

Preliminary Recommendations for Capital Project Requirements and Conditions

Compiled Members Responses

8/4/22

Rank	Orig. Line #		Description	Citation	Current ENRTF Condition	Info # Selected	Require # Selected	Notes
1	5	Match	Commitment of money to match state contribution.	M.S. 16A.86, subd. 4; M.S. 16A.695, subd. 6;	No	7	5	Information Notes: <ul style="list-style-type: none"> - Answer Yes and how much or No - If provided, scale from if to real - Information on what funds are used as matching funds and if these LCCMR funds will be used for matching funds. I have not decided if same \$ can be used as match for multiple grants. Not sure if that is a common practice - Define/describe match commitment Funding Notes: <ul style="list-style-type: none"> - Yes, if contribution match - Consider contingent award - I think we should require some match for capitol projects. Don't think bonding dollars should be that match
2	6	Resolution	Resolution in support of the project from the governing body if the applicant is part of a local unit of government.	M.S. 16A.86, subd. 3a	Yes	6	7	Funding Notes: <ul style="list-style-type: none"> - Impacts scores, yes
3	4	Full Funding	Committed or legally binding demonstration that all funds to complete project are secured before project starts.	M.S. 16A.502; M.S. 16B.31, subd. 2	No ¹	6	5	Information Notes: <ul style="list-style-type: none"> - Class of Match (secured, etc.) - Full funding for planning & design could be separate from full funding for construction Funding Notes: <ul style="list-style-type: none"> - Explicit obligation on match listed - I think we should get information and may fund if there are requests for additional funding still outstanding. They should not start until all funding is available.
4	24	Competitive Bid	Follow state requirements for competitively bidding contracts.	M.S. 16C.28; M.S. 471.345	Yes	5	6	Information Notes: <ul style="list-style-type: none"> - When already done, specify
5	28	Targeted Group Purchasing	Promote the use of targeted group businesses in purchasing. ²	M.S. 16C.16, subd. 13	Yes	5	6	

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6	25	Responsible Contractor	Award competitively bid contracts of more than \$50,000 to contractors meeting minimum criteria as a responsible contractor.	M.S. 16C.285	Yes	5	5	
7	17	Energy Conservation Standards	Comply with applicable energy conservation standards contained in law.	M.S. 16B.335, subd. 4 ; M.S. 216C.19 ; M.S. 216C.20	Yes ¹	5	5	Information Notes: – May impact scoring – Only if publicly owned facility Funding Notes: – If specified, required. Otherwise no
8	7	Grant Agreement	Agreement between state and non-state entity receiving funding.	M.S. 16A.695, subd. 9	Yes	4	5	
9	16	Sustainable Building Guidelines	Apply sustainable building guidelines.	M.S. 16B.325 ; M.S. 216B.241	Yes ¹	4	5	Information Notes: – May impact scoring Funding Notes: – If specified, required. Otherwise no
10	18	Geothermal and Solar Heating and Cooling System	Consider providing Geothermal & Solar Energy Heating & Cooling Systems on new or replacement HVAC systems.	M.S. 16B.326	No	4	5	Information Notes: – May impact scoring – Yes – and if they don't – why not. Funding Notes: – If specified, required. Otherwise no – Yes – and if they are not going to – why not. We should be setting example.
11	19	Energy Use	Consider and plan for use of renewable energy sources and make energy efficiency improvements.	M.S. 16B.32	No	4	5	Information Notes: – May impact scoring Funding Notes: – If specified, required. Otherwise no
12	21	Recycling of Construction and Demolition Waste	Recycle certain percentage of nonhazardous construction and demolition waste.	M.S. 16B.327	Yes ¹	4	5	Information Notes: – Impacts scoring Funding Notes: – where specified, required
13	27	Prevailing Wage	Prevailing wage for laborers and workers for construction work of \$25,000 or more.	M.S. 177.42 to 177.44	Yes	4	5	

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14	8	Construction Assurances	Assurances in place that construction will be completed as designed.		No	3	5	Funding Notes: <ul style="list-style-type: none"> - Would allow to make some changes but any major changes in plan design, any change in use, and /or any change in \$ needed for project should have to come back for approval. Similar to current changes - As a standard for T&C - With option to seek amendment at commission level
15	11	Predesign	Review and recommendation of predesign plan defining the purpose, scope, cost, and schedule of the project by the Department of Administration. ³	M.S. 16B.335	No ¹	4	3	Information Notes: <ul style="list-style-type: none"> - Benefit to score for readiness - Outline of Dollar amounts for project and notification that info sent to Admin for review if over thresholds in footnote #3. - Public buildings? Funding Notes: <ul style="list-style-type: none"> - For projects over threshold outlined in footnote #3, Admin should review. - Public buildings
16	22	Accommodation for Hard-of-Hearing	Provide accommodations for hard-of-hearing when a public gathering space for gatherings of more than 15 people is constructed or improved.	M.S. 16C.054	No ¹	4	3	Information Notes: <ul style="list-style-type: none"> - Only as it applies to public owned facilities Funding Notes: <ul style="list-style-type: none"> - Gov owned should be accessible
17	37	Sale	Sale of property subject to certain conditions and state approval.	M.S. 16A.695	No ⁴	3.5	4.5	Information Notes: <ul style="list-style-type: none"> - Not sure - Yes. If state \$ used to build and or improve, should maintain access to the public - Parcel control key to scoring, but this is an after concern Funding Notes: <ul style="list-style-type: none"> - Not sure - Yes. If state \$ used to build and or improve, should maintain access to the public - If recorded, improved parcel sale requires approval

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18	32	Operational Funding	Ability and plan to fund the program intended for the facility.	M.S. 16A.695, subd. 5;	No	3	4	Information Notes: – Impacts scoring Funding Notes: – If specified, required
19	35	Recording Property Restriction	Recorded use restriction against property that is purchased or improved.		No ⁵	3	4	Information Notes: – It should not be sold or transferred. – Impacts scoring on long-term Funding Notes: – Property and/or project built or improved with LCCMR dollars should not be sold or transferred. It could be transferred to another government entity with prior approval. Can we make that a requirement. – Yes, if listed. Critical for access and long-term ops.
20	38	Public Access	Must be open the public at free or reasonable cost at reasonable hours, unless this access would conflict with its intended use.		No	3	4	Information Notes: – along with any expected limit Funding Notes: – Public access is required
21	9	Confirmation of Satisfactory Completion	Final reimbursement contingent on demonstrated work completion based on inspection, certificate of occupancy, or other methods.		No	2	4	Funding Notes: – Could be flexible on type of documentation to show project completed – Yes, some % of reserve – Extend to all projects, holdback/perf.
22	13	Historic and Archaeological	Consult with State Historic Preservation Office and the Office of the State Archaeologist.	M.S. 138.40, subd. 3; M.S. 138.665, subd. 2; M.S. 138.666	No ¹	3	3	Information Notes: – Benefit to score for readiness – They should have discussions with SHPO if there are any questions about historic or archaeological significance. – No, applicant is required to follow law Funding Notes: – As part of state funds req. – Don't want to prolong the process but believe if there is any question on the impact on a historical or archeological area, shpo should be consulted.
23	29	Workforce Certificate of Compliance	Contract with businesses holding a workforce certificate of compliance, confirming an affirmative action plan, from the Department of Human Rights. ⁶	M.S. 363A.36	No	3	3	Funding Notes: – Part of state T&C

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24	36	Maintenance and Upkeep	Duty to maintain and upkeep improved property and avoid actions that decrease value.		No	3	3	Information Notes: – What is the plan to maintain property. – Part of scoring long-term is upkeep Funding Notes: – Not a funding requirement but ability to maintain property should be part of discussion if a viable project to be funded – Endowment or long-term funding for maint. And monitoring
25	2	Public Ownership	Ownership by state agency or political subdivision of the capital asset being acquired or improved. ⁷	M.S. 16A.695	No	3	2	Information Notes: – Answer Yes or No
26	30	Equal Pay Certificate of Compliance	Contract with businesses holding an equal pay certificate of compliance from the Department of Human Rights. ⁶	M.S. 363A.44	No	3	2	Funding Notes: – Part of state T&C
27	1	Government Program	The capital improvement will be used to operate a governmental program or activity.	M.S. 16A.695, subd. 8	No	3	2	Information Notes: – Answer Yes or No – Will it be used for programming &/or activity, and/or open to the public Funding Notes: – Will it be used for programming &/or activity, and/or open to the public
28	3	Coordinated Facility Planning	Coordinated planning for consolidation or construction by the MDH, MDA, DNR, MPCA, and BWSR of facilities located outside of the metropolitan area.	M.S. 16B.241	No	2	2	Information Notes: – Answer Yes or No Funding Notes: – Yes, if required
29	33	State Operating Budget Impact	Identification of additional state funds for operations that upon completion, will be needed or requested related to the project.	M.S. 16A.695, subd. 5; M.S. 16A.86, subd. 3a	No	2	2	

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30	34	Ongoing Public Program Operation	Ongoing oversight by the state granting agency to ensure that the intended public program contained in the facility or operated on the property exists.	M.S. 16A.695, subd. 9	No	2	2	Information Notes: <ul style="list-style-type: none"> – Who will be providing oversight and how will
31	20	Solar Energy	Limit costs for solar energy systems to 5% of appropriation.	M.S. 16B.323	No	2	1	Information Notes: <ul style="list-style-type: none"> – Impact scoring, so inform
32	10	Insurance	Appropriate insurance in place for improved property, such as builders risk insurance and fire and extended coverage.		No	2		Information Notes: <ul style="list-style-type: none"> – Assume others require this. Funding Notes: <ul style="list-style-type: none"> – Assume others require this – including local jurisdiction – No, part of regular ops
33	26	MINNCOR Products	Consider the use of MINNCOR products.	M.S. 16B.335, subd. 3(c)	No ¹	1	1	Information Notes: <ul style="list-style-type: none"> – Let us know if they do use.
34	31	Art	Allocate up to 1% of total appropriation for artwork in public areas if appropriation for \$500,000 or more.	M.S. 16B.35	No	1	1	– For buildings
35	15	Asset Preservation	Report of projects funded through asset preservation appropriation to various executive and legislative entities.	M.S. 16B.307; M.S. 16A.632; M.S. 84.946	No		1	Information Notes: <ul style="list-style-type: none"> – Is it maintenance for a project we funded earlier. If not – not sure this should be LCCMR \$. Funding Notes: <ul style="list-style-type: none"> – Yes – we should follow the process outlined in statutes.
36	12	Legislative Design Review and Notification	Presentation of program plan and cost estimates and advisory recommendation by Senate Finance and House Ways and Means committees prior to preparing final plans and specifications and notice to House and Senate capital investment committees. ³	M.S. 16B.335	No			<ul style="list-style-type: none"> – If the entity is also getting bonding dollars, the project will follow this requirement – Already part of work plan process – Functionally accomplished through leg. package – If the project is not getting bonding dollars, should LCCMR staff review prior to final plans and notice to Enviro committee? Want thorough review but also don't want to slow down project. What is the best way to review.

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37	14	Information Technology	Review and approve the information technology portion of construction and major remodeling program plan. ⁸	M.S. 16B.335, subd. 5 and 6	No			
38	23	State Designer Selection Board	Selection or recommendation of a primary designer by the State Designer Selection Board. ⁹	M.S. 16B.33	No			

1 The LCCMR has not fully operationalized this requirement.

2 Targeted group businesses include businesses majority owned and operated by women, persons with a substantial physical disability, or minorities.

3 Exemptions for local government projects with total construction costs less than \$1.5 million, state government or state university/college projects less than \$750,000, campgrounds, trails, parking lots, pathways, dams, park buildings owned by a local government unit in the metropolitan area, and others.

4 ENRTF projects are subject to limitations on the sale of land acquired using ENRTF funds (M.S. 116P.15), but those limitations do not apply to projects that construct or improve facilities on land acquired using other funds.

5 ENRTF projects are subject to use restrictions on land acquired using ENRTF funds (M.S. 116P.15), but those restrictions do not apply to construction or improvements independent of acquisition.

6 Applies to contracts above a certain threshold and businesses of a certain size.

7 Fee simple or long-term lease or easement qualifies as ownership.

8 Limited to state agency projects.

9 Limited to state agencies and state universities and colleges. Only applies to projects for more than \$2 million or planning projects with fees more than \$200,000.