

Hemingford Public Schools – District 10

P.O. Box 217
Hemingford, NE 69348
(308) 487-3328

<http://www.hemingfordschools.org>

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Hemingford Public Schools - District 10

OBJECTIVES OF BUILDINGS & SITES - 901

This series of the board policy manual sets forth the board objectives and goals for the school district's buildings and sites. It shall be the goal of the board to provide sufficient school district buildings and sites for the education program. The board shall strive to provide an environment which will encourage and support learning.

In providing this environment the school district buildings and sites will accommodate the organizational and instructional patterns that support the education program. The board shall have final authority to determine what is necessary to meet the needs of the education program.

It shall be the responsibility of the superintendent to oversee the day-to-day operations of the school buildings and sites and to notify the board of areas in need of improvement.

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

BUILDINGS & SITES LONG RANGE PLANNING – 902.01

As part of the board's long range plan for the school district's education program, the board shall include the buildings and sites needs for the education program. The long-term needs for building and sites shall be discussed and determined by the board.

It shall be the responsibility of the superintendent to provide information including, but not limited to, enrollment projections and education program requirements to the board.

Cross Reference: 103 Educational and Operational Planning

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

CONSTRUCTION PLANS AND SPECIFICATIONS – 902.02

The board may engage the services of consultants or other personnel to study the needs of the school district's buildings and sites in providing the education program. The results of these services will be considered in planning the education program and in making decisions about the improvement and acquisition of additional buildings and sites.

It shall be the responsibility of the superintendent to make a recommendation to the board regarding the need for such services and who should perform such services for the board.

Buildings considered for purchase or construction by the board or currently owned by the school district and used for the education program must meet, or upon improvement be able to meet, the specifications set by the board. The board shall make this determination.

Prior to construction or renovation of buildings and sites the board shall make a determination of the method by which it will obtain construction services. If the board elects to use the Construction Management at Risk or Design-Build methods, rather than the traditional Design-Bid-Build method, policies for that respective method must first be established.

Prior to remodeling or other construction of buildings and sites, the board may appoint a committee of consultants, employees, citizens, or others to assist the board in developing the specifications for the new or improved buildings and sites. These specifications shall be consistent with the education program, and they shall provide the architect with the information necessary to determine what is expected from the facility. It shall be within the discretion of the board to determine whether a committee shall be appointed.

It shall be the responsibility of the superintendent to make a recommendation to the board regarding the specifications of buildings and sites.

Cross Reference: 104 Educational and Operational Planning

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

SITE ACQUISITION – 902.03

Sites acquired by the board shall meet or, upon improvement, be able to meet the specifications set out by the board prior to using the site for the education program. The board may meet in closed session to discuss potential purchases of sites.

It shall be the responsibility of the superintendent to assist the board and to make recommendations concerning the acquisition of sites.

Cross Reference: 204.06 Closed Sessions
 706.01 Purchasing Procedures

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

BIDS AND AWARDS FOR CONSTRUCTION CONTRACTS – 902.04

Public, competitive sealed bids are required for construction projects, including renovation and repair, with a cost exceeding \$40,000. This does not apply to the acquisition of existing building, purchase of new sites or site expansions by the district. The sealed bids shall be opened in public on the date and hour as advertised.

The award of construction contracts will, generally, be made to the lowest responsible bidder. The board, in its discretion, after considering factors relating to the construction, including, but not limited to, the cost of the construction, availability of service and/or repair, completion date, and any other factors deemed relevant by the board, may choose a bid other than the lowest bid. Resident bidders of the state of Nebraska may be given preference over nonresident bidders in some instances according to state statutes. The board shall have the right to reject any or all bids, or any part of the bids, to waive informalities, and to enter into the contract or contracts deemed to be in the best interests of the school district.

It shall be the responsibility of the superintendent to make a recommendation accompanied by supportive reasoning to the board for construction contract bids.

Legal Reference: Neb. Statute 73-101 *et seq*

Cross Reference: 706 Expenditures

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

PROCEDURES – BIDDING CONSTRUCTION PROJECTS – 902.04 A

The District shall bid every project for the construction, remodeling, or repair of any school owned building or for site improvements when the contemplated expenditures for the project is over \$40,000.00. The bidding procedures shall comply with the requirements of state law and shall include the following

1. Performance and Payment Bonds. Whenever any contract is entered into for the erecting, furnishing, or repairing of any building or other public structure or improvement, the contractor shall be required, before commencing such work, to furnish a performance, labor and material payment bond. The bond requirement shall not apply; however, to any project bid or proposed which had a total cost to \$10,000 or less unless the School Board or Administration includes a bond requirement in the specifications for the project. The bond shall be in an amount not less than the contract price. The bond shall be conditioned on the faithful performance of the contract and the payment by the contracting party of all laborers and mechanics for labor that is performed and of all material and equipment rental that is actually used or rented in connection with the improvement project and the performance of the contract. Such bond shall contain such provisions as are required by statutes, and be in a form prescribed and required by the district.

Legal Reference: Neb. Rev. Statute § 52-118; Neb. Stat. § 73-101 *et seq.*; Neb. Rev. Stat. § 73-106; Neb. Rev. Stat. § 81-3445.

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

CONSTRUCTION MANAGEMENT AT RISK SCHOOL CONSTRUCTION ALTERNATIVE - 902.05

The school district adopts this policy in the event it resolves to use the construction management at risk (CM at risk) construction delivery process. Prior to using the CM at risk process on a specific construction project, the school district shall contact the State Department of Education to determine the current eligibility of the proposed project under limitations established by the Nebraska Schools Construction Alternatives Act. The board shall then adopt such a resolution by a seventy-five percent affirmative vote.

Following the acquisition of professional architectural or engineering services as required for the project, the board shall utilize this policy to evaluate, select and contract with a construction manager for the delivery of construction services.

Definitions

1. Construction management at risk contract means a contract by which a construction manager (a) assumes the legal responsibility to deliver a construction project within a contracted price to the school district, (b) acts as a construction consultant to the school district during the design development phase of the project when the school district's architect or engineer designs the project, and (c) is the builder during the construction phase of the project;
2. Construction manager means the legal entity which proposes to enter into a construction management at risk contract under this policy;
3. Letter of interest means a statement indicating interest to enter into a construction management at risk contract for a project under this policy;
4. Project performance criteria means the performance requirements of the project suitable to allow the construction manager to make a proposal. Performance requirements include the following, if required by the project: Capacity, durability, standards, ingress and egress requirements, description of the site, surveys, soil and environmental information concerning the site, interior space requirements, material quality standards, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, parking requirements, applicable governmental code requirements, and other criteria for the intended use of the project;
5. Proposal means an offer in response to a request for proposals by a construction manager to enter into a construction management at risk contract for a project under this policy;
6. Request for letters of interest means the documentation or publication by which the school district solicits letters of interest;
7. Request for proposals means the documentation by which the school district solicits proposals.

Procedural Regulations

The board directs the superintendent to promulgate regulations detailing the following procedures:

1. Procedures and standards to be used to pre-qualify construction managers. The procedures and standards shall provide that the school district in consultation with its architect/engineer will evaluate prospective construction managers based on the information submitted to the school district in response to a request for letters of interest and will select construction managers who are pre-qualified and consequently eligible to respond to the request for proposals;
2. Procedures for the preparation and content of requests for proposals;
3. Procedures for preparing and submitting proposals;
4. Procedures for evaluating proposals;
5. Procedures for negotiations between the school district and the construction managers submitting proposals prior to the acceptance of a proposal if any such negotiations are contemplated;
6. Procedures for filing and acting on formal protests relating to the solicitation or execution of construction management at risk contracts.

Letters of Interest

The school district shall prepare a request for letters of interest for CM at risk proposals and shall pre-qualify construction managers in accordance with this section. The request for letters of interest shall describe the project in sufficient detail to permit a construction manager to submit a letter of interest.

The request for letters of interest shall be (a) published in a newspaper of general circulation within the school district at least thirty days prior to the deadline for receiving letters of interest and (b) sent by first-class mail to any construction manager upon request.

Letters of interest shall be reviewed by the school district in consultation with the architect/engineer. The school district shall select prospective construction managers in accordance with the procedures described above. The school district shall select at least three prospective construction managers except that if only two construction managers have submitted letters of interest, the school district shall select at least two prospective construction managers. The selected construction managers shall then be considered pre-qualified and eligible to receive requests for proposals.

Requests for Proposals

The school district shall prepare a request for proposals for each construction management at risk contract in accordance with this section. At least thirty days prior to the deadline for receiving and opening proposals, notice of the request for proposals shall be published in a newspaper of general circulation within the school district and filed with the State Department of Education.

The request for proposals shall be sent only to the construction managers selected under the prequalification procedures of this policy.

The request for proposals shall contain, at a minimum, the following elements:

1. The identity of the school district for which the project will be built and the school district that will execute the contract;
2. Policies adopted by the school district governing the CM at risk construction process;
3. The proposed terms and conditions of the contract, including any terms and conditions which are subject to further negotiation. The proposed terms and conditions may set forth an initial determination of the manner by which the construction manager selects any subcontractor and may require that any work subcontracted be awarded by competitive bidding. The proposed general terms and conditions shall be consistent with the standard model general terms and conditions issued by one of the following:
 - a) The American Institute of Architects (AIA);
 - b) The Engineer's Joint Contract Documents Committee (EJCOC); or
 - c) The Association of General Contractors of America (AGC);
 - d) The Design-Build Institute of America (DBIA).
4. Any bonds and insurance required by law or as may be additionally required by the school district;
5. General information about the project which will assist the school district in its selection of the construction manager, including a project statement which contains information about the scope and nature of the project, the project site, the schedule, and the estimated budget;
6. The criteria for evaluation of proposals and the relative weight of each criterion; and
7. A description of any other information which the school district chooses to require.

Receiving and Evaluating Proposals

Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the request for proposals.

Proposals may be withdrawn at any time prior to acceptance. The school district shall have the right to reject any and all proposals except for the purpose of evading the provisions and policies of the Nebraska Schools Construction Alternatives Act. The school district may then solicit new proposals using the same or different project performance criteria.

The school district shall evaluate and rank each proposal on the basis of best meeting the criteria in the request for proposals and taking into consideration the recommendation of the selection committee.

Selection Committee

In evaluating proposals the school district shall refer the proposals for recommendation to a selection committee. The selection committee shall be a group of at least five persons

designated by the board and shall include the following:

1. Members of the school board;
2. Members of the school administration or staff;
3. The school's architect or engineer;
4. Any person chosen by the board for providing expertise relevant to selection of a Construction manager under the Nebraska Schools Construction Alternatives Act; and;
5. A resident of the school district not included in the four preceding subsections.

A member of the selection committee designated under subdivision (4) or (5) of this subsection shall not be employed by or have a financial or other interest in a construction manager who has a proposal being evaluated and shall not be employed by the school district or the district's architect/engineer.

The selection committee and the board shall evaluate proposals taking into consideration the criteria enumerated below when applicable, with the maximum percentage of total points for evaluation which may be assigned to each as shown:

1. The financial resources of the construction manager to complete the project, ten percent;
2. The ability of the proposed personnel of the construction manager to perform, thirty percent;
3. The character, integrity, reputation, judgment, experience, and efficiency of the construction manager, thirty percent;
4. The quality of performance on previous projects, thirty percent;
5. The ability of the construction manager to perform within the time specified, thirty percent;
6. The previous and existing compliance of the construction manager with laws relating to the contract, ten percent; and
7. Such other information as may be secured having a bearing on the selection, twenty percent.

The selection committee shall keep and maintain permanent records of the committee proceedings including, but not limited to, records of the minutes of meetings, and documentation received or disclosed in open session of the meetings.

The committee shall appoint a board member or district employee to keep the minutes of the committee meetings. The minutes of each meeting shall include as a minimum the following items: a record of the date, time, place, members present, action taken and the vote of each member. The records of the committee shall be placed on public file with the central administration office.

Contract Negotiations

The school district shall attempt to negotiate a construction management at risk contract

with the highest ranked construction manager and may enter into a construction management at risk contract after negotiations. The negotiations shall include a final determination of the manner by which the construction manager selects a subcontractor. If the school district is unable to negotiate a satisfactory contract with the highest ranked construction manager, the school district may terminate negotiations with that construction manager.

The school district may then undertake negotiations with the second highest ranked construction manager and may enter into a construction management at risk contract after negotiations. If the school district is unable to negotiate a satisfactory contract with the second highest ranked construction manager, the school district may undertake negotiations with the third highest ranked construction manager, if any, and may enter into a construction management at risk contract after negotiations.

The school district shall file a copy of all construction management at risk contract documents with the State Department of Education within thirty days after their full execution. Within thirty days after completion of the project, the construction manager shall file a copy of all contract modifications and change orders with the department.

If the school district is unable to negotiate a satisfactory contract with any of the ranked construction managers, the school district may either revise the request for proposals and solicit new proposals or cancel the construction management at risk process.

Final Contracts

A construction management at risk contract may be conditioned upon later refinements in scope and price and may permit the school district in agreement with the construction manager to make changes in the project without invalidating the contract. Later refinements shall not exceed the scope of the project statement contained in the request for proposals.

The CM at risk contract shall not be used for a construction project with locations on parcels of land which are not contiguous except for specialty maintenance projects.

Legal Reference: Neb. Statute 79-2001 to 2015
 81-1701 et seq.
 84-712

Cross Reference: 1006.01 Community Use of School District Buildings, Sites and
 Equipment

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

NEW CONSTRUCTION - 902.05

FACILITIES – PERFORMANCE, LABOR AND MATERIAL PAYMENT BONDS

Whenever any contract is entered into for the erecting, furnishing, or repairing of any building or other public structure or improvement, the contractor shall be required, before commencing such work, to furnish a performance, labor and material payment bond. The bond requirement shall not apply, however, to any project bid or proposed which has a total cost of \$10,000 or less unless the School Board includes a bond requirement in the specifications for the project.

The bond shall be in an amount not less than the contract price. The bond shall be conditioned on the faithful performance of the contract and the payment by the contracting party of all laborers and mechanics for labor that is performed and of all material and equipment rental that is actually used or rented in connection with the improvement project and the performance of the contract. Such bond shall contain such provisions as are required by statutes, and be in a form prescribed and required by the district.

Legal Source: Neb. Rev. Stat. § 52-118; Neb. Rev. Stat. §73-101. Neb. Rev. Stat. § 73-106; Neb. Rev. Stat. § 81-3445

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

DESIGN-BUILD SCHOOL CONSTRUCTION ALTERNATIVE – 902.06

The school district adopts this policy in the event it resolves to use the design-build construction process. Prior to using the design-build process on a specific construction project, the school district shall contact the State Department of Education to determine the current eligibility of the proposed project under limitations established by the Nebraska Schools Construction Alternatives Act. The board shall then adopt such a resolution by a seventy-five percent affirmative vote.

The board shall utilize this policy to evaluate, select and contract with a design-build firm for the delivery of design and construction services.

Definitions

1. Design-build contract means a contract which is subject to qualification-based selection between a school district and a design-builder to furnish (a) architectural, engineering, and related design services for a project under this policy and (b) labor, materials, supplies, equipment, and construction services for a project under this policy;
2. Design-builder means the legal entity which proposes to enter into a design-build contract which is subject to qualification-based selection under this policy;
3. Letter of interest means a statement indicating interest to enter into a design-build contract for a project under this policy;
4. Performance-criteria developer means any person licensed or any organization issued a certificate of authorization to practice architecture or engineering pursuant to the Engineers and Architects Regulation Act who is selected by a school district to assist the school district in the development of project performance criteria, requests for proposals, evaluation of proposals, evaluation of the construction under a design-build contract to determine adherence to the performance criteria, and any additional services requested by the school district to represent its interests in relation to a project;
5. Project performance criteria means the performance requirements of the project suitable to allow the design-builder to make a proposal. Performance requirements include the following, if required by the project: Capacity, durability, standards, ingress and egress requirements, description of the site, surveys, soil and environmental information concerning the site, interior space requirements, material quality standards, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, parking requirements, applicable governmental code requirements, and other criteria for the intended use of the project;

6. Proposal means an offer in response to a request for proposals by a design-builder to enter into a design-build contract for a project pursuant under this policy;
7. Qualification-based selection process means a process of selecting a design-builder based first on the qualifications of the design-builder and then on the design-builder's proposed approach to the design and construction of the project;
8. Request for letters of interest means the documentation or publication by which the school district solicits letters of interest;
9. Request for proposals means the documentation by which the school district solicits proposals.

Procedural Regulations

The board directs the superintendent to promulgate regulations detailing the following procedures:

1. Procedures for selecting and hiring on its behalf a performance-criteria developer when soliciting and executing a design-build contract. The procedures shall be consistent with the Nebraska Consultants' Competitive Negotiation Act and shall provide that the performance-criteria developer is ineligible to be included as a provider of any services in a proposal for the project on which it has acted as performance-criteria developer and is not employed by or does not have a financial or other interest in a design-builder or construction manager who will submit a proposal;
2. Procedures and standards to be used to pre-qualify design-builders. The procedures and standards shall provide that the school district will evaluate prospective design-builders based on the information submitted to the school district in response to a request for letters of interest and will select design-builders who are pre-qualified and consequently eligible to respond to the request for proposals;
3. Procedures for the preparation and content of requests for proposals;
4. Procedures for preparing and submitting proposals;
5. Procedures for evaluating proposals;
6. Procedures for negotiations between the school district and the design-builders submitting proposals prior to the acceptance of a proposal if any such negotiations are contemplated;
7. Procedures for filing and acting on formal protests relating to the solicitation or execution of design-build contracts; and
8. Procedures for the evaluation of construction under a design-build contract by the performance-criteria developer to determine adherence to the performance criteria.

Letters of Interest

The school district shall prepare a request for letters of interest for design-build proposals and shall pre-qualify design-builders in accordance with this section. The Request for letters of interest shall describe the project in sufficient detail to permit a design-builder to submit a letter of interest.

The request for letters of interest shall be (a) published in a newspaper of general

circulation within the school district at least thirty days prior to the deadline for receiving letters of interest and (b) sent by first-class mail to any design-builder upon request.

Letters of interest shall be reviewed by the school district in consultation with the performance-criteria developer. The school district shall select prospective design-builders in accordance with the procedures described above. The school district shall select at least three prospective design-builders except that if only two design-builders have submitted letters of interest, the school district shall select at least two prospective design-builders. The selected design-builders shall then be considered pre-qualified and eligible to receive requests for proposals.

Requests for Proposals

The school district shall prepare a request for proposals for each design-build contract. Notice of the request for proposals shall be published in a newspaper of general circulation within the school district and filed with the State Department of Education at least thirty days prior to the deadline for receiving and opening proposals.

The request for proposals shall be sent only to the design-builders selected under the prequalification procedures of this policy.

The request for proposals shall contain, at a minimum, the following elements:

1. The identity of the school district for which the project will be built and the school district that will execute the design-build contract;
2. Policies adopted by the school district governing the design-build process;
3. The proposed terms and conditions of the design-build contract, including any terms and conditions which are subject to further negotiation. The proposed terms and conditions may set forth an initial determination of the manner by which the design-builder selects any subcontractor and may require that any work subcontracted be awarded by competitive bidding. The proposed general terms and conditions shall be consistent with the standard model general terms and conditions issued by one of the following:
 - a) The American Institute of Architects (AIA);
 - b) The Engineer's Joint Contract Documents Committee (EJCOC);
 - c) The Association of General Contractors of America (AGC); or
 - d) The Design-Build Institute of America (DBIA).
4. A project statement which contains information about the scope and nature of the project;
5. Project performance criteria
6. Budget parameters for the project;
7. Any bonds and insurance required by law or as may be additionally required by the school district;
8. The criteria for evaluation of proposals and the relative weight of each criterion;

9. A requirement that the design-builder provide a written statement of the design-builder's proposed approach to the design and construction of the project, which may include graphic materials illustrating the proposed approach to design and construction but shall not include price proposals;
10. A requirement that the design-builder agree to the following conditions:
 - (a) An architect or engineer licensed to practice in Nebraska will participate substantially in those aspects of the offering which involve architectural or engineering services;
 - (b) At the time of the design-build offering, the design-builder will furnish to the school board a written statement identifying the architect or engineer who will perform the architectural or engineering work for the design-build project;
 - (c) The architect or engineer engaged by the design-builder to perform the architectural or engineering work with respect to the design-build project will have direct supervision of such work and may not be removed by the design-builder prior to the completion of the project without the written consent of the school board;
 - (d) A design-builder offering design-build services with its own employees who are design professionals licensed to practice in Nebraska will (i) comply with the Engineers and Architects Regulation Act by procuring a certificate of authorization to practice architecture or engineering and (ii) submit proof of sufficient professional liability insurance; and
 - (e) The rendering of architectural or engineering services by a licensed architect or engineer employed by the design-builder will conform to the Engineers and Architects Regulation Act and the Nebraska Schools Construction Alternatives Act; and
 - (f) Other information which the school district chooses to require.

Receiving and Evaluating Proposals

Design-builders shall submit proposals as required by the request for proposals. The school district may only proceed to negotiate and enter into a design-build contract if there are at least two proposals from pre-qualified design-builders.

Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the request for proposals.

Proposals may be withdrawn at any time prior to acceptance. The school district shall have the right to reject any and all proposals except for the purpose of evading the provisions and policies of the Nebraska Schools Construction Alternatives Act. The school district may then solicit new proposals using the same or different project performance criteria.

The school district shall rank in order of preference the design-builders pursuant to the criteria in the request for proposals and taking into consideration the recommendation of the selection committee.

Selection Committee

In evaluating proposals, the district shall refer the proposals for recommendation to a selection committee. The selection committee shall be a group of at least five persons designated by the board and shall include the following:

1. members of the school board;
2. members of the school administration or staff;
3. the performance-criteria developer;
4. any person chosen by the board for providing special expertise relevant to selection of a design-builder under the Nebraska Schools Construction Alternatives Act; and
5. A resident of the school district not included in the four preceding subdivisions.

A member of the selection committee designated under subdivision (4) or (5) of this subsection shall not be employed by or have a financial or other interest in a design-builder who has a proposal being evaluated and shall not be employed by the school district or the performance-criteria developer.

The selection committee and the board shall evaluate proposals taking into consideration the criteria enumerated below when applicable, with the maximum percentage of total points for evaluation which may be assigned to each as shown:

1. The financial resources of the design-builder to complete the project, ten percent;
2. The ability of the proposed personnel of the design-builder to perform, thirty percent;
3. The character, integrity, reputation, judgment, experience, and efficiency of the design-builder, thirty percent;
4. The quality of performance on previous projects, thirty percent;
5. The ability of the design-builder to perform within the time specified, thirty percent;
6. The previous and existing compliance of the design-builder with laws relating to the contract, ten percent; and
7. Such other information as may be secured having a bearing on the selection, twenty percent.

The selection committee shall keep and maintain permanent records of the committee proceedings including, but not limited to, records of the minutes of meetings, and documentation received or disclosed in open session of the meetings.

The committee shall appoint a board member or district employee to keep the minutes of the committee meetings. The minutes of each meeting shall include as a minimum the following items: a record of the date, time, place, members present, action taken and the vote of each member. The records of the committee shall be placed on public file with the central administration office.

Contract Negotiations

The school district may attempt to negotiate a design-build contract with the highest

ranked design-builder selected by the school district and may enter into a design-build contract after negotiations. The negotiations shall include a final determination of the manner by which the design-builder selects a subcontractor. If the school district is unable to negotiate a satisfactory design-build contract with the highest ranked design-builder, the school district may terminate negotiations with that design-builder.

The school district may then undertake negotiations with the second highest ranked design-builder and may enter into a design-build contract after negotiations. If the school district is unable to negotiate a satisfactory contract with the second highest ranked design-builder, the school district may undertake negotiations with the third highest ranked design-builder, if any, and may enter into a design-build contract after negotiations.

The school district shall file a copy of all design-build contract documents with the State Department of Education within thirty days after their full execution. Within thirty days after completion of the project, the design-builder shall file a copy of all contract modifications and change orders with the department.

If the school district is unable to negotiate a satisfactory contract with any of the ranked design-builders, the school district may either revise the request for proposals and solicit new proposals or cancel the design-build process.

Final Contracts

The design-build contract may be conditioned upon later refinements in scope and price and may permit the school district in agreement with the design-builder to make changes in the project without invalidating the contract. Later refinements shall not exceed the scope of the project statement contained in the request for proposals.

The design-build contract shall not be used for a construction project with locations on parcels of land which are not contiguous except for specialty maintenance projects.

Legal Reference: Neb. Statute 79-2001 to 2015
 81-1701 et seq.
 84-712

Cross Reference: 1006.01 Community Use of School District Buildings, Sites and
 Equipment

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

SECURITY – 903.01

The Board encourages cooperation with local law enforcement and fire authorities and insurance company personnel in planning and carrying out proper security measures to preserve and protect the district's investment in its physical plant.

Buildings constitute one of the greatest capital investments of the district and should be protected. Security includes minimizing fire or other safety hazards, reducing the probability of faulty equipment, and keeping records and funds in a safe place. Security also includes having available floor plans of buildings and site plans showing campus boundaries and access points.

A key control system shall be established and maintained limiting building access to district personnel thus safeguarding against potential entry by unauthorized persons.

Protective devices designed as safeguards against illegal entry and vandalism shall be installed where appropriate

The superintendent is directed to establish regulations as may be needed to provide for security of buildings and grounds.

Incidents of illegal entry, theft of school property, vandalism or damage to school property from any cause shall be reported by phone to the office of the superintendent and to the appropriate law enforcement agency as soon as discovered. A written report of the incident shall be made within 24 hours of discovery and forwarded to the superintendent's office.

Cross Reference: 404.03 Employees' Personal Security and Safety

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

ACCESS TO BUILDINGS – 903.02

Security for district buildings and grounds (during regular school hours as well as non-school hours) contributes to the well being and safety of students and staff as well as to that of the sites themselves.

The superintendent will control access to district buildings as appropriate and necessary to protect property, students and personnel.

Principals will control access to school buildings and will provide safeguards against unauthorized access to these buildings. Each principal, with the superintendent's approval, will develop regulations designed to control the use of building keys and to ensure that buildings are adequately closed and locked when no authorized personnel are present. Staff or students who fail to obey such regulations may be disciplined, suspended or dismissed.

During regular school hours, flow of traffic into and out of buildings shall be closely monitored and limited to certain doors. Visitors shall be required to check in to show proper identification and reason for being at the school and shall wear name tags identifying them as visitors. This will not apply when parents/guardians have been invited to a classroom or assembly program.

Access to school buildings and grounds outside of regular school hours shall be limited to personnel whose work requires it and to sponsors of approved student activities.

TRESPASSING 903.02 A

Restrictions on the use of school buildings and grounds may be implemented by administrative action. The Board gives all district and building administrators and their designees full power and authority to implement and enforce restrictions on access to School property and to issue no trespassing commands and stay away/no trespassing letters. Such action shall be taken consistent with constitutional and other legal rights.

All district and building administrators and their designees shall have full power and authority to direct any individual or group to leave school grounds and stay away where such individual or group has:

1. failed to comply with identification or check-in procedures,
2. are determined by such administrators or designees to not have a legitimate school purpose to be on school grounds, or

3. who are determined by such administrators or designees to present a risk to the safety of building users or a risk of disruption to the educational program, including without limitation, registered sex offenders.

TRESPASSERS - 903.02 B

A refusal to leave or stay away as directed will be considered trespassing and shall be reported by the administrators or their designees to proper law enforcement authorities.

Legal Reference: Neb. Rev. Stat. § 28-520 to 28-522

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

MAINTENANCE SCHEDULE – 903.03

The school district buildings and sites, including the grounds, buildings and equipment, will be kept clean and in good repair. Employees should notify the building principal when facilities are in need of repair or the removal of litter or graffiti.

It shall be the responsibility of the superintendent to maintain the school district buildings and sites. As part of this responsibility, a maintenance schedule shall be created and adhered to in compliance with this policy.

Cross Reference: 504.07 Care of School Property and Vandalism
 504.09 Student Lockers

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

REQUESTS FOR IMPROVEMENTS

Generally, except for emergency situations, requests for improvements or repairs shall be made to the superintendent by building principals and the head custodian. Requirements for requests outlined in the district's maintenance procedures shall be followed.

Minor improvements, not exceeding reasonable costs or those that are needed in an emergency, may be approved by the superintendent.

Larger or more costly improvements must be approved by the board. Routine maintenance and repairs outlined in the maintenance schedule shall be followed.

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

BUILDINGS AND GROUNDS — RECORDS AND REPORTS - 903.06

Losses incurred through fire, theft, accident or vandalism will be reported to the superintendent as soon as they are discovered. The superintendent may report such losses to an appropriate agency as well as to the board.

The following are examples of repairs and reports that should be shared with the board of education.

- *maintenance work orders for non-contract work;*
- *maintenance work orders and costs records of all contract maintenance work;*
- *utility records and invoices;*
- *heating, ventilating and air conditioning equipment maintenance records and reports; and*
- *Annual costs analysis of the maintenance program specific to each district building.]*

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

TRAFFIC AND PARKING PROCEDURES - 903.07

Driving and parking on or near school property (Fair Board Land, streets near the school) are privileges granted by the board to persons who have reasons to be in the schools or on school property. The principals shall authorize parking areas and post notices on district property designated for staff, student, visitor parking and parking for persons with disabilities and other classifications of parking areas as may be necessary.

Any vehicle not parked in authorized areas may be cited or towed away and stored. All charges for towing and storing will be the responsibility of the owner or operator of the vehicle.

Any person failing to abide by the districts parking regulations may be further prohibited from bringing any vehicle on school property.

Building principals will establish regulations as necessary for the use and control of staff and student parking areas around their buildings. Such regulations will be made available to staff, students and parents.

Cross Reference: 801.12 Student Transportation in Private Vehicles

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

VANDALISM – 903.08

The board believes everyone should treat school district buildings and sites and property with respect for the benefit of the education program. Users of school district property shall treat it with care. Employees discovering vandalism should report it to the building principal as soon as possible.

Persons suspected, found or proven to have destroyed or otherwise harmed school district property may be subject to discipline by the school district, if the person is under the jurisdiction of the school district, and may be reported to local law enforcement officials. Persons who are not under the jurisdiction of the school district and who are suspected, found or proven to have destroyed or otherwise harmed school district property shall be reported to the local law enforcement authorities.

The superintendent, the principal or their designees are authorized to sign a criminal complaint against persons suspected of vandalism against school property. It is the intent of the board to seek damages as permitted by law from anyone who vandalizes school property and/or their parents or guardians.

Cross Reference: 504 Students Rights and Responsibilities
 1005.08 Public Conduct on School Premises

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

ENERGY CONSERVATION - 903.09

In concert with the board's goal to utilize public funds in an effective and efficient manner, employees and students shall practice energy conservation methods when utilizing the school district's buildings and sites. These methods include, but are not limited to, turning off lights and equipment when not in use, reducing the temperature of the facility, particularly when it is not in use, and keeping windows and doors properly closed or open, depending upon the weather.

It shall be the responsibility of the superintendent to develop energy conservation guidelines for employees and students. Employees and students shall abide by these guidelines.

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

DISPOSITION OF OBSOLETE EQUIPMENT – 904.01

School property, such as equipment, furnishings, or supplies (collectively referred to as equipment), will be disposed of when it is determined to be of no further use to the school district. It shall be the objective of the school district in disposing of the equipment to achieve the best available price or most economical disposal.

Obsolete equipment with little or no value can be donated to charities or other worthy community organizations. Other materials with little or no value will be hauled to the dump.

Obsolete equipment having a value of at least \$1,000 shall be disposed of in a manner determined by the board, allowing patrons and other interested parties access to it. The sale of equipment, furnishings or supplies disposed of in this manner shall be published in a newspaper of general circulation.

It shall be the responsibility of the superintendent to make a recommendation to the board regarding the method for disposing of equipment of no further use to the school district.

Cross Reference: 705 Revenue
 706.03 Bidding Procedures

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools – District 10

FACILITIES INSPECTIONS – 904.01 A

A program for annual inspection, in addition to those conducted by authorized agencies, or the equipment, facilities, and grounds shall be conducted as part of the maintenance schedule for school district buildings and sites. The results of this inspection shall be reported to the board annually. Further, the board may conduct its own inspection of the school district buildings and sites annually.

Cross Reference: 903 Maintenance, Operation and Management

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

LEASE, SALE OR DISPOSAL OF SCHOOL DISTRICT BUILDINGS & SITES -
904.02

Decisions regarding the lease, sale, or disposal of school district real property shall be made by the board. In making its decision the board will consider the needs of the education program and the efficient use of public funds.

One or more qualified individuals may be employed to prepare an appraisal of the property.

In the case of the razing of a school district facility, at a cost of \$ 5,000 or more, the board will advertise and take bids for the purpose of awarding the contract for the project.

The superintendent shall be responsible for coordinating the action necessary for the board to accomplish the lease, sale, or disposal of school district real property, including student-constructed buildings. It shall also be the responsibility of the superintendent to make a recommendation to the board regarding the use of school district real property not being utilized for the education program.

Cross Reference: 705 Revenue
 706.01 Bidding Procedures

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

ANNUAL EMERGENCY SAFETY PLAN – 905.02

All employees have the responsibility for maintaining safe, healthful and sanitary conditions within the buildings and on the grounds of the school district. The Superintendent shall designate staff and develop procedures to insure that all facilities meet fire, safety and health codes.

The Superintendent shall appoint a school safety and security committee represented by faculty, parents and community members that will prepare and review the school's safety plan. This plan will be updated annually by the committee and approved by the School Board. The plan will address safety procedures and security plans for students, staff and visitors, including during emergency events.

Typical elements of this plan will include:

1. The assignment of specific employees to safety tasks and responsibilities.
2. Instructions relating to the use of alarm systems and signals.
3. Information concerning methods of fire containment and equipment use.
4. Systems for notification of appropriate authorities.
5. Specification of evacuation routes and procedures.
6. Posting of plans and procedures at suitable locations
7. Procedures and frequency of emergency evacuation drills.
8. An evaluation of each evacuation drill.

The plan shall be reviewed annually by one or more persons not on the committee and not an employee of the school district. This review includes a visit to each school building to analyze plans, policies, procedures and practices. Recommendations shall be made to the Superintendent and the committee for use in revising the plan.

Legal Reference: NDE Rule 10

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools – District 10

WARNING SYSTEMS - 905.03

The school district shall maintain a warning system designed to inform students, employees, and visitors in the facilities of an emergency. This system shall be maintained on a regular basis under the maintenance plan for school district buildings and sites.

Students shall be informed of this system according to board policy. Each classroom and office shall have a plan for helping those in need of assistance to safety during an emergency. This shall include, but not be limited to, students and employees with disabilities.

Certificated employees shall be responsible for instructing students on the proper techniques to be followed during an emergency. It shall be the responsibility of the superintendent to develop administrative regulations regarding this policy.

Cross Reference: 508 Student Health and Well-Being
 801.04 Bus Safety Program

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

BOMB THREATS – 905.04

District Crisis Policy will be followed when a crisis arises, as in the case of a bomb threat.

As soon as a bomb threat is reported to the administration, the school district facility should be cleared immediately. A thorough search will be made by the appropriate school district or law enforcement officials. Employees and students shall remain outside the school district facility until it is determined that danger no longer exists.

It shall be the responsibility of the superintendent to file a report or keep a report of each incident for the school district records.

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

HAZARDOUS MATERIALS - 905.05

Friable and non-friable asbestos containing materials will be maintained in good condition and appropriate precautions will be followed when the material is disturbed. If there is a need to replace asbestos it will be replaced with non-asbestos based materials. Each school building will maintain a copy of the asbestos management plan.

The school district will appoint and train appropriate employees as necessary. An accredited inspector shall visually inspect all areas identified in the management plan every six months and complete the required records and reports.

Legal Reference: 20 U.S.C. §§ 3601 et seq. (1994).
40 C.F.R. Pt. 763 (1996).

Cross Reference: 903 Maintenance, Operation and Management

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

ACCIDENT REPORTS – 905.06

Accidents will be reported immediately to a supervisor.

Written reports will be submitted within 24 hours to the building principal on all accidents occurring on district premises, in district vehicles, at a district-sponsored activity or involving staff members who may be elsewhere on district business. Reports will cover property damage as well as personal injury.

All accidents/incidents will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

Monthly records will be maintained.

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

SAFETY DRILLS – 905.07

All schools are required to instruct and drill students on emergency procedures so that students may respond to an emergency without confusion and panic. Each building administrator will conduct emergency drills in accordance with state statute and the district's Emergency Safety Plan.

Drills and instruction on fire emergencies shall include routes and methods of exiting the school building. The district will conduct monthly fire drills.

Instruction on tornado dangers and natural disasters shall be conducted at least once each year.

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

SCHOOL CLOSINGS AND CANCELLATIONS – 905.08

In case of hazardous or emergency conditions, the superintendent may alter district and transportation schedules as are appropriate to the particular condition. Such alterations include closure of all schools, closure of selected schools or grade levels, delayed openings of schools and early dismissal of students.

When regular morning school bus routes cannot be run due to road conditions, yet travel in town is not seriously hampered, school may remain open. When possible an emergency bus route shall be run anytime school remains open and it is not possible to run regular routes.

The superintendent will develop and maintain such plans and procedures as are necessary to carry out alternate school and bus schedules.

At the beginning of each school year students, parents and staff will be informed of the procedures used to notify them in case of an emergency closure.

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

Hemingford Public Schools - District 10

EYE PROTECTIVE DEVICES – 905.09

The district shall supply eye protective devices for teachers, students and visitors to all shops and laboratories meeting the standard of the American National Standard Practice for Occupational and Educational Eye and Face Protection as approved by the American National Standards Institute (ANSI).

Every teacher and student shall be required to wear eye protective devices at all times while participating in or observing the following courses of instruction:

- a) Vocational, technical, industrial arts, chemical, or chemical-physical, involving exposure to:
 - 1. Hot molten metals or other molten materials;
 - 2. Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;
 - 3. Heat treatment, tempering, or kiln firing of any metal or other materials;
 - 4. Gas or electric arc welding or other forms of welding processes;
 - 5. Repair or servicing of any vehicle; or
 - 6. Caustic or explosive materials; and
- b) Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards not enumerated.

Legal Reference: Neb. Statute 79-715

FIRST READING: March 10, 2008

SECOND READING: April 14, 2008

