

Facilities Planning

Newsletter 85 – March 2007

Standardization:

"Standardization cannot be incorporated directly into a public works contract. All products in publicly bid municipal construction projects must be freely bid allowing for equivalents. With careful planning, however, materials and equipment purchased by the school district under a standardization resolution may be provided to the contractor for installation in a capital construction project. Competent legal guidance is necessary for appropriate application of standardization resolutions in accordance with General Municipal Law, Section 103, subd.5. The school district's architect or engineer needs to include all materials and products purchased by the school district in the final plans and specifications for approval by the State Education Department."

The previous passage is a portion of an article about Standardization in Newsletter #10, [Newsletter/Letter10.html](#). We also provided additional information about this subject in an article about Competitive Bidding in Newsletter #52, [Newsletter/Newsletter 52.html](#).

SED has continually maintained the same requirements for "equivalency" of products for every project. Products cannot be "proprietary" unless the proper steps have been taken to comply with the General Municipal Law as stated above. Change orders are not to be used to incorporate "proprietary" products into the construction.

In addition to the typical standardization questions regarding mechanical equipment, one of the biggest issues continues to be hardware for doors. We continually receive complaints from different manufacturers about the next manufacturer. Facilities Planning will not sort out the variety of these complaints. Specifying several manufacturers with the same parent company does not meet the requirements for equivalents. We encourage designers to look out for the best interest of the school districts while adhering to the law.

Maintenance Contracts AKA Maintenance Warranties:

We are seeing an increasing number of long term maintenance contracts included in Capital Construction Projects. Maintenance contracts or warranties are inappropriate for inclusion in the construction specifications and cannot be included in the construction project. These items are extended maintenance service agreements and are not the same thing as manufacturer's warranties. For example, an acceptable standard practice is to specify a roofing product with a 20 year warranty; however, it is inappropriate to include the annual maintenance from the vendor in the capital construction contract necessary to maintain the warranty during the warranty period. Voters are asked to authorize the expenditure of capital funds and State Building Aid cannot be provided to cover the maintenance agreement portion of these types of warranties. Inclusion of extended maintenance contracts as part of a capital program may violate the voter authorization, and jeopardize the payment of aid. Facilities Planning will require that these agreements be separated from the capital approval process and bid separately from the construction project in accordance with the law and the district's procurement process.

We have noticed these maintenance warranties added to construction projects for mechanical equipment, mechanical controls, roofs, and artificial turf. If products are specified that require, as a condition of maintaining the warranty, a manufacturer's annual service or maintenance agreement, this annual service cannot be included in the capital cost.

Pre-renovation Asbestos Reports:

The following information is almost entirely copied from Part 56 of Title 12 of the Official Compilation of Codes, (Cited as 12 NYCRR Part 56), SUBPART 56-5, 56-5.1, PHASE IA: ASBESTOS SURVEY PLANNING AND DESIGN, Asbestos Survey Requirements for Building/Structure Demolition, Renovation, Remodeling and Repair.

One (1) copy of the completed asbestos survey shall be sent to the local government entity charged with issuing a permit for such demolition, renovation, remodeling or repair work under applicable State or local laws. For Public Schools, that's Facilities Planning. Please provide the completed asbestos survey with your Asbestos Designer's DOL Certificate.

Exemptions that pertain to schools where reports are not necessary:

- buildings or structures for which original construction commenced on or after January 1, 1974
- buildings being entirely demolished that are being treated as containing asbestos.

The asbestos survey shall include a thorough inspection for and identification of all presumed asbestos containing materials (PACM), suspect miscellaneous ACM, or asbestos material throughout the building/structure or portion thereof to be demolished, renovated, remodeled, or to have repair work. The required inspection shall be performed by a certified asbestos inspector, and, at a minimum, shall include identification of PACM, suspect miscellaneous ACM or asbestos material.

The asbestos survey shall, at a minimum, identify and assess with due diligence, the locations, quantities, friability and conditions of all types of installations at the affected portion of the building/structure relative to the ACM, suspect miscellaneous ACM, PACM or asbestos material contained therein.

All ACM, PACM, suspect miscellaneous ACM, or asbestos material reported under Paragraph (1) of this Subdivision shall include the location of the materials, an estimate of the quantities, types, friability and condition of the identified materials to be treated and handled as ACM.

The building/structure asbestos survey shall also include the building/structure name, address, the building/structure owner's name and address, the name and address of the owner's agent, the name of the firm performing the asbestos survey and a copy of the firm's current asbestos handling license, the names of the certified inspector(s) performing the survey and a copy of the current asbestos handling certificate for each inspector utilized, the dates of the asbestos survey, a listing of homogeneous areas identifying which ones are ACM, all laboratory analyses reports for bulk samples collected, and copies of the appropriate certifications for the laboratory used for analysis of samples taken during the asbestos survey.

(Please remember, for SED purposes, all projects, regardless of the year of original construction, must be submitted with our asbestos certification statement.)

If you would like to have this Newsletter sent directly to you by e-mail, please send your e-mail address to Joe Levy at jlevy@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.