

State of West Virginia_

County of Nicholas to wit:

The Nicholas County Board of Education of the County of Nicholas, West Virginia met in a special meeting on Tuesday, September 4, 2018, beginning at 9:00 a.m. The meeting was held at The Nicholas County Board Office, 400 Old Main Drive, Summersville, WV 26651. The purpose of the meeting will be for information and possible action to approve the implementation of Public Assistance Alternative Procedure for Permanent Work (Stafford Act, Title IV, Section 428, v3, 2016) for construction of facilities, incompliance with the CEFPA Amendment and mediated agreement that was previously approved by the Nicholas County Board of Education, the West Virginia Board of Education, and the West Virginia School Building Authority.

Educating and Preparing Students for Success After High School

Present for the meeting were:

Dr. Gus Penix, President

Mr. Fred Amick, Vice-President

Mr. Phil Berry, Member

Mrs. Elizabeth Coffman, Member

Mr. A.J. Rogers, Member

Dr. Donna Burge-Tetrick, Superintendent

Delegations will not be heard at this meeting. This is a special meeting to cover only the items listed on the agenda. Delegations will be heard at the next regular scheduled meeting.

1. Call to Order along with a moment of silent reflection:
The meeting was called to order by Board President, Dr. Gus Penix.
2. Superintendents Info:
 - a. Read The implementation of Public Assistance Alternative Procedure for Permanent Work (Stafford Act, Title IV, Section 428, v3, 2016) for construction of facilities.
Superintendents notes and comments at the end.
3. Action:
Approve the Public Assistance Alternative Procedure for Permanent Work (Stafford Act, Title IV, Section 428, v3, 2016) for construction of facilities.

Upon motion by Mr. Fred Amick, seconded by Mr. Phil Berry, the board unanimously consented to approve action items as presented.

*Board President, Penix comments:

Nicholas County is very fortunate to have the opportunity to apply for and receive FEMA flood relief funding utilizing the **Public Assistance Alternative Procedure for Permanent Work (Stafford Act, Title IV, Section 428 process)**. This process enables the Nicholas County BOE to

capture **maximum** funding for the relocation and rebuilding of schools lost in the June 23, 2016 flood. As you heard stated earlier in the Superintendent's comments, the project includes:

- Relocating and rebuilding Richwood High School and Richwood Middle School on the Cherry River Elementary School Campus utilizing the Community School concept;
- Relocating and rebuilding Summersville Middle School at the Glade Creek Business Park; and
- Relocating and rebuilding Nicholas County High School as a Comprehensive High School with an in-house Career and Technical Education School at the Glade Creek Business Park site.

Full implementation of this plan will allow Nicholas County Schools to achieve a more cost-effective delivery of educational services while providing high quality educational programs that will prepare all students to be career and college ready when they leave our school system.

The action we are taking here today represents a major milestone in the process of rebuilding our schools. Much work has taken place to get us to this point – rendering of conceptual design plans, establishing cost estimates, and determining the actual scope of work to be completed. I'd like to thank my fellow board members, the superintendent and her staff, ZMM our Architectural firm, and Skanska our Construction Managers for their tireless efforts in getting us this far. I'd like to thank the staff from FEMA (both at the federal and state levels), the WV Office of Homeland Security, the WV School Building Authority, the WVBOE, and the Governor's Office for their assistance in completing these tasks. And finally, I would be remiss if I did not thank the many citizens of our county who have supported us in many different ways.

It has been a long and rather arduous process getting us to this point. Students in those schools affected by the flood have been in temporary facilities for two years now, and they need and deserve to be housed in permanent facilities as soon as possible, and without any further delays.

So, I close my comments by calling on all Nicholas County citizens to assist the Nicholas County Board of Education in moving this process forward and getting these schools built posthaste.

Are there further comments from other Board members at this time?

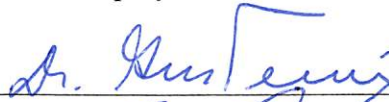
4. Adjournment:

Upon motion by, Mr. A.J. Rogers, seconded by Mrs. Elizabeth Coffman, the board unanimously consented to adjourn this regular meeting of the Nicholas County Board of Education. The meeting adjourned at 9:37 a.m.

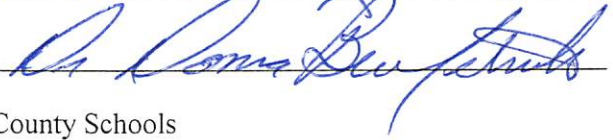
The next meeting will be a special meeting which will be held on Tuesday, September 4, 2018, beginning at 11:00 a.m. The purpose of the meeting will be Approve minutes from the 9 am meeting on September 4, 2018, consideration and possible action on Superintendent's recommendation that the NCBOE ratify the previously imposed unpaid suspension of a professional employee's employment

contract, and that the NCBOE terminate the employee's contract with Nicholas County Schools.

Dr. Gus Penix, President NCBOE



Dr. Donna Burge-Tetrick, Superintendent



Kim Belletto, Recording Secretary Nicholas County Schools

Superintendents comments:

The Nicholas County Board of Education, West Virginia Division of Homeland Security and Emergency Management, West Virginia School Building Authority and the Federal Emergency Management Agency, have worked together to secure funding for Nicholas County Schools that were significantly damaged in the June 23rd, 2016 flooding. I am presenting before you an agreement to be paid for permanent work in a fixed amount of **\$177,513,582.00** for all of the eligible costs and expenses expected to be funded by Public Assistance Alternative Procedure for Permanent Work (Stafford Act, Title IV, Section 428, v3, 2016) for construction of school facilities in Nicholas County.

Of the **\$177,513,582.00**, Nicholas County has already received a total of \$1,500,000.00 from NFIP proceeds, \$500,000.00 for each school destroyed by the flood. Therefore, a total of \$1,500,000.00 will be deducted, making the total \$176,013,582.00. This deduction is occurring to avoid duplication of benefits as per Section 312 of the Robert T. Stafford Act.

By accepting this amount, the Nicholas County Board of Education will accept responsibility for all costs above the fixed estimate. The Nicholas County Board also understands that by agreeing to this fixed estimate, we will not receive additional funding related to the facilities or sites included in the fixed grant. The Nicholas County Board also acknowledges that failure to comply with the requirements of applicable laws and regulations governing assistance provided by FEMA and the PA alternative procedures pilot program guidance (such as procurement and contracting; environmental and historic preservation compliance; and audit and financial accountability) may lead to loss of federal funding.

The Fixed Cost Estimate of **\$177,513,582.00** was based on consolidation of multiple fixed cost estimate sub-awards.

1. **Richwood High School Building cost**

As a direct result of 50% analysis for Richwood HS disaster damages, the sub-award is calculated based on replacement estimate as given by the respective Cost Estimating Format Fact Sheet, relocation, permitting and Direct Administrative Costs.

2. **Richwood Middle School Building cost**

Post 50% analysis for disaster related damages to Richwood MS, the sub-award is calculated based on replacement estimate of respective Cost

Estimating Format Fact Sheet, relocation, permitting costs and Direct Administrative Costs.

3. **Summersville Middle School Building cost**

Post 50% analysis for disaster related damages to Summersville MS, the sub-award is calculated based on replacement estimate of respective Cost Estimating Format Fact Sheet, relocation, permitting costs and Direct Administrative Costs.

4. **Codes and Standards Compliances – CTE Center per WV Code 18-9D-19, WV Policy 6200/2510**

5. **Codes and Standards Compliances – Raising Summersville Building School footprint to BFE+2**

6. **Section 406 Hazard Mitigations Proposals**

- a. Elevation of Site Roads & Parking lots
- b. Brushy Fork Creek Bank Stabilization
- c. Brushy Fork Creek Flood Gauges and Monitoring
- d. Safe Room(s)

406 mitigation sub-awards are discretionary, originally meant for site elevation, creek bank stabilization, flood monitoring, and safe room(s) for Summersville MS replacement funding.

The resiliency measures Nicholas County Schools' proposed are to enhance school buildings and its occupants' security through technology based monitoring/surveillance, safe entrances, designing schools as shelter(s)-in-place and implementing strategies to use buildings as teaching tools. The measures are in lieu of the discretionary 406 mitigation sub-awards.

The benefits of schools' relocation in addition to the proposed resiliency measures are greater than the approved mitigation scope of work (sub-awards 6a through d) for originally approved replace sub-awards.

7. **Direct Administrative Costs**

- a. Nicholas County Board of Education has been authorized to utilize the Public Assistance Alternative Procedures for Direct Administrative Costs dated June 12, 2018 as authorized by Region 3 PA Branch Chief in accordance with HQ PA Program permission/agreement.

8. **Directed Relocation**

- a. Acquisition, Access, Utilities

Estimate Review and Validation from Independent Expert Panel (FEMA funded)

Base Cost Estimating Format

At the request of the Joint Field Office, the Subject Matter Experts and Cost Engineers from the U.S. Army Corps of Engineers Huntington District backed by the USACE Cost Engineering Center of Excellence in Walla Walla, Washington performed an independent assessment of damages to the facility and estimated cost of repairs.

The SBA, NCBOE and the NCBOE consultants ZMM Architects and Engineers and Skanska USA Building, Inc. have agreed that the Base Estimate is accurate as validated by the U.S. Army Corps of Engineers.

Mead & Hunt, Inc. (FEMA funded third party validation)

The Cost Estimate Validation of the NCBOE submittal dated August 2, 2018, was validated with the subsequent response to a Request for Information (RFI) submitted on August 10, 2018.

I am proposing to use the Fixed Cost sub-award to develop alternate projects for Richwood High School and Richwood Middle School to be located at Cherry River Elementary School Campus. The new Summersville Middle School and the comprehensive Nicholas County High School with and integrated Career Technical Education Facility to be located at the Glade Creek Business Park Site.

Work to be completed:

A Community School that will house Richwood High School, Richwood Middle School and Cherry River Elementary School to be located at 190 Riverside Drive, Richwood, WV 26261.

The existing Cherry River Elementary School located off Riverside Drive, Richwood is a one story school building with school facilities spread over approximately 7 acres. As part of one of the alternate projects an additional 2.74 acres may be acquired to expand the parking, school bus and vehicular loop and main entrance student drop-off. The New Richwood Middle School and Richwood High School will be accommodated within in the modified and enlarged facility. The modifications to the school will serve grades 6 through 12 in addition to the existing elementary school.

Richwood Middle School and Richwood High School will maintain respective areas of operations, administration and administrative staff in the modified

Cherry River Elementary Building thereby facilitating a 21st century learning community. The exterior design to reflect community heritage with a lodge type of appearance with use of stone, wood and lumber.

The facility will have outdoor amphitheater, play and learning areas. The addition to the existing school will also include expanded parking and access to comply with fire code. The current proposed floor plan is 108,950 square feet.

Summersville Middle and the Comprehensive Nicholas County High School with an Integrated Career Technical Education Center (CTE)

The new Summersville Middle, Nicholas County High School and CTE will be developed and built in compliance with State of West Virginia adopted codes, regulations and West Virginia Board of Education codes & policies. The new facilities will be above 100-year floodplain. The facilities' design will implement strategies, systems, features and procedures towards mitigation of hazards, facilities' security needs, technology to meet curriculum requirements, buildings will be used as a teaching tool and as shelter-in-place with safe school entrances with related requirements.

The New Summersville Middle and Comprehensive Nicholas County High School along with Integrated Career Technical Center (CTE) will be developed and constructed at the Glade Creek Site, Glade Creek, WV. The site is approximately 71 acres with access roads. The proximity of the related educational facilities supports the Comprehensive High School Concept.

The new school complex will serve grades 6 – 12. The final facility plan is a multi- story arrangement and will be submitted to SBA/WVDHSEM and FEMA for inclusion to this Scope of Work as soon as practicable. The site will have over 800 parking spaces in the front and back for staff, students and to support special events. Both middle and high schools will have its designated areas within the building for their operations, administration and respective administration staff. The Schools will be separated with shared athletic and community spaces. Each of the schools will keep their own identities and have their own areas within the large building complex. The exterior design is to utilize brick, stone, glass and metal panels to create a modern look.

The Career Technical Education Center (CTE) will service both Richwood High School and Nicholas County High School students. The Nicholas County School System will provide transportation from Richwood High school to the new Career Technical Education Center. Fourteen (14) CTE instructional programs will be provided and may expand to 18 programs. The NCBOE will submit change requests if the verified 14 CTE instructional areas are changed to a maximum of 18:

*Upon completion of the new facility the NCBOE will provide an amended, if applicable, list of programs for inclusion to the scope of work. Between the start of construction and completion, program requirements are subject to change, hence, the requirement to submit a final list.

Use of Excess Funds

When the actual cost of the work under a sub-award is less than the fixed estimate, the sub-recipient may use the excess funds for PA Program-related purposes.

The following are allowable uses:

Hazard mitigation activities that will reduce the risk of damage in future disasters. The sub-recipient may use the funds for hazard mitigation on facilities not damaged in the declared disaster. However, the mitigation must be applied to facilities that would otherwise be eligible for PA Program funding. The law also states that mitigation measures must be cost-effective; the sub-recipient is responsible for documenting cost-effectiveness. The criteria outlined in *FEMA Policy 104-009-2 Public Assistance Program and Policy Guide* dated January 2016, may be used for this purpose. Activities that improve future PA Program permanent work operations, such as training and planning for future disaster recovery operations.

Unacceptable uses may include:

Payment of debts

Payment of the non-Federal share of PA Program sub-awards or other Federal awards

Operating expenses

Cost overruns on other PA Program sub-awards (that are not part of the consolidated sub-award)

Incorporation into the community's General Fund

Restoring or replacing a facility not damaged in the declared disaster (hazard mitigation measures excepted)

Restoring or replacing a facility that would otherwise not be eligible for PA Program funding

Special Consideration Reviews for the Improved Projects

Environmental/Historic Compliance Review – No construction may begin until the EHP reviews are completed and a release to construct has been provided by FEMA.

Insurance Review

Hazard Mitigation Review

I am asking that you approve the implementation of Public Assistance Alternative Procedure for Permanent Work (Stafford Act, Title IV, Section 428, v3, 2016) Fixed Cost Estimate Sub-award of \$177,513,582 for construction of facilities, in compliance with the CEFPA Amendment and mediated agreement that was previously approved by the Nicholas County Board of Education, the West Virginia Board of Education, and the West Virginia School Building Authority.