

PSCA Funding



PSCA Bond Info/Requirements

- Act 2020-167 *Investing in Alabama's Future Act*
 - \$1.25B
 - Allocations (approximate)
 - K-12: \$912M
 - Community College System: \$120M
 - Colleges/Universities: \$218M
 - Code of Alabama requirements
 - Section 39-1-1 through 39-8-8 PUBLIC WORKS
 - Section 41-4-400 DEPARTMENT OF FINANCE, DIVISION OF CONSTRUCTION MANAGEMENT
 - Expending of Funds for Construction Projects
 - To be used within three (3) years
 - Two-year goal for obligating and expending
 - Request for transfer of uncommitted PSCA funds may be made by letter from entity to PSCA Board of Directors
 - Committed PSCA funds must be de-obligated (by contract modification) prior to transfer

Allowable Expenses

- Capitol Improvements Expenditures
 - Professional Services
 - Architect and/or Engineer
 - Surveying
 - Construction Testing
 - Construction Contract
 - Contractor
 - Construction Materials
 - Fixtures, Furnishings and Equipment (FFE) that are permanent part of facility
 - Purchase of property
 - Other miscellaneous expenses
 - Construction Management
 - Building Commissioning and Optimization



Ineligible Expenses

- Non-capital expenditures
 - Supplies
 - Athletic equipment (uniforms, pads, balls, etc.)
 - Ink cartridges and other dispensable items
 - Personal furnishings such as art, plants, or decorative items
 - Teaching materials (textbooks, software, etc.)
- Reimbursement of local payments
- Expenditures not related to the approved project



Timeline for Expenditure of PSCA funds

- PSCA funds do not expire
- Two year goal for obligating and expending PSCA funds
- Uncommitted PSCA funds can be transferred at any time by letter from Superintendent to State School Architect
- Committed PSCA funds must be de-obligated (by contract modification) prior to transfer



PSCA Contract Requirements

- PSCA version of contract documents
- PSCA as Co-Owner
- Severable Payments
- Commitment of funds
- Signature of PSCA

DCM Form 9-A, revised September 2020;
PSCA Version of DCM Form C-5

Do not staple this form and/or attachments; use clips. Print single-sided; do not submit double-sided printed documents.

(1) DCM (BC) Project # _____ (required)

PSCA Project # _____ (required)

CONSTRUCTION CONTRACT

(2) This Construction Contract is entered into this _____ day of _____ in the year of _____ between the OWNERS, the ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY and LOCAL OWNER, Entity Name: _____ Address: _____ Email & Phone #: _____

(3) and the CONTRACTOR, Company Name: _____ Address: _____ Email & Phone #: _____

(4) for the WORK of the Project, identified as: _____

(5) The CONTRACT DOCUMENTS are dated _____ and have been amended by ADDENDA _____

(6) The ARCHITECT is Firm Name: _____ Address: _____ Email & Phone #: _____

(7) The CONTRACT SUM is Dollars (\$ _____) and is the sum of the Contractor's Base Bid for the Work and the following BID ALTERNATE PRICES: _____

(8) The CONTRACT TIME is _____ () calendar days.

THE OWNER AND THE CONTRACTOR AGREE AS FOLLOWS: The Contract Documents, as defined in the General Conditions of the Contract (DCM Form C-8), are incorporated herein by reference. The Contractor shall perform the Work in accordance with the Contract Documents. The Owner will pay and the Contractor will accept as full compensation for such performance of the Work, the Contract Sum subject to additions and deductions (including liquidated damages) as provided in the Contract Documents. The Work shall commence on a date to be specified in a Notice to Proceed issued by the Owner or the Director, Alabama Division of Construction Management, and shall then be substantially completed within the Contract Time.

(9) LIQUIDATED DAMAGES for which the Contractor and its Surety (if any) shall be liable and may be required to pay the Owner in accordance with the Contract Documents shall be equal to six percent interest per annum on the total Contract Sum unless a dollar amount is stipulated in the following space, in which case liquidated damages shall be determined at _____ dollars (\$ _____) per calendar day.

Numbers in margin correspond to "Checklist", DCM Form B-7

DCM Form 9-A, revised September 2020;
PSCA Version of DCM Form C-5

(13) SPECIAL PROVISIONS (such as acceptance or rejection of unit prices. Indicate continuation on an attachment if needed.)

A. SEVERABLE PAYMENTS: The Alabama Public School and College Authority will first pay the Contractor Dollars (\$) from its available funds and the _____ thereafter pay the Contractor the remaining _____ Dollars (\$) from its available funds.

(14) STATE GENERAL CONTRACTOR'S LICENSE: The Contractor does hereby certify that Contractor is currently licensed by the Alabama State Licensing Board for General Contractors and that the certificate for such license bears the following: License No.: _____ Classification(s): _____ Bid Limit: _____

The Owner and Contractor have entered into this Construction Contract as of the date first written above and have executed this Construction Contract in sufficient counterparts to enable each contracting party to have an originally executed Construction Contract each of which shall, without proof or accounting for the other counterparts, be deemed an original thereof.

The Owner does hereby certify that this Construction Contract was let in accordance with the provisions of Title 39, Code of Alabama 1975, as amended, and all other applicable provisions of law, and that the terms and commitments of this Construction Contract do not constitute a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26.

(15)

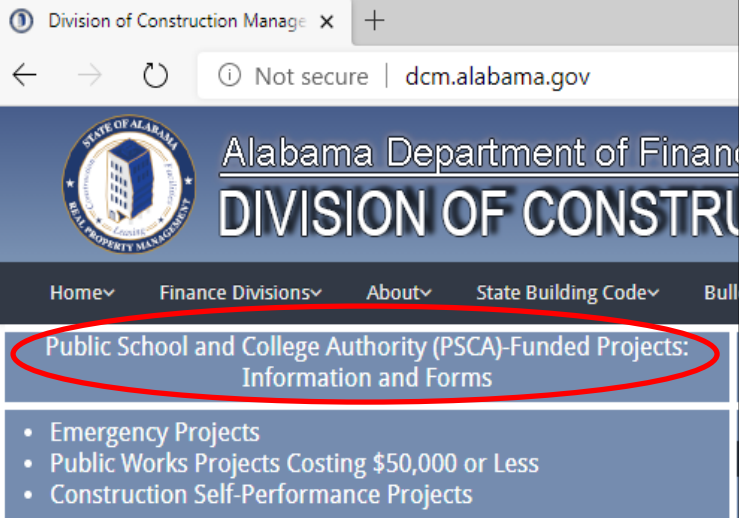
| APPROVALS | CONTRACTING PARTIES |
|--|---|
| ALABAMA DEPARTMENT OF FINANCE, REAL PROPERTY MANAGEMENT, DIVISION OF CONSTRUCTION MANAGEMENT (DCM) | Contractor Company |
| By _____ Director | By _____ Signature |
| REVIEWED BY AND FUNDS AVAILABLE: PSCA funds are available in the amount stated in (13) "Special Provisions", Paragraph A. | Name & Title _____ |
| By _____ Contract Administrator | Local Owner Entity |
| | By _____ |
| | Name & Title _____ |
| | ALABAMA PUBLIC SCHOOL and COLLEGE AUTHORITY |
| | By _____ Date _____ |
| | Governor and President of Authority |

Numbers in margin correspond to "Checklist", ABC Form B-7

Review/Signature flow: Contractor (prepare and sign documents) > Architect/Engineer (review only) > Local Owner (review and sign) > DCM > Finance-Legal > Governor (review and sign) > DCM (distribute the fully executed Contract to all parties along with a Notice to Proceed).

DCM Guidance for PSCA Projects

dcm.alabama.gov/forms_PSCA.aspx:



Public School & College Authority (PSCA)-Funded Project Forms

Partially or fully PSCA-funded design and construction projects are administered by DCM's Contract Administration Division, Plan Review Division and Project Inspection Division.

Fund Allocation, Project Request and PSCA Number

- Funds from [Act 2020-167](#): Following the sale and close of bonds and a meeting of the PSCA Board of Directors, letters of fund allocation and instructions will be sent in November, 2020 by the PSCA Board of Directors to each K-12 school system, the Alabama Community College System (ACCS) Board, non-ACCS public higher education systems and other applicable entities. The ACCS Board, from their allocation, will determine the amount of PSCA funds for individual colleges.
- The local owner is the entity receiving a PSCA allocation, such as a municipal Board of Education, county Board of Education, higher education institution or education-related state agency. Alabama PSCA is a co-owner.
- Once funds have been allocated by the PSCA Board of Directors, an entity must submit a project request for PSCA review to the PSCA Board of Directors or Board-designated approval authority. For example, K-12 local owners must request project approval for PSCA fund use from the Alabama State Department of Education (SDE)- [School Architect's office](#). Upon approval the entity will be notified and given a PSCA number assigned to that project. PSCA projects may be fully PSCA-funded, or may have partial PSCA funding and partial local funding.
- A local owner should inform a project's Lead Design Professional (Architect or Engineer) as soon as the owner intends to request PSCA fund use approval, and forward the approval letter to the Designer as soon as possible. Information in the approval letter affects the Designer's work.

PSCA Form Use

- Projects partially or fully PSCA-funded must use PSCA forms during the project and submit such documents to DCM. "PSCA forms" include PSCA versions of standard forms, as well as the remainder of standard forms which do not have PSCA versions. PSCA versions of standard forms begin with #9 in their designation, for example DCM Form 9-A: Construction Contract is the PSCA version of the standard DCM Form C-5: Construction Contract. The PSCA versions are to be used instead of their standard counterparts, along with standard forms which do not have PSCA versions. All PSCA forms are listed at the bottom of this page.
- The PSCA number must be on all contract documents. PSCA contract documents for PSCA-funded projects cannot be submitted to DCM until the PSCA number is assigned.
- If a fully locally-funded project is awarded PSCA funds after the start of the project, PSCA forms (instead of state agency, K-12 or ACCS forms) must be used for the remainder of the project, beginning with the conversion process. See the Conversion Section below concerning Forms required to convert fully locally-funded projects to PSCA. Note: Locally-funded Open-End O/A Agreements cannot be converted to PSCA.

O/A Agreement and Contract Document Administration Fee-O/A

- Each project funded by PSCA must have its own Agreement Between Owner and Architect (O/A Agreement) with an assigned PSCA number and DCM number, and must use the same PSCA number and DCM number for the construction contract.
- PSCA funding is not applicable to Open-End O/A Agreements. Locally-funded Open-End O/A Agreements cannot be converted to PSCA.
- The Contract Document Administration Fee-O/A must be paid by the time an O/A Agreement is submitted to DCM for review (or when a fully locally-funded project O/A Agreement is converted to PSCA). DCM's review of an O/A Agreement or conversion document can begin once the fee has been paid. See [User Fees](#) webpage for payment information.

Plan Review, Bidding and Conversion

- PSCA funding affects a project manual's construction administration (front-end) documents which Designers submit to DCM for [plan review](#). The PSCA approval authority's letter forwarded from the local owner to the Designer will contain the PSCA number and actual PSCA fund amount approved for the project. The PSCA number must be included by the Designer on the B-1 coversheet for Final Plan Review submittals, and the Designer needs to know the exact approved PSCA fund amount of a specific project for use on various forms. Do not submit a PSCA project for Final Plan Review without a PSCA number on the B-1 coversheet.
- Specification writers: Most of DCM's fillable forms listed at the bottom of this page are password-protected in order to lock permanent text into place for legal purposes; the fillable fields of such forms are usable in Adobe Reader. Except for "Sample" forms, DCM cannot provide fillable forms that are not password-protected. However, DCM recognizes that password-protection renders multiple forms resistant to combinations into one pdf and might render them difficult to use in non-Adobe software. [Click here to access non-password-protected "flat" pdf forms](#) of PSCA construction administration documents, for use by spec. writers as needed.
- What should Designers do for the Final Plan Review's front-end documents in the project manual submittal when an owner indicates the project will be PSCA-funded but a PSCA number has not yet been issued? If a project has not been issued a PSCA number, it is not officially PSCA-funded and it cannot be bid as a PSCA project; the options are:

DCM Guidance for PSCA Projects

will be PSCA-funded but a PSCA number has not yet been issued? If a project has not been issued a PSCA number, it is not officially PSCA-funded and it cannot be bid as a PSCA project; the options are:

1. Strongly recommended when possible: Wait until a PSCA number is issued (indicating PSCA funds up to a specific amount are lawfully available for the project), then submit to DCM for plan review the Final submittal with PSCA forms in the project manual's front-end documents, and bid the project as a PSCA project.
2. If local funds are available for the entire project: Designers and Owners can submit to DCM for plan review the project's Final submittal with fully locally-funded ACCS forms or fully locally-funded K-12 forms in the project manual's front-end documents; then:
 - a. If a PSCA number is issued for the project after Final Plan Review submission but before the bid, Designers must issue an addendum with PSCA forms, submit the addendum to DCM for plan review, and bid the project as a PSCA project.
 - b. If a PSCA number is not issued before the bid, then the project must be bid as fully locally-funded. If/when a PSCA number is issued after the bid, Designers must issue an Architect's Supplemental Instructions (ASI) with PSCA forms, and submit the ASI to DCM for plan review; and:
 - I. First and best option: Issue the O/A Agreement and Construction Contract (including Payment & Performance Bonds) on PSCA forms.
 - II. Only-if-necessary option: If you really cannot wait for a PSCA number to be assigned and need to issue and fully execute an O/A Agreement and/or Construction Contract on fully locally-funded forms, then once the PSCA number is issued there are several additional steps that must be taken to officially convert fully locally-funded O/A Agreements, Construction Contracts and Payment & Performance Bonds to PSCA. O/A Agreements require an Amendment (Form 9-L) adding PSCA as a co-owner to the O/A Agreement. It must give an account of all items to be paid to the design professional (design fees, reimbursables and special services) as well as disclose (and attach proof of) any previous payments made from local funds to the design professional. Attach a copy of the entire local O/A Agreement to each Amendment. Construction Contracts require Modifications (Forms 9-E and 9-F) to the Contract and Bonds. Attach a copy of the entire local Construction Contract (and any Change Orders and proof of any previous local payments made to the contractor) to each package. If necessary, contact DCM Contract Administration Division for assistance with completing documents required to convert a fully locally-funded project to PSCA. See the sections above and below concerning Contract Document Administration Fee-O/A and CC. Note: Reimbursements are not available from PSCA for any use of local funds, including local funds used to pay architects, engineers and contractors.

Construction Contract and Contract Document Administration Fee-CC

- The PSCA construction contract and bonds must use the same PSCA number and DCM number of the O/A Agreement.
- If a fully locally-funded project is awarded PSCA funds after its construction contract was executed on fully locally-funded forms, the contract and bonds must be converted to PSCA (see the above Conversion Section concerning required conversion forms), and PSCA forms (instead of state agency, K-12 or ACCS forms) must then be used for the remainder of the project.
- The Contract Document Administration Fee-CC and the Permit Fee must be paid by the time a construction contract is submitted to DCM for review (or when a fully locally-funded project construction contract is converted to PSCA). DCM's review of a construction contract or conversion documents can begin once the fees have been paid. See [User Fees](#) webpage for payment information.
- Contractors: DCM encourages contractors to check the individually listed fillable forms on this webpage for the latest updated versions and download them shortly before use.

Pre-Construction Conference, Inspections, Permit Fee and Payment Applications

- All PSCA-funded projects require a DCM Inspector-facilitated pre-construction conference, which can be scheduled after the [Permit Fee](#) is paid. The Permit Fee and CDA Fee-CC must be paid by the time a construction contract (or its conversion documents) is submitted to DCM for review. A pre-construction conference can occur once the Inspector receives a copy of the fully executed construction contract and notice to proceed from DCM's office. Benchmarks must then be met for required inspections as listed in the [Pre-Construction Conference Checklist](#).
- Partially PSCA-funded projects: PSCA funds must be used first and the payment applications for PSCA funds must be submitted to DCM, then local funds can be used. Once PSCA funds are expended, contract documents must continue to be submitted on PSCA forms to DCM; however, payment documents for local funds follow the local owner's procedures and are not submitted to DCM.
- PSCA does not disburse payment to the local owner to reimburse for expenses already paid with local funds. PSCA will only pay expenses directly to the vendor.

Manual of Procedures

- For more detailed instructions than listed below and for plan review and inspections requirements, see DCM's [Manual of Procedures](#).

Forms - Download all listed forms

Brief Instructions

Owner/Architect/Engineer Documents

B-1: Transmittal of Plans and/or Specifications
B-3: Checklist - Preparation of Agreement Between Owner and Architect
9-K: Agreement Between Owner and Architect - updated Sept. 2020
B-2A: Standard Articles of the Agreement Between Owner and Architect
Article 13 of B-2A: Instructions for Architect's insurance co.
Disclosure Statement
Entire E-Verify Memorandum of Understanding (MOU)
Sales and Use Tax Certificate of Exemption - updated Sept. 2020
9-L: Amendment to O/A Agreement - updated Sept. 2020
B-4A: Sample Table of Authorized Projects Under the Agreement
B-5: Sample Architect's Statement for Services
C-15: Detail of Project Sign
9-M / C-16: Detail of PSCA Package
Professional Service Procurement Acknowledgment for PSCA-funded projects

Include 1 copy with each plan review submittal.
For reference, does not need to be submitted.
Submit 5 originals.
For reference, does not need to be submitted.
Give Article 13 to architect's ins. rep: submit 5 copies of architect's ins. certificate
Submit 5 originals, each notary sealed.
Submit 5 copies of Architect's/Engineer's MOU.
Owner required to apply for a certificate on each project.
Submit 5 originals.
Submit 1 copy with each Amendment original.
Submit 5 originals for PSCA funds.
Required on projects with a \$100,000 contract or more.
Required on all PSCA projects.
For use as needed.

Construction Administration Documents

C-1: Sample Advertisement for Bids
C-2: Instructions to Bidders
C-3: Proposal Form - updated October 2020
C-3A: Accounting of Sales Tax for Bid Proposal
C-4: Bid Bond
B-6: Certified Tabulation of Bids
B-7: Checklist-Construction Contracts & Bonds
9-A: Construction Contract - updated Sept. 2020
9-B: Performance Bond
9-C: Payment Bond
C-8: General Conditions of the Contract
Article 37 of C-8: Instructions for Contractor's insurance co.
Disclosure Statement
E-Verify Enrollment
Entire E-Verify Memorandum of Understanding (MOU)
Sales and Use Tax Certificate of Exemption - updated Sept. 2020
B-8: Pre-Construction Conference Checklist
C-17: Contractor's Statement of Responsibility - new
B-9: Project Data Form
B-10: Statement of Field Observations
B-12: Change Order Checklist
9-J: Contract Change Order - updated October 2020
B-11: Change Order Justification
C-10: Application and Certificate for Payment
C-10SOV: Schedule of Values
C-10SM: Inventory of Stored Materials
C-11: Sample Progress Schedule & Report
9-G: Invoice Checklist
9-H: Certification of Compliance; Title 41: Public Contracts
C-9: General Contractor's Roofing Guarantee
C-13: Certificate of Substantial Completion
B-14: Certification of Structural Observations - new
C-14: Sample Form of Advertisement for Completion
B-13: Final Payment Checklist - will be updated soon
C-18: Consent of Surety to Final Payment - new
C-19: Contractor's Affidavit of Payment of Debts & Claims - updated October 2020
C-20: Contractor's Affidavit of Release of Liens - new
9-D: Modification to Construction Contract; Adjustment of Severable Payments
9-E: Modification to Construction Contract; Add the APSCA as Co-Owner

For use as needed.
For reference.
Submit 6 copies.
Submit 6 copies.
May be used in lieu of a cashier's check.
Submit 6 copies, notary seal must show.
For reference.
Submit 6 originals.
Submit 6 originals, each notary sealed, with original power of attorney.
Submit 6 originals, each notary sealed, with original power of attorney.
For reference.
Give Article 37 to contractor's ins. rep: submit 6 copies of contractor's ins. certificate
Submit 6 originals, each notary sealed.
For reference.
Submit 6 copies of contractor's MOU.
Contractor required to apply for a certificate on each project.
For reference.
Submit 1 original, when required.
For use as needed.
For use as needed.
For reference.
Submit 6 originals.
Submit 6 originals.
Submit 4 originals for PSCA funds.
Submit 4 copies for PSCA funds.
Submit 4 copies for PSCA funds.
Submit 4 copies for PSCA funds, contractor may use own form.
For reference.
Submit 6 originals.
Submit 3 originals.
Submit 1 original.
Submit 1 original, when required.
Submit 1 copy with each B-13 copy.
Submit 4 copies for PSCA funds; each copy with all attachments.
Submit 1 original for PSCA funds with each B-13 copy.
Submit 1 original for PSCA funds with each B-13 copy.
Submit 1 original for PSCA funds. If required by Owner, with each B-13 copy.
Submit 6 originals. Only needed when changing partial funding amounts.
Submit 6 originals. Only needed when converting existing project to PSCA.

Division of Construction Management's Role for PSCA Projects

- Administers PSCA-funded contracts
- Reviews plans and specifications for compliance with State Building Code
- Reviews contract documents including Owner-Architect Agreements, construction contracts, change orders, and amendments
- Reviews and approves PSCA expenditures
- Inspects projects during construction, issues Certificates of Substantial Completion, performs one-year inspections

PSCA vs. LOCAL

- Fully locally-funded project procedures basically same as PSCA, except:
 - Four (4) originals of AE Agreement sent to School Architect
 - Five (5) originals of Construction Contract sent to School Architect
 - Notice to Proceed issued by Local Board
 - Five (5) originals of Change Orders sent to School Architect
 - All disbursement of funds by local board (School Architect approval not required)

Questions?

- State Department of Education's website is www.sde.alabama.gov
- Division of Construction Management's website is www.dcm.alabama.gov
- Contact us:

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