



PLANCON

PART F: CONSTRUCTION DOCUMENTS

COMMONWEALTH OF PENNSYLVANIA
Department of Education
Bureau of Budget and Fiscal Management
Division of School Facilities
333 Market Street
Harrisburg, PA 17126-0333

PART F: CONSTRUCTION DOCUMENTS

If there are any questions regarding the completion of these materials, contact the Division of School Facilities at (717) 787-5480.

PlanCon Part F includes a conference in which the school district's architect presents completed construction documents. Part F serves several purposes. It accounts for changes in projected enrollment, building capacity and other factors that occurred since the approval of Part A. Part F certifies the receipt of agency approvals and use of clauses required by law and regulation. It also provides for further refinement of the architectural aspects of the project.

The materials for PlanCon Part F "Construction Documents" are reviewed to determine their compliance with the requirements of the school laws of Pennsylvania, and the policies and regulations of the State Board of Education. Departmental approval of PlanCon Part F authorizes the proper bidding of the project and constitutes approval for entering into contracts.

Only work that is part of the final scope of work should be included in the PlanCon Part F construction documents. Work bid as a separate, non-reimbursable project must be excluded.

Construction Documents must be reviewed by PDE after the project has been advertised for bids but before the bids are received to minimize potential problems. Holding the PlanCon Part F review conference during the advertising period enables this office to review the actual documents used to bid a project and to advise a school district of any required changes that must be made to the bid documents to ensure a project's compliance with applicable legal, regulatory and Departmental requirements, and that the bid documents contain sufficient detail to calculate project reimbursement. Scheduling the PlanCon Part F review after bids have been opened could result in the need for a project to be rebid in order to address any revisions to the bid documents required to maintain a project's eligibility for reimbursement. Moreover, all addenda must be submitted for our review and approval as early as possible and prior to bid opening.

PlanCon Part F must be approved by the local school board before the PlanCon Part F architectural review. Failure to meet this requirement will, in general, result in cancellation of the architectural review.

The PlanCon Part F architectural review may be held in person or telephonically. "Partial" telephonic reviews, however, can not be scheduled; all parties must either be on the phone or attend in person. Consult with the PDE staff architect assigned to this project before scheduling the Part F review.

Pages F01-PHASE and F02-PHASE are available to facilitate the submission of work that is phased bid. School districts should be aware that PDE approval of PlanCon Part F-Phase is required before entering into contracts for each contract that is phased bid.

CHANGES AND CLARIFICATIONS

Qualified School Construction Bond (QSCB) and Qualified Zone Academy Bond (QZAB) Program:

QSCB and QZAB were authorized under the American Recovery and Reinvestment Tax Act (ARRA). If a project is funded in whole or in part with QSCB or QZAB, the project is subject to all corresponding administrative requirements related to the Davis-Bacon Act and the U.S. Department of Labor Prevailing Wage. Bid documents must include the following:

- a) a complete listing of the U.S. Department of Labor Prevailing Wage Rates applicable to this project;

- b) a complete listing of the Pennsylvania State Prevailing Wage Rates applicable to this project;
- c) instructions to the bidders explaining why both Federal and State Wage Rates are included in the bid documents;
- d) instructions to the bidders indicating their responsibility to compare the Federal and State Wage Rates for each classification of work and to use the higher Rate;
- e) instructions to the bidders indicating their responsibility to perform and to adhere to all related administrative functions, as required by the U.S. Department of Labor and the Commonwealth of Pennsylvania.

Architectural Review Attendance - the following must attend the architectural review:

- The Architect of Record or an architect contracted with the Architect of Record for this project. The architect attending the architectural review must be registered in Pennsylvania and must be knowledgeable about the project.
- Any consultant directly contracted with the school district/CTC who is responsible for preparing the drawings and specifications for any work that is part of this PlanCon project and who is not contracted with the Architect of Record.
- Any consultant who is responsible for preparing the drawings and specifications for any work that is part of this PlanCon project, but is not included in the documents prepared by the Architect of Record.
- A school district administrator who is knowledgeable about the project and the educational program.

To determine a project's compliance with applicable legal and regulatory requirements, the construction documents reviewed at the PlanCon F review for that project must be the actual documents used for bidding purposes. Revisions to the construction documents following the PlanCon Part F review must be submitted to, reviewed and determined by this office to be compliant with applicable requirements prior to bid opening. Changes to the construction documents following the PlanCon Part F review and prior to bid opening must only be made by addendum, a copy of which must be submitted to this office for review and approval prior to bid opening.

Specification Requirements - All bid specifications for this project must contain the required information described in Attachment B. The wording provided for each item listed is suggested but need not be verbatim. School districts are cautioned to obtain the advice of their solicitors concerning the appropriateness and exact wording of the clauses in the specifications.

Phased Bidding: The term "phased bidding" for these purposes means dividing the construction work into separate bid packages and then bidding the separate bid packages, such as asbestos abatement and demolition of structures unrelated to the project building, or the pre-purchase of construction materials and equipment, such as boilers, unit ventilators and structural steel, on different dates separated in time by several months. This differs from construction phasing where the entire construction project is bid at one time, but the work itself is phased over the construction period to accommodate contractor schedules and construction material delivery. Refer to the instructions for page E06 for additional information on phased bidding.

Rebidding - If bids are rejected and changes are made in the design, the architect must submit a written summary of the events that require the changes, as well as revisions to the affected PlanCon pages, specifications and plans and a copy of the new advertisement. The documents must be reviewed

and approved by the Department of Education prior to opening bids on this rebid. A PDE architectural review of the construction documents prepared for rebidding a project is required. The construction documents prepared for rebidding a project must comply with the PDE requirements. Questions should be directed to the PDE Architectural Consultant assigned to this project.

If a school district decides to rebid any work on an Act 34 project, the school district must not enter into construction contracts for any other work until rebids are opened and the school district can determine the viability of the entire project and its compliance with Act 34.

In certain instances, the Department has agreed to permit a school district to use bid phasing on an Act 34 project so long as the school district is willing to withhold entering into the contracts for certain work until the bids for the rest of the project are opened and the school district can determine the viability of the entire project and its compliance with Act 34.

Part F Review Documents - Documents that must be brought to the PlanCon Part F architectural review include: (1) PlanCon Part F forms with board action and signatures; (2) scheduled area plan; (3) all construction drawings and specifications (including all technical specifications), and addenda, if applicable, for all prime contracts (including asbestos abatement whether or not the asbestos work is contracted by the owner directly with the Architect of Record or with a certified asbestos consultant) that represent the total scope of work for the PlanCon project; and (4) a letter from the local sewer authority, if applicable, indicating the total dollar amount of the tap-in or reserve capacity fee for the project building. The letter must reference the specific school district and project building.

Non-Reimbursable Work: Due to legislative changes in the reimbursement formula, building or site construction related to other schools or structures (athletic stadium, maintenance building, bus garage, fitness center, daycare center, etc.) on the project site may not be bid with the PlanCon project unless an exception is granted.

Fully Functioning Building and Site: The **base bid** must include all work required for the complete operation of the project building and site unless an exception is requested and granted. Multiple base bids are not permitted.

Required work includes the following at a minimum:

- Components for the operation and use of the project building and its site minimally required by PDE - building envelope (roof, windows, doors, foundation, floor slab, structure); electrical system; lighting (general and emergency); plumbing; access to water (for drinking and sanitation); sanitary sewage disposal; heating and ventilation system; automatic temperature controls; door hardware and locking systems; public address system; site access for vehicular traffic;
- Applicable local, state and regional codes, permits and other approvals such as but not limited to the fire alarm system, sprinkler system, stormwater management, traffic signaling and highway access, sanitary sewage disposal, and access to water; and
- District/CTC Requirements (educational/operational/administrative) such as but not limited to televisions, telephone systems, building security system, data networking and computer technology.

County and Local Planning: If relevant Pennsylvania Municipalities Planning Code provisions apply, the school district must provide letters or equivalent written certifications from both the municipality and the county planning agency that the project is consistent with the applicable comprehensive plans and zoning ordinances. PlanCon Part F approval for a project will not be issued until these two certifications are received. All work required by the municipality and the county planning agency must be specified in the base bid.

Post-Bid Opening Processing Requirements: After bids are opened, the architect must contact the Division of School Facilities by telephone, fax or e-mail regarding the status of the project's planned timeframe for bid awards and/or partial or complete rebidding options. Further, the architect must verify that all addenda have been submitted and reviewed by this office prior to bid opening. The architect must also advise whether any redesign and/or rebidding will occur, and if so, which prime contracts will be affected and the associated timeline. Following board action to award and/or reject bids, Attachment C, Post-Bid Opening Certification, must be submitted for PDE review. PlanCon Part F approval for a project will not be issued until this certification is received, all bidding has been completed and board decisions have been made. Refer to Attachment C instructions for more information.

Special Session Act 1 of 2006: Architectural areas for elementary, secondary (including vocational), natatoriums, district administration offices, daycare/preschool and non-district use (public library, health clinic, etc.) must be reported on F12 if the provisions of Special Session Act 1 of 2006 apply. Bid cost breakouts for any construction related to natatoriums, district administration offices, daycare/preschool and non-district use must be reported on the bid forms and G08, Prime Contractor Certification, for all prime contracts.

Comprehensive Energy Modeling: Final energy modeling documentation must be provided by way of a "Statement of Energy Design Intent" generated from the EPA/DOE Target Finder tool.

GENERAL INSTRUCTIONS

Combined Bids: The Department recognizes that school districts may be able to achieve savings on school construction projects using "combined" bids. The potential for savings arises from the ability of a contractor to offer a discount if awarded a contract on two or more projects. Accordingly, the Department will accept "combined" bids. The term "combined" bids pertains to the preparation of one bid proposal by a prime contractor for two or more school construction projects bid at the same time. Acceptance of "combined" bids does not, however, preclude the requirement for multiple contracts (e.g., general, plumbing, electrical, or any other specified work) as required by 24 P.S. § 7-751.

Draft "combined" bid specifications must be submitted to the Department prior to the submission of PlanCon Part F "Construction Documents" and the advertisement for bids for all applicable projects. This will provide ample time for review of the "combined" bid specifications to ensure their compliance with Departmental requirements. Failure to comply with this requirement may impact on the eligibility of a project for reimbursement.

"Combined" bid specifications must state how the lowest responsible bidder will be chosen - base bid or base bid plus accepted alternates. Moreover, if both individual bids and combined bids are specified for a prime contract, the combined bid, to be chosen as the lowest responsible bidder, must be less than or equal to the sum total of the lowest individual bids for all projects bid. The "combined" bid must include a breakout price for each individual project (reimbursable and non-reimbursable) bid. The sum total of the bid breakout prices must equal the "combined" bid price. The bid documents must advise prospective bidders that the bid breakout prices are for administrative purposes only and will not be used as the basis for determining the lowest responsible bidder. Administrative breakouts will be used without exception for reimbursement and Act 34 purposes; breakout prices must be used in completing Part G pages, including but not limited to G02 and G08 (Prime Contractor Certification). When bidding two or more projects, work on one project cannot be specified as an alternate for another project. Each individual project must have its own bid documents. Each individual project must also have its own contract documents.

Approval to Enter into Contracts: Section 731 of the Public School Code of 1949 states that no public school building shall be contracted for, constructed, or reconstructed, in any school district of the second, third, or fourth class until plans and specifications have been approved by the Department of Education. Departmental approval of final plans and specifications only occurs upon the issuance of written approval of PlanCon Part F "Construction Documents." For the Philadelphia City and Pittsburgh School Districts, PlanCon Part F must also be approved by the Department prior to entering into contracts for a school construction project to qualify for state reimbursement. Failure to comply with the applicable statutory or Departmental requirement will result in denial of reimbursement for a project.

Departmental approval of PlanCon Part F for a project does not guarantee reimbursement for that project. A project is deemed eligible for reimbursement only upon written approval of PlanCon Part G "Project Accounting Based on Bids."

Calculation of the temporary reimbursable percent for the project's financing occurs at PlanCon Part H "Project Financing." Microfilm of the drawings and specifications for all contracts, including phased work, asbestos removal, etc., if applicable, must be submitted with Part H documents. The permanent reimbursable percent is calculated at PlanCon Part J "Project Accounting Based on Final Costs."

PART F TRANSMITTAL, PAGES F01 and F02

Complete these pages in order to formally submit PlanCon Part F. Mark an X in front of all applicable materials on the submission. Mark N/A at all that are not applicable.

PART F PHASED WORK TRANSMITTAL, PAGES F01-PHASE and F02-PHASE

Use pages F01-Phase and F02-Phase to formally submit those portions of Part F pertaining to the construction documents for work that is phased bid. This form may be used to submit a request for phased bidding even though this was not done at Part E. Refer to the instructions for Part E for conditions where phased work can and cannot be approved.

Projects approved for phased bidding involve planned work to be bid at different times as originally scheduled by a school district. With phased bidding, a bid opening schedule for each project phase is established and adhered to by the school district after receiving PDE approval. PDE approval of PlanCon Part F-Phase is required before entering into contracts for each contract that is phased bid. For each phase, a PlanCon Part G must then be submitted and approved by PDE after the bids are received and awarded. After the final phase is bid, a comprehensive PlanCon Part G, including all prior bid phases, must be submitted and approved. A project's reimbursement status is determined based on the final project phase.

PART F ROOM SCHEDULE, PAGES F03 THROUGH F14

Refer to the instructions for Part A "Project Justification" and the completed architectural plans to complete the following forms. Note that the forms should depict the scheduled areas and the architectural areas of the base bid for the project building. Include only those areas that are part of the base bid. If the alternate bids are accepted, affected Part F forms must be resubmitted before further processing of the PlanCon Part F submission can take place.

- ENROLLMENT PROJECTIONS BY GRADE LEVEL, PAGE F03 - use higher of number at Part A or Part F for both Sections A and B;
- PLANNED CAPACITY FOR PROJECT GRADES - List all buildings, including the project building, in the same grade level grouping. For the project building's Planned FTE, sum Page F05, Building Total, and Page F08, MS/SEC

Utilization. For any building with a recently approved PlanCon Part A or F, report the planned FTE from the most recent approval. For other buildings in the same grade level grouping as this project building, report the FTE based on the planned use of that building based on the school district's current plans. If, for example, a building will now remain open that the school district previously intended to close, the FTE reported on this page for that building should reflect that change.

- ELEMENTARY ROOM SCHEDULE FOR PROJECT BUILDING, PAGES F04-F05;
- MIDDLE/SECONDARY ROOM SCHEDULE FOR PROJECT BUILDING, PAGES F06-F08;
- CENTRAL DISTRICT ADMINISTRATION OFFICE, PAGE F09;
- VOCATIONAL ROOM SCHEDULE FOR PROJECT BUILDING, PAGE F10;
- ROOM SCHEDULE ADJUSTMENTS, PAGE F11;
- PROJECT FULL TIME EQUIVALENTS, PAGE F12;
- COMPARATIVE DESIGN ANALYSIS, PAGE F13; and

If the architectural area of the proposed addition is less than or equal to 20%, but greater than 18% of the existing building, the project architect must provide appropriate documentation to substantiate the figure. Documentation should include:

1. Copy of the floor plan showing all levels of the building, noting the method of calculation; and
2. Copy of calculations and conclusions. This can be included on the floor plan along with the areas noted. These calculations must be submitted with the Part F submission. If there any questions, contact the PDE reviewing architect.

NOTE: Even if this information was provided previously, it must be resubmitted with Part F to verify the calculations.

- FULL TIME EQUIVALENTS CONVERTED TO RATED PUPIL CAPACITY, PAGE F14.

CERTIFICATE OF OWNERSHIP, PAGE F15

Complete this page only if the project includes the purchase, donation, or taking of property acquired as part of this PlanCon project even if the school district is not seeking reimbursement for the site acquisition. Chapter 21 of the State Board of Education Regulations requires a clear title to property purchased for school purposes. To ensure that all properties acquired as part of this project are in fact owned by the school district prior to advertising for construction bids, the school solicitor must certify that settlement has taken place for all properties purchased or donated. For those properties acquired through the eminent domain process, the solicitor must certify that all appeals related to the amount of taking have been resolved and only the determination of just compensation and damages remains outstanding.

CONSTRUCTION SPECIFICATION REQUIREMENTS, PAGE F17

This page is to be completed by the professional who prepared the construction documents for this project building. For each requirement, give the page number in the construction documents where this information appears.

NOTE: A separate Page F17 must be submitted for each set of construction specifications and must be submitted for each phase of phased bidding.

ROUGH GRADING TO RECEIVE THE BUILDING, PAGE F18

Page F18 provides instructions for reporting costs for rough grading to receive a building. Note that information on this page is used to determine reimbursable site costs.

SANITARY SEWAGE DISPOSAL, PAGE F19

Page F19 provides instructions for reporting costs for sanitary sewage disposal. Note that information on this page is used to determine reimbursable sanitary sewage costs. Reimbursement is limited to new full-time equivalent capacity unless an exception is requested by the school district/CTC and granted by this office.

CERTIFICATION IN LIEU OF AGENCY APPROVALS, PERMITS & SERVICE AVAILABILITY LETTERS, PAGE F20

It is the responsibility of the applicant to obtain all necessary permits and approvals. The school district and its design professionals are responsible for identifying all of the applicable requirements. The school board certifies on Page F20 that applicable approvals and reviews have been, or will be obtained prior to entering into construction contracts.

NOTE: Page F20 must be completed and submitted for each phase of phased bidding. Bids may be opened and awarded but contracts can not be executed until PDE approval for each bid phase.

County and Local Planning Commissions: As per Section 305 of the Pennsylvania Municipalities Planning Code, following the adoption of a comprehensive plan or any part thereof by any municipality or county governing body, any proposed action by a school district located within the municipality or county relating to the location, demolition, or removal of any school district structure must be submitted to the municipal and county planning agencies for their recommendations at least 45 days prior to the execution of such proposed action. For further guidance on these and other requirements, contact the Department of Community and Economic Development. If relevant Pennsylvania Municipalities Planning Code provisions apply, the school district must provide letters or equivalent written certifications from both the municipality and the county planning agency that the project is consistent with the applicable comprehensive plans and zoning ordinances. PlanCon Part F approval for a project will not be issued until these certifications are received.

POST-BID OPENING CERTIFICATION ATTACHMENT C

Following bid opening and the decision by the local school board to award and/or reject bids but prior to the school district entering into construction contracts, Attachment C, with information on bids received, alternates accepted and other pertinent information, must be submitted before final processing of PlanCon Part F can take place. PlanCon Part F approval for a project will not be issued until this certification is received, all bidding has been completed and board decisions have been made.

Submit an Attachment C after each bidding event and following the 2nd Act 34 hearing or referendum.

Submit one Attachment C for each project building when the PlanCon project is combined-bid with other projects.

The following guidance pertains to the specific information required on Attachment C:

Bid Opening Date:

Indicate the date when bids for the prime contract(s) were opened.

Bid Award Date:

Indicate the date when the Board plans to award contracts for each prime contract that was bid.

Expected Date Construction Contract Will Be Executed:

Indicate the date when the Board plans to execute contracts for each contract bid and awarded. Note that the contract execution date must not have already occurred. Also, be sure to allow adequate time for PDE processing and approval of Part F in determining this date.

1. Did the school district/CTC receive bids for each prime contract?

If the answer is "No," indicate how the Board has decided to proceed.

2. OCIP: If included in the project via the Quote Method or the Bid Alternate Method, indicate the Board's final decision.

Indicate how construction insurance will be provided: Insurance by Owner (OCIP Project) or Insurance by Contractor (Non-OCIP Project).

3. How did the bids compare with estimates?

Indicate how the overall bid results compared with PlanCon Part D estimates for each prime contract that was bid.

4. Indicate the number/date of the last addendum, issued before the bid opening for this project.

Indicate the final addendum, bulletin, or revision number/date/name for each consultant's set of bid documents.

5. Indicate the bid alternates that have been accepted.

List all alternates (by alternate name and/or alternate number) that were accepted.

6. Do any of the accepted bid alternates affect reimbursable capacity, Act 34 capacity, scheduled area or architectural area? If yes, submit revised Part F documents.

List any accepted alternates that affected reimbursable capacity, Act 34 capacity, scheduled and/or architectural area. Indicate the PlanCon Part F Pages that will need to be revised and resubmitted for Departmental review.

If any accepted alternate affected reimbursable capacity, Act 34 capacity, scheduled and/or architectural area, revised F pages and a revised Scheduled Area Plan must be submitted with Attachment C for Departmental review and approval.

7. Is a second Act 34 hearing or referendum required based on the planned bid award (base bid plus accepted alternates)?

Indicate whether a 2nd Act 34 Hearing or Act 34 Referendum is required based on the bids awarded. If a 2nd Act 34 Hearing or Act 34 Referendum is required, indicate when the Act 34 hearing or referendum was or will be held.

8. Is the school district/CTC planning to rebid any prime contracts? If yes, what is the purpose, scope and timeline associated with this rebid?

Indicate which prime contracts will be rebid with a brief description of the scope of construction changes and the rebidding timeline.

9. Have there been or could there be discussions before contract execution with any bidders about possible bid adjustments to the project scope through the issuance of future construction change orders following contract execution? If yes, describe the nature of those discussions.

Indicate a definitive "Yes" or "No." If the answer is "Yes," provide a detailed written description for each proposed change order that will be executed during construction. Your answer should include the following information:

- a. The name of each bidder with which the Board has had discussions;
- b. The name of each prime contract affected;
- c. Cost estimates;
- d. Detailed description of proposed revisions to the scope of construction;
- e. Revised PlanCon Part F forms, Part F Room Schedules, and Scheduled Area Plans.

Note: The above-referenced items must be submitted to the Department for review and approval before Part F processing can continue.

The Department strongly recommends either rebidding a project or using bid alternates to identify potential cost savings in the bidding of PlanCon projects since any subsequent litigation overturning the determination of the lowest responsible bidder could cause a project to become ineligible for reimbursement. Authorization by the Department to change the scope of construction and/or bid amount without rebidding will be determined on a case-by-case basis.

PLANS AND SPECIFICATIONS

GENERAL SCHEDULED AREA FLOOR PLAN DRAWING: Provide a separate drawing of the project building's floor plan that identifies the scheduled spaces listed on the Part F room schedule(s). **Scheduled area is measured from the inside surface of all walls.** Scheduled space includes instructional spaces such as classrooms, laboratories, planetaria, observatories, student project rooms, student activity rooms, seminar rooms, shops, band and chorus rooms, physical education stations and other areas which accommodate direct student instruction. It also includes general use areas such as libraries, instructional materials centers, locker and shower rooms, team rooms, instructors' offices, multi-purpose rooms, cafeterias including kitchen and storage, auditoriums including stage, health and first aid rooms, and faculty rooms; and administrative office suites including conference rooms. Not included are service areas, such as general storage, toilet rooms, custodian rooms, maintenance areas, utility areas, and circulation areas such as hallways and stairways. **GUIDELINES FOR CALCULATING SCHEDULED AREAS ARE INCLUDED IN THE PART A INSTRUCTIONS, ATTACHMENT E.**

The perimeters of the calculated scheduled areas must be highlighted in a contrasting color on the building floor plan. Use a different color to differentiate existing spaces from newly constructed spaces. Mark the name of each space inside the outlined areas. Do not use legends or arrows.

CONSTRUCTION SPECIFICATIONS: Provide one copy of the bid specifications. Refer to Attachment B, Specification Requirements, for detailed information on specification requirements. School construction projects require at least four separate contracts: (1) general; (2) plumbing; (3) heating, ventilating and air conditioning; and (4) electrical. The Pennsylvania Department of Education also requires a fifth prime contract for asbestos abatement unless an exception is granted.

CONSTRUCTION PLANS: The scale of the various drawings must permit reasonable understanding and discussion of the design and convey, along with the specifications, information to the contractors adequate to promote competitive bidding and construction of the project. Each space should be clearly labeled within, but not by number and legend or arrow. Drawings must also reflect any changes required by the Pennsylvania Department of Labor and Industry, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation, and any other state, local and regional agency with jurisdiction.

All construction documents must bear the Pennsylvania seal of a registered architect and the PDE project number, the project building name, the name of the school district or career and technical center (CTC), and the county in which the school district or CTC is located.

NOTE: **Add or deduct alternate bids** which affect the scheduled area and/or architectural area must be clearly marked on the floor plan drawing which identifies the spaces listed on the Room Schedule with calculated areas noted therein and on the construction drawings.

**SUGGESTED LANGUAGE TO BE INCLUDED IN
THE CONSTRUCTION SPECIFICATIONS FOR
THE PRIME CONTRACTOR CERTIFICATION REQUIREMENT**

As indicated on the Bid Form, the apparent **LOW** bidders shall submit the Prime Contractor Certification form to the Architect within five (5) days upon request. This form is required to provide the Pennsylvania Department of Education with information requisite to this project's reimbursement calculations. Refer to the attached specimen of this form, Page G08.

The following description of the alteration work in the existing building to be performed by the **(name of contract)** summarizes the anticipated alteration work. The Contractor is advised that this description is NOT intended to be comprehensive, but rather to illustrate the type of alteration work anticipated and approved by the Pennsylvania Department of Education.

WORK TO BE PERFORMED BY THE **(name of contract)** CONTRACTOR

SPECIFICATION REQUIREMENTS

All specifications for construction, reconstruction and repair must contain the items described below. The wording provided for each item listed is suggested but need not be verbatim. School districts are cautioned to obtain the advice of their solicitors concerning the appropriateness and exact wording of the clauses in the specifications.

1. NON-TECHNICAL SPECIFICATIONS:

- A. **PROPOSED ADVERTISEMENT:** (Section 106 of the Public School Code of 1949, as amended. Exceptions for solicitation of bids authorized under Section 751a and b).
- B. **INSTRUCTIONS TO BIDDERS:** The conditions of bidding, bonds and insurance required, procedures, etc.
- C. **BID FORMS:** Prepared for separate contracts, uniformity of bidding, and adherence to the plans and specifications (Section 751a of the Public School Code of 1949, as amended).
- D. **GENERAL AND SUPPLEMENTAL CONDITIONS:** The documentation where the architect and the owner establish the conditions under which the work will be done and what happens when various circumstances arise, etc., including items E through M below.
- E. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BONDS:** For any contract exceeding \$5,000, wording about this requirement must be provided:

PERFORMANCE AND LABOR AND MATERIAL PAYMENT BONDS: the contractor shall provide a performance bond and a labor and material payment bond, each in the amount of 100% of the contract price, before the award of the contract. (Sections 756 and 757 of the Public School Code of 1949, as amended, and the Public Works Contractors Bond Law of 1967).

- F. **DISCRIMINATION PROHIBITED:** For each contract entered into by a government agency for the construction, alteration or repair of any public building or public work, wording about this requirement must be provided:

DISCRIMINATION PROHIBITED: According to 62 Pa. C.S.A. § 3701, the contractor agrees that:

1. In the hiring of employees for the performance of work under the contract or any subcontract, no contractor, subcontractor or any person acting on behalf of the contractor or subcontractor shall by reason of gender, race, creed or color discriminate against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
2. No contractor or subcontractor or any person on their behalf shall in any manner discriminate against or intimidate any employee hired for the performance of work under the contract on account of gender, race, creed or color.
3. The contract may be canceled or terminated by the government agency, and all money due or to become due under the contract may be forfeited for a violation of the terms or conditions of that portion of the contract.

G. **COMPLIANCE WITH HUMAN RELATIONS ACT:** Wording about this requirement must be provided:

HUMAN RELATIONS ACT: The provisions of the Pennsylvania Human Relations Act, Act 222 of October 27, 1955 (P.L. 744) (43 P.S. Section 951, et. seq.) of the Commonwealth of Pennsylvania prohibit discrimination because of race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap, disability or use of guide or support animal, by employers, employment agencies, labor organizations, contractors and others. The contractor shall agree to comply with the provisions of this Act as amended that is made part of this specification. Your attention is directed to the language of the Commonwealth's non-discrimination clause in 16 PA. Code 49.101.

H. **CONDITIONS OR PAYMENT OF WAGES:**

COMPETENT WORKMEN: For projects where the **total estimated cost is \$25,000 or less**, wording about this requirement must be provided:

According to Section 752 of the Public School Code of 1949, no person shall be employed to do work under such contract except competent and first class workmen and mechanics.

COMPETENT WORKMEN: No workmen shall be regarded as competent first class, within the meaning of this Act, except those who are duly skilled in their respective branches of labor, and who shall be paid not less than such rates of wages and for such hours work as shall be established and current rates of wages paid for such hours by employers of organized labor in doing of similar work in the school district where work is being done.

PENNSYLVANIA PREVAILING WAGE RATES: Projects where the **total estimated cost is greater than \$25,000**, paid for in whole or in part out of funds of a public body, except for maintenance work or work performed under a rehabilitation program or manpower training program must specify "Prevailing Wages." Further information on implementation of the act, definition of maintenance work and prevailing wage rates may be requested from the Pennsylvania Department of Labor and Industry at (800) 932-0665 or (717) 705-5969). When applicable, use Davis-Bacon wage rates for federally assisted projects.

Recommended procedure is to include the applicable published wage rates for the project within the body of the specification, if possible, or at least issue the rates accompanying the specifications, or by addendum.

The conditions, provisions and requirements of the Pennsylvania Prevailing Wage Act, by proper references, shall be specified for compliance. The following brief reference may be used for minor project specifications:

PENNSYLVANIA PREVAILING WAGE RATES: This regulation and the general Pennsylvania prevailing minimum wage rates, (Act 442 of 1961, P.L. 987, amended), as determined by the Secretary of Labor and Industry, which shall be paid for each craft or classification of all workers needed to perform the contract during the anticipated term therefore in the locality in which public work is performed, are made part of this specification.

- I. **STANDARD OF QUALITY:** A Standard of Quality must be defined. The following wording would permit substitutions if included in the specifications.

STANDARD OF QUALITY: The various materials and products specified in the specifications by name or description are given to establish a standard of quality and of cost for bid purposes. It is not the intent to limit the bidder, the bid or the evaluation of the bid to any one material or product specified but rather to describe the minimum standard. When proprietary names are used, they shall be followed by the words "or alternatives of the quality necessary to meet the specifications". A bid containing an alternative which does not meet the specifications may be declared non-responsive. A bid containing an alternative may be accepted but, if an award is made to that bidder, the bidder will be required to replace any alternatives which do not meet the specifications.

- J. **COMPLIANCE WITH STEEL PRODUCTS PROCUREMENT ACT:** For projects where steel or steel products are specified, wording about this requirement must be provided:

PROVISION FOR THE USE OF STEEL AND STEEL PRODUCTS MADE IN THE U.S.: In accordance with Act 3 of the 1978 General Assembly of the Commonwealth of Pennsylvania, if any steel or steel products are to be used or supplied in the performance of the contract, only those produced in the United States as defined therein shall be used or supplied in the performance of the contract or any subcontracts thereunder.

In accordance with Act 161 of 1982, cast iron products shall also be included and produced in the United States. Act 144 of 1984 further defines "steel products" to include machinery and equipment. The act also provides clarifications and penalties.

- K. **PROHIBITION ON CASH ALLOWANCES:** Any reference that implies the presence of cash allowances must be deleted.

Cash allowances are prohibited.

- L. **TIME(S) OF COMPLETION OF THE PROJECT:** Completion dates for projects must be stated in terms of actual date(s) or the number of calendar days after the notice to proceed with the work.

- M. **OWNERS COMPLIANCE IN RETAINING PAYMENTS:** If the school district intends to retain a percentage of the payments to the contractors throughout the duration of the project, it should be clearly stated in the specifications. Retaining of payments must be done in accord with 62 Pa. C.S.A. § 3921.

2. **TECHNICAL SPECIFICATIONS:** This portion of the specifications must contain the documentation for the actual construction processes, materials, equipment and work to achieve the objectives of the project.

ATTACHMENT C IS LOCATED IN THE EXCEL FILE "PLNCN2010\F2010ATTC"

THIS PAGE IS INSERTED HERE SO THAT THE FOLLOWING
PAGES WILL BE NUMBERED CORRECTLY.