

2021 -- H 5444

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO EDUCATION – SCHOOL BUILDING AUTHORITY

Introduced By: Representative Robert E. Craven

Date Introduced: February 10, 2021

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-105-3 of the General Laws in Chapter 16-105 entitled "School  
2 Building Authority" is hereby amended to read as follows:

3 **16-105-3. Roles and responsibilities.**

4 The school building authority roles and responsibilities shall include:

- 5 (1) Management of a system with the goal of ensuring equitable and adequate school  
6 housing for all public school children in the state;
- 7 (2) Prevention of the cost of school housing from interfering with the effective operation  
8 of the schools;
- 9 (3) Management of school housing aid in accordance with statute;
- 10 (4) Reviewing and making recommendations to the council on elementary and secondary  
11 education on necessity of school construction applications for state school housing aid and the  
12 school building authority capital fund, based on the recommendations of the school building  
13 authority advisory board;
- 14 (5) Promulgating, managing, and maintaining school construction regulations, standards,  
15 and guidelines applicable to the school housing program, based on the recommendations of the  
16 school building authority advisory board, created in § 16-105-8. Said regulations shall require  
17 conformance with the minority business enterprise requirements set forth in § 37-14.1-6;
- 18 (6) Developing a prequalification and review process for prime contractors, architects, and  
19 engineers seeking to bid on projects in excess of ten million dollars (\$10,000,000) in total costs

1 subject to inflation. Notwithstanding any general laws to the contrary, a prequalification shall be  
2 valid for a maximum of two (2) years from the date of issuance. Factors to be considered by the  
3 school building authority in granting a prequalification to prime contractors shall include, but not  
4 be limited to, the contractor's history of completing complex projects on time and on budget, track  
5 record of compliance with applicable environmental and safety regulations, evidence that  
6 completed prior projects prioritized the facility's future maintainability, and compliance with  
7 applicable requirements for the use of women and minority owned subcontractors;

8 (i) At least annually, a list of prequalified contractors, architects, and engineers shall be  
9 publicly posted with all other program information;

10 (7) Providing technical assistance and guidance to school districts on the necessity of  
11 school construction application process;

12 (8) Providing technical advice and assistance, training, and education to cities, towns,  
13 and/or local education agencies and to general contractors, subcontractors, construction or project  
14 managers, designers and others in planning, maintenance, and establishment of school facility  
15 space;

16 (9) Developing a project priority system, based on the recommendations of the school  
17 building authority advisory board, in accordance with school construction regulations for the school  
18 building authority capital fund, subject to review and, if necessary, to be revised on intervals not to  
19 exceed five (5) years. Project priorities shall include, but not be limited to, the following order of  
20 priorities:

21 (i) Projects to replace or renovate a building that is structurally unsound or otherwise in a  
22 condition seriously jeopardizing the health and safety of school children where no alternative exists;

23 (ii) Projects needed to prevent loss of accreditation;

24 (iii) Projects needed for the replacement, renovation, or modernization of the HVAC  
25 system in any schoolhouse to increase energy conservation and decrease energy-related costs in  
26 said schoolhouse;

27 (iv) Projects needed to replace or add to obsolete buildings in order to provide for a full  
28 range of programs consistent with state and approved local requirements; and

29 (v) Projects needed to comply with mandatory, instructional programs;

30 (10) Maintaining a current list of requested school projects and the priority given them;

31 (11) Collecting and maintaining readily available data on all the public school facilities in  
32 the state;

33 (12) Collecting, maintaining, and making publicly available quarterly progress reports of  
34 all ongoing school construction projects that shall include, at a minimum, the costs of the project

1 and the time schedule of the project;

2 (13) Recommending policies and procedures designed to reduce borrowing for school  
3 construction programs at both state and local levels;

4 (14) At least every five (5) years, conducting a needs survey to ascertain the capital  
5 construction, reconstruction, maintenance, and other capital needs for schools in each district of the  
6 state, including public charter schools;

7 (15) Developing a formal enrollment projection model or using projection models already  
8 available;

9 (16) Encouraging local education agencies to investigate opportunities for the maximum  
10 utilization of space in and around the district;

11 (17) Collecting and maintaining a clearinghouse of prototypical school plans that may be  
12 consulted by eligible applicants;

13 (18) Retaining the services of consultants, as necessary, to effectuate the roles and  
14 responsibilities listed within this section;

15 (19) No district shall receive a combined total of more than twenty (20) incentive  
16 percentage points for projects that commence construction by December 30, 2023, and five (5)  
17 incentive points for projects that commence construction thereafter; provided further, these caps  
18 shall be in addition to amounts received under §§ 16-7-40(a)(1) and 16-7-40(a)(2). Furthermore, a  
19 district's share shall not be decreased by more than half of its regular share irrespective of the  
20 number of incentive points received, nor shall a district's state share increase by more than half of  
21 its regular share, including amounts received under §§ 16-7-40(a)(1) and 16-7-40(a)(2), irrespective  
22 of the number of incentive points received. Notwithstanding any provision of the general laws to  
23 the contrary, the reimbursement or aid received under this chapter or chapter 38.2 of title 45 shall  
24 not exceed one hundred percent (100%) of the sum of the total project costs plus interest costs. If  
25 a two hundred and fifty million dollar (\$250,000,000) general obligation bond is approved on the  
26 November 2018 ballot, projects approved between May 1, 2015, and January 1, 2018, are eligible  
27 to receive incentive points (above and beyond what the project was awarded at the time of approval)  
28 pursuant to § 16-7-39 and § 16-7-40. Provided, however, any project approved during this time  
29 period with a project cost in excess of one million five hundred thousand dollars (\$1,500,000),  
30 which does not include an owner's program manager and a commissioning agent, shall only be  
31 eligible to receive five (5) incentive points. Incentive points awarded pursuant to the provisions of  
32 this subsection shall only be applied to reimbursements occurring on or after July 1, 2018. Any  
33 project approved between May 1, 2015, and January 1, 2018, that is withdrawn and/or resubmitted  
34 for approval shall not be eligible for any incentive points. [Projects approved after July 1, 2021, that](#)

1 do not award or utilize at least fifty-one percent (51%) of a project's architectural services and one  
2 hundred percent (100%) of project educational design services to a Rhode Island based architectural  
3 firm shall only be eligible to receive five (5) incentive points.

4 (20) For purposes of this section, a "Rhode Island based architectural firm" means:

5 (i) A business with a principal place of business or headquarters located within the state;

6 (ii) A business in which a minimum of fifty-one percent (51%) of its employees reside  
7 within the state; and

8 (iii) In the case of a corporation or limited liability company, is registered with the secretary  
9 of state as a domestic corporation or limited liability company for at least the previous five (5)  
10 consecutive years.

11 SECTION 2. This act shall take effect on July 1, 2021.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO EDUCATION – SCHOOL BUILDING AUTHORITY

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1           This act would provide for school construction projects approved after July 1, 2021, that  
2 do not utilize at least fifty-one percent (51%) of a project's architectural services and one hundred  
3 percent (100%) of project educational design services shall only be eligible to receive five (5)  
4 incentive points.

5           This act would take effect on July 1, 2021.

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