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Sullivan breaks the silence

University administration reveals previously confidential negotiations

JUSTIN MCELROY
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In a 1500-word e-mail to *The Ubyssey*, UBC VP Students Brian Sullivan disclosed several aspects of the contentious negotiations on the SUB Renew project that were previously confidential.

"The SUB Renew agreement process has certainly had its share of contestation," Sullivan said. "The parties have spent a lot of time as protagonists rather than partners, and the whole thing has taken much, much longer than anyone envisioned." However, he added "Yet we now... [can] re-focus our collective energies on advancing the actual project, arguably the most central contribution to student and campus life that will occur at the Vancouver campus for the next 50 years."

Sullivan, who is the university's chief negotiator for the $103 million project, was asked along with other AMS and university executives to write a short opinion piece on the SUB finally receiving approval from the Board of Governors after two years of discussions.

Instead, he sent an e-mail outlining the issues that caused negotiations to drag on for months and months—issues that the AMS has refused to publicly discuss for fear of disrupting the process.

A major stumbling block was the issue of project management and architect selection. For much of 2008 and 2009, the AMS had argued that they should have the final decision on both the project manager and architect. The university, "afraid the project parameters and costs would be ungovernable and that they would be holding the bag if things cratered," to quote Sullivan, only allowed the project to go through after the AMS had agreed to give up control of choosing the project manager. UBC then chose Properties Trust to manage the project, and while the AMS characterized the decision as normal negotiations, the delay eroded much goodwill between the two sides.

> Asserting patently unfeasible positions and then moving off them is not negotiating.
>
> **BRIAN SULLIVAN**
> UBC VP STUDENTS

"Asserting patently unfeasible positions and then moving off them is not negotiating," said Sullivan.

Other sticking points included setting the total budget for the building, which was originally forecast at $120 million before being reduced to $103 million, and the issue of how UBC wished to integrate the cancelled plans for an underground bus loop. The final major issue, only settled within the last month, was that of commercial space in the building. The conflict was eventually resolved "after an inspired piece of horse trading" according to Sullivan, wherein UBC agreed to pay a full market rate for commercial space in the SUB in exchange for the AMS reducing its involvement with the Innovative Projects Fund.

Former AMS Blake Frederick confirmed Sullivan's version of events, but argued that the "two-on-two negotiations" between the AMS and UBC ultimately served the process well.

> Whenever we had an agreement, we never knew if that agreement was final.
>
> **BLAKE FREDERICK**
> AMS PRESIDENT 2009/2010

"I think in this setting...it was the way to go. I want to make clear that it was not a closed process," Frederick said. "Our mandate when we came to the negotiating table came from the SUB Renew Committee, where we discussed all issues in depth."

Frederick also was critical of the university reneging on previous agreements during the process. "There were countless instances where UBC went back on their word after agreeing to one of our issues. Whenever we had an agreement, we never knew if that agreement was final," he said.

It's a position that Sullivan doesn't entirely disagree with. "Once something is decided, it should stay decided unless both parties agree otherwise. In one view, the administration veered from this by re-opening the matter of an interest rate guarantee after a key trade and re-visiting an MOU clause [on] AMS input on uses along University Boulevard," he said.

Frederick admitted that as his term as president ran down and the deadline for architect selection became closer, the need for him and VP Administration Crystal Hon to reach a solution intensified.

"Once we did have the hard deadline of the term coming to an end, there definitely was increased pressure and it did help us reach some of the deals we made," he explained.

With the Board of Governors slated to give initial approval to the project at their meeting on April 8, both Frederick and Sullivan are happy that the new SUB is now a tangible reality.

"Students are not getting from this project what was initially envisioned, and there are reasons for students to be disappointed, but it does mean increased student space on campus, and I think everyone should be very excited for that," said Frederick.

"I extend my congratulations and thanks to all those key players and look forward with great anticipation to the physical and community forums SUB Renew will bring. It will be a stunning expression of 'Place of Mind' and is getting done from here, by us, warts and all," said Sullivan.

STICKING POINTS

In his e-mail, UBC VP Students Brian Sullivan outlined four major issues that caused delays in negotiations. These issues were:

1. TOTAL BUDGET: "This had been heralded as a $110m project and some sizing of the desired program had been done against that amount. Problem was... there was not enough debt financing, even with the university contributing its entire $25m right at the beginning, to get to more than $103m....Eventually the university agreed to a financing schedule that extended its (current) lowest possible rate into the future, despite uncertainties about prevailing rates when the loan is actually taken out."

2. BUS LOOP: "The below-grade bus loop was a messy planning and scheduling issue when it was on the table and an equally messy issue when it fell off. For the AMS, it made sense that money the university would have spent related to digging out the terminal should just be moved over as an addition to the new SUB budget since it was going to need a basement dug. It seemed just as obvious to the administration that a basement level was going to provide space for programming and was part of the established project budget, just like for other buildings on campus."

3. COMMERCIAL SPACE: "The AMS business model relies on net dollars from operations to support services for students. Those operations cannot drive a net return if they have to bear full costs. AMS wanted the largest possible subsidy; the administration wanted to end subsidies in areas defined as commercial...In a late-hour inspired piece of horse trading, a compromise was reached on what portions of seating related to food outlets would be commercial and what would be deemed informal social space. A full market rate was established on commercial space in new SUB and the Admin agreed to discount it in recognition of the vital student life contribution made by AMS services. The AMS agreed to reduce the level of entitlement it claimed to have over the Innovative Project Fund and its right of regard over retail and service uses the university may develop along University Boulevard."

4. CONTROL OF PROJECT: "The AMS was afraid the building would turn out to be different and less than students had said they wanted and thought they were funding. They insisted the AMS had to control architect selection and manage the project to ensure delivery. The administration was afraid the project parameters and costs would be ungovernable and that they would be holding the bag if things cratered...and insisted they either chose the architect or have the lead on project management but not both. The AMS went with control of architect selection."