



Office of Facilities Planning Newsletter #18 – August 2001

Get to Know Us Better:

Please meet Gary Yorkshire. He came to our office last December. His job title is "Education Program Assistant" and, as with most of our Civil Service titles, it does not reflect at all his actual responsibilities in our office! Actually, Gary is now handling all aspects of the Final Building Project Reports. This function includes rendering technical assistance to school districts in completing and submitting their final reports for capital projects in a timely manner and performing comprehensive reviews of an audit nature for those reports once they are received in this office.

On a more personal note, Gary is a native of the Capital Region. He also attended Syracuse University for two years, then transferred to and graduated from SUNY Buffalo with his Bachelors Degree in English. He has worked for our Department since 1987, first in the New York State Library, then in the New York State Museum, before coming to work here in Facilities Planning.

Gary is a big sports fan, his favorite sport is baseball and his favorite team is the New York Mets. He has been married to his wife, Maria, for almost 16 years and they have one son, Josh, who just "graduated" from Kindergarten. We are really glad to have him with us.

Accessibility for the Physically Impaired:

Our Commissioner received a letter from the NYS Advocate for the Disabled, stating that we are not doing enough to provide accessibility for the physically impaired in public schools. The word "we" is synonymous with Facilities Planning, designers and school districts. Many designers and districts will be upset to hear of this and others may be very surprised. Most projects incorporate full accessibility in them and, if missing, we have required designers go back to the drawing board and address these issues.

As in the past, we expect all districts to have made "reasonable" modifications to provide accessibility in existing buildings as required by the American with Disabilities Act (ADA) of 1990. The ADA required an evaluation, a transition plan, and the removal of architectural barriers to be completed by all school districts prior to **January 26, 1995**. In that sense, basic modifications should have been made in response to the required ADA plan by January 26, 1995. When plans for reconstruction to a building are submitted to Facilities Planning, we specifically check for any previous or current modifications for accessibility. Many schools and designers know that we look for these and will require these modifications if they are not evident in the documents. We also require 100 percent accessibility to new construction. We have added many applicable requirements to the Code Compliance Checklist.

Please be sure you are providing basic accessibility to every existing building in the school district per the ADA and 100 percent accessibility in new construction per the Building Code. The Building Code has a couple of more restrictive requirements than the ADAAG or ANSI. You can find the accessibility requirements in Article 13 of the Building Code, sections 1100, 1101 and 1102. Also, section 1236.3(b) requires 20% of the money spent on construction must be dedicated to accessibility until 100% accessibility is achieved. You can also check out the information provided in Newsletters #1 and #11. <https://www.p12.nysed.gov/facplan/NewsLetters.htm>

Change Orders:

A change order is used to officially make changes in a signed contract for capital construction.

A change order may be required to accommodate a discovered job condition, to add or delete certain portions of the work, or otherwise change a condition or the amount of the contract. It may be issued without competitive bidding; however, no important change may be made which so varies the original plan or is of such importance as to constitute a new undertaking (Opinion of State Comptroller #60-505). This means that a change order may NOT expand the scope of work, or represent a basic departure from work already included in the contract. It also means change orders can be rejected if they are over \$20,000 which is the threshold for bidding public works projects.

The most common improper change order presented to the Office of Facilities Planning is one expending unencumbered funds. Most often this occurs near the end of a project and the proposed change order introduces types of work which were not included in the original plans and specifications. Change orders for such work will not be approved; however, had a "shopping list" of desirable items been included in the original plans and specifications as "add" alternates, change orders to effect such alternates would be approved.

Following are some specifics about change orders:

- All change orders must be approved by the Commissioner, even when they are applied to allowances and contingency funds.
- Two copies must be submitted to Facilities Planning.
- Each copy shall be signed by the president of the board of education, the architect/engineer, and the contractor. We would appreciate the name and telephone number of the architect/engineer's representative being added.
- The SED Project Control Number and the name of the SED Project Manager must appear on each copy.
- There must be sufficient detail and technical data to denote:
 1. what is being done;
 2. why it is being done;
 3. the cost of the change order; and
 4. the revised contract total.

All approved change orders are part of the official plans and specifications for the project and must be carefully filed with the approved documents. If there are any questions concerning change orders, particularly whether the intended work is appropriate for a change order, contact either the Project Manager or the Architect/Engineer in our office that reviewed and approved the initial project.

If you would like to have this Update 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.