



CAPITAL CONSTRUCTION – PRIOR APPROVAL FOR USE OF FEDERAL FUNDING
NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
SFN 62336 (06-2023)

Please Print or Type

North Dakota school districts that intend to utilize federal funds (ESSER) for Capital Assets or Construction Projects must have prior approval. Each project must be submitted on separate forms.

Capital Assets for Construction Projects include any project labor contract in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. If ANY part of the project is funded through federal funding (ESSER) the entire project is mandated to follow DBRA requirements and to request prior approval.

PLEASE NOTE:

- Districts will need to submit [SFN 52304 \(School Construction Approval Process\)](#) for any projects over \$150,000.
- For projects over \$350,000, [SFN 52813 \(Facility Plan\)](#) is also required.
- Contracts using laborers paid with federal funds must meet all Davis-Bacon requirements.
- Construction activities must comply with provision 34 CFR 76.600 requirements. (Attach construction designs)

Funding Type (<i>select one</i>) <input type="checkbox"/> ESSER II <input type="checkbox"/> ESSER III <input type="checkbox"/> Other Federal Program _____			
Name of School District			
Projected Plan Approval Date	Projected Bidding Date	Projected Building Start Date	Projected Completion Date
Building/Location of project		Amount of Federal Funding Requested	
Projected Total Labor Costs		Projected Total Material Costs	
Provide a Description and Amounts of Additional Funding Sources			
Description of Proposed Construction Provide a Detailed Description of the Requested Project. The description should identify those components of the project that the district believes are in direct response to COVID-19 and explain the specific connections. Such examples of direct response components may include those related to air quality improvements, and repair or replacement of windows and/or doors. Additionally, identify those components that would not be considered in direct response to COVID-19. Such examples of indirect project components may include the provision of temporary classrooms due to construction activities and components mandated by code requirements due to the construction of the direct components (i.e., ADA improvements, fire code-related upgrades, etc.).			

<p>Procurement A Describe the procurement process the district will utilize in completing the project. For a construction project, both engineering/architectural services and construction phase services will likely be procured separately.</p>
<p>Procurement B If the district will be using an existing procurement agreement that was entered into prior to receiving notification of its ESSER allocation please provide a description of the process used and both the effective dates and scope of the contract. The district will need to keep copies of any documents that support the method of procurement used and a copy of the executed contract. This will be reviewed when the district is audited by NDE.</p>
<p>Prevailing Wage Compliance Provide a description of how the district will meet its prevailing wage (i.e, Davis-Bacon) compliance requirements for the construction project. For example, 1) the district staff will be responsible for the implementation and management of these requirements, or 2) the district will contract with an engineering/architectural firm to manage the construction activities to ensure compliance.</p>
<p>Supervision and Inspection by the District Describe how the district will meet the requirements of 34 CFR §75.606 and 34 CFR §75.612 requiring the district to maintain competent architectural engineering supervision and inspection at the construction site to ensure the work conforms to the approved drawings, specifications, and proposed timelines</p>

<p>The grantee has considered the probable effects of the proposed construction on any district, site, building, or structure that is included or eligible for inclusion in the National Register of Historic Places (34 CFR § 75.602) and initiated a section 106 review if a historic structure is effected.</p>
<p>The grantee has title or other interest in the site, including the right of access, that is sufficient to ensure that the grantee will have use and possession of the facility for 50 years or the useful life of the facility, whichever is longer (34 CFR § 75.603).</p>
<p>How is the grantee planning to monitor and ensure the construction is functional, economical, “necessary and reasonable” and not elaborate in design or extravagant in the use of materials as compared to other facilities in the State or other applicable geographic areas (34 CFR § 75.607) (2 CFR §§ 200.403-200.404) ?</p>
<p>How does the grantee plan to monitor that plans and designs for the facilities comply with applicable Federal, State, and local health and safety standards, as well as Federal requirements regarding access by persons with disabilities? (34 CFR §§75.609 and 75.610)?</p>
<p>Does the grantee have sufficient operational funds to operate and maintain the facility once the construction is complete and will the grantee operate and maintain the facility in accordance with all applicable Federal, State, and local requirements (34 CFR §§ 75.614 and 75.615)?</p>

Federally Mandated Contract Provisions

All contracts involving the use of federal funds to purchase goods or services are subject to certain federally mandated procurement contract provisions, as applicable, including:

Provision	Citation
Recipient Termination	2 CFR Part 200 Appendix II
Equal Employment Opportunity	E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
Clean Air Act	42 U.S.C. 7401-7671q. & 33 U.S.C. 1251-1387
Federal Water Pollution Control Act	33 U.S.C. 1251
Energy Efficiency	42 U.S.C. 6201
Copeland "Anti-Kickback" Act	18 U.S.C. 874 and 40 U.S.C. 276C
Byrd Anti-Lobbying Amendment	31 U.S.C. 1352
Debarment and Suspension	E.O. 12549, 12689 & 2 CFR 180.220
Recycling	2 CFR Part 200 Appendix II
Davis-Bacon Act	40 U.S.C. 3141-3144, 3146-3148 & 29 CRP Part 5
Contract Work Hours and Safety Standards Act	40 U.S.C. 3702, 3704 & 29 CFR Part 5
Rights to Inventions Made under a Contract or Agreement	37 CFR part 401
Contractor Breach Clause	2 CFR Part 200 Appendix II
Prohibition on Telecom Companies	2 CFR 200.216
Small and Minority Business Requirements for Subcontracting	2 CFR 200.321
Domestic Preferences	2 CFR 200.322
Procurements of recovered materials	2 CFR 200.323
Build America Buy America Act (BABAA) related to infrastructure activities	E.O. 14005, "Ensuring the Future is Made in All of America by America's Workers"

- I certify that the above information is true and correct to the best of my knowledge.
- I recognize and accept the district's responsibility to know and understand all federal funding requirements.

Name of Authorized Representative	Signature of Authorized Representative	Date