

**Board of Education Special Meeting: Budget/Tax Request/Bond Series/Construction  
Delivery Method**

Thursday, September 29, 2022 7:00 PM

Media Center at the Palmyra District OR-1 Public Schools

425 F Street

Palmyra, NE 68418

**District Mission:**

**“Together we prepare our students to successfully meet the challenges of the future.”**

**Strategic Goal 1:** District OR-1 Public Schools will provide the facilities needed to be competitive with other area schools in athletics and fine arts programs.

**Strategic Goal 2:** District OR-1 Public Schools will foster a unified community.

**Strategic Goal 3:** District OR-1 Public Schools will continuously implement (academic) programs and the curriculum needed to remain competitive with other area schools.

Attendance Taken at 6:59 PM.

Dean Busch: Present

Jaimi Calfee: Absent

Tim Cheney: Present

Brandon Desh: Present

Clayton Maahs: Present

Josh Penterman: Present

1. Call to Order and Pledge of Allegiance

- Board President Desh called the special meeting to order at 7:00 p.m.
- Board President Desh led the board and the patrons in attendance in the Pledge of Allegiance.

2. Announcement of the Open Meetings Act Posting

- Board President Desh identified the location of the updated Open Meetings Act Poster on the wall in the meeting room and highlighted the recent changes to the document.

3. Action Items

3.1. Discuss, consider and take all necessary action to adopt the 2022-2023 Budget. Motion to adopt the 2022-2023 Budget. This motion, made by Josh Penterman and seconded by Tim Cheney, Passed.

Dean Busch: Yea, Tim Cheney: Yea, Brandon Desh: Yea, Clayton Maahs: Yea, Josh Penterman: Yea

- No further discussion as the public hearing for the proposed budget occurred on September 12th, 2022.

3.2. Discuss, consider and take all necessary action to approve the 2022-2023 Tax Request. Motion to approve the 2022-2023 Tax Request. This motion, made by Dean Busch and seconded by Josh Penterman, Passed.

Dean Busch: Yea, Tim Cheney: Yea, Brandon Desh: Yea, Clayton Maahs: Yea, Josh Penterman: Yea

- No further discussion as the public hearing at the district level was held on **Monday, September 12, 2022**, at Palmyra High School.
- An additional Joint Public Hearing on the tax request was held on **Monday, September 26th** at the Fair Center Building in Syracuse, Nebraska.
- Both of these hearings were preceded by public notice provided prior to the meetings.

3.3. Discuss, consider and take all necessary action with regard to adopting a board policy for the Construction Management at Risk construction delivery method. Motion to approve the attached policy for the Construction Management at Risk construction delivery method. This motion, made by Josh Penterman and seconded by Tim Cheney, Passed.

Dean Busch: Yea, Tim Cheney: Yea, Brandon Desh: Yea, Clayton Maahs: Yea, Josh Penterman: Yea

Motion to approve. This motion, made by Josh Penterman and seconded by Tim Cheney, Passed.

Dean Busch: Yea, Tim Cheney: Yea, Brandon Desh: Yea, Clayton Maahs: Yea, Josh Penterman: Yea

- Board President Desh reviewed the information from the Special Board meeting held at Bennet Elementary School on Monday, September 19th

3.4. Discuss, consider and take all necessary action with regard to selecting the Construction Management at Risk method of construction delivery for the Bennet Elementary School and the Palmyra Jr./Sr. High School buildings additions and renovations project under the Political Subdivisions Construction Alternatives Act. Motion to approve the selection of the Construction Manager at Risk construction delivery method for the upcoming bond funded building expansion projects. This motion, made by Dean Busch and seconded by Tim Cheney, Passed.

Dean Busch: Yea, Tim Cheney: Yea, Brandon Desh: Yea, Clayton Maahs: Yea, Josh Penterman: Yea

- Additional discussion centered around costs for services, the rationale, and composition of the Contractor Selection Committee, the process for selection of the final construction manager, and project start times and estimated completion.

3.5. Discuss, consider and take all necessary action with regard to adopting the Construction Management at Risk selection criteria and the evaluation point values for the Bennet Elementary School and the Palmyra Jr./Sr. High School buildings additions and renovation projects. MOTION to adopt and approve the Construction Manager at Risk selection criteria and evaluation weights for the Bennet Elementary School and the Palmyra Jr./Sr. High School buildings additions and renovations project. This motion, made by Josh Penterman and seconded by Clayton Maahs, Passed.

Dean Busch: Yea, Tim Cheney: Yea, Brandon Desh: Yea, Clayton Maahs: Yea, Josh Penterman: Yea

- Board President Desh explained the various criteria that will be analyzed for the selection of the construction manager.

- These criteria are explained in the attached document.

3.6. Discuss, consider and take all necessary action to approve a decision on the issuance of Bond Series. Motion to issue the bonds in multiple series agreed upon above. This motion, made by Dean Busch and seconded by Josh Penterman, Passed.

Dean Busch: Yea, Tim Cheney: Yea, Brandon Desh: Yea, Clayton Maahs: Yea, Josh Penterman: Yea

- Jay Spearman from Piper Sandler was in attendance at the meeting to discuss the possible options of issuing one, two, or more series of bonds.
- Highlights of the discussion included bond terms, projected future market conditions, current economic trends, and rationale for the different methods of bond issuance.
- Board members discussed the various options and decided that a three-series issuance of bank-qualified bonds would be most effective.
- The board chose this method to issue the bonds in multiple series, which produces the resources to fund the project while minimizing the tax impact to community patrons.
- Prior to the adjournment of the meeting, information was shared relative to the recent Joint Public Hearings conducted throughout the state.

4. Closed Session

5. Adjournment

- The meeting was adjourned at 7:50 p.m.

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Chairperson

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Superintendent

**2021 Nebraska Revised Statutes**  
**Chapter 73 - Public Lettings and Contracts**  
**73-106 - School district; construction, remodeling, or repair of building; advertise for bids; applicability.**

**Universal Citation:** [NE Code § 73-106 \(2021\)](#)

**73-106.** School district; construction, remodeling, or repair of building; advertise for bids; applicability.

(1) Whenever any public school district in the state expends public funds for the construction, remodeling, or repair of any school-owned building or for site improvements, other than those expenditures authorized by section 81-829.51 for emergency expenditures or section 79-10,104 for facilities which are not to be owned by the district following their completion, the school board or its representative shall advertise for bids in the regular manner established by the board and accept or reject bids pursuant to section 73-101.

(2) This section does not apply to any construction, remodeling, or repair of any school-owned building or site improvements in which the contemplated expenditure for the complete project does not exceed one hundred thousand dollars. The State Board of Education shall adjust the dollar amount in this subsection every fifth year. The first such adjustment after August 30, 2015, shall be effective on July 1, 2020. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount.

(3) This section does not apply to the acquisition of existing buildings, purchase of new sites, or site expansions by the school district.

**Source:**

Laws 1979, LB 130, § 1;  
Laws 1981, LB 218, § 2;  
Laws 1996, LB 900, § 1061;  
Laws 2001, LB 420, § 34;  
Laws 2015, LB283, § 2;  
Laws 2015, LB431, § 1.

# NOTICE OF BUDGET HEARING AND BUDGET SUMMARY

School District OR-1 (Palmyra - Bennet) (66-0501) in Otoe County, Nebraska

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Sections 13-501 to 13-513, that the governing body will meet on the 12th day of September, 2022 at 6:45 p.m. o'clock, PM, at Palmyra High School Media Center for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the following proposed budget and to consider amendments relative thereto. The budget detail is available at the office of the Clerk/Secretary during regular business hours. For more information on statewide receipts and expenditures, and to compare cost per pupil and performance to other school districts, go to: <https://nep.education.ne.gov>

FUNDS	Actual Disbursements & Transfers	Actual/Estimated Disbursements & Transfers	Budgeted Disbursements & Transfers	Necessary Cash Reserve (4)	Total Available Resources Before Property Taxes (5)	Total Personal and Real Property Tax Requirement (7)
	2020-2021 (1)	2021-2022 (2)	2022-2023 (3)			
General	\$ 7,399,164.00	\$ 7,775,684.00	\$ 10,032,831.00	\$ 1,710,349.00	\$ 6,030,066.00	\$ 5,770,822.00
Depreciation	\$ 123,104.00	\$ 125,000.00	\$ 409,641.00		\$ 409,641.00	
Employee Benefit	\$ -	\$ -	\$ 39,153.00	\$ -	\$ 39,153.00	
Contingency	\$ -	\$ -	\$ -	\$ -	\$ -	
Activities	\$ 175,395.00	\$ 192,205.00	\$ 372,591.00	\$ -	\$ 372,591.00	
School Nutrition	\$ 344,718.00	\$ 429,445.00	\$ 600,389.00	\$ 50,000.00	\$ 650,389.00	
Bond	\$ 10,136,923.00	\$ 681,700.97	\$ 1,997,165.00	\$ 438,497.87	\$ 438,497.87	\$ 2,017,338.00
Special Building	\$ 10,647.00	\$ 13,000.00	\$ 23,024,629.00		\$ 22,824,629.00	\$ 202,020.00
Qualified Capital Purpose Undertaking	\$ 140,083.00	\$ 148,132.00	\$ 255,365.00	\$ 100,000.00	\$ 209,288.00	\$ 147,553.00
Cooperative	\$ -	\$ -	\$ -	\$ -	\$ -	
Student Fee	\$ 4,620.00	\$ 5,000.00	\$ 6,000.00	\$ -	\$ 6,000.00	
TOTALS	\$ 18,334,654.00	\$ 9,370,166.97	\$ 36,737,764.00	\$ 2,298,846.87	\$ 30,980,254.87	\$ 8,137,733.00

## Notice of Special Hearing To Set Final Tax Request

School District OR-1 (Palmyra - Bennet) (66-0501) in Otoe County, Nebraska

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Section 77-1632, that the governing body will meet on the 12th day of, September 2022 at 6:55 p.m. o'clock P.M, at Palmyra High School Media Center for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request.

	2021-2022	2022-2023	Change
Property Valuations	661,257,260	664,899,720	2%

### 2021-2022 Budget Information

Fund	2021-2022 Operating Budget	2021-2022 Property Tax Request	2021 Tax Rate	Property Tax Rate (2021-2022 Request Divided By 2022 Valuation)
General Fund	9,310,700.20	5,340,308.00	0.820000	0.803175
Bond Fund(s) 2016	1,262,290.00	681,818.00	0.104693	0.102544
Bond Fund(s) 2022			0.000000	0.000000
Special Building Fund	1,080,480.00	325,678.00	0.050008	0.048982
Qualified Capital Purpose Undertaking Fund K - 12	329,865.00	185,859.00	0.028538	0.027953
<b>Total</b>	<b>11,983,335.20</b>	<b>6,533,663.00</b>	<b>1.003238</b>	<b>0.982654</b>

### 2022-2023 Budget Information

Fund	2022-2023 Operating Budget	2022-2023 Proposed Property Tax Request	Proposed 2022 Tax Rate	Change in Tax Rate	Change in Operating Budget
General Fund	10,032,831.00	5,770,822.00	0.867924	6%	8%
Bond Fund(s) 2016	697,165.00	704,338.00	0.105931	1%	-45%
Bond Fund(s) 2022	1,300,000.00	1,313,000.00	0.224352		
Special Building Fund	23,024,629.00	202,020.00	0.030384	-39%	2031%
Qualified Capital Purpose Undertaking Fund K - 12	255,365.00	147,553.00	0.022192	-22%	-23%
<b>Total</b>	<b>35,309,990.00</b>	<b>8,137,733.00</b>	<b>1.250783</b>	<b>25%</b>	<b>195%</b>

**RESOLUTION SETTING THE PROPERTY TAX REQUEST**

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 provides that the Governing Body of School District OR-1 (Palmyra - Bennet) passes by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of School District OR-1 (Palmyra - Bennet) resolves that:

1. The 2022-2023 property tax request be set at:

General Fund:	\$	5,770,822.00
Bond Fund 2016	\$	704,338.00
Bond Fund 2022	\$	1,313,000.00
Special Building Fund:	\$	202,020.00
Qualified Capital Purpose	\$	147,553.00
Undertaking Fund:		

2. The total assessed value of property differs from last year's total assessed value by 2.09 percent.

3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property would be 0.982654 per \$100 of assessed value.

4. School District OR-1 (Palmyra - Bennet) proposes to adopt a property tax request that will cause its tax rate to be 1.250783 per \$100 of assessed value.

5. Based on the proposed property tax request and changes in other revenue, the total operating budget of School District OR-1 (Palmyra - Bennet) will increase (or decrease) last year's budget by 194.66 percent.

6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2022.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt Resolution # \_\_\_\_\_.

Voting yes were:

Voting no were:

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Dated this **29th** day of **September**, 2022

New Construction and Improvements to the Existing BuildingsConstruction Management at Risk Under the Nebraska Political Subdivisions Construction Alternatives Act, Neb. Rev. Stat. §§ 13-2901 et seq.

1. ***Introduction:*** The School District is authorized to enter into Construction Management at Risk Contracts for School District construction projects by adhering to the procedures set forth in the Political Subdivisions Construction Alternatives Act, Neb. Rev. Stat. §§ 13-2901 et seq. (the "Act"). Pursuant to the Act, the Board of Education hereby adopts the following policies for entering into a Construction Management at Risk Contract and the general terms of such contract.

2. ***Terms Defined:***

A. "Construction Management at Risk Contract" means a contract developed under the terms and conditions of this policy by which a construction manager (a) assumes the legal responsibility to deliver a construction project within a contracted price to the School District, (b) acts as a construction consultant to the School District during the design phase of the project when the School District's architect or engineer designs the project, and (c) is the builder during the construction phase of the project, subject to the School District's bidding requirements established by this policy and other School District policies, and the Construction Management at Risk Contract.

B. "Construction Manager" means the legal entity which proposes to enter into a Construction Management at Risk Contract pursuant to the Act and this policy.

C. "Proposal" means an offer in response to a Request for Proposals by a Construction Manager to enter into a Construction Management at Risk Contract for a School District construction project pursuant to the Act and this policy.

D. "Request for Proposals" means the documentation by which the School District solicits Construction Manager Proposals.

3. ***Board Selection of Construction Manager at Risk Method, and Process and Direction to Prepare Request for Proposals:*** The Board of Education of the School District shall adopt a resolution to select the Construction Manager under the Act as the method and process of construction delivery of the specific project and authorize and direct the School District Administration in conjunction with the architecture or engineering firm retained for the specific project to prepare a Request for Proposals in accordance with the Act and this policy. The resolution shall require the affirmative vote of at least two-thirds (2/3rds) of the Board of Education.

4. ***Duties of Architect and/or Engineer for the Project:*** Prior to proceeding with any School District construction project using the Construction Manager method under the Act, the School District shall retain the services of an architect and/or engineer for such construction project, to provide design services including the preparation of plans, specifications, and estimates, and observe construction. Additionally, such architect and/or engineer services shall include assistance, consultation and participation in preparing the Request for Proposals,

evaluation of Proposals received for the Construction Manager position, and participation on the selection committee for the Construction Manager provided for in the Act and this policy.

5. ***Procedures for the Preparation and Content of Request for Proposals:*** The School District shall prepare the Request for Proposals for the position of Construction Manager under the Act and in accordance with this section. At least thirty (30) days prior to the deadline for receiving and opening Proposals, notice of the Request for Proposals shall be published in a newspaper of general circulation within the School District and filed with the State Department of Education. The Request for Proposals shall include, at a minimum, the following components:

- A. The Notice of the Request for Proposals.
- B. An Invitation to submit Proposals. Such invitation shall (1) identify the School District as the project owner, (2) contain the day and hour upon which such Proposals are due and shall be received; (3) that Proposals shall be sealed; (4) that Proposals shall not be opened until expiration of the time allowed for submitting Proposals; and (5) the hour at which such Proposals shall be opened in the presence of the proposers, or representatives of the proposers.
- C. These Policies adopted by the School District;
- D. General information about the project which will assist the School District in its selection of the Construction Manager.
- E. A project statement, which contains information about the scope and nature of the project, the project site, the schedule, and the estimated construction budget.
- F. Instructions to prospective Construction Manager firms, which shall state that the following requirements, at a minimum, must be contained in any submitted Proposal:
  - (1) A description of the Construction Manager's project team and organization of such team;
  - (2) Fee proposal, if required by the School District as part of the Request for Proposals;
  - (3) A description of the limitations, if any, on expenses to be reimbursed;
  - (4) Proof of insurance coverage and bonding required by law and the Construction Manager at Risk Contract;
- G. Information of pre-Proposal conference, if any required, and attendance requirements at such conference.
- H. Proposal procedures, including:
  - (1) Questions and clarification or interpretations of the Proposal documents;
  - (2) Method of handling addenda to Proposal documents;

(3) Procedure for modification or withdrawal of Proposals;

(4) Proposal due date and opening including date, time, location and methods of submittal of Proposals;

I. Evaluation procedure, including the criteria for evaluation of Proposals, the relative weight of each criterion, the interview process, the contract negotiation process and the contract execution process.

J. The proposed Agreement between the School District and the Construction Manager, including General Conditions of the Contract for Construction where the Construction Manager is at risk. Such Agreement may set forth an initial determination of the manner by which the construction manager selects any subcontractor and may require that any work subcontracted be awarded by competitive bidding.

K. Payment and performance bonds and guaranteed maximum price bond requirements for the Construction Manager;

L. Insurance requirements, which shall provide that the Construction Manager shall purchase from and maintain in a company or companies lawfully authorized to do business in the State of Nebraska such insurance as will protect the Construction Manager from claims which may arise out of or result from the Construction Manager's operations under the contract and for which the Construction Manager may be legally liable, whether such operations be by the Construction Manager or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable.

M. Special notice requirements, if any, which may include but not be limited to the following:

(1) this project is being conducted under and is subject to the provisions of the Political Subdivisions Construction Alternatives Act, Neb. Rev. Stat. Sec. 13-2901 et seq.

(2) This School District is an equal opportunity institution and actively recruits well-qualified and diverse individuals and firms, including women and minorities, for architectural and engineering services and for contractor services. The School District requires that all responders/bidders/proposers for public work provide written assurances, affirm and agree that (a) they are an equal opportunity employer, (b) they actively recruit a well-qualified and diverse group of employees and subcontractors, including women and minorities, and (c) if selected, they will actively continue and implement this policy throughout any awarded public work. The School District or any of its responders/bidders/proposers for public work shall not discriminate against any employee or applicant for employment or subcontractor by reason of sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status.

(3) By submitting a Proposal, each proposer agrees to waive any claim it has, or may have, against the School District and the Architects retained by the School District, and

their respective employees, arising out of, or in connection with, the administration, evaluation, or recommendation of any Proposal; waiver of any requirements under the Proposal Documents; or the Contract Documents; acceptance or rejection of any Proposals; and award of the Contract.

(4) The School District reserves the right (a) to terminate the Proposal process at any time; (b) to reject any or all Proposals; and (c) to waive formalities and minor irregularities in the Proposals received.

(5) The School District reserves the right to conduct a pre-award survey of any firm under consideration to confirm any of the information furnished by the firm or to require other evidence of managerial, financial, technical and other capabilities, the positive establishment of which is determined by the School District to be necessary for the successful performance of the contract.

(6) The proposing firm's signature on the Proposal is the proposing firm's guarantee that the content of the Proposal has been arrived at without collusion with other eligible prospering firm or firms and without effort to preclude the School District from obtaining the lowest competitive price.

N. Other information, which may include the following:

(1) A description of the general scope of services to be provided by the Construction Manager.

(2) Project financing phase informational services, if any;

(3) Pre-construction phase services including consultation of design, materials and systems, long lead items, contractor availability and recruitment, preliminary project schedule and preliminary cost estimation, and review of construction documents and conduct value engineering assessments with respect to constructability, material and construction techniques and building systems, sequencing of construction, separation or combining of bid packages.

(4) Cost estimation and preliminary guaranteed maximum price submittals to the School District;

(5) Construction administration and supervision services including identification and preparation of bid packages, recruitment and prequalification of prospective proposers for such bid packages, conduct of bid process for each bid package, review of and recommendations to the School District with regard to Proposals submitted, and administration of construction contracts, day-to-day supervision of the work with a qualified site superintendent and project manager;

(6) Preparation and submittal of Guaranteed Maximum Price (GMP) for the project(s).

**6. *Procedures and Standards to be Used to Pre-qualify Construction Manager Candidates:*** The procedures and standards to be used to pre-qualify Construction Managers will

be to evaluate prospective Construction Managers based upon the information submitted to the School District in response to the Request for Proposals, and an evaluation of such information by the selection committee based upon the criteria for evaluation of Proposals and the relative weight to be given each criterion.

7. ***Procedures for Preparing and Submitting Proposals:*** Proposals submitted by interested construction management firms must include all of the elements required by the Request for Proposals. Proposals shall be required to be submitted in the form and method specified in the Request for Proposals, as determined by the School District. All Proposals must be submitted on or before the time and date and at the location specified in the Request for Proposals. All submitted Proposals become the property of the School District. Proposals must also contain the following certification or substantially similar language:

The proposer provides written assurances, affirms and agrees that (a) the proposer is an equal opportunity employer, (b) the proposer actively recruits a well-qualified and diverse group of employees and subcontractors, including women and minorities, and (c) if selected, the proposer will actively continue and implement this policy throughout any awarded public work. The proposers shall not discriminate against any employee or applicant for employment or subcontractor by reason of sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status.

8. ***Procedures for Evaluating Proposals in Accordance with Neb. Rev. Stat. §§ 13-2910 and 13-2911:*** The School District shall evaluate and rank each Proposal on the basis of best meeting the criteria in the Request for Proposals and taking into consideration the recommendation of the selection committee pursuant to Neb. Rev. Stat. § 13-2911 and this section.

A. **Referral to Selection Committee:** In evaluating Proposals in accordance with Neb. Rev. Stat. § 13-2910, the School District shall refer the Proposals for recommendation to a selection committee.

B. **Make-up of Selection Committee:** The selection committee shall be a group of at least five (5) persons designated by the School District. Members of the selection committee shall include at least one (1) person from each of the following groups:

- (1) A member or members of the Board of Education;
- (2) A member or members of School District administration and/or staff;
- (3) A representative of the School District's architect or engineer;
- (4) A person having special expertise relevant to selection of a Construction Manager under the Act; and
- (5) A resident of the School District other than an individual included in subdivisions (1) through (4) of this subsection.

C. **Members No Pecuniary Interest:** A member of the selection committee designated under subdivision (4) or (5) of this subsection shall not be employed by or have a financial or other interest in a Construction Manager who has a Proposal being evaluated and shall not be employed by the School District.

D. **Evaluation Criterion:** The selection committee and the School District shall evaluate Proposals taking into consideration the criteria enumerated in subdivisions (1) through (8) of this subsection, with the maximum percentage of total points for evaluation which may be assigned to each criterion set forth following the criterion. The following criteria shall be evaluated, when applicable:

No.	Evaluation Criteria	Maximum Percent Value
1	The financial resources of the Construction Manager to complete the project.	Ten percent (10%) of total points
2	The ability of the proposed personnel of the Construction Manager to perform.	Thirty percent (30%) of total points
3	The character, integrity, reputation, judgment, experience, and efficiency of the Construction Manager.	Thirty percent (30%) of total points
4	The quality of performance on previous projects.	Thirty percent (30%) of total points
5	The ability of the Construction Manager to perform within the time specified.	Thirty percent (30%) of total points
6.	The previous and existing compliance of the Construction Manager with laws relating to the contract.	Ten percent (10%) of total points
7.	OPTIONAL – The ability and resources of the Construction Manager to recruit qualified contractors for the Project, including but not limited to local contractors.	Twenty percent (20%) of total points
8.	OPTIONAL – The Construction Manager’s proposed efforts schedule, maximum personnel expense, and overhead fee for the Project.	Twenty percent (20%) of total points
	TOTAL (No more than 100%).	100%

E. **Determination of Evaluation Criteria Percentage Values:** The Board of Education, in the resolution adopted to select the Construction Manager under the Act as the method and process of construction delivery of the specific project, shall identify and describe the exact percentage of total points for each of the evaluation criteria described above, ensuring that the total percentage does not exceed 100%.

F. Examination of Proposals: Following the opening of the Proposals, the selection committee will examine the Proposals and supporting documentation submitted by all candidates. The evaluation of the Construction Manager for the Project shall be based upon a careful and objective consideration of the Proposals and the ability of each firm submitting a Proposal to perform the services described in the Request for Proposals and the requirements of any federal, state, local laws and regulations and School District policies and regulations that are applicable to the Project.

G. Interviews of Candidates: To further assist the selection committee in evaluating each Proposal to determine which candidate best meets the criteria in the Request for Proposals, the selection committee and the Board of Education may, at either's election, determine to interview such candidate(s).

H. Recommendation of Selection Committee to Board of Education: After examining and evaluating all Proposals and interviewing selected candidate(s), if elected, the selection committee shall rank each Proposal on the basis of best meeting the Proposal evaluation criteria. The selection committee shall make a formal, written recommendation to the Board of Education based on the highest ranking Proposal. The selection committee shall provide to the Board of Education the full rankings.

I. Records of Selection Committee: The selection committee shall keep and maintain permanent records of the selection committee proceedings including, but not limited to, records of the minutes of meetings, and documentation received or disclosed in open session of the meetings. The selection committee shall appoint a board member or district employee to keep the minutes of the selection committee meetings. The minutes of each meeting shall include as a minimum the following items: a record of the date, time, place, members present, action taken and the vote of each member. The records of the selection committee shall be placed on public file with the central administration office. The records of the selection committee in evaluating Proposals and making recommendations shall be considered public records for purposes of section 84-712.01.

J. Board of Education Action. After receiving the formal recommendation of the selection committee, the Board of Education shall examine the Proposals and supporting documentation submitted by all proposing Construction Manager candidates. Each Proposal will be evaluated and ranked by the Board of Education on the basis of best meeting the evaluation criteria in the Request for Proposals and taking into consideration the recommendation of the selection committee.

K. Rejection of Proposals: The School District shall have the right to reject any and all Proposals. The School District may subsequently solicit new Proposals using the same or different project performance criteria.

9. ***Procedures for Construction Manager at Risk Contract Negotiations:***

A. Negotiations with Highest Ranked Construction Manager: The School District shall attempt to negotiate a Construction Management at Risk Contract with the highest ranked Construction Manager and may enter into a Construction Management at Risk Contract after

negotiations. The negotiations shall include a final determination of the manner by which the Construction Manager selects a subcontractor.

B. **Negotiations with Second Highest Ranked Construction Manager:** If the School District is unable to negotiate a satisfactory Construction Manager at Risk Contract with the highest ranked Construction Manager, the School District may terminate negotiations with that Construction Manager. The School District may then undertake negotiations with the second highest ranked Construction Manager and may enter into a Construction Management at Risk Contract after negotiations. If the School District is unable to negotiate a satisfactory Construction Manager at Risk Contract with the second highest ranked Construction Manager, the School District may undertake negotiations with the third highest ranked Construction Manager, if any, and may enter into a Construction Management at Risk Contract after negotiations.

C. **Requirement of Execution of Written Contract:** No contractual rights shall be created between the Construction Manager and the School District until a written contract has been negotiated, agreed upon, approved by the Board of Education of the School District, and executed by all parties thereto.

D. **Filing of Construction Manager at Risk Contract:** The School District shall file a copy of all Construction Management at Risk Contract documents with the State Department of Education within thirty (30) days after their full execution. Within thirty (30) days after completion of the project, the Construction Manager shall file a copy of all contract modifications and change orders with the department.

E. **Unsuccessful Negotiations with Construction Manager Candidates:** If the School District is unable to negotiate a satisfactory Construction Manager at Risk Contract with any of the ranked Construction Managers, the School District may either revise the Request for Proposals and solicit new Proposals or cancel the Request for Proposals process.

F. **Modification of Construction Manager at Risk Contract:** A Construction Management at Risk Contract may be conditioned upon later refinements in scope and price and may permit the School District in agreement with the Construction Manager to make changes in the project without invalidating the contract. Later refinements shall not exceed the scope of the project statement contained in the Request for Proposals.

10. ***Procedures for Filing and Acting on Formal Protests Relating to the Solicitation or Execution of the Construction Manager at Risk Contract:***

A. **Protest Relation to Solicitation:**

(1) A Construction Manager candidate seeking to protest the policies adopted by the Board of Education pursuant to the Act and the form or content of the Request for Proposals promulgated by the School District, or the notice of the Request for Proposals, or any pre-Proposal process or procedures, must file such protest within fourteen (14) calendar days from the date of the publication of the notice of the Request for Proposals.

(2) A Construction Manager candidate seeking to protest the Proposal opening process used by the School District must file such protest within seven (7) calendar days from the date of the Proposal opening.

(3) A Construction Manager candidate seeking to protest the process and procedures used by the selection committee in evaluating and/or ranking the Construction Manager candidates must file such protest within seven (7) calendar days from the date the selection committee makes its recommendation to the Board of Education or the Board of Education's acceptance of the recommendation of the selection committee.

B. Negotiation or Execution of Construction Manager Contract: A Construction Manager candidate seeking to protest the process and procedures used by the School District in the negotiation or execution of the Construction Management at Risk Contract must file such protest within seven (7) calendar days from the date the Board of Education takes action to approve the Construction Management at Risk Contract.

C. Form and Filing of Protests: All protests under this subparagraph shall be filed with the Office of the Superintendent of Schools during normal business hours. Such protest must be in writing and received at or before the close of business on the last day provided for the receipt of such Proposals. For purposes of this paragraph the term "received" shall mean the actual in hand receipt of all protests and attendant documents. Facsimile transmittals, e-mail or other electronic or telephonic transmittals shall not be accepted and receipt of protest documents, or change in protest documents, in such manner will not be accepted. Protests shall be public records, and shall not be considered proprietary and confidential.

D. Action on Protests: The Board of Education shall take action on any protest filed pursuant to subparagraph A and B above within forty-five (45) days of receipt of such protest, and shall provide the decision of the Board of Education in writing to the protesting party.

Legal Reference: Political Subdivisions Construction Alternatives Act, Neb. Rev. Stat. 13-2901, et. seq.; 81-1701 et seq.; and 84-712

Date of Adoption: September 29, 2022

Internal Board Policies - Methods of OperationAdoption, Amendment or Suspension of Policies

- A. Proposed policies introduced and recommended to the Board shall require a majority vote of the Board for adoption and if so passed shall take effect immediately.
- B. Any policy of the Board may be suspended for an agreed upon period of time by a majority vote of the members of the Board.
- C. The Superintendent, in case of emergency or to comply with legal requirements, may suspend any part of these policies and regulations as it pertains to administration of schools provided, however, that the Superintendent shall report the fact and the reason for such suspension at the next meeting of the Board of Education and, provided further that the suspension shall expire at the time of said report unless continued in effect by action of the Board of Education.

Date of Adoption: January 17, 2017  
Reviewed: February 8, 2021

Bylaws of the Board - Bylaws, Policies and RegulationsFormulation, Adoption, Amendment of Policies

Policy proposals and suggested amendments to or revisions of existing policies shall normally be submitted to all members of the Board of Education by the Superintendent in writing prior to a regularly scheduled Board of Education meeting in which such proposed policies, amendments, or revisions thereof shall be read and discussed.

Policies will be adopted after consideration at two (2) meetings of the Board of Education. Policy amendments resulting from legal requirements or those that are minor may be revised in one meeting at the discretion of the Board. The agenda and minutes shall be marked to indicate policy matters.

The formal adoption of policies shall be by majority vote of all members of the Board of Education and the actions shall be recorded in the minutes of the Board of Education. Only those written statements so adopted and so recorded shall be regarded as official policy.

Policies shall be reviewed at least every two (2) years or at such other periodic time periods as may be required by law.

Reference: Robert's Rules of Order

Date of Adoption: January 17, 2017

Date of Review: February.8.2021

MOTION

MOTION by \_\_\_\_\_ that the Board of Education for this School District should and does hereby (1) suspend application of Board Policy 9200 for the purpose of this motion only pursuant to Board Policy 8320, and (2) adopt and approve new Board Policy 7070 for the Construction Management at Risk construction delivery method pursuant to the Nebraska Political Subdivisions Construction Alternatives Act, in the form on file with official Board records and as presented at this meeting.

Board member \_\_\_\_\_ seconded the MOTION. After discussion and on roll call vote, the following Board members voted in favor of passage and adoption of the above Motion:

\_\_\_\_\_.

The following Board members voted against the same:

\_\_\_\_\_.

The following Board members were absent or not voting:

\_\_\_\_\_.

The above Motion having been consented to by a majority of the members of the Board of Education of this School District, was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska Open Meetings Law.

DATED this 29th day of September, 2022.

OTOE COUNTY SCHOOL DISTRICT 66-0501,  
a/k/a DISTRICT OR-1 PUBLIC SCHOOLS

BY: \_\_\_\_\_  
President, Board of Education

ATTEST:

\_\_\_\_\_  
Secretary

MOTION

MOTION by \_\_\_\_\_ that the Board of Education for this School District should and does hereby adopt and approve the Construction Manager at Risk selection criteria and evaluation weights for the Bennet Elementary School and the Palmyra Jr./Sr. High School buildings additions and renovations project as follows:

No.	Selection Criteria	Maximum Point Value
1	The financial resources of the construction manager to complete the project	2.5
2	The ability of the proposed personnel of the construction manager to perform	20
3	The character, integrity, reputation, judgment, experience, and efficiency of the construction manager	15
4	The quality of performance on previous projects	20
5	The ability of the construction manager to perform within the time specified	20
6	The ability and resources of the construction manager to recruit qualified contractors for the Project	10
7	The construction manager's proposed efforts schedule for the Project	10
8	The previous and existing compliance of the construction manager with laws relating to the contract	2.5
	TOTAL (Not more than 100).	100

Board member \_\_\_\_\_ seconded the MOTION. After discussion and on roll call vote, the following Board members voted in favor of passage and adoption of the above Motion:

\_\_\_\_\_.

The following Board members voted against the same:

\_\_\_\_\_.

The following Board members were absent or not voting:

\_\_\_\_\_.

The above Motion having been consented to by a majority of the members of the Board of Education this School District, was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska Open Meetings Law.

DATED this 29th day of September 2022.

OTOE COUNTY SCHOOL DISTRICT 66-0501,  
a/k/a DISTRICT OR-1 PUBLIC SCHOOLS

BY:

\_\_\_\_\_  
President, Board of Education

ATTEST:

\_\_\_\_\_  
Secretary