



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

LEA Name:	
Facility Name	
Facility Number	

Please identify the building number(s) and the scope of work that will be completed. Allowable scope of work may include **HVAC, Roofing, Flooring, Repair/Replace Window/Door, Additions/New Construction, and Other**. If other is selected, please provide detail to ensure allowability.

Building Number(s) & Scope of Work					
#	#	#	#	#	#

As stated in the U. S. Department of Education’s May 2021 FAQ, Construction is authorized under Title VII of the ESEA (Impact Aid) and therefore is an allowable use of GEER and ESSER funds under sections 18002(c)(3) and 18003(d)(1) of the CARES Act, sections 312(c)(3) and 313(d)(1) of the CRRSA Act, and section 2001(e)(2) of the ARP Act. The broad Impact Aid definition of “construction” includes new construction as well as 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. Remodeling, renovation, and new construction are often time-consuming, which may not be workable under the shorter timelines associated with ESSER and GEER funds. These types of activities are also subject to a number of 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.

	<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 not limited to O.C.G.A. 36-91-20, 36-91-21, and 36-91-22.</p>
	<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>
	<p>The LEA assures that any construction activities, including renovations or remodeling, that are necessary for an LEA to prevent, prepare for, and respond to COVID-19 could be permissible, though the burden remains on the LEA to maintain the appropriate documentation that supports the expenditure.</p>
	<p>The LEA assures all requirements and submission of documentation for projects that meet the definition of construction 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>
	<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>
	<p>The LEA assures the construction/renovation project will be completed in a timely manner.</p> <p>Estimated start: _____ Estimated completion: _____</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>
	<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 requirement of reporting on Real Property 2 CFR 200.330 are followed.</p> <p>Equipment is inventoried according to 2 CFR 300.313</p>
	<p>Davis -Bacon Wage Determination</p> <p>The LEA assures wage requirements of the Davis-Bacon Wage Determination are followed. The requirements 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</p>



	<p>The LEA assures the cost follow federal construction regulations. 34 CFR75.600-617</p> <p><u>75.600</u>- Use of a grant for construction: Purpose of 75.601-75.615</p> <p><u>75.601</u>-Applicant’s assessment of environmental impact (Not applicable to LEA projects)</p> <p><u>75.602</u>- Preservation of historic sites must be described in the application.</p> <p><u>75.603</u>- Grantee’s title to site.</p> <p><u>75.604</u>- Availability of cost sharing funds.</p> <p><u>75.605</u>- Beginning the construction. (Not applicable to LEA projects)</p> <p><u>75.606</u>- Completing the construction.</p> <p><u>75.607</u>- General consideration in designing facilities and carrying out construction.</p> <p><u>75.609</u>- Comply with Safety and Health Standards</p> <p><u>75.610</u>- Access by the handicapped.</p> <p><u>75.611</u>- Avoidance of flood hazards.</p> <p><u>75.612</u>- Supervision and inspection by the grantee.</p> <p><u>75.613</u>- Relocation assistance by the grantee</p> <p><u>75.614</u>- Grantee must have operational funds.</p> <p><u>75.615</u>- Operation and maintenance by the grantee.</p> <p><u>75.616</u>- Energy Conservation</p> <p><u>75.617</u>- Compliance with the Coastal Barrier Act</p>
	<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 that are 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, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.</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