

SBA Policy and Procedures
RULE 1

SBA REQUIREMENTS FOR COMPREHENSIVE EDUCATIONAL FACILITY PLANS

- 1.1** A. Educational Agency Comprehensive Educational Facility Plans (CEFP) shall be developed in accordance with State Board Policy 6200, the “Handbook on Planning School Facilities,” and approved by the SBE prior to any consideration by the SBA.
- B. Each educational agency plan will identify specific projects that are being presented for competitive SBA funds. These plans will include how the project will effectively address the following issues:
1. Student Health and Safety
 2. Economics of Scale (Appendix A) economies of scale based on minimum allowable enrollments are 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 (25 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 in 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 in grades 10-12, 800 students in grades 9-12 or 200 students at each grade level are recommended to achieve the economy of scale.
 - d. 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 where population centers warrant.
 3. Reasonable Travel Time and other Demographics
 4. Multi-County and Regional Planning
 5. Curricular Improvement and Diversifications
 6. Innovations in Education
 7. Adequate Space for Projected Student Enrollment
 8. A history of the county’s efforts to propose and/or adopt local school bond issues or special levies for capital improvements.

- C. 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.
- D. A completed Facility Classification Report that classifies each facility in the county. (SBA/WVDE Form 116)
- E. Narratives on each existing school facility describing future use and scheduled improvements.
- F. Completed building evaluation forms on each facility in the county using the SBA School Facilities Evaluation and Inventory Instrument including cost summaries indicating the cost to upgrade to meet current standards. (SBA 134)
- G. An assurance that the county is in compliance with the SBE order regarding housing of Special Education programs in segregated facilities.
- H. A Major Improvement Plan (MIP) which addresses the requirements established by the SBA. (Appendix B)

1.2 Inter-County Feasibility Studies

- A. Each county shall submit to the SBA/SBE a list of grouped, inter-county attendance areas where potential exists for cooperative utilization of a facility between or among adjacent counties. (May include multi-county facilities, i.e., magnet school, 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 SBE Policy 6200, “Handbook on Planning School Facilities,” 100.01 (A-J) as well as the issues 1 thru 8 in 1.1 B of the SBA Policy and Procedures Handbook.
- C. A detailed analysis of the results of this study and a facility recommendation based on its conclusion shall be included.

1.3 Synopsis of Public Comment

Prior to submitting the CEFPP to the SBE and the SBA, one or more public hearing(s) must be held 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 CEFPP, sufficient documentation, including verification of public notices from the local newspapers and a synopsis of all comments received during the hearings must be included.

1.4 Objective Evaluation of Implementation

As part of the total CEFP, the county shall include an objective means to be utilized in evaluating implementation of the overall plan and each project included therein (SBA 150). The evaluation shall measure:

- A. How each project further 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, and innovations in education, adequate space for projected student enrollments and local effort in funding school facility improvements.
- B. How the overall success of any project has related to the facilities plan of the county and the overall goals of the SBA.
- C. Prior to submission of a new ten year CEFP, an evaluation report shall be completed and submitted to the SBA and the SBE. (In addition to the evaluation criteria included in your plan the report shall include the issues designated in SBA Form 134 of the SBA Policy and Procedures Handbook).
- D. Amendments that initiate major revisions of the CEFP within the ten year planning cycle shall include how the existing plan no longer meets the goals and needs of the county and the goals of the SBA.

1.5 Additional Requirements and Administrative Assurances

A statement of assurance by the county superintendent that the county's plan includes all requirements in Section 1 of the SBA Policy and Procedures Handbook.

1.6 CEFP Management – Amendments

- A. Amending the County CEFP Plan – Because the CEFP is a living document that may be updated periodically based on approved amendments and the continually changing needs of the county, it is necessary to formally update the plan annually. (Appendix C)
 - 1. Major revisions to the CEFP including the MIP, are to be submitted to the SBE and the SBA by December 1 each year.
 - 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 CEFP will be amended by the SBA to reflect school closures only after SBE action.

4. The county CEFP is to be maintained as a working document and is to be updated as amendments or actions to implement the plan are completed.
5. Amendment requests that make major revisions prior to the end of the ten year planning period shall be submitted with an evaluation of the current approved plan in accordance with Section 1.6.

B. Budget Amendments to CEFP

1. Routine amendments on projects using partial or full SBA funding or any state or federal funds must be amended through the SBE and the SBA.
2. SBA/SBE Form 106 must be completed fully and submitted to the SBE and SBA for approval in order to institute an SBA budget amendment. SBA Needs and MIP funds cannot be transferred from one project to another.
3. SBA/SBE Form 106 must also be used to initiate budget amendments to both the SBE and SBA for all projects regardless of the funding source if the instructional square footage is altered, or the work exceeds \$50,000.

SBA Policy and Procedures
RULE 2

2 FUNDING SCHOOL BUILDING AUTHORITY PROJECTS

2.1 Matching Funds

With exception of School Access Safety Funds, no matching local funds shall be required to obtain SBA funds, however, each facility plan shall address the history of efforts taken by the county board of education to propose or adopt local school bond and/or special levies for capital improvements.

2.2 Federal Funds

Expenditure of any federal funds designated for construction and/or capital improvements of school facilities shall be approved by the SBA. SBA/SBE Form 106 and/or SBA Exhibit C is/are to be utilized for approval request if funds are to be approved initially for use on a new project or if federal funds are to be amended into an existing project budget.

2.3 Eligibility and Distribution of Funds

It is the intent of the legislature that the SBA fund the improvement and construction of school facilities to meet the needs of the people of West Virginia in an efficient and economical manner. To be eligible for funding, educational agencies must have on file in the SBA office an approved CEFP and all required pre-qualification data for any particular funding category from which funding is being requested. Failure to provide this information or project proposals by the deadlines established by the Authority will eliminate the submitted project from consideration. These funds shall be distributed as follows:

- A. Three Percent (3%) Statewide Grants – Three percent (3%) of the total funds available to the Authority for distribution from the school construction fund during any funding cycle may be utilized for projects. Facilities eligible for three percent (3%) funding:
 - 1. Must serve the statewide educational community,
 - 2. House educational programs under the jurisdiction of the SBE, or
 - 3. House vocational programs at comprehensive high schools and/or vocational schools cooperating with community and technical college programs.

Any project funded, must be included in an approved ten-year facilities plan submitted by the State Board or Administrative Board of the facility. Projects submitted must include any and all other funding sources potentially available for the project. Grant funds shall expire based on a three year contractual agreement between the SBA and the grantee.

- B. Emergency Grants – Funds amounting to no more than two percent (2%) of the total funds available for distribution from school construction funds shall be set aside as an emergency fund to be distributed in emergency situations as defined by the Authority. Application for such funds shall be in accordance with SBA procedures. (Appendix D) Grant funds shall

expire based on a three year contractual agreement between the SBA and the grantee.

- C. Planning Grants – Effective and efficient use of resources can best be assured through appropriate development of the ten-year Comprehensive Educational Facilities Plan required in SBE Policy 6200. Therefore, if funds are deemed available, the SBA may provide grants to assist counties with the development of their CEFP for the successive ten-year planning period. These grants will be made available only during the final two years of each ten-year planning period. Planning grants will be used to assist the county boards and area vocational centers with a portion of the cost for professional services associated with the research and development of the ten year CEFP. The SBA will establish the amount available for distribution prior to each ten year planning cycle.
- D. School Construction Grant “Need” – The remaining monies determined by the Authority to be available for distribution from school construction 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. Grant funds shall expire based on a three year contractual agreement between the SBA and the grantee and may be extended up to two years at the discretion of the SBA.
- E. Major Improvement Program Grants – Funds appropriated by the legislature to the school major improvement fund shall be distributed by the SBA on the basis of need. These funds are for major renovation or rehabilitation of existing facilities and for additions to existing schools. Grants to counties from the major improvement fund are for projects of at least \$50,000 but not exceeding \$1,000,000. A county may be eligible for major improvement funds provided:
 - 1. The county has an approved Major Improvement Plan (MIP). (Appendix B)
 - 2. The county is ready to expend the funds in the fiscal year monies are distributed to them.
 - 3. The county has spent, in the previous year, an amount in maintenance of their schools equal to the average of the lowest three of the past five years maintenance budget.
 - 4. The county has budgeted in their current maintenance budget an amount equal to or greater than the average determined in item three above.
- F. School Access Safety Grant – Funds appropriated by the legislature to the School Access Safety Fund shall be distributed by the SBA based on the availability of funding. These funds are for improvements of school access safety and will be distributed in accordance with SBA Policy

provided the county board is in compliance with all requirements in Appendix K of the SBA Policy and Procedures Manual.

2.31 HVAC Engineering Studies

Needs and MIP projects involving heating, ventilating and air-conditioning renovations must be accompanied by an engineering study and complete estimate of probable cost to be considered for funding. The engineer performing the study must be licensed in the State of West Virginia and must be registered in the discipline for which the proposed renovation relates. Projects involving the redesign of HVAC systems must be accompanied by an engineering study outlining the scope of work proposed and cost estimate for completion.

2.4 Awarding of Funds

Any project for which funds are being requested from the SBA must be part of an approved CEFPP identified either as a major need or major improvement.

- A. Three Percent (3%) Statewide Grants
 - 1. Projects eligible for three percent (3%) statewide funds include any facility that serves the educational community statewide or houses educational programs that are under the jurisdiction of the SBE, regional vocational-technical centers, as well as county vocational centers.
 - 2. Projects submitted for competitive funding from the three percent (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 education 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 School Construction Fund Project (“Needs”) Executive Summary (SBA 120)
 - h. An explanation of how the project relates to the major items presented in 1.1 B (1 thru 8) of the SBA Policy and Procedures Handbook.
 - 3. All projects submitted for three percent (3%) funding shall be submitted directly to the SBA which shall be solely responsible for the evaluation and selection of all projects.
 - 4. Projects submitted that are under the jurisdiction of the State Board of Education will be forwarded by the SBA to

the State Board of Education for review and recommendation.

B. Five Percent (5) Multi-Use Vocational-Technical Education Facilities Funds

An amount up to 5% of available funds from the school construction funds may be made available by the Authority during any funding cycle for projects at Multi-Use Vocational-Technical Education Facilities. Projects eligible for five percent (5%) statewide funds include:

1. Any facility that serves the vocational-technical educational community and,
2. Is under the jurisdiction of the SBE, a county board of education, a Regional Administrative Council, or joint Administrative Board that may include post-secondary programs as a first priority.

Projects funded from the five percent (5%) vocational fund may include expenditures for equipment and equipment updates. Project applications shall be submitted to the Authority in accordance with the Needs Grant Fund process described in 2.4 E. Prior to distribution of funds in any given funding cycle, the Authority shall consider the amount, up to 5% of the total available for distribution that shall be set aside for this purpose.

C. "Emergency Funds

1. The Emergency Fund is available at the discretion of the Authority to assist where emergency situations endanger a safe and healthful environment for students.
2. To qualify for a grant from the emergency fund:
 - a. Need must have been generated by an unforeseeable catastrophic event (i.e., fire, wind, earthquake, flood, storm, etc.), general disaster or Act of War.
 - b. Funds from federal, state and local sources for emergency repairs and replacements must have been identified and included in the project budget.
 - c. All insurance claims must have been filed and amount of settlement determined. Insurance coverage of a facility should be equal to the cost of replacement.
3. State School Improvement funds including Emergency Grants will only be considered for buildings covered by flood insurance or buildings effected by flooding that are outside the established 100 year flood plain and therefore not eligible for flood insurance. Buildings eligible for

flood insurance but not insured by the county will not be eligible for SBA funding.

4. Because of limited resources in the Emergency Fund, and to encourage local boards of education to appropriately insure their facilities, grants from the Emergency Fund shall be limited to an amount not to exceed two million dollars for any and all damage to schools incurred during any given catastrophic event.
5. Application shall be made within ten days after said emergency to the SBA and in accordance with adopted SBA procedures. (Appendix D)

D. CEFP Planning Grants

1. It is the responsibility of each county to develop and implement a ten-year Comprehensive Educational Facilities Plan (CEFP) in accordance with SBE Policy 6200 beginning with the year 1990 and for each successive ten-year planning period thereafter.
2. The SBA may provide a one-time grant during the allotted planning period to attain professional consultation in the development of said county-wide CEFP. (Appendix E)
3. The planning/grant period shall include the final two years of the existing ten-year planning period and shall be available during each successive ten-year planning period as funds are determined available for distribution by the Authority.
4. The effective date for new CEFPs shall be established by the Authority. Therefore, the current grant period shall incorporate both the year before the end of the ten year planning cycle and the year of the expiration of the ten year planning cycle. Availability of funds shall begin on July 1, twenty-four months prior to the deadline for submission of the ten year plan and expire in 24 months or June 30, of the year the plan is required to be completed. However, a county will not be eligible for SBA funding after the CEFP expiration date without an approved CEFP. Any monies remaining in the fund shall be expired to the construction fund.
5. Grants shall not exceed 50% of a county's cost for said consulting services and limits of the grant amount shall be established by the Authority for each ten year planning period.
6. Professional consultants shall be selected in a manner approved by the SBA. To achieve consistency among all county plans, the SBA may provide educational facilities planners and architectural/engineering consulting

professionals to assist with the preparation of each county plan. (Appendix E)

7. The SBA and SBE may monitor the planning process and set submission deadlines for portions of the CEFP.

E. School Construction Funds “Needs” Grants

1. Each county in West Virginia who has an approved CEFP 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 School Construction Fund (“Needs”) will be requested. This individual project will be fully developed in regard to the issues indicated in 1.1 in the SBA Policy and Procedures Handbook and have a SBA School Construction Funds Project (“Needs”) – Executive Summary completed. (SBA 120)
3. Proposals for School Construction Fund projects must be part of an approved CEFP, and submitted at the request of the Authority based upon the availability of funds for distribution.
4. The SBA will appoint a plan review advisory team that will assist the SBA staff in an advisory role during the review of each project submitted by the counties. 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 F)
5. The Authority will review and evaluate the projects based upon criteria set forth in WV Code 18-9D-16(d) and 1.1 of the SBA Policy and Procedures Handbook. The SBA staff will provide on-site information and project evaluations for all projects to the Authority for final review and funding consideration along with a prioritized list of potential projects based on staff and advisory team evaluations. At the conclusion of each funding cycle, each county shall receive an explanation of the evaluating factors underlining the decision of the Authority to fund or not to fund the project. Additionally, prior to final action on approving projects for funding, the Authority shall submit a certified list of the projects to the Joint Committee on Government and Finance.

F. Major Improvement Funds

1. Each county or educational agency that has an approved Major Improvement Plan (MIP) as part of an approved CEFP and meets the criteria in Section 2.3 of the SBA

Policy and Procedures Handbook is eligible for capital improvement funds from the SBA's Major Improvement Fund.

2. Major Improvement Plan (MIPs) are developed by each county or educational agency in accordance with the guidelines in Appendix B and approved by the SBA. The MIP shall address how the proposed plan, and any project in it, meets the following goals and objectives as established by the SBA in Appendix B.
3. Each county shall submit as part of their annual CEFP Update a prioritized list of MIP projects for SBA review. The most needed project shall be further developed to address the criteria of the SBA as indicated in Appendix B and submitted for funding consideration.
4. The SBA shall review and rate the projects for funding each year in the manner prescribed in Appendix B.
5. MIP Funds shall expire based on a two year contractual agreement between the SBA and the grantee. An extension of funds will not be granted.

G. School Access Safety Grants

1. Each county board with an approved School Access Safety Plan who meets the eligibility requirements of the School Access Safety Act (Rule 7 and Appendix K of this Handbook) will qualify for school access funds.

H. Reserve Funds – Needs Projects

SBA Reserve Grant funding may be provided by the Authority at its' discretion in an amount not to exceed \$500,000 for meritorious projects determined to be eligible under the "Needs" based school construction fund. These funds shall be set aside and not expended awaiting final approval of the project budget by the SBA. The purpose of these funds is to establish SBA support for a project and to acknowledge the intent of the Authority to fund the appropriate balance of the project as funds become available and the county finalizes an SBA approved finance plan for the project. These funds will be held by the Authority for a period established in the grant agreement between the county board and the SBA not to exceed eighteen months. Upon approval of the actual needs grant to develop the project an additional three (3) years will be provided to complete the design and construction of the facilities established in WV Code 18-9D-15(f). Should the grant recipient fail to secure the remaining project funds to complete the entire finance plan for the project these funds will automatically revert to the school construction fund and be made available for distribution to other projects.

2.5 Utilization of Funds – Authorized Expenditures

- A. Bond Retirement
 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 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. Construction Costs – SBA funds may be used for capital improvement projects including new construction, additions or renovations to existing facilities, provided, such project meet the SBA guidelines and are approved by the SBA. Allowable costs of construction will be reviewed and approved annually by the Authority on or before the June Quarterly meeting. SBA funds cannot be transferred from one project to another.
- C. Major Improvement Funds – MIP Grants awarded to an agency for projects from their MIP must be for projects of at least \$50,000 but not exceeding \$1,000,000. It is intended that each county’s routine maintenance budget be responsible for general repairs and upkeep of school facilities. Projects designed to supplant these county funds will not be considered as fundable from the major improvement fund.

2.6 SBA Funds Accounting

- A. Treasurer’s Report
 1. A separate account shall be set up within the fiscal records of the individual county to account for all SBA funds. All records shall be maintained pending a final project audit.
 2. Funds expended for a multi-county project shall be distributed to the county designated as the 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 funds (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

2.7 Reimbursement Procedures

- A. Funds will be distributed through a requisition process wherein:
1. Original invoices are submitted to the SBA offices and to the trustee of the account (bank) before the fifth (5th) day 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. (SBA 104)
 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 Exhibit B)
 4. Invoices are reviewed in the SBA Office 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-13-A or SBA Certificate of Contract Completion for Multiple Prime Projects (SBA 139) form to verify completion of a contract must be submitted prior to the request for final payment on every contract. A retainage equal to five percent (5%) of the total contract construction cost will be held by the SBA until the contract is officially closed by submission of the completed BP-13-A and signed by a representative of the SBA. (WVDE BP-13A & SBA 139)
 8. No educational facility shall be occupied without prior approval from the Authority and the appropriate state and county regulatory agencies.

SBA Policy and Procedures
RULE 3

3 FUNDING SPECIFIC FACILITY PLANS

3.1 Building Gross Areas

- A. Allowable gross square foot building areas shall be reflective of the student population and the educational program. The building design shall maintain a minimum program utilization of 85% unless this requirement is waived by the SBA due to extenuating circumstances (i.e., specialized classrooms in comprehensive high schools, declining or increasing student populations, middle school grade configurations and elementary school restrictive classroom enrollments). The actual maximum square footage approved for construction may or may not be equal to the maximums established by the SBA.
- B. In order to encourage efficiency, yet continue to provide funding for small rural community schools that may be geographically isolated from other schools, those schools funded with enrollments below the SBA enrollment ranges (See Appendix A) shall be planned on an individual school basis. The actual square footage shall be dictated by prior agreed upon design enrollments and space required to house the number of students and curricular offerings.
- C. With exception of the small school design procedure, all other schools maximum gross building area allowances shall be computed as the product of the design enrollment times the SBA approved square foot allowance per pupil. The SBA will annually publish on or before the June Quarterly meeting the maximum allowable square footages for elementary, middle/junior and high schools based on the latest requirements of State Board Policy 6200 and SBA Policy and Procedures Handbook.

3.2 Prototypical School Design

- A. To encourage efficiency in school design, SBA standardized building performance criteria will be used and where possible, proto-type designs for common academic spaces will be incorporated into new school designs. Local boards shall consider complete building design proto-typing for each project. The SBA will, in cooperation with the local board, determine if and when existing building designs may be duplicated for other projects within the county. The maximum amount of architectural and engineering (A&E) design fees that will be paid from project funds will be determined by the SBA and will be based on the size and complexity of the project. Additional fees above the SBA maximum are allowable. However, these fees must be paid by the local board as a separate project cost. A&E fees will be adjusted in new school designs where extensive proto-typing is incorporated into the design by the SBA or county board of education.
- B. Prototypical school designs must be used when educational and design conditions exist that allow the reuse of a previous building design. The

local board in cooperation with the SBA staff will review this option and determine if the proposed school design may be prototyped from other school designs immediately following SBA approval of a new school project.

- C. Prototypical school design considerations include but are not limited to:
- School enrollment similarities
 - Educational Planning requirement similarities
 - Site and climatological conditions

3.3 Design Capacity

- A. Design capacity shall be defined as the 8th year projected enrollment of students expected to attend a school facility as indicated by historical enrollment trends and the ten year CEFPP enrollment projection.
- B. Vocational space for new comprehensive high schools will be reviewed for each individual project and shall be included as part of the total design capacity.

3.4 Allowable Construction Costs for New Construction

- A. SBA funded allocations for the construction of each facility will be limited through use of the maximum gross area allowance times (X) the most current SBA approved square foot cost for elementary, junior/middle and senior high schools.
- B. Construction cost per square foot may be adjusted by the SBA to reflect regional cost factors. Statewide construction costs will be reviewed annually and may be adjusted upwardly or downwardly for inflation based on actual and projected costs of projects constructed. This information will be reviewed and the construction cost allowances published by July each year.
- C. The construction costs allowance shall include site work, building construction cost, building furnishings and equipment, architectural and engineering fees, construction manager or clerk-of-the-works, survey work, geotechnical studies, radon testing, utility connections from the building to the property line and advertisements.
- D. New elementary schools with design enrollments less than 400 students will be provided a combined art and music classroom. New elementary schools with design enrollments greater than 400 students will be provided separate art and music classrooms. All new elementary schools shall be designed with a physical education space separate from the cafeteria. The size of the physical education spaces will be based on the student enrollment of the school and will comply with State Board Policy 6200 Guidelines.

- E. In compliance with WV Code 18-9D-19(c), auxiliary gyms are to be included as allowable construction costs in high schools that meet the minimum SBA efficiency enrollments of 800 students in grades 9-12.
 - 1. Auxiliary gym spaces shall be a maximum total of 6,000 square feet and 144,000 cubic feet.
 - 2. Spectator seating within the allowable 6,000 square feet may be up to 1,000 square feet.
 - 3. Approved costs for auxiliary gyms do not include spaces for additional locker, restroom, dressing room or office spaces.
 - 4. SBA funds for auxiliary gyms may not be used in conjunction with local funds to increase the size and/or spectator capacity of an auxiliary gym to create a second spectator gym.

- F. In compliance with WV Code 18-9D-19(b), comprehensive vocational facilities may be constructed in new high schools or existing high schools that meet the minimum SBA efficiency enrollments. The following criteria will be considered to determine the feasibility of construction of these spaces:
 - 1. The distance of existing vocational facilities from the new or existing high school location.
 - 2. The current demand of secondary students for vocational programs and/or the condition of the existing facilities must justify the need for additional/replacement spaces or the renovation of existing spaces.
 - 3. The construction of a vocational component at a new comprehensive high school or at an existing high school must not create an adverse effect on other county vocational students or vocational students from other counties. The SBA does not deem the construction of any additional vocational spaces feasible:
 - a. If it could result in the reduction of available vocational programs at the existing school.
 - b. If it results in the inefficient use of existing or new vocational space.
 - c. If it adversely reduces existing vocational center operational budgets.
 - d. If it could result in the closure of any existing county or multi-county vocational center currently serving the student population of two or more feeder schools.

- G. SBA Grant Funds may not be used for:
 - 1. Cost of issuance for local bonds or other indebtedness.
 - 2. Site acquisition, unusual utility extensions, unusual site preparation cost, access highways, repaving of existing parking lots or construction of athletic facilities.
 - a. Grant recipients are required to coordinate site selection for construction of new schools with the SBA prior to negotiations with seller or provider.

- b. If it is determined by the SBA that extensive utility costs, special footings or foundations or other site preparation costs will consume a disproportionate amount of the building construction cost, an alternate site must be used. However, the Authority may consider approval of the proposed site if the grant recipient elects to provide additional local funding to pay the cost of developing the proposed site. At the conclusion of the site selection process, the SBA will provide a site acceptance letter to the local board that will allow the site acquisition process to begin.
- 3. Construction or renovation of athletic facilities, computer equipment, instructional supplies and equipment.
- 4. Reimbursement of salaries for county employees. (County employees should not be utilized to work on SBA funded construction projects).
- 5. Legal fees associated with any court proceeding or property acquisition cost.
- 6. Costs associated with defense or award of an arbitration action.
- H. Contingency allowance for each new construction project shall be established as two percent (2%) of the construction budget.

3.5 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 cannot 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 each renovation project shall be established as four percent (4%) of the renovation budget.

SBA Policy and Procedures
RULE 4

4 PROJECT ADMINISTRATION AND REVIEW

- 4.1** Each educational agency receiving funding 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.
- 4.2** The educational agency shall be required to employ architectural/ engineering firms in compliance with WV Code 5G-1-3. The list of architect/engineers responding to the county's Request for Proposal shall be submitted to the SBA for review and evaluation prior to selection of the finalists by the educational agency. Services shall be rendered under standard AIA contracts approved by the SBA staff.
- 4.3** Unless a lump sum fee arrangement is used, design fees shall be calculated based on a percentage of the construction cost. Construction costs are calculated based on the lowest acceptable qualified bid for constructing the building. Design fees for alternative designs requested by the grant recipient that are not constructed shall be borne by the grant recipient unless approved by the SBA prior to bidding. Construction cost does not include fees for the construction manager, clerk-of-the-works, construction analyst (paid for under additional services), legal fees, site acquisition cost and B&O taxes or other project costs not directly associated with the construction of the building. Architectural and engineering fees may also be applied to the cost of furniture and equipment only if the architect prepared the bid packages and/or has direct administration over the contract for the installation of the furniture and equipment. Without approval of the SBA, architectural and engineering fees shall not exceed the SBA fee schedule established for new or renovated school construction. Reimbursable expenses for agency review document printing and distribution may be paid from grant funds as a reimbursable cost for printing and distributing.
- 4.4** The educational agency shall be required to employ a clerk-of-the-works to monitor all construction projects in excess of \$100,000 unless waived by the SBA. Candidates for professional services or clerks-of-the-works shall be submitted for SBA review, evaluation and approval prior to final selection by the educational agency. (Appendix I)

A clerk-of-the-works employed by the county through contracted services shall minimally be paid an amount equal to the basic hourly prevailing wage rate of a Journeyman Carpenter as determined by the West Virginia Department of Labor for the project location.

4.5 Construction Management

The SBA will assign the project management strategy for all projects based on the scope of work and the county's ability to manage the project. Each project will be reviewed by the Authority following the approval of funding and requirements for

project design and construction administration will be identified by the Authority prior to executing the grant contract. If a construction manager is required, the grant recipient will be required to follow SBA Policy regarding the procurement of professional construction management services and West Virginia Code 5G-1-3. The construction management contract must be reviewed by the SBA staff and must be compatible with the design professional contract for the project.

4.6 Design-Build Project Delivery

Should a county board of education desire to use the design-build method of project delivery, the SBA and the requirements of the Design-Build Board of West Virginia must be followed. Appendix G provides the methodology to be used to procure a performance criteria developer, educational planner and the design-build team as well as the procedures that must be followed to request approval from the Design-Build Board and the SBA to use the design-build project delivery method. County boards considering using the design-build method of project delivery must review the process for selection of projects as described in the West Virginia Design-Build Procurement Act, Title 148CSR11 and must begin this process prior to submission of the project to the SBA for funding consideration. The project must also be submitted to the Design-Build Board for review and approval before soliciting the Invitation for Qualifications from qualified firms.

- 4.7** The SBA reserves the right to 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. The SBA must be notified by the county of any meetings related to the planning of the project.

4.8 Geotechnical

For projects funded by the SBA, the educational agency shall be required to perform a geo-technical survey on any potential school construction site prior to the purchase of the site. The survey shall include a complete soil and substrata report to determine the suitability of the site for the construction. A copy of the report must be provided to the SBA office for review and approval of the cost impact on each site being considered prior to the purchase of the site. The report shall provide site preparation and building footings and foundation design information for the proposed site(s) specific to each site being considered for the project.

- 4.9** The SBA reserves the right to review all applications for payment or other invoices submitted against any SBA project. Completion of proper documentation by the educational agency and/or the company requesting payment shall be a prerequisite to any invoice being honored by the SBA.

4.10 The SBA reserves the right to review all county, clerk-of-the-works, project architect/engineer, and construction manager files related to an SBA funded project.

4.11 Occupancy of New Educational Facilities

4.110 Teachers and other employees shall be informed of the operation of the building, particularly fire escape routes, heating, ventilating and air conditioning systems and communications systems.

4.111 No educational facility shall be occupied without prior approval from the School Building Authority and the State Fire Marshal. (SBA 146)

4.112 Training of Custodians and County Maintenance Staff

At the conclusion of all construction projects, the contractor shall be responsible for providing pertinent product information including warranty and maintenance instruction to county officials, as well as provide training for county staff regarding the operation and maintenance of the building systems and materials. It is the responsibility of the county board of education to assure that staff is present during the training and has sufficient in-service instruction on all equipment in order to properly maintain the new or renovated facility. At the conclusion of the training, the local board shall provide assurances to the SBA that the training has been provided.

4.113 Within the first year of occupancy of any new SBA funded school facility the county is responsible for testing for the presence of radon in accordance with the guidelines and procedures of the West Virginia Bureau of Public Health in the facility. A follow-up radon test is mandatory every successive five years. Test results shall be filed at the school and with the West Virginia Bureau for Public Health.

SBA Policy and Procedures
RULE 5

5 SCHOOL BUILDING AUTHORITY CONTRACTS AND AGREEMENTS

5.1 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 H)
- B. New school designs in West Virginia shall comply with codes and standards as adopted by the State of West Virginia in accordance with 18-9E-3.
- C. Qualified contractors bidding on SBA projects will present acceptable liability insurance levels and a completed “Contractor’s Qualification Statement” to the SBA 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 “Contractor Qualification Statements” including subcontractors shall be submitted to the School Building Authority office by low bid contractors within 72 hours of the completion of the bid opening. (SBA 105)
- D. 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. This information must be submitted by the lowest qualified bidder(s) to the SBA office within two hours after the completion of the bid opening. Bid openings shall not occur after 2:00 p.m. local prevailing time. Failure to submit the list of subcontractors and major material suppliers within the two hour limit will result in the rejection of the bid.
- E. Work Based Learning Opportunities – To the extent practical, the constructing contractor on projects involving the new construction and renovations of Vocational, Technical and Adult Education facilities should work cooperatively with the county board of education or Administrative Council to establish work based learning experienced to introduce county vocational students to construction work practices as outlined in Appendix J.

SBA Policy and Procedures
RULE 6

6 SCHOOL BUILDING AUTHORITY REPORTING PROCEDURES

6.1 Financial, Planning and Construction Reports

- A. SBA Exhibit A-1 – Project Description and Finance Plan – This form, included in the Grant Agreement, is 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. (Appendix G)
- B. 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 to report to the county board of education highlights or concerns regarding the construction’s progress. These reports are to be attached to the project’s daily logs for the corresponding week and be made available to the SBA’s project representative during site visits.
- C. WVDE P-1 – Application for Project Approval (Rev. 2/28/92) – This report is to be submitted twice by the county, initially with the schematic documents when they are submitted to the SBE and the SBA for review. Preliminary review documents required with the P-1 form are: (1) educational specification and educational program; (2) schematic documents; (3) outline specifications, and (4) first estimate of probable construction costs. A final P-1 is to be submitted to both agencies at the completion of the project with a BP-13-A or when appropriate, SBA 139 completion report prior to 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 SBE and the SBA.
- D. WVDE BP-13-A – Certificate of Project Completion (Rev. 10/94) A certificate of completion is submitted to the SBE 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 acceptance of the project and sign off of the BP-13-A by the SBA. The architect or project administrator shall arrange an inspection tour with the appropriate officials. Projects utilizing multiple prime contractors shall complete the SBA 139 form to designate completion of each contractor’s responsibility and trigger final payment of SBA funds. No occupation of a new facility or renovated facility shall occur until a certificate of occupancy is provided by the fire marshal and final approval to occupy the facility is granted by the SBA.
- E. Evaluation of Performance – The county board of education is responsible for completing evaluations on each contractor and architectural/engineering firm that has performed work on a SBA funded project using the appropriate SBA evaluation form and submitted with the BP-13-A or SBA 139 project completion forms.
 - 1. Contractor Evaluation Report (SBA 124)
 - 2. Architect/Engineering Evaluation Report (SBA 125)

- F. The grant recipient shall provide the School Building Authority a copy of the final certified testing, adjusting, and balancing (TAB) report for new HVAC systems installed in schools. The report must be prepared by an independent agent, directly representing the building owner and qualified to perform testing, adjusting and balancing of HVAC systems in accordance with the requirement of WV Code 18-9(e)-3 and those requirements found in SBA Appendix I – Architectural and Construction Regulations. The report will include the findings of the TAB contractor’s evaluation of the new HVAC system and final HVAC performance data. The TAB contractor will perform the duties as described in the project construction documents in cooperation with the design engineer and building contractors.

SBA Policy and Procedures
RULE 7

7 SCHOOL ACCESS SAFETY ACT GUIDELINES AND PROCEDURES

7.1 School Access Safety Funds –

Funds appropriated by the legislature to the School Access Safety Fund shall be distributed by the School Building Authority on the basis of net enrollment. These funds are for improvements of school access safety and will be distributed in accordance with SBA policy and in accordance with all requirements in Attachment K of the SBA Policy and Procedures Handbook.

7.2 Awarding of Funds

School Access Safety Grants

- A. Each county board who has an approved School Access Safety Plan and meets all the eligibility requirements of the School Access Safety Act established in WV Code §18-9F, will qualify for School Access funds.
- B. The School Building Authority will initially review the list of projects within the plan for compliance with the School Access Safety Act and based upon the availability of funding will annually review projects from within the plan for funding consideration.
- C. School Access Safety Grant projects must be included in the county's School Access Safety Plan (Appendix K) and must be a part of an approved comprehensive educational facilities plan (CEFP) or must be amended into the CEFP to be eligible for funding.
- D. School Access Safety funding provided by the School Building Authority must be expended within one year. The School Building Authority may grant a six month extension of funding if it is determined by the Authority that extenuating circumstances prevented the county from expending the funds within the one year period. Once expired by the School Building Authority, remaining funds shall be added to the total funds available to all counties in the School Access Safety Fund and distributed in future funding cycles.
- E. A local contribution in an amount equal to or exceeding 15% of the funding available to the county is required in order to secure School Access Safety funds. If a county board feels that it cannot fulfill the 15% local match as required, the county board of education may submit a financial hardship waiver request to the Department of Education for review and consideration.