

School Construction with Federal Funds

Concept Approval and Project
Approval in GMS

AOE School Construction Team

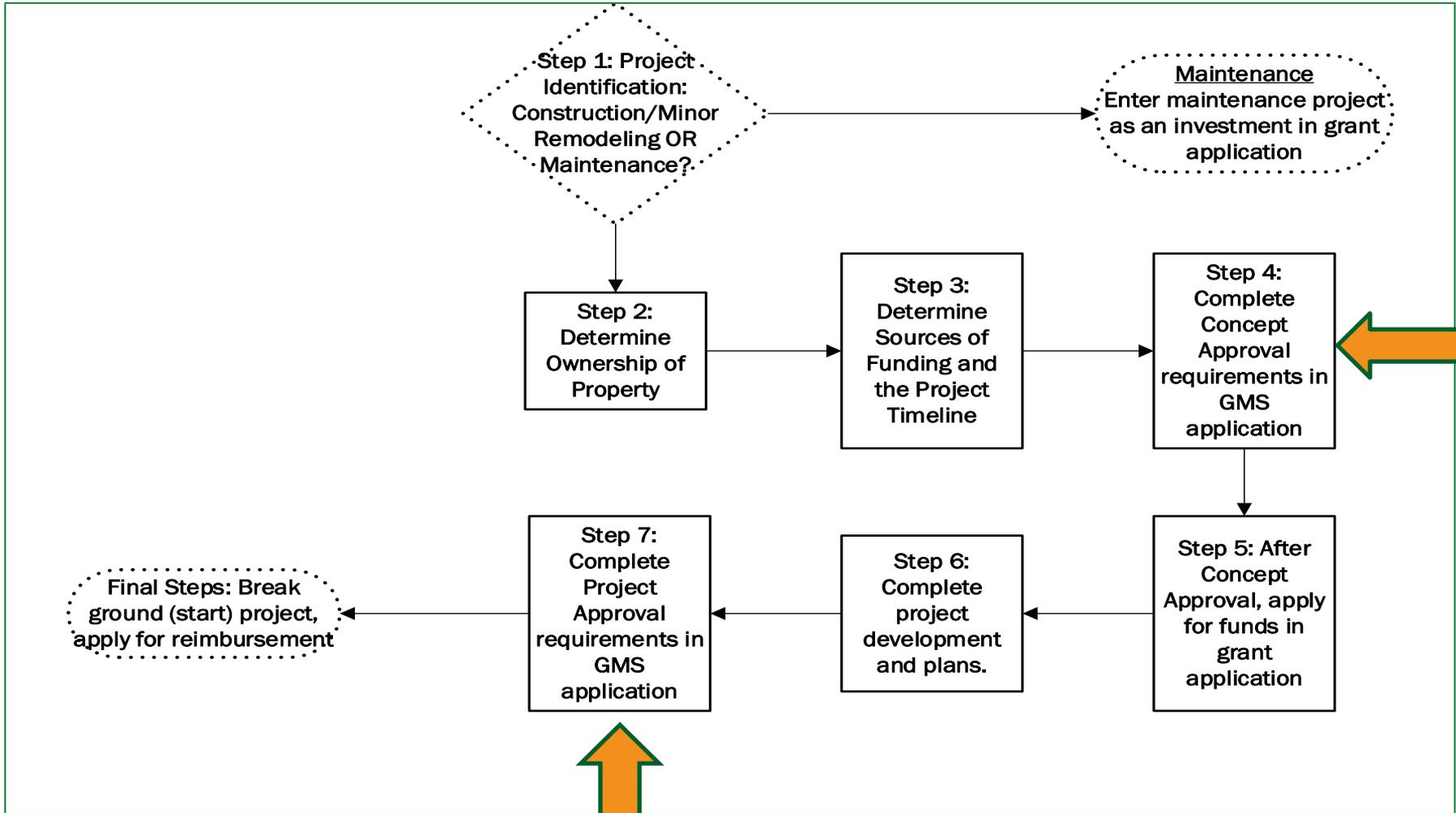
AOE.federalconstruction@vermont.gov

- Cassandra Ryan
- Patrick Halladay/Abby Houle
- Josh Souliere/Kevin Doering
- Toni Marra/Jill Briggs Campbell

Construction Project Overview

1. Project identification.
2. Determine ownership of the property.
3. Determine the source(s) of funding and the timeline (start and end date)
4. Complete the requirements for Concept Approval in the GMS Application for Construction with Federal Funds and submit
5. Apply for federal funds in grant application
6. Complete plan development and obtain all required permits
7. Complete Project Approval requirements in the GMS Application for Construction with Federal Funds and submit as an amendment

Construction Project Overview



Creating Multiple Federal Construction Apps

- 1) Go to the “Available” section in GMS (below “Created” section).
- 2) Find the Federal Construction App
- 3) When a grant can be applied for multiple times, as in the case of the Federal Construction App below, you have to click the **triangle** next to it to "unfold" it and see more details.

The screenshot displays the 'Available' section of the GMS interface. It is organized into several categories:

- Central Data Collections**
 - ▶ Continuous Improvement Plan (Submissions due by 8/1/2022)
 - ▶ Federal Construction App (Submissions due by 6/30/2022)
- Formula Grant**
 - ▶ BEST-Act 230 (Submissions due by 4/15/2022) [CREATE](#)
- Competitive Grant**
 - ▶ ARP Homeless I (Submissions due by 8/15/2021) [CREATE](#)
 - ▶ State School Meals Equip (Submissions due by 4/5/2022)
- Continuation Grant**

There currently aren't any Continuation Grant applications available.

Creating Multiple Federal Construction Apps (continued)

- For the **Federal Construction App**, you can create as many applications as you need to; in this case, you have a text box in which you should enter a brief, descriptive name, that will help both you and the AOE identify which application is for which project.

▶ Available

Central Data Collections

▶ Continuous Improvement Plan Submissions due by 8/1/2022

Project Titles

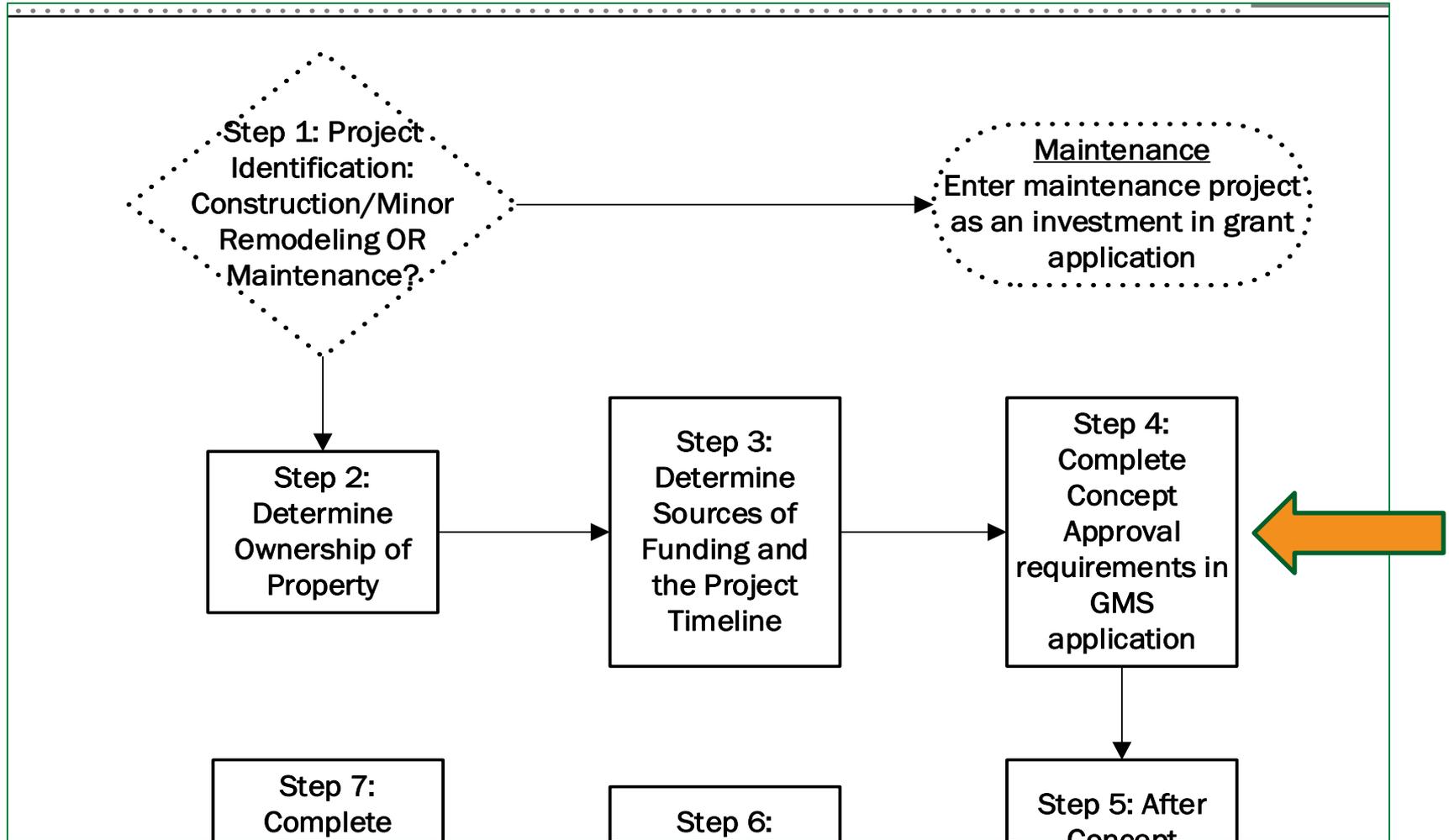
▶ Federal Construction App Submissions due by 6/30/2022

Enter Project Title:

CREATE

CREATE

Concept Approval



Step 4: Concept Approval in GMS

- Project Description
- COVID-19 context
- Timeline
- Budget with sources of funding identified for each project item
- Assurances
 - Please Note: these are **NOT** the standard grant assurances and should be thoroughly reviewed (see slides below)

Who should fill out GMS application?

- BMs, Facilities Directors, other designees can be added by the Superintendent
 - From the main menu click **Access Request**
 - Click on the name of the person to change permissions for
 - On the left click on the **assign** link next to the desired role, in this case **leaConstruction**
 - Click Accept
- Superintendent **must submit** the application

Beginning the Concept Approval Process

Central Data Collections						
Application Name	Revision	Status	Date		Actions	
Central Data	Original Application	Final Approved	4/28/2021	OPEN	REVIEW SUMMARY	
Recovery Plan	Amendment 1	Final Approved	6/17/2021	OPEN	REVIEW SUMMARY	
▶ Federal Construction App						
Testing	Amendment 1	Not Submitted		OPEN	REVIEW SUMMARY	
Assurances	Original Application	Submitted For Review	6/25/2021	OPEN	REVIEW SUMMARY	
AnotherTest	Original Application	Not Submitted		OPEN	REVIEW SUMMARY	
For teaching Jill	Original Application	Not Submitted		OPEN	REVIEW SUMMARY	
▶ Equipment Approval App						
Formula Grant						

School Construction App Main Tabs Page

OVERVIEW CONCEPT APPROVAL PROJECT APPROVAL SUBMIT REPORT HISTORY REPORT PRINT

Overview

Local Education Agencies (LEAs) that intend to use Federal funds including: ESSER I, ESSER II and ARP-ESSER (ESSER III) funds for [construction or minor remodeling](#) must also comply with all applicable Federal requirements. Uniform Guidance ([2 CFR 200.439\(b\)\(3\)](#)) requires LEAs to receive prior approval from the Vermont Agency of Education (AOE) for construction projects and minor remodeling projects.

Please note: Projects that fall under the Uniform Guidance definition of maintenance ([2 CFR 200.452](#)) do not need to be submitted through this Application for Construction with Federal Funds in GMS. Instead, maintenance projects should be included as an investment in the federal grant application. However, LEAs should bear in mind that though the project may not be considered construction it may involve the purchase of equipment and/or other capital expenditures that may require prior written approval (see [2 CFR 200.439](#)).

The AOE requires LEAs to submit a two-part application consisting of Concept Approval and Project Approval. Failure to obtain prior written approval (Project Approval stage) before breaking ground on the proposed project may make the costs associated with the project unallowable to the Federal grant.

Please note: the AOE strongly urges LEAs to submit the required materials and information in the Project Approval stage 30 days before the project is set to begin (break ground).

Below are the general steps for receiving approval for a project utilizing Federal funding. More detailed information and guidance is available in the [Construction with Federal Funds Guidance](#) document.

Blocked Project Approval Tab

- At the Concept Approval stage, applicants will see the message below if they try to move to the Project Approval tabs.

OVERVIEW CONCEPT APPROVAL PROJECT APPROVAL SUBMIT REPORT HISTORY REPORT PRINT

UPDATED BUDGET

REQUIRED
DOCUMENTS AND
INFORMATION

Budget

All pages in the Project Approval section will be completed only after you have obtained Concept Approval for your project. The Project Approval submission will be an amendment to your original application. Skip this section until you have received Concept Approval and completed the Planning and Development stage of your project.

Concept Approval: Project Narrative Tab

OVERVIEW | CONCEPT APPROVAL | PROJECT APPROVAL | SUBMIT | REPORT HISTORY | REPORT PRINT

PROJECT NARRATIVE | BUDGET | CONCEPT ASSURANCES

Project Narrative

Name of School Building:

Address of School Building:

Please provide a description of the proposed project that includes the scope of work and enough detail to allow the review team to determine whether the project is reasonable, allocable and necessary.
(0 of 3000 maximum characters used)

B **I** **U**      

Please explain how this project allows the LEA to prevent, prepare for, or respond to COVID-19.
(0 of 1500 maximum characters used)

B **I** **U**      

Please provide a timeline for this project (start and end date).
(0 of 600 maximum characters used)

B **I** **U**      

Concept Approval: Budget Tab

- For each element in a project (specific equipment, labor, consulting services, etc), a new budget item should be created.
- If multiple funds will be used for a project element (equipment split across two funds), two budget items should be created.

PROJECT NARRATIVE	BUDGET	CONCEPT ASSURANCES
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Budget

Please enter your budget below. For each entry, provide a brief description, an amount, and a funding source. If the source is "Other federal funding source", specify which source. Use the **Add Another Budget Entry** button to add more entries as necessary. If a single project item is funded by contributions from multiple funding sources, list each contribution separately on the "Project Item Description" line with the same project description.

Project Item Description (0 of 1000 maximum characters used)

B **I** **U**

Total Amount: \$

Funding Source: If "other" was chosen, please specify:

ADD ANOTHER BUDGET ENTRY

Budget Grand Total: \$

Concept Approval: Assurances Tab

Assurances

Only authorized representatives can agree to assurances. If you do not have a Save Page button, skip this page; your authorized representative will complete it after you submit.

The LEA assures that they will follow federal procurement requirements 2 CFR §200.318-327 for all architectural and engineering services.

The LEA assures they will follow applicable contract provisions per 2 CFR Part 200, Appendix II.

The LEA understands that this Concept Approval is offered solely for the project concept as presented in this application and will seek approval for any substantive changes to the project.

The LEA assures that all plans, specifications, and assessments will be completed by appropriately licensed professionals, as required.

The LEA must assure that their plans and specifications for the proposed project:

1. is functional, economical, and not elaborate in design or extravagant in the use of materials compared with facilities of a similar type constructed in the State or other applicable geographic area. (EDGAR 34 CFR §75.607).
2. meets the standards under the Occupational Safety and Health Act of 1970 (Pub. L. 91-576) (See 36 CFR part 1910); and State and local codes, to the extent that they are more stringent. (EDGAR 34 CFR §75.609)
3. complies with all Federal regulations on handicapped accessibility that apply to construction and alteration of facilities. For non-residential facilities these regulations are found at 41 CFR subpart 101-19.6. (EDGAR 34 CFR §75.610)
4. avoids flood hazards by evaluating any flood hazards in connection with the construction and as practicable avoid uneconomic, hazardous or unnecessary use of flood plains in connection with the construction (EDGAR 34 CFR §75.611)
5. maximizes the efficient use of energy to the extent feasible (EDGAR 34 CFR §75.616(a))
6. follows standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) (EDGAR 34 CFR §75.616(a))
 - a. (1) ASHRAE-90 A-1980 (Sections 1-9)
 - b. (2) ASHRAE-90 B-1975 (Sections 10-11)
 - c. (3) ASHRAE-90 C-1977 (Section 12)

The LEA assures that prior to starting the project (breaking ground) it will receive all applicable state and local permits.

The LEA assures that prior to starting the project (breaking ground) sufficient funds are available to meet any non-federal share of the cost of constructing the facility.

The LEA agrees to maintain competent supervision and inspection at the construction site to ensure that the work conforms to the approved drawings and specifications. (EDGAR 34 §75.612)

The LEA understands that it is subject to the regulations on relocation assistance and real property acquisition in 34 CFR part 15 . (EDGAR 34 §75.613)

The LEA assures that when construction is completed, sufficient funds will be available for effective operation and maintenance of the facilities. (EDGAR 34 §75.614)

The LEA agrees to operate and maintain the facilities in accordance with applicable Federal, State, and local requirements. (EDGAR 34 §75.615)

The LEA shall comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

The LEA assures that it will receive all applicable state and local permits prior to starting the project (breaking ground) and agrees to comply with all state law regarding the project.

The LEA proposes to follow its own bonding policy: Yes No

The LEA understands that it is subject to the regulations on relocation assistance and real property acquisition in 34 CFR part 15. (EDGAR 34 §75.613)

The LEA agrees to follow the equipment management requirements for 2 CFR 200.313 for any equipment purchased as part of the construction project.

If the LEA has been previously made aware of the presence (PCB detections in the past) of PCBs in their school facility, or if during construction PCBs are identified, the LEA assures that it will contact the Department of Environmental Conservation per Sec. E.709.2 10 V.S.A. § 1283(g)(3) and § 6602(17) at sov.pcbssampling@vermont.gov .

The LEA agrees that prior to starting the project (breaking ground) it will submit the following required documentation in the Project Approval stage to AOE:

- Proof of Title to the site
- Written approval of the School Board
- Final Plans
- Historic Preservation Project Review Form
- Historic Preservation Determination (as applicable)

The LEA assures that they will follow federal procurement requirements [2 CFR §200.318-327](#) for all architectural and engineering services.

- State Bid law ([Title 16 §559](#)) does not apply to A&E services - Federal procurement does.
- New UG updates provide greater procurement flexibility by providing options regarding the MP threshold.
 - Update procurement procedures.
- For A&E contracts exceeding \$250K UG [2 CFR §200.320\(b\)\(2\)\(iv\)](#) allows for a qualification-based process (under formal proposal method)

A&E Procurement for over \$250K

2 CFR §200.320(b)(2)(iv)

(iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

The LEA assures they will follow applicable contract provisions per [2 CFR Part 200, Appendix II](#).

- This is the section of the UG that addresses required contract clauses
- Some are triggered by dollar value
- Some are triggered only due to construction
- Important to identify these during bid process as they may impact bids

Breach of Contract Over \$250K

- Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Termination for Cause & Convenience Over \$10K

- All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Equal Employment Opportunity Construction Contract

Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

Davis-Bacon

Construction Contracts over \$2K

- Davis-Bacon Act, as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act ([40 U.S.C. 3141-3144, and 3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”)

Davis-Bacon (Continued)

- Adds requirements to the contractor regarding prevailing wages, frequency of pay.
- Must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation..
- Decision to award contract must be conditioned upon acceptance of wage determination
- LEA must report suspected or reported violations
- All contracts must also include Copeland “Anti-Kickback Act provision

More Davis-Bacon training to come!

Contract Work Hours and Safety Standards Act Over \$100K

- Contract Work Hours and Safety Standards Act ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702 and 3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Clean Air Act

Contracts Over \$150K

- Clean Air Act ([42 U.S.C. 7401-7671q.](#)) and the Federal Water Pollution Control Act ([33 U.S.C. 1251-1387](#)), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act ([42 U.S.C. 7401-7671q](#)) and the Federal Water Pollution Control Act as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA)

Debarment and Suspension

- Debarment and Suspension (Executive Orders 12549 and 12689)— A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Debarment and Suspension

How to?

Burden is on the LEA. Possible methods to fulfill this include (more than one is best for contracts of this size)

- Check www.sam.gov
- Add clause to contract
- Obtain a signed Certification Statement

Also, a good idea to put the requirement in the bid docs.

Byrd Anti-Lobbying for Contracts Over \$100K

- Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#))— Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Procurement of recovered materials.

2 CFR §200.323 - Over \$10K

- A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
- [17 VSA §2103\(24\)](#) *School district is included in VT's definition of political subdivision.*

Prohibition on certain telecommunications and video surveillance services or equipment.

[2 CFR §200.216](#)

- Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

New UG requirement per last revision.

Domestic Preferences for Procurement

2 CFR §200.322

- As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).
- The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

New UG requirement per last revision.

The LEA understands that this Concept Approval is offered solely for the project concept as presented in this application and will seek approval for any substantive changes to the project.

- Agency has a two-step process for approval of Construction/ Minor Remodeling projects. Both are required.
 - Concept Approval
 - Project Approval (before “breaking ground”)
- Project Scope can change during the plans development -Remember to amend concept approval for substantive changes.

The LEA assures that all plans, specifications, and assessments will be completed by appropriately licensed professionals, as required.

- VT Secretary of State's Office of Professional Regulation Database provides licensure details.
- Volunteered A&E services – appropriate licensure is required.

The LEA must assure that their plans and specifications for the proposed project:

(make sure to share with A&E)

- a. is functional, economical, and not elaborate in design or extravagant in the use of materials compared with facilities of a similar type constructed in the State or other applicable geographic area. (EDGAR [34 CFR §75.607](#))
- b. meets the standards under the Occupational Safety and Health Act of 1970 (Pub. L. 91-576) (See [36 CFR part 1910](#)); and State and local codes, to the extent that they are more stringent. (EDGAR [34 CFR §75.609](#))

The LEA must assure that their plans and specifications for the proposed project:

- c. complies with all Federal regulations on handicapped accessibility that apply to construction and alteration of facilities. For non-residential facilities these regulations are found at [41 CFR subpart 101-19.6](#). ([EDGAR34 CFR §75.610](#))
- d. avoids flood hazards by evaluating any flood hazards in connection with the construction and as practicable avoid uneconomic, hazardous or unnecessary use of flood plains in connection with the construction ([EDGAR 34 CFR §75.611](#))

The LEA must assure that their plans and specifications for the proposed project:

- e. maximizes the efficient use of energy to the extent feasible ([EDGAR 34 CFR §75.616\(a\)](#))
- f. follows standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) ([EDGAR 34 CFR §75.616\(a\)](#))
 - i. ASHRAE-90 A-1980 (Sections 1-9).
 - ii. ASHRAE-90 B-1975 (Sections 10-11).
 - iii. ASHRAE-90 C-1977 (Section 12).

The LEA assures that it will receive all applicable state and local permits prior to starting the project (breaking ground) and agrees to comply with all state law regarding the project.

- LEA will work directly with the appropriate Agencies to receive permits as required by the specifics of the project.
- AOE has reached out to many to let them know to expect projects.
 - Fire Safety
 - ANR
 - ACT 250
 - AOT
 - Historic Preservation*
 - Local

The LEA assures that prior to starting the project (breaking ground) sufficient funds are available to meet any non-federal share of the cost of constructing the facility.

- If part of the project is not eligible for ESSER funding or if ESSER funding is not adequate to cover the entire cost of the project – LEA must make sure to have other funds available for this project.

The LEA agrees to maintain competent supervision and inspection at the construction site to ensure that the work conforms to the approved drawings and specifications. (EDGAR [34 CFR §75.612](#))

- Does not have to be a “Clerk of the Works”
 - But if LEA chooses to use the services of a Clerk of the works – this is an eligible project expense.
- Can be an employee of the LEA

The LEA understands that it is subject to the regulations on relocation assistance and real property acquisition in [34 CFR part 15](#) . (EDGAR [34 CFR §75.613](#))

Most likely will not apply, but still a federal assurance.

The LEA assures that when construction is completed, sufficient funds will be available for effective operation and maintenance of the facilities. ([EDGAR 34 CFR §75.614](#))

The LEA agrees to operate and maintain the facilities in accordance with applicable Federal, State, and local requirements. ([EDGAR 34 CFR §75.615](#))

The LEA shall comply with the Lead-Based Paint Poisoning Prevention Act ([42 U.S.C. §§4801 et seq.](#)) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

The LEA proposes to follow its own bonding policy: Y/N
If (N) The LEA agrees to follow the minimum
requirements of [2 CFR §200.326](#).

- For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold
- UG allows AOE to review/approve LEA Bonding Policy to determine adequacy.
- If no policy (or policy not approved) – LEA must follow bonding requirement per Uniform Guidance
 - Bid Guarantee
 - Performance Bond
 - Payment Bond

2 CFR §200.326(a)

Bonding Requirements – Bid Guarantee

A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified

[2 CFR §200.326\(b\)](#)

Bonding Requirements – Performance Bond

A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

[2 CFR §200.326\(c\)](#)

Bonding Requirements – Payment Bond

- A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

The LEA agrees to follow the equipment management requirements for [2 CFR §200.313](#) for any equipment purchased as part of the construction project.

- Use
 - Must use for program purchased for
 - When no longer needed – must follow use steps/ per regs.
- Equipment Management Procedures
 - Property records
 - Physical inventory
 - Adequate safeguards to prevent loss, damage theft
- Disposition requirements / approvals

Reminder: Equipment that is part of an approved construction project does not require separate prior approval to purchase – it is folded into the construction approval.

If the LEA has been previously made aware of the presence (PCB detections in the past) of PCBs in their school facility, or if during construction PCBs are identified, the LEA assures that it will contact the Department of Environmental Conservation per [Sec. E.709.2 10 V.S.A. §1283\(g\)\(3\)](#) and [§ 6602\(17\)](#) at sov.pcbsampling@vermont.gov.

Any questions regarding this assurance should be emailed to: sov.pcbsampling@vermont.gov

Reminders

- Communicating all requirements transparently to all parties throughout the process will be critical to a successful project.
- If there will be requirements in the contract – make sure to disclose at procurement so bids include costs necessary to comply.
- ESSER I, ESSER II, and ARP ESSER are separate funding – make sure any requirements of /invoicing billing are also clear in bid and contract documents

More Reminders

- This presentation is only intended to review the assurances of the Construction with Federal Funds application and does not imply this is all the Federal regulations you must meet.
 - All Uniform Guidance ([2 CFR Part 200](#)) – including but not limited to procurement and contract administration.
 - Vermont Bid law applies to construction contracts – must follow in addition to Federal
 - EDGAR ([34 CFR Part 76](#)) apply.
 - Federal grant application assurances also apply.

Concept Approval Letter



State of Vermont
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501
education.vermont.gov

(phone) 802-828-1100
(fax) 802-828-6430

Agency of Education

June 30, 2021

Andy Skarzynski
53 Green St.
Brattleboro, VT 05301

RE: Concept Approval for Dummerston Boiler Project

Dear Andy,

Please consider this letter Concept Approval of the following investment approved in the School Construction with Federal Funds application on June 30, 2021: *Pellet Boiler, HVAC and Control systems improvement project. Includes replacement of AHU's and electrical system upgrades. Improvements needed to improve air quality, temperature controls in classroom learning environments. Addresses safety standards and complying with ASHRAE indoor air quality standards. This project replaces a 1996 oil boiler with a biofuel sourced boiler.*

Now that you have concept approval of your construction project, the LEA should begin developing the project, including:

1. Procure architectural & engineering (A&E) services.
2. Develop plans and specification
3. Obtain all required permits
4. Put the project out to public bid

Procurement of Architect / Engineer Services:

All plans and specifications must be developed by a licensed architect or engineer. While the State bid law (16 VSA §559) does not apply to architect or engineering services, federal procurement does apply. The LEA must procure the services of the architect and/or engineer per the Uniform Guidance procurement regulations at [2 CFR §200.318-327](#). For A&E contracts exceeding the simplified acquisition threshold, LEA may use a qualifications based approach as identified in [2 CFR §200.320\(b\)\(2\)\(iv\)](#). As always, the LEA must document the federal procurement activity.

Develop Plans and Specifications

The LEA must meet the following federal design requirements as applicable:

- a. is functional, economical, and not elaborate in design or extravagant in the use of materials compared with facilities of a similar type constructed in the State or other applicable geographic area. ([EDGAR 34 CFR §75.607](#))

- b. meets the standards under the Occupational Safety and Health Act of 1970 (Pub. L. 91-576) (See 36 CFR part 1910); and State and local codes, to the extent that they are more stringent. ([EDGAR 34 CFR §75.609](#))
- c. complies with all Federal regulations on handicapped accessibility that apply to construction and alteration of facilities. For non-residential facilities these regulations are found at 41 CFR subpart 101-19.6. ([EDGAR 34 CFR §75.610](#))
- d. avoids flood hazards by evaluating any flood hazards in connection with the construction and as practicable avoid uneconomic, hazardous or unnecessary use of flood plains in connection with the construction ([EDGAR 34 CFR §75.611](#))
- e. maximizes the efficient use of energy to the extent feasible ([EDGAR 34 CFR §75.616\(a\)](#))
- f. follows standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) ([EDGAR 34 CFR §75.616\(a\)](#))
 - i. ASHRAE-90 A-1980 (Sections 1-9).
 - ii. ASHRAE-90 B-1975 (Sections 10-11).
 - iii. ASHRAE-90 C-1977 (Section 12).

Obtain All Required Permits and Documentation

During plan development, the LEA will need to determine which state and local permits the project will require and work with the applicable state agencies and local zoning boards to receive all required permits. The list of required documents and information is included in the Project Approval Application Process section.

Procurement and Bidding

At this stage, the LEA may also conduct procurement but should ensure that all federal ([2 CFR §200.318-327](#)) and state ([Title 16 §559](#)) regulations are followed, as applicable.

Please Note: The LEA may not break ground (start the project) until it has received Project Approval from the Agency of Education (AOE).

As always, the AOE Federal Construction Team is available to answer questions and offer support. Please send all questions to ae.federalconstruction@vermont.gov.

Sincerely,

E-SIGNED by William Bates
on 2021-06-30 17:25:32 EDT

Bill Bates
Chief Finance Officer
Vermont Agency of Education

cc: Frank Rucker, Business Administrator
Daniel M. French, Ed.D., Secretary of Education

What can we do once we have Concept Approval?

LEA will receive a signed Concept Approval Letter from AOE

- Procure Architectural and Engineering (A&E) services
- Develop plans for project
- Obtain all necessary permits
- Put the project out to bid/procure equipment
- Put the project in a grant application

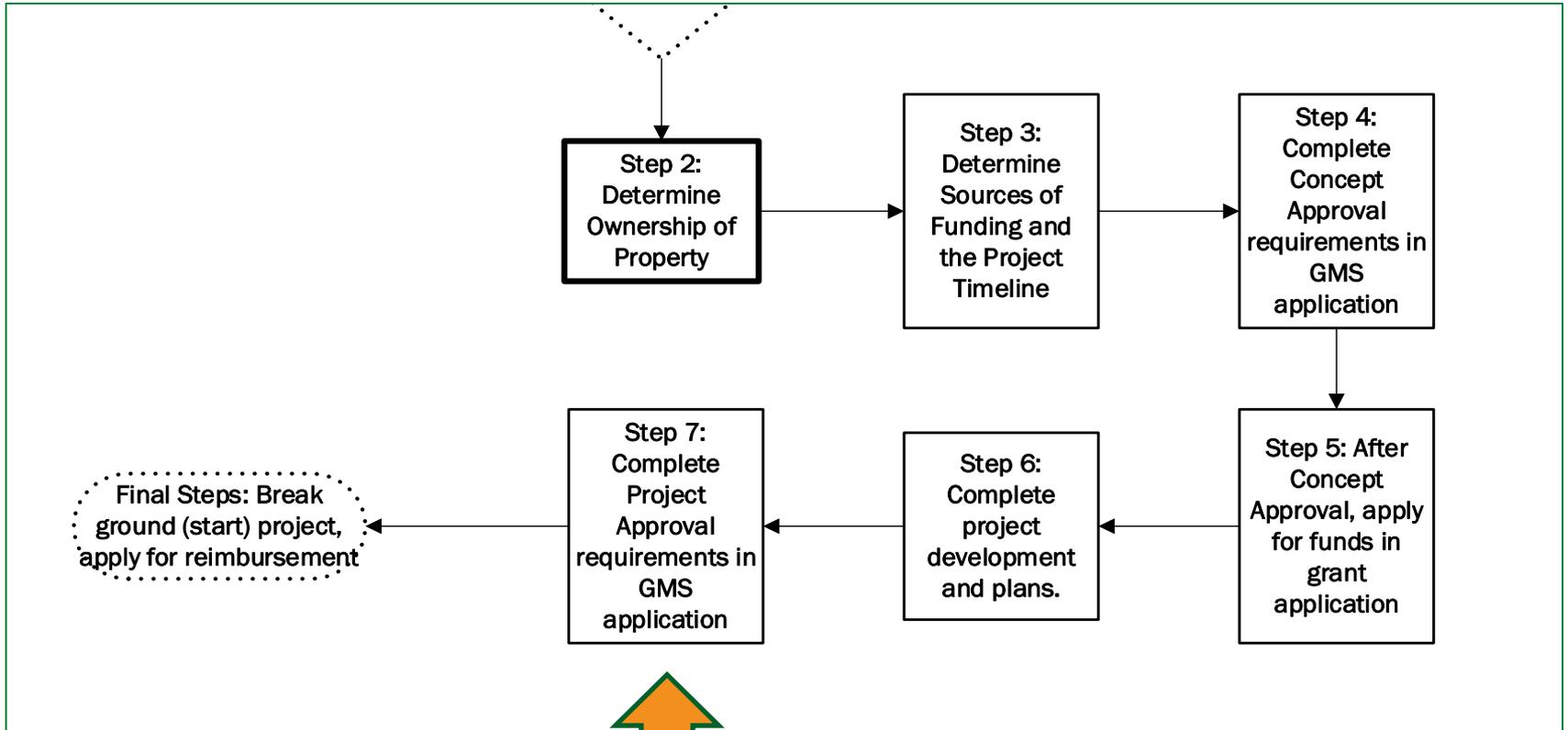


Caution: You **CANNOT** start the project (break ground) at this stage

Project Changes: What to Do?

- Projects that change substantially during the planning/development process should be amended in the **Concept Approval** stage
- LEAs must ensure that any substantive changes are still eligible under their proposed federal funding source(s)

Project Approval



Step 7: Project Approval in GMS

- Update budget to reflect any major changes that arose during project planning
- Review assurances from Concept Approval stage
- Upload required documents/information:
 - Title
 - School Board written approval
 - Historic Preservation review form and determination (if applicable)
 - Final Plans
- Superintendent must submit

Project Approval: Budget Tab

OVERVIEW CONCEPT APPROVAL PROJECT APPROVAL SUBMIT REPORT HISTORY REPORT PRINT

UPDATED BUDGET REQUIRED DOCUMENTS AND INFORMATION

Budget

Once you have received Concept Approval, the cost of the project should be included in your federal grant application (ESSER I, II, ARP ESSER, etc.).

By checking this box, you confirm that the costs of the proposed project appear in all federal grants for which you have received Concept Approval.

Now that you have plans and specifications, please submit an updated budget. For each entry, provide a brief description, an amount, and a funding source. If the source is "Other federal funding source", specify which source. Use the **Add Another Budget Entry** button to add more entries as necessary. If a single project item is funded by contributions from multiple funding sources, list each contribution separately on the "Project Item Description" line with the same project description.

Project Item Description (7 of 1000 maximum characters used)

B **I** **U**

Testing

Total Amount: \$

Funding Source: ▼ If "other" was chosen, please specify:

ADD ANOTHER BUDGET ENTRY

Budget Grand Total: \$

Project Approval: Required Documents

[Click to Return to Menu List / Sign Out](#)

OVERVIEW | CONCEPT APPROVAL | PROJECT APPROVAL | SUBMIT | REPORT HISTORY | REPORT PRINT

UPDATED BUDGET

REQUIRED DOCUMENTS AND INFORMATION

Required Documents and Information

Please Note: Prior to completing the request for Project Approval LEAs should procure Architectural and Engineering (A&E) services as appropriate, develop plans and specifications for the project and obtain all the necessary permits. In addition, the LEA must receive written approval from their local school board.

By checking this box and submitting this amendment, I agree to the assurances from the "Concept Approval" tab. To review these assurances please return to the "Concept Approval" tab.

Please upload the following documents. *File uploads must be not more than 6MB in size. The filename cannot contain any special characters such as periods, slashes, number signs, etc. (dashes and spaces are allowed). Files should be in Adobe Acrobat (.pdf), Microsoft Word (.doc/docx), or Microsoft Excel (.xls/xlsx) format. If you are amending a previous submission, simply attach a new file; the old file cannot and should not be removed, as it remains part of the legal record.*

Proof of Title to the site

Choose File No file chosen

UPLOAD

Uploaded Files:

[SSME reader scoresheet examplex20210624112652x20180222.pdf](#)

DELETE SELECTED FILES

Written approval of the School Board

Choose File No file chosen

UPLOAD

Uploaded Files:

[SSME reader scoresheet examplex20210624112708x20180222.pdf](#)

DELETE SELECTED FILES

Project Approval: Required Documents (continued)

Written approval of the School Board
<input type="button" value="Choose File"/> No file chosen
<input type="button" value="UPLOAD"/>
Uploaded Files: SSME reader scoresheet examplex20210624112708x20180222.pdf
<input type="button" value="DELETE SELECTED FILES"/>
Final Plans
<input type="button" value="Choose File"/> No file chosen
<input type="button" value="UPLOAD"/>
Uploaded Files: SSME reader scoresheet examplex20210624112718x20180222.pdf
<input type="button" value="DELETE SELECTED FILES"/>
Historic Preservation Project Review Form
<input type="button" value="Choose File"/> No file chosen
<input type="button" value="UPLOAD"/>
Uploaded Files: SSME reader scoresheet examplex20210624112728x20180222.pdf
<input type="button" value="DELETE SELECTED FILES"/>
Historic Preservation Determination (as applicable)
<input type="button" value="Choose File"/> No file chosen
<input type="button" value="UPLOAD"/>
Uploaded Files: SSME reader scoresheet examplex20210624112728x20180222.pdf
<input type="button" value="DELETE SELECTED FILES"/>

The LEA agrees that prior to starting the project (breaking ground) it will submit the following required documentation in the Project Approval stage to AOE:

- Proof of Title to the site
- Written approval of the School Board
 - Letter signed by Board Chair
 - Approved meeting minutes clearly approving project scope and use of Federal funds.
- Final Plans
- Historic Preservation Project Review Form
- Historic Preservation Determination (as applicable)

Project Approval Letter (sample)

 VERMONT

State of Vermont (phone) 802-428-1120 Agency of Education
1 National Life Drive, Davis 5 (fax) 802-428-6450
Montpelier, VT 05620-2501
education.vermont.gov

July 21, 2021

Name of Superintendent
Street
City, VT zip

RE: Project Approval for [name of project]

Dear [Superintendent' name],

Please consider this letter Project Approval of the following investment approved in the School Construction with Federal Funds application on [DATE], 2021: *[copy and paste description from GMS application]*.

Now that you have project approval of your construction project, the LEA may:

- Begin construction ("break ground"
- Seek reimbursement through the approved federal fund(s)

Please note: the LEA should ensure that all documentation, including necessary permits, plans, approvals are retained in case of future monitoring or audit.

As always, the AOE Federal Construction Team is available to answer questions and offer support. Please send all questions to aoe.federalconstruction@vermont.gov.

Sincerely,

Bill Bates
Chief Finance Officer
Vermont Agency of Education

cc: [Business Manager name and title]
Daniel M. French, Ed.D., Secretary of Education

What can we do once we have Project Approval?

LEAs will receive a signed Project Approval letter from AOE

- Start the project (break ground)
- Seek reimbursement for costs



Caution: LEAs should keep a Project File with all required permits, documents, etc for future monitoring

Resources and Links

- [School Construction with Federal Funds](#) webpage
- [School Construction with Federal Funds](#) guidance
- Historical Preservation determination webform (forthcoming)
- [Fire Safety Interactive Map](#)
- [Agency of Natural Resources on-line Permit Navigator](#)
- [Natural Resources Board](#)
- [Department of Environmental Conservation, Find a Permit Specialist](#)
- [Department of Environmental Conservation, Information on PCBs](#)