



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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TO: District Superintendents
Superintendents of Schools

FROM: Sara Madison, RA
Coordinator, Office of Facilities Planning

DATE: September 24, 2024

SUBJECT: Third Party Review (TPR) Program Returns for Capital Project Submissions to NYSED

We are pleased to inform you that the Office of Facilities Planning, in conjunction with CiTi BOCES, will resume the option of outsourcing eligible capital project submissions to third-party vendors – commonly known as Third Party Review (TPR). We are very grateful that this partnership with the CiTi BOCES has returned.

Districts will once again be able to choose whether their projects will be reviewed by NYSED staff or whether their projects will be reviewed by outside vendors retained as part of the TPR program for an additional fee. The data collected during the previous version of this program shows that participating school districts experienced significantly reduced wait times for project approval. Districts will be able to make a business decision on whether the third-party review is the optimal choice for their circumstance. If districts choose this option, their projects will be outsourced to a third-party vendor for review, and returned to NYSED once the review has been completed, so the Fiscal Associate review can be completed and building permits can be issued. Please refer to the flowchart at the end of this memo for a detailed explanation of the review and approval process.

PROGRAM COORDINATOR: Christopher Thompson has been hired as the TPR Program Coordinator. Chris can be reached using the program's email box: thirdpartyreview@nysed.gov, or via telephone at (518) 486-9375.

PROGRAM CHANGES: Unlike the prior TPR program, electronic submission of construction drawings and specifications through the Laserfiche system (operated by Dataflow, the vendor responsible for the Laserfiche system) is now a requirement. Paper submissions of drawings and specifications are not allowed for the TPR program. If a paper submission project currently in the queue is requested for TPR, the project will need to be resubmitted electronically through the Laserfiche system prior to outsourcing. For more information on how to proceed with electronic submissions, please see <https://www.godataflow.com/nysed/>. If a request is being made to recycle the paper drawings and specifications due to an electronic replacement, please coordinate that with the Program Coordinator. Currently, all formwork/paperwork must continue to be submitted both via paper copy and electronically through email per our standard procedures.

Additionally, Energy Performance Contract (EPC) projects are no longer eligible for the TPR program.

FEE STRUCTURE FOR THIRD-PARTY VENDOR REVIEW: A flat fee of \$3,750 per aggregate project submission will be assessed in addition to the values indicated in the table below. Please note that fees are applicable to each separate design package submitted to NYSED for review. A design package can consist of work at one building or multiple buildings. If referendum or project scope is phased, and results in multiple design packages submitted to NYSED, there is a separate fee applicable to each design package submission.

<u>Aggregate Project Size</u> <i>Total amount for the design package being reviewed</i>	New Construction/ Additions/Alterations/ Reconstruction
\$0 - \$2,999,999	\$9,000
\$3,000,000 – \$4,999,999	\$16,000
\$5,000,000 - \$9,999,999	\$23,000
\$10,000,000 – \$29,999,999	\$31,000
\$30,000,000 - \$49,999,999	\$38,000
\$50,000,000 - \$69,999,999	\$45,000
\$70,000,000 - \$90,000,000+	\$53,000

PROJECTS NOT ELIGIBLE FOR THIRD-PARTY VENDOR REVIEW: All project types will be eligible for outsourced review, with the exception of the project types listed below:

- Face-to-Face Review Requests
- Preliminary Submissions (PR)
- Discovered Buildings (DB)
- Temporary Quarters (TQ)
- Leases for Building Aid
- Charter Schools
- Solar Power Purchase Agreements (PPA)
- Energy Performance Contract (EPC) Projects
- Transportation Aid Eligible Projects (related to zero-emission bus transitions - these projects are already eligible for in-house expedited review)

HOW TO REQUEST THIRD-PARTY VENDOR REVIEW:

- Once the project submission has been received at NYSED, completed the NYSED pre-screening process, and been assigned a NYSED Review Number, the district/BOCES or their Architect/Engineer (A/E) should email a request for third-party project review to: thirdpartyreview@nysed.gov
- The request should include the following information:
 - School District/BOCES name
 - SED Review Number(s) for project submission requested to be outsourced for review
 - A/E contact name, phone number and email
- The TPR Program Coordinator will contact the school district/BOCES and their A/E, provide an invoice indicating the fee required to outsource project for review, how the check should be made out, and where the check should be sent.

- Once the payment has been received from the school district/BOCES or their A/E firm, the TPR Coordinator will then send the project submission out for third-party review.

ORDER OF REVIEW ASSIGNMENT: Between October 1, 2024, and November 30, 2024, third-party reviews will focus on capital project packages received by NYSED as of October 1, 2024 that are awaiting review.

Project Submissions received by OFP on or before October 1, 2024:

Requests for TPR received on or before November 30, 2024 (**Priority TPR Projects**), will be prioritized in the TPR queue in the order in which the request is received and before any TPR projects received in OFP after October 1, 2024.

TPR requests received after November 30, 2024, will not be prioritized and will be put in the TPR queue in the order in which they are received with all requests.

Project Submissions received by OFP after October 1, 2024:

TPR requests will be put in the TPR queue in the order in which they are received but behind the **Priority TPR Projects** referenced above.

Reminder: Projects will not be sent to the third-party vendor until full payment has been received. During the initial phase where priority is granted for projects in the existing queue, full reimbursement will be made for fees if a District determines they wish to rescind their request for outsourced review before it has been assigned to a TPR reviewer.

AIDABILITY OF REVIEW FEES: As a reminder, the fees associated with participating in the TPR program are aidable as an expense to your capital project. Fees paid to CiTi BOCES for an outsourced project review should be included as an incidental cost to the project under expenditure code “.240 Administrative/Contractual Expenses” and building aid will be paid the same as any other eligible incidental cost charged to the project.

QUESTIONS: Questions about the Third Party Review Program can be directed to Christopher Thompson, TPR Program Coordinator, via email at thirdpartyreview@nysed.gov or via telephone at (518) 486-9375.

FACILITIES PLANNING REVIEW FLOWCHART

