

Note: Pursuant to 14.11.020, borough assemblies or city councils and regional school boards may by resolution request responsibility from the State Department of Education and Early Development for the planning, design, and construction of school facilities funded by state grant funds. A.S. 35.15.080 provides for the assumption of responsibilities for state public works projects subject to AS 35.15.010. Pursuant to 14.14.060 and 14.14.065, borough assemblies and city councils may agree to a division of duties with the school board related to the design, maintenance, and construction of facilities. Assemblies and councils must consider the recommendations of the school board.

Since school construction is costly, and buildings become a permanent part of the community to be used by large numbers of people, the School Board and the district administration must take great care to ensure that the facilities fully support the intended educational and community programs, will be appropriately maintained, may be altered conveniently and inexpensively to meet future educational and community needs, provide a healthful environment, and fit harmoniously and attractively into the community.

*(cf. 1330 - Use of School Facilities)*

### **Role of the School Board**

The School Board:

1. Recommends to the borough assembly, city council, or Department of Education and Early Development what buildings shall be built, when and where.
2. Approves design criteria for school facilities.
3. Seeks adequate financing for school facilities.
4. Approves the selection of artists for art works in new facilities, if required or desired.
5. Awards contracts to responsible bidders in the best interests of the district.

### **Role of the Superintendent or designee**

The Superintendent or designee:

1. Directs the planning of all educational features of new buildings or alterations of old buildings.
2. Maintains overall responsibility for the preparation of the educational specifications and capital improvement plans for school facilities.

**CONCEPTS AND ROLES (continued)**

3. Acts as authorized agent of the district in all official governmental interactions related to school facilities.
4. Recommends artists for art work in new facilities.
5. Oversees the preparation of bids, award of contracts and, in collaboration with the architect, the construction.

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

*Legal Reference:*

ALASKA STATUTES

*14.07.020 Duties of the department*

*14.08.101 Powers (regional school board)*

*14.11.011 Grant applications*

*14.14.060 Relationship between borough school district and borough*

*14.14.065 Relationship between city school district and city*

*35.15.010 - 35.15.120 Construction procedures*

*35.27.020 Art requirements for public buildings and facilities*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.010 - 4 AAC 31.090 School facility planning and construction*

*4 AAC 31.900 Definitions*

*Revised 9/97*

*Revised 9/98*

General. The Lake and Peninsula School District is concerned over the manner in which bids are submitted which do not comply with the requirements of the bid documents. Bidders are requested to study and follow these instructions as to the method and form for submitting bids so there will be no reason to reject a bid.

Bid Forms. In order to receive consideration, all Bids must be in strict accordance with the following:

1. Submit Bids upon the forms provided therefore, or copies thereof, properly executed with all items filled out. Do not change the wording of Proposal and Bid Schedule, and do not add words to the wording of the Proposal and Bid Schedule. Unauthorized conditions, limitations, or provisions shall be cause for rejection of the Bid.
2. The Bid shall be submitted for a single contract.
3. Erasures or other changes must be initialed by the person signing the Bid.
4. Where required on the "Bid Schedule", Bidders must quote on all items. Failure to do so shall be cause for rejection.
5. Submittals with Proposals are not required unless specifically identified on the Bid Schedule.
6. Alternative Bids will not be considered unless called for.

Bid Security. All Bids shall be accompanied by Bid Security in the form of an acceptable Bid Bond, a form of which is provided herein, or Certified Check, Cashier's Check, or Money Order in the amount of five percent (5%) of the maximum Bid, including any alternates. Failure to execute the bid guaranty in the proper name of the contract defined in the bid advertisement and invitations to bid will cause the bid to be declared non-responsive.

Bid Bond form must be executed and submitted with Bid Security. Any Certified Check, Cashier's Check, or Money Order must be payable to The Lake and Peninsula School District. If the Bidder fails to furnish an acceptable Bid Security with the Bid, the Bid shall be rejected as non-responsive. Telegraphic notification of execution of a Bid Bond does not meet the requirements of a Bid Security accompanying the Bid. No individual surety will be accepted in lieu of Bid Bond, Certified Check, Cashier's Check, or Money Order.

The Bid Securities of the two lowest Bidders will be held by the School District until the Contract has been executed, after which such Bid Securities will be returned. All other Bid Securities will be returned as soon as practicable.

If all Bids are rejected, all Bid Securities will be returned as soon as practicable.

If any Bidder refuses to enter into a Contract, his/her Bid Security will be retained as Liquidated Damages but not as a Penalty.

**GENERAL REQUIREMENT CONSTRUCTION CONTRACT BIDS (continued)**

Modifications of Bids. Modifications shall provide only the addition, subtraction, or other modification so that the final prices or terms will not be known by the School District until the Bid is opened. Written modifications must be made over signature of the Bidder. Telegraphic modifications of Bids already submitted will be considered if received prior to the time fixed in the Invitation for Bids. Telegraphic modification by apparent low Bidder will be confirmed.

Submission of Bids. ALL BIDS INCLUDING ANY MODIFICATION OR WITHDRAWALS MUST BE DELIVERED PRIOR TO BID OPENING.

ALL MAILED BIDS MUST BE IN A SEALED ENVELOPE ADDRESSED TO:

THE LAKE AND PENINSULA SCHOOL DISTRICT  
Superintendent or Chief School Administrator of Schools  
P.O. Box 498  
King Salmon, Alaska 99613

BID FOR PROJECT: (Name of Project should be entered here.)

Bids, Modifications, or Withdrawals transmitted by mail must be received at the above-specified address thirty (30) minutes prior to the scheduled time of Bid opening. Any Bid, Amendment, or Withdrawal, which has not been actually received by the Contracting Agency prior to the time of the scheduled Bid Opening will not be considered.

Hand-delivered Bids, Modifications, or Withdrawals must be received by the person opening Bids, prior to the scheduled time of Bid opening. Hand-delivered Bids must be in a sealed envelope identified same as above.

No responsibility will be attached to any officer for the premature opening of, or the failure to open, a Bid not properly addressed and identified.

Late Bids will be returned to the sender unopened. It is the sole responsibility of the Bidder to see that his/her Bid is received on time.

Withdrawal of Bids. Any Bidder may withdraw his/her Bid, either personally or by written or telegraphic request, prior to scheduled time for opening Bids. Negligence on the part of the Bidder in preparing the Bid confers no right for the withdrawal of the Bid after it has been opened. No Bidder may withdraw his/her Bid for a period equal to the time allocated for Written Notice of Intent to Award as indicated on the Proposal; all Bids shall be subject to acceptance by the School District during this period.

Required Documents for Bid. BIDS WILL NOT BE CONSIDERED if the following documents are not completely filled out and submitted with the Bid:

1. Proposal, with Addenda acknowledged thereon and signed. Any Bid received without acknowledgment of Addenda cannot be read or otherwise considered at the Bid Opening. The Contracting Agency reserves the right to waive any informality in the acknowledgment of Addenda when such waiver is in the best interests of the Contracting Agency.

**GENERAL REQUIREMENT CONSTRUCTION CONTRACT BIDS (continued)**

2. Bid Security: Bid Bond, Certified Check, Cashier's Check, or Money Order. Bid Bonds, must be accompanied by a legible copy of the Power of Attorney. The failure to furnish an acceptable Bid Guaranty with the Bid will be cause for rejection of the Bid as non-responsive.
3. Bid Schedule, manually signed. If erasure of other changes appear on the forms, each such erasure or change must be initialed by the person signing the Bid.
4. Corporate Acknowledgment to be submitted when Bid is by a Corporation.

Bid Opening. Bids will be opened in public and read at the time set for opening in the Invitation for Bids section.

Bidders Interested in More Than One Bid: If more than one Bid be offered by any one party, by or in the name of his/her or their clerk, partner, or other person, all such Bids will be rejected. A party who has quoted prices to a Bidder is not thereby disqualified from quoting prices to other Bidders or from submitting a Bid directly for the Work.

Award or Rejection of Bids. The Contract will be awarded as soon as practicable to the lowest responsible Bidder for this Project, price and other factors considered, provided his/her Bid is reasonable and it is to the interest of the Contracting Agency to accept it.

The Contracting Agency reserves the right to waive any informality in Bids received when such waiver is in the interest of the Contracting Agency. In case of error in the extension of prices, the unit price will govern.

The Contracting Agency further reserves the right to accept or reject any and/or all Bids, unless the Bidder qualified such Bid by specific limitation; also to make an Award to the Bidder whose aggregate Bid on any combination of Bid Packages is low.

Rejection of Bids. The Contracting Agency reserves the right to reject any and all Bids when such rejection is in the interest of the Contracting Agency; to reject the Bid of a Bidder who has previously failed to perform properly or complete on time Contracts of a similar nature; and to reject the Bid of a Bidder who is not, in the opinion of the Contracting Officer, in a position to perform the Contract.

Addenda Requirements. The Bid Documents provide for acknowledgment individually of all Addenda to the Drawings and/or Specifications on the signature page of the Proposal. All Addenda shall be acknowledged on the Proposal or by telegram prior to the scheduled time of Bid Opening. If no Addenda are received by the Bidder, the word "None" should be shown as specified.

Every effort will be made by The Lake and Peninsula School District to insure that Contractors receive all Addenda when issued. Addenda, both by mail and wire, will be sent to the address provided when bidding documents are requested.

**GENERAL REQUIREMENT CONSTRUCTION CONTRACT BIDS (continued)**

Examination of Drawings, Specifications, and Site of Work. Before submitting a Bid, each Bidder shall carefully examine the Drawings, read the Specifications and all other proposed Contract Documents, and visit the site of Work to ascertain pertinent local conditions readily determined by inspection and inquiry, such as the location, accessibility, general characteristics of the site, labor conditions, the characteristics and extent of existing Work within or adjacent thereto, and any other Work being performed thereon. Each Bidder shall include in his/her Bid a sum to cover all costs of all items necessary to perform the Work as set forth in the proposed Contract Documents. No allowance will be made to any Bidder because of lack of such examination or knowledge. The submission of a Bid will be construed as conclusive evidence that the Bidder has made such examination.

Qualification of Bidders. Prior to award of Contract, any Bidder may be required to furnish evidence satisfactory to The Lake and Peninsula School District that he/she and his/her proposed subcontractors have sufficient means and experience in performing comparable work, his/her business and technical organization, financial resources, plant available and method of performing the work, and whether he/she has ever been terminated or defaulted on construction work to assure completion of the Contract in a satisfactory manner. The Lake and Peninsula School District reserves the right to disqualify or refuse to receive a proposal if a Bidder is in default for any of the following reasons:

1. Uncompleted work, which in the judgment of The Lake and Peninsula School District, might hinder or prevent the prompt completion of additional work if awarded.
2. Failure to pay, or satisfactorily settle, all bills due for labor and material on former contracts in force at the time of issuance of proposals.
3. Failure to comply with any qualification regulations of The Lake and Peninsula School District.
4. Default under previous contracts.

Required Documents for Award of Contract. The following documents must be completely executed prior to Award of the Contract and starting Work. Contractors are urged to expedite the completion of these requirements so that Award and Notice to Proceed with the Work can be made in a timely manner. These Documents must be submitted within ten (10) calendar days after the date of Intent to Award notification.

1. Contract
2. Contract Bond (Payment, see Bonding Requirements below).
3. Contract Bond (Performance, see Bonding Requirements below).
4. Resident Agent's Affidavit
5. Non-Collusion Affidavit
6. Proof of Worker's Compensation Insurance and All Builders Risk
7. If a corporation, Corporate Acknowledgment completed and notarized.
8. Copy of current Alaska Contractor's Certificate of Registration and Alaska Business License

**GENERAL REQUIREMENT CONSTRUCTION CONTRACT BIDS (continued)**

Contract Bonds. Prior to the execution of the Contract, the selected Contractor will be required to furnish a Payment Bond and a Performance Bond, made payable to The Lake and Peninsula School District, in the amounts shown below:

Payment Bond. The Payment Bond shall be Fifty percent (50%) of the Contract Amount.

Performance Bond. The Performance Bond shall be Fifty percent (50%) of the Contract Amount.

Payment and Performance Bonds shall be submitted as Corporate Surety (Bonding Company).

Pre-Bid Conference. The Contracting Officer at his/her discretion upon the request of any prospective bidder, may provide for a pre-bid conference to be held at least seven (7) days prior to the time for submission of bids. All points of clarification and questions answered at the conference which may affect the bid must be issued in the form of an addendum.

Non-Discrimination. Any bidder, in submitting a proposal, must certify that if awarded a contract on the basis of that proposal, he/she as the contractor will not discriminate against any member or applicant for employment because of race, color, religion, national origin, ancestry, age, or sex. The contractor will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, national origin, ancestry, age, or sex. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer;

Recruitment or recruitment advertising;

Layoff or termination rates of pay or other forms of compensation; and Selection for training, including apprenticeship.

The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

New Construction  
**PURCHASING-CONTRACTING**

Construction Projects

When the estimated cost of a purchase or contract under a construction project exceeds one hundred thousand dollars (\$100,000.00), the following procedures will be adhered to:

- A. A request for bids will be published in an Anchorage, Alaska newspaper of general circulation at least once a week for three (3) weeks prior to the date the bids are opened. Whenever possible, the bids will not be opened until at least thirty (30) days-after the first request for bids is advertised.
- B. In addition, a request for bids will be circulated in The Lake and Peninsula School District area in a manner best calculated to solicit local participation in the bidding process. If the Superintendent or Chief School Administrator believes it necessary, a request for bids will be advertised in a newspaper of general circulation in Fairbanks, Alaska; Seattle, Washington; or other communities.
- C. Request for bids shall contain a brief description of the construction project and shall state where bid documents are available for inspection.
- D. Sealed bids will be received at the office of the Superintendent or Chief School Administrator, or at the place designated in the Notice, until the hour appointed for opening the bids.
- E. The bids will be publicly opened at the Office of the Superintendent or Chief School Administrator, or at the place designated in the Notice, at the time set forth in the published request for bids. At least two (2) representatives of the School District will be present when the bids are publicly opened.
- F. All bids submitted shall be retained by the School District as part of the School District records.
- G. The School District reserves the right to alter the procedure for advertising construction projects or for requesting public bids in any manner, which will better serve the interests of the School District. For example, the period for advertising bids may be shortened to less than thirty (30) days if circumstances require.
- H. An "Instruction to Bidders" sheet containing information with regard to bidders' obligations will be forwarded to all prospective bidders.

The Superintendent or Chief School Administrator of The Lake and Peninsula School District, or his designee, will make the decision as to whether the District should use a simplified bidding procedure for projects under \$100,000. The District must solicit sealed bids when practical, by publication in newspapers calculated to reach prospective bidders and by posting notices in public places within the area where the work is to be performed or material furnished when the estimated purchase or costs of services exceeds twenty thousand dollars (\$20,000.00).

New Construction

**PURCHASING-CONTRACTING (continued)**

If the cost of the goods or services is more than five thousand dollars (\$5,000.00) bid and less than twenty thousand (\$20,000.00), the District will solicit competitive bids on the open market, but insofar as practical, the purchases should be made after receiving at least three (3) competitive bids. These competitive bids will be recorded, and can be made by writing or telephone.

For purchases of less than five thousand dollars (\$ 5,000.00), the District purchasers may make purchases without soliciting competitive bids.

Competitive bids are not required for contractual services where no competition exists where rates are fixed by law or ordinance and professional services.

Note: A.S. 14.11.011 requires a six-year capital improvement plan when applying for state construction funds. 4 AAC 31.010 describes required educational specifications and 4 AAC 31.011 describes the required capital improvement plan.

The Superintendent or designee shall maintain an up-to-date facilities master plan. The plan shall reflect the current district educational specifications and capital improvement plan for school facility planning and construction.

Those qualitative factors considered may include, but not be limited to:

1. State allocation building area standards.
2. Maximum student capacity according to designated student-teacher ratios.
3. Current student capacity based on current district program requirements.

The Superintendent or designee shall ensure that proposed district facilities meet the educational needs of the students and conform to all planning requirements imposed by state and local governmental agencies.

The School Board recognizes the importance of having complete and factual information as the basis for developing and maintaining cooperation among district staff, parents/guardians, students, state and local governmental and planning agencies, and other business and community representatives in developing district plans.

To assure a comprehensive approach to projecting and planning needs, the following elements shall be considered in planning school facilities:

1. The expanding and changing educational program of the district including the number of children to be served and their specific educational needs.
2. The impact of proposed facilities on the community and considerations regarding community use of the facilities.
3. Safety and welfare of students.
4. The relationship between existing and new facilities.
5. Community planning and zoning requirements.

## New Construction

6. Other site-specific information, which provides guidance in the planning of facilities.
7. The forecasted enrollments and demographic factors.

### *Legal Reference:*

#### ALASKA STATUTES

*14.11.011 Grant applications*

*14.11.020 Assumption of responsibilities*

*35.15.080 Local control of state public works projects*

*35.27.010 - 35.27.030 Art works in public buildings and facilities*

#### ALASKA ADMINISTRATIVE CODE

*4 AAC 31.010 - 4 AAC 31.090 School facility planning and construction*

*4 AAC 31.900 Definitions*

The School Board recognizes the need to cooperate with municipal, state and federal agencies to provide the best possible school facilities and obtain the greatest efficiency and economy in the use of public funds expended for school construction.

### **Lake and Peninsula Borough Partnerships SCHOOL BUILDINGS AND PROPERTY**

The ownership of land and buildings used by the Lake and Peninsula School District is vested in the Lake and Peninsula Borough. The Lake and Peninsula Borough has delegated the sole responsibility for use and maintenance of school buildings and property to the Lake and Peninsula School District.

*Legal Reference:*

ALASKA STATUTES

*14.07.020 Duties of department*

*14.11.020 Assumption of responsibilities*

*14.14.060 Relationship between borough school district and borough*

*14.14.065 Relationship between city school district and city*

*35.15.080 Local control of state public works projects*

Upon approval by the School Board, the Superintendent or designee may contract for the services of an architect, engineer or land surveyor for any approved project in accordance with law.

*(cf. 3312 - Contracts)*

Note: 4 AAC 31.065 requires that contracts for consultant services funded by state aid of more than \$50,000 be advertised and awarded to the most qualified offeror, and mandates district procedures for administrative review of complaints by aggrieved offerors.

The Superintendent or designee shall:

1. Develop criteria for the selection of professional consultants.
2. Recommend a list of professional consultants for School Board approval.
3. Provide pertinent information to facilitate School Board approval on contracts for professional services.
4. Provide a procedure for an administrative hearing for unsuccessful contractors in accordance with law.

*Legal Reference:*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.065 Selection of designers and construction managers*

## **SITE SELECTION AND DEVELOPMENT**

The School Board believes that site selection and development starts from the premise that the school is an integral part of the total community. The School Board will solicit community input whenever a school site is to be selected. Besides serving our district's educational needs, an adequate site should show potential for contributing to other community needs and functions. In addition, the following factors shall be considered:

1. Size of lot, current and future parking needs and outdoor facilities, such as tracks and fields.
2. Soil and gradation considerations.
3. Access to utilities.
4. Conflicts with existing traffic patterns.

*(cf. 0430 - Community School Program)*

Note: Pursuant to 4 AAC 31.080, with prior state approval, a district may purchase an existing facility for use as an education-related facility if a cost savings results, if the purchase price was fairly negotiated and meets the appraisal standards, and if the purchase is in the best interests of the state and district.

*Legal Reference:*

ALASKA STATUTES

*14.14.060 Relationship between borough school district and borough*

*14.14.065 Relationship between city school district and city*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.010 Educational specifications*

*4 AAC 31.025 Site acquisition and selection*

*4 AAC 31.080 Construction and acquisition of public school facilities*

**METHODS OF FINANCING**

Growth, safety considerations and educational program changes may require the construction of new facilities and the reconstruction of existing facilities. The purchase of school sites and the construction of buildings may be financed by any legally provided means, which the district is qualified to employ, including state-financed assistance.

Note: 4 AAC 31.060 requires districts using state aid granted under AS 14.11.020 to comply with all pertinent laws and regulations related to the construction of a public school facility.

The superintendent shall determine the anticipated share of the school district's participation in the cost of any proposed school construction or major maintenance project, and shall evaluate available means of making the local contribution required by law. These alternatives may include the sale of capital bonds, the use of available federal funds or funds from other sources and, where applicable, locally contributed labor, material or equipment.

When the Superintendent determines bonding may be the best option a recommendation will be made to the Lake and Peninsula Borough Assembly.

Note: The following language is optional for school districts with full value ADM (Average Daily Membership) of \$200,000 or less, which is calculated as described in AS 14.11.008(b). A qualified school district that is unable to provide the required participatory share of a construction project, may, under certain circumstances, be eligible for a waiver of that contribution.

If the district is unable to provide the required participatory share through federal, local or other funding sources, and is unable to satisfy its participatory share through local contributions, and it can be demonstrated that the required participatory share will jeopardize receipt of federal assistance, the superintendent may request in writing from the Alaska Department of Education and Early Development a full or partial waiver of the local contribution.

*Legal Reference:*

ALASKA STATUTES

*14.11.005 - 14.11.135 Construction, rehabilitation, and improvement of school and education-related facilities.*

*43.50.010 - 43.50.180 Cigarette Tax Act*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.010 - 4 AAC 31.090 School facility planning and construction*

*4 AAC 36.010 Cigarette tax distribution*

*4 AAC 57.200 - 4 AAC 57.300 Library construction grants*

**AASB POLICY REFERENCE MANUAL**  
**9/92**

BP  
7440

**PROTECTION AND GUARANTEES**

BP 7440

The Superintendent or designee shall protect the district real property interest during all phases of construction. Such interests may include, but are not limited to:

1. A review of existing property insurance policies for coverage of new construction and preparation of such policies for conversion upon completion of new construction.
2. Liability insurance for design errors, code violations, or lack of adherence to construction standards.
3. Contractor performance bonds.

*(cf. 3530 - Risk management)*

## **NAMING OF FACILITY**

### **Policy Statement on Naming Schools of the Lake and Peninsula School District**

The Lake and Peninsula School District supports the concept of local ownership of schools by the communities. To enhance the ownership concept, the School Board will consider the naming of a school after a locally prominent community leader or other person important to the community.

Procedures for naming schools:

- The school naming process shall begin by initiative of the LSAC. The process may include nomination for a school name by students, local community group, or the LSAC itself.
- Upon receipt of the nomination(s), the LSAC shall verify that the nominee(s) meet the criterion of being of prominence or importance to the community. Also, the nominee(s) shall meet the highest moral and ethical standards as determined by the LSAC. The LSAC shall then select the name they deem most appropriate for the community.
- The LSAC shall make notice in the local community of the proposed naming of the school for at least one month. The proposed name of the school shall be submitted to the Superintendent or Chief School Administrator and School Board prior to the LSAC taking final action for their concurrence. Final action shall be during a regularly scheduled LSAC meeting, which is properly noticed to the public.
- After the LSAC has taken final action, notice shall be made to the Superintendent or Chief School Administrator's office, School Board, and other schools as deemed necessary.