



Office of Facilities Planning
Newsletter #101 – December 2009

From the "Clerks of the Works "

Electronic Reviews:

We are starting to see more electronic project submissions. Please make sure that at the same time you submit your project paperwork to the SED project manager, the drawings and specifications are also complete and ready to be loaded into the electronic system.

Since we currently do not have any architectural review backlog, we are noticing that drawings and specifications are not loaded and available in the electronic review system when the project is picked up to be reviewed.

Please check our web site frequently once you submit the project paperwork, to obtain the project review number, so that the electronic directory can be established and drawings and specifications loaded in the system in a timely manner.

Also, when you receive electronic notifications regarding project review through the system, please click on the link provided in the e-mail notification and read any comments included on the notification form. Many questions regarding the project review might be answered if the notification forms are reviewed prior to calling SED.

If the paper work is not sent in as described you will not be able to get a review number as quickly as if the paper work is submitted properly. Also please remember that when submitting paperwork that all paperwork needs to be stapled and not paper clipped or bound by one staple and that all proper information is filled out. If the package is incomplete, it will result in a longer process for a review number.

Issues regarding Folding partitions/doors

Commissioner's regulations require that electrically operated folding partitions and curtains be maintained in accordance with the manufacturers' instructions. Any competent individual, including district employees can maintain the partitions and safety devices as long as they have the manufacturers' maintenance information. We have had a number of questions regarding whether the regulation applies to the entire partition system or just the safety devices. The title of the regulation is as follows: 155.25 Safety requirements for electrically operated partitions. While this regulation was created specifically for safety devices, common sense dictates that safety devices cannot work properly and effectively on a partition that has not been properly serviced or maintained.

If you were asked to provide information on the servicing of your folding partitions, the correct email address is:

emscfp@mail.nysed.gov

Please remember we need the following information:

Number of Buildings
How many Partitions or Doors in each building
Who serviced and what date it was performed

Please remember that all electrically operated partitions must be serviced and maintained in accordance with the manufacturers' recommended service interval (generally annual service) and that those records must be retained at the district. The annual fire safety forms have been modified such that the maintenance records will now be checked during the annual fire inspection.

From the Project Managers

Submission Paperwork:

Often the design professional listed on the submission paperwork as the project contact is not someone who worked on the project but a partner or other person within the firm who may not have detailed knowledge of the project. It will expedite our project review if the contact person listed on the paperwork knows the details of the project, so that when we call with a design question, it can be addressed in a timely manner.

From the Architects

Environmentally Sensitive Cleaning and Maintenance Products

On September 1, 2006, State Education and State Finance Laws were amended in relation to procurement and use of environmentally sensitive cleaning and maintenance products in New York State public and nonpublic elementary and secondary schools. The intent of the law was to reduce exposures of children and school district staff to potentially harmful chemicals and substances used in cleaning and maintenance of schools.

During 2008-09, the Guidelines and Specifications for the Procurement and Use of Environmentally Sensitive Cleaning and Maintenance Products for all public and nonpublic elementary and secondary schools in New York State and for the procurement and use of environmentally preferred cleaning products for state agencies/public authorities in New York State were revised. These "Green Cleaning Guidelines" were posted for public comment before adoption. The full text of the document is located at:

<https://greencleaning.ny.gov/DraftGuidelines.asp> 

Comments on the proposed guidelines were received by November 20, 2009. SED will now work with OGS, DEC, DOH, and DOL to review and finalize the draft guidelines with consideration of the comments received. The revised document will be shared as soon as it is available.

Concession Stands

Many School Districts have concession stands at their sporting fields to accommodate spectators. The stands are often constructed by and operated by booster clubs. Regardless who constructs the stand or who operates it, the District owns it and is responsible and liable for the building. Districts should be very careful about Booster Club constructed concession stands. If the building is constructed by volunteer labor the district needs to be aware that they could be liable for any injuries during construction. The district must have stamped

architectural drawings that have been approved by SED and the design professional must inspect the construction. If the district expends any funds for the concession stand they must get voter approval.

These facilities, like all other district facilities, may only be used if they have a current Certificate of Occupancy. The facility must be listed on the New York State Education Department Fire/Safety building inventory and pass annual Fire/Safety Inspections. If your building is not listed on the Annual Fire Inspection biography, please go to the following link for the form to apply for Commissioner's Approval of an existing building.

https://www.p12.nysed.gov/facplan/documents/FP-AU_2008_082608.pdf. If you are building a new Concession Stand please submit a Letter of Intent. Please provide a contact person and their phone number. Approval is based on the New York State Uniform Fire Prevention and Building Code (Code) and Education Department requirements.

Concession Stands are considered an M, Mercantile, occupancy and require a 1 hour fire separation from a press box, toilets or storage rooms. Mixed occupancy buildings require a fire alarm system that will annunciate a fire in one occupancy to the other occupancies. Emergency lights are required in all spaces. The building must be accessible by people with disabilities and the service counter must also be accessible. One exit is allowed if the maximum travel distance is 25 feet or less. Concession stands can not be placed under bleachers unless there is a one hour fire separation from the bleachers. Concession stands must also comply with Department of Health regulations for cleanable surfaces, three bowl sinks, etc.

The Fire Code of NY requires a Type I exhaust hood be installed in accordance with the Mechanical Code of NY at all commercial cooking appliances and domestic appliances used for commercial purposes that produce grease vapors. There are two exceptions to this rule, first, countertop, plug in appliances are not regulated by the code and therefore the hood requirement would not apply. Secondly, the Mechanical Code Commentary states that the code official should consider the frequency of use of the appliances in making the determination of the need for a Type I hood. The commentary cites VFW and similar halls as an example. We believe that very few, if any school district concession stands would rise to the level of requiring a Type I Hood. We will review projects with this in mind and question the expected frequency of use of large extensive concession stands. Note that proper fire extinguishers are required and if there is a vegetable oil fryer, a Class K extinguisher is required.

Locking Gang toilets II

In Newsletter 63 we issued a directive on the locking of gang toilets. That directive resulted in a lot of feedback from the field. We appreciate the feedback and as a result we are attempting to resolve this difficult issue.

The original newsletter article arose from calls we received from parents advising us that toilets were being locked during times of the day when the building was occupied. Most calls were from parents of students that had issues that required them to go to the bathroom often or unexpectedly. If the toilets were not readily available this could result in an uncomfortable and potentially embarrassing situation for the student. As a result we issued the newsletter article that stated that gang toilets could not have locks.

Upon further review we have determined that the installation of locks on gang toilet rooms is

acceptable. Listed below is information on acceptable gang toilet hardware. However, we wish to express as strongly as possible that toilets must be available (not locked) in the quantities required by the NYS Plumbing Code at all times that the building is occupied. Districts have stated that vandalism is often an issue, but penalizing the entire student body through the locking of restrooms is an unacceptable solution. Additional supervision may be warranted in specific situations.

New Construction; All new gang toilets or new doors and frames in existing gang toilets must have classroom function hardware that can be locked from the outside but are always openable from the inside. New toilets that have access from an interior space or corridor and also open to the exterior of the building for outside activities are allowed to have hardware that could lock the door to the interior space to restrict access into the building for security, but the door to the exterior must have hardware that always allows it to be openable from the toilet room to the exterior.

Existing Buildings; Existing doors to gang toilets that have deadbolts must have an ADA thumbturn on the inside. If the door has a key/key deadbolt, the inside key must be replaced with the ADA thumbturn. If new doors are being installed in existing frames the deadbolt is allowed to be reused as long as it has a key outside and an ADA thumbturn on the inside. If the door and frame are being replaced, the classroom lockset is required.

From the Engineers

Photovoltaic Panel Systems:

We are seeing more frequent submission of projects incorporating photovoltaic panels mounted on roof areas. These systems are usually mounted on roofs; either directly connected to the existing roof structure, or are a ballasted type of system. When roof mounted photovoltaic panel projects are submitted, please provide a statement on the documents or separate letter that the existing roof structural system has been reviewed to verify it can support the added weight and wind load of these systems.

From Carl Thurnau

2009 AVI

Please remember the deadline for the 2009 Annual Visual Inspections online submission is rapidly approaching. As of this week, we have only received 35% of the required submissions.

Annual visual inspections must be submitted to the Department no later than January 15, 2010 pursuant to Section 155.4b2i of the Commissioner's Regulations. The intent of this inspection is to re-evaluate those items inspected during last year's Annual Visual Inspection. This will result in the identification and subsequent correction of specific problems, the inspection of previous repairs, as well as the inspection of previously identified problems to determine if conditions have deteriorated. This inspection information should also be used to update the five-year Facilities Plan and reprioritize district projects if necessary. Please remind your districts to submit the Annual Visual Inspections on our website as soon as possible. For additional information, please see our website at: www.emsc.nysed.gov/facplan. If there are any questions, please contact Dave Clapp at: 518 474-3906 or via email at: dclapp@mail.nysed.gov.

2010 BCS

We are wrapping up the format for the 2010 BCS. There are some minor expansions such as

additional IAQ questions and an expanded section on the management and maintenance of storm water structures after consultation with DEC. Please remember that all those retention basins, drainage ditches, swales, planters, wetlands and other structures must be properly maintained to function well. These systems will also be inspected in the 2010 BCS.

The final document will be available in spring. There should be no significant issues that result from districts starting early. At worst a small additional inspection to review those new items as noted above. The reimbursement rate will also be available in spring after the NYSDOL provides up to date costs for inflation. It is expected that the reimbursement rate will be in the .25 cents per sq ft range. The district will Claim their BCS aid directly through the SAMS (State Aid Management System) System. A paper claim will no longer be submitted to Facilities Planning.

Many inquiries have been received regarding appropriate expenses in the BCS. Remember that all costs must be included in a square foot cost incurred by the district. Aid is paid at the district's aid ratio up to the allowance. Work necessary to properly perform a BCS are appropriate. That might entail the digitizing of district plans for use on a laptop or other data gathering device for example. Any building system that needs an in depth investigation to determine condition, remaining useful life, or cost to replace for example should be included in the survey cost. Some consulting firms are developing sophisticated electronic systems for building data management using the BCS data. These will be appropriate provided the district has the sophistication to use the system. Please don't purchase the bells and whistles unless you will use them. By the same token, take this opportunity to fund facilities investigations seriously, and don't purchase a "drive-by" survey at a few cents per sq ft. The information obtained will not provide any greater detail than that which you already know about the condition of your facilities.

There are also some costs that are not appropriate for inclusion in the BCS. Examples include expenses for development of a comprehensive maintenance, or the purchase of a work order system

As noted above, technical expertise to investigate a specific system are appropriate, but expenses involved with a full building audit, whether for capital planning or energy purposes would not be appropriate. The BCS is an evaluation of existing systems, not an opportunity to develop comprehensive plans for capital work.

Finally, many districts have done significant capital work since the last BCS in 2005, and you may qualify for a waiver from the 2010 BCS. If you believe you qualify, have your consultant submit a detailed report of the work undertaken to prioritize the last capital project. Include those project numbers and the date of substantial completion. If the report demonstrates work equivalent what is expected in the BCS, a waiver will be granted.

2009-2010 Regents State Aid proposals

Included in the current Regents proposal are significant changes to building aid. If enacted, these proposals will significantly change the way our business is conducted. There are proposals ranging from eliminating the 10% building aid incentive to eliminating select aid ratio's, requiring high performance building construction , and providing an incidental cost allowance tied to the actual cost of construction instead of the construction MCA. Additionally we hope to move forward with a foundation formula for building aid to replace our current system. A full discussion can be found at:

<http://www.regents.nysed.gov/meetings/2009Meetings/December2009/1209sad1.htm> 

Question and Answer section

Don't forget to send us your questions; anything from finance and submission documents to code questions. Please send these questions to hmler2@mail.nysed.gov.

An Index of our Newsletters is available on our website at

<https://www.p12.nysed.gov/facplan/NewsLetters.htm>.

If you would like to have this Newsletter sent directly to you by e-mail, please send your e-mail address to Curt Miller at hmler2@mail.nysed.gov.

Please continue to send in your comments and requests. If you have a subject you would like addressed, feedback on the material you read, input or general comments we are happy to hear from you.

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