs). Agencies were also required to report on all existing capital leases.

Role of the Secretary of Finance and the Secretary of Administration

Section 4-3.03c of the Appropriation Act requires the secretary of finance and the secretary of administration to make recommendations on proposed capital lease agreements to the chairmen of the House Appropriations and Senate Finance Committees on or before December 20 each year. It also authorizes the secretary of finance to promulgate guidelines for the review and approval of capital lease requests.