

## Federal Stimulus Q&A

### September 1, 2021

**Q1. Do projects entirely funded by ESSER and/or GEER funds require SED approval and a building permit?**

- A1. Yes. The building permit requirements for capital projects using ESSER and/or GEER funding are the same as a voter authorized or board approved capital project. For any individual capital project where the expected construction contracts will total \$10,000 or more, the district must make a formal submission to our office for a Building Permit. For any capital project where the expected construction contracts will total more than \$5,000 but less than \$10,000 the governing body of a school district or BOCES must make a formal submission to our office for a Building Permit if the nature of the work requires a Building Permit or will affect the health and safety of the occupants or users of the building

**Q2. Can ESSER and/or GEER funding be used for BOCES capital projects?**

- A2. No.  
§ 75.603 Grantee's title to site.  
A grantee must have or obtain a full title or other interest in the site, including right of access, that is sufficient to ensure the grantee's undisturbed use and possession of the facilities for 50 years or the useful life of the facilities, whichever is longer.

**Q3. Can ESSER and/or GEER funded projects be submitted to SED for review without voter approval?**

- A3. Projects funded entirely by ESSER and/or GEER funding do not require voter approval. If any other funding source is being used, the project will require proper voter authorization.

**Q4. Can ESSER and/or GEER funded projects include other funding sources (i.e. bond funding, budgetary appropriations)?**

- A4. ESSER and/or GEER funds may be used in combination with other funding sources. These other funding source must be properly authorized.

**Q5. Can ESSER and/or GEER funded work be submitted in the same project with other types of work which do not meet the criteria for ESSER and/or GEER funding?**

- A5. Yes.

**Q6. Can ESSER and/or GEER funding be used for projects that were previously approved using other funding sources?**

- A6. Yes, if the contract date for the ESSER and/or GEER funded scope falls after March 13, 2020. The SED project manager will require an updated FP-FI form which indicates the funding change and a superintendent certification confirming the contract date for the federally funded work.

**Q7. Can a change order or addendum be submitted to add ESSER and/or GEER funded work to an approved project?**

A7. No. Submit a separate project, which will be expedited.

**Q8. Can projects funded entirely by ESSER and/or GEER funding be submitted as a districtwide project (7-999) instead of individual projects at each building?**

A8. Yes.

**Q9. Will projects using ESSER and/or GEER funding receive an expedited review process?**

A9. Yes. Because of the short-timeline for federal funding, NYSED OFP will do our best to begin the review process within 6-8 weeks, or earlier, of project receipt depending on staffing and backlog.

**Q10. Will the 5-year rolling maximum cost allowance be applied for projecting using ESSER and/or GEER funding?**

A10. No.

**Q11. Are there requirements other than a building permit for the ESSER and/or GEER funding projects?**

A11. Yes. See A-16 & B6 of the Use of Funds FAQ

<http://www.nysed.gov/common/nysed/files/programs/coronavirus/esser-geer-faq.pdf>

**Q12. May ESSER and/or GEER funds be used for renovation, including for such projects as making improvements to a school facility to improve indoor air quality (such as heating, ventilation, and air conditioning (HVAC) systems), and projects that would promote social distancing and safe in-person instruction?**

A12. Yes. See B-7 of the Use of Funds FAQ

<http://www.nysed.gov/common/nysed/files/programs/coronavirus/esser-geer-faq.pdf>

**Q13. May an LEA use ESSER and/or GEER funds to purchase trailers or modular units?**

A13. Yes. See B-8 of the Use of Funds FAQ

<http://www.nysed.gov/common/nysed/files/programs/coronavirus/esser-geer-faq.pdf>

**Q14. Can ESSER and/or GEER funding be used for purchasing a new building?**

A14. Yes, a building could be purchased if it meets the following: Is the use of funds intended to prevent, prepare for, or respond to the COVID-19 pandemic, including its impact on the social, emotional, mental health, and academic needs of students? Does the use of funds fall under one of the authorized uses of ESSER or GEER funds? Is the use of funds permissible under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance, 2 CFR Part 200)? In particular, is it necessary and reasonable for the performance of the ESSER or GEER award?

The LEA will have or obtain a full title or other interest in the site, including right of access, that is sufficient to ensure the grantee's undisturbed use and possession of the facilities for 50 years or the useful life of the facilities, whichever is longer.

**Q15. Can ESSER and/or GEER funding be used for additions to an existing building?**

A15. Yes, if the use of the funds fall under one of the authorized uses of ESSER and/or GEER funds.

**Q16: Can ESSER and/or GEER funded projects be submitted for OFP's Third Party Review process?**

A16: Yes. Also see Q9 above.

**Q17: What voter authorization date should be used for the federal stimulus funded projects?**

A17: The date of the Board of Education resolution approving the project.

**Q18: Can the ESSER and/or GEER funded projects be submitted to OFP after the work has been completed if the board declares an emergency?**

A18: No. Also see Q9 above.