

## **Procurement of Construction: *Construction and School-Site Acquisition Requirements***

### **School-Site Acquisition Requirements—**

1. Prior to the acquisition of a school site, the District shall notify the following of its intent to acquire the site: (1) an affected local entity, (2) the Utah Department of Transportation, and (3) an electrical corporation, gas corporation, or telephone corporation (as defined in [Utah Code § 54-2-1](#)) that provides service or maintains infrastructure within the immediate area of the proposed site.
2. As soon as possible after this notice is given, representatives of the District, the affected local government entity, and the Department of Transportation shall meet to:
  - a. discuss information provided by the District as available regarding:
    - i. potential community impacts;
    - ii. approximate lot sizes;
    - iii. approximate building size and use;
    - iv. estimated student enrollment;
    - v. proposals for ingress and egress, parking, and fire lane location; and
    - vi. building footprint and location.
  - b. discuss concerns that each may have, including potential community impacts and site safety;
  - c. assess the availability of infrastructure for the site; and
  - d. discuss any fees that might be charged by the local governmental entity in connection with a building project.
3. The local government entity may not, without the District's consent, disclose information provided by the District relating to a proposed school site acquisition prior to the District making a formal application to the local government entity relating to school construction.

[Utah Code § 53E-3-710\(1\), \(4\) \(2018\)](#)

### **School Site Requirements—**

In selecting a school site, the District shall coordinate with the local health department regarding environmental health and safety issues to avoid unreasonable risks to the health and safety of students and staff. The site shall be located to minimize the negative influence of railroads, freeways, highways, heavy traffic roads, industrial areas, airports and aircraft flight patterns, fugitive dust, odors, or other

areas where auditory problems, malodorous conditions, or safety and health hazards exist.

Utah Admin. Rules R392-200-4 (May 31, 2018)

### **School Pre-construction Coordination—**

After a school site has been acquired, but before school construction begins:

1. Representatives of the District shall coordinate with affected utility providers to ensure that all utilities required by the school construction activities can be provided in a logical and cost-effective manner.
2. Representatives of the District and the local governmental entity shall meet as soon as possible to:
  - a. Review a rough proposed site plan for the school;
  - b. Review information regarding:
    - i. Potential community impacts;
    - ii. Approximate lot size;
    - iii. Approximate building size and use;
    - iv. Estimated student enrollment;
    - v. Proposals for ingress and egress, parking, and fire lane location; and
    - vi. Building footprint and location;
  - c. Negotiate any fees that might be charged by the local governmental entity in connection with the school construction project;
  - d. Coordinate to:
    - i. ensure that the siting or expansion of a school in the intended location will comply with applicable local general plans and land use laws and will not conflict with entitled land uses;
    - ii. ensure that all local government services and utilities required by the school construction activities can be provided in a logical and cost-effective manner;
    - iii. avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future roadways; and
    - iv. maximize school, student and site safety.
3. The District shall submit the rough proposed site plan to the local governmental entity's design review committee for comments and the committee shall provide comments no later than 30 days after submission.
4. If otherwise permitted under [Utah Code § 10-9a-305\(3\)\(b\)](#) or [Utah Code § 17-27a-305\(3\)\(b\)](#), a local governmental entity may require the District to provide

a traffic study from a qualified independent third party if the local government entity determines that traffic flow, congestion, or other traffic concerns may require the study.

5. The District shall submit to the Utah Department of Transportation a child access routing plan.

[Utah Code § 53E-3-710\(2\), \(5\) \(2018\)](#)

Utah Admin. Rules R277-471-6.A (November 10, 2014)

### **Pre-construction Requirements—**

1. Before any school construction project begins, the District shall obtain a construction project number from the State Board of Education and complete and submit construction project identification forms provided by the State Board of Education.
2. All school plans and specifications shall be approved by a certified plans examiner before any school construction project begins.
3. Prior to developing plans and specifications for a new public school, or the expansion of an existing school, the District shall coordinate with local health departments and the State Fire Marshal. The plans and specifications shall satisfy Utah Department of Health requirements relating to siting, building construction, grounds, food service facilities, sanitary facilities, and health and safety facilities.

Utah Admin. Rules R392-200 (May 31, 2018)

4. Prior to developing plans and specifications for a new public school, the District shall coordinate with local jurisdictions to comply with Federal Emergency Management Agency flood plain requirements and restrictions, including applicable mitigation measures.
5. The District shall maintain documentation for audit purposes of coordination, meetings, and agreements.

[Utah Code § 10-9a-305\(5\) \(2021\)](#)

[Utah Code § 17-27a-305\(5\) \(2021\)](#)

Utah Admin. Rules R277-471-5.A (November 10, 2014)

Utah Admin. Rules R277-471-6.C, F, G (November 10, 2014)

### **School District Building Official—**

The Board shall appoint a School District Building Official (SDBO) who has direct administrative and operational control of all construction, renovation, and inspection of the District's facilities and shall provide in writing the name of the SDBO to the State Board of Education. The SBDO and other District personnel shall act consistent with the State Board of Education resource manual on school building construction and inspections.

The SDBO shall:

1. monitor school district building construction to ensure compliance with the applicable provisions of the Code, including all statutes and administrative rules which control the construction, renovation, and inspection of Utah public school buildings;
2. render interpretations of the Code for the District. Such interpretations shall be in conformance with the intent and purpose of the Code;
3. submit inspection summary reports monthly to the State Board of Education;
4. submit inspection summary reports monthly to the appropriate local government entity building official;
5. submit inspection certificates to the State Board of Education and appropriate local government entity building official;
6. maintain all submitted documentation at a designated school district location for auditing or monitoring;
7. identify in the monthly summary reports and provide to the State Board of Education and local government entity building official the total number of inspections with the name, state license number, and disciplines of each inspector performing the building inspections;
8. ensure that each inspector is adequately and appropriately credentialed;
9. sign the final certificate of inspection and verification form, certifying all inspections were completed in compliance with the law and rules and the Resource Manual to safeguard the public health, safety, and general welfare of occupants;
10. send the final inspection certification and inspection verification, and provide all other related project closeout submittals to the State Board of Education and to the appropriate local government entity building official upon completion of the project;
11. if the District uses a District building inspector or an independent building inspector, provide, on a monthly basis during construction, a copy of each inspection certificate and a monthly inspection summary regarding the school building to the State Superintendent and to the appropriate local governmental entity building official where the building is located; and
12. maintain all submitted documentation at a designated District location for auditing or monitoring.

[Utah Code § 10-9a-305\(6\)\(c\) \(2021\)](#)

[Utah Code § 17-27a-305\(6\)\(c\) \(2021\)](#)

*Utah Admin. Rules R277-471-3 (November 10, 2014)*

*Utah Admin. Rules R277-471-5.D (November 10, 2014)*

*Utah Admin. Rules R277-471-8.A(1) (November 10, 2014)*

**Construction Inspection—**

Building inspectors employed by the District must be currently International Code Council commercially certified and licensed in Utah, in the trade specific to the inspection, consistent with Utah law and Resource Manual requirements.

The District may employ one of three methods for school construction inspection:

1. an independent, properly licensed and certified building inspector;
  - a. The independent building inspector shall:
    - i. not be, or be an employee of, the architect, developer, contractor or any subcontractor on the project, or any management company or other agency hired by the District to perform construction or construction administrative services;
    - ii. be approved by the applicable local government entity where the construction occurs; and
    - iii. be properly licensed and certified to perform all of the inspections that the inspector is required to perform.
  - b. The independent building inspector may be an inspector working outside the municipality, county, or school district in which they are employed.
2. a properly licensed and certified building inspector, employed by the school district and performing school construction inspections within the boundaries of the District; or
3. a properly licensed and certified building inspector approved by the local jurisdiction in which the construction activity occurs. (Inspectors employed by municipalities and counties may perform school construction inspections within the boundaries of the municipality or county where they are employed.)

[Utah Code § 10-9a-305\(6\) \(2021\)](#)

[Utah Code § 17-27a-305\(6\) \(2021\)](#)

*Utah Admin. Rules R277-471-4 (November 10, 2014)*

**Permanent Occupancy Certificate—**

The means of obtaining a certificate of permanent occupancy varies depending on the type of building inspector used by the District.

*District-employed building inspector*

If the District used a building inspector employed by the District, the District may issue its own certificate authorizing permanent occupancy of a school building. The SDBO shall sign a certificate of inspection verification form certifying that all inspections were completed in accordance with Utah law and the Resource Manual and the District shall file the form with the building official of the local governmental entity where the building is located and with the State Board of Education.

*Local government entity-employed building inspector*

If the District used a building inspector employed by the local governmental entity, the District shall seek a certificate authorizing permanent occupancy from that governmental entity. Upon receipt of the certificate from the local governmental entity, the District shall file a copy of the certificate and a certificate of inspection verification with the State Board of Education.

*Independent building inspector*

If the District used an independent building inspector, the District shall, upon completion of all required inspections of the school building, file with the State Board of Education a certificate of inspection verification and a request for the issuance of a certificate authorizing permanent occupancy of the school building.

Within 30 days of the District's request to the State Board of Education for a certificate of permanent occupancy, the State Superintendent will either issue the certificate or notify the District of deficiencies in compliance with inspection requirements. The District shall remedy any deficiencies and then notify the State Superintendent that the deficiencies have been remedied. Upon certification of the information provided by the District regarding remediation, the State Superintendent will issue the certificate of permanent occupancy. Upon receipt of the certificate of permanent occupancy, the District shall provide a copy of the certificate to the building official of the local government entity where the building is located.

Upon the District's filing of the certificate of inspection verification and requesting the issuance of a certificate authorizing permanent occupancy of the school building with the State Board of Education, the District shall be entitled to temporary occupancy of the school building for a period up to ninety (90) days, beginning on the date the request is filed, if the District has complied with all minimum requirements to safeguard the public health, safety and general welfare of occupants.

A certificate authorizing permanent occupancy issued by the State Superintendent shall be considered to satisfy any municipal or county requirement(s) for an inspection or a certification of occupancy.

[Utah Code § 10-9a-305\(6\)\(a\)\(iii\) \(2021\)](#)

[Utah Code § 17-27a-305\(6\)\(a\)\(iii\) \(2021\)](#)

[Utah Code § 53E-3-706\(3\)\(a\) \(2019\)](#)

[Utah Admin. Rules R277-471-8 \(November 10, 2014\)](#)

**Municipality and County Requirements—**

A municipality or county may, at its discretion, schedule a time with District officials to:

1. provide a walk-through of school construction at no cost and at a time convenient to the school district or charter school; and
2. provide recommendations based on the walk-through.

A municipality or county may **not**:

1. require the District to landscape, fence, make aesthetic improvements, use specific construction methods or materials, impose requirements for buildings used only for educational purposes, or place limitations prohibiting the use of temporary classroom facilities on school property. All temporary classroom facilities shall be properly inspected to meet the Code;
2. require the District to participate in the cost of any roadway or sidewalk, or a study of the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated public school or an existing roadway;
3. require the District to pay fees not authorized under 10-9a-305 or 17-27a-305;
4. require inspection of school construction or assess a fee or other charges for inspection, unless the District is unable to provide for inspection by properly licensed and certified inspectors, other than the project architect, contractor or subcontractors;
5. require the District to pay any impact fee for an improvement project unless the impact fee is imposed pursuant to the Impact Fees Act;
6. impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or
7. for a use or structure that is a support facility rather than an educational facility, impose a regulation that is not imposed on similar uses or structures in the same zone, or a regulation that uses the tax exempt status of the District as a criterion for regulating the use or the location of the structure.

[Utah Code § 10-9a-305\(3\), \(5\) \(2021\)](#)

[Utah Code § 17-27a-305\(3\), \(5\) \(2021\)](#)

*Utah Admin. Rules R277-471-6.B (November 10, 2014)*