

Public School Capital Construction Assistance Board Meeting Agenda



COLORADO
Department of Education

Vision

All students in Colorado will become educated and productive citizens capable of succeeding in society, the workforce, and life.

Goals

Every student, every step of the way



Date & Time:

April 27th, 2016
1:00 p.m.

Location:

201 E. Colfax Ave., Room 101
Denver, CO 80203

Capital Construction Assistance Board Members

Lyndon Burnett – Chair
Cyndi Wright
Tim Reed

Ken Haptonstall
Denise Pearson
Scott Stevens

Karl Berg
Kathy Gebhardt

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approve Agenda
- V. Board Report
- VI. Director's Report
 - a. Division Updates
 - b. Legislative Updates
- VII. Discussion Items
 - a. Discuss the usage of the current balance remaining in closed lease-purchase grants
 - b. Review and collect the CCAB Conflict of Interest Disclosure Form
 - c. Review and discuss the FY2016-17 BEST Grant Applications Summary Book
 - d. Training session on FY2015-16 BEST Grant Selection Overview
- VIII. Future Meetings
 - May 24th-25th, 2016 – 8:30 a.m. – 5 p.m. Grant Selection Meetings – Adams 12 Conference Center 1500 E 128th Avenue, Thornton, CO 80241
 - June 22nd, 2016 – 1:00 p.m. Location: 201 E. Colfax Avenue, Room 101, Denver, CO 80203
 - July 27th, 2016 – 1:00 p.m. Location: 201 E. Colfax Avenue, Room 101, Denver, CO 80203
- IX. Public Comment
- X. Adjournment

Public School Capital Construction Assistance Board Agenda Sheet

MEETING DATE: April 27, 2016

SUBJECT: Discuss the usage of the current balance remaining in closed lease-purchase grants

TYPE: Action ☐ Information ☒

BACKGROUND:

Each year when BEST Lease-Purchase grants are closed out any balance remaining gets transferred into an expense account where all unexpended proceeds get aggregated. Presently, the fund has approximately \$10 million accumulated which needs to be expended in order to remain in compliance with the terms of the financing.

There are two options to consider:

Option 1 – The CCAB can choose to allocate these funds towards a new project in the current grant cycle. This funding would be **additive** to the amount we have available in the current grant cycle. If this option is decided the project would still need to go through the same lease-purchase due diligence process and be would be financed in the same manner as existing lease-purchase grants.

Option 2 – The CCAB can choose to allocate these funds towards debt service. This relieves the assistance fund of dollars associated with paying annual debt service thus freeing those dollars up for future grant cycles.

The Division will discuss the pros and cons of each option.

STAFF RECOMMENDATION:

Provide direction to the Division on how to expend the remaining grant proceeds from closed lease-purchase grants.

STAFF RECOMMENDED MOTION:

N/A

ATTACHMENTS:

None



PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD AGENDA SHEET

MEETING DATE: April 27, 2016

SUBJECT: Review the CCAB Conflict of Interest Disclosure Form

TYPE: Action Information X

BACKGROUND (Include any statutory authority):

Every year, members of the CCAB must complete and sign as many conflict of interest forms as necessary to disclose any conflict(s) of interest they may have with any projects for the year's grant cycle.

Conflict of interest as defined in the BEST Program Rules reads:

- In regard to Board members providing information to potential Applicants:
- Board members shall exercise caution when responding to requests for information regarding potential Applications, especially in regard to questions that may increase the chances that the Board would give a favorable recommendation on an Application or Project.
- If a potential or actual conflict of interest occurs with a Board member, the Board member will complete a Conflict of Interest disclosure form and it will be presented at the following CCAB meeting. The Division shall document the date of the disclosure, the name of the board member and conflict disclosed, and the documented disclosure shall be retained and made available at all board meetings which evaluation of applications or voting occurs.
- Board members, and their firms, shall not present their position on the Board to School Districts, Charter Schools, Institute Charter Schools, BOCES, or the Colorado School for the Deaf and Blind as an advantage for using their firm over other firms in a bid to provide services on any capital construction project.
- In regard to Board members avoiding potential conflicts of interest in evaluation of and voting on Applications:
- If a Board member's firm has no prior involvement regarding the Project included in an Application and the Board member does not have a direct or indirect substantial financial interest in an Application, the Board member may appropriately vote on the Application, but may not bid or work on the Project. The Board member's firm may bid or work on the Project, so long as the Board member plays no role in the entire procurement process and the Board member discloses any conflict of interest;
- No Board member shall participate in the Board's evaluation process, including voting, for any Application when the Board member has a direct or indirect substantial financial interest in the Project or Application or the Board member's firm has had prior involvement with the Applicant directly related to the Project or Application;
- At all times Board members must exercise judgment and caution to avoid conflicts of interest and/or appearance of impropriety, and should inform the Division staff of any questionable situation that may arise. A Board member may recuse himself or herself from any vote.
- Board members shall be aware of and comply with the Colorado Code of Ethics, section 24-18-108.5(2), C.R.S., and shall not perform any official act which may have a direct economic benefit on a business or other undertaking in which the member has a direct or substantial financial interest.

- A financial interest means a substantial interest held by an individual which is (i) an ownership interest in a business, (ii) a creditor interest in an insolvent business, (iii) an employment or prospective employment for which negotiations have begun, (iv) an ownership interest in real or personal property, (v) a loan or any other, or (vi) a directorship or officer ship in a business.
- An official action means any vote decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.
- In cases where a Board member has violated the conflict of interest policy as determined by the board chair, the Division Director will notify the Board member's appointing authority of the violation in writing. In the event of a conflict involving the board chair, the vice-chair will make the determination.

STAFF RECOMMENDATION

Complete and sign as many forms as necessary to disclose any conflict(s) of interest with any projects for the FY16-17 BEST grant cycle.

STAFF RECOMMENDED MOTION (If this is an action item)

N/A

ATTACHMENTS:

CCAB Conflict of Interest Form



Division of Capital Construction

Public School Capital Construction Assistance Board – Conflict of Interest Disclosure Form

In accordance with Section 3.1 of the Building Excellent Schools Today Grant Program, Rules 1 CCR 303-3, and the Colorado Code of Ethics, C.R.S. § 24-18-108.5, Capital Construction Assistance Board members must exercise caution and notify the Division when potential conflict of interest situations arise.

On _____ (date) _____ (Board Member name) disclosed at a public capital construction assistance board meeting their involvement with the _____ (school name & project) which has a real or apparent conflict of interest with their role as a Capital Construction Assistance Board member. The Capital Construction Assistance Board member will recuse themselves appropriately and will not provide specific advice to the applicant concerning their application for a BEST grant or the Board process for reviewing applications or participate in the evaluation nor vote on actions items related to the project from this day forward. This document will be retained in the Division office along with any other supporting documentation.

Please check all that apply

- ☐ Pursuant to 1 CCR 303-3 section 3.1.3.2, no board member shall participate in the board's evaluation process, including voting, for any application when the board member's firm has had prior contact with the applicant directly related to the project or application. The Board Member has disclosed the following prior contact with the applicant concerning their application for a BEST grant:

- ☐ Pursuant to the Colorado Code of Ethics, C.R.S. § 24-18-108.5, no Board Member shall participate in the board's evaluation process or vote on any application when the board member has a direct or indirect financial interest in the application, such as an employee of the applicant or an ownership interest in a vendor that may financially benefit from the award of a grant to the applicant. The Board Member has disclosed the following financial interest in the applicant:

- ☐ Pursuant to 1 CCR 303-3 section 3.1.4, in cases where a board member or a board member's firm has not consulted with an applicant prior to the evaluation and voting process, and a board member votes on an application, if the application is approved by the state board the board member or board member's firm may respond to a competitive RFP or RFQ, or work on the project, but must exercise caution to avoid conflicts of interest and/or appearance of impropriety, and he or she should inform Division staff of the situation, then the CCAB. The Board Member has disclosed the following consultation on behalf of a vendor with an applicant:

- ☐ Any other conflict of interest that is either actual or gives the appearance of impropriety. Please describe situation and actions that will be taken:

Assistance Board Member Signature

Date

Assistance Board Chairman Signature

Date

Division Director Signature

Date

PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD AGENDA SHEET

MEETING DATE: April 27, 2016

SUBJECT: Review and discuss the FY2016-17 BEST Grant Application Summary Book

TYPE: Action Information X

BACKGROUND (Include any statutory authority):

Division staff has created a summary of all of applications received for the FY2016-17 BEST grant cycle. For the FY2016-17 BEST grant cycle, 53 applications were submitted for approximately \$123 million in state requests, totaling approximately \$225 million in overall project costs.

STAFF RECOMMENDATION

Review and briefly discuss the contents of the FY2016-17 BEST grant application summary book. Ask any questions you may have about the summary book that may assist with the BEST grant evaluation process in May.

STAFF RECOMMENDED MOTION (If this is an action item)

N/A

ATTACHMENTS:

None

PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD AGENDA SHEET

MEETING DATE: April 27, 2016

SUBJECT: Training session on FY2016-17 BEST Grant Selection Overview

TYPE: Action Information X

BACKGROUND (Include any statutory authority):

The CCAB recently approved changes made by Division staff to the BEST grant application evaluation sheets. To facilitate a smooth BEST grant evaluation process, the Division has developed a training session for the CCAB that covers what is to be expected when reviewing each section of the revised BEST grant application evaluation sheets.

STAFF RECOMMENDATION

N/A

STAFF RECOMMENDED MOTION (If this is an action item)

N/A

ATTACHMENTS:

Blank FY2016-17 BEST grant application evaluation sheets

FY2016-17 BEST Grant Application Evaluation Tool

Applicant:				Board Member:	
Project Name:					
Grant Application Statutory Need					
Pursuant to 22-43.7-109(5) C.R.S., the board shall prioritize applications that describe public school facility capital construction projects deemed eligible for financial assistance based on the following criteria, in descending order of importance:					
Priority 1	This application addresses safety hazards or health concerns at existing public school facilities, including concerns relating to public school facility security.				
Priority 2	This application will relieve current overcrowding in public school facilities, including but not limited to allowing students to move from temporary instructional facilities into permanent facilities.				
Priority 3	This application is to incorporate technology into the educational environment.				
Priority 4	This application is for other types of capital improvements not addressed in priorities 1-3.				
Division Comments: After review of the application, the division would consider this project a priority ____.					
After Review of the Application, the Evaluator would Consider this Application a Priority:					
<i>(Optional Evaluator Comments & Notes)</i>					
Grant Application Scoring Key					
Strongly Disagree 1-2	Somewhat Disagree 3-4	Neutral 5-6	Somewhat Agree 7-8	Strongly Agree 9-10	
Review each section below and provide a score for each question based on your review of the application.					
Conditions of the Entire Public School Facility					
Division Comments:					
Evaluator Review of Conditions of the Entire Public School Facility					Score 1-10 for Each
The FCI or CFI from the statewide facility assessment, or an assessment provided by the applicant, supports the scope of the proposed project.					
The statewide facility assessment findings, or an assessment provided by the applicant, support the scope of the project.					
The due diligence performed by the applicant supports the scope of the project.					
Total out of 30:					
<i>(Optional Evaluator Comments & Notes)</i>					
Financial Capacity					
Division Comments:					
Evaluator Review of Financial Capacity					Score 1-10 for Each
The amount of matching funds provided by the applicant is appropriate given their cited resources.					
The applicant has made efforts to leverage available resources to enhance their financial contribution to the project or provide cost efficiencies to the project.					
The applicant is contributing a suitable amount towards the capital needs of their facilities.					
Total out of 30:					
<i>(Optional Evaluator Comments & Notes)</i>					

Project Proposal**Division Comments:****Evaluator Review of Project Proposal****Score 1-10 for Each**

The deficiencies presented by the applicant are compelling and clearly noted within the application.

The solution presented by the applicant resolves all deficiencies noted within the application.

The scope of work proposed in the solution appears to be reasonable and well planned.

The project is urgent in nature.

Total out of 40:*(Optional Evaluator Comments & Notes)***Other Application Considerations****Division Comments:****Evaluator Review of Other Application Considerations****Score 1-10 for Each**

The project complies with the BEST Construction Guidelines.

The cost, cost per SF, and/or cost per pupil seem appropriate and supportable.

The SF of the project and/or SF per pupil seem reasonable and supportable.

The applicant is willing to pursue a fair, competitive, and transparent selection process for contractors and consultants.

Total out of 40:*(Optional Evaluator Comments & Notes)***Grand Total of All Scores:****Evaluator Recommendation to Shortlist this Application** *(Check One)***Recommended to Shortlist****Not Recommended to Shortlist****If the Application is Not Recommended to the Shortlist, Please Provide the Evaluator's Justification****Evaluator Notes Section for Information Only**