

SECTION F: FACILITIES DEVELOPMENT

Section F contains policies related to facility planning, financing, construction, renovation and school closings.

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FB	Facilities Planning
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FACILITIES DEVELOPMENT GOALS

The Board accepts the premise that a school building should reflect the philosophical convictions of the school district about education. The Board recognizes, however, that educational programs are neither unchanging nor simple to incorporate into a facility plan. Anticipation of program change makes the need for flexible use of buildings necessary.

School buildings will be functionally compatible with desired school experiences. The program, not the physical setting, will dictate the manner in which the building is used.

The Board recognizes that funds are limited, and that when planning facilities priorities must be established to make the best use of the school building dollar. The Board's first objective will be to develop a plan that provides adequate space for each student's educational development. Whenever possible, the cultural as well as educational needs of the community will be considered in planning facility expansion.

Architects retained by the Board will be expected to plan for simplicity of design; sound economics, including low long-range maintenance costs, efficiency in energy needs, low insurance rates; high educational use; and flexibility.

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FACILITIES PLANNING

The Board is responsible for the regular operation and orderly development of its physical plant. For this reason, the Board will concern itself with both short-and long-range planning as it relates to the properties of the school district.

To this end, the Board will follow the policy of having before it at all times a long-term building program to serve as a guide for capital improvements. In developing a long-range program, the Board, will monitor:

1. The evaluation of existing facilities in terms of capacity and function.
2. The projection of life expectancy of facilities and maintenance costs.
3. Enrollment projections and community development patterns.
4. Site availability and acquisitions.
5. Changing instructional requirements and services.

This program will be subject to systematic study, revision, and extension from time to time, and the respective construction projections will be acted upon individually when proposed for implementation.

The Board's building program will be designed to provide adequate facilities to conduct full-time elementary and secondary education programs for all students residing in the district. The building program will be based upon specific Board policies that have been and will continue to be modified to conform to changes in the curriculum, availability of construction funds, and changes in enrollments.

State Reference

SDCL 13-24-9

Description

Board power over school buildings

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Review Date: 03/08/2021

FACILITIES CAPITALIZATION PROGRAM

To finance the facilities program, the Board, as established by law, may at its discretion authorize an annual tax levy not to exceed three (3) dollars per thousand dollars on the taxable valuation of the district for the capital outlay fund. The Board may also issue and sell capital outlay certificates. Money received from the sale of these certificates will also be placed in the capital outlay fund.

The capital outlay fund is a fund provided by law to meet expenditures on one thousand dollars or more for the purchase of land; improvement of grounds; construction of, additions to and remodeling of facilities; or for the purchase of equipment. It may also be used for installment or lease-purchase payments for the purchase of real property, plant or equipment, where the installment or lease purchase contract does not exceed 20 years, and for the payment of the principal and interest of capital outlay certificates. When used for the purchase of capital outlay certificates and the payment of installment or lease-purchase contracts, the total accumulated unpaid principal balances cannot exceed three percent of the taxable valuation. A school district, which contracts its student transportation may expend from the capital outlay fund an amount not to exceed fifteen percent of the contract amount. The capital outlay fund may be used to purchase textbooks and instructional software. The capital outlay fund may be used to purchase warranties on capital assets only if the warranties do not include supplies.

Construction of new facilities, or of additions to facilities which will require advertising for bids, must have a public hearing at least ten (10) days prior to the advertisement of any contract specifications. Following this public hearing and approval of the Board, the district may use the capital outlay fund for payment of the new construction of addition, however, the district may not change the originally advertised use of the fund without holding another public hearing.

In accordance with law, the Board will develop and maintain a five (5) year plan on the annual projected revenues and expenditures for the capital outlay fund. The projected expenditures will itemize the projected costs for new or additional facilities.

<u>State Reference</u>	<u>Description</u>
SDCL 13-16-6	Definition and use of capital outlay fund
SDCL 13-16-6.1	Bidders agreement to state rate and schedule
SDCL 13-16-6.2	Capital outlay certificates authorized
SDCL 13-16-6.3	Hearing on installment purchase
SDCL 13-16-6.4	Referendum petition and election on installment purchase
SDCL 13-16-7	Additional tax levy for certain funds or obligations
SDCL 13-16-8	Bond and certificate proceeds placed in capital outlay fund
SDCL 13-16-9.3	Public hearing for use of capital outlay fund

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BOND CAMPAIGNS

In accordance with law, the Board by resolution may determine that the district should issue negotiable bonds. These bonds may only be used for the purposes of:

1. Refunding any bonded indebtedness which is or is about to become due and payable or whenever such indebtedness can be refunded at a lower rate of interest to fund any judgment or outstanding warrants;
2. Raising money for any purpose for which the Board is authorized to spend school district funds.

The proposition to issue bonds, except bonds to fund registered warrants or to refund bonded indebtedness, will first be submitted to the electors of the district at a general or special election.

The amount of money borrowed will not exceed the sum of ten (10) percent of the previous year's assessed valuation.

Election will be set by the board.

State Reference

SD Constitution Article
13 §4
SDCL 6-8B-2

Description

Debt limitations for municipalities and political subdivisions
Election required for issuance

Adopted Date: 05/14/2007

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EDUCATIONAL SPECIFICATIONS

To ensure that facilities being planned are designed best to implement the educational program, the Superintendent will provide for the establishment of educational specifications to apply when planning, building or renovating school facilities.

The educational specifications will include:

1. A description of the needs of persons to use the facility;
2. The kinds of educational activities to be provided in the facility;
3. The appropriate kinds and amounts of furniture and equipment needed;
4. The consideration of location of facilities with regard to the educational and administrative needs (e.g., band room and library; playing fields and locker rooms; front office and general school control; and student traffic patterns);
5. Special site considerations for esthetics, vehicle traffic patterns, cooperative community use, and the like;
6. Required standards of construction to assure that the facility is readily accessible to and usable by people with disabilities;
7. Any other kinds of unique information that will give guidance to an architect in developing facility plans.

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SELECTION OF ARCHITECT

The Board will employ a licensed architect to design the plans of each proposed building, building addition, or extensive renovation. For remodeling or the building of new facilities, that are 5,000 square feet or less, the Board does not need to hire a qualified licensed architect.

In selecting architects, the following criteria will be considered:

1. Experience in school construction;
2. Evidence of relevant experience in special situations, such as facilities for the disabled;
3. Creative design ability;
4. Technical knowledge to control the design so that the best results are obtained for the least amount of money;
5. Executive and business ability to oversee the proper performance of contracts;
6. Proven ability in all of the major phases of planning and construction: pre-design planning, schematic design, design development, bidding, construction;
7. Ability and temperament to work cooperatively with others;
8. Willingness to consult with staff on educational specifications;
9. Extent and experience of architectural staff in relation to the scope of the planned project.

The architect will be selected by the Board on the basis of the above criteria and will be employed under a contract, which meets the current standards of the American Institute of Architects.

The Board will approve procedures that it will use in the selection of architects and a statement of the architect's responsibilities.

State Reference

SDCL 36-18A

Description

Technical Professions

Adopted Date: 05/14/2007

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Revised Date: 03/08/2021

FACILITIES DEVELOPMENT PLANS AND SPECIFICATIONS

Most schools are planned and designed to be used for many years. To provide long-term usefulness to the district and to justify the expensive investment in a school plant, the following general principles will be applied to the design of new buildings and the renovation of older facilities:

1. Flexibility: Versatile construction materials will be used so as to provide a building adjustable to future changes in curriculum and teaching methods.
2. Durability: Buildings will be constructed of durable materials. These may not necessarily be expensive; on the other hand, materials of an initial higher cost may be chosen to offset operational or maintenance expense.
3. Safety: Construction materials, and architectural and equipment specifications will meet the state safety requirements to ensure the safety of the students and staff, as well as other persons who may use the school facilities.
4. Expandability: The building design should provide for the possibility of future addition, while leaving the original concept of the structure intact.
5. Accessibility: Buildings should be designed to allow easy flow of traffic for all who use the building. This principle applies not only to vehicular traffic (accessibility to public thorough-fares and ample provision for parking), but also to the establishment of good traffic patterns inside the school.
6. Environmental: Aesthetic values and energy conservation measures will be considered in planning the total school environment. In order to provide the best possible learning environment, the surroundings should be comfortable, pleasing and safe.

Before advertising for bids on the plans and sites for the building or remodeling of school facilities, the Board will submit all plans to the State Fire Marshall for examination and approval.

State Reference

ARSD 61:15:02

SDCL 13-25-2

Description

School construction requirements

Rules authorized to implement fire safety

Adopted Date: 05/14/2007

Review Date: 2/13/17

Review Date: 03/08/2021

SITE PLANS AND SPECIFICATIONS

In accordance with local policies, school building sites will conform to minimum criteria established by the school board (assistance with planning may be obtained from the South Dakota Department of Education and the office of State Fire Marshall).

State Reference

ARSD 61:15:02

SDCL 13-25-2

Description

School construction requirements

Rules authorized to implement fire safety

Adopted Date: 05/14/2007

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CONSTRUCTION COST ESTIMATES AND DETERMINATIONS

PRELIMINARY AND FINAL ESTIMATES

After the architectural firm has been selected, a cost ceiling estimate indicating the maximum cost of the new construction or remodeling project will be submitted by the architect. Then after final plans have been made concerning building design and building size or remodeling needs a final cost estimate will be drawn up by the architect.

PERIODIC AND FINAL COMPUTATIONS DURING CONSTRUCTION

At regular intervals during the construction period, the Superintendent, the architect, the contractor, and, if necessary, the school attorney will review earlier projected costs and actual construction expenditures to determine the financial position of the project at that particular point. Upon completion of the project, a final computation of building expenditures will be made to determine the cost of each aspect of the total building project or remodeling program.

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SITE ACQUISITION PROCEDURE

Priorities based upon student population, location, and education needs will be established well in advance in order that proper locations for school sites might be acquired. Sites will be acquired in advance of construction to allow adequate time for the completion of topography studies and other preliminary work (i.e. traffic safety patterns). Eminent domain action for the acquisition of property for school site purposes will be executed only after negotiations fail and all other avenues to the solution have been exhausted.

To acquire a school site, the Board may exchange property with the state and any municipality or organized township or county within or partly within the boundaries of the school district under terms and conditions determined by the respective governing bodies.

State Reference

SDCL 13-24-1

SDCL 13-24-2

SDCL 13-24-3

SDCL 13-24-4

Description

School board authority to purchase or lease land

Eminent domain power for acquisition of school land

Selection of school site on state-owned land

Exchange of property

Adopted Date: 05/14/2007

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CONTRACTOR'S FAIR EMPLOYMENT CLAUSE

It is the policy of the district to require that all contractors and sub-contractors demonstrate awareness of the need to comply with federal, state and local mandates designed to provide equal opportunity in the execution of public contracts.

<u>Policy Reference</u>	<u>Description</u>
AC	NONDISCRIMINATION IN FEDERAL PROGRAMS
AC-E(1)	NONDISCRIMINATION IN FEDERAL PROGRAMS - COMPLAINT REPORT FORM
AC-E(2)	NONDISCRIMINATION IN FEDERAL PROGRAMS - COMPLAINT APPEAL TO THE SUPERINTENDENT
AC-E(3)	NONDISCRIMINATION IN FEDERAL PROGRAMS - COMPLAINT APPEAL TO THE SCHOOL BOARD

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BONDS FOR PUBLIC IMPROVEMENT CONTRACTS

Bid Bonds:

If the invitation for bids is for the construction of a public improvement that involves the expenditure of \$50,000 or more, or for the furnishing of any material or labor therefore, each bid shall contain a certified check or a cashier's check for five percent (5%) of the amount of the bid. The check shall be certified or issued by either a state or a national bank and payable to the District. In lieu of a check, a bid may contain a bid bond for ten percent (10%) of the amount of the bid. The bond must be issued by a surety authorized to do business in South Dakota payable to the District, as a guaranty that the bidder will enter into a contract with the District.

No bidder on a public improvement contract may be required, either in the invitation for bids or otherwise, to leave a certified check or cashier's check, or bid bond, posted for longer than 30 days after the bid opening if the bid is not accepted. The check or bid bond of the successful bidder shall be returned upon the execution of the contract and surety. The checks of all unsuccessful bidders shall be immediately returned by the District to the respective bidders and the bid bonds of all unsuccessful bidders shall be immediately destroyed by the District. No more than forty-five days may elapse between the opening of the bids and either the acceptance of the bid of the lowest responsible bidder or the rejection of all of the bids presented.

In the procurement of supplies or services, the Board may require a bond or an approved security to be submitted with any bid or proposal as a guarantee that the bidder will enter into a contract with the District. No offeror or bidder may be required to leave the bond or security posted for longer than 30 days after the bid opening if the bid or proposal is not accepted. The bond or approved security of the successful offeror or bidder shall be returned upon the signing of the contract.

The requirement of a bid bond, certified or cashier's check, cash, or other security may be waived by the District if the bid submitted does not exceed \$50,000 or in case of an emergency procurement as authorized by law.

Performance Bonds:

When any contract is entered into for the construction of a public improvement or the furnishing of any material or labor for the improvement, the contractor must furnish a performance bond in an amount equal to the contract price. This bond guarantees the faithful performance and the payment for labor and materials by the contractor.

If the contract includes total cost bidding, the District may require a performance bond for the cost of repairs and guaranteed repurchase cost.

The requirement of a performance bond may be waived by the Board if the bid submitted does not exceed \$50,000. The requirement of a performance bond may also be waived by the Board in the case of an emergency procurement authorized by law.

The Board may require performance bonds for purchases of supplies or services.

<u>State</u>	<u>Description</u>
SD AGO 86-01	Attorney General Opinion - Total Cost Bidding
SD DLA	Department of Legislative Audit - Bid Booklet - Local government guide for acquisitions, disposals & exchanges
SDCL 5-18A-35	Bond or approved security
SDCL 5-18A-36	Performance and payment bond or approved security
SDCL 13-20-7	Deposit and performance bond by supply and equipment bidders
SDCL 13-20-7.1	Deposit and performance bond by school improvement bidders
SDCL 5-18A-14	Public improvement contracts involving fifty thousand dollars or more
SDCL 5-18A-9	Emergency procurement
SDCL 5-18B-2	Certified check or cashier's check for percentage of bid or bid bond required
SDCL 5-18B-9	Return or destruction of bid bonds
SDCL 5-21-1	Surety bond required
SDCL 5-21-1.1	Waiver of performance security
SDCL 5-21-1.3	Waiver of performance security requirement for emergency procurement

Cross References

<u>Code</u>	<u>Description</u>
DJ	PURCHASING PROCEDURES
DJC	BIDDING REQUIREMENTS
DJD	LOCAL PURCHASING

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SUPERVISION OF CONSTRUCTION

The Board will appoint a construction superintendent for any remodeling, addition or new construction project. The construction superintendent will be a competent person who may or may not be otherwise employed by the district. His primary responsibilities will be to continually inspect the construction to be certain that the interests of the public are protected and that the contractor complies strictly with the approved plans and specifications. The building superintendent will report regularly to the Board, to keep it informed of construction progress.

The contractor will retain supervision of the actual construction and the workers whom he has employed to complete the actual building of the structure.

State Reference

SDCL 13-20-9

Description

Employment of superintendent to oversee contracts

Adopted Date: 05/14/2007

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RETIREMENT OF FACILITIES

The Board will annually review space needs for the educational program. Consideration will be given to closing schools when declining enrollment results in detrimental effects on the district's educational program and/or results in adverse effects on the financial management of the district. The Board will keep the public informed of any consideration to close a school.

If the Board wishes to close a school, it may do so by resolution at a Board meeting on or before December 1.

The Board, also by resolution, may submit the question to a vote of the people. If persons other than the Board wish to have the question of closing a school submitted to a vote of the people, they must file with the business manager, by January 15, a petition calling for an election. Such petition must be signed by at least 15 percent of the registered voters of the district at the last preceding general election.

The following criteria may be used to aid in making recommendations for the closing of schools:

1. Enrollment projections and classroom usage;
2. Future financial forecast;
3. Effect upon the educational program of the school and the district;
4. Effect upon the community;
5. Evaluation of present facilities, including:
 - a. educational adequacy,
 - b. operational costs,
 - c. modernization potential,
 - d. building capacity,
 - e. alternate use of building.

State Reference

SDCL 13-23

Description

Establishment & discontinuance of schools

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