

March 15-16, 2023

ITEM 205-1605-R0323**Request for Authorization to Lease Land to the UMW Foundation (UMWF) for the Construction of the Sports and Athletic Complex, and to Enter into an MOU with UMWF for this Project; University of Montana Western**

THAT

The Board of Regents of the Montana University System authorizes the University of Montana Western (UMW) to: 1) lease the proposed building site of the Sports and Athletic Complex to the UMW Foundation, 2) enter an MOU with the UMW Foundation to manage the construction of the facility, and 3) finalize the MOU and lease to be consistent with draft documents provided. This item also authorizes UMW to engage with UMW Foundation in process of planning and design for this project.

This item is consistent with the Board's authority to manage and control the Montana University System and with the provisions of MCA § 20-25-309.

EXPLANATION

1. MCA § 20-25-309 permits leasing land and facilities to a private non-profit foundation for the purpose of constructing or renovating athletic facilities. The UMW Foundation (UMWF) is a private non-profit foundation as contemplated by MCA § 20-25-309.
2. University of Montana Western (UMW) is requesting Board of Regents approval of the draft project MOU and lease. When funding and donor commitments are in place, UMW will seek approval of the final MOU and lease from the Montana Commissioner for Higher Education before executing the MOU and lease. If the MOU or lease documents change substantially from the draft presented with this Board item, UMW will come back to the Board for review and approval before proceeding. See Attachment 1 - Draft MOU and Attachment 2 – Lease Agreement.
3. Following the execution of the MOU, the lease will be executed. The lease represents UMW's official request of the UMW Foundation to take ownership and move forward as mutually agreed upon to negotiate a final contract with a general contractor/construction manager to construct the Sports and Activities Complex.
4. The Sports and Athletics Complex project will provide new space for all student athletes and related operations including a football field, training space, locker rooms, parking, vendor space, tail-gating space, and ancillary spaces. This complex will promote student engagement through campus events held at the complex. This complex will open in fall of 2024 at the same time as the UMW Wellness Center which is being driven by our ASUMW student body wanting more campus activities and involvement.
5. The proposed project will be funded with non-state funds including gifts, donations and in-kind contributions.
6. The planning and design process will be managed by the UMW Foundation. UMW will return to the Board for approval of the full construction project at a later date.

ATTACHMENTS

Attachment #1: Draft MOU

Attachment #2: Draft Lease Agreement

Attachment #3: Sports and Activities Complex Schematic