



Elementary and Secondary School Emergency Relief (ESSER) Construction Cost Assurances Form

LEA Name:	Click or tap here to enter text.
Facility Name	Click or tap here to enter text.
Facility Number <i>(Required)</i>	Click or tap here to enter text.

Building Number(s) & Scope of Work	
<p>Please identify the building number(s) and the scope of work that will be completed within the facility. Allowable scope of work may include HVAC, Roofing, Flooring, Repair/Replace Window/Door, Additions/New Construction, and Other. If another is selected, please provide details to ensure allowability.</p> <p><i>Please consult the LEA's Facilities Operations for accurate facility and building numbers.</i></p>	
Building Numbers <i>(Required)</i>	Scope of Work
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The U. S. Department of Education’s May 2021 FAQ stated construction is authorized under Title VII of the ESEA (Impact Aid) and therefore is an allowable use of ESSER funds. The broad Impact Aid definition of “construction” includes new construction and remodeling, alterations, renovations, and repairs under which many activities related to COVID-19 would likely fall.

The U. S. Department of Education discourages LEAs from using ESSER and GEER funds for new construction because this use of funds may limit an LEA’s ability to support other essential needs or initiatives as well as time restraints associated with ESSER. These activities are also subject to several additional Federal requirements, as detailed below.

It is the responsibility of an LEA to assure that individual costs:

- 1) comply with the Cost Principles in 2 CFR Part 200, subpart E (e.g., the cost must be “necessary and reasonable” (2 CFR §§ 200.403-200.404));
- 2) meet the overall purpose of the CARES Act, CRRSA Act, or ARP Act programs, which is “to prevent, prepare for, and respond to” COVID-19; and
- 3) are consistent with the proper and efficient administration of those programs.



By selecting each checkbox, the LEA assures by the digital signature all local, state, and federal laws and requirements will be adhered to.

<input type="checkbox"/>	<p>The LEA agrees to abide by State Board of Education rules, regulations, and guidelines for the identified projects. The LEA agrees to comply with state law regarding Public Works Construction Projects, which includes but is not limited to O.C.G.A. 36-91-20, 36-91-21, and 36-91-22.</p>
<input type="checkbox"/>	<p>The LEA assures any state capital outlay funded projects where the ESSER federal funds are used shall be revised or withdrawn. The state capital outlay funds will be restored to the LEA’s entitlement sheet for use with other eligible projects.</p>
<input type="checkbox"/>	<p>The LEA assures that any construction activities, including renovations or remodeling, necessary for an LEA to prevent, prepare for, and respond to COVID-19 could be permissible. However, the burden remains on the LEA to maintain the appropriate documentation that supports the expenditure.</p>
<input type="checkbox"/>	<p>The LEA assures that all requirements and documentation for projects that meet the construction definition are submitted to GaDOE.</p> <p>The Impact Aid program statute defines “construction” as “(A) the preparation of drawings and specifications for school facilities; (B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities; (C) inspecting and supervising the construction of school facilities; and (D) debt service for such activities.” ESEA section 7013(3), 20 U.S.C. § 7713(3).</p>
<input type="checkbox"/>	<p>The LEA assures the cost aligns with 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.</p> <ul style="list-style-type: none"> • Allocable Cost • Reasonable Cost • Procurement <p>➤ (Specific levels described in §200.317 through §200.327)</p>
<input type="checkbox"/>	<p>The LEA assures the construction/renovation project will be completed in a timely manner.</p> <p>Estimated start: Click or tap here to enter text. Estimated completion: Click or tap here to enter text.</p> <p>Period of <i>carryover</i> availability ends: CARES Act: September 30, 2022; CRSSA Act: September 30, 2023; ARP Act: September 30, 2024</p>
<input type="checkbox"/>	<p>The LEA assures that a written prior approval form is submitted to the SEA.</p> <p>2 CFR 200.439 Equipment and Other Capital Expenditures</p> <p>The LEA assures all reporting requirements on Real Property 2 CFR 200.330 are followed.</p> <p>Equipment is inventoried according to 2 CFR 300.313</p>
<input type="checkbox"/>	<p>Davis -Bacon Wage Determination</p> <p>The LEA assures wage requirements of the Davis-Bacon Wage Determination are followed. The conditions apply to all federal contracts and subcontract over \$2,000 for construction, alterations, repairs, painting, and decorating. Must pay workers no less than the locally prevailing wage and fringe benefits for corresponding work in the areas. U. S. Department of Labor. Reimbursement Request- (with Davis Bacon Wage payroll documentation)- WH347</p>



<input type="checkbox"/>	<p>An LEA that uses funds for HVAC systems will meet the requirements of 34 CFR 75.616(c). The U.S. Department’s regulations require <u>the use of American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) standards.</u></p>
<input type="checkbox"/>	<p>The LEA assures the cost follows federal construction regulations. 34 CFR75.600-617</p> <p>75.600- Use of a grant for construction: Purpose of 75.601-75.615 75.601-Applicant’s assessment of environmental impact (Not applicable to LEA projects) 75.602- Preservation of historical sites must be described in the application. 75.603- Grantee’s title to the site. (Please ensure the LEA can provide this documentation) 75.604- Availability of cost-sharing funds. 75.605- Beginning the construction. (Not applicable to LEA projects) 75.606- Completing the construction. 75.607- General consideration in designing facilities and carrying out construction. 75.609- Comply with Safety and Health Standards 75.610- Access by the disabled. 75.611- Avoidance of flood hazards. 75.612- Supervision and inspection by the grantee. 75.613- Relocation assistance by the grantee 75.614- Grantee must have operational funds. 75.615- Operation and maintenance by the grantee. 75.616- Energy Conservation 75.617- Compliance with the Coastal Barrier Act</p>
<input type="checkbox"/>	<p>Domestic Preference for Procurements</p> <p>The LEA assures funds used under the ESSER II and ESSER III will follow the requirements of 2 CFR § 200.322, a new regulation that applies to Federal grants made after November 12, 2020. It establishes domestic preferences for procurements under Federal grants subject to the Uniform Guidance.</p> <p>2 CFR § 200.322 Domestic preferences for procurements.</p> <p>(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this award.</p> <p>(b) For purposes of this section:</p> <p>(1) “Produced in the United States” means that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States for iron and steel products.</p> <p>(2) “Manufactured products” means items and construction materials composed in whole or in part of nonferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.</p>

Superintendent’s Print Name	Signature	Date
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