



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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Office of Facilities Planning Newsletter #102 – February 2010

From the "Clerks of the Works "

Change orders

We are still experiencing problems with multiple change orders being submitted with one change order certification. Please note that EACH change order must have its own certification attached. Posting change orders remains a challenge for us at the moment. Please bear with us as we enter the tremendous volume of change orders into our system. (Please note: there are so many change orders here at FacPlan, that when a request comes to check to see if we received a particular change order, it is virtually impossible.)



Incoming change orders: 4 stacks, 2 feet high, each

Submissions

This is a second request: please make sure to use the correct project number on all paperwork in a project submission, including the front-end documents, specifications and drawings. This will prevent future problems for the districts and designers.

Rolling plans

When plans are submitted with a project please make sure that they are rolled and not folded if there are more than three or four sheets. We are receiving sets of plans with ten, twenty, thirty sheets

folded up. We are unable to work with such a folded batch of paper, so please roll these larger plan sets!

From the Project Managers

Districtwide vs. projects at all district schools

There is understandable confusion over the term “districtwide” when talking about projects that affect all, or most, buildings in a district. The term “districtwide” indicates to us a project, like a telecommunications network or computer network, which connects all buildings together.

Conversely, roofs at all buildings in a district do not constitute a districtwide project as they do not connect buildings across the district, rather they are individual projects – one at each building – across the district. They must be submitted with a project number for each building. The projects may still be bid as one if that is the district’s desire.

From the Architects

Electronic reviews:

As we work through more electronic project reviews, some additional concerns need to be addressed.

In general, the architectural project review takes place before the engineering project review. What usually occurs is that corrected architectural documents are loaded in the DFM system and work their way through the review and approval process, and then are stored in the architectural “approved” folder in the DFM system.

On occasion, when the SED engineers review a project, they may have comments that affect the architectural documents.

If a change needs to be made to an architectural document as a result of a comment from the engineering review, it is important that the corrected architectural document be loaded back into the architectural directory in the DFM system, and not into the engineering directory.

Once the corrected architectural document is loaded into DFM, a notice should be sent to **both** the SED architectural reviewer and the SED engineering reviewer, so that both reviewers have the opportunity to review the corrected document.

Also, please remember to cloud any changes made to the documents!

EPA lead renovators certification rule

Beginning in April, 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in target housing and child-occupied facilities built before 1978 must be certified and must follow specific work practices to prevent lead contamination. A child-occupied facility is a building that regularly houses children under the age of 6 years.

The Rule requires the renovation company to be certified and the work must be directed by a trained contractor. Workers must receive on-the-job training in lead safe practices. The Rule also requires pre-renovation education, posting of warning signs, containment of the work area, waste management, cleaning and post-renovation cleaning verification.

Minor repair and maintenance that will disturb less than 6 sq ft per room interior or 20 sq ft exterior, excluding window replacement are exempt from this Rule.

Not more than 60 days prior to the renovation, the contractor must provide the owner of the building with the EPA pamphlet “Renovating Right.” During the renovation the contractor must post informational signs describing the general nature and locations of the renovation and the anticipated completion date.

What does this mean? SED has for some time had regulations for the safe handling of lead in public schools. Those regulations require the testing of surfaces to be disturbed during renovation, safe handling of lead containing materials and clearance testing in accordance with the HUD Guidelines. This new Rule only applies to buildings or portions of buildings, built before 1978, that house Pre-K, Kindergarten or 1st Grade, including those common areas routinely used by children under 6 such as corridors, toilet rooms, gyms, and cafeterias.

The safe handling practices in the EPA Rule and the HUD Guidelines are identical, but the new EPA Rule allows for visual clearance using the post-renovation cleaning verification they developed. The HUD clearance standards adopted by SED are more restrictive than the EPA visual clearance, and therefore SED will continue to follow HUD requirements. Simple visual clearance will not be accepted for this purpose.

For additional information on the Rule, see the EPA website at:
<http://www.epa.gov/lead/pubs/renovation.htm#requirements>

Acrylic skylights

In July of 2000, we issued a Newsletter article stating that it was our opinion that acrylic plastic skylights did not meet the flammability requirements of the SED Manual of Planning Standards and the State Building Code.

The ICC based Building Code adopted by New York State in 2003 contains comprehensive requirements for the use of plastic materials. Light transmitting plastic skylight glazing is required to comply with the requirements of State Code Sections 2606 and 2610, which includes flammability, area limits and distance separations. We are in the process of revising our Manual of Planning Standards and will eliminate our requirements for plastic materials.

It has recently been brought to our attention that advancements in some acrylic plastic formulations have resulted in acrylic plastic skylights that meet the State Code requirements for Class CC-2 light transmitting plastics. SED will approve acrylic plastic skylights which meet the State Code requirements.

From Fire Safety

AHERA 2010 re-inspection reminder update:

The Federal Asbestos Hazard Emergency Response Act (AHERA), 40 CFR 763.85(b), and the Environmental Protection Agency (EPA) require all public and nonpublic elementary and secondary schools to re-inspect previously identified asbestos-containing building materials (ACBM) in all facilities every three years. This rule applies to all buildings that are owned, leased, or otherwise used as a school building. The actual 2010 AHERA triennial re-inspection process must be completed no later than July 9, 2010.

In conjunction with the AHERA triennial re-inspection cycle, New York State public schools must submit an asbestos reporting form to the Commissioner of Education on a triennial basis (§3602-a of Chapter 53 of the Laws of 1990). The State Education Department 2010 AHERA triennial re-inspection report will be electronic. The portal for submitting the report will be available soon on our website.

To assist you with the AHERA requirements, the EPA has developed the following documents & links: <http://www.epa.gov/region02/ahera/ampauditchecklist.pdf> 

<http://www.epa.gov/region02/ahera/modelamp.pdf> 

http://www.epa.gov/asbestos/pubs/asbestos_in_schools.html

For additional assistance on AHERA and the triennial re-inspection requirement, please contact your local BOCES Health and Safety Office or Dave Clapp of Facilities Planning at dclapp@mail.nysed.gov or 518-474-3906.

2009 Annual Visual Inspection (AVI) reminder: The deadline for submission of the 2009 AVI was January 15th. Those that have not submitted any information or those that have not submitted complete information are late, and out of compliance with Commissioners Regulations. We have left the website open as it is important for us to receive complete and accurate information. We have notified BOCES District Superintendent's of all component districts out of compliance, and the department will follow up with individual districts as necessary as well. Please help us help you! We will have no choice but to delay approvals and withhold state funds on project reviews if your districts are not providing information required by statute. This will apply to AVI's as well as the BCS due to be submitted by January 15th, 2011.

From the Engineers

Occupancy sensors and lighting control in the means of egress

The use of occupancy sensors to control lighting throughout the means of egress has become more common considering that the general public has become more conscious of savings generated by reduction of electric energy usage. While SED supports the reduction of electric energy usage in

NYS public school buildings, the health and safety of the occupants must always be the primary objective when designing school buildings.

Occupancy sensors and other lighting control strategies are acceptable in the means of egress as long as the equipment does not turn off all the lighting in the means of egress while the building is occupied. The means of egress illumination level shall not be less than 1 foot-candle at the floor level at all times the building space served by the means of egress is occupied. For example, the illumination level in an unoccupied corridor may be reduced to 1 foot-candle at the floor level when the classrooms served by the corridor are occupied. Once an occupant enters the corridor, the illumination level must increase to comply with the foot-candle level required by the Manual of Planning Standards.

Consider a classroom occupied by a student group for an evening meeting. If the corridor serving the classroom were to be very dark (less than 1 foot-candle minimum) due to the lack of occupants in the corridor and where occupancy sensors are connected to all normal lighting in the corridor, the occupants may hesitate to enter the dark corridor. To prevent any potential delay for egress, SED will require that a minimum of 1 foot-candle be maintained at the floor level in the means of egress at all times the building space served by the means of egress is occupied.

From Carl Thurnau

ARRA funds: important notice

District construction projects funded in whole or in part with ARRA funds are subject to the Davis-Bacon and Related Acts which apply to contractors and subcontractors performing on federally funded or federally assisted contracts in excess of \$2,000 for the construction, alteration, or repair of public buildings or public works.

Many districts are choosing to use a portion of their ARRA funding to complete a variety of renovation projects in schools. Many districts are also choosing to use a portion of their ARRA funding derived through special education allocations for minor renovations. These projects are all subject to Davis-Bacon requirements if the cost exceeds \$2,000.

A Davis-Bacon compliance guide can be found at: <http://www.dol.gov/compliance/guide/dbra.htm> . Please review this information as appropriate to be certain that districts and contractor's are in compliance with wage, reporting, and other requirements of Davis-Bacon. Davis-Bacon is the federal version of "prevailing Wage" requirements in NY. Employees on Davis-Bacon projects must be paid the minimum local prevailing wage for the type of work. Those rates can be found online through the wage and hour division of the federal department of Labor at: <http://www.dol.gov/whd/contracts/dbra.htm> .

There may be differences between the Federal and New York requirements, and districts are urged to become familiar with all applicable provisions.

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More Q and A on the 2010 BCS: I have continued to receive questions on appropriate inclusions on the 2010 BCS. Many questions pertain to interlocking the BCS data with Comprehensive maintenance planning and preventative maintenance programs as well as energy efficiency audits and studies. Regulation section 155.4(b)(1)(ii) reveals that the intent of the survey is clearly an inspection of building systems and an evaluation of their identified needs.

*The survey shall include, but not be limited to a list of all program spaces and **an inspection** of the following building system components **for evidence of movement, deterioration, structural failure, probable useful life, need for repair and maintenance and need for replacement:***

- (a) the building site, including utilities, paving, playgrounds, and play fields;*
- (b) roofing;*
- (c) exterior elements of the building, including walls, doors, windows, fire escapes;*
- (d) building structural elements;*
- (e) building interiors, including finishes, doors, and hardware;*
- (f) electrical systems, including service and distribution, lighting, communications, technology infrastructure and cabling;*
- (g) plumbing, including water distribution system, drainage system, and fixtures;*
- (h) heating and cooling systems, including boilers, furnaces, terminal units, and control systems;*
- (i) ventilation systems;*
- (j) air conditioning systems, including refrigeration, terminal units, and control systems;*
- (k) special construction, including stairs, elevators, escalators, and swimming pools;*
- (l) fire protection and security systems, including alarm, detection and fire protection; and*
- (m) environmental features, including appearance, cleanliness, acoustics, lighting quality, thermal comfort, humidity, ventilation and space adequacy.*

Regarding comprehensive maintenance planning, it is perfectly acceptable for the licensed architects and engineers conducting the survey to obtain data from the inspection that will be suitable for inclusion in a comprehensive maintenance program. It makes sense to use the acquired data within the district as widely as possible to inform decisions. It is not appropriate to develop and populate those comprehensive maintenance programs as part of the BCS, and the costs for that development and population cannot be included in the BCS sq ft cost.

Regarding energy evaluations or audits of existing systems, our position is similar. During the inspection of specific systems, it is entirely appropriate to evaluate and comment on the efficiency or operating deficiencies of a particular system and to use that information with other data such as the system's overall condition to plan and prioritize for equipment replacement. The BCS is a tool for investigation and data collection. A comprehensive detailed energy audit of the entire facility based on the data collected during the BCS is a separate undertaking and not part of the BCS. The

efficiency and operating data on individual systems may well be a great starting point for beginning that work in a separate venue, but it is beyond the scope of the BCS and cannot be included in the cost of the survey.

Please remember – The data collection format that we have posted on the web is the MINIMUM data necessary to submit to SED. School Districts and BOCES should be getting significantly more data in much greater detail about the condition of their building systems. It is this detailed information that will be helpful in developing other documents such as priority rankings, five year capital facilities plans, comprehensive maintenance plans, energy audits, long range campus master plans, school facility reports cards, or any other information helpful to districts with regard to maintaining healthy and safe school facilities.

In general, as a result of BCS and capital facilities planning, the department expects that when districts seek funding for capital projects, those requests are well thought out and can be expected to be maintained by the district for their useful life. We will not entertain funding for requests that take districts in an entirely new direction which is contrary to previous requests until those previous improvements have lived their useful life. In short, districts must be sure of their requests. We will deny requests to replace systems that have not lived their useful life, and we will deny aid for renovations when the space was recently renovated for other purposes.

Display of the national flag

We have recently had several questions pertaining to the display of flags.

Please remember that the US flag must be displayed on all days that school is in session.

Additionally, there have been questions relating to the display of flags at half-staff. Displaying of the flag at half-staff is not a local decision. The flag can only be displayed at half-staff by order of the president of the United States, or by the order of the Governor. If these orders are issued, they are mandatory, not voluntary.

The federal laws regarding this question state as follows:

Title 4 USC Sec. 7 paragraph m,

TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES CHAPTER 1 - THE FLAG

Sec. 7. Position and manner of display

By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff, and the same authority is provided to the Mayor of the

District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia.

When a flag is displayed at half-staff, it is first briskly run to the top of the mast, and then slowly lowered to the half-staff position. When it is time to retire the flag for the evening, it is again run to the top of the mast, and then slowly and respectfully lowered. Many schools find that involving students or the student council in the raising and lowering of the flags helps promote an understanding of and respect for our national symbol.

Question and Answer section

The world is changing. We are researching the potential benefit to our customers the use of a blog and Twitter, as mechanisms to more quickly address our audience, and would appreciate feedback from you with ideas to make it most effective. Also, please don't forget to send us your questions; anything from finance and submission documents to code questions. Finally, remind your co-workers that they can receive this newsletter directly.

Please send all comments, requests, or questions with your e-mail address to Curt Miller at hmiller2@mail.nysed.gov.

An Index of our Newsletters is available on our website at
<http://www.emsc.nysed.gov/facplan/NewsLetters.htm>.