



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.  
State Superintendent of Education

February 1, 2022

**MEMORANDUM**

**REVISED**

**TO:** City and County Superintendents

**FROM:** Eric G. Mackey *EGM*  
State Superintendent of Education

**RE:** Capital Improvement Projects Act 2021-476 (HB 220)

Act 2021-476 (HB 220) related to construction and renovation of school facilities goes into effect February 1, 2022. This legislation allows Local Education Agencies (LEA) performing capital improvement projects estimated by a licensed design professional to cost less than \$500,000 or performing maintenance and repair to existing HVAC systems or roofs to do so without using the Division of Construction Management (DCM).

**All projects utilizing any Public School & College Authority (PSCA) funds will still be administered by DCM's Contract Administration Division, Plan Review Division and Project Inspection Division.**

Per the Act, all other applicable laws still apply in performing the above type projects. Furthermore, the Act stipulates that the Alabama State Department of Education (ALSDE) shall implement necessary forms to allow the LEA to perform these projects without requiring the use of DCM. The ALSDE has constructed the required forms, utilizing DocuSign, that must be submitted prior to the project beginning. The forms will be available on the ALSDE website under LEA Auxiliary Services – School Architect – Construction Approval page at: <https://na4.docusign.net/Member/PowerFormSigning.aspx?PowerFormId=d92d9167-414f-41af-acfc-fde6cff67a77&env=na4&acct=0d0d5396-2e0a-4ad5-97e4-e591b723344b&v=2>.

Additionally, attached to this memorandum are the required form templates, work instructions on how to complete the forms and the enacted legislation. All questions regarding the submission of the required forms or compliance to Act 2021-476 should be directed to Dr. Brandon T. Payne at [brandon.payne@alsde.edu](mailto:brandon.payne@alsde.edu) or Ms. Jessica Ragan at [jragan@alsde.edu](mailto:jragan@alsde.edu) or by telephone to the School Facilities section at ALSDE at 334-694-4602.

EGM/BTP/JR

Attachments

cc: Dr. Brandon T. Payne  
FY22-3009

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of Education

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Executive Officer



**LEA Capital Improvement Project < \$500,000**

Owner (School System) Name: \_\_\_\_\_

Design Professional Company Name: \_\_\_\_\_

Design Professional Contact Email: \_\_\_\_\_

Design Professional Phone Number: \_\_\_\_\_

Project Location Address: \_\_\_\_\_

County: \_\_\_\_\_

Project Name: \_\_\_\_\_

Brief Description of Project: \_\_\_\_\_

Amount of Projected Expenditure: \_\_\_\_\_

Intendent Project Dates: \_\_\_\_\_ to: \_\_\_\_\_



**LEA Capital Improvement Project < \$500,000**

**Design Professional Attestation**

I, \_\_\_\_\_ (name) am the \_\_\_\_\_ (title) of the \_\_\_\_\_ ("Design Professional"). I attest to the following:

I am aware that, pursuant to Act 2021-476, all K-12 capital improvement projects with an estimated cost of less than \$500,000 or repair and maintenance of existing HVAC or roofing shall no longer be subject to oversight by the Alabama State Finance Department Division of Construction Management.

I understand that as the design professional it is my responsibility to oversee the services of certified contractor(s) who meet and follow all applicable federal, state, and local laws in all phases of the above referenced project.

Furthermore, I understand it is my responsibility to conduct and/or certify inspections of the capital improvement project.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



LEA Capital Improvement Project < \$500,000

Owner Attestation

I, \_\_\_\_\_ (name) am the \_\_\_\_\_ (title) of the \_\_\_\_\_ School System ("Owner"). I attest to the following:

I am aware that, pursuant to Act 2021-476, all K-12 capital improvement projects with an estimated cost of less than \$500,000 or repair and maintenance of existing HVAC or roofing shall no longer be subject to oversight by the Alabama State Finance Department Division of Construction Management.

I have used the services of a certified design professional and certified contractor(s) who meet and follow all applicable federal, state, and local laws in all phases of the above-referenced project.

I understand that as the Owner I must comply with all applicable federal, state, and local laws related to the above-referenced project, including but not limited to, bidding, obtaining, and paying the services of a certified design professional and certified contractor(s) to perform the work on the above referenced project.

I certify that I have read and understand the foregoing and that I am aware of my responsibilities and liabilities for construction work on the above-described property and do hereby covenant and agree to abide by each of the aforesaid disclosures. I further understand that any falsification of the statements contained in this affidavit constitutes fraud and may result in revocation as well as other penalties.

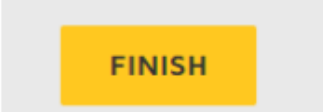

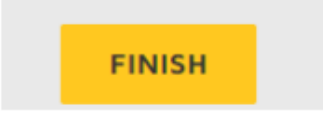
Signature: \_\_\_\_\_ Date: \_\_\_\_\_






Alabama State Department of Education  
School Architect Section

Work Instructions for Capital Improvement Projects Act 2021-476

<p>1. The person originating the Affidavit Form (LEA Designee or Design Professional) enters their name and email.</p>	<p><b>Originator</b></p> <p><b>Your Name: *</b></p> <input type="text" value="Full Name"/> <p><b>Your Email: *</b></p> <input type="text" value="Email Address"/>
<p>2. The Originator will also enter the Design Professional Name and Email for the person responsible for signing on behalf of the firm.</p>	<p><b>Design Professional</b></p> <p><b>Name: *</b></p> <input type="text" value="Full Name"/> <p><b>Email: *</b></p> <input type="text" value="Email Address"/>
<p>3. The Originator will then enter the name and email of the Local Education Agency's Chief School Financial Officer and Superintendent.</p> <p>*If you need assistance with this information, please contact Jessica Ragan at 334-694-4602.</p>	<p><b>CSFO</b></p> <p><b>Name:</b></p> <input type="text" value="Full Name"/> <p><b>Email:</b></p> <input type="text" value="Email Address"/> <p><b>Superintendent</b></p> <p><b>Name: *</b></p> <input type="text" value="Full Name"/> <p><b>Email: *</b></p> <input type="text" value="Email Address"/>
<p>4. The Originator clicks begin signing and complete steps 5-18 below.</p>	<p><b>BEGIN SIGNING</b></p>
<p>5. Select the LEA from the drop-down.</p>	<p>Owner (School System) Name: <input type="text" value="-- select --"/></p>
<p>6. Enter the name of the Design Professional.</p>	<p>Design Professional Company Name: <input type="text"/></p>
<p>7. Enter the phone number of the Design Professional.</p>	<p>Design Professional Phone Number: <input type="text"/></p>

8. Enter the Project Location Address. (NOTE: This is not the LEA Address)	Project Location Address: <input type="text"/>
9. Select the county the project is in from the drop-down box.	County: <input type="text" value="-- select --"/>
10. Enter the project name.	Project Name: <input type="text"/>
11. Enter a brief description of the project. (Include school names)	Brief Description of Project: <input type="text"/>
12. Enter the amount of projected expenditure:	Amount of Projected Expenditure: <input type="text"/>
13. Enter the intendent project dates:	Intendent Project Dates: <input type="text"/> to: <input type="text"/>
14. Enter the name of the Design Professional.	<input type="text" value="Company"/> ("Design Professional"). I attest to the following:
15. Click "Finish".	
Once the originator has completed steps 1-15, the person assigned as Design Professional will receive an email from DocuSign and complete the next three steps.	
16. Enter your title.	(name) am the <input type="text"/> (title) of the
17. Sign, by clicking on sign and choosing your signature.	Signature: 
18. Click "Finish".	
Once the Design Professional has completed steps 16-18, the person assigned as Chief School Financial Officer will receive an email from DocuSign and complete the next steps.	
19. Approve or Decline the "Amount of Projected Expenditure". <b>*If you decline the process will stop and the originator will be notified the form has been deleted.</b>	Amount of Projected Expenditure: <input type="text"/> <input type="button" value="Approve"/> <input type="button" value="Decline"/>
Once the Chief School Financial Officer has completed step 19, the person assigned as Superintendent will receive an email from DocuSign and complete the next steps.	

20. Select the LEA from the drop-down.	 _____ School System ("Owner").
21. Sign, by clicking on sign and choosing your signature.	Signature:  _____
22. Click "Finish".	
Once the Superintendent has completed his portion all parties will receive the completed document via email.	

**Section 41-4-402**

**(Effective February 1, 2022) Project design and oversight.**

Nothing in Act 2021-476 shall revoke, limit, or otherwise diminish any existing state law or rule requiring that design professionals, including professional engineers, land surveyors, and architects, be used to provide project design and oversight for any project currently being reviewed and inspected by the Division of Construction Management. The project design oversight transferred to any entity pursuant to Act 2021-476 shall continue to meet all applicable state, local, and federal codes, laws, and regulations.

*(Act 2021-476, §7.)*