

PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL
2011 – 2012 PSCOC Awards - Additional Conditions
July 29, 2011

Standards-Based Capital Outlay Projects

Standards-Based Project Awards

The PSCOC approved capital outlay project awards under the standards-based capital outlay process to the districts set out in the award spreadsheet for the purposes and in the amounts specified, including any special conditions contained in the award language for each school (see attached). Each allocation is intended to fully complete the project, phase, or specified purpose. Out-of-cycle construction funding may be considered at any future regularly scheduled PSCOC meeting upon completion of construction documents or equivalent PSFA phase approval and conformance with all contingencies. Future funding requests shall include evaluation of potential energy costs of new, renovated or other adjacent underutilized facilities based on established standard averages. Actual energy costs will be validated with the post occupancy evaluation.

Standards-Based Roof Awards

The PSCOC approved capital outlay project awards under the standards-based capital outlay process to the districts set out in the award spreadsheet for the purposes and in the amounts specified (see attached). Each allocation is intended to fully complete the project, phase, or specified purpose. Prior to design, districts must provide evidence of claims against roofing warranty or demonstrate evidence that original roof warranty has expired or contract did not require warranty; as well as, notification to NM Construction Industries Division with evidence that contractor has been contacted to repair roof but has been non-responsive. PSFA shall administer these projects to ensure their completion by June 30, 2012; the PSFA director has authority to cancel projects that are not expected to be complete by the June 30, 2012 date, subject to PSCOC approval of project extension upon appeal.

Standard Contingencies to All Awards

The PSCOC approval of the awards is contingent upon acceptance by the districts through execution of the required documents between the PSFA and the district, which contain the detailed project description set before the Council, the roles and responsibilities of the parties, phasing schedules and direct payment options. These awards are further contingent on the following:

- Project amounts set aside for potential Out-of-Cycle include anticipated state share amount of a project or phase which requires the district to perform specific actions set out in the project descriptions and to bring back a request for funding for further consideration by the Council. Future awards may be contingent on district audit status and other conditions which may be deemed by the Council as necessary to ensure the prudent and appropriate use of

capital funds. Future awards may also include funds to conduct post occupancy evaluations of projects, as appropriate, to ensure that maximum benefit is gained for the dollars expended.

- All districts receiving awards must have a completed audit for FY10 submitted to the State Auditor's Office prior to expenditure of PSCOC-awarded funds, and will have a corrective action plan in place to address audit findings. PSFA shall assume direct administration of all projects from districts with serious findings in regard to expenditures or management of capital outlay funds.
- The district shall execute an effective preventive maintenance (PM) program, as prescribed in their PSCOC approved PM plan (which shall be reviewed and updated annually by the district to insure proper implementation at each school), and effectively utilize all Facility Information Management System (FIMS) modules—Maintenance Direct (MD), Preventive Maintenance Direct (PMD), and Utility Direct (UD), or otherwise provide evidence of effective use of an alternate acceptable and equivalent maintenance management process.
- Prior to the Construction Documents Phase, the district must submit for PSFA approval an amendment to their maintenance plan defining how they will provide appropriate maintenance for any renovated or added facility space.
- Projects are funded only to the design capacity outlined in the award.
- If existing facility disposal is required, an approved commitment from the district to PSCOC will be required prior to release of construction funding. Disposal may include demolition of the facilities or by written agreement transferring ownership of property and/or facilities. PSCOC reserves the right to recover a pro-rata share of awarded amounts for the replacement facilities if the original property or facilities are sold or used for another purpose than the award.
- The district will provide and deliver to the PSFA, within 60 days of the acceptance of the award, a project schedule, outlined in the Memoranda of Understanding (MOU) that includes, if applicable, the dates for completion of educational specifications, advertisement of RFP for design services, completion of the four design phases, advertisement for bid date, construction start date, construction completion date, and date of occupancy or intended use. Failure to have projects completed by the scheduled deadline does not obligate the PSCOC for any increased costs due to inflation or other time related consequences.
- The MOU shall identify specific portions of the project that it intends to build above adequacy and awarded design capacity, the cost of those portions and

the district funding source that will fund these costs in their entirety by the district.

- All associated site cost for projects must be identified and approved by the PSFA staff prior to approval of the PSFA-RASC (Request for Approval of School Construction) schematic design phase submittal.
- Prior to projects' final PSFA-RASC approval and release to bid, all site infrastructure including roadways, utilities and water must be in place, under contract with specified completion time, or defined by other acceptable written agreements that include cost and completion time.
- All awards are exclusive of land acquisition costs and offsite utilities and infrastructure expenses which are the total responsibility of the district and community and will not apply to the District's matching fund requirement.
- Any lease associated with this award shall have a minimum available term of 25 years from completion of the project; the 25-year term may be in renewable increments.
- Portable classrooms purchased from proceeds of this or previous PSCOC awards, freed by construction of permanent facilities shall, at the option of the PSFA, become the property of the PSCOC. If freed portables were purchased with district proceeds, then at PSFA's option, portables may be purchased at a fair market price and relocated by PSFA as directed by and at the expense of the PSCOC.
- On or before the 12th month following substantial completion of the project or phase, PSFA staff will schedule a review of all project expenditures that apply to both the scope of work and to the adequacy standards to insure that the overall expenditures align with the match percentages after necessary offsets and waivers as identified in the Memorandum of Understanding (MOU) for the project. Following mutual agreement on the overall and final financial project status, project balances will be reallocated by the Council. All PSCOC awards must be fully reconciled and reallocated no later than 18 months after substantial completion.