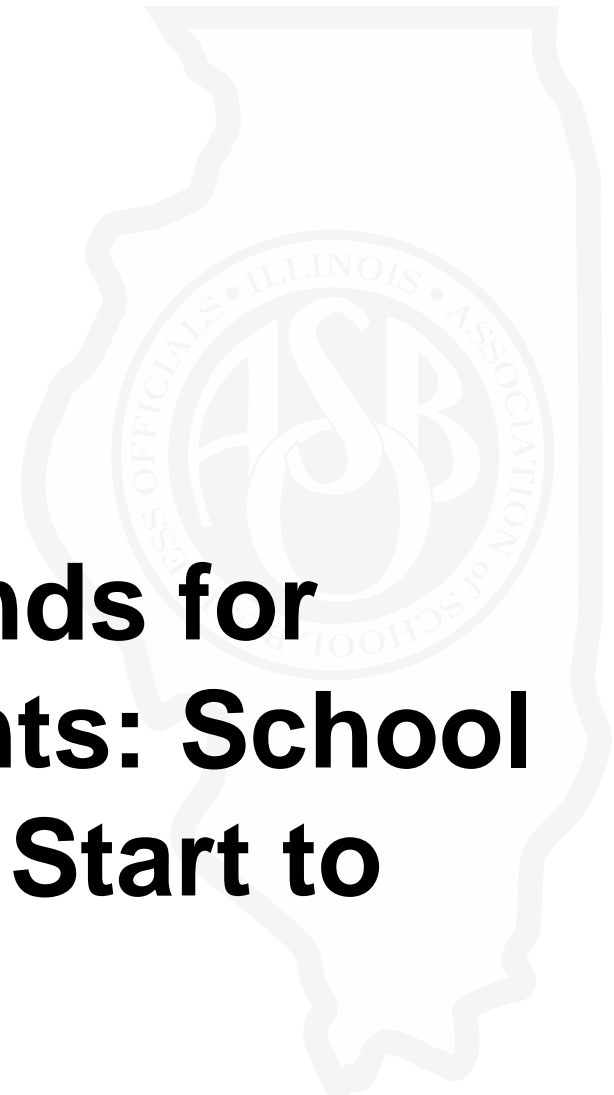


# **Using ESSER Funds for Facilities Improvements: School Construction from Start to Finish**



# Introductions

Ken Florey, Speaker, *Attorney, Robbins Schwartz*

Robbins Schwartz

Terry Fielden, Speaker, *Director of K-12 Education, International Contractors, Inc.,*



Alison Andrews, Speaker, *Associate; Wold Architects & Engineers*

Wold

# Presentation Goals

- Understanding allowed use of ESSER Funds for school facilities improvements
- Learning the construction process
- Intergovernmental Coordination
- Setting the Parameters for Success
- Selecting the Consultants



# Application/Funding

- Application Process
  - ESSER II application was due 6/30/2021
  - Eligible reimbursement period 3/13/2020 through 9/30/2023



# Application/Funding

- Application Process
  - ESSER III application due 6/30/2022
  - Eligible reimbursement period 3/13/2020 through 9/30/2024



# Application/Funding

- ISBE Funding – Expenditure Reports
  - Completed at least quarterly via IWAS System
  - Final report due no later than 90 days after grant end date
- Cash on Hand-60 days of float
- Selling Bonds
- Short term borrowing



# Using ESSER Funds for School Improvements

- School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.
- Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.
- Frequently Asked Questions Elementary and Secondary School Emergency Relief Governor's Emergency Education Program Relief Program s U.S. Department of Education Washington, D.C. 20202 May 2021

# Using ESSER Funds for School Improvements

## Improved HVAC Systems and Operation

- Ventilation
- Air Quality
- Bi-polar ionization
- Ultraviolet (UV) Light
- Photocatalytic Oxidation (PCO)

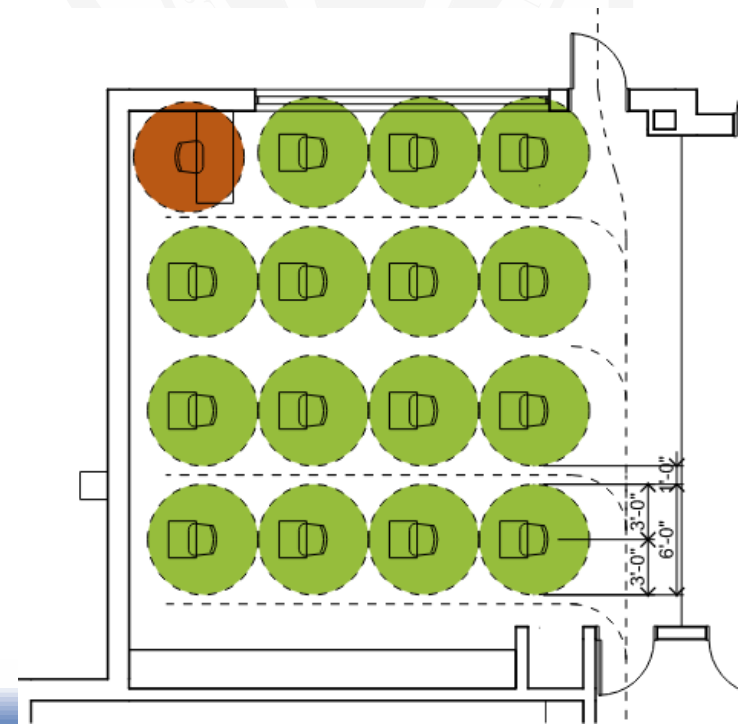




# Using ESSER Funds for School Improvements

## Evolution of the Educational Environment

- **Additional Classrooms**
- Flexible Furniture
- Improved Technology
- Multiple Presentation Walls
- Sound Enhancement
- Flexibility and Transparency for Co-teaching



# Using ESSER Funds for School Improvements

## Evolution of the Educational Environment

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# Using ESSER Funds for School Improvements

## Evolution of the Educational Environment

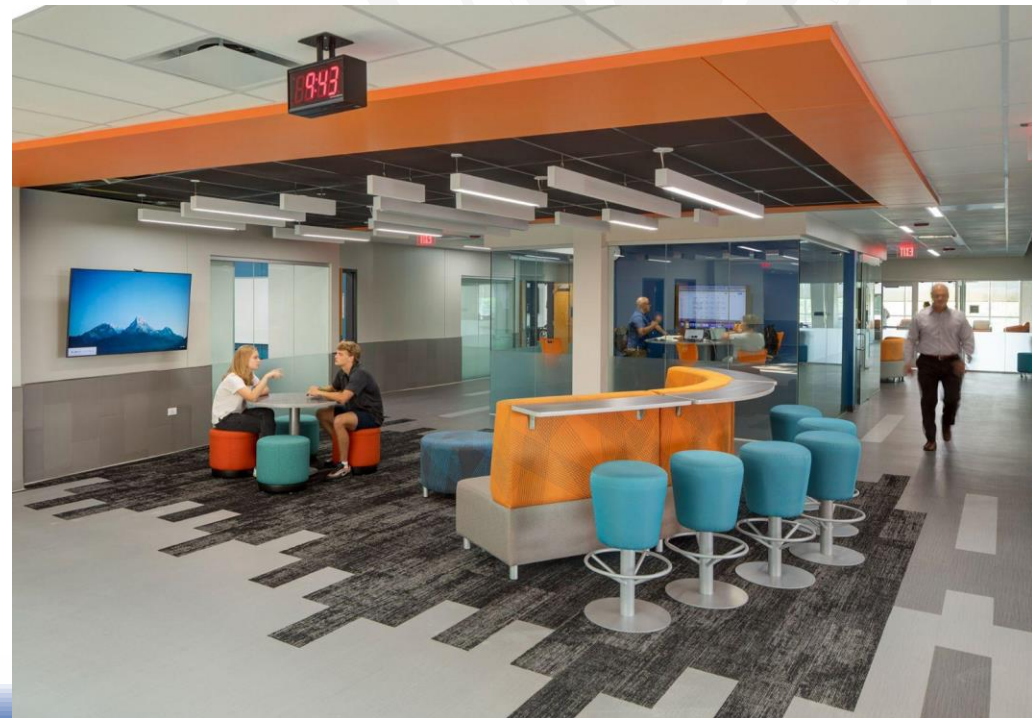
- Additional Classrooms
- Flexible Furniture
- Multiple Presentation Walls
- Improved Technology
- Sound Enhancement
- Flexibility and Transparency for Co-teaching



# Using ESSER Funds for School Improvements

## Extending the Educational Environment

- Blended Learning Spaces
- **Learning Studio**
- Extended Classroom
- Project Based Learning
- Outdoor Learning Environments





# Using ESSER Funds for School Improvements

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# Using ESSER Funds for School Improvements

## Extending the Educational Environment

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# School Construction

- Land Acquisition – Closed Session Discussion; there is a reason
- Intergovernmental Issues – to be negotiated
  - Zoning Codes – being a good neighbor
  - Storm Water Requirements – best of luck!
  - Site Access – traffic and safety
  - Utility Permits and Connections – avoiding fees

# School Construction

- Project Financing: Paying the Bill
  - Cash on hand
  - Acquiring debt
  - Issuing Bonds
  - Specialty Consultants





# School Construction

- Selecting Project Team
  - Architect
  - Construction Manager
  - General Contractor
  - Owner's Representative
  - Commissioning Agent
  - Specialty Consultants



# School Construction

- Critical Contract Negotiations
  - Architect – Can you ask about fees
  - Construction Manager – Unburdens Staff
  - Owner’s Representative – Supports District Goals
  - Commissioning Agent – Works on behalf of District
  - Specialty Consultants – Discretion of District



# School Construction

- Referendum Issues
  - Available Debt Service
  - Use your Architect/CM to help
  - Determining the amount
  - Predetermining Community Support
  - Board Approval
  - Floating Bonds; Passage



# School Construction

- Risk Management
  - Setting the time line
  - Skill set of District staff
  - Teacher/Building Input during design
  - Site access/building safety
  - Controlling the budget
  - Board Approval
  - Completing on time



# School Construction

- Setting the Timeline

- Programming 3 months
- Space Planning 3 months
- Schematic Design 3 months (many factors drive)
- Design Development 3 months (many factors drive)
- Construction Documents 3 months (many factors drive)
- Bid Time Frame 2 months
- Board Approval 1-2 months
- Physical Construction 4-12 months





ILLINOIS

Association of School Business Officials





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Association of School Business Officials

# School Construction

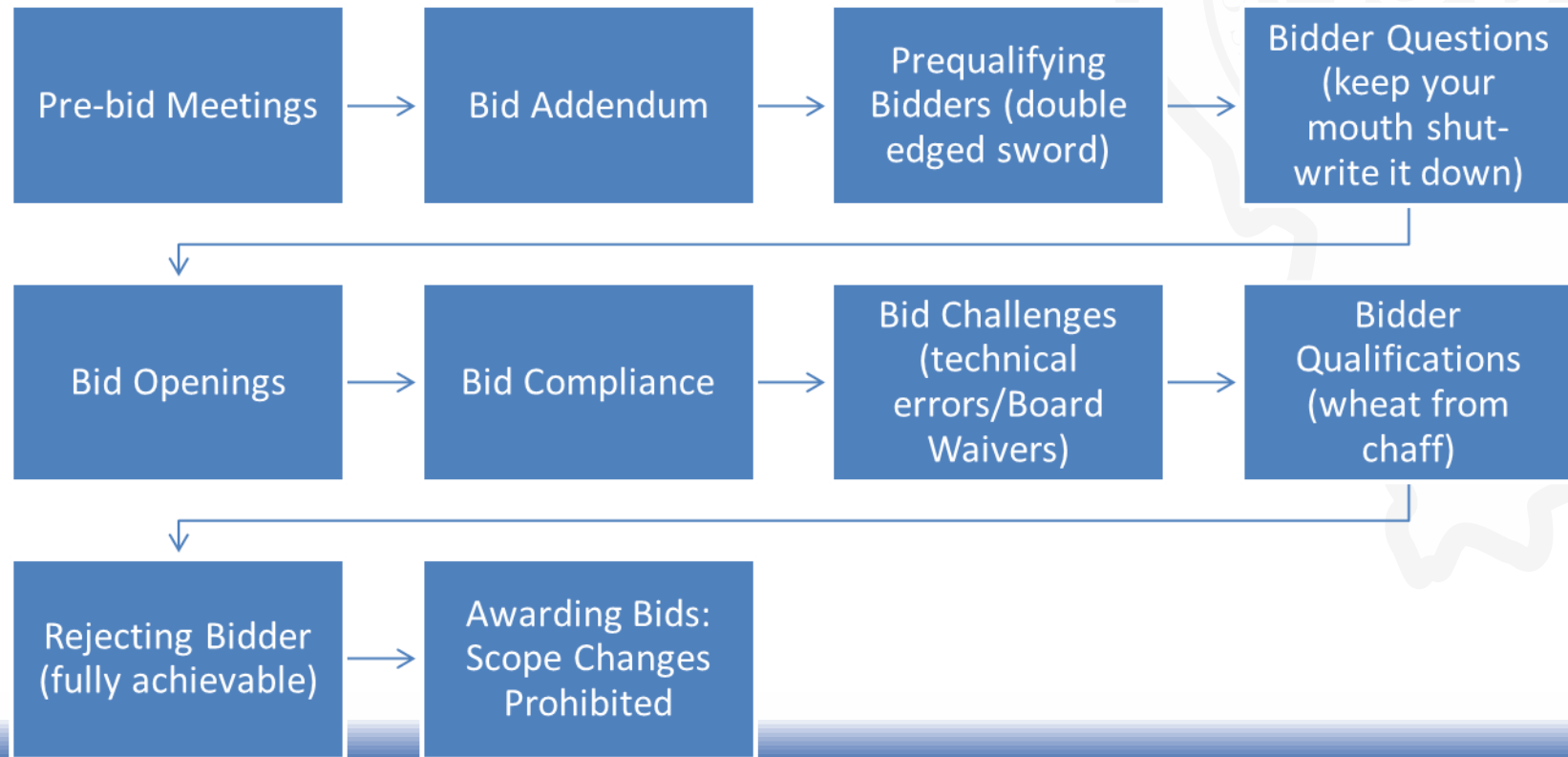
- Bidding Documents
  - Advertisement
  - Instructions to Bidders
  - Bidder Qualification Criteria
  - General and Special Conditions
  - Contract Form
  - Bond Forms





# School Construction

## Public Bidding-Required Steps



# School Construction

- Unforeseen Conditions: Change Orders
- Contractor Default: Nuclear Option
- Taking Over Portions of the Project: Practical Approach
- Surety Claims
- Construction Defects
  - Contractor Errors
  - Design Errors and Omissions



# School Construction

- How long do you have to file a lawsuit?
- Who is included in the lawsuit?
- The role of experts.
- Alternative Dispute Resolution (ADR)
  - Arbitration or Mediation?
- Building Repairs During the Litigation.
- What are the recoverable damages?



# School Construction

- Small Projects: Many rules still apply
- Contractor Certificate of Insurance Review
- Payment and Performance Bond Review
- Pay Requests
- Certified Payrolls
- Change Order Issues
- Delay Issues
- Labor Disputes (Picketing and Strikes)



# School Construction

- Project Close Out Issues
  - Lien Claims
  - Punch List Problems
  - Retainage Issues
  - Warranty Documents
  - 12 Month Walk-through



# Construction Project Checklist



| ACTIVITY DESCRIPTION            | BOARD ACTION<br>REQUIRED | TASK COMPLETED |
|---------------------------------|--------------------------|----------------|
| Land Acquisition                | X                        |                |
| Project Financing               | X                        |                |
| Selecting Project Team          |                          |                |
| Architect                       | X                        |                |
| Construction Manager            | X                        |                |
| Owner's Representative          | X                        |                |
| Commissioning Agent             | X                        |                |
| Specialty Consultants           | X                        |                |
| Contract Negotiations           |                          |                |
| Referendum Issues               |                          |                |
| Risk Management                 |                          |                |
| Statutory Concerns              |                          |                |
| Intergovernmental Issues        |                          |                |
| Building Codes                  |                          |                |
| Storm Water Requirements        |                          |                |
| Site Access                     |                          |                |
| Utility Permits and Connections |                          |                |
| Bidding Documents               |                          |                |
| Advertisement                   |                          |                |
| Instructions to Bidders         |                          |                |
| Bidder Qualifications Criteria  |                          |                |
| General and Special Conditions  |                          |                |
| Contract Form                   |                          |                |
| Bond Forms                      |                          |                |

# Construction Project Checklist

| ACTIVITY DESCRIPTION                       | BOARD ACTION<br>REQUIRED | TASK COMPLETED |
|--|--------------------------|----------------|
| <b>Public Bidding</b>                      |                          |                |
| Pre-bid Meetings                           |                          |                |
| Bid Addendum                               |                          |                |
| Prequalifying Bidders                      |                          |                |
| Bidder Questions                           |                          |                |
| Bid Openings                               |                          |                |
| Bid Compliance                             |                          |                |
| Bid Challenges                             |                          |                |
| Bidder Qualifications                      |                          |                |
| Rejecting Bidders                          | X                        |                |
| Awarding Bids                              | X                        |                |
| <b>Small Projects</b>                      | X                        |                |
| Contractor Certificate of Insurance Review |                          |                |
| Payment and Performance Bond Review        |                          |                |
| Pay Requests                               | X                        |                |
| Certified Payrolls                         |                          |                |
| Change Order Issues                        | X                        |                |
| Delay Issues                               |                          |                |
| Labor Disputes (Picketing and Strikes)     |                          |                |
| Unforeseen Conditions                      | X                        |                |
| Contractor Default                         | X                        |                |
| Taking Over Portions of the Project        | X                        |                |
| Surety Claims                              | X                        |                |
| Construction Defects                       | X                        |                |
| Contractor Errors                          |                          |                |
| Design Errors and Omissions                |                          |                |
| <b>Project Close Out Issues</b>            |                          |                |
| Lien Claims                                |                          |                |
| Punch List Problems                        | X                        |                |
| Retainage Issues                           | X                        |                |
| Warranty Documents                         |                          |                |



# *Questions and Answers*

*We thank you for your time!*



# Presenters:

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