

## F – FACILITY EXPANSION PROGRAM

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## FACILITY PROGRAM

### Facility Goals and Objectives

The Board shall authorize the construction of a sufficient number of school buildings to meet the demands of present and anticipated future student enrollments and shall strive to provide the highest type of education environment for students at the lowest expenditure of tax dollars.

Decisions pertaining to the construction of educational facilities shall be made only after an attempt has been made to carefully consider the viewpoints and needs of students, teachers, parents, and taxpayers within the District.

Architects employed by the Board are expected to plan for simplicity of design, sound economics, including low long-range maintenance costs and low insurance rates, high educational utility, and flexibility.

The priority of construction shall be as follows:

1. Regular classrooms and essential service units for efficient operation.
2. Special classrooms.
3. Multi-purpose units.
4. Administrative and support facilities.

All contracts for school construction or renovation shall be submitted for approval to the Director of the Public School Facilities Authority in accordance with state statute. See Section 23-20-1.

## ACCESSIBILITY

Accessibility

No qualified disabled person shall, because facilities are inaccessible to or unusable by disabled persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

Readily Accessible Programs

Such programs or activities shall be operated in a manner which ensures that, when viewed in their entirety, they are readily accessible to disabled persons. The District is not, however, required to make each existing facility or every part of a facility accessible to and usable by disabled persons.

Compliance with these requirements may be achieved by:

1. Redesigning equipment.
2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified disabled persons.
4. Home visits.
5. Delivery of health, welfare, or other social services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities in compliance with the Americans with Disabilities Act and Section 504 of the rehabilitation Act of 1973.
8. Any other methods that would result in making programs and activities accessible to disabled persons.

Structural changes in existing facilities need not be made when other methods will achieve compliance with the legal requirements for providing access to persons with disabilities. In choosing among available alternatives for meeting these requirements, the Board shall give priority to methods that offer programs and activities to disabled persons in the most integrated setting appropriate.

Notice

The District shall adopt and implement procedures to ensure that interested persons, including those with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by disabled persons.

## NEW FACILITIES

New Facilities

Each facility or part of a facility constructed by, on behalf of, or for the use of the District shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by disabled persons. Alterations of facilities that affect or could affect their usability shall, to the maximum extent feasible, be altered in such manner that the altered portion is readily accessible to and usable by disabled persons.

Names on Buildings

The Board shall have a plaque prepared bearing the names of the Board members, administrators, architects, and contractors directly connected with each project.

Inspection and Acceptance

In addition to periodic inspections by the architect and the administrative staff, the Board shall conduct a final inspection or inspections of new construction where necessary, and final acceptance of the project shall rest with the Board. Acceptance of new construction shall be withheld until the buildings are certified as complete, subject to a reasonable number of punch list or warranty items.

Dedication Ceremonies

A new school building shall be dedicated at an appropriate ceremony held as soon as possible after it is approved for occupancy.

School Name

The Board will name school facilities.

## BUILDING COMMITTEES

The Superintendent may appoint a building committee to assist in planning and supervising the construction of each new facility.

### Legal Status

The building committee will be an advisory body only.

### Appointment of Committee Members

The Superintendent will appoint members to the building committee. The Superintendent will also appoint a chairperson to the building committee.

### Building Committee Members

The building committee will be composed of staff members who are capable of advising on facility and equipment needs in a specific teaching area. Where administrative support or non-instructional facilities are contemplated, staff members from departments which will use the facility will be appointed to the committee. Members will serve on the committee for the duration of the project.

### Liaison/Reporting

The chairman of the building committee will be responsible for communications among the committee, the Board, the Superintendent, the architect, regulating agencies and the lay advisory committee.

## LONG-RANGE PLANNING

The Board supports the concept of long-range planning in the school facilities expansion program. Such planning will help to understand past, present and anticipated future needs and will provide a means of accomplishing a constructive, efficient, and economical long-range school building program for the community. The main factors to be considered are intergovernmental relationships, the local administrative unit, existing plant assets, transportation, community facilities, community plans, school building standards, utilization of available school and community facilities, anticipated technological applications, the needs of the academic program, and enrollment estimations.

### Long-Range Needs Determination

The Board believes that the best solutions to facility needs require intensive study and careful planning over a period of years. The Board also believes that the needs for facilities can be fulfilled in a variety of ways depending upon the situation which exists. The Board may consider the following needs:

- A. Improved utilization of available school buildings.
- B. Changes or improvements in existing facilities.
- C. Additions to present facilities.
- D. Utilization of existing community facilities.
- E. Change of existing community facilities to assure greater use for school purposes.
- F. Construction of new facilities suitable to particular circumstances.

Long range planning activities shall include input from the Director of the Public School Facilities Authority.



FACILITIES CONSTRUCTION: SELECTION OF ARCHITECT

The architect shall advise the administration and Board on the phases of the program for which he or she has technical training and experience.

The Board of Education will select the architect for the new construction of facilities in the District in accordance with the procedures for purchase of professional services specified by the Procurement Code.

## EDUCATIONAL SPECIFICATIONS

The Board will approve the scope and the educational specifications of a project. The Board will consider and determine the following:

- A. Where the general location of the facility should be.
- B. How many students are to be accommodated.
- C. How the students are to be organized (grades, combination of grades, future changes).
- D. What current and future curricula or services are to be provided.
- E. What future changes in the use of the facility should be considered in its planning.
- F. What community use of the facilities is contemplated.
- G. What specific spaces are to be provided in the facility.
- H. Multiple use or alternate future use of the facility.
- I. What spaces may have to be added to the facility at some future time.
- J. Should an educational consultant be employed for this project.
- K. How technological developments and advances will be accommodated and incorporated in the project.

Major factors to be considered include: space standards, plant utilizations, scope of school activities, type of school needed, the population to be served, the specific facilities for the curriculum, and the types of services to be provided at the facility.

## PLANS AND SPECIFICATIONS: SITE

Location Guidelines

The following guidelines shall apply to the location of school sites:

1. School sites shall be located as near as is practical to the center of the attendance area they are expected to serve.
2. Elementary school sites shall not be located adjacent to major arterial streets or highways.
3. Junior and Senior high school sites shall not be located adjacent to major arterial streets or highways, but such sites shall be located to permit ready access by automobile from major arterial roadways.
4. School sites shall be located in such a way as to facilitate joint use of the sites by both the schools and the patrons of the District. However, school needs and use shall always take priority over other uses.
5. Available school sites shall be located as near as practical to sources of water, sewer, gas, and electricity.

Purchase Guidelines

The following guidelines shall apply to the purchase of real property for school sites:

1. Every effort shall be made to purchase the real property for school sites through negotiation with a willing seller at a fair and reasonable price.
2. Any realtor services shall be procured in accordance with the Procurement Code and the realtor shall be paid in accordance with local real estate practices.

3. In order to assure a fair market value purchase, the Board shall meet in closed session to discuss the purchase of real property for future school sites. Such discussions shall be confidential.

## CAPITALIZATION PLANNING

The Superintendent will be responsible for preparation of the capital improvement Budget for approval by the School Board and it will be prepared with the same thoroughness as the annual operational budget.

## PROJECT FINANCING

In preparing to finance a construction project, the Board will make its final decision on the basis of up-to-date information provided by the Superintendent and his/her staff. The information will include, but not be limited to;

- A. Past and present indebtedness.
- B. Anticipated volume of construction over a period of years.
- C. Stability of tax rate.
- D. Statutory debt limit.
- E. Existing interest rate.

## GENERAL OBLIGATION BONDS

General Obligation Bonds – Authority to Issue. Subject to the provisions of Article IX, Section 11 of the Constitution of New Mexico, Sections 6-15-1 and 6-15-2, and Sections 22-18-1 to 22-18-13, a school district may issue general obligation bonds for the purpose of erecting, remodeling, making additions to and furnishing school buildings, or purchasing or improving school grounds, purchasing computer software and hardware for student use in public schools or any combination of such purposes. The Board may issue such bonds or other negotiable instruments or enter into such financing arrangements as are permitted by law.

General obligation bonds of a School District shall be issued and sold pursuant to the provisions of Sections 6-15-3 through 6-15-10 NMSA 1978.

Except as is otherwise provided by law, general obligation bonds issued by a School District shall be of the denomination or denominations, shall be payable at the place or places within or without the state or both, shall be in such form and shall bear such terms and conditions as the Board determines.

General obligation bonds issued by a School District shall be signed by the President and attested by the Secretary of the Board, unless the bonds are issued in book entry or similar form without the delivery of physical securities. Any coupons appertaining to the bonds shall be signed by the president of the Board either manually or by facsimile signature.

The general obligation bonds issued by a School District may be executed in the manner provided by the provisions of the Uniform facsimile Signature of Public Officials Act.

### Bond Referenda

Bond Elections; Qualifications of Voters; Calling for Bond Elections. Before any general obligation bonds are issued, the Board shall submit to a vote of the qualified electors of the School District, the question of creating a debt by issuing the bonds. A majority of those qualified electors voting on the issue must approve the issuing of the general obligation bonds.

Bond Issues

Authority to Issue Bonds. If a majority of those persons voting on a question submitted to the voters in a bond election vote for creating a debt by issuing general obligations bonds, the Board may, subject to the approval of the Attorney General, proceed to issue the bonds.

Bond Sales Reserves

The Board may hold in reserve funds from the proceeds of bond sales. However, such reserves will be expended only for the purpose or purposes for which the bond election was held.

Bond Sales Investments

The Superintendent will design a payment schedule which will allow the investment of bond sales revenue until it is needed, with investments earning as much interest as possible. Such interest will be considered as a revenue for the building fund.

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Legal Reference: 22-18-1 to 22-18-13 NMSA 1978



## LOANS AND GRANTS

State

The Board may accept state loans and grants when such action would be to the advantage of the School District and not overly restrictive. School personnel will keep the Board informed concerning the availability of such funds.

Federal

The Board may accept federal funds, loans and grants when such action would be to the advantage of the School District. School personnel will keep the Board informed concerning the availability of such funds,

## PROJECT ADMINISTRATION

The Superintendent and his staff shall assure that proper project administration procedures are followed throughout the duration of any construction project, and shall keep the Board advised of its progress.

### General Supervision

The Superintendent and his staff shall arrange for supervision of all elements involved in the project. The Superintendent and his staff will be responsible for assuring the completed project meets educational needs and project specifications. Coordination with all parts of the project will be required in order to meet these specifications. Depending on the size of the project, the Board may require on-site project management or supervision as part of the project requirements or, in its discretion, may contract and pay for a full or part-time project supervisor. The Superintendent and staff shall cooperate with staff of the Public School Facilities Authority in project administration.

### Board Responsibilities

The Board will have the following responsibilities in a school facility project: (i) selecting an architect; (ii) approving plans and specifications; (iii) approving bids; (iv) approving legal documents; (v) approving change orders; (vi) approving payments; (vii) periodic inspections, and (viii) acceptance of facility.

### Building Committee Responsibilities

The building committee will have no administrative or supervisory functions once the project has been commenced. The committee may be called upon by the Superintendent for advice in areas where the committee may provide expertise.

### School Administration Responsibilities

After Board approval of a project, the Superintendent and his staff will bear basic responsibility for the overall project.

## CONTRACTS

The Board will determine the contract form and content, except where federal or regulation requires use of a specific form of agreement.

### Fair Employment Clause

The contract will abide by prevailing labor laws, rules, and regulations. It will be the responsibility of the attorney and the architect to advise the Board concerning the status of the above conditions in the contract, as well as current requirements.

### Affidavits and Guarantees

It will be the responsibility of the architect and the attorney to advise the Board concerning affidavits, guarantees, assurances, bid performance and payment bonds, insurance requirements and warranties for the contract.

### Contract Award Procedures

The Board will retain the right to negotiate, within reasonable limits, the awarding of the contract. Provisions of the state Purchasing Code will be followed. The Board may negotiate with the apparent low bidder within the range of ten (10) percent of the total contract, only if the lowest responsive bid received exceeds available project funds, by no more than ten (10) percent and there is no change in the original terms and conditions of the bid. After negotiations, if any, formal contract documents will be signed.

BIDDING AND AWARDING OF CONTRACTS: FAIR EMPLOYMENT CLAUSE

The District shall assure that all laborers, workers, and mechanics who work in the construction of public works, exclusive of maintenance work by school employees, are paid at not less than the general prevailing wage rates set by the Department of Labor for the classification of work and the locality of the project.

## PROJECT INSURANCE PROGRAM

The architect and attorney will be responsible for advising the Board on proper project minimum insurance coverage. Such coverage shall include: fire and extended coverage, workmen's compensation, public liability, property damage, contractor's tools and equipment, owner's contingent property-damage, and owner's contingent liability insurance. Certificates of all insurance policies will be filed with the Board.

### Casualty

Such casualty insurance as is required by law will be required by the Board in project administration.

### Liability

Such liability insurance as is required by law will be required by the Board in project administration.

### Surety Bonds

The Board will require surety performance and payment bonds of any or all construction contractors, individuals, or companies doing business with the Board in excess of \$25,000.

CHANGE ORDERS

All change orders to a construction contract must be approved by the Board.

## PAYMENT PROCEDURES

The architect will provide progress estimates on the project which will provide the basis for scheduled payments to the contractor. The architect will be careful to assure that payment is in accord with progress and will sign such progress reports and certify that payment is authorized.

### Installment

The contractor will receive installment payments from the Board based upon the schedules established in the contract and progress estimates of the project.

### Final

The architect will recommend final payment to the contractor only after all provisions of the contract have been fulfilled.

The contractor may receive the full balance of payment due under the terms of the contract where: (i) proper bond requirements are provided and assurances, warranties, and guarantees are furnished; (ii) the work, including punch list items, has been satisfactorily completed; (iii) the legal period for claims has expired; (iv) evidence is submitted that bills and payrolls have been paid; and (v) release of liens and rights of lien is furnished by the contractor, if the owner so requests.

## RECORDS AND REPORTS

The architect will maintain such records and reports as are required by law, the contract, and the Board.



## COMPLETED PROJECT

The Board will consider a project as complete when the architect and the Superintendent agree that the project is ready for Board inspection.

A facility is seldom ready for occupancy when the work is substantially completed. Until the final adjustments or corrections have been made, the School System normally should not occupy the premises. Yet, from a legal standpoint, the date of substantial completion is important in that the contractor's liability for faulty materials or workmanship generally starts from the date of substantial completion and usually extends for a year.

Both the architect and the administrative staff should be alert to jobs not finished, specifications not complied with, failure to provide items specified, and other details needing attention. The school administrator should keep his own list of shortages and confer with the architect about their completion, adjustment, or correction. The architect also will have a list. A consolidated punch list shall be presented to the contractor based on architect and administration inspection at the time substantial completion is certified.

A project will be considered complete when it is accepted by the architect, the Superintendent, and the Board.

## BOARD INSPECTION AND ACCEPTANCE

After the Superintendent and the architect are satisfied that the contractors have fulfilled their contracts, the facility will be ready for final inspection.

Prior to issuance of final approval, the Superintendent and the Board should make an overall inspection in the company of the architect and the contractor. They should view the building in order to see firsthand what they have accomplished and be assured that the building is complete before final acceptance. Upon acceptance, the School System can begin to prepare the structure for occupancy.

Immediately after occupancy, all personnel should be instructed to report flaws, defects, and unsatisfactory conditions. Frequent inspections should be made of the facility and its mechanical features. If defects are discovered, prompt action should be taken to prevent further damage. All reasonable precautions should be taken. Matters which can be traced to faulty materials or workmanship should be reported to the contractor at once, and before the warranty period has expired.

## LEASING AND RENTING TO MEET EXPANSION NEEDS

The Board may authorize the leasing or renting of facilities in order to meet critical educational needs.

### Semi-Permanent Arrangements

The Board will seek to rent or lease facilities which would come closest to meeting educational needs. Also of primary concern will be the length of time such facilities would be available to the Board. Such arrangements will be considered as semi-permanent if an entire school year is involved. Such arrangements will require the owner to pay for any renovation necessary, and shall be confirmed by written agreement approved by the Board.

### Temporary Arrangements

In the event of an emergency or a critical shortage of educational facilities, the Board will consider temporary facilities. Such facilities must be adaptable to the educational program and also be sanitary and safe.

### Emergency School Housing

The Board will consider emergency facilities during the time of such need. Such facilities will be used only as long as is absolutely necessary and must be sanitary and safe.

CONSTRUCTION BY APPROVAL OF  
PUBLIC SCHOOL FACILITIES AUTHORITY

With respect to construction projects other than public school capital outlay projects subject to the oversight of the public school capital outlay council pursuant to the Public School Capital Outlay Act, the Board shall secure the approval of the director of the Public School Facilities Authority or his/her designee prior to the construction or letting of contracts for construction of any school building or related school structure or before reopening as a school building but that has not been used for that purpose during the previous year. A written application shall be submitted to the director requesting approval of the construction, and, upon receipt, the director shall forward a copy of the application to the State Superintendent. The director shall prescribe the form of the application, which shall include the following:

- 1) a statement of need;
- 2) the anticipated number of students affected by the construction;
- 3) the estimated cost;
- 4) a description of the proposed construction or structure to be built;
- 5) a map of the area showing existing school attendance centers, such as, but not limited to, railroad tracks, rivers and limited access highways; and
- 6) such other information as may be required by the director.

Within thirty (30) days after the receipt of an application filed pursuant to this section, the director or his/her designee shall in writing notify the Board making the application and the Public Education Department of his/her approval or disapproval of the application.



