

Navigating the Facility Hardship and Seismic Mitigation Programs

School Facility Program Regulation Section 1859.82

Presentation by:
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Background

Purpose: provides grant assistance to school districts when necessary facilities have conditions that are causing health and safety threats to students and staff.

- ▶ Health & Safety projects
- ▶ Education Code Section 17075.10(a): “A school district may apply for hardship assistance in cases of extraordinary circumstances.”

New Regulations and Complete Rework of Section 1859.82

- ▶ From 1 combined section to 3 program-specific subsections:
 - ▶ 1859.82.1 Facility Hardship Program (FHP)
 - ▶ 1859.82.2 Seismic Mitigation Program (SMP)
 - ▶ 1859.82.3 Conceptual Applications
- ▶ Approved by SAB on May 27, 2020
- ▶ Effective August 31, 2020

Program Basics

- ▶ Minimum Work Programs
- ▶ Does not rely on New Construction or Modernization eligibility
 - ▶ Funding may still result in adjustments to existing NC and/or Mod eligibility
- ▶ Applications receive expedited processing
 - ▶ Complete Applications brought to SAB within 90-120 Days of OPSC's receipt
 - ▶ Processing occurs even when we have received enough applications to exhaust bond authority
 - ▶ This can potentially bump applications in line for processing onto the ARBBA list

Types of Applications

Facility Hardship Program (FHP)

- ▶ Full School Replacement
- ▶ Facility Replacement
 - ▶ Individual Structures/buildings
- ▶ Rehabilitation
 - ▶ Components and Repairs

Seismic Mitigation Program (SMP)*

- ▶ Full School Replacement
- ▶ Facility Replacement
 - ▶ Individual Structures/buildings
- ▶ Rehabilitation
 - ▶ Seismic Retrofitting, Covered Walkways, Lunch Shelters

*Category 2 building: “pose unacceptable risk of injury to occupants in the event of a seismic event”
examples: precast concrete frames, brick walls, rigid steel frames

Conceptual or Design

- ▶ **Design:** Only accepted for Districts that receive Financial Hardship Approval and provides design grant
- ▶ **Conceptual:** Accepted for non-financial hardship eligible applicants, but does not reserve bond authority

Funding Determination

Facility Hardship

Replacement
(50/50 State/District)

Full School

Pupil Grants
(based on enrollment)

Building(s)

Square Footage
Calculation

Rehabilitation
(60/40 State/District)

Cost Estimate

Seismic Mitigation*

*SMP grants comes out of the NC fund which provides grants at a 50/50 State/District matching level

Replacement
(50/50 State/District)

Full School

Pupil Grants
(based on enrollment)

Building(s)

Square Footage
Calculation

Rehabilitation
(50/50 State/District)*

Cost Estimate

- If a district qualifies for Financial Hardship, it can receive up to 100% of the district's matching funds

Required Documents for a Complete Facility Hardship Application

- ▶ **Application for Funding (Form SAB 50-04)**

- ▶ **Industry Specialist's Report**

Identifies and substantiates health and safety threat and minimum work necessary to mitigate the problem.

- ▶ **Governmental Concurrence**

A government agency's written concurrence with the industry specialist's report and mitigation measures.

- ▶ **Facility Hardship Cost Estimate (Form SAB 58-01)**

Unit cost breakdown of the minimum work necessary to rehabilitate.

- ▶ **Mitigation Measures/Narrative**

Description of the corrective plan.

- ▶ **Cost/Benefit Analysis**

Comparison of the cost of mitigation work to the Current Replacement Cost as defined in SFP Regulation Section 1859.82.1.

- ▶ **DSA Plan Approval Letter (Or Exemption)**

- ▶ **Department of Education Site/Plan Approval**

- ▶ **Career Technical Education Advisory Committee (CTEAC) Letter**

- ▶ **Site Diagram**

- ▶ **Photos***

- ▶ **Facility Hardship Request***

Checklist of all the required documents.

*Recommended

Required Documents for a Complete Seismic Mitigation Application

▶ **Application for Funding (Form SAB 50-04)**

▶ **Industry Specialist's Report**

- Licensed Design Professional
- Geologic Hazards Report

▶ **Governmental Concurrence**

- Division of the State Architect (DSA)
 - DSA Procedure PR 08-03
- California Geologic Survey (CGS)

▶ **Facility Hardship Cost Estimate (Form SAB 58-01)**

Unit cost breakdown of the minimum work necessary to rehabilitate.

▶ **Mitigation Measures/Narrative**

Description of the corrective plan.

▶ **Cost/Benefit Analysis**

Comparison of the cost of mitigation work to the Current Replacement Cost as defined in SFP Regulation Section 1859.82.2.

▶ **DSA Plan Approval Letter (Or Exemption)**

▶ **Department of Education Site/Plan Approval**

▶ **Career Technical Education Advisory Committee (CTEAC) Letter**

▶ **Site Diagram**

▶ **Photos***

▶ **Facility Hardship Request***

Checklist of all the required documents.

*Recommended

New Application for Funding: Form SAB 50-04

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV 05/20)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

1. Type of Application—Check Only One

- New Construction
- New Construction (Final Apportionment)
- New Construction (Final Charter School Apportionment)
- New Construction (Overcrowding Relief Grant)
- Rehabilitation (Final Charter School Apportionment)
- Modernization
- Modernization of California Schools for Deaf/Blind

Facility Hardship [Section 1859.82.1]

- Conceptual Approval [Section 1859.82.3(a)]
- Replacement Site
- Replacement School Building(s):
Toilets (sq. ft.) _____
Other (sq. ft.) _____
- Rehabilitation Costs: \$ _____

Seismic Mitigation [Section 1859.82.2]

- Conceptual Approval [Section 1859.82.3(b)]
- Replacement Site
- Replacement School Building(s):
Toilets (sq. ft.) _____
Other (sq. ft.) _____
- Seismic Rehabilitation Grant: \$ _____

Separate Apportionment

- Site Only—New Construction [Section 1859.81.1]

From 2a above, how many are 50 Year or Older Pupil Grants?

K-6: _____ Non-Severe: _____
7-8: _____ Severe: _____
9-12: _____

c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)

K-6: _____ Non-Severe: _____
7-8: _____ Severe: _____
9-12: _____

d. Is this a 6-8 school? Yes No
If you answered yes, how many K-6 pupils reported above are sixth graders? _____

Is this an Alternative Education School? Yes No

e. Is this a use of grant request pursuant to Section 1859.77.2? Yes No
Is this request pursuant to Section 1859.77.2(c)? Yes No
If yes, enter date of successful bond election: _____

Is this a use of grant request pursuant to Section 1859.77.3? Yes No
Is this request pursuant to Section 1859.77.3(c)? Yes No
If yes, enter date of successful bond election: _____

f. Charter School Facilities Program Rehabilitation Request:
Toilets (sq. ft.) _____
Other (sq. ft.) _____

Facility Hardship

Seismic Mitigation

Industry Specialist's Report

Establishes scope of mitigation project

For Facility Hardship applications:

- ▶ Looking for:
 - ▶ Presence of an imminent health and safety threat
 - ▶ Root cause of health and safety threat
 - ▶ Minimum measures required to mitigate the health and safety threat
- ▶ Examples of industry specialists: Plumber, Structural Engineer, Electrician

For Seismic Mitigation applications:

- ▶ The Industry specialist must be a licensed design professional
- ▶ If there is risk of liquefaction of the soil, faulting, or landslide potential, the District must also obtain a geologic hazards analysis report
- ▶ Reports must be formatted for submission through DSA's seismic project review procedure: PR 08-03

Governmental Concurrence

Provides 3rd party review of proposed scope of work

Facility Hardship applications:

- ▶ Government-level agency must concur to presence of an imminent health & safety threat and confirm mitigation measures represent minimum work
- ▶ Examples of government agencies: Health Department, DSA, Fire Marshall, California Geologic Survey (CGS)

Seismic Mitigation applications:

- ▶ Governmental concurrence will come from DSA and CGS (where a geologic hazards report is needed)
- ▶ As part of Procedure PR 08-03, SMP applications will go through phases of concurrence with DSA:
 - ▶ Replacement Application:
 - Phase 1- Eligibility
 - Phase 2- Replacement Option Analysis
 - ▶ Rehabilitation Application:
 - Phase 1- Eligibility
 - Phase 3- Seismic Rehabilitation Pre-Application (design criteria evaluation)
 - Phase 4- DSA Concurrence (minimum mitigation)

Cost Estimate

Itemized cost summary of the construction materials needed to rehabilitate

- ▶ Two main uses:
 - ▶ Cost-Benefit Analysis comparison (to determine replacement vs. rehabilitation)
 - If estimated rehabilitation cost is less than 50% of cost to replace = Rehabilitation funding
 - ▶ Verified costs directly determine the **“base grant” amount for rehabilitation applications**
- ▶ Plan Verification Team (PVT) reviews the cost estimate to ensure the items requested match the scope of the described mitigation measures
- ▶ Must be submitted on *Facility Hardship Cost Estimate* (Form SAB 58-01)
 - ▶ Cost estimates not submitted on this form will not be processed
- ▶ Based on standardized costs from current year Sierra West Construction Remodeling Costs (Red Book)
 - ▶ Not invoices, bids or actual costs
 - ▶ No lump sums
 - ▶ New: **Costs allowed at F3 level**

Form SAB 58-01: F3 Costs

Division 6 CSI #	06 - CARPENTRY Description	Unit	Total Unit Costs			
			F1	F2	F3	F4
06.1200 000	HORIZONTAL FRAMING, PER 1,000 BOARD FEET:					
06.1201 000	BEAMS:					
06.1201 011	Beams, 4" x 6" to 4" x 12", to 20', construction grade	MBF	5,760.89	7,308.93	8,856.98	11,953.07
06.1201 021	Beams, 6" x 6" to 6" x 12", to 20', construction grade	MBF	6,137.67	7,637.46	9,137.25	12,136.83
06.1201 031	Beams, 8" x 8" to 8" x 12", to 20', construction grade	MBF	6,444.92	7,896.46	9,347.99	12,251.06
06.1201 041	Beams, 4" x 6" to 4" x 12", to 20', select grade	MBF	6,493.78	8,041.82	9,589.87	12,685.96
06.1201 051	Beams, 6" x 6" to 6" x 12", to 20', select grade	MBF	7,033.80	8,533.59	10,033.38	13,032.96
06.1201 061	Beams, 8" x 8" to 8" x 12", to 20', select grade	MBF	7,480.19	8,931.73	10,383.26	13,286.33
06.1202 000	FLOOR JOISTS & BLOCKING INCLUDING RIM JOISTS:					
06.1202 011	Floor joist, block, 2" x 6", rim joist	MBF	4,517.49	5,640.08	6,762.68	9,007.87
06.1202 021	Floor joist, block, 2" x 8", rim joist	MBF	4,630.07	5,714.22	6,798.37	8,966.67
06.1202 031	Floor joist, block, 2" x 10", rim joist	MBF	4,746.11	5,791.36	6,836.61	8,927.11
06.1202 041	Floor joist, block, 2" x 12", rim joist	MBF	4,805.11	5,825.76	6,846.41	8,887.71
06.1202 051	Floor joist, block, 2" x 14", rim joist	MBF	4,951.61	5,972.26	6,992.91	9,034.21
06.1202 061	Floor joist, block, 4" x 14", rim joist	MBF	5,744.61	6,824.91	7,905.22	10,065.82
06.1202 071	Floor joist, block, 3" x 14", rim joist	MBF	5,633.30	6,713.61	7,793.91	9,954.52

Modified Excerpt: Sierra West Publishing. *Current Construction Remodeling Costs 2020*, 104.

Under the revised regulations, Districts must submit unit costs at the F3 level

- Single, uniform F level reduces variability in grants provided across applications
- Results in an overall increase to the "base grant" for rehabilitation applications

Cost Estimate (Form SAB 58-01): Soft Costs

PART II

General Requirements (CSI # 01.0000 000)			
8. General Conditions (Field Office Overhead) (enter %)	0.00%	\$ -	- Based on OPSC's Allowance Subtotal and upon CSI# 01.1000 000 Project Type in Sierra West. • Facility Hardship Rehabilitation (Fire and/or Water Damage) – "Repair of Fire Damage" • Facility Hardship Rehabilitation (historical structures) – "Unique Structures" • Facility Hardship Rehabilitation (all others) – "Alterations & Additions" • Seismic Mitigation Program Rehabilitation – "Alterations & Additions"
9. General Requirements (Home Office) (enter %)	0.00%	\$ -	- Based on OPSC's Allowance Subtotal and upon CSI# 01.2000 000 Project Type in Sierra West.
10. Bonds (enter %)	0.00%	\$ -	- Based on OPSC's Allowance Subtotal and based upon CSI# 01.2000 000 Project Type in Sierra West.
11. Overhead & Profit			- Based on OPSC's Allowance Subtotal and upon CSI# 01.2000 000, "Institutional Structure" in Sierra West. (Note: \$0 - This is included in General Requirements)
Construction Subtotal:		\$ -	
12. DSA Inspection Fee (allowed at 1.00%):	1.00%	\$ -	- Always 1.00%, based on Construction Subtotal. Only allowed if project required DSA approval.
13. Escalation (enter % for current year):	0.00%	\$ -	- This is based on Construction Subtotal, Allowed if the project has not been completed at the time of SAB approval. Allow one year escalation, based upon CSI# 01.3000 000, "Institutional Structure" in Sierra West.
14. Industry Specialist's Report Costs: (\$10,000 or 1% of OPSC's Allowance)		\$ 10,000.00	- Based on OPSC's Allowance Subtotal, enter the greater of \$10,000 or 1% of OPSC's Allowance.
15. Construction Testing Allowance:	1.00%	\$ -	- Always 1.00%, based on Construction Subtotal. Only allowed for rehabilitation projects if specialized testing of construction materials is required
16. Design Cost Allowance:		\$ -	- Based on Construction Subtotal, using the Design Cost Allowance chart below.
17. CDE Plan Fee:		\$ -	- Based on the published fee found on CDE's website. https://www.cde.ca.gov/ls/fa/sf/forms.asp
18. DSA Plan Fee (enter \$ amount):		\$ -	- Based on Construction Subtotal, use the calculator found on the DSA's website. https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx
OPSC Approved Total Project Cost:		\$ 10,000.00	

Design Cost Allowance

Construction Subtotal (from above): \$ -

	Multiplier		
first \$500,000	12.00%	\$ -	-
next \$500,000	11.50%	\$ -	-
next \$1 million	11.00%	\$ -	-
next \$4 million	10.00%	\$ -	-
next \$4 million	9.00%	\$ -	-

Cost Estimate (Form SAB 58-01): Certification

STATE OF CALIFORNIA
 FACILITY HARDSHIP COST ESTIMATE
 SCHOOL FACILITY PROGRAM
 SAB 58-01 (NEW 05/20)

STATE ALLOCATION BOARD
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION

School District:	Application Number:
School Name:	DSA Number:
County:	

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district; and,
- under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct to the best of my knowledge and belief, and that the Public Contract Code was adhered to in the construction of this project; and,
- this form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. No variations of this form may be used.

Name of District Representative (Print):	Phone Number:
Signature of District Representative:	Date:

- Submit 2 copies:
1. PDF with signature of authorized District Representative
 2. Editable Excel file for Plan Verification Team Review

Cost Estimate (Form SAB 58-01): How to access the Form

The screenshot shows a web browser window with the URL webapps.dgs.ca.gov/OPSC/OPSCOnline/resources. The page header includes the CA.GOV logo, the Office of Public School Construction logo, and navigation links for Contact Us, Settings, and Welcome Sylvanna. A horizontal menu contains icons for Resources, Accounting, Admin, Grants, Reports, Users, District, and Dashboard. The Resources icon is highlighted with a red box. Below the menu, the breadcrumb path is 'Dashboard / Resources'. The main heading is 'OPSC Resources'. A list of resource links is displayed, with two links highlighted in green boxes and red outlines: 'Facility Hardship Cost Estimate (Form SAB 58-01) Instructions' and 'Facility Hardship Cost Estimate (Form SAB 58-01)(excel)'. To the right of these links, there are two arrows pointing left with the text 'Form Instructions' and 'Editable Form as an Excel File' respectively. Other links in the list include 'Form SAB 50-01, 50-02, 50-03 Combined Excel Worksheet', 'Site Development Worksheet', and 'OPSC Online User Guide'.

Form SAB 50-01, 50-02, 50-03 Combined Excel Worksheet

Facility Hardship Cost Estimate (Form SAB 58-01) Instructions

← Form Instructions

Facility Hardship Cost Estimate (Form SAB 58-01)(excel)

← Editable Form as an Excel File

Site Development Worksheet

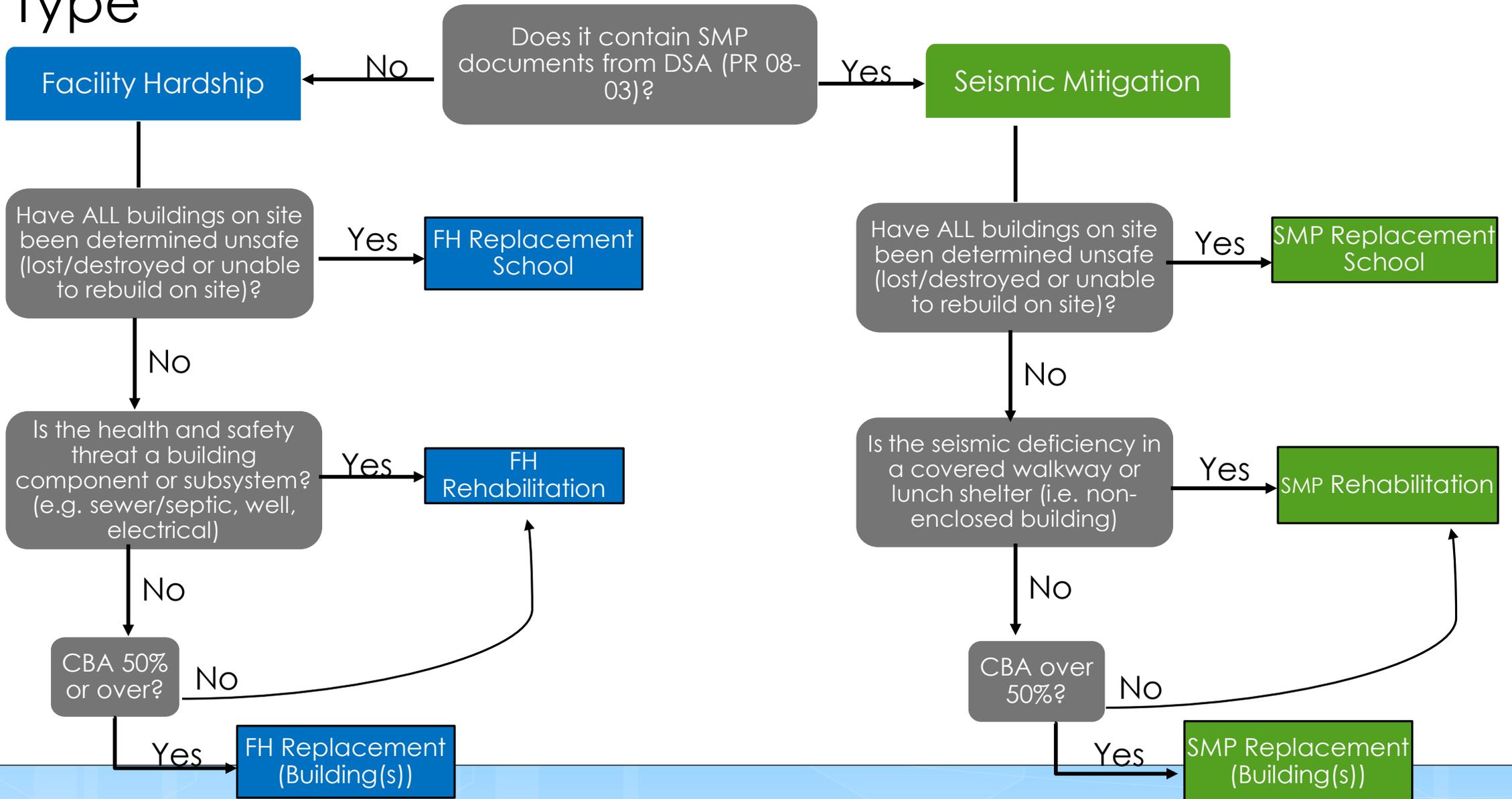
OPSC Online User Guide

Replacement Funding: Square Footage Grant

- ▶ Used to calculate the “**base grant**” for **Replacement Building(s)** applications
 - ▶ One or more (but not all) buildings on the site qualify for replacement
- ▶ Cost Benefit Analysis is compared to rehabilitation cost estimate to determine if eligible for Replacement
 - ▶ If estimated rehabilitation cost is greater than 50% of cost to replace = Replacement funding
- ▶ Funding provided for eligible replacement square footage
 - ▶ Eligible square footage is a formula-based determination
 - ▶ Factors include the amount of space being replaced, other space available on the site, and enrollment at the site
- ▶ Per Square foot grant amounts listed on Annual Adjustment to SFP Grant Chart (aka the CCI):
 - ▶ Toilet space: \$371/sq.ft. for 2021
 - ▶ Other space: \$207/sq.ft. for 2021
 - ▶ Portable toilet space: \$120/sq.ft. for 2021*
 - ▶ Portable other space: \$47/sq.ft. for 2021*

*Facility Hardship Program only

Determining Application Type



Other Changes and Updates

- ▶ Refocuses program on most imminent health and safety projects
 - ▶ OPSC must conduct a site visit prior to remediation for projects focusing on the mitigation of mold
- ▶ New Deadline to submit Facility Hardship Applications
 - ▶ 12 months from date of DSA approval
 - ▶ 6 months from project completion for projects not requiring DSA approval
 - ▶ SMP projects not subject to these deadlines
- ▶ Increased Flexibility for Funding Use
 - ▶ Replacement funding can be used for rehabilitation work without appeal (provided the health and safety threat is mitigated)
- ▶ Expanded Supplemental Grant Options
 - ▶ Replacement square footage for portables (Facility Hardship only)
 - ▶ Geographic location grant for rehabilitation applications
 - ▶ Small Size Project Grant for replacement building applications [1859.83(b)(6)]

Helpful Links

▶ Facility Hardship Website

<https://www.dgs.ca.gov/OPSC/Services/Page-Content/Office-of-Public-School-Construction-Services-List-Folder/Obtain-Facility-Hardship-Funding>

▶ Seismic Mitigation Website

<https://www.dgs.ca.gov/OPSC/Services/Page-Content/Office-of-Public-School-Construction-Services-List-Folder/Obtain-Seismic-Mitigation-Funding>

▶ Facility Hardship Request Form

<https://www.dgs.ca.gov/-/media/Divisions/OPSC/Services/Guides-and-Resources/FacHSWS122020-v2-ADA.pdf?la=en&hash=1391AF65B10AC1E06E845D54053E38AC97D5F255>

▶ DSA Procedure PR 08-03 (For Eligible Seismic Mitigation Applications)

https://www.dgs.ca.gov/-/media/Divisions/DSA/Publications/procedures/PR_08-03.pdf?la=en&hash=BC065F99E35AA4A76B7071AF5A4522BC2FFF7FF4

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Q & A