



**TO:** Board Members

**FROM:** Chris Ragsdale

**DATE:** January 28, 2015

**SUBJECT:** Modifications to Administrative Rules for  
February 11, 2015 Board Work Session

**VIA EMAIL**

The Superintendent recommends the following revisions to Administrative Rules:

**Administrative Rule FGD-R (Facilities Projects Contracts)**

Administrative Rule FGD-R addresses the use of contracts for building and construction projects within the District. The SPLOST department has proposed language that will permit the District some limited flexibility in the use of contracts forms depending on the size of the project and source of funding.

On behalf of the SPLOST Department, Policy, Planning and Student Support recommends the following changes to Administrative Rule FGD-R:

1. Addition of language regarding contract forms (e.g. America Institute of Architects Construction Contract forms, Purchase Orders, and other written contracts).

Gregory, Doyle, Calhoun & Rogers has reviewed all suggested changes and concurs with Administration.

Administration is providing this information in compliance with Board of Education Policy BDF (Review of Administrative Rules), which reads:

*“The proposed Rule(s) shall be sent to the Board for their review in advance of issuance. Specifically, their review shall include at least the ten (10) days immediately prior to the next Board Work Session. If no objection is indicated by Board member(s) to the Chair prior to the adjournment of the Board Work Session, the Rule(s) shall be deemed accepted.”*

GREEN font indicates content recommended by SPLOST  
BLUE font indicates additional content revisions recommended by SPLOST  
BROWN font indicates content recommended by Policy, Planning & Student Support  
GREY highlight indicates content relocated within the rule  
YELLOW highlight indicates content recommended by Gregory, Doyle, Calhoun and Rogers



## DISTRICT ADMINISTRATIVE RULE

### FGD-R Facilities Projects Contracts

8/23/12 ?/?/15

#### RATIONALE/OBJECTIVE:

Building and construction for the Cobb County School District (District) shall be done on a legal contract basis between the contractor and the District.

#### RULE:

##### A. GENERAL PROVISIONS:

The time required for the substantial and final completion of each construction project and liquidated damages amounts shall be stated in all contract specifications.

##### B. CONTRACTS FOR CONSTRUCTION:

Contracts for construction shall be executed ~~on the appropriate, current edition of the American Institute of Architects Construction Contract forms. The construction contract will be reviewed and modified, as needed, by the Board Attorney,~~ using one of the following:

1. An appropriate, current edition of the American Institute of Architects Construction Contract forms as modified by the District;
2. A District Standard Contract for Goods and Services such as a purchase order or performance contract executed based upon a solicitation that is competitively solicited/negotiated by Procurement Services or a cooperative purchasing agreement approved by Procurement Services.
3. A written contract issued by the organization or individual that is funding the project. The contract must comply with all requirements in Georgia Board of Education Rule 160-5-4-.15 and Georgia Local Government Public Work Law, O.C.G.A. § 36-91-1, et seq. as well as relevant District policies, rules and procedures.

All District issued construction contracts impacting for projects on District property will be reviewed and modified, as needed, by the Board Attorney, specifically including those all contracts that are issues issued by the District or by other funding organizations.

Reclassified an Administrative Rule: 9/1/04

Revised: 9/22/05, 11/10/10

Revised and recoded: 8/23/12 (Previously coded as Administrative Rule FEGC)

**Revised: ?/?/15**

Legal Reference

O.C.G.A. 36-91-1

Rule 160-5-4-.15

Georgia Local Government Public Works Construction Law

Processing of Plans and Specifications for Public School Construction