** Massachusetts Department of Elementary and Secondary Education**

# Capital Expenditures Request for Approval for Capital Expenditures of $30,000 or more or Facilities Improvements with IVAQ Funds

# (Improving Ventilation and Air Quality, Fund Code 209)

Improving Ventilation and Air Quality (IVAQ) grants are federal funds (from the American Rescue Plan (ARP) Act, State and Local Fiscal Rescue Funds (SLFRF, administered by the U.S. Treasury Department)). As such, they are subject to the Uniform Grants Guidance ([2 CFR § 200](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=b67ec8b5a827902daa2de0726e49a44f&mc=true&n=pt2.1.200&r=PART&ty=HTML)), cost principles, procurement and audit regulations. While most federal grants do not allow construction, IVAQ, like ESSER funds, does permit construction for allowable uses.

This form is required for approval of all capital expenditures of **$30,000** or more and facilities projects using IVAQ grant funds. Capital expenditures are defined in the Uniform Guidance as “expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.” [2 CFR § 200.1.](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=b67ec8b5a827902daa2de0726e49a44f&mc=true&n=pt2.1.200&r=PART&ty=HTML#se2.1.200_11) **Capital expenditures of less than $30,000 will continue to be approved as part of your grant application workbook budgets**.

**By submitting this request, you are assuring that the authorized use-of-funds criteria for the IVAQ grant program have been met**. Particularly, you are agreeing to review and follow all local, state, and federal policies and regulations when making a purchase using these federal funds, including federal and state procurement requirements that may be tied to certain dollar thresholds, in accordance with [2 CFR §§ 200.317-326](https://www.ecfr.gov/cgi-bin/text-idx?SID=8e083358ce45b5b5ad2144431c5393fa&mc=true&node=sg2.1.200_1309.sg1&rgn=div7), and Massachusetts procurement standards (see [Massachusetts Inspector General’s public procurement webpages](https://www.mass.gov/get-help-from-the-oig-with-public-procurement-questions) and [chart summarizing procurement requirements](https://www.mass.gov/doc/charts-on-procurement-procedures-effective-june-15-2018-docx/download)), as applicable. Note that in most cases districts will follow state law for procurement of supplies and services ([M.G.L. ch. 30B](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B)) and for building construction contracts ([M.G.L. ch. 149](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149)) (see for example, OIG’s [COVID-19 and Chapter 30B FAQ: Your Procurement Questions Answered | Mass.gov](https://www.mass.gov/info-details/covid-19-and-chapter-30b-faq-your-procurement-questions-answered)) in the first instance, unless federal law supplements or mandates other requirements. If you are unsure about which law and regulations to follow or possible conflicting requirements, please consult your legal counsel. In addition, you will follow any state or federal regulations that may relate to your project, for example, [2 CFR § 200.449](https://www.law.cornell.edu/cfr/text/2/200.449) (financing costs), and [521 CMR § 3.3.2](https://www.mass.gov/files/documents/2017/10/06/521cmr3.pdf) (MA regulations: accessibility triggered by improvements exceeding 30% of the “full and fair cash value” of the building). Finally, if your project is also being funded with ESSER I, II, or III funds in addition to IVAQ funds, you should consult the U.S. Department of Education regulations on construction/renovation requirements set forth in [34 CFR § 76.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d1e04ed6ce30b97a24979d60995cfa06&mc=true&node=se34.1.76_1600&rgn=div8) and §§ [75.600-618](https://www.law.cornell.edu/cfr/text/34/75.600#:~:text=34%20CFR%20%C2%A7%2075.600%20-%20Use%20of,a%20grant%20for%20construction%3A%20Purpose%20of%20%C2%A7%C2%A7%2075.601-75.615.).

Also, please refer to the following federal guidance regarding SLFR funding: the [Final Rule](https://www.govinfo.gov/content/pkg/FR-2022-01-27/pdf/2022-00292.pdf), [FAQs](https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf), and [Overview of the Final Rule](https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf) for the SLFRF program.

**Districts are advised to consult with municipal staff and counsel with regulatory expertise in these areas.**

Please provide full and complete answers to the following by typing where indicated (boxes expand as you type):

1. Date of Request: Enter date
2. District Name: Enter District Name
3. Name of Primary Contact: Enter Primary Contact
4. Title: Enter Contact’s Title

1. Email Address: Enter Contact’s Email Address

1. Phone Number: Enter Contact’s Phone Number

1. Short Title of Project/Expenditure Name: Enter Short Title
2. Estimated Total Cost of the Project: Enter Total Cost of Project
3. Funding Source(s) Used (fill in all that apply):

|  |  |  |
| --- | --- | --- |
| Grant Funds | Amount ($) | Have you received Final Approval from DESE (Step 2) for your project if using ESSER funds?  |
| IVAQ (FC 209) |  |  |
| ESSER I (FC113) |  |  |
| ESSER II (FC 115) |  |  |
| ESSER III (FC 119) |  |  |
| State and/or local funds |  |  |
| Other |  |  |

1. Name of district/town Chief Procurement Officer (CPO) or designee involved in the project/expenditure (required): Enter Name of Chief Procurement Officer
2. Does the CPO or designee have a [Massachusetts Certified Public Purchasing Office](https://www.mass.gov/service-details/mcppo-designation) (MCPPO) designation from the Massachusetts Office of the Inspector General? Yes or no
3. Please describe the capital expenditure/facilities project that will be funded with IVAQ funds. Include in your description whether the funds are for cost overruns and/or scope changes to an existing project: Describe project/expenditure

1. The federal procurement standards require, among other things, that districts conduct an analysis of “lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.” [2 CFR §200.318(d).](https://www.law.cornell.edu/cfr/text/2/200.318) Please explain, briefly, how the proposed expenditure represents the most economic approach for your district and any other options considered:

Explain how these expenditures represent the most economical approach

1. Please describe how this expenditure improves air quality and/or ventilation. Include in your answer what problem or deficiency this expense will address: Describe which allowable uses apply
2. Are you providing a copy of a final bid, contract, change order, or purchase order that has been obtained through a procurement process to document the requested costs? Note: For cost overruns/change orders for an *existing* project, documentation of the additional amount that you are requesting for your project is sufficient. Yes, no, or explain
3. Is the facility that is being improved with IVAQ funds a rented property? Yes, no, or explain
4. If facility is rented, provide the number of years remaining on your lease. Term remaining on lease

**ASSURANCES FOR ALL GRANTEES:**

1. We agree to review and follow all applicable local, state, and federal policies and regulations when making a purchase using these federal funds, including federal and state procurement requirements that may be tied to certain dollar thresholds, in accordance with [2 CFR §§ 200.317-326](https://www.ecfr.gov/cgi-bin/text-idx?SID=8e083358ce45b5b5ad2144431c5393fa&mc=true&node=sg2.1.200_1309.sg1&rgn=div7), and Massachusetts procurement standards. Yes or No
2. We will keep all records of compliance with federal and state regulations up to date and in our files and will produce to DESE or its authorized representatives upon request. Yes or No

**ASSURANCES FOR IVAQ-FUNDED PROJECTS THAT HAVE BEEN DETERMINED TO BE *CONSTRUCTION* AND ARE USING ESSER I, II, AND/OR III FUNDS**

***If your project is either 1) funded with state/local and/or IVAQ funds alone or 2) IVAQ + ESSER I, II, III but not considered construction (e.g., minor remodeling or repair/maintenance), you may skip to the signature line below.***

In addition to any other assurance provided in this form for capital expenditures.

1. We, the grantee, understand that the construction project identified in this form using federal grant funds must comply with applicable Uniform Guidance requirements, [Davis-Bacon](https://www.dol.gov/agencies/whd/government-contracts/construction) prevailing wage requirements, [OMB Standard Forms 24B and D (Assurances for Non-Construction and Construction Programs),](https://apply07.grants.gov/apply/forms/sample/SF424D-V1.1.pdf) and all of the United States Department of Education’s applicable regulations regarding construction at 34 CFR §§ 76.600 and [75.600-75.618](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E?toc=1), as well as M.G.L. ch. 149. We will comply with all laws and regulations relating to our construction project. Yes or No
2. We have completed/will complete an environmental impact assessment before initiating the construction and fully considered any potential environmental ramifications before proceeding with the project ([34 CFR § 75.601](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.601)), as well as a cost analysis for procurements over $250,000. [2 CFR § 200.324.](https://www.govregs.com/regulations/2/200.324) Yes or No or Explain
3. We have considered/will consider the probable effects of 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](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.602)). Yes or No or Explain
4. We have title or other interest in the site on which the construction project will take place, including 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](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.603)). Yes or No or Explain
5. We will begin the approved construction in a reasonable time period and will have the final plans approved before the construction is advertised or placed on the market for bidding ([34 CFR § 75.605](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.605)). Yes or No or Explain
6. We will complete the project in a reasonable time period and consistent with the approved plans and specifications ([34 CFR § 75.606](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.606)). Yes or No or Explain
7. The construction project is functional, economical, and not elaborate in design or extravagant in the use of materials as compared to other facilities in the Commonwealth or other applicable geographic area ([34 CFR § 75.607](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.607)). Yes or No or Explain
8. The plans and designs for the facilities involved in our construction project 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](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.609) and [75.610](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.610)). *We have provided a copy of these plans and designs, as well as required building permits, with all required approvals, certifications, and signoffs appearing on them (pdf is acceptable).*  Yes or No or Explain
9. We will provide quarterly reports to DESE from architect/engineer verifying that work performed on the construction project conforms with the approved drawings and specifications upon request. Yes or No
10. We have sufficient operational funds to operate and maintain the facility once the construction is complete and will operate and maintain the facility in accordance with all applicable Federal, State, and local requirements ([34 CFR §§ 75.614](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.614) and [75.615](https://ecfr.federalregister.gov/current/title-34/subtitle-A/part-75/subpart-E/section-75.615)). Yes or No or Explain

**Signature of Superintendent or Charter School Leader:**

Name of Superintendent or Charter School Leader: Typed Name of Signatory

Date: Enter date signed

**Required Documents (please email to your district’s**[**DESE federal grants liaison**](https://www.doe.mass.edu/federalgrants/liaisons.xlsx)**):**

1. *A final, accepted bid or contract, purchase order, change order or other documentation showing cost overruns (if applicable) for those expenses to be funded with IVAQ grant funds.*
2. *For those that have not yet provided a procurement policy to DESE related to ESSER or have a new policy since last submitting, the most recent copy of your procurement policy.*