

Recommendations of the Mandate Waiver Task Force

January 12, 2009

Recommendation #1

Re: Requirement to Bid Both Ways

Vote: Yes-9; No-2

Any and all future waivers of multiple-prime construction issued by the Department will be limited to the extent that districts must solicit single-prime bids as well as multiple-prime bids with the district utilizing the least expensive/most responsible bid option.

Recommendation #2

Re: Application for Mandate Waivers

Vote: Yes-11; No-0

Amend the School Code so that no school district shall receive a mandate waiver if it is delinquent in filing an evaluation of a previously granted waiver under Section 751 or 751.1 or its final Plan Con filing, as applicable. In addition, Plan Con reimbursement will be withheld for districts that fail to file reports as required, until such time as the reports are adequately filed. The Department of Education is encouraged to conform its policy to act in the manner recommended here.

Recommendation #3

Re: Evaluation of Approved Mandate Waivers

Vote: Yes-11; No-0

The evaluation form for 751 and 751.1 waivers should be revised to collect additional information on savings, project chronology, conformity with the uniform construction code and information regarding change orders (to include rationale for those change orders). The due date for the evaluation is three years from the date of the waiver approval. If necessary, additional reports should be submitted every year thereafter until the project is complete.

Recommendation #4

Re: Gathering Additional Information

Vote: Yes-6; No-5

The Department should provide assistance to districts in collecting data allowing for an accurate analysis and comparison to be completed on costs/savings of single-prime contracting vs. multiple-prime contracts for similar projects. Subsequently, the Department would determine the most appropriate way to report and present the information to the General Assembly and interested school districts.

Recommendation #5

Re: Updating Bid Thresholds

Vote: Yes-6; No-5

Update bid thresholds:

1. Work completed by school personnel from \$4,000 to \$25,000;
2. Any project not completed by school personnel and costing between \$10,000 and \$25,000 can only be completed after the district obtains three competitive quotes;
3. Projects costing more than \$25,000 should require the district to advertise and solicit bids;
4. Each of the three thresholds should be automatically updated annually based on the Building Cost Index used to update Act 34 thresholds.

Recommendation #6**Re: Disclosure of Subcontractors for a Single Prime Project****Vote: Yes-11; No-0**

Require prime contractors on school construction projects bid using a waiver of 751 and identify on bid forms those subcontractors with work (including labor and materials) exceeding \$10,000. On these projects, the prime contractor shall be required to employ the subcontractors identified on the bid form. All subcontractors so identified shall be paid directly by the district for labor and materials costs as certified by the prime contractor and subcontractor.

Recommendations Discussed but Not Passed**Re: Discontinuing the Waiver of Section 751 and 751.1 of the School Code****Vote: Yes-5; No-6**

If the legislature reauthorizes the Mandate Waiver Program after it sunsets in June 2010, Sections 751 and 751.1 should be added to the list of non-waiveable sections of the School Code.