

SECTION F: FACILITIES DEVELOPMENT

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FACILITIES PLANNING

The Board of Education will make the necessary provisions to carry out the goals and objectives of the school district through careful facilities planning.

The Board shall periodically review the long-range school facilities plan. This review will provide guidance for capital outlay expenditures and will ensure that the school district has well-planned school buildings at proper locations when needed and at reasonable costs. The superintendent shall report to the Board annually the status of facilities needed, based on enrollment projections and other factors. Enrollment projections shall cover five (5) years and include current registration figures, community population trends, local birth rates and a review of proposed land development in the community, including residential construction rates.

The Board or superintendent will generally initiate facility planning; however, the Board and superintendent will consider suggestions from staff or patrons. Principals, staff and patrons shall be consulted during the planning stage through final layout. The superintendent will present a detailed summary of this consultation to the Board prior to the approval of any building plan. The summary will include recommendations based on activities that will take place in the building; organization of instruction and curriculum to be housed in the building; specific architectural characteristics desired; equipment required; the spatial relationship to other district facilities; and other pertinent factors. Building plans for new construction or major structural renovation will be designed in

accordance with seismic design standards if required by law and will comply with access requirements for persons with disabilities as required by law.

The district may acquire real property necessary for facility improvement or expansion through eminent domain only in accordance with law. The district will provide for the relocation of any persons displaced by the acquisition of property through eminent domain as required by and in accordance with law.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: ECB, Building and Grounds Maintenance

Legal Refs: " 8.610 - .655, 319.200, 523.205, RSMo.
Chapters 177, 523, RSMo.
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. ' 794
Americans with Disabilities Act, 42 U.S.C. " 12101 – 12213

Orearville R-IV School District, Slater, Missouri

SCHOOL CLOSINGS, CONSOLIDATIONS AND REORGANIZATIONS

When considering the matter of permanently closing, consolidating or reorganizing schools within the district, it is the intent and desire of the Board of Education to provide students with high quality academic opportunities in a supportive educational atmosphere, ensure maintenance and enhancement of program options, and accommodate demographic demands and financial constraints.

The Board may permanently or temporarily close, consolidate or reorganize a school for any reason including, but not limited to:

1. Efficiency B Enrollment has declined or the space available at a school or schools in close proximity is not being used in the most efficient and cost-effective manner.
2. Physical condition of building B The physical condition of the school building makes continued operation of the site cost-prohibitive or continued occupancy of the site unsafe or impractical.
3. Alternative use of school facilities B The Board may close a school to use its facilities for other programmatic/educational purposes, for support services, to open a new school or to expand an existing school.
4. Change in educational focus B The Board may determine that a school closure, consolidation or reorganization is necessary to address the educational needs of students such as by implementing new curricula or instructional programs.

Process for School Closings, Consolidations and Reorganizations

Before any facility is permanently closed, the Board will convene a hearing, or a series of hearings if appropriate, to elicit public comment regarding the proposed action. The superintendent or designee will develop procedures for the conduct of the public hearings. Before any school closing, consolidation or reorganization is proposed, the superintendent=s staff shall prepare an impact analysis setting forth:

1. Possible alternatives to the proposed action, including maintenance of the status quo.
2. The projected impact that each alternative would have on each school affected by such action.

3. Enrollment data for the current school year and three-year enrollment projections for all schools affected by the proposed action.

After approval by the Board, the superintendent shall be responsible for the orderly closing, consolidation or reorganization of the school.

Reassignment of Students from Closed, Consolidated or Reorganized Schools

When a school is permanently closed, the students will be reassigned to a school or schools with available space that can meet their educational needs. If a school closing requires that the attendance boundaries of any school receiving students be redrawn, they shall be redrawn in a manner that facilitates equitable and appropriate reassignment. Physical proximity to the school will also be considered. Students may apply for enrollment at a school or schools other than the school to which they are reassigned in accordance with Board policy and subject to space availability and the admissions criteria of such school(s).

Reassignment of Employees Assigned to Closed, Consolidated or Reorganized Schools

Teachers, administrators and other employees at schools permanently closed, consolidated or reorganized pursuant to this policy shall be reassigned by the superintendent in accordance with Board policy and law. If the closing, consolidation or reorganization requires the district to eliminate positions, those positions will be eliminated in accordance with Board policy and law.

Planning Commission Submission

The district will submit any building closing proposal to the planning commission that has adopted a city plan pursuant to Missouri law. If the commission does not approve the district=s proposal, the Board will meet to consider an override of the commission=s decision.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: DN, Surplus District Property

GCI, Professional Staff Assignments and Transfers
GCPA, Reduction in Professional Staff Work Force
GDI, Support Staff Assignments and Transfers
GDPE, Nonrenewal and Termination of Support Staff Members
JCB, Intradistrict Transfers

MSIP Refs: 8.10

Legal Refs: " 89.300 - .491, 168.124, 177.073, .091, RSMo.
School Dist. of Springfield R-12 v. City of Springfield, 174 S.W.3d 653 (Mo. Ct.
App. S.D. 2005)

Orearville R-IV School District, Slater, Missouri

SELECTION OF ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES

The Board will select qualified firms and negotiate contracts for architectural, engineering and land surveying services for the various building projects in the school district when such services are required. Selection shall be made on the basis of demonstrated competence and qualifications for the types of services specified by the district at fair and reasonable prices.

The district will solicit statements of quality and performance data from architectural, engineering or land surveying firms when a project requiring such services is proposed.

The data submitted will be evaluated against the following criteria:

1. The specialized experience and technical competence, including that of partners and associates, demonstrated either with the district or elsewhere, with respect to the type of services desired by the Board.
2. The capacity and capability of the firm to perform the tasks requested, as well as any specialized services, within the time limitations established for the completion of the project.
3. The firm's past record of performance with respect to control of costs, quality of work, design, appearance, utility and the ability to meet time schedules.
4. The firm's proximity to and familiarity with the geographical area in which the project shall be located.

The superintendent or designee shall prepare a written description of the services desired by the district. Interested firms will submit statements of their qualifications and performance data with respect to the above criteria. In addition, each interested firm will identify the individuals or subcontractors performing each service required by the architectural, engineering or surveying project and their degrees, certifications and years of experience performing the service. The Board, in consultation with the superintendent or designee, shall analyze the data received and list the top three qualified firms. The Board shall select the firm considered best qualified and capable of performing the desired services and shall negotiate a contract. Should the Board be unable to negotiate a contract acceptable to the district with the firm first selected, the Board may negotiate a contract with another firm from the list or may direct the superintendent or designee to seek additional statements of qualifications from other firms and then submit a new list of qualified firms. The Board may authorize a qualified person to negotiate a contract for

architectural, engineering or land surveying services on its behalf, but any negotiated contract must be approved by an affirmative vote of a majority of the whole Board.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: DJF, Purchasing

Legal Refs: " 8.285 - .291, 162.301, 327.091, .181, .272, RSMo.

Orearville R-IV School District, Slater, Missouri

SELECTION OF CONSTRUCTION MANAGEMENT SERVICES

The Board may, at its discretion and in accordance with law, contract for construction management services when planning, designing, constructing, improving, altering or repairing a building or structure.

Construction management services are those as defined in state law. A construction manager@ is defined as any person providing construction management services.

Selection

The Board will advertise and solicit proposals in the following manner:

1. Construction management services for projects expected to cost no more than \$500,000 will be selected in the same manner in which architects are selected, except the Board will consider all submitted proposals even if the submission was not solicited.
2. If the total anticipated cost of the project exceeds \$500,000, the Board will request and solicit proposals by advertising for ten (10) days in one (1) newspaper of general circulation in the county where the work is located.
3. If the anticipated project cost exceeds \$1,500,000, proposals will be solicited by advertising for ten (10) days in two (2) daily newspapers in the state that have a daily circulation of not less than 50,000, in addition to the advertisement in the newspaper in the county where the work will be done.
4. The Board will not prequalify construction managers nor limit the number of proposals accepted but will accept all proposals that are in accordance with the advertised terms.

Selection of a construction manager will be based on:

1. Fees for overhead and profit.
2. Reimbursable costs.
3. Qualifications.
4. Demonstration of ability to perform comparable projects.

5. Demonstration of good-faith efforts to comply with federal, state and local affirmative action requirements.
6. References from prior clients.
7. Financial strength.
8. Qualifications of the in-house personnel who will manage the project.
9. Demonstration of successful management systems used for estimating, scheduling and cost controls.

The Board may negotiate a contract for services with any construction manager selected. If the Board is unable to negotiate a contract at a fair and reasonable price, as determined by the Board, the Board may revise the proposal and advertise again.

The Board will not award the contract for construction management services if the construction manager or a firm that controls, is controlled by, or shares common ownership or control with the construction manager:

1. Guarantees, warrants or otherwise assumes financial responsibility for the work of others on the project.
2. Provides the public owner with a maximum price for the work of others on the project.
3. Furnishes or guarantees a performance or payment bond for other contractors on the project.

Upon being awarded a construction management contract, the construction manager will:

1. Furnish his or her skill and judgment in cooperation with and reliance on the project architect or engineer.
2. Furnish business administration, management of the construction process and other specified services in an expeditious and economical manner consistent with the best interests of the school district.
3. Perform basic services for reimbursement as provided in the construction services management contract.

Bids

Actual construction work on the project will be awarded by competitive bids submitted to the school district in accordance with law. Successful bidders must satisfy the same legal

requirements as a contractor, including the obligation to provide payment and performance bonds to the district and meet the obligations pertaining to prevailing wage. In addition, all nonresident employers must meet the bonding and registration requirements of law.

The construction manager will not bid on or perform any of the actual construction on a project where he or she is serving as the construction manager nor will any company that controls, is controlled by or shares common ownership with the construction manager.

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Adopted:

Revised:

Cross Refs: DJF, Purchasing

Legal Refs: " 8.675 - .687, 177.086, RSMo.

Orearville R-IV School District, Slater, Missouri

SELECTION OF A CONSTRUCTION MANAGER AT RISK

The Board may, at its discretion and in accordance with law, use the construction manager at risk method for construction of civil works projects in excess of \$2,000,000 and noncivil works projects in excess of \$3,000,000.

Definitions

Civil Works Projects B Construction projects such as roads, streets, bridges, utilities, storm drainage and flood control projects that are in excess of \$2,000,000 and commonly designed by professional engineers.

Construction Manager at Risk (CMAR) B For the purposes of this policy, a construction manager at risk is a sole proprietorship, partnership, corporation or other legal entity that assumes the risk for the construction, rehabilitation, alteration or repair of a project at the contracted price as a general contractor and provides consultation to a political subdivision regarding construction during and after the design of the project.

Noncivil Works Projects B Construction projects, such as buildings, site improvements and other structures, in excess of \$3,000,000 and commonly designed by architects.

Process

In accordance with law, a CMAR will be selected using the following process:

1. Unless the district employs an engineer or architect, the district will select an engineer or architect using the process outlined in policy FEB to prepare the construction documents for the project. The engineer or architect for a project may not serve as the CMAR alone or in combination with others.
2. At least one week prior to publishing the request for qualifications, the Board will publicly disclose at a regular meeting its intent to use the construction management at risk method and the criteria it will use to select a CMAR.
3. The superintendent or designee will prepare a request for proposals or qualifications for a CMAR that includes:
 - ◁ General information on the project site, scope and schedule.
 - ◁ Selection criteria. The selection criteria may include the CMAR's experience, past performance, safety record, proposed personnel and

methodology, and other appropriate factors that demonstrate the capability of the construction manager at risk.

- < The time and place for receipt of proposals or qualifications.
- < Other information that may assist the district in its selection of a CMAR.

The district will not request fees or prices in the initial request for proposals or qualifications.

4. Prior to opening the proposals or qualifications, the district will publish the request for proposals or qualifications once a week for two consecutive weeks in a newspaper of general circulation published in a county where the district is located. Alternatively, the district will publish the request for proposals or qualifications by a virtual notice procedure. In accordance with law, the district will use the virtual notice procedure only if the district uses virtual notice for at least 20 various purchases, design contracts, construction contracts or other contracts each year.
5. The superintendent or designee will publicly open and read aloud the names of the CMARs from whom the district received a response.
6. Within 45 days of opening the proposals or qualification submissions, the superintendent or designee will evaluate and rank each proposal or qualification submitted. The Board, superintendent or designee will select, based solely on qualifications, five or fewer CMARs to submit additional information, including the proposed fee and price for fulfilling the general conditions.
7. The superintendent or designee will publicly open the submissions from the CMARs regarding fees. A CMAR's qualifications will account for a minimum of 40 percent of the evaluation, and cost will account for a maximum of 60 percent of the evaluation. The Board shall interview, in open session, at least two of the top-qualified offerors as part of the final selection.
8. The Board will select the CMAR that submits the proposal offering the best value for the district based on the published selection criteria and on its ranking evaluation.
9. The superintendent or designee will negotiate a contract with the selected CMAR. If the superintendent or designee is unable to negotiate a satisfactory contract, the superintendent or designee shall end negotiations by sending a written notice to the CMAR. The superintendent or designee will then proceed to negotiate with the next CMAR in order of ranking. The Board

must approve the final contract with a vote of the majority of the whole Board.

Bidding and Selecting Contractors and Subcontractors

The district's CMAR will publicly advertise and receive bids or proposals from contractors or subcontractors for the performance of all major elements of the work, other than the minor work that may be included in the general conditions.

CMARs may seek to perform portions of the work themselves if they submit sealed bids or sealed proposals for those portions of the work in the same manner as other contractors or subcontractors. However, the district has the authority to restrict CMARs from submitting bids. A CMAR will be selected only if the CMAR's bid or proposal offers the best value for the district.

All sealed bids or proposals shall be submitted at the time and location specified in the advertisement for bids or proposals and shall be opened publicly. The identity of each bidder and the bid amount will be read aloud.

The CMAR and the Board, superintendent or designee will review all bids or proposals received in a manner that discloses the bid or proposal contents only to persons employed by the district, CMAR, engineer or architect. After all proposals have been evaluated and clarified, the award of all subcontracts shall be made public.

If the district accepts a bid or proposal against the recommendation of the CMAR, the district will compensate the CMAR by a change in price, time or guaranteed maximum cost for any additional cost and risk that the CMAR may incur.

If a contractor or subcontractor materially defaults in the performance of its work or fails to execute a contract, the CMAR may fulfill the contract requirements or select a replacement contractor or subcontractor without advertising.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: DGA, Authorized Signatures
DJF, Purchasing

Legal Refs: " 8.675 - .687, 67.5050, RSMo.

Orearville R-IV School District, Slater, Missouri

SELECTION OF A DESIGN-BUILD CONTRACTOR

The Board may, at its discretion and in accordance with law, use the design-build construction method for civil works projects regardless of cost or noncivil works projects in excess of \$7,000,000.

Definitions

Civil Works Projects B Roads, streets, bridges, utilities, storm drainage and flood control projects.

Design-Builder B Any individual, partnership, joint venture or corporation subject to a qualification-based selection that offers to provide or provides design services and general contracting services through a design-build contract in which services within the scope of the practice of professional architecture or engineering are performed respectively by a licensed architect or licensed engineer and in which services within the scope of general contracting are performed by a general contractor or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts or joint ventures.

Design Criteria Consultant B A person, corporation, partnership or other legal entity duly licensed and authorized to practice architecture or professional engineering in Missouri that is employed by or contracted by the district to assist the district in the development of project design criteria, requests for proposals, evaluation of proposals, the evaluation of the construction under a design-build contract to determine adherence to the design criteria, and any additional services requested by the district to represent its interest in relation to a project. The design criteria consultant may not submit a proposal or furnish design or construction services for the design-build contract for which its services were sought.

Design Criteria Package B The scope and specifications for the design-build project sufficient to permit a design-builder to prepare a response to the district's request for proposals for a design-build project. The package may include capacity; durability; standards; ingress and egress requirements; performance requirements; description of the site; surveys; soil and environmental information concerning the site; interior space requirements; material quality standards; design and construction schedules; site development requirements; provisions for utilities, storm water retention and disposal; parking requirements; applicable governmental code requirements; preliminary designs for the project or portions thereof; and other criteria for the intended use of the project.

Noncivil Works Projects B Buildings, site improvements and other structures in excess of \$7,000,000 commonly designed by architects.

Process

In accordance with law, the district will use the following process when selecting a design-builder:

1. Unless the district employs a design criteria consultant, the district will select and negotiate for the services of a design criteria consultant using the same selection process detailed in policy FEB.
2. At least one week prior to publishing the request for proposals (RFP) for a design-builder, the Board will publicly disclose at a regular meeting its intent to utilize the design-build method and the project design criteria that will be used to select the design-builder.
3. The district will solicit proposals in a three-stage process. Phase I shall be the solicitation of the design-build team. Phase II shall be the solicitation of a technical proposal, including conceptual design for the project. Phase III shall be the proposal of the construction cost. The district will assign points to each proposal in accordance with law and as set out in the instructions of the RFP.
4. Prior to opening the proposals, the district will publish notice of the RFP once a week for two consecutive weeks in a newspaper of general circulation published in the county where the district is located. Alternatively, the district will publish the RFP by a virtual notice procedure. In accordance with law, the district will use the virtual notice procedure only if the district uses virtual notice for at least 20 various purchases, design contracts, construction contracts or other contracts each year. The notice will include a description of the project, the procedures for submission and the selection criteria to be used. The RFP will include a time, place and other specific instructions for the receipt of proposals. Proposals not submitted in strict accordance with the instructions will be subject to rejection.

The RFP must minimally include the following information about the project and the process:

- < The procedures to be followed for submitting proposals, the criteria for evaluating proposals and their relative weight, and the procedures for making awards;
- < The proposed terms and conditions for the design-build contract, if available;

- < The design criteria package;
 - < A description of the drawings, specifications or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications or other information that will be acceptable;
 - < A schedule for planned commencement and completion of the design-build contract, if any;
 - < Budget limits for the design-build contract, if any;
 - < Requirements, including any available ratings, for performance bonds, payment bonds and insurance, if any;
 - < The amount of the stipend that will be available (at least one-half of one percent of the total project budget); and
 - < Any other information that the district in its discretion chooses to supply including, but not limited to, surveys, soil reports, drawings of existing structures, environmental studies, photographs, references to public records, or affirmative action and minority business enterprise requirements consistent with state and federal law.
5. In Phase I of the RFP, the district will require design-builders to submit a statement of qualification that will include, but is not limited to:
- < Demonstrated ability to perform projects comparable in design, scope and complexity;
 - < References of owners for whom design-build projects, construction projects or design projects have been performed;
 - < Qualifications of personnel who will manage the design and construction aspects of the project; and
 - < Names and qualifications of the primary design consultants and the primary trade contacts with whom the design-builder proposes to subcontract or form a joint venture. The design-builder may not replace an identified contractor, subcontractor, design consultant or subconsultant without the written approval of the district.
6. In Phase I, the superintendent or designee and the design criteria consultant will evaluate the qualifications of all the design-builders who submitted

proposals in accordance with the instructions in the RFP. Architectural and engineering services will be evaluated in accordance with policy FEB. The district will have the discretion to disqualify any design-builder that lacks the minimum qualifications, based on the opinion of the district.

Upon recommendation of the superintendent or designee and the design criteria consultant, the Board will select not more than five and not fewer than two design-builders with the appropriate qualifications to proceed to the next step in the process. The district will not consider price or fees when making this decision. The points assigned in Phase I of the evaluation process will not carry forward. The final decision on a design-builder will be made based on points given in Phases II and III.

7. The design-builders selected in Phase I will be invited to participate in Phase II and Phase III. The Phase II and III proposals will be submitted to the district concurrently in separate envelopes or separately submitted using other methods designated by the district. The district will reject any proposal that is not submitted on time.
 - < Phase II requires the design-builder to submit its design for the project to the level of detail required in the RFP. The design-builder also needs to indicate whether the builder is able to deliver the project on time and within the district's budget. However, the Phase II proposal will not contain any reference to the cost of the design-builder's proposal.
 - < Phase III requires the design-builder to submit a firm, fixed cost of design and construction. The Phase III proposal will include bid security and any other information required in the request for proposal.
8. The designs submitted in Phase II will be evaluated, assigned points and ranked in order by the superintendent or designee and the design criteria consultant. The ranking will be presented to the Board for review, revision and final approval. Phase II will account for at least 40 percent of the total point score. Up to 20 percent of the points awarded in Phase II may be based on the design-builder's qualifications and ability to design, contract and deliver the project on time and within the budget. The district will post notice of the points attributed to each design-builder and the design-builder's ranking in the same location the district posts notice of Board meetings.
9. Once the Phase II rankings have been posted, the Phase III cost proposals will be opened and read aloud at the time and place specified in the RFP. Phase III will account for not less than 40 percent of the total point score as specified in the RFP.

10. The lowest responsive bidder will be awarded the total number of points for Phase III. For all other bidders, cost points will be calculated by reducing the maximum points available in Phase III by at least one percent for each percentage point by which the bidder exceeds the lowest bid.
11. The points assigned in Phase III will be added to the points given in Phase II to each design-builder. The responsive bidder with the highest number of points will be awarded the contract. All design-builders who participate in Phase II and Phase III will receive a reasonable stipend as detailed in the RFP. Upon payment of the stipend to any unsuccessful design-builder, the district will acquire a nonexclusive right to use the design submitted. Design-builders who decide to retain all rights in the design forfeit the stipend.
12. If the Board, superintendent or designee determines that it is not in the best interest of the district to proceed with the project with the design-builder with the highest number of points, the district will reject all proposals. If this occurs, all qualified and responsible design-builders with lower point totals will receive a stipend, and the design-builder with the highest number of points will receive an amount equal to two times the stipend. The district may solicit new proposals using different design criteria, budget constraints or qualifications.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: DGA, Authorized Signatures
DJF, Purchasing

Legal Refs: ' 67.5060, RSMo.

Orearville R-IV School District, Slater, Missouri

CONSTRUCTION CONTRACTS BIDDING AND AWARDS

The Orearville R-IV School District seeks to provide and maintain safe facilities capable of supporting the education mission of the district, while at the same time utilizing public funds prudently.

Definitions

For the purposes of this policy, the following definitions apply:

Construction B Building a new facility or improving, enlarging, altering, painting, decorating, excavating, demolishing or performing major repairs on an existing facility.

Facility B A building, structure, stadium, field or parking lot, or part thereof, such as a roof or heating or air conditioning system.

Major Repair B Replacement or repair of existing facilities when the size, type or extent of the facility is changed or increased.

Personal Representative B Unless otherwise specified in a construction contract, the district's personal representative is the superintendent or designee.

Project Planning

Construction projects will be planned to cause the least disruption to the district's education program and to ensure the safest possible environment for students, staff and the public. District staff will rely on the district's long-term facilities plan when making decisions regarding construction and major repair of district facilities. The district is committed to providing accessible facilities. All projects will comply with laws regarding accommodations for individuals with disabilities, and the district will consider recommended accommodations as well.

Before bidding a project, the district will determine whether engineering, architectural or land surveying services are required and whether the district will use a construction manager, a construction manager at risk, a general contractor or a design-build contractor. These professional services will be selected in accordance with law and Board policy. The superintendent or designee is authorized to contact legal counsel for assistance in complying with the applicable laws and drafting or reviewing proposed contract language.

Purchasing Materials

All materials purchased either directly by the district or indirectly by the contractor or subcontractors must comply with legal requirements, including the purchasing preferences required by law. In addition, materials purchased for use in projects funded by federal awards must comply with federal requirements.

Bidding

All construction projects that may exceed an expenditure of \$15,000 shall be advertised in a newspaper of general circulation once a week for two consecutive weeks, in accordance with law, and should also be advertised in places likely to get responses from contractors. Those places should include business, trade or minority newspapers or other modes of communication, such as the district's website or other websites. Projects will not be split or artificially divided for the purpose of avoiding these competitive bidding requirements.

Prior to advertising for bids, the superintendent or designee and the architect or construction manager, if applicable, will draft detailed bid specifications for the construction project. Bid specifications will include all legal mandates including, but not limited to, requiring:

1. Compliance with prevailing wage requirements.
2. Laborers to receive mandatory safety training.
3. Contractors bidding on a contract for services in excess of \$5,000 to provide a sworn affidavit and supporting documentation that affirms the contractor's participation in a federal work authorization program, such as E-Verify, and that the bidder will not employ illegal workers for the project. A contractor is only required to provide this affidavit to the district annually.
4. A performance bond if the project is estimated to exceed \$50,000.

The district may also require a bidder's bond in an amount determined by the estimated cost of the project.

In accordance with the Sunshine Law and Board policy, the Board may discuss bid specifications in closed session, and the content of those bid specifications will remain confidential until they are officially approved by the Board or published for bidding. Likewise, sealed bids and related documents will be closed until the bids are opened.

Sealed bids may be opened at a public meeting of the Board of Education or by administrative personnel. In either case, all bids shall be publicly opened, and the date, time and place of the bid opening shall be included in the bid notice. Notice of the bid opening will also be posted for the public.

The district will not entertain bids that are not made in accordance with the specifications furnished by the district. The district reserves the right to waive minor technical defects in a bid, reject any or all bids, reject any part of a bid and to advertise for new bids. If the scope of the project changes substantially, the district will rebid the project.

The Board will determine which responsible bidder has the lowest bid and direct the superintendent or designee to negotiate a satisfactory contract prior to final approval of the bid.

Contracting

The superintendent or designee is authorized to consult legal counsel regarding contract language. Any contract the district enters into must include all legally required provisions. The contract must be approved by an affirmative vote of a majority of the whole Board to be binding.

Payment and Retainage

Unless contrary to any federal funding requirement or unless funds from a state grant are not received in a timely manner, the district's personal representative will ensure that prompt payment is made to the contractor and any professional engineer, architect, landscape architect or land surveyor in accordance with law and the contract governing the construction project.

The Board must approve the payment of all bills by an affirmative vote of a majority of the whole Board.

The personal representative shall pay any professional engineer, architect, landscape architect or land surveyor the amount due within 30 days following the receipt of an invoice prepared and submitted in accordance with the contract terms. In addition to the payment due, the contracting agency shall pay interest at the rate of one and one-half percent per month, calculated from the expiration of the 30-day period until fully paid.

Contractors

In accordance with law, the district's personal representative may retain a portion of the payment to a contractor, not to exceed five percent of the value of the contract or subcontract, until after the entire project has been completed. If the contractor is not required by law to obtain a bond because the cost of the project is not estimated to exceed \$50,000, the district's personal representative may retain an amount not to exceed ten percent of the value of the contract or subcontract.

When applicable, the architect or construction manager shall approve all payment requests prior to submission to the Board of Education for payment. The superintendent or designee will examine all work performed on projects where no architects or construction managers are used.

Pursuant to prevailing wage laws, an Affidavit of Compliance must be filed with the district before payment will be approved. The district will withhold and retain any amounts due as a result of any violation of the prevailing wage law prior to making final payment with any contractor.

Change Orders

Change orders in excess of \$5,000 will not be approved without Board action except as outlined in this policy. The district's personal representative may authorize change orders of less than \$5,000 but must submit written documentation of the change order to the Board as soon as possible. The personal representative may not restructure a change order in an attempt to circumvent the requirement for Board approval.

The personal representative may also approve change orders that exceed \$5,000 if the time it would take to obtain Board approval would negatively affect the construction timeline or project budget and if the change order does not include work outside the scope of the original project that would be considered a new, separate project. This exception should be used rarely, if ever. When used, the personal representative must submit documentation of the change order to the Board immediately with an explanation as to why it was approved prior to Board action, and the change order will be placed on the Board's next meeting agenda for ratification.

All change orders approved by the Board or the personal representative shall be documented and retained with other documents related to the construction project. If a submitted change order includes work outside the scope of the original project that results in a substantial change, the Board will rebid the work contained in the change order.

Construction Projects Conducted on Behalf of the District

The district appreciates business and community support of its education mission and welcomes both financial and physical contributions to the district. It is important for taxpayers and patrons to understand that various laws apply to projects conducted on behalf of the district even when those projects are not directly funded by the district. Further, because the district facilities are used by a large number of people, it is essential that all construction projects adhere to the highest level of quality and safety. The district and the donor must ensure compliance with all applicable laws before a construction project is conducted on school grounds, regardless of the source of the labor or method of payment.

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: BBFA, Board Member Conflict of Interest and Financial
 Disclosure
 DGA, Authorized Signatures
 DJF, Purchasing
 DK, Payment Process

Legal Refs: " 34.057, .059, .209, .216, 67.5050, .5060, 107.170, 162.301,
 177.086, 285.530, 290.210 - .340, 292.675, 432.070 - .080,
 493.010 - .140, 610.021, RSMo.
 8 C.S.R. 30-3.010 - .060

Orearville R-IV School District, Slater, Missouri

CONSTRUCTION CONTRACTS BIDDING AND AWARDS

The Orearville R-IV School District seeks to provide and maintain safe facilities capable of supporting the education mission of the district, while at the same time utilizing public funds prudently.

Definitions

For the purposes of this policy, the following definitions apply:

Construction B Building a new facility or improving, enlarging, altering, painting, decorating, excavating, demolishing or performing major repairs on an existing facility.

Facility B A building, structure, stadium, field or parking lot, or part thereof, such as a roof or heating or air conditioning system.

Major Repair B Replacement or repair of existing facilities when the size, type or extent of the facility is changed or increased.

Personal Representative B Unless otherwise specified in a construction contract, the district's personal representative is the superintendent or designee.

Project Planning

Construction projects will be planned to cause the least disruption to the district's education program and to ensure the safest possible environment for students, staff and the public. District staff will rely on the district's long-term facilities plan when making decisions regarding construction and major repair of district facilities. The district is committed to providing accessible facilities. All projects will comply with laws regarding accommodations for individuals with disabilities, and the district will consider recommended accommodations as well.

Before bidding a project, the district will determine whether engineering, architectural or land surveying services are required and whether the district will use a construction manager, a construction manager at risk, a general contractor or a design-build contractor. These professional services will be selected in accordance with law and Board policy. The superintendent or designee is authorized to contact legal counsel for assistance in complying with the applicable laws and drafting or reviewing proposed contract language.

Purchasing Materials

All materials purchased either directly by the district or indirectly by the contractor or subcontractors must comply with legal requirements, including the purchasing preferences required by law. In addition, materials purchased for use in projects funded by federal awards must comply with federal requirements.

Bidding

All construction projects that may exceed an expenditure of \$15,000 shall be advertised in a newspaper of general circulation once a week for two consecutive weeks, in accordance with law, and should also be advertised in places likely to get responses from contractors. Those places should include business, trade or minority newspapers or other modes of communication, such as the district's website or other websites. Projects will not be split or artificially divided for the purpose of avoiding these competitive bidding requirements.

Prior to advertising for bids, the superintendent or designee and the architect or construction manager, if applicable, will draft detailed bid specifications for the construction project. Bid specifications will include all legal mandates including, but not limited to, requiring:

1. Compliance with prevailing wage requirements.
2. Laborers to receive mandatory safety training.
3. Contractors bidding on a contract for services in excess of \$5,000 to provide a sworn affidavit and supporting documentation that affirms the contractor's participation in a federal work authorization program, such as E-Verify, and that the bidder will not employ illegal workers for the project. A contractor is only required to provide this affidavit to the district annually.
4. A performance bond if the project is estimated to exceed \$50,000.

The district may also require a bidder's bond in an amount determined by the estimated cost of the project.

In accordance with the Sunshine Law and Board policy, the Board may discuss bid specifications in closed session, and the content of those bid specifications will remain confidential until they are officially approved by the Board or published for bidding. Likewise, sealed bids and related documents will be closed until the bids are opened.

Sealed bids may be opened at a public meeting of the Board of Education or by administrative personnel. In either case, all bids shall be publicly opened, and the date, time and place of the bid opening shall be included in the bid notice. Notice of the bid opening will also be posted for the public.

The district will not entertain bids that are not made in accordance with the specifications furnished by the district. The district reserves the right to waive minor technical defects in a bid, reject any or all bids, reject any part of a bid and to advertise for new bids. If the scope of the project changes substantially, the district will rebid the project.

The Board will determine which responsible bidder has the lowest bid and direct the superintendent or designee to negotiate a satisfactory contract prior to final approval of the bid.

Contracting

The superintendent or designee is authorized to consult legal counsel regarding contract language. Any contract the district enters into must include all legally required provisions. The contract must be approved by an affirmative vote of a majority of the whole Board to be binding.

Payment and Retainage

Unless contrary to any federal funding requirement or unless funds from a state grant are not received in a timely manner, the district's personal representative will ensure that prompt payment is made to the contractor and any professional engineer, architect, landscape architect or land surveyor in accordance with law and the contract governing the construction project.

The Board must approve the payment of all bills by an affirmative vote of a majority of the whole Board.

The personal representative shall pay any professional engineer, architect, landscape architect or land surveyor the amount due within 30 days following the receipt of an invoice prepared and submitted in accordance with the contract terms. In addition to the payment due, the contracting agency shall pay interest at the rate of one and one-half percent per month, calculated from the expiration of the 30-day period until fully paid.

Contractors

In accordance with law, the district's personal representative may retain a portion of the payment to a contractor, not to exceed five percent of the value of the contract or subcontract, until after the entire project has been completed. If the contractor is not required by law to obtain a bond because the cost of the project is not estimated to exceed \$50,000, the district's personal representative may retain an amount not to exceed ten percent of the value of the contract or subcontract.

When applicable, the architect or construction manager shall approve all payment requests prior to submission to the Board of Education for payment. The superintendent or designee will examine all work performed on projects where no architects or construction managers are used.

Pursuant to prevailing wage laws, an Affidavit of Compliance must be filed with the district before payment will be approved. The district will withhold and retain any amounts due as a result of any violation of the prevailing wage law prior to making final payment with any contractor.

Change Orders

Change orders in excess of \$5,000 will not be approved without Board action except as outlined in this policy. The district's personal representative may authorize change orders of less than \$5,000 but must submit written documentation of the change order to the Board as soon as possible. The personal representative may not restructure a change order in an attempt to circumvent the requirement for Board approval.

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 8 C.S.R. 30-3.010 - .060

Orearville R-IV School District, Slater, Missouri

CONSTRUCTION CONTRACTS BIDDING AND AWARDS
(Urban and Metropolitan Districts and Districts
Located Totally or Partially within St. Louis County)

By an affirmative vote of not less than two-thirds of all the members, the Board may authorize the construction of libraries, schools, school offices, art galleries and museums and the necessary janitors' houses, repair buildings, supply houses and parking facilities to be used in the operation and maintenance of the school.

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Definitions

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 177.073, .086, 285.530, 290.210 - .340, 292.675, 432.070 -
 .080, 493.010 - .140, 610.021, RSMo.
 8 C.S.R. 30-3.010 - .060

Orearville R-IV School District, Slater, Missouri

FACILITY NAMES

New Facilities

When any new facility is acquired or constructed, the Board will appoint a committee consisting of community members, students and staff to recommend appropriate names for the new facility. If possible, staff members who serve on the committee will include those slated to work in the new facility. The committee will recommend two (2) or three (3) possible names to the Board for consideration, and the names will be included in the minutes. Activities of the committee are governed by the Missouri Sunshine Law. The Board of Education will make the final decision on the name of any district facility.

The committee will give preference to names of local individuals and individuals who are associated with the intended use of the new facility. Special consideration will be given to those names that have special significance to students, staff or the community.

Existing Facilities and Additions

Once a building or facility has been named, that name will remain with the building or facility unless changed by the Board. Names will be changed using the same process outlined above. Names may be changed when a specific program or theme the facility was named for changes, when the current name no longer supports the objectives of the facility, or due to additions or renovations to an existing facility.

Naming Rights

The Board of Education may, when it is in the best interest of the district to do so, contract to sell or lease naming rights to any district-owned property to an entity or organization whose stated purpose is consistent with the educational mission of the district and whose activities are not contrary to that mission.

Plaques

The Board may have plaques installed on new construction projects or renovations to existing facilities reflecting the name of the facility; the names of the Board members in office at the time the project was approved; the name of the superintendent serving at the time the project was approved; and the names of the architect, general contractor and others as determined by the Board. The plaque will also include the date the project was completed.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Orearville R-IV School District, Slater, Missouri

MEMORIALS ON FACILITIES AND GROUNDS

The Orearville R-IV School District Board of Education recognizes that the loss of a member of the school community is deeply felt, and that on occasion it may be desirable to remember a deceased individual by establishing a memorial. District facilities are designed to support learning, and the Board will not permit changes to facilities that interfere with that purpose or detract from the district=s educational mission. The following guidelines apply to requests for memorials in school facilities or on district grounds.

Approval of Memorials

All memorials must be approved by the superintendent and building-level administration before being placed within a school building or on school grounds. To avoid unnecessary expense and possible disappointment, the district recommends that individuals refrain from purchasing any type of memorial until it is approved by the administration.

The administration will determine the location of all memorials on school grounds or in school facilities. While requests will be considered when possible, the administration must consider such issues as design parameters, whether the memorial blends with the school campus, ongoing and future maintenance, and the effect a memorial may have on students and staff.

Memorial Options

Planting (trees, shrubs, perennials, etc.) on school grounds B The administration must approve the type and placement of any planting before it is placed. Such planting may be accompanied by a movable flat ground marker. The engraving on the marker must be limited to the memorialized individual's name, dates of birth and death, and the words, "donated in memory of" or "in memory of." The marker will be moved when necessary and may be permanently removed after ten (10) years and offered to the nearest relative.

Benches, tables and other outdoor furnishings; sidewalks, stepping stones, statuary, etc. B The Board will accept memorials of this type only to the extent that there is a suitable location and the style is complementary to the buildings and grounds. Each item may contain a plaque engraved with the memorialized individual's name, dates of birth and death, and the words, "donated in memory of" or "in memory of."

Other types of memorials are addressed in the district=s policy on acceptance of gifts. All items received as memorials become the property of the Orearville R-IV

School District, and the district cannot guarantee that memorials that become damaged or worn will be replaced at district expense.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: ECB, Building and Grounds Maintenance
KH, Public Gifts to the Schools

Legal Refs: ' 162.790, RSMo.

Orearville R-IV School District, Slater, Missouri

