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Form #5

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OFFICE OF WEST VIRGINIA
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**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: School Building Authority of WV TITLE NUMBER: 164

CITE AUTHORITY: §18-9D-1-16

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW _____

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

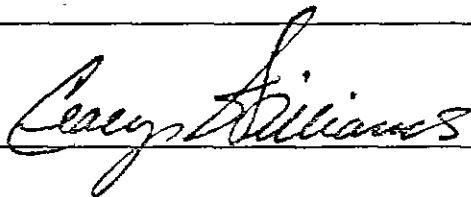
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 164-01

TITLE OF RULE BEING ADOPTED: Procedural Handbook for the School
Building Authority of WV

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS November 4, 1991



FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE July 30, 1991
ADMINISTRATIVE LAW DIVISION

TITLE 164
LEGISLATIVE RULES
SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA

§164-1-1. General

1.1. Scope. -- This legislative rule establishes the procedures related to the operations of the School Building Authority of West Virginia.

1.2. Authority. -- W.Va. Code §§ 18-9D-1-16.

1.3. Filing Date. -- July 30, 1991

1.4. Effective Date. --

§164-1-2. Incorporation of School Building Authority of West Virginia Revised Policy and Procedures Handbook.

2.1. The Revised Policy and Procedures Handbook of the School Building Authority of West Virginia is hereby incorporated into this Legislative Rule by reference.

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA

POLICY AND PROCEDURES HANDBOOK

The West Virginia Legislature passed Article §18-9D of the West Virginia Code in 1988 which created the School Building Authority of West Virginia (SBA). A major revision was completed in 1989 that redefined the objectives and membership of the Authority. During the August 31, 1989 SBA organizational meeting, the Authority adopted the following mission and goals statement:

MISSION

It is the mission of the School Building Authority of West Virginia to facilitate and provide state funds for the construction and maintenance of school facilities to meet the needs of the people of West Virginia in an efficient and economical manner.

GOALS

1. To make all funding determinations in accordance with the provisions of law in Article §18-9D of the West Virginia Code.
2. To assess existing school facilities and each facility plan in relation to the needs of the individual student, the general school population, the communities served by the facilities and statewide facility needs.

3. To adopt guidelines that will assure the prudent and resourceful expenditure of state funds. These guidelines shall state the manner, time line, and process for submission of plans to the Authority, project specifications, and indicators relating how the specific project furthers the overall goals of the Authority.
4. To expeditiously implement the School Building Authority of West Virginia by making funds available to counties for the purpose stated in the mission of the Authority.

Each county board of education, in cooperation with its Regional Educational Service Agency (RESA) has the responsibility to maintain a sufficient number of suitable school facilities to provide a thorough and efficient system of education and equal educational opportunities for its public school students. Each county's Comprehensive Educational Facility Plan (CEFP) will be submitted to the State Board of Education (SBE) for review and approval. Each county plan shall be part of a Regional CEFP (RCEFP) developed by the RESA and submitted on or before April 15, 1990 to the SBA for funding approval. Projects chosen for funding by the SBA will be part of a plan approved by both the SBE and the SBA.

In order to facilitate the approval process, the SBA requires that all county plans included in the regional plan be approved by the SBE, thus meeting the guidelines of SBE Policy 6200. These guidelines are reflected in the West Virginia Department of Education's "Handbook on Planning School Facilities, Chapter 1" (Appendix A). State Board of Education approval of a county's plan, and its inclusion in the RCEFP does not assure the plan's approval by the SBA for either "net" or "needs" funding purposes. In order to assure that

regional plans meet the objectives of the SBA, the following policies and procedures are hereby adopted.

100.00 REGIONAL COMPREHENSIVE EDUCATIONAL FACILITIES PLANS (RCEFP)

100.10 The RCEFP developed by each RESA will include the following:

- A. A Table of Contents of the RCEFP.
- B. A regional prioritized list of projects selected for competitive "needs" funding, and an abstract of each project. Prioritized lists will be revised with each funding cycle.
- C. An SBE approved facilities plan from each county.
- D. Inter-county facility feasibility studies.
- E. A synopsis of comments from the public hearing(s).
- F. Formal comments from each county board of education in the RESA regarding the RCEFP.
- G. An objective means to be utilized in evaluating the implementation of the overall plan and each project included.
- H. The regional planners assurance that each county plan includes:
 1. A prioritized list of each county's projects to be funded through SBA "net" funds.
 2. A ten-year time line for the implementation of the total plan indicating when each proposed facility action is to be taken and each project to begin.
 3. A completed School Classification Report (SBA Form 116) that identifies all existing county facilities (Appendix B) ~~and serves as required in the Handbook on Planning School Facilities.~~

4. Completed building evaluation forms on each facility in the county using the SBA School Facilities Evaluation Instrument (Appendix C).
5. An assurance that the county is in compliance with the SBE's court order regarding housing of Special Education programs in segregated locations.

100.20 Table of Contents

- A. Each page of the RCEFP shall be numbered consecutively front to back.
- B. The table of contents shall indicate the appropriate page numbers for each of the major headers and sections of the RCEFP.
- C. The RCEFP shall be formatted in three ring binders. Large (1/3 cut) tabs shall be inserted to correspond to each county plan and the smaller tabs shall indicate regional headers A thru H-5 required in 100.10 of this manual.
- D. Pages related to projects submitted for needs funding shall be printed on colored paper to help distinguish it in the plan.

100.30 Regional Priority List of Projects for "Needs" Funding

- A. Each RESA shall develop a prioritized list of projects based on the needs of the school facilities within the region. Funded "needs" projects must be part of an approved regional plan and appear on the regional priority list.
- B. Determination of the prioritized list will be made in accordance with the "Procedures for Regional Prioritization of Needs Projects" as adopted by the SBA (Appendix D).

100.40 County Comprehensive Educational Facility Plans

- A. County CEFPs included in the RCEFP must have been approved by the SBE in accordance with SBE Policy 6200, the "Handbook on Planning School Facilities".
- B. County plans will have been developed in accordance with SBE Policy 6200, the "Handbook on Planning School Facilities".
- C. Each county plan will identify specific projects that are being presented to the RESA for the competitive SBA "needs" funds. These plans will include how the project will effectively address the following issues:
 1. Student Health and Safety.
 2. Economies of Scale--economies of scale based on minimum allowable enrollments as follows:
 - a. Elementary schools with an enrollment of 300 students in grades 1-6, 200 in grades 1-4, or a minimum of 2 classes (22 each) per grade level, are recommended to achieve the economy of scale. Early childhood, kindergarten and exceptional students may increase this minimum standard.
 - b. Middle and junior high schools with an enrollment of 450 students grades 7-9 or 6-8, 5-8 schools with 600 students, or schools with 150 students per grade level minimum are recommended to achieve the economy of scale at the intermediate level.
 - c. High schools with an enrollment of 600 students grades 10-12, 800 students grades 9-12 or 200 students at each grade level are recommended to achieve the economy of scale. (Appendix E).

- d. These recommended enrollments reflect an 85% utilization of the building's design capacity in minimally sized buildings. These enrollments will be considered in determining eligibility for all SBA funding for early childhood, intermediate and adolescent facilities.
 - e. Geographic or other considerations may require exceptions to be considered. Regional planning across county lines should also be considered to achieve these minimum enrollment standards.
3. Reasonable Travel Time and other Demographics.
 4. Multi-County and Regional Planning.
 5. Curricular Improvements and Diversifications.
 6. Innovations in Education.
 7. Adequate Space for Projected Student Enrollment.

100.50 Inter-County Feasibility Studies

- A. Each county shall submit to the RESA a list of grouped, inter-county attendance areas where potential exists for cooperative utilization of a facility between or among counties within the RESA or between counties of adjacent RESAs. (May include multi-county and inter-regional facilities, i.e., magnet schools, area vocational centers, etc.)
- B. A planning study is to be completed to assure that an efficient and effective instructional delivery system will be utilized addressing each of the items indicated in section 100.01 (A-F) in SBE Policy 6200, "Handbook on Planning School Facilities", as

well as the issues 1 thru 7 in 100.40-C of this manual.

- C. Give a detailed analysis of the results of this study and make a facility recommendation based on its conclusions.

100.60 Synopsis of Public Comment

- A. Prior to submitting the RCEFP to the SBA for approval, one or more public hearing(s) must be held regionally to provide broad-based community input into the plan. Notice of such hearings shall be published as a Class I legal advertisement in compliance with the provisions of 59-3-1 et seq. of the Code of West Virginia. As an addendum to the RCEFP, sufficient documentation, including verification of public notices from the local newspapers and a synopsis of all comments received during the hearings must be included.
- B. A formal comment from each county board of education in the RESA shall be submitted to the SBA for consideration in their approval process.

100.70 Objective Evaluation of Implementation

As part of the total RCEFP unit, the RESA shall include the objective means to be utilized in evaluating implementation of the overall plan and each project included therein. The evaluation shall measure:

- A. How each project furthers the quality educational goals of the SBA as defined in WV Code §18-9D-16. This shall include: student health and safety, economies of scale, travel time and other demographics, achievement of effective and efficient

instructional delivery system, curricular improvements, innovations in education and adequate space for projected student enrollments.

- B. How the overall success of any project has related to the facilities plan of the region and the overall goals of the SBA.

100.80 Regional Assurances

A statement of assurance by the RESA Executive Director that each county plan includes:

- A. A prioritized list of projects from each county to be funded through SBA "net" funds.
- B. A ten-year time line for the implementation of the total plan indicating when each proposed facility action is to be taken and each project is to begin.
- C. A Completed School Classification Report (SBA Form 116) that classifies each facility in the county.
- D. Narratives on each existing school facility describing future use and scheduled improvements.
- E. Completed building evaluation forms on each facility in the county using the SBA School Facilities Evaluation Instrument and including cost summaries indicating the cost to upgrade to meet standard.
- F. An assurance that the county is in compliance with the SBE order regarding housing of Special Education programs in segregated facilities.

101.00 Amending the Regional Plan

- A. Because the RCEFP is a living document that must be updated monthly based on approved amendments and because of the continually changing needs of the regions and the counties, it is most appropriate to address necessary major revisions to the plan annually.
1. Major revisions to the RCEFP are to be submitted to the SBA by December 1 each year beginning December 1, 1991.
 2. Major revisions include the addition of new schools, school closures that have been approved by the SBE and reclassification of all existing schools.
 3. Final approval of all closures remains the responsibility of the SBE. The RCEFP will be amended to reflect school closures only after SBE action.
 4. The county and RCEFPs are to be maintained as working documents and are to be updated as amendments or actions are completed to implement the plan.
- B. Budget Amendments to RCEFPs
1. Routine amendments on projects using partial or full SBA funding must be amended through the SBA.
 2. SBA/SDE Form 106 must be completed fully and submitted to the RESA. A RESA approved amendment shall be submitted to both the SBA and SBE for approval in order to institute an SBA budget amendment or to transfer SBA funds from one project to another.

3. Amendments to add new projects for SBA "net" funding are to be submitted on SBA Form 106 using section B of the report (Appendix F).
4. SBA Form 106 must also be used to initiate budget amendments to the SBE for all projects regardless of the funding source.

200.00 FUNDING SCHOOL BUILDING AUTHORITY PROJECTS

201.00 Matching Funds - No matching local funds shall be required to obtain SBA funds.

202.00 Distribution of Funds - It is the intent of the legislature that the SBA fund the maintenance and construction of school facilities to meet the needs of the people of West Virginia in an efficient and economical manner. These funds shall be distributed as follows:

- A. Three percent (3%) of the total funds available to the Authority for distribution during the current fiscal year may be utilized for projects:
 1. That serve the statewide educational community, or,
 2. That are applied for and utilized to operate educational programs under the jurisdiction of the SBE.
- B. Fifty percent (50%) of the remaining available funds shall be allocated to each county board based on its net enrollment.
Provided:

1. That the county is included in an approved regional plan and,
 2. That the county is prepared to commence expenditures during the fiscal year monies are distributed.
 3. Provided, however, that monies allocated to a county board and not distributed to that county board shall be redistributed on the basis of net enrollment to the county boards then eligible for the receipt of net enrollment distributions in that fiscal year.
 4. Any funds allocated to a county that fails to spend the monies within three (3) years of the allocation shall be ineligible for further SBA allocations until prepared to spend the funds in accordance with an approved RCEFP. Upon any allocation and distribution of the fifty percent based on net enrollment in a subsequent fiscal year, the Authority shall deduct from the fifty percent determination any monies allocated and not distributed to a county board during the preceding three fiscal years upon written notice from any county board that they are prepared to expend such amount in the current fiscal year and shall distribute such monies accordingly. "Net" funds must be expended on projects approved by the SBA and upon projects that meet the economies of scale guidelines defined in section 100.40-C-(2) of this policy manual unless waived by the Authority.
- C. Fifty percent (50%) of the remaining available funds shall be allocated and expended on the basis of needs and efficient use of resources. The SBA shall make funding determinations in accordance with the provisions of the Code of West Virginia and

shall assess existing school facilities and each facilities plan in relation to the needs of the individual student, general school population, the communities served by the facilities, and facility needs statewide.

203.00 Awarding of Funds

A. Three Percent (3%) Statewide Grants

1. Projects eligible for 3% statewide funds include any facility that serves the educational community statewide or houses educational programs that are under the jurisdiction of the SBE including regional vocational-technical centers.
2. Projects submitted for competitive funding from the 3% designation must include information regarding the following areas as described in the "Handbook on Planning School Facilities" wherein applicable:
 - a. An analysis of the community being served.
 - b. A study of the population and enrollment.
 - c. The educational plan.
 - d. An evaluation of the existing facility.
 - e. The financing plan for the project.
 - f. Translation of educational needs into facility needs.
 - g. A "Needs" Project Summary Report (Appendix H).
 - h. An explanation of how the project relates to the major items presented in 100.40 C (1 thru 7) of this policy manual.
3. Schools or programs under the jurisdiction of the SBE will submit project applications to the SBE for review,

evaluation, prioritization and recommendation to the SBA for potential funding.

4. The SBA reserves the right to consider projects they deem meritorious for 3% funding as well as final approval of all projects recommended for funding.

B. "Net" Enrollment Funds

1. Each county in West Virginia is eligible for capital improvement funds from the SBA based on its net enrollment. Net enrollment, as defined in 18-9A-2, shall be determined by the most recent second month report available from the State Department of Education at the time of distribution of funds.
2. Each county is responsible for presenting a list of prioritized projects in their plan to address the expenditure of net enrollment allocations. The county will review the priority list and explicit projects equaling the amount of the county's allocation will be selected. The county superintendent will make a presentation to the SBA relating how each project meets the goals of the Authority and requesting its approval.
3. The SBA will evaluate the projects presented in relation to the total CEF, the guidelines set forth in 100.40-C-(1 thru 7) of this policy manual, and the mission/goals of the Authority and approve funding accordingly.

C. "Needs" Funds

1. Each county in West Virginia is eligible for capital improvement funds from the SBA based on the needs of the facilities in their district.

2. Each county is responsible for determining in their facilities plan the specific project(s) for which SBA "needs" funds will be requested. This individual project will be fully developed in regard to the issues indicated in 100.40-C-(1 thru 7) in this policy manual and have an SBA "Needs" Project Summary Report completed (Appendix H).
3. Proposals for "needs" projects will be presented as amendments to the existing RCEFP and shall be requested by the Authority based upon the availability of capital improvement funds for distribution.
4. Projects for competitive "needs" funding will be included in the facility plan submitted by each county to the RESA. The RESA Board of Directors is responsible for the review, evaluation and prioritization of these projects within their region utilizing the SBA approved "Procedures for Regional Prioritization of Needs Projects" (Appendix D).
5. Regional priority lists will be part of the RCEFP submitted to the SBA. The Authority will review and evaluate the projects based upon criteria set forth in 100.40 of this policy manual. A priority list of projects to be funded equal to the amount of the funds available during the specific funding phase will be developed by the SBA using the "Procedures for Review of Needs Projects" (Appendix I).
6. The SBA will appoint a plan review team that will utilize the "Procedure for Review of Needs Projects" to assist in the rating of each project eligible for the SBA's prioritized list. The Authority reserves the right to request review of any or all projects submitted to them

that they feel has special merit or extenuating circumstances (Appendix I).

D. Emergency Capital Funds

1. The SBA reserves the right to create a fund ~~from the earnings on investments that will be~~ available at the discretion of the Authority to assist ~~schools~~ where emergency situations endanger a safe and healthful environment for students ~~to attend school~~.
2. These funds will not be considered available for distribution and therefore, not subject to the customary distribution formula of the SBA.
3. This fund will be ~~created in the future and administrative procedures will be developed at that time~~ governed by administrative procedures developed and adopted by the SBA (Appendix S).

204.00 Utilization of funds

Authorized Expenditures

A. Bond Retirement and Maintenance

1. With approval of the funding agency, SBA funds may be dedicated to the payment of local bonds that were used for the purposes defined in an approved regional facility plan.
2. With SBA approval, state funds may be used for the repayment of local bonds issued by the Authority for the benefit of the county, but are in addition to bond monies made available by the Authority.

B. Five Percent (5%) Maintenance Fund -- Up to five percent (5%) of the county's "net enrollment" allocations can be used for the purchase of materials, supplies or equipment for SBA approved maintenance projects to be completed by the county's maintenance team. Under no circumstances shall these funds supplement or supplant salaries of employees. Each individual project within the 5% Maintenance Fund must be submitted for SBA review and approval. Five percent maintenance funds will use SBA project code XX 079 25X.

C. Construction Costs - SBA funds may be used for capital improvement projects including new construction, additions, or renovations to existing facilities provided such projects meet the SBA guidelines and are approved by the SBA. Allowable costs of construction are included in section 300.3 and 300.4 of this policy manual.

205.00 SBA Funds Accounting

A. Treasurers' Reports

1. A separate account shall be set up within the fiscal records of the individual county to account for all SBA funds, "net" or "needs". All records shall be maintained pending a final project audit.
2. Funds expended for a multi-county project shall be apportioned among the cooperating counties according to the formula indicated in the facilities plan. Distribution of the funds shall be to the county designated fiscal agent for the project.

B. Budget Coding

1. County budgets must be supplemented when a grant transfer letter is received from the SBA. This letter will accompany the Grant Agreement and will inform the county that monies will be transferred from the state account to the county's account at the custodial bank at the time the signed contract is received by the SBA.
2. Monies must be supplemented into the general current expenditure fund (fund 1).
3. All funds to be utilized for capital improvement regardless of the source are to be coded in project 25 utilizing the following code numbers:
 - 25X1X - All SBA Funds
 - 25X3X - Local Funds
 - 25X4X - Federal Funds
 - 25X5X - Better School Amendment Funds
 - 25X9X - Other Funds

206.00 Reimbursement Procedures

- A. Funds will be distributed through a requisition process wherein:
1. Invoices are submitted to the SBA offices and to the trustee of the account (bank) before the fifth (5th) of each month. Submission to both entities is required to transact payment to the county.
 2. Invoices for each project code will be grouped together with one requisition cover sheet for each project code (Appendix G).

3. Each requisition sheet must be signed by the superintendent of schools with certification that the previous month's invoices were paid to the vendors (item C on SBA Form 104).
4. Invoices are reviewed in the SBA offices between the fifth (5th) and the tenth (10th) of each month.
5. Checks are written to reimburse the counties for approved expenditures on the fifteenth (15th) of the invoice month unless additional data is requested by the SBA.
6. Should clarification of a specific invoice or the status of a specific project be required, payment may be delayed until support data to verify the expenditure is provided to the SBA.
7. A BP-13A form to verify completion of a project must be submitted with the request for final payment on every project. A retainage equal to five percent (5%) of the total project construction cost will be held by the SBA until the project is officially closed out by submission of the completed BP-13A.

300.00 FUNDING SPECIFIC FACILITY PLANS

300.10 Building gross areas

- A. Maximum gross area allowances shall be computed as the product of the design capacity times the square foot allowance per pupil as hereinafter scheduled.

1.	<u>Elementary Schools</u>	
	Up to 240 students	125 Sq. Ft.
	241 to 265 students	120 Sq. Ft.
	266 to 290 students	115 Sq. Ft.
	291 to 315 students	110 Sq. Ft.
	316 to 340 students	105 Sq. Ft.
	341 to 389 students	100 Sq. Ft.
	390 to 440 students	95 Sq. Ft.
	441 to 490 students	90 Sq. Ft.
	491 to 540 students	85 Sq. Ft.
	541 to 590 students	80 Sq. Ft.
	591 to 640 students	80 Sq. Ft.
	Over 641 students	80 Sq. Ft.
2.	<u>Junior High/Middle Schools</u>	
	Up to 500 students	150 Sq. Ft.
	501 to 550 students	145 Sq. Ft.
	551 to 600 students	140 Sq. Ft.
	601 to 650 students	135 Sq. Ft.
	651 to 700 students	130 Sq. Ft.
	701 to 750 students	125 Sq. Ft.
	751 to 800 students	120 Sq. Ft.
	801 to 850 students	115 Sq. Ft.
	851 to 925 students	110 Sq. Ft.
	926 to 1000 students	105 Sq. Ft.
	Over 1000 students	100 Sq. Ft.
3.	<u>Senior High Schools</u>	
	Up to 500 students	230 Sq. Ft.
	501 to 550 students	220 Sq. Ft.
	551 to 600 students	215 Sq. Ft.
	601 to 650 students	210 Sq. Ft.
	651 to 700 students	195 Sq. Ft.
	701 to 750 students	185 Sq. Ft.
	751 to 825 students	175 Sq. Ft.
	826 to 900 students	165 Sq. Ft.
	901 to 1000 students	160 Sq. Ft.
	1001 to 1150 students	155 Sq. Ft.
	1151 to 1300 students	150 Sq. Ft.
	1301 to 1500 students	145 Sq. Ft.
	Over 1500 students	140 Sq. Ft.

300.20 Design Capacity

- A. Design Capacity (DC) shall be defined as the ~~maximum number~~ of 8th year projected enrollment of students expected to attend a school facility as ~~projected~~ indicated by the 10-year enrollment projection. ~~and multiplied by a factor as follows:~~

~~Primary-and-Elementary-Facilities~~~~D-C--enrollment-projection-X-1-05~~~~B. Middle-and-Junior-High-Facilities~~~~D-C--enrollment-projection-X-1-10~~~~C. High-School-Facilities~~~~D-C--enrollment-projection-X-1-15~~~~D~~

- B. Where facility enrollment has fallen below the product of the DC times (X) the utilization factor of 85%, consideration of consolidation is recommended.

300.30 Allowable Construction Costs for New Construction

- A. SBA funded allocations for the construction of each facility will be limited through use of a Maximum State Funded Gross Area Allowance times (X) the most current SBA approved Sq. Ft. cost:
- | | |
|-----------------------------------|------------------|
| 1. Elementary and Primary Schools | \$68.00/ Sq. Ft. |
| 2. Junior High and Middle Schools | \$72.00/ Sq. Ft. |
| 3. Senior High Schools | \$76.00/ Sq. Ft. |
- B. Construction costs allowance is to include site work, building furnishings and equipment, architectural and engineering fees, survey work, geotechnical studies and advertisements.
- C. Construction costs allowance does NOT include:
1. Site acquisition, unusual utility extensions, unusual site preparation cost, access highways, repaving of existing parking lots or athletic facilities.

2. SBA funds can not be used for the purchase of properties, the construction or renovation of athletic facilities, computer equipment, instructional supplies and equipment or for the reimbursement of salaries for county employees.
- D. Construction cost per square foot may be adjusted by the SBA to reflect regional cost factors. State construction cost will be reviewed annually and may be adjusted upwardly or downwardly for inflation or actual cost of projects constructed.
- E. Contingency allowance for project change orders are established as two percent (2%) for new construction.
- F. Example No. 1 illustrates calculation of design capacity, building area allowance, and project funding. Examples No. 2, No. 3 and No. 6 relate to additions (Appendix J).

300.40 Renovations

- A. For renovation work within an existing building, the computation is the product of the approved gross square footage of the project times (x) the percentage of the state building construction cost per square foot.
- B. The percentage is defined as the percentage of the cost of replacement of the facility. The percentage criteria is based upon the age of the existing building in which renovation work is scheduled. An older facility that has specific value to the community can not be funded for more than the percentage indicated. Restoration or renovation beyond these funding levels must be addressed by local initiative.

40 years or more	60%
25 to 39 years	50%
16 to 24 years	40%
0 to 15 years	10%

- C. For a project with renovation work and an addition, the computation is the product of the approved square footage using the percentage of the building cost per square foot for renovation work added to the cost for the addition whose combined total must not exceed 65% of the cost of a new replacement building to qualify for SBA funding.
- D. Contingency allowance for project change orders are established as four percent (4%) for renovation.
- E. Examples No. 4, No. 5 and No. 7 illustrate the calculation of SBA allowances for renovation projects (Appendix J).

400.00 PROJECT ADMINISTRATION, INSPECTION AND REVIEW

400.10 Each educational agency receiving funding for a capital improvements project from the SBA shall appoint an administrator for the construction/funding program. This administrator shall be responsible for acting as the liaison to the SBA and for submitting the financial and project reports required by the SBA.

400.20 The educational agency shall be required to employ a clerk-of-the-works to monitor all construction projects in excess of \$100,000 unless otherwise waived by the SBA or an SBA approved construction management method is being utilized (Appendix K, Section 9 of the Grant Agreement).

- 400.30 The SBA reserves the right to ~~inspect~~ review any SBA funded project at intervals deemed necessary before, during or after construction begins. The architects, engineers and county administrators are responsible for including the SBA in the decision-making process during all phases of planning, design and construction beginning with the development of educational specifications (Appendix K, Section 13 of the Grant Agreement and Section 12 of the Supplemental, General and Special Conditions).
- 400.40 The SBA reserves the right to review all contractors applications for payment or other invoices submitted against any SBA project fund. Completion of proper documentation by the Local Educational Agency (LEA) and/or the company requesting payment shall be a prerequisite to any invoice being honored by the SBA.
- 400.50 The SBA reserves the right to review all county and clerk-of-the-works files related to an SBA funded project.
- 400.60 Occupancy of New Educational Facilities
- 400.61 Teachers and other employees shall be informed of the operation of the building, particularly fire escape routes, heating, ventilating and air conditioning systems and communication systems.

400.62 No educational facility shall be occupied without prior approval from the State Department of Education, School Building Authority of West Virginia, and State and County Regulatory Agencies.

500.00 SCHOOL BUILDING AUTHORITY CONTRACTS AND AGREEMENTS

500.10 Grant Agreement

- A. In order for SBA funds to be utilized for any project, a grant agreement between the educational agency and the SBA must be enacted (Appendix K).
- B. This agreement sets forth the amount and conditions of the grant and, on Exhibit A of the contract, specifies the facility or facilities where the work is to be done, the scope of the work to be done, and the estimated cost at each site location.
- C. The grant agreement must be signed by the Executive Director of the SBA, the superintendent or chief administrator of the agency receiving the grant, and the chief elected official of the governing board of the agency in order to engage the agreement.

500.20 Bid Documents

- A. Bid documents for any SBA construction project shall be prepared in accordance with the "Supplemental, General and Special Conditions" of the Authority (Appendix K).

- B. Qualified contractors bidding on SBA projects will present acceptable liability insurance levels and a completed "Contractor's Qualification Statement" to the county for review prior to the award of the construction contracts. These documents are to be treated in highest confidentiality and are to be reviewed only by those involved with the selection of the contractor. A financial statement shall be required of the lowest qualified bidder(s) being considered for award of the contract. The agency receiving bids or the SBA may request "Contractor Qualifications Statements" including financial statements on subcontractors (Appendix K).
- C. All bid documents prepared shall require that the lowest qualified bidder(s) submit a completed form SBA 123, List of Subcontractors and Major Equipment and Material Suppliers (Appendix R). This information must be submitted to the agency receiving the bids within two hours after the completion of the bid opening.

600.00 SCHOOL BUILDING AUTHORITY REPORTS PROCEDURES

600.10 Financial Reports

A. SBA 103 B - Semi-Annual Finance Reports

SBA Form 103B has become WVDE 103B, a semi-annual financial report due on January 31 and July 31. It is a cumulative report beginning January 1990 and includes every facility in the county where capital improvements have been made regardless of the

funding source. Counties are to submit the first report by January 15, 1991 for the full 1990 calendar year to the WVDE (Appendix L).

- B. SBA 101A & 101B - Exhibit A Supplement to the Grant Agreement
These forms are used to identify the specific project location, the scope of the work to be done, an estimate of the cost of the work and the amount of the grant approved by the SBA. An Exhibit A must accompany a CEFP amendment in order to amend the grant contract to coincide with the CEFP (Appendix M).
- C. SBA 104 - Exhibit B-Requisition Form (Rev. 8-14-90)
This form is the cover for invoices sent to the SBA offices and the trustee to transact payment to the county. One form is used for each project code. Several invoices from various vendors may be combined as long as they relate to the same school project code. Requisitions must be submitted to the SBA for review. Failure to submit invoices to the SBA will result in delay of payment until appropriate submittals have occurred (Appendix G).

600.20 Project/Construction Related Reports

- A. SBA 105 - Contractor's Qualification Statement
The lowest qualified bidder(s) on construction or renovation projects must complete a qualification statement. This form is to be used in the screening and selection of contractors to assure the stability and reputability of the company. A copy of each of these reports is to be retained in the project file at

the county board office and is to be regarded as highly confidential (Appendix K) (500.20 B of this policy manual regarding financials).

B. SBA/SBE 106 - Application for Amendment (Rev. 5-15-90)

This form is to amend the RCEFP. It is used to either alter the budgets of approved projects or to add/delete specific projects for SBA funding once the plan has been submitted. The revised version of this form must be used and the signature of both the superintendent and RESA director must be affixed (Appendix F).

C. SBA 112 - Quarterly Project Status Report

This report is to be completed by the county on each active project at the close of each quarter. It is to be submitted to the RESA to be compiled into a regional report, then forwarded with the regional report to the SBA. The report is due in the SBA offices on the fifteenth (15th) of the month following the close of each calendar quarter. Once a project is reported as completed, it is to be deleted from future quarterly reports (Appendix N).

D. SBA 113 - Construction Observation Report

This report is to be completed weekly by the clerk-of-the-works or the county administrator responsible for the SBA building program. It is designed to report the progress of construction and should also be used to assist in the preparation of the SBA's Quarterly Project Status Report and to report to the county board of education highlights or concerns regarding the construction's progress. These reports are to become part of the project's log and be made available to the SBA's project representative during site visits (Appendix O).

E. SBE P-1 - Application for Project Approval (Rev. 12-11-90)

This report is to be submitted twice by the county, initially with the preliminary drawings when they are submitted to the SDE and the SBA for review. Preliminary review documents required with the P-1 form are: (1) education specification or education program; (2) preliminary drawings (design development drawings are preferred); (3) outline specifications; and (4) final preliminary cost estimate reflecting the total project cost. A final P-1 is to be submitted to both agencies at the completion of the project with a BP-13-A completion report and requisition for final payment. When a project does not require a design review, it is the responsibility of the county facility administrator to initiate the P-1 form to both the SDE and the SBA (Appendix P).

F. BP-13-A - Certificate of Project Completion

A certificate of completion is submitted to the SDE and the SBA upon completion of a project in order to effectuate a close-out of the project. Final payment to the county for a specific project is dependent upon submission of the BP-13A to the SBA. The architect or project administrator shall arrange an inspection tour with the appropriate officials. No occupation of a new facility or renovated facility shall occur until a certificate of occupancy is provided by the fire marshal (Appendix Q).

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9/30/91 SBA Approved

APPENDICES

ADMINISTRATIVE PROCEDURES

- A. Handbook on Planning School Facilities - (State Board of Education Policy 6200)
- B. SBA 116 - Facility Classification Form
- C. Instrument for Evaluating School Facilities
- D. Procedures for Prioritization of Regional "Needs" Projects
- E. Economies of Scale Guidelines - (Revised July 26, 1991)
- F. SBA 106 - CEFPA Application for Amendment - (Revised March 21, 1991)
- G. SBA 104 - Requisition for Payment - (Revised May 17, 1991)
- H. SBA "Needs" Project Summary Report
- I. SBA "Needs" Project Review Procedure
- J. Examples - Design Capacity Calculations
- K. Grant Agreement and Contracts Booklet
- L. SBA 103B - Semi-Annual Financial Report - (Revised December 11, 1990)
- M. SBA 101 - Exhibit A
- N. Quarterly Project Status Report
- O. Project Observation Report
- P. P-1 Application for Project Approval - (Revised December 11, 1990)
- Q. BP-13-A Completion Report - (Revised March 21, 1991)
- R. SBA 123 - List of Subcontractors/Material Suppliers - (Revised June 24, 1991)
- S. Administrative Guidelines for Emergency Fund