

Suggested Procedures for School Boards

The Chronology of a Project:

Some of the steps described may not apply to certain types of projects, or might occur concurrently with others. As you confer with the Department of Education on your project, you will be advised of those steps that can be omitted or occur simultaneously.

1 Complete a facility analysis to determine the school building's deficiencies and space needs (See Appendix A). This study needs to include input from the other agencies with rules affecting school occupancy, such as the Department of Labor and Industry and the Agency of Natural Resources. Schools should ask state agency representatives to identify for the board any areas of the existing building requiring work to meet current codes as well as any the site issues which will have to be addressed. The analysis must demonstrate the need for the proposed project and include the supportive documentation of that need. **Code violations identified by any state agency will need to be corrected within the time frame established by the agency regardless of whether or not construction occurs.** (See agency section beginning on page 37).

2 Prepare to submit to the Commissioner of Education for approval a preliminary application. The preliminary application (or Letter of Intent) must include the facility analysis and the alternative educational and physical solutions available. The preliminary application should be submitted in the year prior to wanting construction aid (See Application section beginning on page 71).

3 A Department representative will advise the board if the school district meets at least one of the criteria for eligibility for construction aid as defined by T.16, V.S.A. §3448, and discuss alternatives for meeting local needs.

Alternatives may include:

- a. renovation rather than an addition to meet all needs;
- b. use of an existing municipal facility which might be adapted for some school uses;
- c. a neighboring district with similar needs might want to talk about consolidation or district formation to make more efficient use of capital and the money going into the operation of school programs;
- d. other alternatives; or
- e. a new school

4 The Department of Education will schedule a pre-construction evaluation. During these inspections the Department will use the facility analysis to verify the demonstrated need for the proposed project by using the State Board of Education's System for Rating Proposed School Construction Projects (See Appendix C).

The district may appeal the department's findings to the State Board within thirty days of receiving it.

In December of each year the State Board will use the rating system to place voter approved proposed projects on a list in order of priority. The Board will submit the list to the legislature the following January for a determination of funding for the following fiscal year.

5 With the help of an architect, use the facility analysis, the findings of the state inspections and the results of the state rating of the existing need to determine the feasibility of resolving the needs of the district. Assess whether an addition or alterations at the existing site will meet the needs of the school; or, if a new school seems a wiser choice, where it should go. Analyze the financial capacity of the district to support a project with or without construction aid and decide whether planning for a construction project should continue or if the board should pursue alternative means for meeting district needs.

6 If construction planning is to continue, commission the architect to prepare preliminary designs based on the approved educational specifications. An outline to help with the development of educational specifications can be found in Appendix D.

7 Begin a public information program. Throughout all of the steps in this chronology, the board should ensure that the citizens are fully informed of the needs of the school, school board recommendations for meeting those needs, and the progress being made on the development and completion of the project.

8 Utilize the architect to assist the board through the further steps leading to a public vote on the project. Provide the architect with the approved educational specifications for the project and the reports on hazardous containing materials in the school building prepared by the Department of Health or another professional evaluator. Other types of construction projects may require you to engage in the services of a professional engineer. (Refer to Selection of Architect. on page 21).

9 If land must be purchased or leased, care should be taken to see that necessary legal procedures are followed. If state construction aid is desired, a school district must have permanent unrestricted access to any leased land upon which a school is to be erected. Review utility services including electricity, water and sewage disposal conditions at the existing school site and costs for bringing such services to any new site the board may be considering. For any site not served by municipal systems for both water and sewage the board must employ professional engineering services for this review. Any project will require consultation with the Agency of Natural Resources. The cost of engineering reviews of sewage disposal conditions on an existing or proposed school site can be considerable.

10 Depending upon availability, a planning loan can be funded through a state Department of Environmental Conservation planning advance or through the Vermont/Federal EPA revolving fund (CWSRF). Loans that are funded through a state planning advance are not due for repayment until the project proceeds to construction. Loans funded through the CWRSF must be repaid commencing five years following approval of the preliminary engineering report or issuance of a water and wastewater permit, or five years after the last payment under the loan has been processed, which ever occurs first. Planning loans through the CWRSF can be consolidated with construction loans when such construction funding is provided by the Department of Environmental Conservation for wastewater system improvements.

11 Construction activities, either at existing or new sites, may also trigger a variety of other permitting requirements from the Agency of Natural Resources, Act 250 or other local and state or federal agencies. Due to the fact that some permitting processes can require several months to complete and that state agency approvals are necessary for Department of Education approvals for funding, it is very important to initiate these processes as early as possible. Therefore, it is strongly advised that the Department of Environmental Conservation Regional Permitting Specialist be contacted when assessing site considerations during the preliminary steps of the planning process. The permit specialist will help identify all the necessary permits and provide regulatory staff contacts for your project.

12 If the Commissioner has approved the pre-application, the school board, once it is satisfied with a design, may submit six sets of preliminary architectural plans to the Department of Education for approval. This should be done before the architect develops the final cost estimates on the project or a vote for funding is warned. Refer to Appendix E for more details.

The Department of Education will arrange a preliminary review where all relevant state agencies can comment on the proposed plans and can provide information essential to the successful completion of the project.

13 Review with the school board attorney the procedures for conducting a vote of the electorate both on the project and the acquisition of any new land necessary to carry it out.

14 At this point, the school board may warn for and conduct a vote on the project in accordance with V.S.A., T.17, §2641 and V.S.A. , T.24 , §1758. The district must warn for the entire estimated cost of the construction project.

15 Establish a checking account and a system of cost accounting for the project separate from the accounting system for district operations when the project has received voter approval. The requirement of separate accounting does not apply to emergency projects for which a school board seeks construction aid under the provisions of T.16, §3448(d).

16 Arrange financing for the design and construction work. In most cases school construction projects are financed by the sale of bonds. The school board will need legal assistance to prepare a bond issue. The board may market the bonds of the district through the Vermont Municipal Bond Bank or through a commercial bank. Short-term loans may be needed at the outset of a project to pay bills incurred before the bonds are sold. Smaller projects are often funded entirely through short-term loans of no more than one year.

17 Commission an architect to prepare final plans and bid documents. Depending on the size of the project this work may take several weeks up to several months.

18 At this point, the school board can start to submit a final application for State Board of Education approval of the project. The form for applying for a grant of construction aid is available through the Department of Education. Consult with the Department as to what information must be included as exhibits with the form to complete the application. (See Application section beginning on page 71).

Submit final plans and specifications to all applicable agencies:

- a) Department of Education,
- b) Department of Labor and Industry,
- c) Department of Environmental Conservation, Agency of Natural Resources,
- d) Division for Historic Preservation (for alterations or additions to buildings more than 50 years old),
- e) Department of Agriculture, and
- f) Department of Transportation

The school must also submit the project plans to the Act 250 District Environmental Control Commission to determine if the project is subject to review by the commission. If Act 250 review is necessary, the school board must complete that process before the State Board of Education can approve the project for school construction aid.

19 Advertise for and pre-qualify all interested bidders on the project in accordance with State Board Rule 6300 et al and T. 16, §559. The board architect and attorney can advise on appropriate bidding procedures for your project. A school board may request bids on a project any time after the final plans and specifications have been completed.

20 Employ or otherwise retain the services of a clerk-of-the-works to ensure the completion of the project in accordance with the approved plans and specifications and to notify the relevant state agencies of any structural or material changes during the construction of the project. Since this person is the board's representative on the project, she/he should have extensive experience in construction and should be able to perform the duties of the clerk on behalf of the school board as described in Appendix H. (See section on clerk-of-the-works, page 23).

21 Select a general contractor in accordance with V.S.A., T.16, §559. If the board awards a contract for the project prior to approval of final project plans by the state agencies, the bid award should be made subject to such approvals.

Note: If your project includes additions and alterations to an existing building, scheduling of the work of the general contractor will call for particularly careful planning. The work

schedule must be developed to minimize disruptions to school programs and to keep students and staff away from the potential hazards of the work area. The Department of Labor and Industry has specific requirements for protection of occupants during construction. You will also need to budget and plan for relocations of some parts of the school operations to allow for the construction work. This may necessitate renting temporary space for programs and storage, hiring movers, and buying packing boxes and so forth.

22 The Department of Education will notify the superintendent of schools when the application for construction aid is complete. Construction may not begin before a completed application is submitted to and approved by the State Board of Education **Except for emergency projects, under \$100,000 beginning construction prior to receiving State Board approval will jeopardize state aid.**

23 Once the State Board of Education approves the final application, the commissioner or his/her designee will notify the district that construction may begin. Once the project has received State Board approval, any changes you may wish to make that relate to state agency requirements or the approved educational specifications must receive the appropriate state agency's approval before they are incorporated into the construction.

Note: The Department of Labor and Industry will, and the Agency of Natural Resources may conduct progress inspections during the construction phase of the project. Some of these inspections must be made while electrical, plumbing and sewage systems are still visible. Electrical and plumbing inspections must be requested by the licensed persons responsible for the work directly to the appropriate inspector for the region in which the project is located.

24 The school district must notify the Department of Education by letter when construction actually starts, and the school district has incurred expenses equal to or greater than 15 percent of the approved project cost. The Department will then ask the State Board of Education to approve a first award to the school district of half of the estimated construction aid the project is to receive.

25 With the advice of the architect, the board will normally work out a schedule of payments to the general contractor as the construction progresses, and an agreed percentage of each request for payment to be held back until the project is satisfactorily completed.

26 When the board is satisfied that the construction has been completed according to the approved specifications, schedule an inspection of the work by all concerned state agencies. The inspection will determine that the work meets all state agency requirements necessary for occupancy of the building. School administrators, the project architect, general contractor and the clerk of the works should all participate in the final

state inspection. Any discrepancies found in the project during this inspections must be corrected to the satisfaction of the school board and the appropriate state agencies before the Department of Education can issue the school board the balance of the construction aid due on the project. Notify the Department of Education in writing when deficiencies found have been corrected.

27 Request a final inspection of the project from the Department of Education. The district must have available or submitted to the Department a commissioning report and an air balance report on the mechanical ventilation systems that certifies compliance with the minimum requirements specified in Rule 6143 and with all other provisions of the commissioning plan for the project. The completed punch list and all applicable agency approvals must also be available at the time of the Department of Education inspection.

Request a Department of Education audit (Appendix I) of the project when canceled checks and invoices for all project costs are returned. When the audit is completed, and subject to the availability of funds, a final award will be made to the school district based on Department of Education determination of the total eligible cost of the project for construction aid purposes. If the school board is financing the project by a bond issue and the proceeds are insufficient to cover the final bills, the school board may need a short-term loan to complete payment of those bills so that the project can be audited.

28 Upon completion of the project, arrangements need to be made to safely and securely store the “as built” drawings, specifications book, operating manuals, a list of all change orders, and the designs for the septic and water systems. These documents will be necessary if and when an addition or modification is done to the building.

