

FACILITIES CONSTRUCTION

CV
(LOCAL)

COMPLIANCE WITH LAW	<p>The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.</p> <p>The District shall develop administrative procedures to be followed in the selection of sites for future school campuses.</p>
DELEGATION OF AUTHORITY FOR EMERGENCIES OR DISASTERS	<p>Annually, in conjunction with the adoption of the operating budget, the Board shall authorize the Superintendent to contract for the construction or repair of school equipment and facilities in the event of a catastrophe, emergency, or natural disaster affecting the District or individual facilities if the construction or repair is necessary for the health and safety of District students or the conduct of essential school activities. Such administrative action shall be ratified by the Board at its next regularly scheduled Board meeting.</p>
DISCLOSURE REQUIREMENTS	<p>Each Board member shall be required to disclose in writing, filed with the Board Secretary, any past or present business relationship between the Board member and any vendor or bidder, regardless of nature or amount, prior to any Board action taken on a procurement in which such vendor or bidder participates. [See also BBFA (LOCAL), CH(LOCAL), and DBD(LOCAL)]</p>
BOARD MEMBERS	
EMPLOYEES	<p>Every District employee shall be required to disclose in writing to his or her supervisor any past or present business relationship with any vendor or bidder, regardless of nature or amount, prior to any Board action taken on a procurement in which such vendor or bidder participates. [See also DBD(LOCAL)]</p>
VENDOR AND / OR BIDDER	<p>All vendors and bidders shall be required to disclose, as a condition of conducting business with the District, any business relationship they have or have had with a sitting Board member or District employee prior to any Board action taken on a procurement in which such vendor or bidder participates. Failure to disclose shall be grounds for termination of any contract entered into with such vendor or bidder.</p>
NOTICE TO BIDDERS	<p>Each request for proposal or invitation for bid issued by the District involving a procurement that may require Board action on a contract award shall contain express notice to bidders of this disclosure requirement and the consequences of its violation.</p>
TERMINATION CLAUSE	<p>Each contract awarded by the Board shall include a termination clause providing that the contract may be terminated by the District if it is determined that the contractor did not comply with this disclosure requirement.</p>
CONSTRUCTION CONTRACTS	<p>The project delivery/contract award method to be used for each construction project or construction services-related contract valued at or above \$50,000 shall be the competitive sealed proposal</p>

method as allowed under Texas Government Code Chapter 2269, Subchapter D, as determined and approved by the Board to be the best value.

If another method is deemed more appropriate for a particular construction project, the Superintendent or designee shall submit a recommendation for the Board to consider, determine, and approve, prior to advertising, such delivery method that provides the best value to the District. [See CV series]

For construction contracts valued at or above \$50,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH]

PROJECT BUDGET

As used herein, the term “project budget” shall refer to the budget approved by the Board for an individual project, which shall include, among other budgetary categories, the amounts designated by the Board for design contingency and construction contingency.

DESIGN
CONTINGENCY AND
CONTRACT
AMENDMENTS

As used herein, the term “design contingency” shall refer to funds designated for contingency that are not already included within the approved sum of a design or other professional services agreement. Amendments to agreements with architects, engineers, or other providers of construction-related professional services may be approved by the Superintendent or designee, provided the cumulative amount of all amendments for the particular project does not exceed the amount of design contingency approved by the Board as part of the project budget. Any amendment that will cause the aggregate amount of all amendments on a given project to exceed the design contingency shall be approved by the Board. All amendments must be approved prior to any changes being made in the plans or any additional services being performed. The Superintendent shall report all design contingency expenditures to the Board on a monthly basis.

CONSTRUCTION
CONTINGENCY AND
CHANGE ORDERS

As used herein, the term “construction contingency” shall refer to funds designated for contingency that are not already included within the total sum of an awarded construction contract.

Change orders may be approved by the Superintendent or designee, provided the cumulative amount of all change orders for the particular project does not exceed the amount of construction contingency approved by the Board as part of the project budget. Any change order that will cause the aggregate amount of all change orders on a given project to exceed the construction contingency shall be approved by the Board. All change orders must be approved prior to any changes being made in the approved plans or

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CV
(LOCAL)

the actual construction of the facility. The Superintendent shall report all contingency expenditures to the Board on a monthly basis.

PROJECT
ADMINISTRATION

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

FINAL PAYMENT

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Superintendent or designee has accepted the work.

SMALL BUSINESS
ENTERPRISE
PROGRAM

The Small Business Enterprise Program (SBEP) provides increased business opportunities for locally certified small businesses to participate in contracting and procurement with the District. The SBEP is a goal-oriented program, requiring contractors to whom the District awards prime contracts for architectural design services, engineering design services, or construction services valued at \$50,000 or greater to use, at a minimum, good faith efforts to utilize certified small business subconsultants, subcontractors, and suppliers. The SBEP is not applicable to contracts for sole-source items, federally funded contracts, contracts with other governmental entities, and those contracts that are otherwise prohibited by applicable law or expressly exempted by the District. All SBEP exemptions must be approved by the Superintendent or designee. The SBEP is a race- and gender-neutral program.

To be eligible as a small business under the SBEP, a business shall:

1. Demonstrate that the firm's gross revenues or number of employees averaged over the past three years, inclusive of any affiliates as defined by 13 C.F.R. 121.103, does not exceed the size standards as defined pursuant to Section 3 of the Small Business Act and 13 C.F.R. 121.201.
2. Have one of the following eligible small business certifications:
 - a. Port of Houston Authority SBE Certification;
 - b. Metropolitan Transit Authority of Harris County (METRO) SBE Certification;
 - c. City of Houston SBE Certification; or
 - d. Any other certification agency specified by the District in the procurement solicitation, as may be appropriate for

the particular procurement and determined by the Superintendent or designee.

In eligible procurements, the District may award additional scoring points to a bidder or proposer based on the bidder or proposer's SBEP participation, up to a maximum of five percent of the total available points. The District may likewise consider a bidder or proposer's failure to achieve SBEP participation commitments on previous District projects when scoring a subsequent bid or proposal. The weighted point values available to a bidder or proposer related to SBEP participation shall be published with all other weighted selection criteria in the procurement solicitation. Any exceptions must be approved by the Superintendent or designee.

Prior to any consideration of a bid or proposal by the Board for a contract award, the District shall review submitted bids and proposals for verification of SBEP participation and shall report the data to the Board in the bid or proposal tabulations provided with the agenda item.