

March 21, 2008

ITEM 138-2003-C0308

**Authorization to Lease Bobcat Stadium Playing Field to MSU Foundation for Installing an Artificial Playing Surface; Montana State University-Bozeman**

**THAT:**

The Board of Regents of Higher Education authorizes MSU-Bozeman to install an artificial surface on the playing field of Bobcat Stadium, as set forth in this item, and further authorizes MSU to lease the Bobcat Stadium Playing Field to the MSU Foundation for the purpose of completing this project in accordance with MCA § 20-25-309 in accordance with the terms of this Item and the attached lease.

**EXPLANATION:**

1. The 2007 Legislature promulgated MCA § 20-25-309, which permits the leasing of university system land and facilities to a private non-profit foundation for the purpose of constructing or renovating athletic facilities.
2. The MSU Foundation is a private non-profit foundation as contemplated by MCA § 20-25-309. MSU Bozeman proposes to lease MSU's Bobcat Stadium Playing Field to the MSU Foundation, for a term of no more than one year, for the purpose of raising funds and completing the construction project authorized by the Board of Regents in this item.
3. MSU-Bozeman proposes a project costing no more than \$900,000 to install an artificial surface on the playing field of Bobcat Stadium.
4. No commitment of state appropriations for design, construction, operations or maintenance is expressed or implied. Work to be completed under this authorization will be financed with non-state funds including gifts, grants, donations, in-kind contributions and facility revenues. All necessary funds will be in hand before construction is initiated for this project.
5. This authorization will allow the MSU Foundation to move forward immediately on a fast track schedule to negotiate final contracts with an engineer, a contractor and a product supplier, so that all work can be completed in early August, 2008.
6. The lease between MSU and the MSU Foundation is intended to allow for the completion of this project. At the completion of this project the leased portion of this facility will revert to university control and operation, as set forth in the lease agreement.

7. All plans, specifications and cost estimates will be reviewed by the Montana Department of Administration (DOA) Architecture & Engineering Division. The DOA will review the renovations when completed according to accepted plans and specifications, as provided in MCA § 20-25-309 and MCA § 18-2-103(1)(a) and (1)(e) and the provisions of Title 18, Ch. 2, Part 4, as required by law.

8. In accordance with MCA § 20-25-309, after approval of this request the commissioner of higher education, on behalf of the Board of Regents, will submit a report to the Director of Office of Budget & Program Planning certifying that the conditions of this statute have been satisfied.

**ATTACHMENTS:**

Project Information Sheet  
Proposed Lease Document (with Addendum A)