



Program FAQ

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General BEST Program Description

❖ **What is BEST?**

- Pursuant to 22-43.7-101 Thru 22-43.7-116 C.R.S., a program called Building Excellent Schools Today or BEST was established;
- It includes a nine-member Public School Capital Construction Assistance Board (Assistance Board) who oversees what is known as the “BEST” legislation, approved by the 2008 Colorado State Legislature and Governor. BEST stands for Building Excellent Schools Today;
- Establishes The Division of Public School Capital Construction Assistance (The Division) to provide technical assistance to districts, charter schools, institute charter schools, BOCES, and the Colorado School for the deaf and Blind with the BEST program.
- The BEST legislation (House Bill 08-1335) increases the level of financial assistance provided to school districts, charter schools, institute charter schools, BOCES, and the Colorado School for the Deaf and Blind for capital construction projects. It's anticipated that BEST legislation will provide approximately \$500 million for capital projects including new schools, major renovations, additions and smaller projects. With local matching contributions, the \$500 million may be leveraged to as much as \$900 million or \$1 billion;
- Colorado's legislative leadership, the Governor, State Treasurer Cary Kennedy, and a large coalition worked together on this for their ambitious and landmark legislation;
- The BEST legislation addresses health and safety issues (see “Who qualifies and what types of projects qualify?”) by providing funds to rebuild, repair or replace the State's most dangerous and most needy K-12 facilities. The BEST plan calls for a statewide needs assessment, an expert-guided process for the selection of schools and projects for funding, and spending up to \$1 billion in funds without raising taxes to tackle the safety of our schools;
- With no new taxes, the BEST plan leverages \$30-40 million of revenue annually from the School Trust Lands, and additional State Lottery revenues, to raise up to \$500 million in capital. It's anticipated that the combined state and local revenues will be enough to repair hundreds of existing schools and to build many new ones;
- The School Trust Land is property the federal government granted to Colorado for the benefit of its school children upon statehood;
- Follow this link for more information about the BEST program:
<http://www.cde.state.co.us/cdefinance/CapConstBEST.htm>

❖ **What technical assistance is offered?**

- The Division offers technical assistance during all phases of a project, for example:
 - Pre BEST grant:
 - Site visits, project identification, scope determination, BEST grant application information, establishment of construction committee, assistance with RFQ or RFQ/P, assistance with budgeting, etc.
 - During BEST grant:
 - Grant application review, consultant & vendor selection, pay request review, etc.
 - Post BEST grant:
 - Partnered with Owner's Rep: Helpful information with maintenance, project management, construction review, warranty, O&M manuals, etc.

❖ **How do I contact the Division staff?**

- The Division staff directory is found at:
<http://www.cde.state.co.us/cdefinance/CapConstContact.htm>
- The BEST Technical Assistance Territory Map is located:
<http://www.cde.state.co.us/cdefinance/CapConstTechnicalMap.htm>

❖ **Who qualifies and what types of projects qualify?**

- School districts, Charter schools, Institute charter schools, BOCES, and The Colorado School for the Deaf and Blind qualify for BEST;

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- Pursuant to 22-43.7-109 (5) C.R.S. projects qualify and are prioritized as follows:
 - Projects that address safety hazards or health concerns at existing public school facilities, including public school facility security;
 - Projects that relieve overcrowding in public school facilities, including but not limited to projects that will allow students to move from temporary instructional facilities into permanent facilities;
 - Projects that incorporate technology into the educational environment;
 - All other projects.

- ❖ **What is the Assistance Board?**
 - A Public School Capital Construction Assistance Board (CCAB or Assistance Board) is created in 22-43.7-106 C.R.S.;
 - CCAB consists of nine appointed members who serve terms of two years and may serve up to three terms. The State Board shall appoint three members from different areas of the state and from urban, suburban, and rural school districts. The members appointed by the State Board shall all have demonstrated experience regarding public school facility issues and shall include:
 - One member who is a school district board member at the time of appointment;
 - One member who is public school superintendent or administrator at the time of appointment or has recent experience as a public school superintendent or administrator;
 - One member who is a school facilities planner or manager at the time of appointment or has recent experience as a school facilities planner or manager.
 - The governor shall appoint three members and shall include:
 - One member who is an architect whose professional practice includes the design and rehabilitation of public school facilities at the time of appointment or who has recent experience rehabilitating existing public school facilities and designing new public school facilities;
 - One member who is an engineer whose professional practice at the time of appointment includes public school facilities engineering or who has recent experience in public school facilities engineering;
 - One member who is a construction manager who at the time of appointment manages public school facilities construction projects or who has recent experience managing such projects.
 - The general assembly shall appoint three members, one of whom shall be appointed by the speaker of the House of Representatives, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed jointly by the minority leaders of the House of Representatives and the senate. The members appointed by the general assembly shall include:
 - One member who is a school facilities planner or manager at the time of appointment or has recent experience as a school facilities planner or manager;
 - One member who has expertise in technology, including but not limited to technology for individual student learning and classroom instruction;
 - One member who has public school finance expertise and knowledge regarding public school trust lands.
 - CCAB information can be found at:
<http://www.cde.state.co.us/cdefinance/CapConstCCAB.htm>

- ❖ **What is the specific program timeline?**
 - Typically applications will be received in the spring and grants will be awarded in August;
 - The timeline for the program can be found at:
<http://www.cde.state.co.us/cdefinance/CapConstTechnical.htm>

- ❖ **What is the Assistance Fund?**
 - The public school capital construction assistance fund created in section 22-43.7-104 C.R.S. Consists of revenues from State Land Trust, Colorado Lottery, Matching Funds,

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and Interest on Funds. The Assistance Fund provides the Division funding for BEST grants and staff. Additional information can be found at:

http://www.leg.state.co.us/clics/clics2008a/csl.nsf/fsbillcont3/87D2BCE0AA92D997872573AD0058591D?Open&file=1335_enr.pdf

❖ **Is there a BEST website?**

- Information about BEST can be found on the CDE website;
- Follow this link for the BEST program:
<http://www.cde.state.co.us/cdefinance/CapConstMain.htm>

❖ **What are matching funds?**

- Pursuant to 22-43.7-109 (9) C.R.S. the BEST grants are matching grants and the statute provides criteria for calculating a matching percentage;
- Minimum Match Criteria, from statute, used to calculate a minimum match for each school district per 22-43.7-109 (9) (c) C.R.S., are as follows:
 - The school district's assessed value per pupil relative to the state average;
 - The school district's median household income relative to the state average;
 - The school district's bond redemption fund mill levy relative to the statewide average;
 - The percentage of pupils enrolled in the school district who are eligible for free and/or reduced-cost lunch;
 - Bond election effort and success over the last 10 years.
- Minimum Match Criteria, from statute, used to calculate a minimum match for each Charter School and Institute Charter School are as follows:
 - The amount of per pupil revenue the charter school has budgeted to expend in order to meet its facilities obligations during the fiscal year for which an application is made relative to other charter schools in the state, measured both in terms of total dollars and as a percentage of the charter school's total per pupil operating revenue;
 - Bond election effort and success over the last 10 years;
 - The per pupil revenue received by the charter school from the State education fund for Capital Construction pursuant to section 22-30.5-112.3 C.R.S.;
 - The percentage of pupils enrolled in the school who are eligible for free and/or reduced-cost lunch.
- The following criteria, from statute, is used to calculate a minimum match for each Board of Cooperative Services' application for financial assistance per 22-43.7-109 C.R. S.:
 - The average assessed value per pupil of all members of the Board of Cooperative Services participating in the capital construction project relative to the state average;
 - The average median household income relative to the state average;
 - The average bond redemption fund mill levy relative to the statewide average;
 - The percentage of pupils that are eligible for free or reduced-cost lunch;
 - Bond election effort and success over the last 10 years.
- Colorado School for Deaf and Blind requirements are as follows:
 - Per 22-43.7-113 C.R.S. Colorado Schools for Deaf and Blind shall be subject to the same financial assistance application requirements and financial assistance prioritization criteria as a school district.
- The calculated match percentages and the method for calculating the percentage can be viewed at: <http://www.cde.state.co.us/cdefinance/CapConstTechnical.htm>

❖ **What Charter School requirements are there?**

- Chartered for at least 5 years on the date authorizer submits application per 22-43.7-103 (7) C.R.S.
- Charter School must have complied with all public school facilities construction guidelines addressing health and safety issues established by the Board pursuant to section 22-43.7-107 (2) (a) C.R.S. at the time the charter school first occupied the facility per 22-43.7-109 (1) (b) C.R.S.
- Charter School to notify authorizer at least 3 months in advance of submitting application per 22-43.7-109 (3) C.R.S.

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- Authorizer to submit application and administer funding per 22-43.7-109 (3) C.R.S.
- ❖ **What types of BEST grants are there?**
 - There are two types of BEST grants:
 - BEST Cash Grants which are typically used to fund smaller projects like roofs, boiler replacements, fire alarms, etc;
 - BEST Lease Purchase Grants which are typically used to fund larger projects like new schools, major renovations, and additions. These grants are financed and the financing is paid back with future assistance fund revenues.
- ❖ **What is a Grant Application?**
 - The grant application is used for a competitive grant process for K-12 Schools, Charter Schools, BOCES, and Colorado Schools for the Deaf and Blind;
 - The CC-03 Grant Application form can be found at:
<http://www.cde.state.co.us/cdefinance/CapConstGrantAppProcess.htm>
- ❖ **What is the definition of a public school facility?**
 - “Public School Facility” means a building or portion of a building used for educational purposes by a school district, a Board of Cooperative Services, the Colorado School for The Deaf and Blind created and existing pursuant to section 22-80-102 (1) (a) C.R.S., or a charter school, including but not limited to the school sites, classrooms, libraries and media centers, cafeterias and kitchens, auditoriums, multipurpose rooms, and other multi use spaces; except that “Public School Facility” does not include a learning center, as defined in section 22-30.7-102 (4), that is not used for any other public school purpose and is not part of a building otherwise owned, or leased in its entirety, by a school district, a Board of Cooperative Services, a charter school, or the Colorado School for The Deaf and Blind for educational purposes.
- ❖ **What are the Public school facility guidelines “Construction Guidelines”?**
 - 22-43.7-106(1)(a) C.R.S., the Assistance Board shall establish Public School Facility Construction Guidelines for use by the Assistance Board in assessing and prioritizing public school capital construction needs throughout the State pursuant to 22-43.7-108 C.R.S.; reviewing applications for financial assistance, and making recommendations to the State Board regarding appropriate allocation of awards of financial assistance from the assistance fund only to applicants;
 - These Guidelines are not mandatory standards to be imposed on school districts, charter schools, institute charter schools, the Boards of Cooperative Services or the Colorado School for The Deaf and Blind. As required by statute, the Guidelines address:
 - Health and safety issues, including security needs and all applicable health, safety and environmental codes and standards as required by state and federal law;
 - Technology, including but not limited to telecommunications and internet connectivity technology and technology for individual student learning and classroom instruction;
 - Building site requirements;
 - Building performance standards and guidelines for green building and energy efficiency;
 - Functionality of existing and planned public school facilities for core educational programs, particularly those educational programs for which the State Board has adopted state model content standards;
 - Capacity of existing and planned public school facilities, taking into consideration potential expansion of services and programs;
 - Public school facility accessibility;
 - The historic significance of existing public school facilities and their potential to meet current programming needs by rehabilitating such facilities.
 - Please view the Construction Guidelines for more information at:
<http://www.cde.state.co.us/cdefinance/CapConstCCABrules.htm>

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❖ **What legislation and rules apply?**

- HB08-1335 (Building Excellent Schools Today, BEST)
 - Bill can be found at:
http://www.leg.state.co.us/clics/clics2008a/csl.nsf/fsbillcont3/87D2BCE0AA92D997872573AD0058591D?Open&file=1335_enr.pdf
- SB07-051 (High Performance Certification Program)
 - Bill can be found at:
http://www.leg.state.co.us/CLICS/CLICS2007A/csl.nsf/fsbillcont3/8EFE2CB5022F6CF687257251007C22D3?Open&file=051_enr.pdf
- SB09-257 (BESTer Bill – Supplemental changes to HB08-1335)
 - Bill can be found at:
http://www.leg.state.co.us/clics/clics2009a/csl.nsf/fsbillcont/AEFE2EBFC6A1F4388725754000649D76?Open&file=257_enr.pdf
- BEST Program Rules
 - BEST program rules can be found at:
<http://www.cde.state.co.us/cdefinance/CapConstCCABrules.htm>
- Construction Guidelines
 - Construction guidelines for BEST projects can be found at:
<http://www.cde.state.co.us/cdefinance/CapConstCCABrules.htm>
- Full-Day-Kindergarten Rules
 - Full-Day-Kindergarten rules can be found at:
<http://www.cde.state.co.us/cdefinance/CapConstCCABrules.htm>

❖ **Are there project specific policies?**

- Applications for roof grants require:
 - Clear specifications;
 - Competitive bid on specifications;
 - An enforceable material and labor warranty from the manufacturer and installer;
 - Installer must comply with all manufacturer requirements and inspections;
 - Owner must budget and comply with all manufacturer and installer requirements to maintain warranty.
 - Owner must include a maintenance plan and certify it will adhere to it. The plan must meet or exceed the warranty requirements;
 - Owner must agree to plan and budget for next roof replacement.
- Security Cameras
 - Over the past decade since the Columbine tragedy in 2000, there has been increased interest in security on school campuses. Based on the most recent grant cycles and discussions with school districts, there is interest from Colorado school districts in seeking BEST funding for security needs;
 - Per the request of the Assistance Board to offer recommendations regarding the support of funding for security cameras in schools, the following information is provided to offer suggested guidelines regarding school district applications for security cameras;
 - During a review of available information regarding school security, the following comments from the U.S. Department of Education, The Safe and Responsive Schools Project (2003) seemed relevant to this subject:
 - The greatest asset that a security camera system offers to a school's security personnel is the deterrence factor it introduces to outsiders that do not belong on campus and to students and employees who do. It is assumed that information regarding safety measures, such as security cameras, will spread through a community. This type of reputation can make outsiders reconsider approaching the school, and also cause most students to reconsider committing offenses in areas monitored by cameras. Nevertheless, some of the most serious incidents of school violence have occurred in spite of security camera system.
 - And yet, further on the article states that there is no empirical research that validates that the presence of security cameras effectively decreases violence and crime in

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school settings. It also states that each school should evaluate the use of technology according to whether this would be a helpful tool, rather than definitively stating that all schools should install security cameras;

- In an article by American School & University dated February 1, 2009, there are 5 mistakes noted that educational institutions make in regard to security technology;
 - These mistakes include:
 - ◆ Believing what you read and hear;
 - ◆ Thinking technology will solve security problems;
 - ◆ Insufficient planning;
 - ◆ Leaving out critical stakeholders;
 - ◆ Deploying more technology than necessary.
- “Prevention, intervention and crisis response are key in creating a comprehensive response to preventing school violence,” says the Center for Prevention of School Violence, based in North Carolina;
- Because of research that both supports and questions the use of security cameras in schools, staff has considered and recommends the following:
 - In preparing for the grant application, Division staff work with the school district to develop a security program that evaluates multiple security measures and tools prior to implementing new technology. This may include, but not be limited to: the school’s plan for security cameras, access control, fire and intrusion alarms, bell systems, phones, and intercoms. It may also include review and discussion of the school’s current crisis response plan including coordination with local law enforcement, and the ability of the district to implement appropriate technology for the district, utilize new and existing technology, train staff, and maintain the system(s) over time;
 - Staff has generated a questionnaire to be filled out and submitted with the grant application in demonstrating that appropriate planning was completed in order to develop an adequate security program. Staff will then review the security program provided by the district and subsequently provide a recommendation to the Assistance Board that takes into consideration the individual needs of each school district. The questionnaire can be found at:
<http://www.cde.state.co.us/cdefinance/CapConstTechnical.htm>

Accounting/Reimbursement

❖ **How do I apply for reimbursement of funds?**

- A request for funds form, CC-06 Funding Request, is posted on the Capital Construction website. Which can be found at:
<http://www.cde.state.co.us/cdefinance/CapConstructionforms.htm>
- Fund requests can be made once a month to receive reimbursement for invoices from vendors. The grantee may not submit invoices or utilize unused project funds for goods or services that do not directly relate to the scope listed in the grant application. In order to process a request, the Division must receive a completed CC-06 Funding Request form with copies of associated vendor invoices (no purchase orders or proposals will be accepted) along with W-9 Forms (if lease purchase grant) for listed vendors. The Division will make every effort to assure short turnaround time from the time the request is received to the actual issuance of checks to the vendors;
- The Division will NOT reimburse funds for consumables or applicant’s staff labor towards the project.

❖ **What is an allowance?**

- An allowance is an amount of funding set aside for a specific purpose, of which the exact amount is not or cannot be known at the time of the grant application. Allowances should be clearly identified in the budget. An example of an allowance item on some BEST projects is the amount a project allocates to Davis-Bacon costs. Other examples of

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- allowance items may be winter conditions, FFE (furniture, fixture, and equipment) costs, demolition costs, or unusual site costs such as installation of a traffic light;
- Amounts allocated to an allowance cannot be used for other items in the budget. If an allowance amount is not spent on the item it has been allocated to, the additional budget amount is not allowed to be used for another scope of work in the grant, should not be billed to the grant, and should be clearly noted as 'unused' in project documentation. The unused amount then returns to the BEST assistance fund;
 - Please consult your CDE technical assistance representative with any questions regarding allowances and usage of allowances;
 - For more information regarding allowances read the "Allowances In Construction Contracts" article, found at: http://www.dcd.com/oleary/oleary_mayjun_2008.html
- ❖ **What are consumables?**
- Consumables for an applicant consist of anything an applicant purchases for the project but is not permanently installed into the project and can be retained by the applicant after completion. An example of this would be the applicant purchases paint, paint brushes, caulking, caulking guns, and ladders. The only items eligible for reimbursement by the Division would be the paint and caulk. The other items would NOT be reimbursed.
 - Consumables are different for a contractor that is contracted with the applicant to perform a task. Using a similar example of a painter who had bid the work, their price should include all of the tools and equipment to get the job done. So the caulking guns, ladders, and paint brushes, along with the paint and caulk would be acceptable for reimbursement by the Division.
- ❖ **What is applicant's staff labor?**
- Applicant staff labor is using people that are employed by the applicant to complete a task for the project, typically above and beyond their usual position duties;
 - An example would be having staff come in to install Furniture, Fixtures & Equipment (FF&E);
 - Another example would be paying staff overtime to move equipment, supplies, etc. from the old building to the new project building;
 - This would be acceptable if the staff labor was donated and not expected to be reimbursed by the Division;
 - The Division will NOT reimburse funds spent for applicant's staff labor.
- ❖ **What happens to remaining project funds?**
- As noted above the grantee may not utilize unused project funds for goods or services which do not directly relate to the scope listed in the grant application;
 - If there comes a point in the project where the grantee and Division representative feel comfortable releasing all or a portion of their contingency amounts, the funds can be used to enhance the scope listed in the grant application;
 - Adding additional scope will not be accepted and if a request for funds is submitted with changes made beyond the original scope, that portion of the pay request will be rejected;
 - At no time can the Division's grant reserve be used for the above.
- ❖ **What is a grant reserve and how can I use it?**
- A grant reserve is added by the Division to the estimate in the application for conditions that could not have been anticipated at the time of application;
 - Grant reserves can only be used if the issue could not have been anticipated at the time of application;
 - To apply for a grant reserve you must fill out a grant reserve request form (CC-12) located at: <http://www.cde.state.co.us/cdefinance/CapConstructionforms.htm> and include why the issue could not have been anticipated.

Facility Assessment

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❖ **What is the statewide financial assistance priority assessment “Facility Assessment”?**

- The Assistance Board was required by 22-43.7-108 C.R.S. to conduct an assessment of all public schools in the state of Colorado. The financial assistance priority assessment shall assess public school facility capital construction projects based on:
 - The condition of the public school facility;
 - Air and water quality in the public school facility;
 - Public school facility space requirements;
 - The ability to accommodate educational technology, including but not limited to technology from individual student learning and classroom instruction;
 - Site requirements for the public school facility;
 - Public school facility demographics, including a five-year projection concerning anticipated substantial changes in the pupil count of individual public school facilities.
- The financial assistance priority assessment shall include five-year projections regarding the issues;
- The Board shall use the public school facility construction guidelines established pursuant to section 22-43.7-107 C.R.S. in conducting the financial assistance priority assessment described in this section;
- The Board, or the Division upon the Board’s request, shall establish a database (SchoolHouse) to store the data collected through the financial assistance priority assessment conducted pursuant to 22-43.7-108 C.R.S. The Board or the Division shall make the data collected available to the public in a form that is easily accessible and complies with any federal or state laws or regulations concerning privacy;
- The information collected will be used to query data and develop detailed reports, to provide strategic facility planning information and to provide analysis for school boards to make educated decisions. The Assistance Board will also use this information to help make and educated decision when awarding grant applications;
- The assessment commenced in February 2009 and completed in February of 2010;
- Follow this link for more information:
<http://www.cde.state.co.us/cdefinance/CapConstAssessment.htm>

❖ **What is SchoolHouse?**

- The data collected for the facility assessment is housed in a software application called SchoolHouse.

Master Planning

- A Master Plan is a comprehensive long range plan intended to guide growth and development. It includes analysis, recommendations, and proposals incorporating: the State Facilities Assessment, economy, housing, transportation, community facilities, and land use. It is based on Owner input, surveys, planning initiatives, existing development, physical characteristics, and social and economic conditions;
- Work closely with your Division representative through this process;
- Reference the School Facilities Master Plan Guidelines at:
<http://www.cde.state.co.us/cdefinance/CapConstTechnical.htm>

Owner’s Representative

- An Owner’s Representative is the person designated as the official representative of the Owner (also known as Construction Manager). They work with the Owner’s best interests in mind. Owner’s representatives usually have experience in both design and construction, using their experiences to solve problems and offer solutions. The owner’s rep will control the overall coordination effort between the design team members. During construction they spend significant time on the construction site to recognizing and solving conflicts. When complicated issues arise, the owner’s rep will explore all of the options, condense the information, and provide the owner with options, along with a recommended course of action;

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- Reference the Owner's Representative Guidelines at:
<http://www.cde.state.co.us/cdefinance/CapConstTechnical.htm>

Consultant/Vendor Selection

❖ How are consultants and vendors selected?

- Consultants and vendors that may be involved with a BEST funded project should be selected based on a fair and competitive process that is open to the public and incorporates, but is not limited to the guidelines in this section;
- Results of the selection process should be shared at a public meeting and all information should be shared with candidates that propose;
- Please reference the Consultant Selection document for detailed information:
<http://www.cde.state.co.us/cdefinance/CapConstTechnical.htm>

❖ How are consultants to be notified of the applicant's selection?

- The applicant will provide both a decision memorandum and a scoring matrix to each of the candidates;
- The decision memorandum should outline the process that the applicant underwent in order to make their selection. It should include, but is not limited to: number of responses, number and names of candidates selected to interview, selection committee members, dates of meetings, whether the board was involved in/approved the decision, and any other factors that affected the process. The memorandum should be written so that someone who was not engaged in the process would understand fully the process that the district went through in order to make their decision. A sample decision memorandum may be requested by the applicant from CDE technical assistance staff;
- A scoring matrix clearly listing the scores of each candidate and specific scores that each candidate rated on each of the criteria is also to be forwarded to each of the candidates that responded. It should be provided in spreadsheet format with totals clearly indicating the scores of each candidate, and showing the total points available for each of the listed criteria;
- Both the decision memorandum and the scoring matrix should be sent out within one week of the applicant's selection, with the CDE technical assistance staff copied on the correspondence;
- Applicant should consult their BEST technical assistance representative with any questions on the above.

❖ What is a possible statement of work for a Master Planner?

- Master Planner – Qualified Master Planner Consultant to provide planning for public school educational facilities;
- The intent of the master plan for these facilities is a comprehensive long range plan to guide growth/reduction and development. It includes analysis, recommendations, and proposals to meet the applicants immediate & future objectives.

❖ What are possible selection criteria for a Master Planner?

- Also see the Master Plan Section for more information;
- Expertise and experience in preparing educational master plans;
- Experience understanding and analyzing school operations, enrollment projections and demographic data;
- Approach to working with historical buildings in the state of Colorado, including retrofitting, removal of structure and replication;
- Utilizing the Facility Assessment, the approach determining the most effective use operationally while meeting current code requirements;
- Approach assessing old structures and applying the knowledge gained to present options for the district as it relates to operation, function and budgeting in the master plan;
- Experience with long-term capacity requirements related to making recommendations for any new or renovated facility(ies).

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- Strong sense and application of construction means and methods with renovation and new construction projects, while being able to apply an accurate construction cost budgeting to the design;
 - Knowledge of current local, state, and federal laws as they apply to school buildings, including building codes, health codes, and ADA requirements;
 - Knowledge of LEED & CO-CHPS criteria and program requirements;
 - Approach working with owners representative, school administration, school boards, and community;
 - Consultant's history and years in business;
 - Consultant's capacity to complete the proposed project;
 - Experience working in the geographical location of the project;
 - Experience with small towns and politics;
 - Team experience and responsibility;
 - Construction responsibilities;
 - Project organization and responsibilities;
 - Areas of experience and responsibility;
 - Administrative oversight and interpersonal skills;
 - Ability to organize and meet schedules;
 - Overall understanding of the project;
 - Understanding of the District, its organization and leadership;
 - Understanding of CDE Division of Public School Capital Construction Financing;
 - Experience with natural and renewable building materials;
 - Approach to working with local labor;
 - Applicant's proposal for the overall cost of services, however an applicant's overall experience and capability may be weighed more strongly in the final evaluation than a cost comparison;
 - Pre-BEST grant fee;
 - Preconstruction fee;
 - Design fee;
 - Construction fee.
- ❖ **What is a possible statement of work for an Owner Representative?**
- Owner Representative – Qualified Owner Representative Consultant to partner with both Grantee and CDE and to provide services for the pre-construction and construction of K-12 Schools, Charter Schools, BOCS, and Colorado Schools for the Deaf and Blind.
- ❖ **What are possible selection criteria for an Owner Representative?**
- Also see the Owner Representative Section for more information;
 - Expertise and experience completing educational projects;
 - Qualifications of consultant's team and professionals;
 - Knowledgeable in some or all disciplines including architectural design, structural engineering, mechanical engineering, electrical engineering, civil engineering, high performance energy design (passive and active solar), roof design and maintenance, construction cost estimating, facility management and maintenance, information technology (word, excel, accounting);
 - Capability of consultant's legal oversight;
 - Capability of consultant's construction oversight;
 - Capability of consultant's accounting oversight;
 - Capability of consultant's administrative oversight and interpersonal skills;
 - Capability of consultant's ability to organize and meet schedules;
 - Consultant's ability to demonstrate outstanding project organization, responsibilities, team experience, areas of experience;
 - Approach to bond initiatives in Colorado Public Schools;
 - Knowledge of LEED & CO-CHPS criteria and program requirements;
 - Approach/understanding of BEST, its organization and leadership;
 - Approach to working in the geographical location of the project;

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- Team synergy and past performance;
- Team experience and responsibility;
- Construction responsibilities;
- Project organization and responsibilities;
- Areas of experience and responsibility;
- Administrative oversight and interpersonal skills;
- Ability to organize and meet schedules;
- Overall understanding of the project;
- Understanding of the District, its organization and leadership;
- Understanding of CDE Division of Public School Capital Construction Financing;
- Understanding of natural and renewable building materials;
- Approach to working with local labor;
- Applicant's proposal for the overall cost of services, however an applicant's overall experience and capability may be weighed more strongly in the final evaluation than a cost comparison;
- Pre-BEST grant fee;
- Preconstruction fee;
- Construction fee.

❖ **What is a possible statement of work for an Architect?**

- Architect – Qualified Design Team to complete educational facility project.

❖ **What are possible selection criteria for an Architect?**

- Approach to completing educational projects;
- Number of LEED Accredited Professionals on staff;
- Knowledge of LEED & CO-CHPS criteria and program requirements;
- Significant previous and pending lawsuits filed by the design team;
- Significant previous and pending lawsuits filed against the design team;
- Any administrative proceedings of hearings before any government or regulatory agency, including the Internal Revenue Service;
- A letter from firm's financial institution noting firm's financial stability
- Bankruptcy, litigation, and arbitration in which any predecessor organization has been involved;
- Size and dollar value of projects that the firm has completed;
- Engineers and consultants with relevant experience;
- Knowledgeable in high performance energy design, construction cost estimating, and information technology (word, excel, accounting);
- Methods used by firm to minimize conflicts in the final construction documents and reduce change orders;
- Firm's involvement in the bidding and construction process, and the methods used to achieve quality control in the field;
- AIA B305 Architects Qualifications Statement;
- Hourly billing rates for all design staff;
- Cost for all consultants, individually broken out;
- Reimbursable schedules not included in fee;
- Travel reimbursable expenses/approach;
- Approach to working in the geographical location of the project;
- Team synergy and past performance;
- Team experience and responsibility;
- Construction responsibilities;
- Project organization and responsibilities;
- Areas of experience and responsibility;
- Administrative oversight and interpersonal skills;
- Ability to organize and meet schedules;
- Overall understanding of the project;
- Understanding of the District, its organization and leadership;

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- Understanding of CDE Division of Public School Capital Construction Financing;
- Knowledge of natural and renewable building materials;
- Approach to working with local labor;
- Applicant's proposal for the overall cost of services, however an applicant's overall experience and capability may be weighed more strongly in the final evaluation than a cost comparison;
- Pre-BEST grant fee;
- Preconstruction fee;
- Design fee;
- Construction fee.

❖ **What is a possible statement of work for a CM/GC/Design Builder?**

- CM/GC/Design Builder – Qualified Contractor to work with Design Team to successfully complete educational facility project.

❖ **What are possible selection criteria for a CM/GC/Design Builder?**

- Expertise completing educational projects;
- Maximum bonding amount per project;
- Amount currently bonded;
- Amount of bonding capacity available;
- Bonding agency's rating;
- Bonding agency's Best financial rating;
- Contractor's current bond rate;
- Contractor's Dunn and Bradstreet number;
- Approach to pre-construction services relating to estimated cost of the project, construction issues, and value engineering;
- Number of LEED Accredited Professionals on staff;
- Process to assure project would be constructed and documented to meet LEED Gold as adopted by the Office of the State Architect;
- Typical LEED management plan for construction waste and indoor air quality;
- Number of constructed LEED Certified projects and LEED Certification obtained;
- Knowledge of LEED & CO-CHPS criteria and program requirements;
- Proceedings in which any type of claims were filed by Owners against the contractor;
- Significant previous and pending lawsuits filed by the contractor;
- Significant previous and pending lawsuits filed against the contractor;
- Any administrative proceedings of hearings before any government or regulatory agency, including the Occupation Safety and Health Administration and Internal Revenue Service;
- Significant claims and the nature of such claims against the owner on recent projects completed or under construction;
- Bankruptcy, litigation, and arbitration in which any predecessor organization has been involved;
- How contractor would encourage the use of local labor and subcontractors;
- Trades that contractor normally self perform;
- Subcontractors normally hired by contractor;
- Explain how you will assure that no illegal immigrants or sex offenders are employed on the site;
- Contractor's documentation that it has or will initiate programs, policies, and attitudes, which will result in safety conscious performance of its own personnel and that of subcontractors;
- Contractors Workers Compensation Interstate Experience Modification Rate for the last three years. (Yr/Rate);
- Contractor's OSHA No. 300/200 log for the last three years;
- How many OSHA violations contractor has had in the last three years;
- Contractors completed AIA Form A305 Contractors Qualification Statement;
- Experience with projects where documented commissioning was required;

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- Hourly billing rates for all employees not submitted in your fee, including principles, staff, and field personnel;
- Markups placed on field labor and materials;
- Reimbursable expenses not included in your fee;
- Equipment schedules for all self-completed work;
- Any and all other markups and fees that are not included in your fee;
- List of work you wish to perform with your own forces;
- Travel reimbursable expenses/approach;
- How does the owner get construction savings;
- Approach to working in the geographical location of the project;
- Team synergy and past performance;
- Team experience and responsibility;
- Construction responsibilities;
- Project organization and responsibilities;
- Areas of experience and responsibility;
- Administrative oversight and interpersonal skills;
- Ability to organize and meet schedules;
- Overall understanding of the project;
- Understanding of the Owner, its organization and leadership;
- Understanding of CDE Division of Public School Capital Construction Financing;
- Knowledge of natural and renewable building materials;
- Approach to working with local labor;
- Applicant's proposal for the overall cost of services, however an applicant's overall experience and capability may be weighed more strongly in the final evaluation than a cost comparison;
- Pre-BEST grant fee;
- Preconstruction fee;
- Design fee;
- Construction fee;
- Pre-BEST grant fee;
- Preconstruction fee;
- Construction fee.

❖ **What is an RFQ or RFQ/P and how is it scored?**

- RFQ stands for Request for Qualifications or RFQ/P stands for Request for Qualifications & Proposal;
- It is scored on a number of criteria set forth in the RFQ or RFQ/P and is based off of but not limited to the selection criteria set forth in the BEST FAQ;
- Contact your Division representative for assistance;
- A copy of a generic RFQ or RFQ/P and a scoring model can be found at: <http://www.cde.state.co.us/cdefinance/CapConstTechnical.htm>

❖ **What is the "CCA List Serve" and how do I get on the list?**

- The CCA List Serve is an email distribution list. RFQs, RFQ/Ps and other pertinent information about the Capital Construction Assistance program is sent out here;
- To join the CCA List Serve and receive notifications on Division announcements [click here](#). Type "Subscribe Me" in the subject line.

❖ **Where should I advertise the RFQ or RFQ/P?**

- There are a number of locations to advertise including:
 - The CCA List Serve;
 - The Dodge Report (by posting to the CCA List Serve a copy will automatically be posted to the Dodge Report);
 - The RFQ or RFQ/P should be posted or accessible on the applicant's website or equivalent;
 - Also consider local news papers.

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Delivery Methods

- The methods used to design and construct a project. There are three typical delivery methods: Design/Bid/Build, CM/GC, and Design Build.

❖ **What is Design/Bid/Build?**

- A delivery method in which the owner contracts with separate entities for the design and construction of a project;
- Design/bid/build is the traditional method for project delivery;
- There are three main phases to the design/bid/build delivery method:
 - The design phase;
 - The bidding phase;
 - The construction phase.
- Advantages of Design/Bid/Build include:
 - The design team is impartial to the contractor;
 - The design team prepares documents on which all general contractors place bids;
 - Guarantees fairness to potential bidders and helps decision making for the owner by providing options. It also identifies new potential contractors;
 - Assists the owner in establishing reasonable prices for the project;
 - Uses competition to improve the efficiency and quality for owners;
- Disadvantages of Design/Bid/Build include:
 - If the design team is not current with construction costs and/or costs increases during the design phase delays could occur if the construction documents must be redone to reduce costs;
 - Since contractor is brought on board after design, there is little opportunity for input on alternates being presented by the design team, help with cost estimating, or cost savings;
 - Pressures on the design and construction teams may lead to disputes between the architect and the general contractor.

❖ **What is Design/Build?**

- A delivery method where the design and construction consultants are contracted with a single company as the design/builder or design/build contractor. The design-builder can be the general contractor, but in many cases it is also the design professional. It will minimize the project risk for the owner and reduce the schedule by overlapping the design phase and construction phase. Where the design-builder is the contractor, the design professionals are contracted directly with the contractor;
- Advantages of Design/Build:
 - The design/build method is not focused on saving the owner construction costs only, but saves the owner money on the overall project;
 - Improved communication between the project team and the owner;
 - Single source project delivery;
 - More accountability of the project team;
 - Less "finger-pointing" that sometimes happens with other delivery methods;
 - Allows the owner to look to one company with any questions or concerns.
 - Provides Guaranteed Maximum Price (GMP) for the design.
- Disadvantages of Design/Build
 - Premature cost estimating;
 - Short-cut design process;
 - Decreased accountability by the service provider;
 - The design-builder is given a lot of control over the entire process, how the project is organized and how it is completed. With no third-party such as an independent architect to watch over the process, the design-builder could sacrifice the quality of materials and systems such as HVAC, lighting, plumbing, and even structural elements in order to help their profits.
 - Correction of work.

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- Since the owner may not have the expertise to evaluate the quality of the work, they must trust the design-builder to design a facility that will meet the needs of the owner, and execute the design correctly, according to codes, and consistent with industry-standards. If the design/builder does not agree with the owner's evaluation, the owner might not be able to insist on correction of work done poorly and may need some form of formal dispute such as litigation, or arbitration;
- The owner takes on the responsibility to review contract documents, such as plans, specifications, and contracts, and to hold the design/builder accountable to the design and quality control.

❖ **What is CM/GC?**

- CM/GC stands for Construction Manager/General Contractor. This refers to the role the contractor plays in the negotiated process where the contractor provides both preconstruction and construction services;
- With CM/GC the owner holds the contract for both the design consultant and the contractor;
- CM/GC is similar to Design/Bid/Build but brings the contractor on earlier to assist with many aspects of the project;
- Advantages of CM/GC include:
 - Owner is in charge of decisions;
 - Cost savings is kept with the owner;
 - Method is a combination of Design/Bid/Build & Design/Build
 - Speed of delivery;
 - CM/GC is brought on early enabling them to begin the project earlier, help the design team with cost estimating, and overlap design and construction.
 - Reduced risk to the owner;
 - Involving the contractor with design helps improve constructability.
 - Increased communication between Contractor and Design Team;
 - Value engineering participation by the contractor;
 - Design flaws and omissions are discovered early with peer reviews by the contractor;
 - Provides Guaranteed Maximum Price (GMP) for the design;
- Disadvantages of CM/GC include:
 - No construction price knowledge prior to hiring contractor;
 - Sometimes contractors first estimate is significantly higher than the design team;
 - In spite of the name CM/GC contract does not provide the Owner with a CM acting in the Owner's behalf.

Other Public School Capital Construction Assistance Programs

❖ **What is the High Performance Certification Program (HPCP)?**

- Pursuant to 24-30-1301 C.R.S. projects that meet certain criteria must comply with the HPCP administered by the State Architect. HPCP requires qualifying projects to target LEED Gold or CO-CHPS. Follow this link for more information:
<http://www.cde.state.co.us/cdefinance/CapConstTechnicalHPCP.htm>

❖ **What is a Capital Renewal Reserve?**

- Pursuant to 22-43.7-109 (4) (d) (I) C.R.S. recipients of BEST grant must establish a capital renewal reserve fund;
 - Capital renewal is not the same as maintenance, but is the replacement of building systems as their useful life expires;
 - Applicants at a minimum must establish a capital renewal budget and commit to making annual contributions to a capital renewal reserve fund starting at the completion of the project.

❖ **What is an Emergency Grant?**

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- Pursuant to 22-43.7-104 (4) C.R.S. for each fiscal year commencing on or after July 1, 2008 an emergency reserve of at least one million dollars shall be maintained in the assistance fund to be used for a public school facility emergency in accordance with section 22-43.7-109 (8) C.R.S.;
- "Public school facility emergency" means an unanticipated event that makes all or a significant portion of the building unusable for educational purposes or threatens the health or safety of the people using the facility.

❖ **What is a Charter School Capital Construction Grant?**

- Each year the State Education Fund provides an appropriation for Charter School and Institute Charter School Capital Construction. This funding can be used by the Charter School or Institute Charter School to pay for school construction, renovation, financing, purchasing or leasing of facilities. The purpose of this funding is to promote a safe and healthy learning environment for all Colorado students. The Charter School Capital Construction Funds Can Not Be Used For: Routine maintenance such as custodial work, mowing, tree trimming, cleaning, etc; Purchase of furnishings or equipment, unless the items are FF&E for new space funded with the capital construction funds;
- All Charter Schools and Institute Charter Schools in the State must submit a questionnaire to the Department in order to receive these funds. The Department historically requests the certification of "Charter School Capital Construction Funding Eligibility Questionnaire" after the October 1 pupil counts. The funds are distributed on a per pupil basis and the pupil count is taken directly from the October 1 pupil count data submitted by the Owner to the Department;
- To Be Eligible for Charter School Capital Construction Funds a Charter School Must:
 - HAVE capital construction needs;
 - IF located in a district owned facility with construction needs, pupils will count as .5 FTE;
 - ON-LINE pupils will not be counted;
 - IF in a State owned facility must be paying rent and have capital construction needs to be eligible. Not eligible, IF in a State owned facility and not paying rent or there are not capital construction needs.
- Payments are made on a monthly basis with the first six months payments being based on prior year FTE projections. Upon completion of the CSCC-02 "Charter School Capital Construction Funding Eligibility Questionnaire" and verification of the current year October pupil counts, an adjustment will be made to the monthly payment and distribution schedule to reflect actual FTE numbers;
- On July 31 of each year a form must be submitted, CSCC-01, reporting how much of the funding was spent and what it was spent on. If any of the grant funding was not used it must show in financial statements as deferred revenue, using grant code 3113, if the expenditure delay is approved by CDE, or it may have to be returned;
- Remember, in order to qualify, certification was provided that there were capital construction needs. If the money isn't used, future funding may be withheld;
- Please visit: <http://www.cde.state.co.us/cdefinance/CapConstCharterSccls.htm> for forms and other related information.

❖ **What is QZAB?**

- The QZAB (Qualified Zone Academy Bond) program is a program that offers interest-free financing to schools for the purpose of repair and renovation projects for school districts. The benefit of the QZAB program is that it helps school districts save money and make their dollars go further. School districts usually issue bonds in order to finance renovation and repair projects to schools within the district. Interest owed on these bonds can equal up to 50 percent of the costs of the entire project. As a result, districts often find it difficult to undertake school renovation and repair;
- In order to facilitate these projects, US Congress created the Federal QZAB program, which provides the bondholder with a federal tax credit in lieu of a cash interest payment. Because the federal government provides the interest payment, the district then is

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typically only responsible for repaying the principle value of the bond. Through this program, the burden on school districts of financing school renovation is eased. QZAB allocations are available on a first-come basis upon review and approval of the QZAB application;

- For more information, please review the QZAB FAQ sheet and the QZAB application, located at: <http://www.cde.state.co.us/cdefinance/CapConstQZAB.htm>

❖ **What is Full-Day-Kindergarten (FDK)?**

- HB08-1388 established a program to assist with facility needs required to provide FDK programs. The funding was pulled and although the program still exists funding has not been reinstated. Check this link for more information:
<http://www.cde.state.co.us/cdefinance/CapConstFDK.htm>

Historical Buildings

- Colorado statute 24-80.1-101 to 108 C.R.S. requires state agencies such as the Colorado Department of Education (CDE) to consult with and take into consideration the comments of the Colorado Historical Society (CHS) on projects involving properties listed on the State Register of Historic Properties or properties having historical significance to determine if the project would result in an adverse effect to the property. For the purposes of the BEST grant program, the Division and CHS are evaluating properties that are over 50 years old to determine if they are eligible for listing on the State Register if they are not already listed.

❖ **What projects are required to comply with Colorado Historical Society (CHS) requirements?**

- Any building that is over 50 years old that will be receiving more than 25% of state funding.

❖ **What is required of buildings that are over 50 years old?**

- At the earliest stages of planning, the Division must submit a request for a determination of effect for the building per 24-80.1-104 C.R.S. School districts need to notify the Division at the earliest stages of project planning that there may be an effect to a historical building(s). The Division will consult with the CHS on the school district's behalf regarding what actions will be permitted by the CHS.

❖ **If a building is not registered as a historic building, does 24-80.1-104 C.R.S. still apply?**

- Yes

❖ **Is there an appeal process if the school district or the Division does not agree with the CHS determination of effect?**

- Yes, there is an appeal process. Pursuant to 24-80.1-104 C.R.S.:
 - (1) Properties nominated for inclusion in or accepted by the state register shall be protected from any action initiated by a state agency until a final determination concerning the effect of such action on such properties is made pursuant to subsection (2) of this section.
 - (2) (a) At the earliest stage of planning or consideration of a proposed action or when it is anticipated that properties of historical significance may be adversely affected in the course of an agency action and in all cases prior to an agency decision concerning an action that may have an effect on properties listed in the state register, the agency initiating the action shall identify such properties located within the area of the proposed action, notify the society of the proposed action, request a determination of effect on such properties, and afford the society a period of thirty days in which to review the proposed action. Notification shall include sufficient and relevant information needed to make a determination of effect. Comments made by the society which include specific recommendations to prohibit or alter all or some

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aspects of the proposed action shall be implemented by the agency subject to paragraphs (b) and (c) of this subsection (2).

- (b) If the agency rejects some or all of the comments of the society relative to the proposed action, the agency shall be afforded a period of thirty days during which to negotiate a satisfactory agreement with the society.
- (c) If no agreement is reached or if any party to any such agreement is dissatisfied therewith, an appeal may be made to the governor for a final determination. The governor shall make such determination within thirty days after such appeal.

Davis Bacon and Related Acts (DBRA) (For selected BEST Lease Purchase Grants)

- The Davis-Bacon Act requires that all contractors and subcontractors performing on federal contracts (and contractors or subcontractors performing on federally assisted contracts under the related Acts) in excess of \$2,000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits listed in the contract's Davis-Bacon wage determination for corresponding classes of laborers and mechanics employed on similar projects in the area. Davis-Bacon labor standards clauses must be included in covered contracts;
- Apprentices may be employed at less than predetermined rates if they are in an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department. Trainees may be employed at less than predetermined rates if they are in a training program certified by the Department;
- Contractors and subcontractors on prime contracts in excess of \$100,000 are required, pursuant to the Contract Work Hours and Safety Standards Act, to pay employees one and one-half times their basic rates of pay for all hours over 40 worked on covered contract work in a workweek. Covered contractors and subcontractors are also required to pay employees weekly and to submit weekly certified payroll records to the contracting agency;
- For more information visit: <http://www.dol.gov/compliance/guide/dbra.htm>
- For CDE DBRA information visit: <http://www.cde.state.co.us/cdefinance/CapConstTechnicalDB.htm>

- ❖ **What is Wage Determination (WD)?**
 - The Department of Labor determines local prevailing wage rates (WDs);
 - For information about wage determination and selecting a wage determination visit: <http://www.wdol.gov/>

- ❖ **What are Certified Payrolls?**
 - Under the DBRA, covered contractors must maintain payroll and basic records for all laborers and mechanics during the course of the work and for a period of three years thereafter. Records to be maintained include:
 - Name, address, and Social Security number of each employee;
 - Each employee's work classifications;
 - Hourly rates of pay, including rates of contributions or costs anticipated for fringe benefits or their cash equivalents;
 - Daily and weekly numbers of hours worked;
 - Deductions made;
 - Actual wages paid;
 - If applicable, detailed information regarding various fringe benefit plans and programs, including records that show that the plan or program has been communicated in writing to the laborers and mechanics affected;
 - If applicable, detailed information regarding approved apprenticeship or trainee programs.
 - Each covered contractor and subcontractor must, on a weekly basis, provide the federal agency a copy of all payrolls providing the information listed above under for the

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- preceding weekly payroll period. Each payroll submitted must be accompanied by a "Statement of Compliance." The contractor, subcontractor or the authorized officer or employee of the contractor or subcontractor who supervises the payment of wages must sign the weekly statement. Statements of Compliance are to be made on the form WH-347 "Payroll (For Contractors Optional Use)" or on any form with identical wording. This must be completed within seven days after the regular pay date for the pay period;
- Contractors may also be asked to submit, via survey, wage data that may be used by the Wage and Hour Division to determine the locally prevailing wage rates that will apply to workers on Davis-Bacon and DBRA-covered projects. The submission of wage data is encouraged, but voluntary. Contractors and others may use the WD-10 Form, Report of Construction Contractor's Wage Rates;
 - The WH-347 form for submitting certified payroll can be found at: <http://www.dol.gov/whd/programs/dbra/wh347.htm>
 - The WD-10 form, Report of Construction Contractor's Wage Rates can be found at: <http://www.dol.gov/whd/programs/dbra/wd10/index.htm>
- ❖ **What posters do I need to post onsite?**
- Every employer performing work covered by the labor standards of the DBRA must post the WH-1321 "Employee Rights Under the Davis-Bacon Act" poster at the site of the work in a prominent and accessible place where it may be easily seen by employees. There is no particular size requirement. The wage determination must be similarly posted;
 - The "Employee Rights Under the Davis-Bacon Act" poster can be found at: <http://www.dol.gov/whd/programs/dbra/wh1321.htm> & Spanish version at: <http://www.dol.gov/whd/regs/compliance/posters/davispan.htm>
- ❖ **How do you track Davis Bacon costs?**
- Cost can be tracked using the MS Excel spreadsheet provided by the Division. This spreadsheet will help calculate the added cost for the contractor required to follow the Davis Bacon guidelines. Visit: <http://www.cde.state.co.us/cdefinance/CapConstTechnicalDB.htm> to view the Excel spreadsheet.
- ❖ **What is the BEST Checklist for DBRA?**
- The checklist has been created to provide an overview of the requirements established by the Davis-Bacon and Related Acts requirements. This checklist does not substitute for the detailed provisions in the contract or the Department of Labor requirements for implementing Davis-Bacon and Related Acts requirements;
 - Visit <http://www.cde.state.co.us/cdefinance/CapConstTechnicalDB.htm> for a copy of the BEST Checklist for DBRA.

Contracts

- ❖ **What immigration language should be included in the contract?**
- Per Immigration Law 8-17.5-101 & 102, C.R.S. (HB 06-1343). A state agency or political subdivision shall not enter into or renew a public contract for services with a contractor who:
 - Knowingly employs or contracts with an illegal alien to perform work under the contract;
 - Knowingly contracts with a subcontractor who knowingly employs or contracts with an illegal alien to perform work under the contract.
 - Prior to executing a public contract for services, each prospective contractor shall certify that, at the time of the certification:
 - It does not knowingly employ or contract with an illegal alien who will perform work under the public contract for services;

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- That the contractor will participate in the E-Verify program or the Department Program in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services.
- ❖ **What is the Assignment of Rights? (If Lease Purchase Grant)**
 - The Sublessee hereby assigns to the State and the Trustee, and each Project Contract shall expressly provide that the State and the Trustee shall have, the right to enforce each Project Contract against the Contractor (a) following termination of this Sublease and (b) in any case where, in the reasonable judgment of the State or the Trustee, with the consent of the State, the Sublessee has failed to enforce the terms of such Project Contract in a manner consistent with the obligations of the Sublessee under this Sublease.
- ❖ **What signage is required?**
 - The building must have a permanent sign that notes where the funds were received from;
 - Sign could be incorporated into a project dedication plaque;
 - If a temporary jobsite sign with name of project, contractor, architect, etc. is provided it shall include the same language.
 - The language should read: Funding for this school was provided through the Building Excellent Schools Today program from School Trust Lands
- ❖ **What permitting is required?**
 - The consolidation of Oil and Public Safety/ Div of Fire Safety took place Jan. 1, 2010, HB 09-1151. Their new location will be 690 Kipling, Suite 2000, Lakewood CO 80215. More information can be found on the website: <http://dfs.state.co.us/schools.htm>
 - The former rule was 7 CCR 1101-7 and is replaced with 8 CCR 1507-30;
 - The consolidation allows schools to access programs available under the Department of Public Safety:
 - School Safety resource center;
 - Safe to Tell;
 - Guidelines to provide student safety against outside perpetrators/attack.
 - Electrical/ Plumbing/Health Department reviews/requirements will remain separate. It is requested to have the independent reviews coincide with the schedules/reviews of Div. of Fire Safety (DORA Performs no reviews);
 - The process for submittals remains unchanged. However 2 sets will be given to the Div. of Fire Safety for code and fire review. 1 set given to the certified local fire marshal if the district has one. Some districts also have certified local fire inspectors. Electronic files will be required with submittals;
 - Portable modulars do require permitting;
 - Districts have the choice to have a local certified building official (Prequalified Building Department) review the drawings for permitting or the district may choose to have the state review;
 - The review time for projects is 8-10 weeks. The permitting process will begin with the Div. of Fire Safety which includes both building and fire plan review;
 - Foundation/Demolition or Core and Shell phased permits are available. If a project is looking for a phased demolition permit please note a state health department review is required (Asbestos);
 - Small projects are considered a "policy" in lieu of regulatory change to allow for flexibility with the type of projects that fall into this category;
 - An annual permit is available for the districts to do maintenance type projects i.e. hardware replacement. Districts are responsible for the record keeping of such projects. These projects can be inspected by "qualified trades people". Life/Safety type projects are not included in this permit;
 - A Fire Protection only permit is available. This should be reviewed with Div. of Fire Safety to confirm the intended scope. New systems will not fall into this category. This permit is for projects that involve only fire code work, such as work on fire alarm systems and fire

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- sprinkler systems. These will only be issued when a building code permit is not required for some other component in the scope of work. This would include new fire sprinkler and fire alarm systems;
- Playground equipment at this time will require a Div. of Fire Safety review, and permit. The occupancy group is considered “assembly”. The Div. of Fire Safety will confirm location does not interfere with fire department access;
 - When there is a conflict with a third party inspectors report the state will not interfere with the decision. The state will only do final inspections. Note reports/observations from the design engineers cannot be used as third party inspection or special inspection certification. For clarification: The State will be the final authority on code interpretations, and yes the State does perform the final inspections but also performs mid (progress) inspections and please note that when certification is required it is required of “a person”. Certification is not for a company. Make sure a certified person performs required inspections;
 - To obtain a TCO a third party inspector’s certification is required with the final inspection. Third party inspection approval is required;
 - Div. of Fire Safety noted that “Convenience Inspections” should be scheduled thru the department in lieu of with the individual inspector. Div. of Fire Safety Inspectors schedule these inspections, the only requested inspections required are finals. Div. of Fire Safety will not schedule a mid (progress) inspection by request. We ask for requests only on finals and pre-con meetings;
 - A replacement fee will be required for lost permit Cards;
 - More information can be found at: <http://dfs.state.co.us/schools.htm>
- ❖ **What bonds & insurance requirements are there?**
- 38-26-105. Public works contractor's bond - conditions.
 - (1) Subject to the provisions of subsection (2) of this section, any person, company, firm, or corporation entering into a contract for more than fifty thousand dollars with any county, municipality, or school district for the construction of any public building or the prosecution or completion of any public works or for repairs upon any public building or public works shall be required before commencing work to execute, in addition to all bonds that may be required of it, a penal bond with good and sufficient surety to be approved by the board or boards of county commissioners of the county or counties, the governing body or bodies of the municipality or municipalities, or the district school board or boards, conditioned that such contractor shall at all times promptly make payments of all amounts lawfully due to all persons supplying or furnishing such person or such person's subcontractors with labor, laborers, materials, rental machinery, tools, or equipment used or performed in the prosecution of the work provided for in such contract and that such contractor will indemnify and save harmless the county, municipality, or school district to the extent of any payments in connection with the carrying out of any such contract which the county or counties, municipality or municipalities, and school district or school districts may be required to make under the law. Subcontractors, materialmen, mechanics, suppliers of rental equipment, and others may have a right of action for amounts lawfully due them from the contractor or subcontractor directly against the principal and surety of such bond. Such action for laborers, materials, rental machinery, tools, or equipment furnished or labor rendered shall be brought within six months after the completion of the work and not afterwards;
 - (2) Notwithstanding the monetary qualification provided in subsection (1) of this section, the state, or the governing body of any county, municipality, school district, or other political subdivision determining it to be in the best interest of this state, or any county, municipality, school district, or other political subdivision may require the execution of a penal bond for any contract of fifty thousand dollars or less.
 - Performance Bonds – 38-26-106. Contractor executes bond.
 - (1) A contractor who is awarded a contract for more than fifty thousand dollars for the construction, erection, repair, maintenance, or improvement of any building, road,

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bridge, viaduct, tunnel, excavation, or other public works for any county, city and county, municipality, school district, or other political subdivision of the state, and a contractor who is awarded a contract for more than one hundred thousand dollars for the construction, erection, repair, maintenance, or improvement of any building, road, bridge, viaduct, tunnel, excavation, or other public works for this state, before entering upon the performance of any such work included in the contract, shall duly execute, deliver to, and file with the board, officer, body, or person by whom the contract was awarded a good and sufficient bond or other acceptable surety approved by the contracting board, officer, body, or person, in a penal sum not less than one-half of the total amount payable under the terms of the contract; except that, for a public works contract having a total value of five hundred million dollars or more, a bond or other acceptable surety, including but not limited to a letter of credit, may be issued in a penal sum not less than one-half of the maximum amount payable under the terms of the contract in any calendar year in which the contract is performed. The contracting board, office, body, or person shall ensure that the contract requires that a bond or other acceptable surety, including but not limited to a letter of credit, be filed and current for the duration of the contract;

- (2) A bond or other acceptable surety shall be duly executed by a qualified corporate surety or other qualified financial institution, conditioned upon the faithful performance of the contract, and, in addition, shall provide that, if the contractor or his or her subcontractor fails to duly pay for any labor, materials, team hire, sustenance, provisions, provender, or other supplies used or consumed by such contractor or his or her subcontractor in performance of the work contracted to be done or fails to pay any person who supplies laborers, rental machinery, tools, or equipment, all amounts due as the result of the use of such laborers, machinery, tools, or equipment, in the prosecution of the work, the surety or other qualified financial institution will pay the same in an amount not exceeding the sum specified in the bond or other acceptable surety together with interest at the rate of eight percent per annum. Unless a bond or other acceptable surety is executed, delivered, and filed, no claim in favor of the contractor arising under the contract shall be audited, allowed, or paid. A certified or cashier's check or a bank money order made payable to the treasurer of the state of Colorado or to the treasurer or other officer designated by the governing body of the contracting local government may be accepted in lieu of a bond or other acceptable surety.
- **Builder's Risk Completed Value Insurance** – The Service Provider shall procure and maintain, at its own cost and expense, standard, all risk of loss builder's risk completed value insurance upon such property. A certificate of insurance evidencing such insurance shall be provided to the Owner;
- **General Public Liability and Property Damage Insurance** – The Service Provider shall procure and maintain, at his own cost and expense, during the Service Providers Project Contract, standard form comprehensive general public liability and property damage insurance that includes coverage for (a) all claims for bodily injury, including death, and property damage; and (b) contractual liability in an amount equal to the maximum amount payable to it under its Project Contract. Such policies shall include the Owner as additional insured and shall include a provision prohibiting cancellation, termination or alteration without 30 days' prior notice by certified mail to the Owner. A certificate of insurance evidencing such insurance shall be provided to the Owner with respect to each Service Provider within 60 days of the effective date of the related Project Contract;
- **Workers' Compensation Insurance** – The Service Provider must procure and maintain, at his own cost and expense, workers' compensation insurance as required by Colorado law during the term of its contract, covering all persons working under its Project Contract. Such insurance, if issued by a private carrier, shall contain a provision that such coverage shall not be canceled, terminated or altered without 30 days' prior written notice to the Owner. Certificates evidencing such coverage shall be provided to the Owner.

❖ **W9's (If Lease Purchase Grant)**

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- The contractor shall provide the Division of Public School Capital Construction Assistance with a completed Federal Form W-9 upon submission of the contractor's first invoice. A copy of the form can be found at: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>

Facility Maintenance

❖ What is a facilities maintenance plan?

- A document that details a strategy for proactively maintaining facilities.

❖ Why is a maintenance plan necessary?

- Proper facility maintenance is necessary to ensure care of large capital investments and providing clean, safe and adequate learning environments. For example:
 - Students and staff perform better in an environment that is orderly, clean, and safe. Poor air quality can negatively affect student alertness, and student and teacher attendance, which has a corresponding impact on student learning. With proper maintenance, classrooms will be well ventilated, efficiently lighted, and will actually help learning. Also, appropriate facilities maintenance extends the life span of older facilities and maximizes the useful life of newer facilities. As a result, a facilities maintenance plan contributes to both the instructional and financial health of an educational organization.
- With inadequate maintenance warranties can be void;
- Failure to maintain school facilities properly also discourages future investment in the public education system.

❖ Why should we rethink the facilities plan that we wrote five years ago?

- Facilities plans, like buildings, don't age well unless they are maintained on an ongoing basis. Maintenance strategies depend on the condition of facilities, which changes over time. If the condition of the buildings, grounds, and equipment have changed in the past five years (which they probably have), the facilities plan should be updated to clarify those steps that need to be taken to maintain these valuable assets.

❖ How do we start to develop a facilities maintenance plan?

- Involve stakeholders in the planning process;
- Identify needs (e.g., improving cleanliness and safety, correcting deficiencies, addressing deferred projects, increasing efficiency, decreasing utility bills);
- Establish priorities and targets;
- Collect and use supporting data to inform decision-making;
- Share the plan to garner support from management and key stakeholders;
- Allocate funds to pay for planned activities;
- Train staff to implement planned activities;
- Implement the plan;
- Be patient while awaiting cost savings or other results;
- Evaluate the plan thoroughly;
- Improve efforts based on evaluation findings;
- Review and revise the plan periodically (e.g., every three years).

❖ What are the benefits of using a maintenance plan?

- Good facilities maintenance can save money by lowering replacement costs, labor costs, overhead and utility costs, operational cost, and life cycle costs;
- It can improve the cleanliness, orderliness, and safety of a facility;
- Identifies priorities proactively rather than reactively;
- Extends the useful life of buildings;
- Increase energy efficiency and helps the environment.

❖ What types of maintenance are there?

- Emergency Maintenance: Needs fixed immediately;

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- Routine Maintenance: Address when time allows;
- Preventive Maintenance: Identify the items and the services that are required for preventative maintenance (e.g., routine maintenance/inspections including fire/safety Inspections/warranties). Schedule this work as needed;
- Predictive Maintenance: Using software applications or other alternatives, equipment failure can be predicted.

❖ **How do we plan for preventative maintenance?**

- Schedule Maintenance and Inspections;
- At the completion of maintenance projects or inspections, follow up with necessary documentation and file accordingly. In addition complete documentation of warranty work that is completed;
- Establish expectations for custodial efforts;
- Establish a Grounds Management Plan that maintains the full extent of the school property on a routine and preventative basis;
- Develop a work order system that is compatible with the size of the school district:
 - How is a work order initiated;
 - How to close out a work order;
 - Is the work order system streamlined to minimize number of people involved;
 - Develop a means to purchase supplies and monitor supplies and purchases.
- During the design process evaluate the selection of standardizing equipment/product etc. to save on storage costs and increased staff training for servicing multiple brands.

❖ **What maintenance and operations issues should be addressed?**

- Address the following but not limited to:
 - Access Controls
 - Boilers
 - Electrical Systems
 - Energy Management
 - Fire Alarms
 - Floor Coverings
 - Gym Floors
 - Heating, Ventilation and Air Conditioning (HVAC) Systems
 - Hot Water Heaters
 - Kitchens
 - Painting
 - Plumbing
 - Public Address Systems and Intercoms
 - Roof Repair – Refer to the “A Guide to Maximizing the Life of your Roof through Preventive Roof Maintenance” document, located:
<http://www.cde.state.co.us/cdefinance/CapConstTechnical.htm>
 - Water Softeners

❖ **How can a maintenance plan be evaluated?**

- Develop a baselines against which progress can be measured (e.g., average time it takes to complete a work order);
- Use accurate and up-to-date data;
- Use tools to provide the evaluation data (e.g., work orders, energy use, software applications, etc.).

❖ **What facility maintenance guidelines and tools are there?**

- Tools to consider for facility maintenance are:
 - Statewide Financial Assistance Priority Assessment found at:
<http://www.cde.state.co.us/cdefinance/CapConstAssessment.htm>
 - Planning Guide for Maintaining School Facilities found at:
<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2003347>

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- Collaborative for High Performance Schools (CHPS) best practices manual on facility maintenance and commissioning, found at: <http://www.chps.net/dev/Drupal/node/288>
- National School Plant Management Association:
<http://www.nspma.org/nspma/site/default.asp>
- Colorado Association of School Districts Energy Managers (CASDEM)
<http://www.casdem.org/>
- SchoolDude.com for software applications;
- QueCentre.com for software applications.

Helpful Links

- ❖ The Colorado Department of Education
 - http://www.cde.state.co.us/index_home.htm
- ❖ Governor's Energy Office (GEO)
 - <http://www.colorado.gov/energy/>
- ❖ Colorado Historical Society (CHS)
 - <http://www.coloradohistory.org/>
- ❖ Department of Local Affairs (DOLA)
 - <http://www.dola.state.co.us/>
- ❖ Greater Outdoors Colorado (GOCO)
 - <http://www.goco.org/>
- ❖ Energy Impact Grant
 - <http://dola.colorado.gov/dlg/fa/eiaf/index.html>
- ❖ Jefferson County Local Emergency Planning Committee and Citizen Corp Council
 - <http://www.gcglc.com/LEPC.htm>