

CDE MEETING AGENDA



COLORADO
Department of Education

VISION

All students graduate ready for college and careers, and prepared to be productive citizens of Colorado.

MISSION

Ensuring equity and opportunity for every student, every step of the way.



Public School Capital Construction Assistance Board Agenda

Date & Time: November 16, 2023, 1:00pm-3:30pm

Location: Virtual, Microsoft Teams

Capital Construction Assistance Board Members:

Jane Crisler – Chair	Vaishali McCarthy	Michael Wailes
Wendy Wyman – Vice Chair	Matt Samelson	George Welsh
Kevin Haas	Lara Vincent	

- I. Call to Order
- II. Roll Call
- III. Approve Agenda
- IV. Approve Previous Meeting Minutes from: October 19, 2023
- V. Board Report
- VI. Staff Report
- VII. Action Items:
 - A.
- VIII. Discussion Items:
 - A. August Retreat Priorities / Policy Review
 - Draft Competitive Procurement Language
 - B. Legislation Discussion
 - C. FY24 Backup Project Award Process
 - D. Board Training and Responsibilities
- IX. Future Meetings:
 - December 21, 2023 – No Meeting
 - January 18, 2024 - Virtual
 - February 15, 2024 - Virtual
- X. Public Comment
- XI. Adjournment

CDE Values: All Students, Collaboration, Communication,
Customer Service, Honesty, Innovation, Integrity, Respect, Transparency.

CDE MEETING MINUTES



COLORADO
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VISION

All students graduate ready for college and careers, and prepared to be productive citizens of Colorado.

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Ensuring equity and opportunity for every student, every step of the way.



Public School Capital Construction Assistance Board Meeting Minutes

Date & Time: Thursday, October 19, 2023 - 1:00pm-3:30pm

Location: Virtual – Microsoft Teams

Capital Construction Assistance Board Members:

Jane Crisler – Chair	Vaishali McCarthy	Michael Wailes
Wendy Wyman – Vice Chair	Matt Samelson	George Welsh
Kevin Haas	Lara Vincent	

- I. **Call to Order:** Meeting called to order by Wendy Wyman at 1:04pm
- II. **Roll Call:**
Members Present: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, George Welsh, Wendy Wyman
Absent: Lara Vincent, Jane Crisler
- III. **Approve Agenda:**
Motion moved: Kevin Haas - *Approve agenda as presented.*
Second by: Matt Samelson
All for: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, Wendy Wyman
Absent: Lara Vincent, Jane Crisler, George Welsh
All opposed: None
Motion passed
- IV. **Approve Minutes: September 21, 2023**
Motion moved: Matt Samelson - *Approve Minutes as written.*
Second by: Vaishali McCarthy
All for: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, Wendy Wyman
Absent: Lara Vincent, Jane Crisler, George Welsh
All opposed: None
Motion passed
- V. **Board Report:**
Michael attended the Johnstown Milliken Elementary ribbon cutting. The event was great and there was a good turn out from the community.
- VI. **Staff Report:**
 - Working on filling the last CCAB vacancy. Still waiting to hear back on our recommendation.
 - State Land Board will present to State board November 9th.
 - Officially kicked off the FY24-25 grant round. The intent to apply form is up on our website.
 - Reviewed new territory maps for RPMs and Facility Assessors.

- Andy shared photos from recent Ribbon Cutting ceremonies and facility Assessor visits around the state.
- Andy went over where we are with FY23-24 cash grants with the upcoming November elections.

VII. **Action Items:**

A. BEST Grant Match Criteria Rule Change

No public testimony was submitted.

Motion moved: Vaishali McCarthy - *Per CRS 22-43.7-106, I move to adopt Rule 4.1 of the Capital Construction Assistance Board rules pertaining to the Building Excellent Schools Today grant program, per the redline document attached to the October 19, 2023 Agenda Sheet.*

Second by: Kevin Haas

All for: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, George Welsh, Wendy Wyman

Absent: Lara Vincent, Jane Crisler

All opposed: None

Motion passed

B. Match Weights

Motion moved: Matt Samelson - *I move to approve the match weights for districts, BOCES, and charters as recommended by the subcommittee.*

Second by: George Welsh

All for: Kevin Haas, Vaishali McCarthy, Matt Samelson, Michael Wailes, George Welsh, Wendy Wyman

Absent: Lara Vincent, Jane Crisler

All opposed: None

VIII. **Discussion Items:**

A. August Retreat Priorities/Policy Review

- Andy reviewed the priority items and their timelines from the August retreat discussion.
- Updates were provided on the GAINS Transition, grant round modifications, scoring criteria review, master planning, grantee training, competitive procurement, COP match returns, recapture clause and lease-purchase agreements.

B. Legislation Discussion

- The State Land Board will present to the State Board of Education on November 9, 2023.
- Staff and CCAB members discussed a possible increase to COP debt capacity and the effects that would have on the BEST program going forward.
- Matt reviewed historic distribution of funds and what that could look like in the future for the BEST program.
- The CCAB suggested staff create talking points for them to use in these discussions.

IX. **Future Meetings:**

- November 16, 2023 – Microsoft Teams
- December 21, 2023 - Canceled

X. **Public Comment:**

None

XII. **Adjourn:** Meeting Adjourned by Wendy Wyman at 2:15pm



Public School Capital Construction Assistance Board
Meeting Agenda Sheet

MEETING DATE: November 16, 2023

SUBJECT: Review of Priorities from August Retreat

ITEM TYPE: Discussion Item

BACKGROUND:

At the August board retreat, staff and board reviewed several topics from the previous grant round’s applicant survey. Staff have reviewed notes and prioritized next steps. The highest prioritized topics are outlined below with our target timelines to address and bring back to the board for review and further discussion.

Topic	Timeline	Responsible Team
GAINS Transition	December 2023	Staff and Board
Grant Round Modifications	March 2024	Staff and Board
Review Scoring Criteria	August 2024 (<i>implement FY26 grant cycle</i>)	Staff and Board
Program Policies/Guidelines <ul style="list-style-type: none"> • Master Planning • Grantee Training • Competitive Procurement • COP Match Returns • Recapture and Lease Purchase Agreements 	Ongoing	Staff and Board

Updates:

Competitive Procurement: Staff reviewed state policy and best practice with the Office of the State Architect and will add dollar thresholds to the FY25 BEST application/agreement to clarify when and how professional services and construction services must be competitively procured. BEST also provides written process for procurement. This will be revised accordingly as time allows.

Draft Language:

In alignment with the State of Colorado Office of the State Architect Policies and Procedures (SBP-BSC and SBP-SCP).

Professional Services:

- Professional Services fees estimated to be less than or equal to \$25,000 are considered discretionary and do not require a competitive bid or a Request for Qualification.
- Fees estimated to be between \$25,000 and \$100,000 grantee must contact/interview at least three (3) firms and select the most qualified. Public notification (advertising) is not required.
- Fees estimated to be greater than \$100,000 require both a public notification (advertising) and a Request for Qualification. Minimum solicitation time is 15 days and may include publication by electronic access or in a newspaper of general circulation.

*If grantee desires the option to carry forward an agreement beyond the scope solicited in a single category above (i.e. a master planning with the option to continue to design phase work), the project team must use the appropriate solicitation process based on estimated dollar values. Alternatively, the grantee may advertise separate Request for Qualifications for Bids for additional phases of work.

STAFF RECOMMENDATION:

N/A

STAFF RECOMMENDED MOTION:

N/A

DOCUMENTATION:

N/A



Public School Capital Construction Assistance Board
Meeting Agenda Sheet

MEETING DATE: November 16, 2023

SUBJECT: Legislative Discussion

ITEM TYPE: Discussion Item

BACKGROUND:

This will be a placeholder for discussions about potential legislation that could affect the Building Excellent Schools Today Grant Program, the Capital Construction Assistance Board, or CDE's Capital Construction Unit.

Discussion Items:

- State Land Board and Social Impact Solutions presentations to the State Board of Education on November 9, 2023.
- Draft slide deck for COPs.
- Other updates from the Board.

STAFF RECOMMENDATION:

N/A

STAFF RECOMMENDED MOTION:

N/A

DOCUMENTATION:

- State Land Board, "How Trust Land Earned \$2.5B for Schools"
- Social Impact Solutions, "Public School Permanent Fund Community Investment"



Public School Capital Construction Assistance Board
Meeting Agenda Sheet

MEETING DATE: November 16, 2023

SUBJECT: FY24 Backup Project Award Process

ITEM TYPE: Discussion Item

BACKGROUND:

The Capital Construction Assistance Board (CCAB) a rule change at the November 17, 2022 CCAB meeting to establish a process by which staff award grants to backup projects in an attempt to award all appropriated funds available each fiscal year.

22-43.7-109(7)(a) states that... “The board may recommend that any specific project only receive financial assistance if another higher priority project or group of projects becomes ineligible for financial assistance due to the inability of an applicant to raise required matching moneys by a deadline prescribed by the board as a condition of a financial assistance award for the higher priority project or group of projects.”

STAFF RECOMMENDATION:

N/A

STAFF RECOMMENDED MOTION:

N/A

DOCUMENTATION:

- November 2, 2023, communication sent to applicants.
- 1 CCR 303-3 Rules 6.3 and 6.4 of the Capital Construction Assistance Board rules pertaining to the Building Excellent Schools Today Grant Program

Dear FY24 BEST Grant Applicant,

As Election Day, November 7, 2023, approaches we'd like to outline for you the process for finalizing BEST grant awards for bond-contingent and backup projects so that we can all prepare for a quick process to award all remaining funds for this grant round. With approximately \$9 million remaining from the FY24 BEST grant round and \$10 million from SB23-220, we currently have just under \$19 million available to award.

If you have been awarded a BEST grant but your match is bond dependent, we ask that you notify our office of the results as soon as your county clerk has posted official results. November 21, 2023, is the deadline to notify CDE, per the [Financial Policies and Procedures Handbook](#). After November 21, at the latest, we will begin making grant award offers to backup projects.

Our process is as follows:

- BEST will offer any remaining funds from the FY24 grant appropriation to the highest ranked backup project.
- We ask that you respond within five business days, in writing, to confirm that you either accept or decline the offer.
 - The remaining amount available may be less than what was requested in the grant application. Regardless of the amount of the award, you are required to complete the entire project as submitted in your grant application and approved by the Capital Construction Assistance Board (CCAB) and State Board of Education.
 - Accepting the offer is an acknowledgement that you have appropriated and allocated the full amount of matching funds and are able to start your project immediately. You may be asked to provide proof of this.
- If you need more time to officially accept the offer, please let us know immediately, as we may need to ask the CCAB for an extension of time.
- If you must decline the offer, the CCAB will deem the applicant to have withdrawn solely for the purpose of allowing the next-highest priority alternate project to be funded.
- At that point, we will make an offer to the next project on the backup list and continue down the list in an attempt to award all funds available.

You can access the "FY2023-24 List of Recommended Grants" [here](#). Please do not hesitate to reach out to your [Regional Program Manager](#) if you have questions about this process.

Regards,
Andy Stine

DEPARTMENT OF EDUCATION

Division of Public School Capital Construction Assistance

BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM

1 CCR 303-3, Rules 6.3 & 6.4

- 6.3. Additional actions the Board may take when reviewing an Application:
- 6.3.1. The Board may modify the amount of Financial Assistance requested or modify the amount of Matching Moneys required; and
 - 6.3.2. The Board may recommend funding a Project in its entirety or recommend a partial award to the Project;
 - 6.3.2.1. If a Project is partially funded a written explanation will be provided.
 - 6.3.2.2. If the Board recommends partial funding for a Project and the Applicant declines such funding, the Board will deem the Applicant to have withdrawn its Application.
- 6.4. The Board shall submit to the State Board the prioritized list of Projects.
- 6.4.1. The prioritized list shall include the Board's recommendation to the State Board as to the amount of Financial Assistance to be provided to each Applicant approved by the Board to receive funding and whether the assistance should be in the form of a BEST Cash Grant, BEST Lease-purchase Funding or a BEST Emergency Grant.
 - 6.4.2. When funding State Board-approved alternate Projects, the Board may offer funding to a Project in its entirety or may offer a partial award, based on available appropriations. If the Board offers partial funding to a Project and the Applicant declines such funding, the Board will deem the Applicant to have withdrawn solely for purposes of allowing the next-highest priority alternate Projects to be funded.