Budget Details and Assurances for Construction and Capital Expenditures Using ESSER Funds:

All construction and other capital expenditures/improvements supported with federal funds must be pre-approved by the Ohio Department of Education through our CCIP Application Process.

- **Construction** means (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)).
- **Capital expenditures** means expenditures to acquire capital assets (i.e., land, facilities, or equipment over $5,000 per unit) or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.

Review and approval is contingent upon agreeing to provide supporting documentation to the State Education Agency and auditors upon request. It is the expectation that the LEA review its proposed plans with its legal staff, external stakeholders and authorized representatives.

LEAs must be able to:

- Describe the proposed project(s) and how it/they meet the purpose of ESSER of preventing, preparing for, and responding to coronavirus?
- How is/are the proposed project(s) an allowable use of ESSER funds? Describe in more detail how the proposed project(s) connects to the LEA's Budget Details, Activities section.
- Explain how the LEA has determined that the proposed project(s) complies 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)). Please note that the burden remains on grantees and subgrantees to maintain the appropriate documentation that supports the expenditure.

Assurances for Construction and Other Capital Expenditures:

- If an LEA uses funds for HVAC systems, the US Education Department's regulation at 34 CFR§75.616(c) requires the use of American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) standards.
- The LEA assures that all construction contracts using laborers and mechanics financed by Federal education funds, an LEA that uses ESSER funds for minor remodeling, renovation, repair, or construction contracts over $2,000 will meet all Davis-Bacon prevailing wage requirements and include language in the contracts that all contractors or subcontractors must pay wages that are not less than those established for the locality of the project (prevailing wage rates).(See 20 U.S.C. 1232b Labor Standards.);
- The LEA assures that it has complied or will comply with the requirements for Domestic Preference in construction materials and supplies where applicable (2 CFR § 200.322);
- ~~The LEA assures that it has completed an environmental impact assessment before initiating the construction and fully considered any potential environmental ramifications before proceeding with the project (34 CFR § 75.601);~~ (Redacted - see guidance from the U.S. Department of Education)
- The LEA has considered the probable effects of proposed construction on any district, site, building, or structure that is included or eligible for inclusion in the National Register of Historic Places (34 CFR § 75.602);
- The LEA assures that it possesses title or other interest in the site, including right of access, that is sufficient to ensure that the grantee will have use and possession of the facility for 50 years or the useful life of the facility, whichever is longer (34 CFR § 75.603);
- The LEA assures that the proposed project will begin in a reasonable time period and will have the final plans approved before the construction is advertised or placed on the market for bidding (34 CFR §

75.605);

- The LEA assures the proposed project will be completed in a reasonable time period and consistent with the approved plans and specifications (34 CFR § 75.606);
- The LEA assures that the proposed construction is functional, economical, and not elaborate in design or extravagant in the use of materials as compared to other facilities in the State or other applicable geographic area (34 CFR § 75.607);
- The LEA assures that plans and designs for the facilities comply with applicable Federal, State and local health and safety standards, as well as Federal requirements regarding access by persons with disabilities. (34 CFR §§75.609 and 75.610);
- The LEA assures it possesses sufficient operational funds to operate and maintain the facility once the construction is complete and will the grantee operate and maintain the facility in accordance with all applicable Federal, State, and local requirements (34 CFR §§ 75.614 and 75.615).
- The LEA agrees it will comply with all other applicable federal laws and regulations.