February 1, 2022

MEMORANDUM

TO: City and County Superintendents

FROM: Eric G. Mackey, State Superintendent of Education

RE: Capital Improvement Projects Act 2021-476 (HB 220)

Act 2021-476 (HB 220) related to construction and renovation of school facilities goes into effect February 1, 2022. This legislation allows Local Education Agencies (LEA) performing capital improvement projects estimated by a licensed design professional to cost less than $500,000 or performing maintenance and repair to existing HVAC systems or roofs to do so without using the Division of Construction Management (DCM).

All projects utilizing any Public School & College Authority (PSCA) funds will still be administered by DCM’s Contract Administration Division, Plan Review Division and Project Inspection Division.

Per the Act, all other applicable laws still apply in performing the above type projects. Furthermore, the Act stipulates that the Alabama State Department of Education (ALSDE) shall implement necessary forms to allow the LEA to perform these projects without requiring the use of DCM. The ALSDE has constructed the required forms, utilizing DocuSign, that must be submitted prior to the project beginning. The forms will be available on the ALSDE website under LEA Auxiliary Services – School Architect – Construction Approval page at: https://na4.docusign.net/Member/PowerFormSigning.aspx?PowerFormId=d92d9167-414f-41af-acfc-fde6cff67a77&env=na4&acct=0d0d5396-2e0a-4ad5-97e4-e591b723344b&v=2.

Additionally, attached to this memorandum are the required form templates, work instructions on how to complete the forms and the enacted legislation. All questions regarding the submission of the required forms or compliance to Act 2021-476 should be directed to Dr. Brandon T. Payne at brandon.payne@alsde.edu or Ms. Jessica Ragan at jragan@alsde.edu or by telephone to the School Facilities section at ALSDE at 334-694-4602.

EGM/BTP/JR

Attachments

c: Dr. Brandon T. Payne
FY22-3009
Design Professional Attestation

I, ___________________________ (name) am the ___________________________ (title) of the ___________________________ (“Design Professional”). I attest to the following:

I am aware that, pursuant to Act 2021-476, all K-12 capital improvement projects with an estimated cost of less than $500,000 or repair and maintenance of existing HVAC or roofing shall no longer be subject to oversight by the Alabama State Finance Department Division of Construction Management.

I understand that as the design professional it is my responsibility to oversee the services of certified contractor(s) who meet and follow all applicable federal, state, and local laws in all phases of the above referenced project.

Furthermore, I understand it is my responsibility to conduct and/or certify inspections of the capital improvement project.

Signature: __________________________________________ Date: __________________________
Owner Attestation

I, ____________________________ (name) am the ____________________________ (title) of the ____________________________ School System (“Owner”). I attest to the following:

I am aware that, pursuant to Act 2021-476, all K-12 capital improvement projects with an estimated cost of less than $500,000 or repair and maintenance of existing HVAC or roofing shall no longer be subject to oversight by the Alabama State Finance Department Division of Construction Management.

I have used the services of a certified design professional and certified contractor(s) who meet and follow all applicable federal, state, and local laws in all phases of the above-referenced project.

I understand that as the Owner I must comply with all applicable federal, state, and local laws related to the above-referenced project, including but not limited to, bidding, obtaining, and paying the services of a certified design professional and certified contractor(s) to perform the work on the above referenced project.

I certify that I have read and understand the foregoing and that I am aware of my responsibilities and liabilities for construction work on the above-described property and do hereby covenant and agree to abide by each of the aforesaid disclosures. I further understand that any falsification of the statements contained in this affidavit constitutes fraud and may result in revocation as well as other penalties.

Signature: ____________________________ Date: ____________________________
1. The person originating the Affidavit Form (LEA Designee or Design Professional) enters their name and email.

2. The Originator will also enter the Design Professional Name and Email for the person responsible for signing on behalf of the firm.

3. The Originator will then enter the name and email of the Local Education Agency’s Chief School Financial Officer and Superintendent.
   *If you need assistance with this information, please contact Jessica Ragan at 334-694-4602.

4. The Originator clicks begin signing and complete steps 5-18 below.

5. Select the LEA from the drop-down.

6. Enter the name of the Design Professional.

7. Enter the phone number of the Design Professional.
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<th>Step</th>
<th>Description</th>
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| 8.   | Enter the Project Location Address.  
(Note: This is not the LEA Address) |
| 9.   | Select the county the project is in from the drop-down box. |
| 10.  | Enter the project name. |
| 11.  | Enter a brief description of the project.  
(Include school names) |
| 12.  | Enter the amount of projected expenditure: |
| 13.  | Enter the intendent project dates: |
| 14.  | Enter the name of the Design Professional. |
| 15.  | Click “Finish”. |
| 16.  | Enter your title. |
| 17.  | Sign, by clicking on sign and choosing your signature. |
| 18.  | Click “Finish”. |
| 19.  | Approve or Decline the “Amount of Projected Expenditure”.  
*If you decline the process will stop and the originator will be notified the form has been deleted. |

Once the originator has completed steps 1-15, the person assigned as Design Professional will receive an email from DocuSign and complete the next three steps.

Once the Design Professional has completed steps 16-18, the person assigned as Chief School Financial Officer will receive an email from DocuSign and complete the next steps.

Once the Chief School Financial Officer has completed step 19, the person assigned as Superintendent will receive an email from DocuSign and complete the next steps.
20. Select the LEA from the drop-down.

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<td>-- select --</td>
<td>School System (&quot;Owner&quot;)</td>
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21. Sign, by clicking on sign and choosing your signature.

22. Click “Finish”.

Once the Superintendent has completed his portion all parties will receive the completed document via email.
Section 41-4-402
(Effective February 1, 2022) Project design and oversight.
Nothing in Act 2021-476 shall revoke, limit, or otherwise diminish any existing state law
or rule requiring that design professionals, including professional engineers, land
surveyors, and architects, be used to provide project design and oversight for any project
currently being reviewed and inspected by the Division of Construction Management. The
project design oversight transferred to any entity pursuant to Act 2021-476 shall continue
to meet all applicable state, local, and federal codes, laws, and regulations.
(Act 2021-476, §7.)