



Division of Capital Construction

BEST Grantee Guide (Lease/Purchase Grants)

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Congratulations on receiving a Building Excellent Schools Today Lease/Purchase grant. Before you get started with your project upon closing, we ask that you review the information provided in the following pages. Your site and sublease, grant application, and other documents prepared during the finance period require several pieces of documentation throughout your project, as well as regular communication and collaboration with your Regional Program Manager (Division Staff). Staying on top of the necessary documentation will assist you and Division Staff in assuring a successful project and timely payment of vendors. Below is a summary of grant administration requirements for your convenience.

I. Getting Started

Before embarking on the hiring of consultants and vendors, be sure to fully understand the scope of work identified in your awarded grant, the budget submitted, and the content of your grant agreement, and share all of this information with your key consultants. The awarded grant amount is specifically and exclusively available for the scope of work identified in your grant application, up to the amount awarded. The scope of work may not be expanded due to cost savings, and cost overruns will be the

responsibility of the grantee. If your project has the potential to be enhanced by other grants, additional funds outside of those identified in the BEST grant, or by additional stakeholder participation, the scope and agreements associated with the BEST grant should be isolated from those enhancements. Use separate vendor agreements for work that expands the project beyond the BEST grant agreed upon scope.

II. Contracts

Your project will involve several contracts with vendors and consultants. The Division does not provide contract templates for consultant and vendor contracts. Instead, we recommend grantees utilize one of the standard format contracts regularly used by the industry (AIA, ConsensusDocs, DBIA, etc.) as the basis of construction contracts. Grantees should utilize the services of their legal counsel in drafting or modifying contract language agreeable to the grantee and in compliance with the provisions required by the site and sublease. We recommend that contracts incorporate by reference the grant agreement and RFQs used in the procurement of vendors in order to ensure these requirements are passed through to the vendors executing the work.

If you intend to use your own contracts, it is advisable to include them in your procurement documents. Your site and sublease requires certain specific minimum insurance coverages for property, worker's compensation, general liability, and automobile liability, and must include several provisions required by statute in regard to Colorado labor, etc. Construction contracts exceeding \$50,000 must require performance and payment bonds of each contractor.

On the [Contracting for BEST Projects](#) page on our website, we have provided a checklist for review of vendor contracts, as well as a BEST Service Provider Contract Exhibit that may be referenced in your vendor contracts to assist with meeting those requirements. Be sure also to provide a copy of your contracts to Division staff for review and record.

III. Procurement

Selecting consultants and vendors is a critical component to the success of any construction project. It is in everyone's best interest that the most qualified design professionals are procured in a transparent manner in order to give every project its highest opportunity for success and to demonstrate the appropriate stewardship of public resources.

The [BEST Consultant/Contractor Selection Guidelines](#) in the appendix offers a recommended procedure for the procurement of professional services. In the application for a BEST grant, applicants agree to strive toward a fair, transparent, competitive, and documented bid/selection process for all vendors. Alternative procurement methods are to be agreed upon prior to grant award as outlined in the grant application.

In support of the recommended process described in the guidelines, Division Staff can provide additional tools, resources, and templates for procurement, including RFQ templates, scoring worksheets, sample decision memoranda, and sample interview invitations and questions.

Since procurement documents are unique to each vendor type and each project’s parameters, we ask that you please work with Division staff for assistance with the preparation and distribution of procurement documents well in advance of their release. Division staff can assist the procurement process by posting notice of project solicitations via ListServe, an email list that does include numerous vendors providing an array of services to school projects in Colorado.

IV. Finalized Project Budget

You provided a detailed budget in your grant application as a means to identify all included costs. As you begin a project, that information will need to be reformatted for use as a finalized project budget to track through the project for the required budget updates. Finalized Project budgets must include the following:

- 1) A column displaying the final Grant Application project budget with line items matching those submitted in the grant application.
- 2) A column displaying the budget as revised during the design stage.
- 3) A column displaying the final approved budget at the time of Guaranteed Maximum Price or Bid, following review with Division Staff.
- 4) An adjustment column displaying any changes from the final approved budget
- 5) All contingencies and allowances, identified separately, with all changes approved by Division staff in advance of cost commitment.

A project budget template may be provided on request. You may also utilize your own format or that of a consulting Owner’s Representative if it includes the above items. A sample of an acceptable Finalized Project Budget is provided in the Appendix, and reproduced below.

School District Name
[Project Name]

Total Grant Amount: \$ -
Grant PO Number:

Category	Description	Initial Budget Per BEST Grant	Design Adjustments	Finalized Budget at GMP/Bid	Adjustments to Finalized	Current Project Budget	Expenditures to Date	Balance Remaining
		A	B	C = (A+B)	D	E = (C+D)	F	G = (E-F)
Design/Consulting Fees		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
City and Planning Fees		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Utility and Development Costs		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Site Survey and Soils Report		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Materials Testing, Inspections		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Environmental		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Building Systems Infrastructure (By Owner)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Furniture, Fixtures, Equipment		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Permits, Taxes, Fees		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Construction Hard Cost		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Owner Contingency		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grant Reserve	Use only if awarded	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

It is important to note that the grantee will be responsible for any project costs in excess of the Grant Amount. The state portion of any grant funds not expended will be forfeited.

a. Budget milestones

At the time of bid or Guaranteed Maximum Price (GMP), the budget must be finalized with categories as described above. All deviations not identified in the finalized budget as “Add Alternates” will require advance approval from Division staff. At this point in the project, milestone project drawings and specifications should be provided electronically to Division staff for review of project scope.

b. Furniture Fixtures and Equipment, Technology

If applicable to, and included in the scope of your grant, all itemized furniture, fixture and equipment (FF&E) and technology lists must be approved in advance of ordering, with an accompanying budget, by your Division Staff. FF&E and technology budgets are typically finalized once construction has begun. Once the FF&E and technology lists have been established, the grantee must meet with division staff to review the lists prior to finalizing a budget. **Division approval is required for these budgets to ensure the items being requested are eligible for grant funding, align with the scope of the grant, and fit within the overall project budget.** Division staff will retain the FF&E and technology lists to validate invoiced goods against the approved budget during the fund request process. Our Furniture, Fixtures, and Equipment Guidelines are included in the appendix.

c. Add Alternate and Value Engineering Lists

Add alternate and value engineering (VE) lists are developed as a result of budget constraints during the budget review process. Add Alternates are those enhancements to the quality of the scope identified in the grant application that are contingent on the bid results and budget savings throughout the project. Add alternates may not include new scope not included in the application. A grantee is able to develop a list of goods or services within the grant scope they wish to incorporate into the project if funds are made available at a later date within the course of construction due to cost savings or the release of contingency dollars. Division staff must approve these lists as they are developed and prior to the commitment of funds. The incorporation of scope identified in add alternate and value engineering lists must be completed prior to occupancy and prior to the commitment of funds. A grantee may only allocate additional funds to the project if the items identified were on their pre-approved lists. If the grantee did not develop an add alternate or VE list at the time of bidding or GMP and prior to occupancy and there are excess funds remaining at the end of the project, the grantee may not use those funds for additional project expenses.

Add alternates by nature are intended to allow for the project to be tailored to the budget. Work to address the core deficiencies identified in the original grant proposal should always be included in a project’s base scope, with alternates representing enhancements within that scope. Remember that the grant contract requires the Grantee to complete the scope identified in the grant, regardless of whether the eventual project exceeds the planned budget or grant amount requested. Reductions in scope relative to the awarded grant require written approval from Division staff or director, and

forfeiture of the associated line item cost as described in the grant application from the Grant Amount.

d. Demolition and Abatement Costs

When an awarded grant includes scope for demolition and abatement of existing structures, that demolition is considered base scope of the grant. Failure to complete demolition will be considered a deviation from the awarded grant scope, may be in breach of the sublease, and therefore require written approval from Division staff or director, and/or modifications to the lease agreement.

In particular when demolition will occur after completion of a replacement facility, care must be taken to maintain the demolition and abatement budgets throughout construction, and perform investigations and diligence early in order to appropriately manage contingencies to ensure completion of the demolition scope. As noted above, if scope is not completed, the associated budgeted funds are forfeited, which means cost savings from omitting demolition is not a means to make up for budget shortfalls elsewhere.

e. Contingencies and Allowances

Contingencies are established in the initial stages of a construction project as reserves to mitigate risk. The two most common types of contingencies are construction contingencies and owner’s contingencies. The construction contingency is to cover changes identified throughout the construction that weren’t budgeted for when the bid or GMP was established. An owner’s contingency is to cover owner initiated changes identified throughout construction. These contingencies can also be used to fund add alternates or items that were value engineered out of the project due to budget concerns. Division staff will monitor any changes to contingency amounts during their fund request budget reviews. If contingency dollars are being utilized for change orders within the established project budget, the budget must reflect the movement of funds to the appropriate budget line item. If contingency dollars are being requested to fund add alternate or VE items, division staff will review the grantees supplied lists to verify the proposed expenditure’s prior approval by the Division. Unused grant contingency dollars at the end of the project will remain unspent.

Allowances are established budget items set aside for a specific purpose for which the exact cost is unknown at the time of the grant application. For example, demolition or unusual site costs, such as the installation of a traffic light. Allowances stipulated in a grant application should be clearly identified in the finalized project budget. Amounts allocated to an allowance cannot be used for other items in the budget, fulfilling cost overruns, unforeseen issues, or additional scopes of work. If an allowance budget is not spent on the specific budget item, the allowance balance must be returned to the Division. Division staff will monitor any allowance item noted in a grantee budget.

f. Fund Requests

CC-06 Fund Request is to be submitted as costs are incurred, on a monthly basis. The CC-06 Lease/Purchase form can be found on our website at the link below, under “Forms”. As vendors are paid directly in a Lease/Purchase grant, the vendor name and address fields are critical to ensure the vendors are paid in a timely manner. CC-06 forms must be signed and submitted per instructions

provided on the form. Multiple invoices from a single vendor should be combined on a single line, so one check can be made out to each vendor. Each CC-06 should include:

- CC-06 lease/purchase form, signed and submitted per instructions on the form
- All associated invoices: multiple invoices from a single vendor must be combined on a single line. Invoice numbers may be identified in parenthesis.
- A W9 on the current IRS form, signed within the past 90 days with the first invoice from each vendor (check 'submitted' for future fund requests)
- All contracts or POs associated with each invoice, including Change Orders or Add Services where included

Updated Project budget each time a fund request is submittedA flow chart representing the fund request process for Lease/Purchase projects is provided in the appendix. Upon approval of a complete fund request, the vendors will be paid directly. In certain cases, some vendors may be paid directly by the school, and a fund request may request reimbursement to the school. Please discuss these cases in advance with your Regional Program Manager. In such cases, the school will be listed as the vendor, and the school's W9 submitted for reimbursement. Fund requests typically take 2 weeks to process if complete and accurate. Timely responses are critical if there are questions on a fund requests. CDE will not be responsible for late fees.

g. Non-qualifying expenses

Some typical expenses that do not qualify for reimbursement or payment from grant funds include:

- Preliminary Expenses incurred prior to sublease execution, except as permitted in the tax certificate and specified in the grant application (no earlier than date of close of the grant application). Construction expenses are not permitted prior to sublease execution.
- School or district employee time
- Sales Tax
- Late Fees for unpaid invoices
- Added scope not identified in the grant application
- Small, non-disposable tools purchased by the school to be used in the project
- Educational supplies, software, and other consumables identified in the FF&E Guidelines
- Extended warranties or service contracts

Please contact Division staff with questions regarding any unusual expenses prior to incurring them. Expenses not qualifying for grant reimbursement will be the responsibility of the grantee, so when in doubt, be in communication to avoid incurring unnecessary or unexpected costs.

h. Grant Reserve/Supplemental Grant Requests

In the past, additional funding was available in the event that significant circumstances were to arise during the execution of a grant project that could not have been foreseen at the time of grant award. This is no longer the case, and grant reserves are no longer maintained. Per the sublease, the grantee is responsible for any costs in excess of the grant amount. Additional funding due to unforeseen circumstances may be requested in the form of a supplemental grant request in the next

regular grant cycle, however there are no guarantees of success, as supplemental grants compete against all other grants for limited funding.

V. Project Monitoring

The grant requires written progress reports detailing project progress, as well as documentation demonstrating that key customary quality control processes such as design review, inspections, permitting, and quality testing have been completed. The Deliverables and Submittals exhibit in your grant MOU requests additional project specific deliverables as determined by Division staff, but does not negate any deliverables specified in your sublease or required by program rules or policies.

As the project progresses, please include or copy Division staff on key project communications and documentation including:

- Updates to the school board
- Meeting minutes
- Field observation reports
- Testing and inspection reports
- Permit approvals
- Milestone drawings and specifications
- Project schedule updates
- All vendor contracts, and
- All change orders as they are generated.

Your representative may also schedule visits to observe project progress and sit in on key meetings. Your agreement requires that you maintain and retain a complete file of all documents pertaining to the project. However, key items will be requested electronically by staff for our own records.

VI. Project Changes

Changes to vendor contracts are inevitable on construction projects. Typically these take the form of a Construction Change Order or Additional Services Request from a design consultant. Prior to executing change orders or add-services, notify Division staff of the content of these documents and verify they are within the scope of your grant project as described by your grant application. Change Orders should be vetted by your Owner's Representative for pricing consistency in relation to the contract and industry standards. Backup documentation should be provided with Change Orders to Division staff for review and record. All Fund Requests which contain invoices with a Change Order or Additional Service (contract amount change) should include a copy of the change order and a description of the change.

VII. Project Closeout

Upon completion of the project, the final fund request must be accompanied by a Final Report CC-05 form and Completion Certificate. In addition, a copy of the Certificate of Occupancy, Project Monitoring Certification Form, and final project budget should be included if not already provided. Upon closeout of

the grant, no additional funds may be requested. Each of these forms is available on the 'Forms' page of the BEST website.

Annual Sublease Documents

Each year, by July 1st, a sublease renewal and a post-issuance or post-occupancy compliance form will be due to CDE as part of the sublease requirements. CDE staff will send a reminder and each June, however the forms are available on the BEST Forms page of our website, linked below.

VIII. References

The following links can be found on the Resources page of our website, and are reproduced here. The appendix includes several documents referenced above.

[BEST Frequently Asked Questions](#)

[BEST Furniture, Fixtures & Equipment Guidelines](#)

[Capital Construction Procurement](#)

[Contracting for BEST Projects](#)

[BEST Forms](#)

IX. Appendix Contents:

[Sample Finalized Project Budget](#)

[Checklist for Review of Vendor Contracts](#)

[BEST Consultant/Contractor Selection Guidelines](#)

[BEST Furniture, Fixtures, and Equipment Guidelines](#)

[CC-06 Funding Request Process for BEST Lease/Purchase Projects](#)

[Sample CC-06: Lease/Purchase Funding Request](#)

[Sample CC-05: Project Final Report](#)



Checklist for Review of Professional Services Agreements on BEST Projects

The checklist below is provided as a non-exhaustive reference when reviewing and negotiating agreements for professional services for projects involving Building Excellent Schools Today grant funding. Please carefully review each item, and discuss any questions with your legal counsel and CDE Division of Capital Construction staff.

- Legal Counsel has reviewed the contract and any modifications against grant contract/sublease requirements
- RFQ/RFP and any exhibits are included by reference and attached to the contract
- Sublease or Cash Grant Contract is included by reference and attached
- BEST Service Provider Contract Exhibit is attached and referenced (if necessary)
- Contract is based on an industry standard format (AIA, ConsensusDocs, DBIA) and/or thoroughly prepared and coordinated by the district's legal counsel with other related contracts
- Contract Amount is specified and clear, includes the complete scope necessary, and falls within the grant budget. No exclusions are identified that should fall within the grant scope
- Scope of Work Exhibit is attached or referenced if scope not identified within the agreement
- Insurance provisions and bonding requirements have been reviewed carefully and are in alignment with Sublease or Cash Grant Contract requirements, and LEA policy, whichever is more stringent
- Reimbursable expenses for professional service providers are at cost or within a reasonable markup if a not-to-exceed format, or included within an agreed upon fixed price or rate
- No limitations on liability, or any such limitations are agreeable according to legal counsel and are in accordance with grant contract
- Indemnification clauses have been reviewed by legal counsel, and the right to governmental immunity has been retained
- Dispute resolution procedures are well defined and in accordance with legal counsel recommendations, district/school policy, and grant contract or sublease requirements
- No late charges or delayed payment charges are included, or, if such charges are included, sufficient time is allowed for processing of BEST Lease/Purchase fund requests
- Additional Services or Contract Modification provisions are agreeable, well defined, and tied only to increases in the scope of services. Professional services fees are fixed and not directly tied to increases/decreases in final cost of construction, or the methodology for establishing the final amount is clear.
- All referenced exhibits or addenda have been reviewed and are included in the final contract
- Termination clauses have been reviewed and agreed upon by legal counsel
- Assignment clauses are included as required by cash grant agreement or sublease
- A fully executed agreement is on record

Consultant Procurement Process

****Facilitation by the CDE staff is essential for a successful process****

A BEST Technical Assistance representative will partner with the district for the entire procurement process if desired by district, charter school, BOCES, or CSDB (Owner).

Since the State invests a substantial amount of funding into a project, BEST staff wishes to partner throughout this process and throughout the entire life of the project. BEST staff will attend the interviews if requested to ensure that the process is fair and transparent.

The following procurement process is recommended by the Division of Public School Capital Construction Assistance for the following consultant/contractor positions: Master Planner, Owner's Representative, Architect, Design/Build, and CM/GC:

1) Team Collaboration/Brain Storming

- a) Work as a team to decide what service should be solicited for;
- b) Decide what the Owner's goals are and what is expected from the end results;
- c) Develop a timeline;
- d) Establish an RFQ evaluation team, CDE recommends 3 to 5 people as follows:
 - i) One district, charter school, BOCES, or CSDB admin or board member;
 - ii) One outside, uninvolved, individual who has extensive experience in the design/construction/facility management industry;
 - iii) One who might be owner's rep, if available, or another individual who has experience in school design/construction/facility management industry and with the school district;
 - iv) Up to two others, but no more than one more administration or board member.

2) RFQ Development/Issuance/Selection

- a) Using the RFQ template provided by CDE, begin to develop a RFQ;
 - i) Be sure to tailor the RFQ for the specific consultant being solicited and your specific project;
 - ii) Be as detailed as possible.
- b) Customize the selection criteria and scoring matrix provided by CDE so that it fits your projects goals;
 - i) Selection criteria should be clearly noted in the RFQ. It is suggested that scores be identified for each criteria that will be used, that each criteria be scored, and the applicant(s) with the highest score(s) selected or shortlisted;
 - ii) It is suggested that fee proposals not be submitted at the time of the proposal. The process should be qualification based. Fees should be negotiated with the top-scoring applicant, the apparent winner. If the negotiation is unsuccessful with the apparent winner, then the fee may be negotiated with the next highest scoring applicant;

- iii) If, however, fee is to be included with the proposal or interview by district policy, it should be kept in a sealed envelope, and opened only upon selection of the winning applicant.
- 3) Once the RFQ is developed be sure to submit it to CDE at least four days before your proposed issuance date;**
- i) The Capital Construction representative must approve the RFQ before an announcement can be posted to the list serve. Be prepared in order to avoid delays;
 - ii) Once approved CDE will post an announcement to their list serve;
 - iii) The Owner should also consider other form of advertisement (i.e. local news paper, Owner's webpage or equivalent, radio, etc).
- 4) Once all RFQ's are received evaluate them using the scoring matrix;**
- i) RFQ responses that have more or less than what is requested may be eliminated;
 - ii) The completed scoring matrix will be used to develop a shortlist of applicants to be interviewed;
 - iii) A detailed interview invitation should be sent to the shortlisted applicants. CDE can provide examples and help develop this;
 - iv) The selection committee determines the questions to be asked at the interviews in advance with a score for each question, which then can be added to the initial RFQ score resulting in a total combined score or applicants may be scored on interview only. The same questions should be asked and scored of each candidate.
- b) After the apparent winner is chosen the Owner should issue a detailed decision memorandum to CDE that includes:
- i) Both scoring matrixes from the proposals and interviews;
 - ii) Note where the RFQ was advertised;
 - iii) A copy of the RFQ should be attached;
 - iv) A narrative summary of the positives and negatives of the interviewed applicants;
 - v) Be sure to notify non awarded applicants. CDE can provide examples of non award letters.
- 5) Contract and Fee Negotiations**
- a) Fee proposals should provide a very detailed scope/description of the project. They may include but not be limited to:
- i) Total not to exceed fee;
 - ii) Statement of work;
 - iii) Confirmation that all scope items from the original RFQ will be addressed;
 - iv) Any exclusions;
 - v) # of hours;
 - vi) # of people;
 - vii) Other resources;
 - viii) How the resources are to be used;
 - ix) Breakout of anticipated reimbursable included in the fee proposal;
 - x) Hourly rates for all personnel involved in the project;
 - xi) Number of site visits anticipated to complete the work.
- b) The Owner's legal counsel should review all agreements.
- c) Be sure to send the contract to CDE for review, prior to signing it.
- i) CDE has standard language that must be included;

Furniture, Fixtures and Equipment (FF&E) Guidelines for the BEST Grant

Based on § 22-43.7 C.R.S., 1 CCR 303(1) Public School Facility Construction Guidelines and 1 CCR 303-3 Building Excellent Schools Today (BEST) Grant Program the following will be considered as Furniture, Fixtures and Equipment (FF&E) for purposes of the BEST grant.

The BEST program will fund FF&E for new construction and major renovation projects where budget has been identified in an awarded application. The FF&E budget intends to provide a district with startup furniture, fixtures and equipment necessary to provide a suitable educational environment for the occupants of the facility.

“FF&E is furniture, fixtures or other equipment that typically has no permanent connection to the structure of the building or facility utilities. The type of loose or stationary furnishings and equipment for a school should be selected **to support the educational curriculum and the function of the spaces for students within a facility**, but also provide flexibility for change and development in the future. The exact items and style may change from school to school.”¹

“Supplies” are defined as general purpose consumable (quickly expendable) items and instructional materials which commonly have a shorter life span (less than 1 year) than equipment and machines, and which are stocked for recurring use. Supplies would typically not meet the cost threshold for capital assets inventory. Supplies will not be considered FF&E.

Built-in items, such as lockers, sinks, fixed benches and cabinets are included in the cost of construction. These items may be included in a BEST grant, however should not be considered FF&E. The FF&E budget is not intended to augment public use of the facility or extra-curricular activities. Items such as batting cages for the baseball team, tackling sleds for the football team, and hurdles for the track team are not to be included as FF&E in a BEST grant.

It is required that all FF&E order summaries be submitted to the appropriate BEST technical assistant **PRIOR TO** the purchase of an item, group of items or major FF&E order. FF&E orders submitted without prior approval, may risk non-payment from the BEST grant. When submitting the FF&E orders, please include date of order, vendor, quantity, item description, cost per unit, total item cost, shipping costs, installation costs (if applicable) and total order cost. In addition to the noted information, photo specification and room layout sheets may be provided as supplemental information.

¹ Citation is from the “Wyoming School Facility Department, Furniture Fixtures and Equipment Guidelines, 9/24/09

If a district or charter school grantee would like additional FF&E, not clearly defined in this document, to be considered for inclusion in a grant application, please review with the appropriate BEST technical assistant prior to submitting in the application.

FF&E Guidelines

BEST requests that FF&E be purchased in bulk from a minimal number of vendors where possible. It is recommended to work with an FF&E supplier or consultant to establish quantities and assist in developing an FF&E plan. FF&E has a minimum threshold of \$5,000 with any one vendor. Items from the functional areas listed below may be bought individually or in a group with the total purchase order being greater than or equal to \$5,000, including shipping and other reasonable costs (installation and, if applicable, taxes). **ALL FF&E ORDERS MUST BE DELIVERED or INSTALLED and FUNDS COMMITTED or EXPENDED PRIOR TO THE DISTRICT OCCUPANCY OF A FACILITY. DELAYED DELIVERY, DAMAGED AND RETURNED GOODS MAY BE FUNDED THRU THE ORIGINAL GRANT FF&E. ADDITIONAL FF&E RELATED ITEMS THAT ARE REQUESTED AFTER OCCUPANCY OF THE FACILITY WILL NOT BE CONSIDERED.**

The grantee must retain documentation (such as packing slips, pick tickets, etc.) supporting any and all FF&E purchases, and their location in the facility.

The project team should consider the condition and ability to reuse existing furniture, fixtures and equipment in any given project.

Functional Area Inclusions & Exclusions

Site: Age appropriate fixed playground equipment, required fencing (if not included in the building construction), resilient surface under and around the playground, benches (movable not included in the building construction), storage units for the purpose of storing playground equipment. Exclusions: Site FF&E does not include sporting goods such as sports balls, jump ropes, etc., or extra-curricular sports equipment such as soccer goals, tackling sleds, hurdles, etc.

Classrooms including Specialized Classrooms (Science Labs/ Art Rooms/ Music Rooms/ Band Rooms/Auditoriums/Cafeteriums): Provide all the necessary equipment to support the intended educational program. Classroom furniture, fixtures, and equipment includes student and/or instructor furniture as defined by the classroom program, use and design, such as student/instructor desks, student/instructor chairs, storage units and bookcases used within the classroom, microscopes, kilns, stage curtains and stage lighting ensembles. Exclusions: Classroom FF&E does not include instructional material or equipment such as books, paint brushes, paint, clay, paper, beakers, musical instruments, pencil sharpeners, etc.

Computer Rooms: Furniture to support the use and design of the room. Technology equipment such as computer carts, computers to be utilized within the designated room, projectors, smart boards, racks, servers, switches or any other furniture, equipment can be considered FF&E if not included in the technology budget. Infrastructure for technology will be included in the construction of the facility to include devices (wall outlets, etc.), cabling, wire management etc.

Library/ Multimedia Center: Book racks, seating, computer furniture and equipment to support the intended use and design. Computers can be considered FF&E if not included in the technology budget. Exclusions: Books, literary materials etc.

Commercial Kitchen: May include cooking and refrigeration equipment, dry storage, washing equipment and any other equipment required to operate the kitchen as designed that has not been included in the construction project. Exclusions: Utensils, trays, glasses, cooking utensils, etc.

Cafeteria/ Multipurpose Room: May include a movable stage, tables, and chairs, etc., to provide the necessary seating for the defined use and design.

Gymnasium Spaces: May include sports equipment necessary to provide for the use and design of the gymnasium, i.e. sports specific equipment – climbing ropes, safety mats, wrestling mats, wrestling mat hoist, and scorer table. Climbing walls, volleyball sleeves, bleachers, and basketball hoops would typically be included in the construction of the facility. Exclusions: This does not include sporting goods such as basketballs, footballs, volleyballs, cones, or similar PE instructional items..

Weight Training: May include all equipment necessary to provide for the use and design of the room, i.e. wall mirrors, exercise machines including weights, rubber flooring, wall/floor mats, racked weights, etc. Exclusions: Sporting goods and light exercise equipment not racked or attached to the floor or walls such as exercise balls, jump ropes, stretch bands, etc.

Administration/ Nursing/ Conference/ Reception/ Building Support/ Work Rooms/ Break Rooms: May include all furniture, fixtures and equipment necessary to provide for the use, educational program and design of the room, i.e. Work Rooms may include copiers, fax machines etc. as necessary, Break Rooms may include refrigerators and microwaves. Built in equipment and fixtures are to be included in the construction of the facility.

Career and Technical Education: May include all furniture, fixtures and equipment necessary to provide for the educational use and design of the program such as welding booths, auto lift station, table saws, drill presses, other stationary electrical shop equipment, lockers, family and consumer science appliances, etc. These items would be considered FF&E if the expenses are not included in the building construction. Bulk purchases of hand-held tools in complete sets, including small power tools may be considered. Exclusions: Individually purchased small hand-held or power tools, and replacement blades and parts are considered instructional materials or supplies. For any unique item with a value of \$25,000 (twenty-five thousand dollars) or greater, specific approval from BEST is needed before item can be included in grant.

Custodial Closet Spaces: To include the necessary fixtures and equipment to maintain interior finishes of the funded facility (not to augment districtwide equipment) i.e., equipment necessary to maintain new floor materials such as floor polishers, vacuums etc. Exclusions: Paper products, cleaning liquids, hand held cleaning tools, other supplies.

Other items not included in the BEST FF&E Budget

Technology: May include infrastructure, equipment to support the infrastructure, projectors, Smart boards, etc. Technology is addressed in a separate section of the BEST project budget, and should not generally be considered FF&E, however technology may include hardware, devices, or equipment necessary for individual student learning and classroom instruction. This includes hardware, devices, or equipment to provide access to electronic instructional materials, or necessary for professional use by a

classroom teacher. Exclusions: Technology may not include instructional software, offsite training, extended warranties, or small accessories with short lifespans (supplies).

Moving expenses: New construction and major renovation projects often incur moving costs and the need for moving supplies. The FF&E expense line item is not intended for moving costs such as tape, boxes, or labels. Large storage containers or off-site storage units may be considered if required temporarily during construction. Only consumable, temporary, rented, or contracted moving expenses will be eligible. Exclusions: Purchases of non-disposable tape guns, durable plastic bins, road cases, document shredding, and document archiving etc. will not be reimbursed as moving expenses or FF&E. Please consult your Regional Program Manager for guidance.

Specialty Equipment: The BEST grant will not fund vehicles, grounds maintenance, or athletic field maintenance equipment. Any individual piece of equipment in any category in excess of \$25,000 is subject to additional review by CDE staff to verify alignment with identified grant scope.

The FF&E budget is not intended to augment public use of the facility or extra-curricular activities.

Statutory References

The following references are to the BEST program Statute, Rules and Construction Guidelines as referenced in C.R.S. 22-43.7 BEST as they relate to what is considered in FF&E within the BEST program.

§ 22-43.7 C.R.S., BEST

22-43.7-102 Legislative findings and declarations

- 1) The general assembly hereby finds and declares that:
 - a) Colorado school districts, boards of cooperative services, and charter schools have differing financial abilities to meet students' fundamental educational needs, including the need for new public schools and renovations or for controlled maintenance at existing public schools so that unsafe, deteriorating, or overcrowded facilities do not impair students' abilities to learn.
 - b) The establishment of a program to provide financial assistance to school districts, boards of cooperative services, and charter schools throughout the state that have difficulty financing new capital construction projects and renovating and maintaining existing facilities will help such districts, boards of cooperative services, and charter schools to meet students' fundamental educational needs.

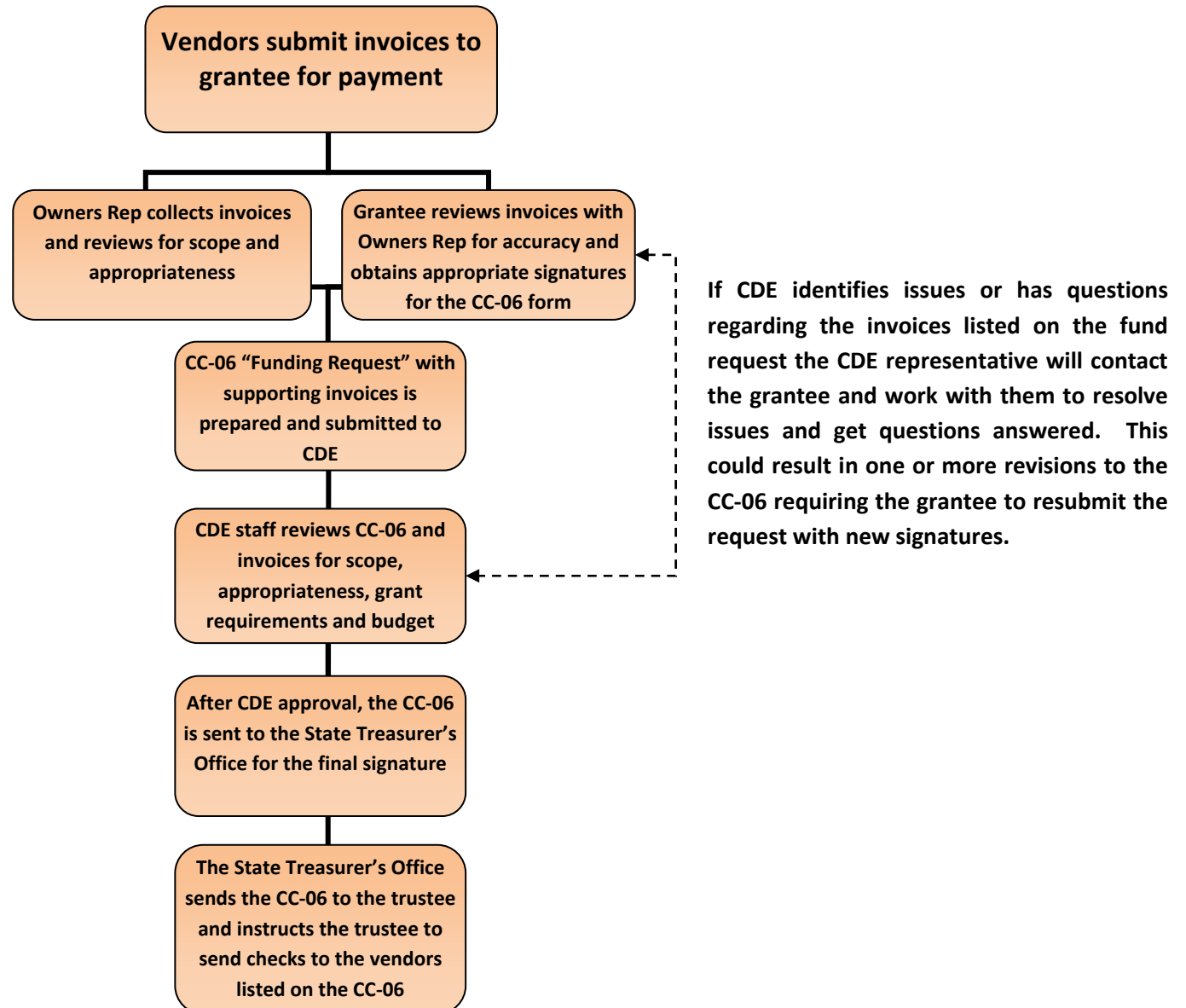
§ 24-75-301 C.R.S.

Definitions

- (1) "**Capital construction**" means:
 - d. Purchase and installation of the fixed and movable equipment necessary for the operation of new, remodeled, or renovated buildings and other physical facilities and for the conduct of programs initially housed therein upon completion of the new construction, remodeling, or renovation;



CC-06 Funding Request Process for BEST Lease-Purchase Projects



FORM OF PROJECT ACCOUNT REQUISITION

Zions Bancorporation, National Association
1001 Seventeenth Street, Suite 850
Denver, Colorado 80202
Attention: Corporate Trust Services

**State of Colorado
Building Excellent Schools Today
Master Trust Indenture
dated as of August 12, 2009**

Ladies and Gentlemen:

This Project Account Requisition is delivered by the Participating K-12 Institution identified below (the “Participating K-12 Institution”) and the State of Colorado, acting by and through the State Treasurer (the “State”), to Zions Bancorporation, National Association, in its capacity as trustee (the “Trustee”) under the State of Colorado Building Excellent Schools Today Master Trust Indenture dated as of August 12, 2009, as supplemented and amended by the Building Excellent Schools Today Series 2009A Supplemental Trust Indenture dated as of September 12, 2009, the Building Excellent Schools Today Series 2010B-C Supplemental Trust Indenture dated as of March 16, 2010, the Building Excellent Schools Today Series 2010D-F Supplemental Trust Indenture dated as of December 16, 2010, the Building Excellent Schools Today Series 2011G Supplemental Trust Indenture dated as of December 8, 2011, the State of Colorado Building Excellent Schools Today October 2012 Supplemental Trust Indenture dated as of October 30, 2012 by the Trustee, the Building Excellent Schools Today Series 2012H Supplemental Trust Indenture dated as of December 6, 2012, the Building Excellent Schools Today Series 2013I Supplemental Trust Indenture dated as of December 9, 2013, the Building Excellent Schools Today 2015 Supplemental Trust Indenture dated as of February 12, 2015, the Building Excellent Schools Today Series 2017J Supplemental Trust Indenture dated as of December 7, 2017, the Building Excellent Schools Today Series 2017K Supplemental Trust Indenture dated as of December 7, 2017, the Building Excellent Schools Today Series 2018L Supplemental Trust Indenture dated as of September 18, 2018, the Building Excellent Schools Today Series 2018M Supplemental Trust Indenture dated as of September 18, 2018, the Building Excellent Schools Today Series 2018N Supplemental Trust Indenture dated as of December 6, 2018, the Building Excellent Schools Today Series 2019O Supplemental Trust Indenture dated as of December 5, 2019 the Building Excellent Schools Today Series 2019P Supplemental Trust Indenture dated as of December 27, 2019, the Building Excellent Schools Today Series 2019Q Supplemental Trust Indenture dated as of December 27, 2019 and the Building Excellent Schools Today Series 2020R Supplemental Trust Indenture dated as of December 9, 2020 and as it may be further supplemented or amended from time-to-time by Supplemental Indentures or otherwise (the “Master Indenture”). Capitalized terms used but not defined herein have the meanings assigned to them in the Master Indenture.

The Participating K-12 Institution and the State, in accordance with the Master Indenture and the Participating K-12 Institution’s Sublease or Participation Agreement, hereby requisitions the dollar amount described below from the Project Account identified below to pay, or reimburse the Participating K-12 Institution for the payment of, Costs of the Project for which such Project Account was established.

Representations of State and Participating K-12 Institution.

1. The State and, if the Participating K-12 Institution is a Sublessee under a Sublease, the Participating K-12 Institution, each represent that, if this Requisition is the first requisition for a withdrawal from the Participating K-12 Institution's Project Account, the Trustee has previously received, or this Requisition is accompanied by, a standard leasehold title insurance policy, an amendment or supplement to a previously issued standard leasehold title insurance policy or a commitment to issue such a policy, amendment or supplement, which, when considered together with policies or amendments or supplements to policies previously received by the Trustee, insure(s) the Trustee's interest in the real estate included in the Leased Property leased to the Participating K-12 Institution under its Sublease, and if all or any portion of the Trustee's title to the real estate included in such Leased Property is a leasehold interest, then also insuring the title of the fee owner of such real estate, subject only to Permitted Encumbrances, in an amount that is not less than the lesser of (a) the Fair Market Value of the Sublessee's Leased Property or (b) the amount required to support the certification of the State with respect to the Series of Certificates from which such Sublessee's Project Account was funded pursuant to Section 2.09(d)(i) of the Master Indenture.

2. The State and the Participating K-12 Institution represent that the Participating K-12 Institution has entered into or has a reasonable expectation that it will enter into one or more Project Contracts that comply with the Public School Capital Construction Guidelines for substantially all the Work required to complete the Project.

3. The State and the Participating K-12 Institution represent that the total amount withdrawn from the Participating K-12 Institution's Project Account pursuant to this Requisition and all previous requisitions does not exceed the amount of proceeds of Certificates and Allocated Investment Earnings deposited into such Project Account pursuant to the Master Indenture.

Representations of Participating K-12 Institution. The Participating K-12 Institution represents that:

(a) This Requisition is not for an amount that the Participating K-12 Institution does not intend to pay to a Contractor or material supplier because of a dispute or other reason.

(b) If the Participating K-12 Institution is a Sublessee under a Sublease, (i) title to all Work to be paid for with moneys withdrawn pursuant to this Requisition will pass to the Trustee no later than the time of payment; and (ii) if the moneys withdrawn pursuant to this Requisition are to be used to pay for materials or equipment, the materials or equipment have already been delivered and title thereto has already been transferred to the Trustee.

(c) If the Participating K-12 Institution is a Sublessee under a Sublease and if the moneys withdrawn pursuant to this Requisition are to be used to pay, or to reimburse the Participating K-12 Institution for the payment of, Costs of the Project incurred in connection with the acquisition of any real estate included in or to be added to the Leased Property: (i) the Trustee owns such real estate or a leasehold interest in such real estate free and clear of encumbrances other than Permitted Encumbrances and (ii) the Fair Market Value of such real estate is at least equal to the amount of money to be withdrawn.

(d) If this Requisition is for the final installment of the Costs of the Project, a Certificate of Completion has been delivered to or is being delivered with this Requisition to the State and the Trustee.

(e) If the Participating K-12 Institution is a Sublessee under a Sublease, the Sublease is in full force and effect and no Event of Default or Event of Nonappropriation has occurred and is continuing thereunder; if the Participating K-12 Institution is a Participant under a Participation Agreement, such Participation Agreement is in full force and effect no default by such Participating K-12 Institution has occurred and is continuing thereunder; and, if the Participating K-12 Institution has delivered a Matching Moneys Bond to the State, such Matching Moneys Bond is in full force and effect and the Participating K-12 Institution has paid all amounts due under, and is not otherwise in default with respect to any of its obligations with respect to, such Matching Money Bond.

Representations of State. The State represents that no Event of Default or Event of Nonappropriation has occurred and is continuing under any Lease.

PROJECT ACCOUNT CERTIFICATE SERIES: 2020R

NAME OF PARTICIPATING K-12 INSTITUTION:

Anytown School District 7J

TOTAL DOLLAR AMOUNT REQUESTED PURSUANT TO THIS REQUISITION:

\$ 700,537.73

The undersigned hereby certifies that he/she is, as appropriate, the Sublessee Representative or Participant Representative of the Participating K-12 Institution and the State Representative and is authorized to sign and deliver this Requisition to the Trustee pursuant to the Indenture.

BY SUBLESSEE REPRESENTATIVE OR PARTICIPANT REPRESENTATIVE

John Doe

Print Name of Sublessee Representative or Participant Representative

Signature

Signature of Sublessee Representative or Participant Representative

STATE OF COLORADO, ACTING BY AND THROUGH THE STATE TREASURER

By _____
State Representative

Date: _____



Requesting District	
1. District Name: Anytown School District 7J	County: Arapahoe
Address: 1234 Mainstreet	
City: Anytown	State: CO Zip: 80000
2. Contact Name: John Doe	Contact Phone: Fax:
Contact e-mail: john.doe@anytownk12.org	Date of Request: 8/1/21
3. Project Title: New K12 School	
Awarded during Cycle: FY20-21	Fund Request Number: 4

Breakdown of Dollars Requested		
Vendor	Vendor Name:	Cost:
Vendor 1	ABC Constructors	\$ 657,330.27
W-9 Attached <input checked="" type="checkbox"/> Submitted <input type="checkbox"/>	Address for remittance: 123 Main St, Greeley, CO 80000	
Vendor 2	DEF Consultants	\$ 43,207.46
W-9 Attached <input type="checkbox"/> Submitted <input checked="" type="checkbox"/>	Address for remittance: 456 2nd St., Denver, CO 80000	
Vendor 3		
W-9 Attached <input type="checkbox"/> Submitted <input type="checkbox"/>	Address for remittance:	
Vendor 4		
W-9 Attached <input type="checkbox"/> Submitted <input type="checkbox"/>	Address for remittance:	
Vendor 5		
W-9 Attached <input type="checkbox"/> Submitted <input type="checkbox"/>	Address for remittance:	
Vendor 6		
W-9 Attached <input type="checkbox"/> Submitted <input type="checkbox"/>	Address for remittance:	
Vendor 7		
W-9 Attached <input type="checkbox"/> Submitted <input type="checkbox"/>	Address for remittance:	
Vendor 8		
W-9 Attached <input type="checkbox"/> Submitted <input type="checkbox"/>	Address for remittance:	
Vendor 9		
W-9 Attached <input type="checkbox"/> Submitted <input type="checkbox"/>	Address for remittance:	
W-9 Forms must be on the most current IRS form, and signed within the last 90 days		Total Vendor Costs: \$ 700,537.73

Financial Summary of Project		
4. Total Grant/Contribution Amount	\$ 10,000,000.00	5. Total Prior Billings <i>previous line 8 total</i>
		\$ 220,017.00
6. Amount Available before Current Request	\$ 9,779,983.00	<p>The School District certifies that the information above is true; that the funds requested are for the project for which the district received the grant; and that the vendors listed provided services or materials for the project for which the district received the grant.</p> <p style="text-align: center;">Please return funding request to: Colorado Department of Education Email: BESTschools@cde.state.co.us cc: Regional Program Mgr.</p>
7. Amount of this Request	\$ 700,537.73	
8. Total Billings to Date	\$ 920,554.73	
9. Total Available Balance	\$ 9,079,445.27	
Signature of Authorized Representative: <i>Signature</i>		Date: 8/1/21
Printed Name of Authorized Representative: John Doe		Title: Superintendent



Capital Construction Project Final Report

Due upon completion of project

SECTION 1: PROJECT INFORMATION

Grantee: Anytown School District 7J
Project Title: New K-12 School
Awarded in FY: 2019-2020
CDE Accounting PO#: 2020-001
Project Start Date: 8/1/20
Project Completion Date: 6/15/22

SECTION 2: CONTACT INFORMATION

Form Prepared By: John Doe Date: 6/30/2022
Address: 1234 Mainstreet
Phone: (970) 000-0000 Email: john_doe@anytownk12.com

SECTION 3: PROJECT FINANCIAL SUMMARY

Grantee's Match %: 33.00%

	<u>Grant Amount</u>	<u>Total Requested</u>	<u>Remaining Funds</u>
BEST Grant Amount:	\$ 6,700,000.00	\$ 753,750.00	\$ 5,946,250.00
Grantee's Match:	\$ 3,300,000.00	\$ 371,250.00	\$ 2,928,750.00
Total Project Cost:	\$ 10,000,000.00	\$ 1,125,000.00	\$ 8,875,000.00

Grant Reserve Balance:

SECTION 4: PROJECT DATA

Please complete all applicable items.

Total Project Square Footage: 6000 Cost per Square Foot: 153

Date of Occupancy (date students/staff use the building for its intended purpose): 8/15/20
Date of Substantial Completion (date the warranties begin): 8/15/20

High Performance Design Rating – LEED/CO-CHPS: LEED Gold
Date Certification Received: 9/1/20 Was the Certificate forwarded to Division staff: Yes No

Project Contact Directory Provided to Division Staff: Yes No Date: 8/1/19
Contract Directory Should Include Key Team Members such as:

- *Architect (key consultants i.e. Structural, Civil, MEP)*
- *Designer*
- *Owner's Representative*
- *General Contractor*
- *Grantee Project Contact*

Capital Construction Project Final Report

Due upon completion of project

Warranty Information

All Warranties in Place? Yes No

Date Warranties Began: 6/15/22

Warranty Information Provided to Division Staff: Yes No

Date of 1 Year Warranty: _____ Date of 2 Year Warranty: 6/15/24

Was the Final Project Advertised Prior to Completion of the Grant? Yes No Date: 3/1/22

Owner Manuals (O&M) Received by Grantee? Yes No

Material Stock as Noted in Specification Received? Yes No

Insurance for New Facility: Yes No Date: 7/1/22 Facility Insured Amount: 10000000

SECTION 5: LESSONS LEARNED

Please list any key lessons learned from your grant project (optional):

SECTION 6: SIGNATURES

Please read: By signing below, you are confirming that no more funds will be requested for this project and acknowledge that CDE will no longer authorize any requests for funds regarding this project.

Printed Name of Authorized Representative: John Doe

Signature of Authorized Representative: _____ Date: 8/1/2022

For Charter Schools Only

Printed Name of Charter School Representative: _____

Signature of Charter School Representative: _____ Date: _____

Please return to:

Colorado Department of Education - Office of Capital Construction
1580 Logan Street, Suite 310, Denver, CO 80203
Email: BESTschools@cde.state.co.us

