

# Massachusetts School Building Authority

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## Accelerated Repair Program Syllabus

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2022 Invitations


January 3, 2023



# Accelerated Repair Program

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**Massachusetts School Building Authority**  
*Funding Affordable, Sustainable, and Efficient Schools in Partnership with Local Communities*

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## Accelerated Repair Program

As a result of the lessons learned from its [Green Repair Program](#), the MSBA has instituted an Accelerated Repair Program ("Program") as part of its ongoing repair program. The Program is primarily for the repair and/or replacement of roofs, windows/doors, and/or boilers with the potential to include additional systems as may be determined by the MSBA contingent upon available funding and capacity in the capital pipeline. The Program focuses on the preservation of existing assets by performing energy-efficient and cost-saving upgrades, which will result in direct operational savings for school districts. In order to maximize the impact of this Program, districts are required to use pre-selected consultants. In addition, districts are required to appropriate funding quickly in order to adhere to an accelerated project schedule.

Districts that have repair needs in their school facilities that inhibit the cost-effective and energy-efficient delivery of the district's educational program expressed interest in the Accelerated Repair Program through the MSBA's Statement of Interest ("SOI") process. Since 2010, districts have been participating in our Repair Programs as indicated in the table below:

Repair Program	Districts	Schools	Total Project Budgets	Maximum Facility Grants	Number of Projects Final Audit Approved
2022 Accelerated	16	33	-	-	-
2021 Accelerated *	15	26	\$55,342,168	\$27,706,347	0
2020 Accelerated	16	22	\$82,419,849	\$43,679,026	0
2019 Accelerated	24	38	\$85,180,989	\$52,047,959	3
2018 Accelerated	20	30	\$83,172,480	\$47,018,557	12
2017 Accelerated	19	34	\$117,020,597	\$73,280,673	19
2016 Accelerated	28	48	\$156,598,234	\$83,007,586	38
2015 Accelerated	24	43	\$136,680,652	\$91,974,052	41
2014 Accelerated	34	47	\$108,410,084	\$65,388,035	44
2013 Accelerated	25	45	\$94,650,790	\$54,662,551	45
2012 Accelerated	24	36	\$63,009,653	\$38,267,952	36
Green	93	189	\$366,647,226	\$222,889,218	189

\* Financial totals reflect Project Funding Agreement approvals through the October 26, 2022 Board of Directors Meeting (16 projects).

**Accelerated Repair Program Overview**

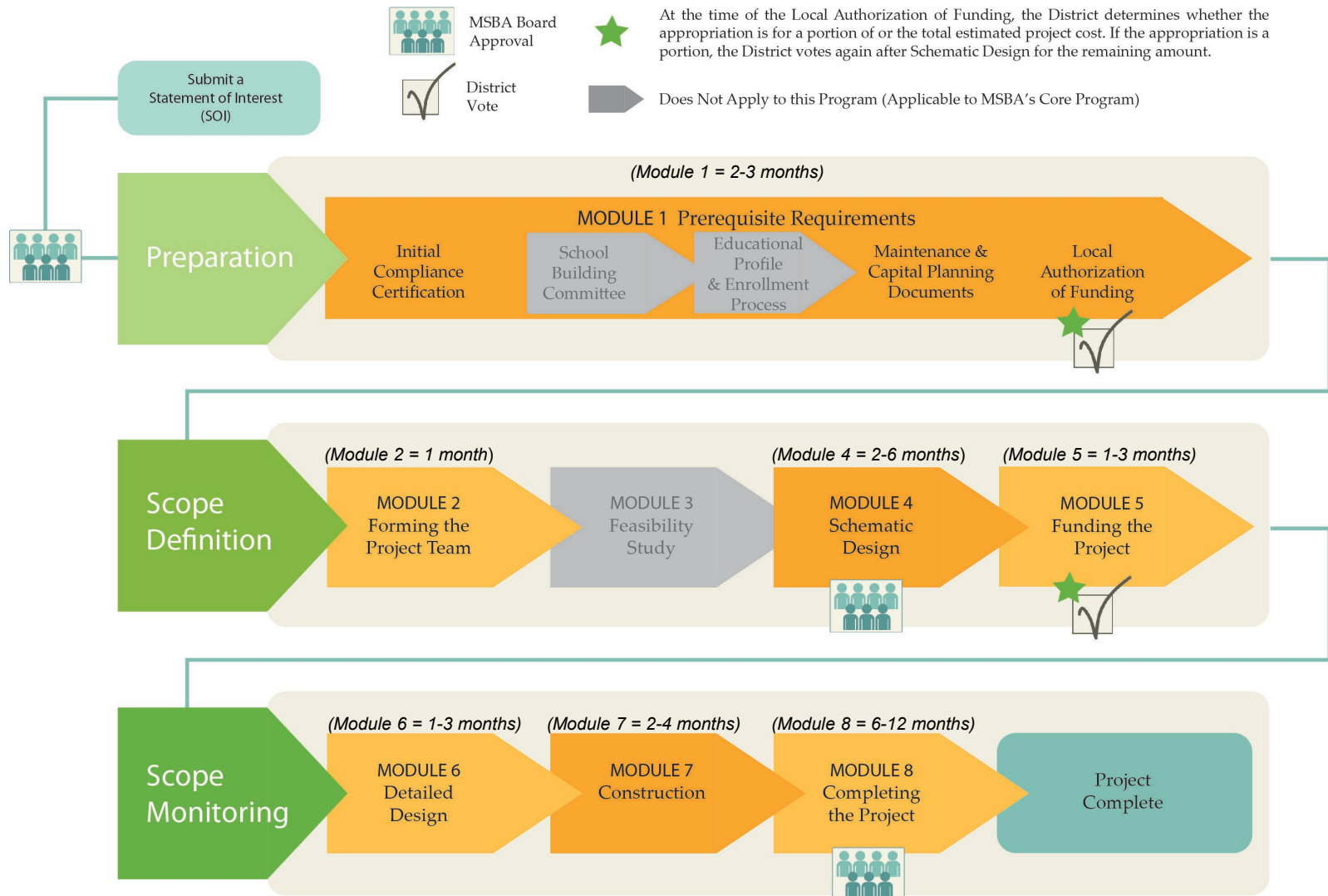
- [2022 Statement of Interest \("SOI"\) Overview for Accelerated Repair Program](#)

**Annual Project History**

- [2022 Accelerated Repair Program Invitations](#)
- [2021 Accelerated Repair Program Invitations](#)
- [2020 Accelerated Repair Program Invitations](#)



# I. Process Overview





## II. Prerequisite Requirements

Per the MSBA Board Action Letter sent to all 2022 districts invited to participate in the Accelerated Repair Program, the prerequisite deliverables have the following deadlines:

Deliverable	Deadline
<p>Certified funding vote for Schematic Design</p> <ul style="list-style-type: none"><li>MSBA has issued Vote Bulletins to inform cities, towns, and regional school districts of the requirements for warrant articles, motions, orders, and votes related to any potential projects that may be eligible for MSBA funding (“Schematic Design Vote Language” link on ARP webpage)</li><li>“Cost Data” link on ARP webpage provides previous project budgets for reference</li></ul>	January 24, 2023
<p>Certified funding vote submission</p> <ul style="list-style-type: none"><li>MSBA requires an original, certified copy of the vote/letter identifying the appropriated funds for the Schematic Design of Accelerated Repair project(s)</li></ul>	February 23, 2023
<p>Initial Compliance Certification (“ICC”) submission</p> <ul style="list-style-type: none"><li>Includes Exhibit A - Accelerated Repair Program Terms and Conditions</li></ul>	February 23, 2023
<p>Current routine and capital maintenance plan (“MCP”) submission</p> <ul style="list-style-type: none"><li>Not required if submitted within previous 36 months (See Board Action Letter if required)</li><li>If required, MCP access form must be submitted first (“Guidelines &amp; Forms”)</li></ul>	February 23, 2023



# III. Forming the Project Team | Process

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## Process described in Consultant Assignment Procedure (ARP webpage)

- Districts receive notification of assignments after completion of prerequisite documents
  - Notification includes contact information for OPM and Designer
- **District is Owner to both OPM and Designer contracts and therefore must hold its consultants to the responsibilities of the contracts**
  - Contracts cannot be altered or added to in any way
  - Both the OPM and Designer contracts for districts invited in 2022 can be found on the MSBA's Accelerated Repair Program webpage under the consultant assignment process
  - Both the OPM and Designer contracts were updated by the MSBA to address Minority and Women Workforce Participation (See Project Advisory #66)
    - OPM Contract (8.1.5.2) – OPM shall monitor and report on the Designer's and Contractor's compliance with the Commonwealth's Workforce Participation requirements
    - Designer Contract (17.10) – Designer shall be required to provide regular reports of the gender and race/ethnicity of employees engaged in work under the contract, for both prime and subconsultants, in the form and format required by the District, including but not limited to, by electronic reporting through the requested means and with the frequency required by the District.



# III. Forming the Project Team | Process

## Process described in Consultant Assignment Procedure (ARP webpage)

- MSBA standard project management and design services contracts for ARP projects should be **executed within four weeks of assignment notification**
  - Consultant contracts should be submitted to the MSBA electronically upon execution and **should also include project team organizational charts**
  - OPM contract executed first to allow OPM to assist with Designer negotiation
    - OPM contract includes not-to-exceed fee for the Schematic Design phase depending on the number of schools and initial estimated Total Project Budget(s)
      - See Attachment A to the Contract for Project Management Services for more information
- Initial Project Schedule (Gantt chart) will be provided to MSBA with the project management and design services contracts
  - Initial Project Schedule will identify:
    - Board Meeting for approval of a Project Funding Agreement (“PFA”)
    - Summer selected for construction (2024 or 2025)
- **Existing Building Information Checklist** (ARP webpage) will be provided to MSBA with the project management and design services contracts
- If a consultant declines an assignment to a particular ARP district, fails to reach agreement with a district on an ARP project, or ceases to perform services for an ARP project for any reason, the district will be assigned a new consultant per the MSBA consultant assignment process



# III. Forming the Project Team | OPM Report

## OPM Monthly Reporting described in OPM Contract ( Section 8.1.3)

- OPM monthly reporting begins for the month when the OPM contract is executed and continues until the month in which the project receives Board of Directors' approval of the Final Audit
  - Districts must complete an OPM Report System Access Request Form with assistance from their OPMs ([massschoolbuildings.org/guidelines/guides](http://massschoolbuildings.org/guidelines/guides))
    - **OPM Report Access Request Form should be submitted to the MSBA with the OPM contract upon execution of the OPM contract**
  - Monthly reports are due through the MSBA online system on the 12th of each month
    - Monthly reports include the following attachments for submission:
      - Budget and Cost Report – MSBA Format
      - Projected Cash Flow vs. Actual Cash Flow
      - OPM Project Schedule (Gantt chart)
        - Project schedule must establish completion and submission of 60% and 100% Construction Documents to the MSBA as well as specific dates for bidding, notice to proceed, and substantial completion
        - Districts with more than one school or a school combining the replacements of roofs, windows/doors, and/or boilers must delineate the project schedule for each school and scope
      - Contractor Lookahead Schedule (Required when GC Contract is active)
- Failure to submit timely and complete reports may impact review and payment of reimbursement requests
  - OPM monthly reports support the MSBA's review of submitted invoices by further describing project progress



# IV. Schematic Design | Board Packages

Schematic Design Package Submission Deadline (By 5:00 PM)	MSBA Board of Directors Meeting
April 27, 2023	June 21, 2023
June 27, 2023	August 30, 2023
August 31, 2023	October 25, 2023
October 26, 2023	December 13, 2023

- **Districts must return to the Board of Directors for PFA approval within 12 months of invitation. An additional 2 months can be granted with MSBA approval. If the District fails to fulfill its obligations within the timeline, the MSBA may, in its sole discretion, remove the District from the Program**
- Packages submitted after deadlines for consideration at the corresponding Board Meeting will not be processed by the MSBA
  - Late submittals will be scheduled for the following Board Meeting
- All items on the **MSBA Schematic Design Checklist** (ARP webpage) must be included as one submittal
  - Submittal includes hard copy (half size drawings) and electronic disc for all documents
  - District and OPM must certify that submittal is complete
- **Concerns or questions among district representatives, consultants, and sub-consultants about any part of the Schematic Design submittal should be reconciled prior to submitting the package to the MSBA**





## IV. Schematic Design | Total Project Budget

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### **Comprehensive Schematic Design is Critical**

- Board approval is tied to the specific project scope, budget, and schedule presented in the Schematic Design
- Estimated maximum total facilities grant is the product of the eligible project scope and the reimbursement rate
  - Estimated maximum total facilities grant is calculated assuming all potentially eligible budget (including potentially eligible contingency) becomes actual eligible costs, which is unlikely
- Districts must determine during Schematic Design when construction will occur
  - Cost estimates must reflect the year of construction
- Districts with more than one school project may not transfer grants between schools
- Any third-party funding forecasted to be received by the district will not be included in the estimated basis of the total facilities grant with the exception of Clean Energy Incentive Rebates (See Project Advisory 54)
- If the project scope includes the replacement of windows and doors, the MSBA requests that the project team confirm that the persons responsible for implementation of the District's emergency procedures as well as responding emergency medical, fire protection, and police agency representatives have been consulted regarding the inclusion of security design elements and that any associated requirements from those persons have been included in the project



## IV. Schematic Design | Total Project Budget

### Reviewing ADA Accessibility Upgrades as required by 521 CMR

- Districts and their consultants are responsible for determining the applicability of 521 CMR
  - **Projects will not be recommended for PFA approval unless the scope, budget, and schedule in the Schematic Design submission include all ADA upgrades as required by CMR 521**
    - If the District wishes to pursue a variance from MAAB, a copy of the approved variance and the ADA upgrades required by the variance must be included in the Schematic Design
    - Work required by CMR 521 and any approved variance must be constructed in coordination with the roof, window/door, and/or boiler project and therefore must be completed by the substantial completion of the project scope
      - Variance for timed relief after the substantial completion of the ARP scope will not be accepted
- MSBA will reimburse the following ADA upgrades necessitated when the estimated cost of the project is less than 30% of the assessed value of the building but more than \$500,000:
  - Accessible public entrance as well as accessible public toilet room, telephone, and drinking fountain (if public toilets, telephones, and drinking fountains are provided)
    - If the District and their consultants propose an elevator for a building which does not have an accessible public entrance, the MSBA will review the proposed elevator to determine the eligibility
- MSBA will not reimburse ADA upgrades when the estimated cost of the project exceeds 30% of the assessed value of the building



# IV. Schematic Design | Total Project Budget

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## Formulating the Total Project Budget

- Project soft costs, which include OPM and Designer fees, are determined by the district; however, eligibility is capped:
  - If estimated eligible construction cost is greater than \$1.25M, eligible soft costs are capped at 20% of the estimated eligible construction cost
  - If estimated eligible construction cost is less than \$1.25M, eligible soft costs are capped at \$250,000
- Contingency funds are determined by the district with their consultants; however, eligibility is capped:
  - Construction Contingency – 5% of estimated eligible construction cost
  - Owner’s Contingency – 0.5% of estimated eligible construction cost (Project soft costs cap supersedes Owner’s Contingency cap)



# IV. Schematic Design | Total Project Budget

## Developing the Cost Estimate

- Cost estimates must be submitted in CSI format and include:
  - All proposed bid alternates
  - Cost of commissioning testing
    - Including specifically identified cost of spray and air testing on window projects
  - Specific to roof projects:
    - Separately identified costs to make roof solar ready
    - Separately identified costs to remove, remediate, and replace
    - Roof areas separately identified by type (PVC, EPDM, shingle, etc.)
  - Specific to windows/doors projects:
    - Separately identified costs to remove, remediate, and replace
      - Remediation costs must be separate from demolition costs
    - Window areas separately identified by the following:
      - Systems: punched/ribbon window, storefront, or curtainwall
      - Wind zone: wind zone per ASTM E1996
      - Frame material: aluminum, steel, wood, other
  - Specific to boiler projects:
    - Separately identified costs to remove, remediate, and replace
    - Boilers identified in size by MBH



# IV. Schematic Design | Total Project Budget

## ARP Eligibility Determinations

- When reviewing Schematic Design submittals for districts invited in 2022, MSBA will make the following eligibility determinations:
  - MSBA will **not** participate in the estimated construction cost (including cost mark-up in the estimate) for the following:
    - Replacement of building systems with less than the required years of service (year of installation compared to year of SOI submittal)
      - Roofs = 30 years (installed in or after 1993 is ineligible)
      - Boilers = 25 years (installed in or after 1998 is ineligible)
      - Windows/Doors = 35 years (installed in or after 1988 is ineligible)
    - Replacement of modular building systems
    - Direct roof cost in excess of \$35/sf (commonly applied to slate roofs)
      - Direct roof cost is inclusive of new materials above the roof deck only
    - Premium cost on roof projects for copper materials replaceable with aluminum or other more cost-efficient materials
    - Replacement of underground storage tanks or gas lines up to the boiler room
    - Replacement of heating, ventilation, or air conditioning units
    - Masonry restoration including cleaning and sealing beyond the invited project scope
    - Site work associated with sub-grade roof drainage
    - Installation of canopies and vestibules beyond the existing building footprint
    - Temporary repairs



## IV. Schematic Design | Total Project Budget

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### ARP Eligibility Determinations

- When reviewing Schematic Design submittals for districts invited in 2022, MSBA will make the following eligibility determinations:
  - MSBA will **not** participate in the estimated construction cost (including cost mark-up in the estimate) **nor** a matching proportion of soft costs for the following:
    - Building systems in spaces deemed ineligible per MSBA Regulations (swimming pools, hockey rinks, field houses and other such systems)
    - Building systems beyond ARP scope (extended floor or ceiling replacements, fire protection systems, photovoltaic panels, and other such systems)
    - ADA upgrades necessitated when the estimated cost of the project exceeds 30% of the assessed value of the building



# V. Commissioning | Coordination

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## **MSBA pays 100% of commissioning consultant costs**

- MSBA assigns a commissioning consultant to each project
  - Following MSBA's receipt of a district's Schematic Design package, the Schematic Design is provided to the assigned commissioning consultant to produce a work order.
  - Work order is executed following the project's approval for a PFA by the MSBA Board of Directors
- Commissioning consultant reviews the Schematic Design and 60% Construction Documents as well as develops commissioning specifications and a Commissioning Plan for the Final Construction Documents
- OPM works with commissioning consultant to coordinate site visits, testing, and training
  - MSBA recommends District participate in site visits, especially kick-off meeting, and testing
  - For boiler project, OPM also coordinates equipment training for District with contractor and commissioning consultant
- Commissioning consultant issues final report following completion of testing
- OPM coordinates with the commissioning consultant to ensure execution of MSBA Commissioning Certificate of Completion during the Closeout phase



# VI. Funding the Project | PFA Execution

**For local approval of Total Project Budget funding, each district must:**

- **Secure funding within 90 days of receiving the MSBA Board of Directors' approval of the project scope and budget**
- Appropriate the total project budget including Construction and Owner's Contingencies
- Use MSBA standard vote language found on ARP webpage
  - MSBA will review District's vote language provided within Schematic Design submission

**For execution of a Project Funding Agreement, each district must:**

- Obtain funding within 90 days of Board Approval
- **Sign and return PFA to the MSBA's Legal Department within 30 days of obtaining funding or receiving the PFA, whichever is later**
  - Return of PFA includes the following documents:
    - Exhibit A – Total Project Budget executed with same signatures as Initial Compliance Certification
    - Certified funding vote
    - Certified copy of vote which authorizes the district to enter into and be bound by the PFA and authorizing the signatory to execute the PFA on behalf of the district
    - Legal Counsel Certification which requires the district's legal counsel to identify which local official or governmental body has the full legal authority to execute the PFA on behalf of the district and to bind the district to its terms





## VI. Funding the Project | ProPay

**Through its “pay-as-you-build” Progress Payment System, the MSBA reimburses districts for eligible project costs during construction**

- OPMs assist districts with the completion of the ProPay Access Form found on the MSBA website ([massschoolbuildings.org/guidelines/guides](http://massschoolbuildings.org/guidelines/guides))
- MSBA’s Audit Department provides ProPay training for districts following the execution of a Project Funding Agreement (<http://www.massschoolbuildings.org/programs/pro-pay>)
  - ProPay training offered remotely (2<sup>nd</sup> Friday each month)
  - MSBA strongly encourages district and OPM staff to attend a training
  - District can enter Total Project Budget(s) into ProPay at MSBA training
  - District has discretion to give OPM access to operate ProPay on behalf of the District
- All Total Project Budget entries must mirror the Exhibit A - Total Project Budget, including Construction and Owner’s Contingencies, as approved by the MSBA’s Board of Directors and executed by the MSBA and district
- **Once the Total Project Budget is entered into ProPay, districts can submit requests for reimbursement monthly**
  - MSBA’s Audit Department will review requests for reimbursement of \$50,000 or more per school. Requests including less than \$50,000 will be returned to the district for future resubmission with additional invoices.



## VII. Detailed Design | CD Submissions

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### **60% Construction Documents Submittal (electronic submission only)**

- **60% Construction Documents Submission Checklist** (ARP webpage) must be submitted
  - Basis of Design Narrative
    - Reconciled with scope and construction cost estimate in Schematic Design
  - Project Manual and Drawings
  - Cost Estimate
    - Identifies all proposed bid alternates
  - Updated Project Schedule (Gantt Chart)

### **Final Construction Documents Submittal (hard copy and CD submission to MSBA PM)**

- **Final Construction Document Submission Checklist** (ARP webpage) must be submitted within 60 calendar days of receipt of bids
  - Project Narrative: comparison of final construction documents to PFA explaining significant deviations in cost and/or scope
  - Project Manual and Drawings (half size drawings) including all Addenda
  - Executed Contractor's Contract(s)
  - Contractor's approved Schedule of Values modeled after MSBA's standardized sample
  - Template Project Funding Agreement Bid Amendment Worksheet
  - Updated Project Schedule (Gantt Chart)
  - If bid savings maintained in Total Project Budget, then letter signed by legal counsel confirming acceptability of transfer of bid savings to Contingencies as ineligible budget



# VIII. Construction | PFA Bid Amendment

## Schedule for PFA Bid Amendment

- Bid results shared with MSBA upon receipt
- **Finalized Schedule of Values submitted within 60 calendar days of receipt of bids**
  - SOV data should be subtotaled in accordance with the CSI divisions of work corresponding to the divisions shown in the MSBA's ProPay system and be modeled after the SOV template shown on the (ARP webpage)
    - Schools bid together must be separated in SOV
  - ARP Bid Amendment Worksheet (ARP webpage) should be submitted and match the SOV for the MSBA to review
    - If the construction contract includes costs found ineligible within the PFA, the MSBA requests that the amount(s) be identified when submitting the SOV and ARP Bid Amendment Worksheet
  - Any Budget Revision Request ("BRR") needed to transfer soft costs should be submitted with the SOV to the MSBA
- Upon receipt of these documents, the MSBA will prepare a revised PFA Exhibit A, Total Project Budget, for review by the District and the OPM
  - **MSBA requests that the District return any comments or questions within 14 calendar days of receipt of the revised PFA Exhibit A**
  - Upon resolution of any comments and/or questions, the MSBA will send the PFA Bid Amendment to the District for execution
- **District is required to review, execute and return its executed PFA Bid Amendment to the MSBA within 21 calendar days of receipt of the PFA Bid Amendment**



# VIII. Construction | PFA Bid Amendment

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## Grant Adjustment per PFA Section 2.3

- If bidding results in PFA Construction Budget savings:
  - Maximum facilities grant decreases to reflect savings in reimbursable costs
    - Bid savings may be transferred to Contingencies as ineligible budget following review by district's legal counsel
    - District must provide letter signed by its legal counsel with Final Construction Documents Submittal to confirm acceptability of transfer
- If bidding results in overage to PFA Construction Budget:
  - Bid cost greater than the eligible PFA Construction Budget is ineligible
  - If additional construction cost requires transfer from eligible portion of Construction Contingency, that portion of the Construction Contingency becomes ineligible and the estimated basis of the maximum facilities grant is reduced proportionately



## VIII. Construction | Budget Revision Requests

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### Construction Contingency (hard costs)

- PFA Construction Budget overage - **Ineligible**
- Change Orders (“COs”) – **Potentially Eligible within Cap**
  - One CO review completed by MSBA per district
  - COs reviewed for eligibility not validity
    - See *Manual for the Eligibility of Change Orders* found in Module 7 – Construction on the MSBA website for more information
  - **COs must be submitted when executed and no later than 90 days after substantial completion**
    - COs submitted with MSBA’s Template Change Order Log (ARP webpage)
    - OPM completes Change Order Log for MSBA review
      - “Comments” column in Log provides a district and its consultants the opportunity to describe COs and their basis for eligibility
    - **If MSBA does not receive COs & Log within 90 days, MSBA will issue a letter to the district. All Change Orders not submitted to the MSBA within 120 days after substantial completion will be deemed ineligible for reimbursement.**

### Owner’s Contingency (soft costs)

- Owner’s Contingency is potentially eligible within Soft Cost & Owner’s Contingency Caps
- Transfers for additional consultant costs may be eligible
  - Additional fees resulting from schedule extensions will not be eligible
- Transfers for additional legal fees are ineligible
- Transfers for additional utility company operating costs are ineligible
- Transfers for additional swing space/modular costs are ineligible



# VIII. Construction | Monitoring the Work

## Coordination and monitoring

- Per OPM contract, Project Representative is present during contractor operations
  - 8.6.2 The Owner's Project Manager shall provide an on-site Project Representative, who shall be dedicated exclusively to the Project, either as an employee of the Owner's Project Manager or as a subconsultant to the Owner's Project Manager.
    - 8.6.2.1 The Project Representative shall be subject to the approval of the Owner and the Owner reserves the right to require the Owner's Project Manager to replace the Project Representative at any time during the course of the Project.
    - 8.6.2.2 The Project Representative shall have at least five years of experience in on-site supervision of projects similar in size and complexity to the Project.
    - 8.6.2.3 The Project Representative shall be present at all times when the Contractor is conducting operations at the site starting from issuance by the Owner of a Notice to Proceed to the Contractor and continuing until substantial use or substantial completion as determined by the Owner and thereafter on an as needed basis until issuance to the Contractor of a Certificate of Final Completion by the Owner.
- Designer certifies percentage of work for contractor payment requisitions
- MSBA's Commissioning Consultant performs the following:
  - Reviews contractor submittals
  - Provides site observation reports
  - Monitors commissioning testing
- OPM assists district in completing 50% DCAMM evaluations of Designer and GC



# IX. Completing the Project | Closeout

Both OPM and Designer play a critical role in readying projects for closeout

- **OPM coordinates with Designer, commissioning consultant, District, and MSBA to complete the steps found in Module 8 – Completing the Project (ARP webpage) within 270 days of substantial completion of construction contract**
  - Module 8 describes the closeout process and forms
    - PFA Bid Amendment budget entry into ProPay (immediately following execution of PFA Bid Amendment)
    - Change Order review (within 90 days of substantial completion)
    - Final BRR submission including Change Orders and outstanding soft cost transfers (within 90 days of substantial completion)
    - OPM assists district in completing 100% DCAMM evaluations of Designer and GC (within 70 days of substantial completion for the Prime/General Contractor and within 90 days of substantial completion for the Filed Sub-Bidders)
    - OPM coordinates with commissioning consultant to ensure execution of Commissioning Certification of Completion
    - Submission of final reimbursement request (immediately following payment of final project invoice)
  - Module 8 identifies the deadlines for all Audit Department deliverables in advance of Board Meetings (Submission prior to a deadline does not guarantee that a district's final audit will be presented at that Board Meeting)
- Closeout phase concludes with Final Audit Approval by a vote of the MSBA Board of Directors