

# School Construction Reimbursement Grants

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November 1, 2023 | 2023-R-0250

## Issue

Provide an overview of the state's school construction grant process.

This report updates OLR Report [2022-R-0239](#).

## Summary

This report explains the process that towns and regional school districts must follow when applying for school construction grants as required by state law and regulations. (Any standards or guidelines established by the Department of Administrative Services' (DAS) [School Building Projects Advisory Council](#) are not summarized in this report.) Summaries of statutes and regulations are accurate as of the report's publication date. This report is not an all-inclusive set of instructions upon which school districts should rely when applying for these grants.

To obtain a school construction grant for a project, a school district must apply through the Office of the State Comptroller's [online portal](#) and submit plans and data on the project for approval by DAS's Office of Grants Administration. The district must have local approval for the local share of the project costs. DAS places the project, once approved, on the annual school construction priority list, which it submits to the legislature for approval. No grant is paid unless the legislature has approved the project. The project must also comply with various bidding and contracting requirements to receive a grant.

School construction grants are based on eligible project costs, which are limited by state standards and criteria. The state reimburses towns for 10% to 80% of those costs, depending on town wealth.

Regional school districts are reimbursed up to 85%, based on a weighted average of the wealth of their component towns, unless they were established or expanded in FY 16 or subsequent years. Grants are paid on a current basis during construction (“progress payments”). DAS withholds 5% pending the outcome of a final audit. The state recalculates reimbursement rates annually.

## **Grant Application Process**

### ***Local or Regional Process***

Before applying for a school construction grant, a municipality’s legislative body must authorize its local board of education, through the superintendent, to apply to the DAS commissioner for a grant. Regional boards of education may vote to allow their district supervising agent (i.e., superintendent) to apply for the grant ([CGS § 10-283\(a\)\(1\)](#)).

Additionally, the municipality or regional board must either (1) secure a funding authorization for the local share of the project costs that is effective under state law and local ordinance or charter or (2) schedule and prepare a referendum, if required, with results available by November 15 that year ([CGS § 10-283\(d\)](#)). State law allows a municipality to issue bonds to finance a school building project through a vote by its legislative body ([CGS § 10-289](#)). If, however, the project’s total cost is less than \$1 million, the state will not require permanent local financing before paying the state grant. In that case, state law allows the district up to four years to pay off its project debt so long as the district uses the grant to pay down temporary notes as they become due within one year after their date of issue ([CGS § 10-289a](#)).

Lastly, the municipality or regional board must establish a school building committee with at least one member who has experience in the construction industry ([CGS § 10-292v](#)).

### ***Application Process***

The DAS commissioner determines the grant application method ([CGS § 10-283\(a\)\(1\)](#)). DAS requires superintendents to submit applications through a secure web portal.

Applications must include (1) educational specifications for the project as approved by the local board of education or grant recipient governing body and (2) a certified copy of the resolution or resolutions establishing a building committee for the project and authorizing at least the preparation of schematic drawings and outline specifications and the filing of the notice of the proposed school building project ([Conn. Agencies Regs. § 10-287c-11\(a\)](#)). The educational specifications that must be provided are as follows:

1. a description of the project's general nature and purpose, which may include the applicant's long-range plan and the project's relationship to the plan;
2. enrollment data and proposed project capacity;
3. the nature and organization of the educational program;
4. support facilities;
5. space and site needs;
6. accommodation for educational technology;
7. specialized equipment; and
8. any other supporting documents the commissioner considers necessary ([Conn. Agencies Regs. § 10-287c-1\(4\)](#)).

To be eligible for inclusion on the DAS commissioner's annual school construction priority list and receive a grant commitment from the state, DAS must receive applications by June 30 ([CGS § 10-283\(a\)\(2\)](#)).

The application for projects involving new construction and alteration or renovation of a school building requires the superintendent to confirm that the requesting district has considered the following: (1) maximization of natural light, (2) the use and feasibility of wireless Internet connectivity, and (3) the school safety infrastructure criteria (see below) ([CGS § 10-283\(a\)\(1\)](#)).

## **Grant Application Review**

### ***DAS Review***

State law authorizes the DAS commissioner to review and approve or reject grant applications. Rejections must be based on the following grounds:

1. failure to comply with State Fire Marshall or Department of Public Health (DPH) requirements,
2. failure to include a life-cycle cost analysis approved by the DAS commissioner,
3. failure to comply with the law governing conveyance of the air space over schools to private developers,
4. failure to comply with the law governing approval of the building plan and site,
5. failure to meet standards in state school building regulations or category requirements,

6. estimating construction costs per square foot that exceed those permitted in state regulations,
7. failure to comply with school safety infrastructure standards (although the commissioner may waive this under certain circumstances),
8. determination by the State Department of Education (SDE) commissioner that the project’s proposed educational specifications or theme duplicates a program already offered by a technical high school or magnet school located in the same region, or
9. designation of a regional education service center (RESC) as the project manager in the application ([CGS § 10-284\(a\)](#)).

The DAS commissioner may also disapprove a grant application if a municipality or regional school district has not begun construction on a project within two years after the legislature authorized the grant commitment for it ([CGS § 10-284\(b\)](#)).

The DAS commissioner also consults with the SDE commissioner when reviewing applications based on the applicant’s educational needs for projects submitted for (1) agriscience centers or (2) cooperative regional special education facilities ([CGS § 10-283\(a\)\(1\)](#)).

### ***SDE Review & DAS Project Categories***

The SDE commissioner reviews grant applications to determine whether the project will help the state meet the goals of the *Sheff* settlement.

The DAS commissioner determines which of three categories a building project should be assigned to, based upon its primary purpose ([CGS § 10-283\(a\)\(1\) & \(2\)](#)). Table 1 describes each category in priority order.

**Table 1: School Construction Project Categories**

<i>Category</i>	<i>Description</i>
A	Project creates new facilities or alters existing facilities to achieve the following: <ul style="list-style-type: none"> <li>• provide for mandatory instructional programs,</li> <li>• bring physical education facilities in compliance with federal Title IX, or</li> <li>• correct code violations that cannot be reasonably addressed within the existing program space.</li> </ul>
B	Project creates new facilities or alters existing facilities to achieve the following: <ul style="list-style-type: none"> <li>• enhance mandatory instructional programs or</li> <li>• provide comparable facilities among schools to all students at the same grade level or levels within the school district.</li> </ul>

**Table 1 (continued)**

<b>Category</b>	<b>Description</b>
C	Project creates new facilities or alters existing facilities to achieve the following: <ul style="list-style-type: none"><li>• provide supportive services (excluding swimming pools; auditoriums; outdoor athletic facilities; tennis courts; elementary school playgrounds; site improvement or garages; or storage, parking, or general recreation areas).</li></ul>

The SDE commissioner must notify each applicant by August 31 of the project’s assigned category. The commissioner can place the project in another category based on additional information received or developed after that notice ([Conn. Agencies Regs. § 10-287c-11\(b\)](#)).

## **Design Conference**

Part of the application process involves a DAS-scheduled design conference. Appropriate DAS staff, the applicant’s superintendent or chief executive officer, one member of the applicant’s building committee, one representative of the architectural firm that is to design the project, and any others the DAS commissioner requires must attend the conference. The commissioner may waive the conference, hold it by telephone or in person, or otherwise determine its scope and nature ([Conn. Agencies Regs. § 10-287c-11\(c\)](#)).

## **Legislative Approval**

The DAS commissioner must receive authorization from the legislature before entering any grant commitments on the state’s behalf. However, legislative authorization is not required for certain projects involving emergencies or code violation repairs (see “Emergency Project Approval,” below). The commissioner annually prepares a list of all eligible projects (“priority list”), arranged by category with the estimated project costs and grant amounts. Grant estimates for projects must be determined by multiplying the town’s reimbursement percentage (see below) by the total estimated eligible project costs the applicant submits to the department. The commissioner submits the list by December 15 to the governor, the secretary of the Office of Policy and Management, and the legislature, along with a request to enter into grant commitments ([CGS § 10-283\(a\)\(2\)](#)).

A legislative committee reviews the priority list to determine whether each project complies with the three categories in Table 1 and standards established in state regulations. This committee can modify the list as it sees fit if it finds that the commissioner acted arbitrarily or unreasonably in establishing it. The committee then submits the approved or modified priority list to the governor and full legislature by February 1 of the following year. The 12-member committee includes the co-chairs and ranking members of the Appropriations; Education; and Finance, Revenue and Bonding

committees ([CGS § 10-283a](#)). Although the law generally bars the legislature from adding projects to the priority list after that date, it commonly does so by adopting special “notwithstanding” language that modifies specific projects and makes other non-priority list projects eligible for reimbursement ([CGS § 10-283\(c\)](#)).

## **Emergency Project Approval**

For certain projects involving emergencies or code violation repairs, the DAS commissioner does not need to secure legislative approval before issuing grants. Applications for these projects do not need to follow statutory deadlines; they can be submitted at any time. State law allows the DAS commissioner, in consultation with the education commissioner, to approve these projects for the following purposes, so long as they fall within the limit of available appropriated funds:

1. remedying fire and catastrophic damage;
2. correcting safety, health, and other code violations;
3. replacing roofs, including skylight installations;
4. remedying a certified school indoor air quality emergency;
5. insulating exterior walls and attics; or
6. purchasing and installing a limited use and limited access elevator, windows, photovoltaic panels, wind generation systems, building management systems, or portable classroom buildings ([CGS § 10-283\(b\)](#)).

The DAS commissioner must submit a list of these approved projects annually to the legislature’s school construction committee as an addendum to the priority list project report ([CGS § 10-283\(a\)\(2\)](#)).

## **Grant Commitment and Project Financing**

The DAS commissioner must notify each applicant whose project was on the list of the legislature’s action within 30 days after it takes action ([Conn. Agencies Regs. § 10-287c-12\(a\)](#)). Once the legislature authorizes it and the DAS commissioner receives the necessary assurances from the town, the DAS commissioner must enter into grant commitments for the listed projects ([CGS § 10-283\(a\)\(2\)](#)). Then the town or regional school district must submit final project plans to DAS for approval.

## Final Plan Approval

The DAS commissioner must promptly review the final plans for any phase of a school building project upon receipt, checking them for conformance with requirements from the following authorities: the (1) Fire Safety Code, (2) DPH, (3) DAS-approved life-cycle cost analysis, (4) State Building Code, (5) state and federal standards for public building design and construction to meet the needs of people with disabilities, and (6) school safety infrastructure criteria. The town or regional board of education and the school building committee will receive a final written approval of the phase if the plan is acceptable. The law prohibits any phase of a project from going out for bid before DAS issues this written approval ([CGS § 10-292\(a\)](#)).

If the commissioner does not complete the final plan review within 30 days after receipt, then the town or regional district may submit the plans to local officials with jurisdiction for their review and written approval. The school district must notify the commissioner if this occurs. Local building officials and fire marshals may use a code consultant for the review, so long as the school district pays the consultant costs.

The project cannot go out to bid before the commissioner receives the local officials' written approval unless the project is using a state contract. If DAS makes a state contract available, then a town or regional school district may use it, so long as the actual project estimate under the state contract is not given until the town or regional school district receives approval for the plan ([CGS § 10-292\(c\) & \(d\)](#)).

## Reimbursement Rates

### *Standard Reimbursement Rates*

The SDE commissioner calculates each school district's percentage reimbursement rate each year, and the DAS commissioner assigns these rates to the applicant boards. The rate in effect when a district applies for a school project grant remains in effect throughout the project's duration. Below are the reimbursement rates for projects by local and regional boards of education, RESCs, cooperative arrangements, endowed academies, and state technical high schools.

***Local Board of Education Projects.*** The state reimburses local school districts for between 10% and 80% of the eligible costs of local school construction projects. The state reimbursement for eligible costs is based on each town's wealth. The measure of wealth is each town's adjusted equalized net grant list per capita (AENGLC), which measures both property wealth and income ([CGS § 10-285a\(a\)](#)).

To determine the reimbursement percentage, towns are ranked by AENGLC. For grant applications made on and after July 1, 2017, a town’s AENGLC is calculated using years two, three, and four prior to the fiscal year when the application is made. Based on this ranking, towns are assigned a reimbursement percentage. Wealthier towns receive reimbursement closer to 10%; poorer towns’ reimbursements are at the high end of the range (80%). State law establishes two reimbursement ranges based on project type, which Table 2 describes.

**Table 2: Standard Reimbursement Ranges for Local Boards of Education**

<i>Project Type</i>	<i>Reimbursement Rate Range</i>
New construction or replacement of a school building for each town if the grant application was received before June 1, 2022	10% - 70%
Renovations, extensions, code violations, roof replacements, and major alterations of an existing school building	20% - 80%
New construction or replacement of a school building if the grant application is received on or after June 1, 2022	

Source: [CGS § 10-285a\(a\)\(3\)](#), as amended by [PA 23-205](#), § 116

**Regional Board of Education Projects.** The state reimburses regional school districts at a percentage up to 85%, based on the weighted average of the wealth of their component towns ([CGS § 10-285a\(b\)\(1\)](#)). A reimbursement bonus is also available, but the total percentage cannot exceed 85% (see Table 3 below). However, regional school districts established or expanded on and after July 1, 2016, may receive the highest reimbursement rate from among all of the district member towns, plus an additional 10%. To qualify for this rate, the (1) regional district must submit the project application within 10 years after the district’s establishment or expansion and (2) project must relate to the expansion or establishment ([CGS § 10-285a\(b\)\(2\)](#)).

**RESC Projects.** The state reimburses RESCs at a percentage based upon the weighted average of the wealth of their component towns ([CGS § 10-285a\(c\)](#)).

**Cooperative Arrangement Projects.** The state reimburses cooperative arrangements at a percentage based upon the weighted average of the wealth of their component towns ([CGS § 10-285a\(d\)](#)). A reimbursement bonus is also available (see Table 3 below).

**Inclusive Municipality Projects.** The state adds 5% to its reimbursement grant for school building projects located in an “inclusive municipality,” a status determined by the Department of



Housing commissioner. To qualify for this status, a municipality must meet certain criteria related to population, affordable housing unit shares, and zoning regulations ([PA 23-207](#), § 42).

**Endowed Academy Projects.** Connecticut’s endowed academies are three private schools that serve as public high schools: Gilbert School, Norwich Free Academy, and Woodstock Academy. They are eligible to apply for school construction grants if (1) they provide school facilities to the towns that designate them as their high schools for at least 10 years after the last grant payment and (2) at least half of the members of the school’s governing board, other than its chairperson, represent the school boards of the designating towns.

The state reimburses an endowed academy’s projects at a percentage up to 85%, based upon the weighting of the reimbursement rates of towns that have designated the academy as their high school by their respective populations, rounding to the next higher whole number and adding 5% (but not to exceed 85%). The towns must designate the school as their high school for at least five years to be considered in the calculation ([CGS § 10-285b](#)).

**Technical High School Projects.** The state covers the full cost of technical high school projects, as these schools are run by the state. They are placed on the priority list and are subject to legislative approval ([CGS § 10-283b](#)).

**Regional Agriscience Centers.** These projects are reimbursed at an 80% rate ([CGS § 10-286\(a\)\(4\)](#)).

**Regional Special Education Facilities.** These projects are reimbursed at an 80% rate ([CGS § 10-286\(a\)\(4\)](#)).

**Bonus Reimbursement Rates**

Some types of school projects are eligible for reimbursement bonuses. Table 3 describes these projects and their bonus rates.

**Table 3: Bonus Reimbursement Rates for Certain Projects**

<i>Project Type</i>	<i>Reimbursement Rate</i>
K-12 regional school districts	Extra 10%, but not to exceed 85%
Interdistrict cooperatives	Extra 10%

**Table 3 (continued)**

<i>Project Type</i>	<i>Reimbursement Rate</i>
School readiness (district must maintain enrollment for at least 10 years)	Extra 5%
Lighthouse schools	Extra 10%
To increase out-of-district seats for the interdistrict Open Choice program	Up to 10%
Reduction of kindergarten through grade three class size in priority school districts and priority schools (i.e., Early Reading Success program)	Extra 10%
Full-day kindergarten or preschool in priority school districts or priority schools (preschool program must be maintained for 10 years)	Extra 10%

Source: [CGS §§ 10-285a\(b\) & \(d\)-\(h\)](#) & [10-285d](#)

### ***Reduced Reimbursement Projects***

The state reimbursement rate for construction, extension, or major alteration of the following types of projects and space is 50% of the district's regular reimbursement rate: (1) outdoor athletic facilities, (2) tennis courts, (3) natatoriums, (4) spectator seating in a gymnasium, (5) auditorium seating (50% of the eligible percentage for the area that seats one-half of the enrollment projection for the project), and (6) public school administrative or service facilities. In the case of a RESC administrative or service facility; however, the project is eligible for the standard RESC reimbursement percentage ([CGS §§ 10-286\(a\)\(3\) & \(5\)](#)).

## **Reimbursable Project Costs**

### ***Eligible Costs***

Eligible costs include the reasonable cost of construction; alterations or renovations; site acquisition, preparation and development; equipment and furnishing for the site or building; architectural, engineering, or construction management charges; and ordinary and reasonable legal fees ([Conn. Agencies Regs. § 10-287c-15\(c\)](#)). Reasonable lease costs that the DAS commissioner determines to be a required part of the project are also reimbursable ([CGS § 10-285e\(a\)](#)).

Conditions apply to some of these cost categories. Any other state grants received for constructing the building must be deducted from the total project costs before the grant is calculated. However, a school board may use federal funds to finance its local share of a school building project, and it must use any federal funds received for heating, ventilation, and air conditioning projects ([CGS §](#)

[10-286\(b\)\(2\)](#), as amended by [PA 23-205](#), § 117; [§ 10-283d](#), as amended by [PA 23-205](#), § 118; [§ 10-265r\(f\)](#), as amended by [PA 23-205](#), § 119).

For a new school, an extension of an existing school, or the major alteration of an existing building for use as a school, a district’s grant is the lesser of either:

1. its reimbursement percentage multiplied by the eligible cost of the project or
2. its reimbursement percentage multiplied by the product of (a) the highest projected enrollment for the facility during the eight years starting from the date the district notifies DAS of the project, (b) a per-pupil square foot allowance determined by DAS, and (c) the project’s gross cost per square foot ([CGS § 10-286\(a\)\(1\)](#)).

### ***Ineligible Costs***

Table 4 lists costs that are ineligible for school construction grant reimbursement.

**Table 4: Ineligible Costs for School Construction Grant Reimbursement**

<i>Ineligible Items</i>	
<ul style="list-style-type: none"> <li>• Feasibility studies</li> <li>• Textbooks and supplies</li> <li>• Computer software (except operating systems)</li> <li>• Lease of facilities (except for projects to remedy indoor air quality emergencies)</li> <li>• Service, equipment, or maintenance contracts</li> <li>• Salaries of “in house” administration or educational staff employed by the local board or municipality</li> <li>• Site regrading, ordinary resurfacing, or reseeding</li> <li>• Relocation of facilities within site</li> <li>• Repair of site improvements</li> <li>• Athletic facility lighting and parking</li> <li>• Artificial turf</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site town improvements and utility extensions</li> <li>• Moving of existing facilities on-site or to another site (except where necessary for a new school plant or extension)</li> <li>• Ordinary building and built-in equipment maintenance, repair, painting, redecoration</li> <li>• Repair to movable equipment and furniture</li> <li>• Ordinary repairs to or replacements of boilers, combustion equipment, or fuel storage equipment</li> <li>• Ordinary roof repairs not specifically eligible under state statute (see below for eligible roof replacement)</li> <li>• Ordinary window or glass replacements</li> <li>• Other ordinary repairs and replacements</li> </ul>

Source: [Conn. Agencies Regs. § 10-287c-15\(c\)](#)

### ***Eligible Cost Restrictions and Conditions***

The law places conditions on eligibility for certain types of costs and projects.

**Significant Changes in Project Cost or Scope.** DAS must submit for legislative reauthorization any project whose cost or scope has increased since its previous authorization. DAS cannot submit a project for legislative reauthorization more than once unless (1) it is a technical high school or (2) a municipality or regional school district can show that exigent circumstances require it to appear on a separate schedule of authorized projects a second time. Also, a school project not previously authorized as an interdistrict magnet school cannot receive a higher percentage reimbursement through a legislative reauthorization ([CGS § 10-283\(a\)\(2\)](#)).

**Roof Replacement.** The reimbursement rate for full or partial roof replacement depends in part on the age of the roof, which is determined in whole years based on the nearest year of the time between when the old roof was fully installed and the date of the grant application for the new roof project. There are several categories of roof replacement reimbursement based on age, roof quality, and availability of legal recourse.

If a roof was installed more than 20 years ago, it is eligible for these reimbursement rates: either the (1) standard rate for a new school, extension of an existing school, or major alteration of an existing building for use as a school or (2) standard rate for renovation projects.

If a roof was installed less than 20 years ago, it is eligible for these reimbursement rates:

1. if a registered architect or engineer found it to be improperly designed or constructed, and the district has no legal recourse to collect damages, then the rate is either the (a) standard rate for a new school, extension of an existing school, or major alteration of an existing building for use as a school or (b) standard rate for renovation projects; or
2. if a registered architect or engineer found it to be improperly designed or constructed, and the district has legal recourse but collected damages less than the eligible cost, then the rate is the difference between the recovery and the eligible cost.

If a roof was installed between 15 and 20 years ago, and an architect or engineer cannot determine that it was improperly designed or constructed, then it is eligible for a proportionally reduced grant. The reimbursement rate is the ratio of the roof age to 20 years, multiplied by either the (1) standard rate for a new school, extension of an existing school, or major alteration of an existing building for use as a school or (2) standard rate for renovation projects ([CGS § 10-286\(a\)\(6\)](#)).

**Renovation Projects.** A renovation project is one that refurbishes an existing building by renovating at least 55% of the square footage of the completed project ([CGS § 10-282\(18\)](#)). For these projects, the DAS commissioner can approve reimbursement for otherwise ineligible repairs and replacements if the district documents the need for the work and the savings to both the

district and the state. Renovation projects are exempt from DAS's standard space specifications ([CGS § 10-286\(a\)\(2\)](#)).

To be considered a renovation project, (1) the same school cannot have been renovated with a state school construction grant within the 20 years before the new grant application date and (2) at least 75% of the building to be renovated must be at least 20 years old ([CGS § 10-282\(18\)](#)).

***Litigation Expenses.*** A school district may be reimbursed for project-related litigation expenses only if it wins the lawsuit ([CGS § 10-285a\(i\)](#)).

***Site Remediation and Improvement Costs.*** Reimbursement for school construction site remediation and improvements is limited to 25% of the site's appraised value with improvements. The limit does not apply if the site's purchase price is reduced so the price plus remediation cost is not greater than 125% of the appraised value of the site and the improvements ([CGS § 10-286d\(c\)](#)).

***Change Orders.*** For school projects costing more than \$10 million, the state limits reimbursement for construction change orders and other change directives. If change orders total more than 5% of the project's authorized cost, the reimbursement for any amount exceeding 5% is ineligible for grant assistance ([CGS § 10-286\(c\)](#)). In addition, school districts must submit change orders and other change directives issued on or after July 1, 2011, to the DAS commissioner within six months after issuance. Any change order not submitted within six months and in a manner the commissioner prescribes is excluded from eligible project costs ([CGS § 10-286\(d\)](#)).

## **Competitive Bidding Requirements**

Most contracts and orders for school building construction receiving state assistance must be awarded to the lowest possible qualified bidder following a public bidding invitation. However, the law provides exceptions for contracts for construction management and architectural services, as well as other specified contracts of a certain nature ([CGS § 10-287\(b\)](#)). The bidding requirements for each of these types of contracts are described below.

### ***Construction Management Services***

***Bidding Requirements.*** By law, contracts for construction management services do not have to go out to bid. Rather, they must be awarded from a pool of no more than four of the most responsible, qualified proposers after a public selection process ([CGS § 10-287\(b\)\(3\)\(A\)](#)).

The construction manager's contract must include a guaranteed maximum price for the cost of construction, which must be determined within 90 days after the selection of the trade subcontractor bids. Each construction manager must invite bids on project elements on the State Contracting Portal. Bids must be kept sealed until publicly opened at a time and place specified in the bidding notice. After consulting with the town or regional school district and receiving its approval, the construction manager must award any contracts for project elements to the responsible qualified contractor submitting the lowest bid. The construction manager cannot bid on any project element and construction cannot start before the guaranteed maximum price of construction costs are determined, except for work relating to site preparation and demolition ([CGS § 10-287\(b\)\(3\)\(B\)](#)).

***Bid Evaluation Criteria.*** State law requires awarding authorities to use the following evaluation criteria when selecting construction managers:

1. pricing;
2. experience with work of similar size and scope;
3. organizational and team structure;
4. past performance data, including adherence to project schedules and budgets and the number of change orders for projects;
5. the approach to the work required; and
6. documented contract oversight capabilities.

Awarding authorities may also include evaluation criteria specific to the project ([CGS § 10-287\(b\)\(3\)\(A\)](#)).

## ***Architectural Services***

***Bidding Requirements.*** Like construction management service contracts, architectural service contracts do not have to go out to bid but rather must be awarded from a pool of no more than four of the most responsible, qualified proposers after a public selection process ([CGS § 10-287\(b\)\(2\)](#)).

***Bid Evaluation Criteria.*** State law requires awarding authorities to use the following evaluation criteria when selecting architectural services:

1. pricing;
2. experience with work of similar size and scope;

3. organizational and team structure, including any subcontractors to be used by the proposer;
4. past performance data, including adherence to project schedules and budgets and the number of change orders for projects;
5. approach to the work required; and
6. documented contract oversight capabilities.

Awarding authorities may also include evaluation criteria specific to the project ([CGS § 10-287\(b\)\(2\)](#)).

### ***Other Consultant Services***

Other types of consulting services include those rendered by an owner's representatives, construction administrators, program managers, environmental professionals, planners, and financial specialists.

***Bidding Requirements.*** The law subjects orders and contracts for these services to the same requirements as construction management and architectural services described above.

***State Grant Eligibility.*** State law makes associated costs for these services ineligible for state financial assistance unless the order or contract receives prior approval from the DAS commissioner ([CGS § 10-287\(b\)\(4\)](#)).

### ***Other Contracts Exempt From Bidding***

Public bidding is not required for (1) projects for which the district decides to use a DAS contract; (2) change orders; (3) contracts or orders costing less than \$10,000; and (4) contracts or orders of an emergency nature, as determined by DAS. In these instances, negotiation may be used to select a contractor or vendor, so long as there are no conflicting local fiscal regulations, ordinances, or charter provisions ([CGS § 10-287\(b\)\(1\)](#)).

### ***Filings and Notices***

Grant applicants must file with the DAS commissioner notice of the date the first construction contract was executed for the project ([Conn. Agencies Regs. § 10-287c-19\(a\)](#)). Applicants must also file final project plans with both the DAS and State Department of Education (SDE) commissioners, including (1) a copy of final plans and bid specifications for the project or project phase, which specify the project site; (2) a professional cost estimate for the project or phase and any site acquisition; and (3) certification that these documents have been approved by the district

and the building committee. The commissioners must review the plans and specifications for compliance with state laws, regulations, and codes.

No phase of a project may go out to bid unless the DAS commissioner notifies the district in writing that (1) she approves the final plans and bid specifications, (2) the plans and specifications comply with educational specifications for the project, and (3) she approves the project site ([Conn. Agencies Regs. § 10-287c-21\(a\)-\(c\)](#)).

## **Project Standards**

### ***School Safety Infrastructure***

All school construction grant applicants must comply with school safety infrastructure standards that are periodically reviewed and updated by the School Building Projects Advisory Council. These standards conform to industry standards for school building safety and include standards regarding the following:

1. entryways to school buildings and classrooms, such as reinforcement of entryways, ballistic glass, solid core doors, double door access, computer-controlled electronic locks, remote locks on all entrance and exits, and buzzer systems;
2. use of cameras throughout the school building and at all entrances and exits, including the use of closed-circuit television monitoring;
3. penetration resistant vestibules; and
4. other security infrastructure improvements and devices as they become industry standards ([CGS § 10-292r](#)).

The DAS commissioner may waive any of the school safety standards if she determines that the applicant made a good faith effort to address them and compliance would be infeasible, unreasonable, or excessively expensive ([CGS § 10-284\(a\)](#)).

The DAS commissioner may also require any municipality or regional board of education applying for a school construction grant to conduct a safety assessment of the project to ensure compliance with school safety infrastructure standards. The grant applicant must use an assessment tool that the commissioner designed or an alternative tool that provides a comparable safety and security assessment of the project, as determined by the commissioner ([CGS § 10-292s](#)).



## ***Site Assessment***

Before approving the architectural plans for school construction projects for new buildings, building extensions, or building replacements, a school board and building committee must provide for a Phase I environmental site assessment in accordance with American Society for Testing and Materials (ASTM) Standard #1527, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The cost of performing the assessment is eligible for reimbursement as part of the school construction project ([CGS § 10-291\(a\)](#)).

## ***Project Features Prohibiting DAS Approval***

State law bars DAS from approving a school building project plan or site under the following circumstances:

1. the site is in an area of moderate or high radon potential, as indicated in the Department of Energy and Environmental Protection's Radon Potential Map, unless the plan incorporates construction techniques to mitigate radon levels in the facility's air;
2. the plans incorporate new roof construction or total roof replacement and do not provide (a) for a minimum roof pitch that conforms to State Building Code requirements; (b) for a minimum 20-year unlimited manufacturer's guarantee for water tightness covering the entire roofing system's material and workmanship; (c) for vapor retarders, insulation, bitumen, felts, membranes, flashings, metals, decks, or any other feature the roof design requires; and (d) that all manufacturer's material to be used meet the latest ASTM standards for individual roofing system components;
3. for major alterations, renovations, or extension of a building to be used for public school purposes, the plans do not incorporate the Sheet Metal and Air Conditioning Contractors National Association's publication entitled "Indoor Air Quality Guidelines for Occupied Buildings under Construction" or similar subsequent publications;
4. for new building construction, extensions, renovations, or replacements, the plans do not include a strategy for training building maintenance staff responsible for the facility in the appropriate areas of plant operations, including HVAC systems, with specific indoor air quality training;
5. for new building construction, extensions, major alterations, renovations, or replacements involving a school entrance for inclusion on any priority list submitted to the legislature, the plans do not provide for a security infrastructure for the entrance;
6. it does not include at least one water bottle filling station (a) per 100 students of the building's projected enrollment, (b) on each new building floor or wing, and (c) in any food service area of the building; or

7. for new building construction on the priority list after July 1, 2023, the plans do not provide for installing level-two electric vehicle chargers in at least 20% of parking spots for cars or light-duty trucks at the school building ([CGS § 10-291\(b\)](#)).

## Grant Calculation and Payments

### *Eligibility Calculation*

The DAS commissioner estimates the grant amount for which a project is eligible in accordance with the reimbursement percentage that the SDE commissioner calculates using the formula established in state law ([CGS §§ 10-283\(a\)\(2\)](#) & [10-285a](#)).

### *Progress Payments*

Grant payments may be requested only after a grant commitment has been obtained for the project. Payments are made by DAS in installments (“progress payments”) ([CGS §§ 10-287\(a\)](#) & [10-287i](#)).

The State Board of Education may withhold subsequent grant payments if the DAS commissioner determines that the project has not met the original conditions in the approved grant application. Payments are withheld until the commissioner determines that appropriate action has been taken to bring the project into compliance. The commissioner can also require recipients to repay the state for all previous grant payments made if appropriate action is not taken within a reasonable time ([CGS § 10-287\(c\)](#)).

### *Final Payment*

***Final Grant Application.*** A municipality or regional school district must submit to DAS a final grant application within one year of the project’s completion date and acceptance of the project by the town or district. Failure to timely submit this application could result in the commissioner withholding 10% of the state grant ([CGS § 10-287\(d\)](#)).

***Failure to Meet Minority Business Enterprise (MBE) Goals.*** Starting with school building projects authorized on or after July 1, 2024, if a town or regional district does not meet [the law’s](#) MBE set-aside goals, DAS must withhold 5% of the project’s reimbursement grant ([CGS § 10-287i](#)).

***Project Completion Notice.*** The town or regional district must also submit a project completion notice within three years after the project’s certificate of occupancy is issued. If a grant

recipient does not submit this notice on time, then the DAS commissioner must deem the project complete and begin a final project audit (see “Audits” below) ([CGS § 10-287\(d\)](#)).

***Payment After Audit Completion.*** For all projects, DAS withholds 5% of the grant until it completes a final audit after project completion. If DAS cannot complete the audit within six months after the final payment is requested, then the applicant may have an independent audit performed and include the audit cost in the eligible project costs ([CGS § 10-287i](#)).

## **Audits**

Within five years after a school district files a notice of project completion with DAS, the department must conduct an audit of the project. If the department does not, then it must conduct a limited scope audit, which reviews (1) the total amount of reported expenditures; (2) any off-site improvements; (3) adherence to authorized space specifications; (4) the interest costs on temporary notes and bonds; and (5) any other matter the DAS commissioner finds appropriate ([CGS § 10-286e\(a\)](#)).

The DAS commissioner may waive any audit deficiencies found if it is in the state’s best interest ([CGS §§ 10-286e\(c\)](#) & [10-286g](#)).

## **Special Situations**

### ***Interdistrict Magnet Schools***

Certain special requirements apply to interdistrict magnet school construction projects. These schools must meet all the requirements of the school construction law unless the DAS commissioner, in consultation with the SDE commissioner, waives a requirement for good cause ([CGS § 10-264h\(a\)](#)).

In addition, magnet school applicants must submit, and the SDE commissioner must approve, a plan for operating the school that includes at least (1) a description of the proposed educational programs; (2) a project completion date; (3) an estimated operating budget; (4) any written commitments from participating districts; and (5) an analysis of the program’s effect on reducing racial, ethnic, and economic isolation ([CGS § 10-264h\(b\)](#)).

### ***Sheff Magnets***

Special requirements apply to interdistrict magnet schools intended to help the state meet the desegregation requirements of the Connecticut Supreme Court’s *Sheff v. O’Neill* ruling and settlement.

In addition to local and regional boards of education, the following entities may apply for a school construction grant for a *Sheff* magnet:

1. two or more boards of education operating under a cooperative arrangement;
2. the community-technical colleges board of trustees on behalf of any community college;
3. the UConn, Connecticut State University, or any independent college's board of trustees on behalf of their respective institutions; and
4. any other SDE-approved nonprofit corporation ([CGS § 10-283\(a\)\(1\)](#)).

*Sheff* project applicants have an additional two months to submit construction grant applications. Their application deadline is September 1 rather than June 30. Also, they have until December 1 of that same year to secure and report all local and state approvals required for the application ([CGS § 10-283\(a\)\(2\)](#)).

### ***Diversity Schools***

DAS, in consultation with SDE, must provide special school construction grants for a district that has one or more schools with minority enrollments that exceed the district-wide percentage of minority enrollment for the same grades by 25%. The grant must reimburse these districts for school construction projects for “diversity schools” open to all students within the district at the town’s standard reimbursement rate plus an additional 10%. Minorities are defined as students whose race is defined as other than white or whose ethnicity is defined as Latino or Hispanic for purposes of the federal census.

To qualify for the grant, the applicant must demonstrate that (1) the diversity school will be open to all students living the district to correct the existing minority enrollment disparity and (2) it has made a good faith effort to correct the disparity ([CGS § 10-286h](#)).

### ***Very Small Districts***

Certain very small districts are exempt from standard per-pupil space limitations for reimbursable costs. To be exempt, a district must have a total enrollment of fewer than 150 students in grades kindergarten through eight ([CGS § 10-286\(b\)\(3\)](#)).

### ***“Turn-Key” Projects***

In a “turn-key” project, a school district buys a building after another party builds or renovates it according to an agreement with the district. These projects may be exempt from standard space rules. Districts can be reimbursed for otherwise ineligible repairs to a turn-key building if the district

documents that (1) the work is needed, (2) buying the facility will cost less than building the project in a different way, and (3) the facility will have a useful life comparable to a new building. DAS must approve final plans for all construction work on any turn-key project ([CGS § 10-286\(a\)\(10\)](#)).

### ***Central Kitchen Facilities***

A school district may receive a regular school construction reimbursement grant for designing and building a central kitchen to provide public school food service. The project may also include the cost of altering, expanding, or creating kitchens in individual schools to facilitate centralized food preparation. The projects are exempt from standard space limits if the DAS commissioner finds the project's size and scope to be reasonable ([CGS § 10-289h](#)).

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