



New Hampshire

Department of Education

Request for Final Approval of ESSER Funded Construction Project

In order for the New Hampshire Department of Education (NHED) to determine if your District’s proposed Elementary and Secondary Emergency Relief (ESSER) funded construction project has met the minimum requirements to be granted the status of “prior written approval” as defined in 2 CFR 200.407, the District must execute the certification statements contained in this document. Additionally, the District must provide the information listed in the table below as well as information described in the individual federal compliance requirements as applicable.

SAU No.	District Name	Building Name	Date of Conceptual Approval	Estimated Project Cost

1. Federal Compliance Requirement

34 CFR 75.602 Preservation of historic sites must be described in the application.

(a) An applicant shall describe in its application to the NHED the relationship of the proposed construction to and probable effect on any district, site, building, structure, or object that is: (1) Included in the National Register of Historic Places; or (2) Eligible under criteria established by the Secretary of Interior for inclusion in the National Register of Historic Places. (b) In deciding whether to make a grant, the Secretary considers: (1) The information provided by the applicant under paragraph Requirements for Completion of the Work (a) of this section; and (2) Any comments by the Advisory Council on Historic Preservation.

CROSS REFERENCE: See 36 CFR part 800, which provides for comments from the Council. (Authority: 20 U.S.C. 1221e–3 and 3474)

District’s Required Action

To meet the above requirement, the District is required to complete the New Hampshire Division of Historical Resources (NHDHR) Request for Project Review (RPR) process as described at the following link; https://www.nh.gov/nhdhr/review/documents/rpr_form.docx. The applicant must provide a copy of the submission to the NHDHR to the NHED upon submission of this final application form and is also required to respond to any feedback from the NHDHR. Any conditions

imposed on the project as a result of NHDHR's RPR process must be incorporated into the final construction as a condition of receiving reimbursement of project costs by the NHED.

Please note that the NHDHR has decided for ESSER funded construction projects that the Enhanced Mapping and Management Information Tool (EMMIT) search, typically required as part of the RPR process, will not be required. All other aspects included on the RPR form are applicable as stated within the document.

2. **Federal Compliance Requirement**

34 CFR 75.616 Energy conservation.

(a) To the extent feasible, an applicant shall design and construct facilities to maximize the efficient use of energy.

(b) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) are incorporated by reference in this section:

- (1) ASHRAE-90 A-1980 (Sections 1-9).*
- (2) ASHRAE-90 B-1975 (Sections 10-11).*
- (3) ASHRAE-90 C-1977 (Section 12).*

Incorporation by reference of these provisions has been approved by the Director of the Office of the Federal Register pursuant to the Director's authority under 5 U.S.C. 552 (a) and 1 CFR part 51. The incorporated document is on file at the Department of Education, Grants and Contracts Service, rm. 3636 ROB-3, 400 Maryland Avenue, SW., Washington, DC 20202-4700 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal/register/code_of_federal_regulations/ibr_locations.html. These standards may be obtained from the publication sales department at the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, NE., Atlanta, Georgia 30329.

(c) An applicant shall comply with ASHRAE standards listed in paragraph (b) of this section in designing and constructing facilities built with project funds.

(Authority: 20 U.S.C. 1221e-3 and 3474, 42 U.S.C. 8373(b), and E.O. 12185) [57 FR 30339, July 8, 1992, as amended at 69 FR 18803, Apr. 9, 2004]

District's Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the project design and construction will meet the requirements of 34 CFR 75.616 as described above.

By signing below, I certify that to the best of my knowledge, that this proposed ESSER funded construction project meets the requirements of 34 CFR 75.616.

The above Federal requirement is not applicable to this proposed ESSER funded construction project.

Superintendent Name

Superintendent Signature

Date

3. **Federal Compliance Requirement**

2 CFR 200.326 Bonding requirements.

For construction or facility improvement contracts or sub contracts exceeding the Simplified Acquisition Threshold (\$250,000), the minimum bonding requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

District’s Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the bonding requirements described above are/will be included in all bid and contract documents as appropriate to meet the requirements of 2 CFR 200.326. The District is cautioned that the failure to subsequently include these bonding requirements in bid and contract documents may result in some projects reimbursement being deemed unallowable by the NHED.

By signing below, I certify that to the best of my knowledge, that the bonding put in place for this proposed ESSER funded construction project meets the requirements of 2 CFR 200.326.

The above Federal requirement is not applicable to this proposed ESSER funded construction project.

Superintendent Name

Superintendent Signature

Date

4. **Federal Compliance Requirement**

34 CFR 75.603 Grantee's title to site.

An applicant must have or obtain a full title or other interest in the site, including right of access, that is sufficient to insure the grantee's undisturbed use and possession of the facilities for 50 years or the useful life of the facilities, whichever is longer.

(Authority: 20 U.S.C. 1221e-3 and 3474)

District's Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the District (applicant) has full title or other interest in the site, including right of access, that is sufficient to insure the grantee's undisturbed use and possession of the facilities for 50 years or the useful life of the facilities being constructed, whichever is longer.

By signing below, I certify that to the best of my knowledge, that the District has full title or other interest in the site, including right of access, that is sufficient to insure the District's undisturbed use and possession of the facilities for 50 years or the useful life of the facilities to be constructed, whichever is longer.

Superintendent Name	Superintendent Signature	Date
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5. **Federal Compliance Requirement**

34 CFR 75.609 Comply with safety and health standards.

In planning for and designing facilities, an applicant shall observe:

(a) The standards under the Occupational Safety and Health Act of 1970 (Pub. L. 91-576) (See 36 CFR part 1910); and

(b) State and local codes, to the extent that they are more stringent.

(Authority: 20 U.S.C. 1221e-3 and 3474)

District's Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the in planning for and designing the facilities, the District has met the requirements of 34 CFR 75.609 as described above.

By signing below, I certify that to the best of my knowledge, that this proposed ESSER funded construction project meets the requirements of 34 CFR 75.609.

Superintendent Name

Superintendent Signature

Date

6. **Federal Compliance Requirement**

34 CFR 75.610 Access by the handicapped.

An applicant shall comply with the Federal regulations on access by the handicapped that apply to construction and alteration of facilities. These regulations are:

(b) For non-residential facilities - 41 CFR subpart 101-19.6.

(Authority: 20 U.S.C. 1221e-3 and 3474)

District's Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the project has met the requirements of 34 CFR 75.610 as described above.

By signing below, I certify that to the best of my knowledge, that this proposed ESSER funded construction project meets the requirements of 34 CFR 75.610.

The above Federal requirement is not applicable to this proposed ESSER funded construction project.

Superintendent Name

Superintendent Signature

Date

7. **Federal Compliance Requirement**

34 CFR 75.611 Avoidance of flood hazards.

In planning the construction, an applicant shall, in accordance with the provisions of Executive Order 11988 of February 10, 1978 (43 FR 6030) and rules and regulations that may be issued by the Secretary to carry out those provisions:

(a) Evaluate flood hazards in connection with the construction; and

(b) As far as practicable, avoid uneconomic, hazardous, or unnecessary use of flood plains in connection with the construction.

(Authority: 20 U.S.C. 1221e-3 and 3474)

District’s Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the project has met the requirements of 34 CFR 75.611 as described above.

By signing below, I certify that to the best of my knowledge, that this proposed ESSER funded construction project meets the requirements of 34 CFR 75.611.

Superintendent Name	Superintendent Signature	Date
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8. **Federal Compliance Requirement**

34 CFR 75.612 Supervision and inspection by the grantee.

An applicant shall maintain competent architectural engineering supervision and inspection at the construction site to insure that the work conforms to the approved drawings and specifications.

(Authority: 20 U.S.C. 1221e-3 and 3474)

District’s Required Action

To meet the above requirement, the District Superintendent must provide the name and affiliation (i.e. District employee, consultant staff) of the person that will provide competent architectural engineering supervision and inspection at the construction site to insure that the work conforms to the approved drawings and specifications. By signing below the Superintendent is certifying to the NHED that the named person will be given all access and authority to meet the requirements of 34 CFR 75.612 as described above.

Name of District Representative that will fulfill the above role: _____

Affiliation of District Representative that will fulfill the above role: _____

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the project has met the requirements of 34 CFR 75.612 as described above.

By signing below, I certify that to the best of my knowledge, that the person named above will fulfill the requirements of 34 CFR 75.612.

Superintendent Name	Superintendent Signature	Date
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9. **Federal Compliance Requirement**

34 CFR 75.615 Operation and maintenance by the grantee.

An applicant shall operate and maintain the facilities in accordance with applicable Federal, State, and local requirements.

(Authority: 20 U.S.C. 1221e-3 and 3474)

District's Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the District will maintain the constructed facilities in accordance with applicable Federal, State, and local requirements.

By signing below, I certify that to the best of my knowledge, that this proposed ESSER funded construction project will be maintained by the District in accordance as required by 34 CFR 75.615.

Superintendent Name	Superintendent Signature	Date
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10. **Federal Compliance Requirement**

34 CFR 75.614 Grantee must have operational funds.

A grantee shall insure that, when construction is completed, sufficient funds will be available for effective operation and maintenance of the facilities.

(Authority: 20 U.S.C. 1221e-3 and 3474)

District's Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the District has sufficient funds available for effective operation and maintenance of the ESSER funded constructed facilities.

By signing below, I certify that to the best of my knowledge, that the District has sufficient funds available for effective operation and maintenance of this ESSER funded constructed project as required by 34 CFR 75.614.

Superintendent Name	Superintendent Signature	Date
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11. **Federal Compliance Requirement**

34 CFR 75.606 *Completing the construction.*

(a) A grantee shall complete its construction within a reasonable time. (b) The grantee shall complete the construction in accordance with the application and approved drawings and specifications.

(Authority: 20 U.S.C. 1221e-3 and 3474)

District’s Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the District shall complete its construction within a reasonable time and shall complete the construction in accordance with the application and approved drawings and specifications. The District may be required to provide the NHED will a set of “as-built” drawings upon the completion of the work.

By signing below, I certify that to the best of my knowledge, that the District shall complete its construction within a reasonable time and shall complete the construction in accordance with the application and approved drawings and specifications. Further, if requested by the NHED, the District will provide a set of “as-built” construction plans as a condition of receiving final project reimbursement.

Superintendent Name	Superintendent Signature	Date
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12. State Compliance Requirement

Department of Education Rule - Ed 321.13 - Fire Safety Requirements

(a) All construction of school facilities shall meet the requirements of the state fire code under Saf-C 6000 (now Saf-Fmo 300). The drawings and specifications of public school construction shall be evaluated by the state fire marshal according to the state fire code. Pursuant to RSA 153, the state fire marshal shall judge the drawings and specifications according to other related parts and standards of the Life Safety Code under NFPA Doc. No. 101, and the state building code under RSA 155-A.

(b) The certificate of substantial completion shall not be issued to the construction contractor prior to receipt of a letter of approval of the design from the state fire marshal.

(c) Variances for the provisions of Ed 321.13 may be granted by the state fire marshal in accordance with the provisions of Saf-C 6005.

(Authority N.H. Code Admin. R. Ed 321.13, #8265, eff 1-22-05; ss by #10363, eff 6-15-13)

District’s Required Action

To meet the above requirement, the District Superintendent must certify to the NHED, by signing below, that the District will meet the requirements of the NHED Rule ED 321.13. Additionally, the District shall provide the NHED a copy of the Bureau of Building Safety & Construction – Plan Review Submission Request form as submitted to the State Fire Marshal’s Office as condition of final approval of the construction project.

By signing below, I certify that the District shall meet the requirements of NHED rule ED 321.13.

The above State of New Hampshire requirement is not applicable to this proposed ESSER funded construction project.

Superintendent Name

Superintendent Signature

Date

Application Submission Instructions

This completed application, and copies of both the New Hampshire Division of Historical Resources submittal and the New Hampshire State Fire Marshal’s Office submittal, shall be sent to the to ESSER.Construction@doe.nh.gov.

The Office of Covid-19 Education Programs will send a confirmatory email confirming receipt of the District’s application.

Application Review and Approval Process

The District may be contacted by the NHED to provide clarifications and/or additional documentation to support the approval process. If the application is granted the status of “prior written approval”, such approval will be made using the NHED’s current Grants Management System (GMS) approval process. Should the NHED not grant the application “prior written approval” status, the District will be notified in writing of the reasons for denial and advised of their opportunity for a hearing on the matter.

For NHED Use Only

Reviewed By: _____

Date Reviewed: _____

Approved or Denied By: _____

Date Approved or Denied: _____

SAU Contact Notified: _____

Date SAU Contact Notified: _____