

**PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL (PSCOC)**  
**2022-2023 PSCOC Standards-Based Awards - Additional Conditions**  
**July 18, 2022**

**Standards-Based Project Awards**

The PSCOC approved capital outlay project awards under the standards-based capital outlay process to the districts set out in the award spreadsheet for the purposes and in the amounts specified, including any special conditions contained in the award language for each school (see attached). Each allocation is intended to fully complete the project, phase, or specified purpose. All projects involving renovation shall reduce the wNMCI by one-third or greater. Out-of-cycle construction funding may be considered at any future regularly scheduled PSCOC meeting upon completion of planning, design, construction documents or equivalent PSFA phase approval and conformance with all contingencies. All project designs shall include evaluation of potential energy, maintenance and other operational costs of new, renovated or other facilities based on established standard averages.

**Standard Contingencies to All Awards**

The PSCOC approval of the awards is contingent upon acceptance by the districts through execution of the required documents between the PSFA and the district, which contain the detailed project description set before the Council, the roles and responsibilities of the parties, phasing schedules and direct payment options. These awards are further contingent on the following:

- Project amounts set aside for potential out-of-cycle awards include anticipated state share amount of a project or phase which requires the district to perform specific actions set out in the project descriptions and to bring back a request for funding for further consideration by the Council. Future awards may be contingent on district audit status and other conditions which may be deemed by the Council as necessary to ensure the prudent and appropriate use of capital funds.
- All districts receiving awards must have a completed audit for FY21 submitted to the State Auditor's Office prior to expenditure of PSCOC-awarded funds, and will have a corrective action plan in place to address audit findings. PSFA may, as directed by the PSCOC, assume direct administration of all projects from districts with serious findings in regard to expenditures or management of capital outlay funds.
- The district shall execute and maintain an effective preventive maintenance (PM) program, as prescribed in its PSCOC-approved PM plan (which shall be reviewed and updated annually by the district to ensure a Facility Maintenance Assessment Report (FMAR) score of satisfactory (70% or better) at each school), and effectively utilize all Facility Information Management System (FIMS) modules—Maintenance Direct (MD), Preventive Maintenance Direct (PMD), and Utility Direct (UD), or otherwise provide evidence of effective use of an alternate acceptable and equivalent maintenance management process. The district shall report to the PSFA every six months on the status

of its maintenance program. Should the district fail to meet the FMAR score of satisfactory, the district may be required to report to the PSCOC.

- Prior to construction closeout, the district must submit for PSFA approval an amendment to its maintenance plan defining how they will provide appropriate maintenance for any renovated or added facility space.
- Projects are funded only to the design capacity outlined in the award. Unless specific limitations are defined in the award, or are otherwise accepted, the Adequacy Planning Guide establishes gross square footage (GSF) boundaries; however, every effort should be made to minimize overall facility footprint. The PSCOC may elect to limit participation in the renovation of any existing square footage in excess of the guidelines.
- All procurement must meet the State of New Mexico Procurement Code.
- If existing facility disposal is required, an approved commitment from the district to PSCOC will be required prior to release of construction funding. Disposal may include demolition of the facilities or by written agreement transferring ownership of property and/or facilities. PSCOC reserves the right to recover a pro-rata share of awarded amounts for the replacement facilities if the original property or facilities are sold or used for another purpose than the award.
- The district will provide and deliver to the PSFA, within 30 days of the acceptance of the award, a Memorandum of Understanding (MOU) that includes, the proposed construction delivery method and the dates for completion of project planning, design development, construction, final completion, and project closeout. Failure to have projects completed by the scheduled deadline does not obligate the PSCOC for any increased costs due to inflation or other time related consequences.
- PSCOC may cancel an award for any project that has not made progress on any phase of work for a period longer than three consecutive years. Awards that are cancelled shall result in the decertification of state funding and the re-ranking of the previously awarded school. If a school remains eligible for an award after it is re-ranked, the district may reapply for an award at the same school with the understanding that the state and local match rates shall be based on the final calculated value at the time of the future application.
- The MOU shall identify specific portions of the project that the district intends to build outside of the allowable funding and above the awarded design capacity and commit to fund these portions at the sole cost of the district.
- Requests for Proposals (RFP) for construction and design services or Invitations to Bid (ITB) for construction services cannot be released without review and written approval from PSFA. RFPs/ITBs that are released without written approval may have to be reissued. A PSFA Request for Approval of School Construction (RASC) final approval of school construction is required prior to releasing your RFP/ITB.

- District must submit cost estimates for all furniture, fixtures and equipment (FF&E) and site equipment (playground, tables, benches, etc.) for approval by PSFA prior to any purchase. Participation in furniture, fixtures equipment (FF&E) to adequacy will be based on the Maximum Allowable Construction Cost (MACC) as follows: elementary schools 2.5%, combined schools 1.5%, middle schools 1.5% and high schools 3.0%.
- Any legitimate project expenses expecting PSCOC/PSFA participation, reimbursement or credit shall be submitted and approved by PSFA in advance of the expenditure through the construction information management system (CIMS). Exception: Allowed project expenses made prior to award must be submitted within 90 days of the executed MOU.
- Prior to projects' final PSFA RASC approval and release to bid, all site infrastructure including roadways, utilities and water must be in place, under contract with specified completion time, or defined by other acceptable written agreements that include cost and completion time.
- All awards are exclusive of land acquisition costs and any utilities and infrastructure expenses outside the surveyed property boundary, which are the sole responsibility of the district and community and will not apply to the district's matching fund requirement.
- Any award to a school district for a school located on tribal lands shall have an associated land lease with the tribe, pueblo, or nation for the land on which the school is being constructed. The lease shall be for a period of 25 years from onset of the construction award, with the option to increase by an additional 25 years at the sole discretion of the school district.
- Portable classrooms purchased from proceeds of this or previous PSCOC awards, freed by construction of permanent facilities shall, at the option of the PSFA, become the property of the PSCOC. If freed portables were purchased with district proceeds, then at PSFA's option, portables may be purchased at a fair market price and relocated by PSFA as directed by and at the expense of the PSCOC.
- On or before the 12<sup>th</sup> month following substantial completion of the project or phase, PSFA staff will schedule a review of all project expenditures that apply to both the scope of work and to the adequacy standards to insure that the overall expenditures align with the match percentages after necessary offsets and waivers as identified in the Memorandum of Understanding (MOU) for the project. Following mutual agreement on the overall and final financial project status, project balances will be reallocated by the Council. All PSCOC awards must be fully reconciled and reallocated no later than 18 months after substantial completion.