

**PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL
2009 - 2010 PSCOC Awards - Additional Conditions
July 30, 2009**

Standards-Based Capital Outlay Projects

Current Supplemental (Phase II) Awards

The PSCOC approved capital outlay project awards to complete or supplement previous PSCOC standards-based award projects 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, fund a specified phase, or other specified purpose, but may require future allocations from the PSCOC to fully complete to the NM Statewide Adequacy Standards, which shall be in accordance with the PSCOC awards process.

New 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 (see attached). Each allocation is intended to fully complete the project, phase, or specified purpose, but may require future allocations from the PSCOC to fully complete to the NM Statewide Adequacy Standards, which shall be in accordance with the PSCOC awards process. Each design award must achieve PSFA Design Development phase (60% complete) approval, or written PSCOC approval of lesser design completion prior to pre-application due date in the year in which applying for construction funding.

Standard Contingencies to All Awards

The PSCOC approval of the awards are 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 amount specified to award to Taos Anansi Charter School include funds from the Charter School Capital Outlay Fund, pursuant to Laws 2007, Chapter 214, and appropriation made to the Fund pursuant to Laws 2007, Chapter 42, Section 25, Subsection 1 to assist charter schools in meeting the requirements of Subsection C of Section 22-8B-4.2 NMSA 1978 to be in public buildings or acquiring facilities which will meet adequacy requirements.
- Project amounts set aside for 2009-2010 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 bringing back a request for funding prior to the next award cycle for further consideration by the Council.

- The district shall execute an effective preventive maintenance 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).
- Prior to occupancy, the district must provide an amendment to their approved maintenance plan defining how they will provide appropriate maintenance for any 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.
- 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, 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 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.

- 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.
- Awards to schools districts may be adjusted for offsets pursuant to Section 22-24-5B sub-paragraph (6)(b) for all federal money disbursed to a school district for non-operating purposes pursuant to Title XIV of the American Recovery and Reinvestment Act of 2009.
- 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.