

**FEAE-R Construction on District Property Funded by Others**

8/16/18

GSBA Reference: FEAE (Community Involvement in Project Planning)

**RATIONALE/OBJECTIVE:**

The Cobb County School District (District) requires that all improvements to District property comply with state, local, and District standards. The District has therefore established procedures for community organizations and/or individuals who desire to make such improvements.

**RULE:**

**A. GENERAL REQUIREMENTS:**

1. Any improvements to existing District property, whether new construction, modification, alteration or renovation, either interior or exterior in nature, proposed by an individual or organization other than the District shall not be commenced until plans, specifications and projected costs have been reviewed and approved by the facility supervisor (i.e., principal), Project Coordinator as designated by SPLOST, Chief Financial Officer and Superintendent.
2. District property includes, but is not limited to, land, administrative facilities, academic facilities, athletic facilities, grounds, and unimproved portions of school or administrative sites.
3. Documentation showing funds available for the project (current bank statement and organization's financial statement), proposed financing, and plans for paying off any debt incurred for the project shall be submitted as part of each application for project approval.
4. Projects estimated to cost more than two-hundred thousand dollars (\$200,000) shall be evaluated by the Project Coordinator and recommended by the Superintendent to the Board of Education (Board) for approval and authorization in compliance with Board Policy DI (Accounting and Reporting).
5. The school community should be notified of proposed changes as outlined in Board Policy KB (Public Information Program).
6. All grant funded projects must be coordinated with the Accountability, Research, and Grants Department.

**B. PROCEDURES:**

Any organization or individual wishing to perform work or make improvements on District-owned property shall comply with the following procedures:

1. **Under \$25,000:**

a. **Development of Project Scope:**

(1) The facility supervisor (i.e., principal), or designee is to participate in preliminary discussions with the Project Coordinator to determine project feasibility and requirements.

(2) If the project is determined to be feasible, proceed with project design.

**NOTE:** If a third-party general contractor will be hired to perform any portion of the work and the estimated cost of such work exceeds \$10,000, the contract opportunity will be advertised in the Georgia Procurement Registry as required by O.C.G.A. § 36-80-26.

(This requirement does not apply if the goods or services for the project are begin donated or are being supplied by volunteers.)

b. **Submission of Documentation for Approval of Proposed Work:**

(1) Submit to the Project Coordinator:

(a) Request for Project Approval (Form FEAE-1), to include the estimated cost and proposed financial plan (Note: Form FEAE-1 must first be reviewed by Procurement Services for projects exceeding \$10,000.);

(b) Proposed drawing and specifications (if applicable);

(c) Appropriate waiver form (Form FEAE-2 [Contractor/Individual], Form FEAE-3 [Parent/Guardian/Child], or Form FEAE-4 [Club/Organization], as appropriate);

- (d) Verification of project funding (current bank statement, and organization's financial statement) being set aside for total project cost; and
      - (e) A copy of building/trade permit, if applicable.
    - (2) The Project Coordinator will review the submissions and will approve or reject the project. Action will be communicated to the applicant from the Project Coordinator and the project may commence.
  - c. **Verification of Work:**

The Project Coordinator or designee will make periodic site visits to review the progress of the work and ensure that the work is being performed in accordance with the approved plans and specifications.
  - d. **Project Completion:**
    - (1) When the project is complete, notify the Project Coordinator for final inspection.
    - (2) A copy of the Project Completion Financial Information, Form FEAE-5 must be submitted by the facility supervisor (i.e., principal), to the Capital Projects Accounting Manager.
2. **\$25,000 up to \$199,999.99:**
- Projects with an estimated total cost between \$25,000 and \$199,999.99 must be evaluated by the Project Coordinator and approved by Coordination Record and shall comply with the following procedures:
- a. **Development of Project Scope:**
    - (1) The facility supervisor (i.e., principal), or designee is to participate in preliminary discussions with the Project Coordinator to determine project feasibility.
    - (2) If the project is determined to be feasible by Project Coordinator, proceed with project design and provide the following to the Project Coordinator for review and approval:
      - (a) Proposed drawing; and
      - (b) Project specifications (if applicable).
    - (3) Upon approval of plans, submit final plans to Cobb County or City having jurisdiction and obtain building permit.
  - b. **Submission of Documentation for Final Project Approval:**
    - (1) Submit to the Project Coordinator the following:
      - (a) Request for Project Approval (Form FEAE-1), to include estimated cost and proposed financial plan;
      - (b) Appropriate waiver form (Form FEAE-2 [Contractor/Individual], Form FEAE-3 [Parent/Guardian/Child], or Form FEAE-4 [Club/Organization], as appropriate);
      - (c) Copy of building permits and other required permits for file;
      - (d) Contractor's certificate of insurance for final approval;
      - (e) Financing Plan (current bank statement, and organization's financial statement) which must include a 10% contingency fund for unforeseen conditions;
      - (f) Projects with an estimated cost of \$100,000 or more must comply with the requirements of the Georgia Local Government Public Works Construction Law, O.C.G.A. § 36-91-1 *et seq.* and, in connection therewith, the project must be competitively bid and the proposed contractor must provide payment and performance bonds as part of final approval of such projects.
      - (g) All projects with an estimated cost of \$100,000 or greater must consult with the District's Procurement Department in order to comply with Georgia Local Government Public Works Construction Law, O.C.G.A. § 36-91-1 *et seq.*
    - (2) When all documents required in Section (1) have been received and approved, the Coordination Record will be prepared and presented for approval.
    - (3) Action will be communicated to applicant from the Project Coordinator and the project may commence.
  - c. **Verification of Work:**
    - (1) The Project Coordinator or designee will make periodic site visits to review the progress of the work and ensure that the work is being performed in accordance with the approved plans and specifications.
    - (2) The appropriate inspections must be made by the authorities having jurisdiction, including the Fire Marshal, throughout the construction process in order to receive the Certificate of Occupancy when the project is completed.

d. **Project Completion:**

- (1) A copy of the Certificate of Occupancy, (C.O.), must be submitted to the Project Coordinator before the project can be used for its intended purpose.
- (2) A copy of the Project Completion Financial Information, Form FEAE-5 must be submitted by the facility supervisor (i.e., principal), to the Capital Projects Accounting Manager.

3. **\$200,000 or More:**

Projects with an estimated total cost of \$200,000.00 or more must be evaluated by the Project Coordinator and recommended by the Superintendent for approval by the Board and shall comply with the following procedures:

a. **Initial Project Scope Review:**

The facility supervisor (i.e., principal), or designee shall meet with the Project Coordinator to discuss project scope, project budget and feasibility. Once the project scope and feasibility has been reviewed and approved, the facility supervisor (i.e., principal), and/or designee may proceed to engage the required design professionals to provide the contract documents for the project.

b. **Procurement of Construction Services:**

Procurement of construction services for the Proposed Project shall be in accordance with the following:

- (1) Georgia Board of Education Rule 160-5-4-.15; and
- (2) Georgia Local Government Public Works Construction Law, O.C.G.A. § 36-91-1 *et seq.*

c. **Submission of Documentation for Final Project Approval:**

- (1) Submit to the Project Coordinator:
  - (a) Request for Project Approval (Form FEAE-1), to include final cost and proposed financial plan;
  - (b) Appropriate waiver form (Form FEAE-2 [Contractor/Individual], Form FEAE-3 [Parent/Guardian/Child], or Form FEAE-4 [Club/Organization], as appropriate);
  - (c) Copy of all building permits and other required permits for file;
  - (d) Contractor's certificate of insurance for final approval;
  - (e) Projects must have a performance and payment bond submitted as part of the final approval; and
  - (f) Financing Plan (current bank statement, and organization's financial statement) which must include a 10% contingency fund for unforeseen conditions.
- (2) When all documents required in Section (1) are received and approved, the project will be presented to the Board for approval.
- (3) Board action will be communicated to applicant from the Project Coordinator and the project may commence.

d. **Verification of Work:**

- (1) The Project Coordinator or designee will make periodic site visits to review the progress of the work and ensure that the work is being performed in accordance with the approved plans and specifications.
- (2) The appropriate inspections must be made by the authorities having jurisdiction, including the Fire Marshal, throughout the construction process in order to receive the Certificate of Occupancy when the project is completed.

e. **Project Completion:**

- (1) A copy of the Certificate of Occupancy (C.O.) must be submitted to the Project Coordinator before the project can be used for its intended purpose.
- (2) A copy of the Project Completion Financial Information, Form FEAE-5 must be submitted by the facility supervisor (i.e., principal), to the Capital Projects Accounting Manager.

**C. COMMUNICATIONS FACILITY GUIDELINES:**

Board Policy specifically requires the school community to be notified of proposed cell tower construction. Procedures for this notification are outlined in Board Policy KB (Public Information Program).

1. Telecommunications companies/cell tower owners that are requesting easement and lease agreements with the District to construct and maintain telecommunications facilities/cell towers on school sites shall be governed by the following rules and regulations:
  - a. The Director of Planning shall be designated as the Project Coordinator.

b. **The Project Coordinator shall:**

- (1) Record the details of requests on a Request Form containing the following information:
    - (a) Name of telecommunications company/cell tower owner;
    - (b) School site;
    - (c) Type of structure (free-standing tower, light tower, co-location, or coaxial cable booster facility);
    - (d) Anticipated height and size of structure(s); and
    - (e) Name, address and telephone number of contact person at the telecommunications/cell tower company
  - (2) Be responsible for keeping files containing all correspondence relating to the request and approval of the proposed project.
  - (3) Notify the appropriate Level Assistant Superintendent.
  - (4) Contact the facility supervisor (i.e., principal), where the site is requested and determine if there is interest in pursuing the request. The date of contact is to be documented.
    - (a) If there is no interest, the Project Coordinator shall send a letter to the telecommunications company/cell tower owner stating that the District is not interested in pursuing negotiations. That letter is to be placed in the Project Folder and the issue is considered closed.
    - (b) If there is interest, the Project Coordinator shall schedule a meeting at the school to include the facility supervisor (i.e., principal), Project Coordinator, and representatives of the telecommunications company/cell tower owner.
  - (5) Notify the Board Member for the school once the initial school site meeting has occurred.
- c. Once the proposal has been approved by the facility supervisor (i.e., principal), and the appropriate Board Member has been notified, feasibility testing by the telecommunications company/cell tower owner may begin.
  - d. The facility supervisor (i.e., principal), shall be required to conduct a community survey or community forum to solicit input on the proposed facility. Input received should be reviewed by the Project Coordinator and Administration prior to making a recommendation to the Board.
  - e. The Project Coordinator shall be responsible for negotiating payment by the telecommunications company/cell tower owner for the easement or lease provided by the District. The Project Coordinator has the duty to obtain fair market value for the easement or lease. Independent appraisals may be used to determine the fair market value.
  - f. The Project Coordinator shall comply with all legal requirements specified in Board Policy and District Administrative Rules. The telecommunications company/cell tower owner shall be notified of these legal requirements by the Project Coordinator.
  - g. The easement or lease agreement governing the transaction shall be approved by the Board.
  - h. Upon receipt of payment, the Project Coordinator shall deliver the payment for the easement or lease to the District's Chief Financial Officer, along with a copy of the fully executed easement or lease agreement.

**D. LEGAL REQUIREMENTS:**

1. Legal counsel for the District shall prepare all contracts, working with the telecommunications companies'/cell tower owner's legal counsel.
2. The telecommunications company/cell tower owner shall be required:
  - a. To provide all site specifications, drawings, legal descriptions, and surveys prior to the drafting of the lease or easement agreement. These specifications must be approved by the Project Coordinator; and
  - b. To pay all legal fees and expenses associated with the transaction.
3. **Payments:**
  - a. No agreements shall have an initial term of over five (5) years;
  - b. Cell Tower Rent:  
Payment for at least five years shall be paid in advance at the beginning of each term;
  - c. If the telecommunications company/cell tower owner should have additional antenna tenants, monthly fees as defined by the lease agreement shall be paid to the District and submitted to the District's Project Coordinator.

4. All agreements shall be terminable at the will of the District if the site should be needed for educational purposes, as determined in the District's sole and absolute discretion.
5. The District shall not agree to indemnify or hold harmless a telecommunications company for any reasons.
6. Any communications facility to be placed on District property shall be designed to structurally accommodate the maximum number of additional users technically practical. The telecommunications company/cell tower owner shall have the duty to negotiate in good faith for co-location by third parties.
7. The maximum height of cellular towers placed on District property shall not exceed two hundred (200) feet.
8. Upon expiration or termination of the lease or easement agreement, the telecommunications company/cell tower owner shall remove the telecommunications facility (excluding light towers) from the property at its sole cost and expense and return the facility to its original condition, reasonable wear and tear excepted.

**E. REVENUES:**

1. Revenues generated from telecommunication facility/cell tower lease and easement agreements shall be paid:
  - a. 60% to the host school;
  - b. 40% to be placed in a general account for use by other schools.
2. Level Assistant Superintendents will determine appropriateness by request of schools for the dispensation of the 40%.
3. Revenues may also be used to pay for appraisals to determine fair market value of the easements and lease agreements.
4. The primary use of the funds by the schools should be for:
  - a. Curricular/co-curricular and extra-curricular activities which have a direct impact on staff and students;
  - b. Additional equipment and materials; and
  - c. Capital outlay projects which are similar to existing projects (example: assistance in retiring stadium debts).
5. Funds shall not be used for the following:
  - a. Celebration activities;
  - b. Staff and student incentive programs;
  - c. Activities of a social nature.

**F. MONITORING:**

1. The Project Coordinator shall provide to the head of his/her division monthly reports to containing the following:
  - a. New requests;
  - b. Pending proposals;
  - c. Approved agreements;
  - d. Payments received; and
  - e. Status of zoning approvals.
2. The Project Coordinator shall provide legal counsel with fully executed copies of the agreements upon receipt.

Approved: 10/13/82  
 Revised: 11/9/83; 8/8/84; 10/22/92, 12/13/95; 1/27/00; 1/23/03  
 Reclassified an Administrative Rule: 9/1/04  
 Revised: 9/22/05; 11/12/08; 4/15/09; 10/13/10  
 Revised and recoded: 8/23/12 (Previously coded as Administrative Rule FJA)  
 Revised: 12/10/14; 5/13/15; 4/22/16; 7/25/16; 8/16/18

Legal Reference	
O.C.G.A. 36-91-1	Local Government Public Works Construction
Rule 160-5-4-.03	Applications for State Capital Outlay Funding
Rule 160-5-4-.10	Approval of Plans and Specifications
Rule 160-5-4-.15	Processing of Plans and Specifications for Public School Construction
Rule 160-5-4-.16	Educational Facility Site, Construction, and Reimbursement