

State of Nebraska  
Department of Administrative Services



# *309 Task Force for Building Renewal* **Handbook**

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309 Task Force for Building Renewal  
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*Please Note: This Handbook is an internal guidance document and is not intended for use by the general public. The Handbook is intended for state agencies that have facilities management responsibility. If your agency does not manage your facilities, please contact the managing agency to address your building renewal needs through the submission of requests in accordance with this Handbook.*

*This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedures Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document (LB867, 2016).*

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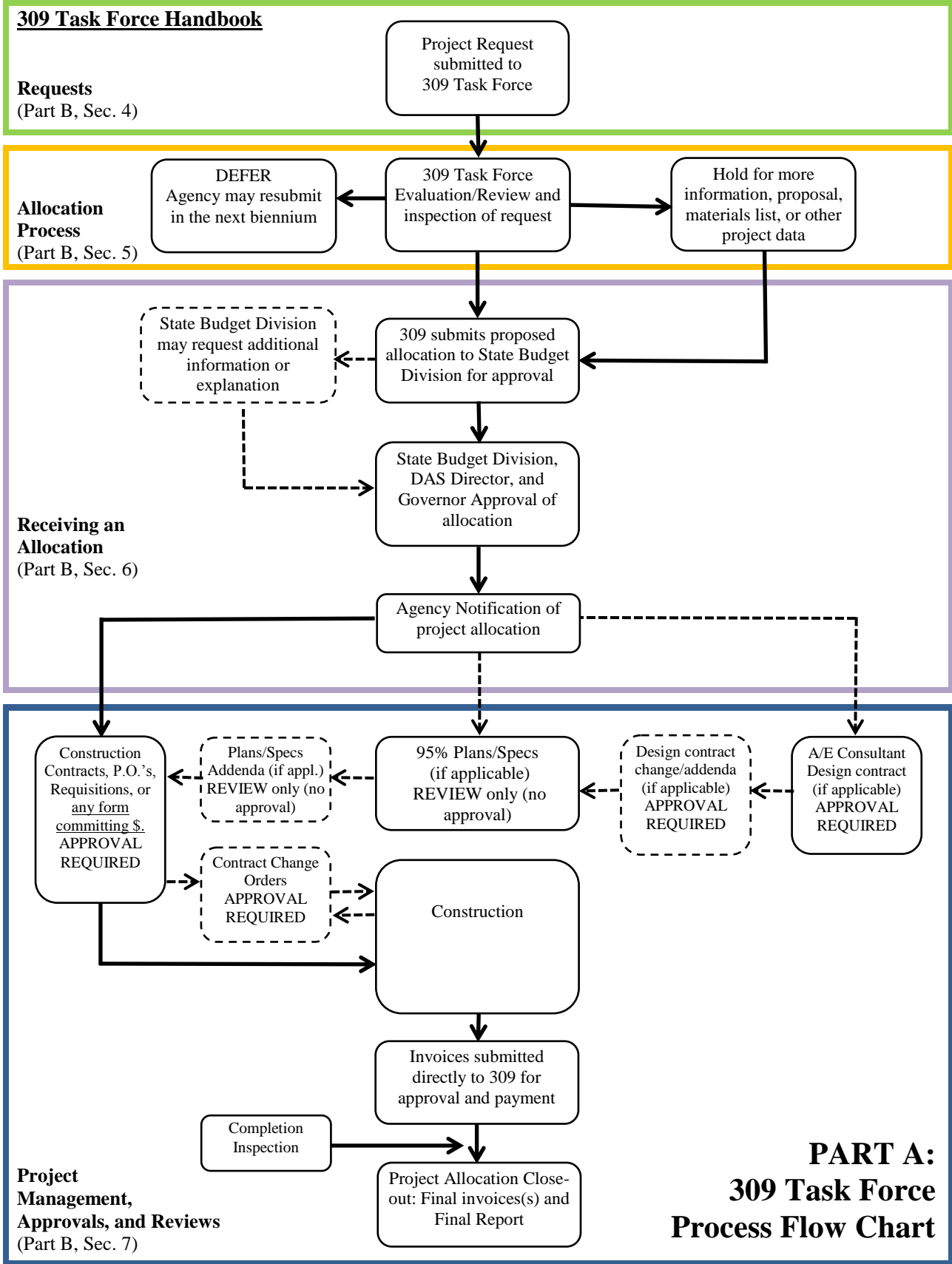
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## 309 Task Force Handbook

### **Requests** (Part B, Sec. 4)

Project Request  
submitted to  
309 Task Force



**Step #1: Submit Allocation Request to the 309 Task Force.** For the agency, the first step in the process is requesting 309 Task Force funds. However, it is worthwhile to check the policies in Part B, Sections 1, 2, and 3; *309 Task Force Mission, Funding Sources, and Eligibility Guidelines*. Doing so will likely save the agency time and improve clarity.

The most common form of agency request to the 309 Task Force is the state of Nebraska **biennial budget submission** made every September of even numbered years (reference paragraph 4.1 in Part B). In general, the Task Force DOES NOT consider requests outside of the biennial submission. However, there are three exceptions: *emergencies, energy conservation, and materials-only requests* (paragraph 4.2). You can find more specific information about these exceptions, and the format and forms for making requests, in paragraphs 4.3 through 4.5. Requests to the Task Force can be submitted electronically, through our web site at ([das.nebraska.gov/309](http://das.nebraska.gov/309)).

### **Allocation Process** (Part B, Sec. 5)

DEFER  
Agency may resubmit  
in the next biennium

309 Task Force  
Evaluation/Review and  
inspection of request

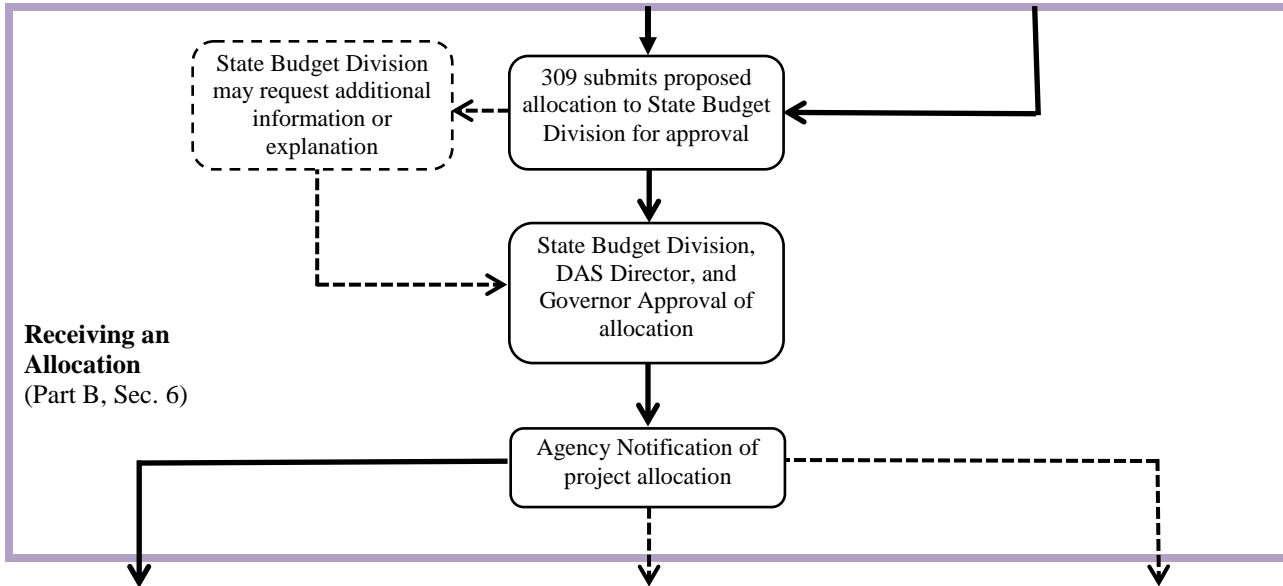
Hold for more  
information, proposal,  
materials list, or other  
project data



**Step #2: 309 Task Force Evaluation of Request.** The 309 Task Force utilizes a consistent, fair, and rational process for the evaluation, prioritization, and allocation of funds for requested deferred building renewal projects. This is addressed in Part B; Section 5 (paragraphs 5.1 through 5.8). Evaluation of requests is accomplished by our team of architectural, mechanical, and electrical professionals, and **typically requires inspections of the highest priority requests of the campus, institution, or agency** (paragraphs 5.2 through 5.5). A number of factors influence 309 Task Force prioritization of the requests (paragraphs 5.6 & 5.7), but it is important to note that 309 allocations MAY NOT exactly follow the priorities of the agency. **However, the Task Force respects agency priorities and will defer to them for allocations when other factors are more or less equal.**

**Step #3: Agency Cooperation during the Evaluation Process.** During the request evaluation process, the agency makes itself available to submit prioritization information, arrange for on-site inspections by the 309 Task Force, answer questions about the proposed project, building, or system, or to submit additional information requested.

Naturally, the less there is known about a request, or the more confusion there is over it, the longer it will take for the Task Force to come to funding prioritization decisions. If a request eventually fails to become a high priority for allocation, it may be deferred to a subsequent biennium by the requesting agency.



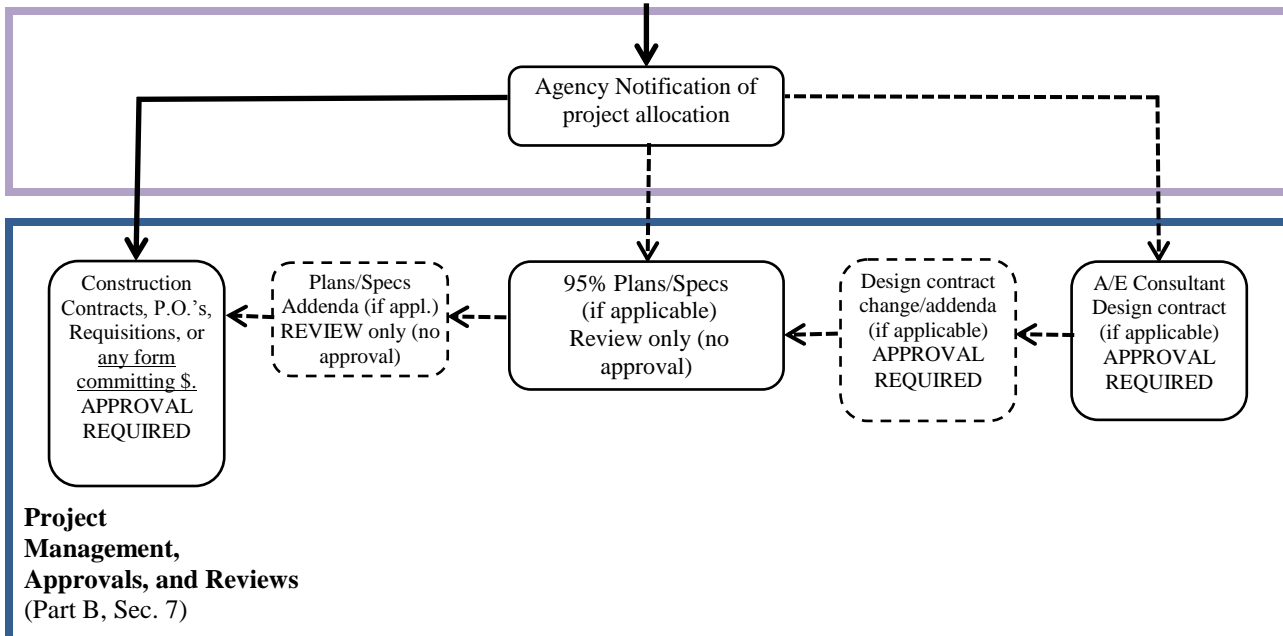
**Step #4: 309 Task Force Submits Proposed Allocation for Approval.**

Requests that are determined to be a high priority by the Task Force will be queued for allocation. The agency may be asked to submit an allocation request form (which is available on the website) identifying the project need, scope of work details, and current cost estimates. If adequate funding/revenue are available, then a proposed allocation is submitted to the State Budget Division for review and approval. The analysts in the State Budget Division review the proposed allocation(s) in detail, and at times ask for more information or clarification from the 309 Task Force. On occasions such requests or questions may be passed on to the agency. (Note that multiple allocations are often grouped into a “set” and submitted to the State Budget Division, per paragraph 6.1.) Once all questions or issues are addressed, the State Budget Division approves of the allocation(s) by signature of the State Budget Administrator. The allocation documents are then forwarded in succession to the DAS Director, and then the Governor, for approval signatures.

**Step #5: Agency Receives Notice of Governor Allocation Approval.**

If there are no additional concerns or questions from either the DAS Director or Governor, each provide their approvals by signature, and the approved allocation documents are returned to the 309 Task Force. The agency is provided notice of the allocation including a narrative of both the purpose and scope of the allocation or project. In receiving an allocation, the agency agrees to cooperate with 309 Task Force processes as provided in this Handbook, and agrees to certain responsibilities (paragraph 6.4). **The agency is responsible for contacting the Task**

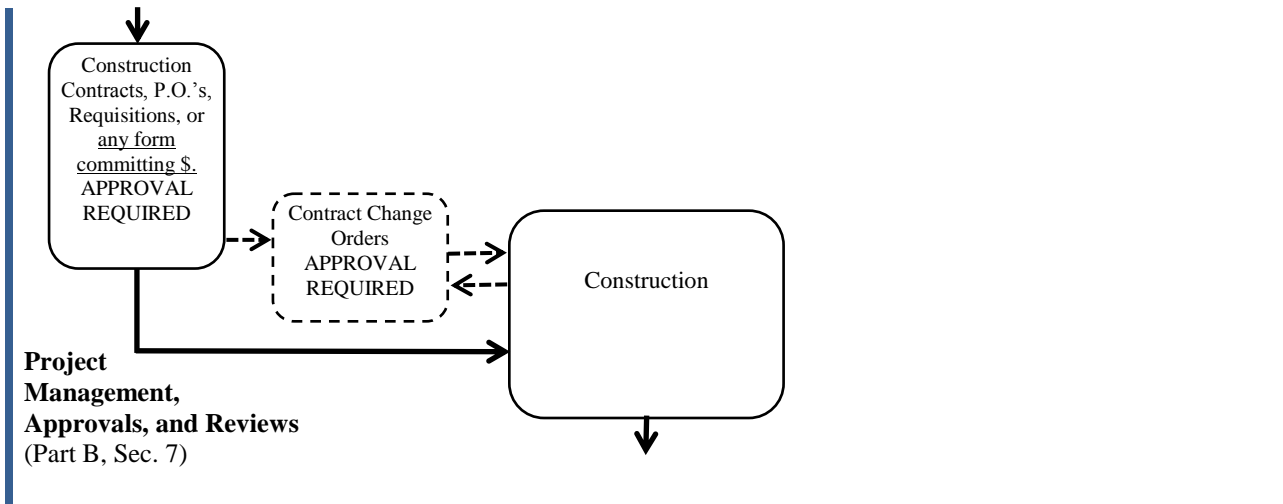
Force if there is any confusion about the scope of the project/allocation, or if there is any confusion about the processes for receiving reviews or approvals. It is also the responsibility of the agency/campus to accomplish the project in a reasonable time period without undue delays. Inactivity on a 309 project allocation can lead to the Task Force cancelling the allocation. Significant changes in scope MUST receive approval from the Task Force (paragraph 6.5), and allocations cannot be spent or transferred to other agency projects or requests.



**Step #6: Consultant Contract Approval and Design of the Project.** For the typical 309 Task Force project (requiring design by a consultant and formal bidding), the next step is to retain a consultant under contract to design, bid, and provide construction administration for the project (Section 7, paragraph 7.14). Before doing so, please review paragraphs 7.1 and 7.2, for summaries of agency *project management responsibilities*, and 309 *required reviews and approvals*. Once the agency drafts a design contract (unsigned by the agency-Owner) it is submitted to the Task Force for approval (paragraphs 7.3 through 7.6). **Only AFTER Task Force approval can the contract be executed, and design started.** Any changes – **addenda** – to the design contract **must also receive Task Force approval** before proceeding with extra services. Note this step does not apply on projects that do not require design, or when design is provided outside of 309 funds. (See also Step #9, *Payments*.)

**Step #7: 95% Plans/Specifications Review.** The 309 Task Force should be kept informed of significant design developments, and any significant scope change requires approval. However, the next formal step is for review of plans and specifications developed to 95% completion (paragraphs 7.10 and 7.11). The Task Force reviews the submitted plans and

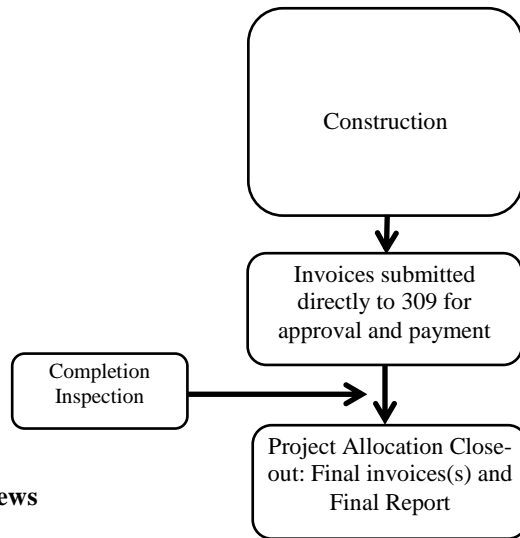
specifications and communicates issues or concerns with the Owner. Any changes – **addenda** – to the final plans & specifications **must also receive Task Force review** (paragraph 7.12). Note this step does not apply on projects that do not require design/plans & specs/bidding. For instance, small projects may only require a contractor’s proposal.



**Step #8: Construction Contract Approval.** THIS APPLIES ALSO TO ANY FORM OF AGREEMENT THAT COMMITS 309 FUNDS, SUCH AS CONTRACTOR PROPOSALS, PURCHASE ORDERS, REQUISITIONS, ETC. After bids are received (or proposal, purchase order, or requisition), a draft form of the construction contract or document unsigned by the agency-Owner is submitted to the Task Force for approval (paragraphs 7.4 and 7.6 through 7.8). In the event the bids come in higher than the remaining unobligated allocated 309 funds, it may be necessary to request additional funding (see the Website for the *Allocation Increase Request* form). In such case, Step #4 above is repeated to obtain State Budget Division approval of the allocation increase. Approval of the construction contract will be delayed until the additional funds are approved by the State Budget Division. **Only AFTER Task Force approval of the construction contract (or proposal, purchase order, or requisition) can the document be executed and the work initiated.** Any changes – **CHANGE ORDERS** – to the construction contract (or proposal, purchase order, or requisition) **must also receive Task Force approval** before proceeding with the work of the change order.

Construction then proceeds until all of the work is complete. **PLEASE follow change order procedures detailed in paragraph 7.9.**

**Project Management, Approvals, and Reviews**  
(Part B, Sec. 7)



**Step #9: Payments on Contracts.** Through the course of construction, payments will be applied for and paid on at least a monthly basis, but small projects or contracts may have only one payment. In either case, the agency is responsible for submitting the pay application, bill, or invoice, to the 309 Task Force for payment (paragraphs 7.15 and 7.16). Payments are made directly from Task Force accounts, except for agency cooperative funding. For EVERY payment submission, a *Payment Recommendation Form/Eform* must be filled out and included as the cover sheet. See [das.nebraska.gov/309/pdf/payment\\_recommendation.pdf](http://das.nebraska.gov/309/pdf/payment_recommendation.pdf) for this form. Note Step #9 is repeated for every payment on a contract, and this step also applies for consultant contracts (Step #6). **Per state statute 81-182, the primary contract for each allocation is subject to a 5% retainage UNTIL a completion inspection has been performed. Please contact the Task Force to schedule a timely completion inspection in order to avoid delay of payments. See paragraph 7.17.**

**Step #10: Allocation Close-Out.** As the project reaches completion, final payments are made on each contract the 309 Task Force has approved. An individual allocation may have several approved contracts associated with it. Once all contracts associated with an individual 309 allocation have been paid out through final payments, then the agency submits a *Final Report* form that reports on the completion of the contract(s), provides for a written evaluation of the consultant, contractor, or vendor performance in carrying out the terms of the contract(s), and informs the Task Force that the allocation can be closed-out (paragraph 7.18). See <http://das.nebraska.gov/309/pdf/final-report-form.html> to complete and submit this form. Note that the *Final Report* form is needed for each individual allocation.



## PART B: PROCESS DETAILS

### SECTION 1: 309 TASK FORCE MISSION

- 1.1 **Mission.** Based on a special committee’s findings (in LR127, 1976) that many state buildings were in deplorable condition, legislation was proposed and passed in 1977 creating the *Task Force for Building Renewal*. The legislative bill was LB309 – the “Deferred Building Renewal Act.” The purpose of the 309 Task Force is to fund and oversee the highest priority building renewal projects. Over the years, **the mission of the 309 Task Force** has remained basically the same: **to address the state’s sizable need for deferred building repairs and improvements to the extent possible with available funding, utilizing those funds wisely and efficiently.** The information that follows is intended to guide agencies in our common effort to accomplish this mission.
- 1.2 **A Word Regarding Energy Conservation.** The Task Force has been funding energy conservation projects since our creation in 1977, when saving energy was every bit as important then as it is today. In recent years energy awareness and interest has intensified, and the Task Force has responded by placing a priority on funding energy conservation requests. Through the years, cost savings *paybacks* of individual requests have typically determined the projects to receive funding. The Task Force will continue to place a strong emphasis on payback criteria as the State moves forward with ever increasing energy efficiency. Energy requests with a payback of less than ten (10) years will be given a high priority for funding.

### SECTION 2: 309 TASK FORCE FUNDING SOURCES

- 2.1 **Funding Sources.** Currently, there are two (2) general types of revenue, or funding, which make up the total of funds appropriated to the 309 Task Force. They are: a) cigarette tax and b) “LB530” rent surcharge assessments.
- 2.2 **Cigarette Tax Funds.** Cigarette tax funds can be expended on any agency project, but it is the general policy of the Task Force NOT to allocate such funds for buildings that are eligible for, and paying into, the LB530 rent surcharge fund.
- 2.3 **LB530 (Rent) Assessment Funds.** These funds are

generated through assessments on rent paid to DAS for various facilities. It is the policy of the Task Force that only facilities paying the rent surcharges are eligible to receive allocations of these funds.

- 2.4 **Cooperative (Match) Funds.** Portions of 309 Task Force projects may be paid by the agencies through cooperative or “match” funds. **Agency matching funds are NOT currently required on 309 projects/allocations.** However, agencies may offer matching funds on certain project requests whenever it is in their best interest to do so.
- 2.5 **Cooperative Match Funding Rate Policies.** Such policies will be published and implemented if and when cooperative funding becomes a requirement.

### SECTION 3: ELIGIBILITY GUIDELINES FOR 309 TASK FORCE FUNDS

- 3.1 **Property Not Eligible.** Most state owned buildings and properties are eligible for 309 Task Force funds, with the exception of those mentioned in state statute 81-183: a) buildings held in trust, b) property of the Board of Educational Lands and Funds, c) the Nebraska Department of Roads, and d) revenue bond structures.
- 3.2 **New Property Eligibility & Change in Existing Building Eligibility.** The general policy of the 309 Task Force is that a ten (10) year period of ownership must lapse before a new property, gifted property, acquired property, or existing property changing to state-supported functions, can be eligible for Task Force funds. **Please see Section 9 regarding new capital construction and renovation (non-309 projects). See Section 10 for property gifts, acquisitions, and eligibility changes due to a building becoming state-supported**
- 3.3 **Projects Not Eligible.** As per state statute 81-173(2)(d), the 309 Task Force cannot fund **decorative finish, furnishings and building additions (new construction).** The Task Force considers moveable equipment, and equipment NOT directly related to heating, ventilation, air conditioning (HVAC) or mechanical, electrical, plumbing (MEP) & utility systems and equipment to be the same as “furnishings.” Architectural features not integral with the building structure and necessary for

protection from the natural elements are considered “decorative finish.” New construction is prohibited with the exceptions of meeting ADA requirements and enclosures for, or logical extensions of, HVAC/MEP & utilities equipment. Task Force funds are intended for permanent, fixed improvements to facilities and facility utility systems.

- 3.4 Eligibility for Specific Funds.** See paragraphs 2.2 and 2.3 above for the eligibility policies for the specific fund sources of cigarette tax and LB530 (Rent) assessment funds.
- 3.5 Employee Residences.** Agency owned residences used for permanent, full-time employees are currently a low priority for Task Force funding.
- 3.6 Greenhouses.** Agency greenhouses are currently a low priority for 309 Task Force funding. However, head-house structures attached to a greenhouse can be considered a higher priority for funding if it incorporates traditional construction without overhead glass for the roof.
- 3.7 Revenue-Producing Facilities.** As a logical extension of the statutory exclusion of revenue bond structures, and as per past precedent and practice, revenue-producing facilities will generally not be considered for 309 Task Force funds. An exception is if the facility is contributing to the LB530 Rent surcharge fund, or if it does not generate sufficient revenue to pay for deferred repair and maintenance projects.
- 3.8 Athletic Facilities.** To the degree that certain higher-education athletic facilities are “revenue producing,” they fall under paragraph 3.7 and will generally not be considered for Task Force funding.
- 3.9 Skylights.** The 309 Task Force encourages the use of skylight alternatives in state buildings. Such alternatives may include tubular daylighting devices, but should be approved by the Task Force for each individual case. Requests to repair existing skylights, if considered a high priority by the Task Force, will typically be addressed with allocations to either permanently cover the skylight, or remove it and install clerestory (vertical) glass where feasible. The Task Force will generally not pay for repair or replacement of existing skylights. An exception is if the curb or flashing around the skylight is the source of the problem and can be repaired without affecting the skylight.

**3.10 Roofs Still Under Warranty.** It is the general policy of the 309 Task Force not to consider funding for a roof that is still under warranty. The Task Force expects agencies to perform reasonable roof maintenance, and maintenance required by the warranty (including repair of leaks) on every roof. Failure of the agency to perform adequate roof maintenance can be a factor considered in the denial of a request.

**3.11 Lack of Adequate Maintenance.** Similar to paragraph 3.10 above, the Task Force expects agencies to perform reasonable and preventive maintenance on buildings, equipment and building systems. Failure of the agency to perform adequate or proper maintenance of any kind can be a factor considered in the denial of a request. Agencies should document building maintenance performed on individual buildings and major building systems, and keep records. The Task Force encourages agencies to keep building, building systems and equipment maintenance records on an electronic facility asset management / preventive maintenance / work order program or other appropriate current records keeping program.

**3.12 Buildings Scheduled for Demolition/Buildings with Questionable Future Use.** The policy of the 309 Task Force is to avoid investing in buildings that are candidates for removal from state inventory. This may include buildings with little use or a questionable future. Buildings scheduled to be demolished will not be considered for funding. If a building – or a Task Force funded improvement - is demolished within ten (10) years after completion of the 309 Task Force project, then the Task Force can expect to be reimbursed by the agency a pro-rated amount of the project allocation.

**3.13 Water Wells & Systems.** Requests for water wells and systems that are based on bacteria or “water quality” issues may be a lower priority for funding. However, the Task Force can and will repair or replace well or water system components that are deteriorated or malfunctioning.

**3.14 Hazardous Materials Requests.** Asbestos, lead, mold, and other environmental hazards have increasingly become issues after the creation of the 309 Task Force. It is not the intent of the Task Force to deal with environmental hazards through large scale, expensive, stand-alone abatement projects, but rather through addressing the hazards when they become present within the scope or boundaries of an existing 309 Task Force project.

**3.15 Historic Structures.** For the purposes of Task Force funding, the Task Force defines “historic” structures as only those buildings listed on the *National Register of Historic Places*. Such buildings will be considered and treated the same as any other state structure for the purpose of this Handbook. However, large-scale historic restoration or preservation project requests are not likely to receive a high priority for Task Force funding if the improvements are considered too costly.

**3.16 Exterior Brick Walls & Planters/Vines on Building Exterior.** Requests to repair or replace free standing exterior brick walls or planters are currently a low priority for Task Force funds. If the request is a safety issue, the Task Force will consider allocating funds for demolition. Agencies and designers are cautioned regarding the use of free standing exterior brick walls in new construction. Please see Paragraph 12.18. Vines should not be allowed to grow on the exterior walls of state buildings, as they contribute to a building’s deterioration.

**3.17 Exterior Insulation Finish Systems (EIFS).** Requests to repair or replace EIFS are generally a low priority for Task Force funds until all other insurance or legal remedies have been exhausted. Exterior hard coat plaster on substrate systems are acceptable alternatives to EIFS.

**3.18 Program Related Improvements.** The Task Force currently considers requests that are driven by a program-related change in the building as a low priority for funding. Task Force financial participation in each case will be at the sole discretion of the Task Force Administrator.

**3.19 Laboratory Hoods and Upgrades.** Requests for lab hoods and other upgrades directly related to laboratory use currently have a low priority for funding. Task Force financial participation in each case will be at the sole discretion of the Task Force Administrator.

**3.20 Parking Lots, Structures, and Outdoor Lighting.** Traditionally, parking lots, structures, and outdoor lighting have not been considered for Task Force funding due to the revenue-producing nature of most parking areas, and the fact that they house vehicles rather than people and programs, and outdoor lighting is not considered a building system or envelope issue.

**3.21 HVAC Controls Upgrades.** Requests for HVAC

controls upgrades are generally considered energy conservation. Task Force designation of an individual controls request as a “high priority” for funding will depend on an attractive payback period of ten (10) years or less, per Paragraph 1.2.

**3.22 Computer Hardware & Software.** The Task Force will not fund individual requests for computer hardware or software. The only possible exception is if specific hardware or software is required for a campus fire/life safety system that is a high priority of the State Fire Marshal.

**3.23 Masonry & Stone Cleaning.** The 309 Task Force does not do large scale, stand-alone masonry or stone cleaning projects, but will do limited cleaning within the scope of larger tuck-pointing and masonry repair projects. Cleaning methods should be reviewed with the Task Force prior to the work. SANDBLASTING should NEVER be used as a method of cleaning masonry or stone.

**3.24 Training Specific to a 309 Project.** The 309 Task Force expects training that will optimize the full capabilities of the equipment and systems related to a specific 309 project to be provided by the certified vendor, manufacturer(s), or contractor – and should be provided within the contract for the project. Project specifications for significant Task Force funded HVAC projects should require that a training follow-up occur ninety (90) to one hundred and twenty (120) days after substantial completion or equipment start-up. A minimum of four (4) hours total training time should be included in the specifications. The Task Force will NOT generally contract separately for training specific to a 309 project. For generic training programs sponsored by the Task Force, see Section 11.

**3.25 Projects Already Underway/Lack of Planning/Value Engineering.** The 309 Task Force will NOT consider requests to fund projects already underway, because of the inability to be involved at the outset of design, and because doing so would compromise allocation procedures and approval processes. This condition does not apply when the Task Force is involved at the start of design on a project where the agency is entirely funding design, and 309 funds are requested for construction. **Under no circumstances can the Task Force reimburse an agency** for payments made on completed work, or a completed project. The 309 Task Force should not be used as a substitute for the deficit request process, or to make up for a lack of planning or project management, i.e., when a non-

309 capital construction project develops cost overruns, or requested items were “value-engineered” out of the project.

**3.26 Size of Project Request.** At times the Task Force may have to declare that the amount of funds being requested for an individual project is too large – or too small - to be reasonably considered, and can suggest the agency pursue capital construction appropriations, other sources, or agency funds to accomplish the project. For capital construction projects (or other major projects that do not involve 309 funds), see Section 9.

**3.27 Renovations and Remodeling Necessitated by Program Changes.** The 309 Task Force does not fund renovation or remodeling work necessitated by program changes. (See also Section 9 for renovation guidelines for capital construction or other non-309 Task Force funded projects.)

**3.28 “Green” (Vegetated) and “Cool” Roofs.** Requests to replace an existing roof with a “green” (vegetated) roof will be considered as an energy conservation request, and due to significantly higher installation costs, allocation consideration will depend on a reasonable cost savings payback period. “Cool” roof replacement systems (featuring light or white surfaces) are discouraged because of lack of energy savings in our climate, and must be approved for use by the Task Force in each case. Recent research suggests that “cool” membrane roofs may not be effective in northern climates. See also 9.6 for capital construction and renovation (non-309 projects).

**3.29 “Green” Technologies.** Payback periods (per paragraph 1.2) will be used to determine funding of requests to use “green” building technologies.

**3.30 Other Limited Considerations.** The 309 Task Force currently chooses to limit consideration of the following types of requests:

- **Portable or temporary buildings, structures, or equipment (i.e. tools, ladders, high-lifts, etc.).** However, temporary construction and equipment rental necessary for permanent improvements are acceptable.
- **Built-in Gutters,** other than to remove/cover over.
- **Sidewalks** (ADA issues excluded) are a low priority as stand-alone projects.

- **Carpet** would be considered cosmetic and not eligible for Task Force funds.
- **Wheelchair lifts** require Task Force approval.
- **Drives, roads or paving** beyond five (5) feet of the building perimeter.
- **Landscaping** other than ground cover torn up as the result of a Task Force funded project.
- **Turf replacement with sod** (in lieu of seed) requires Task Force approval.
- **Window coverings/blinds/tinting film,** and blinds inside window glass.
- **Telecommunications/information technology (IT)/data cable** other than part of a larger upgrade project, or for a life safety system.
- **Fencing, gates,** and other site walls/structures not associated with ADA.
- **Security/surveillance** cameras, equipment and software.
- **Cabinetry and millwork** would be considered furnishings and/or cosmetic and, therefore, not eligible for Task Force funds.

**3.31 Variance Requests.** In regard to building systems, products, and installation practices mentioned in Section 3 that are either not eligible for Task Force funding or not recommended, the Task Force recognizes that over the years, technological improvements and advancements may have been made. In some cases, building systems and products considered problematic and/or undesirable may now be shown to be appropriate and acceptable. As such, if an agency would like to have a specific building system or product re-evaluated and reconsidered for eligibility, a letter requesting a variance may be submitted to the Task Force. Conversely, in the event an agency becomes aware of building systems, products, or installation practices that have a history of being problematic and undesirable, or that would contribute to the deterioration of the State’s building assets, please communicate that information to the Task Force.

## SECTION 4: MAKING A REQUEST FOR 309 FUNDS

**4.1 Biennial Budget Requests.** The first and primary method of requesting 309 Task Force funds is through the agency biennial budget request submission which coincides with agency Capital Construction Budget Requests (CCBR) every September of even numbered years. The process for

requesting 309 Task Force funds through the biennial budget request submission is defined in the *State of Nebraska Budget Instructions* published by the State Budget Division in June or July of even numbered years. Please refer to that document on the Budget Division website, [budget.nebraska.gov](http://budget.nebraska.gov), for specific information on how to submit an agency 309 Task Force biennial request. The DAS Budget Division also typically provides training on the DAS budgeting system in May or June of even numbered years.

**4.2 Biennial Budget Requests General Policy.** The general policy of the Task Force that unless a project is requested in the agency biennial budget request submission, it will not be eligible for funds until it is requested in the next biennial request. There are, however, several exceptions: **emergencies, energy conservation, and materials-only requests (MOR)**. Although material only requests may be made at any time, the Task Force encourages agencies to include MOR's in with their biennial request. In addition, if special situations develop regarding the need of a project, **which could not have been foreseen at the time of the biennial budget submission**, then that project may be eligible for funding. The purpose of the general policy is to encourage agencies to document the true scope of known 309 projects through the biennial request process.

**4.3 Emergency & New Requests.** In the two years after an agency biennial request submission, it may be necessary to request an emergency or new request to the Task Force office. In general, "new" requests are not eligible for funding unless they meet one of the exceptions mentioned in paragraph 4.2. Emergency or new requests are submitted directly to the Task Force office using electronic submission found on the 309 Task Force's Website ([das.nebraska.gov/309](http://das.nebraska.gov/309)).

**4.4 Requests for "Insurance Related" Events.** Severe storms, or other events, causing building damage or failures may be eligible for Task Force funding to the degree that repairs/replacements are not fully paid for by insurance funds. The process for such requests is for the agency to make a claim to their third party administrator (TPA) for insurance, and to work with their TPA representatives to get the best possible compensation for the claim. If the insurance compensation falls short of the required construction costs, including design, then the agency can request that amount from the Task Force. However, the Task Force will not be the

replacement for insurance, and will not allocate funds before the insurance compensation is determined. The 309 Task Force will NOT consider paying the agency's deductibles for co-insurance. However, such deductibles may count towards the agency cooperative matching funds.

**4.5 Eligibility of Specific Requests.** Please see Section 3, Eligibility Guidelines, before submitting specific requests. If you have any questions about Section 3, or the eligibility of a specific building or request, please contact the 309 Task Force.

## SECTION 5: ALLOCATION PRIORITIZATION PROCESS

**5.1 Emergencies.** True emergencies (that are not covered by insurance policy), as determined by the 309 Task Force, have the highest priority for allocation of funds. Emergencies typically are when a building component or system fails and no longer functions, when there is a sudden penetration of water through a failure in the building envelope, or when a code authority has determined a code deficiency exists with respect to an aspect of the building that is eligible for Task Force funds. If an emergency comes about through the neglect of an agency, or could have been reasonably prevented by the agency, the Task Force may not consider the request. Emergencies that require funding within forty-eight (48) hours can be expedited through the Governor's approval process, but in some cases, the Task Force may recommend utilizing agency emergency funds instead.

**5.2 Campus or Site Priorities.** Due to limited funding, it may be necessary for the Task Force to request a list of highest priority project requests at particular campuses or sites. Campus prioritization helps determine subsequent inspections.

**5.3 Inspections of High Priority Requests.** The 309 Task Force makes inspections of the highest priority requests through scheduled visits to the campuses or sites. However, in a given year or biennium, budget constraints may determine the availability of Task Force inspections.

**5.4 General Inspection & Allocation Policy.** The general policy of the 309 Task Force is that a project will not receive an allocation of funds until it has been inspected by the Task Force, assuming there are conditions visible that make the inspection worthwhile. In some cases, agency photos (or videos) may eliminate the need for an inspection by

the Task Force, or other information/data/studies can justify the need for a project allocation.

- 5.5 **Projects Discovered by the Inspections.** The Task Force may, while visiting a campus or site, discover a building condition that requires an allocation. Although the project may not have been requested by the agency, it still may receive an allocation simply by being discovered by the Task Force and determined to be a high priority.
- 5.6 **Prioritization by the 309 Task Force.** Based on the inspections, the data and evidence associated with each request, and the judgment of the Task Force staff, projects will be identified as statewide “high priorities” for Task Force funds. The designation of “high priority” for certain projects by the Task Force may not necessarily be consistent with the agency, campus, or site priorities, but are determined by various factors such as **statewide need, availability of funds in comparison to the size of the request, the relative importance of the building, reasonable planning practices, professional judgment, energy savings payback periods, State Fire Marshal or other regulatory priorities**, and other considerations. However, the Task Force respects agency/campus priorities, and will defer to them if there are no other factors to determine otherwise.
- 5.7 **Prioritization & Limited Funding.** Once the “high priority” project requests are determined for a season – or for a year – by the Task Force, the projects will be allocated to the degree that available funding allows. Because of funding limitations, certain “high priority” requests may be deferred until funding levels allow an allocation. Deferral of certain “high priority” requests may also be the result of seasonable influences and the desire to bid or construct a project at the best possible time of the year, or at a time that is more appropriate for the campus or agency.
- 5.8 **Types of Allocations.** In general, the Task Force’s preference is to provide an initial *Allocation* for the study/design of a project, and then provide construction funding through an *Allocation Increase* after bids have been received. By managing allocations in this manner, the total number of required (allocation) steps for a project is reduced and total project costs are better known. However, for some projects and in consideration of Task Force and agency cash flow issues, 309 Task Force allocations may be for one of three purposes, or a combination of these three purposes: a) a consultant *study* to define the problem, possible solutions, and

likely costs, b) to *design* the project for the purpose of bidding, or c) *construction* or installation of the project. The Task Force will make a judgment on the best possible way to proceed with an allocation based on information and input from the agency or campus.

## SECTION 6: RECEIVING AN ALLOCATION OF 309 TASK FORCE FUNDS

- 6.1 **Allocation Approval by Governor.** The process by which the Governor approves allocations starts with a submission of a project - or projects - recommended for allocation by the 309 Task Force. For the sake of efficiency, the Task Force often groups as many projects as possible into one allocation submission. However, emergency submissions are made as needed. The submissions are first reviewed by the State of Nebraska Budget Division, and the Budget Administrator approves of the allocation(s) only after any questions or issues are resolved. After DAS Budget approval, the DAS Director approves after any other questions or issues have been addressed. Finally, the Governor approves of the allocation(s) if there are no additional questions or issues. The submission is returned to the Task Force with the approval signatures. The process typically takes two to three weeks, depending on availability of the signature authorities. However, if significant questions or issues arise, the process may take longer.
- 6.2 **Notice of Allocation.** Immediately following return of the allocation(s) approved by the Governor, the agency or campus is notified by the Task Force, and receives a copy of the allocation narrative and purpose for each project.
- 6.3 **No Assumption of Approvals.** Although an agency or campus may have submitted draft contractor proposals, materials only requisitions, purchase orders, vendor price quotes, or consultant contracts attached to the request for funds, notice of an allocation DOES NOT imply that any such documents are also approved. Official approval of certain documents (see Section 7) comes in the form of specific approval memos (typically Review Confirmations (RC)) from the 309 Task Force. **If an agency or campus proceeds with a contract, requisition, purchase order, or proposal that was not specifically approved through a Review Confirmation or a memo separate from the allocation notice, the agency may be required to take responsibility for payment.**

6.4 **Agency/Campus Responsibility.** Once an agency or campus receives notice of an allocation, it is their explicit responsibility to read the narrative and purpose of the allocation and to contact the Task Force if they do not fully understand the scope of the proposed project funded by the allocation. It is also their explicit responsibility to contact the Task Force if there are any questions regarding the procedure for draft contract approvals or plans/specifications reviews, or to inquire as to whether it is necessary to re-submit for approval any draft documents previously attached to requests. It is also the responsibility of the agency to accomplish projects without undue delay. If a project is not progressing in a reasonable amount of time (no activity for 12 months), then the allocated 309 funds may be reclaimed by the 309 Task Force.

6.5 **Change in Project Scope & Allocation Transferability.** Any change of scope must be approved by the Task Force regardless of whether the change will require an increase in allocation or not. Failure to obtain Task Force approval on a change in project scope may have the effect of the agency taking financial responsibility for the change. All allocations assigned to an agency or campus from Task Force funds are project specific, and fund balances cannot be used or transferred to another project.

## SECTION 7: PROJECT MANAGEMENT & APPROVALS

7.1 **Project Management Responsibilities.** The agency receiving the allocation from the Task Force is responsible for the day-to-day management of the project as Owner, and is responsible for keeping the project within the scope of the allocation. Any problems or issues that may impact the scope or allocation budget must be communicated to the Task Force as soon as possible after discovery. The agency is the contracting party, and is responsible for adherence to the terms of contracts, and for agreeing only to terms that are consistent with the laws of the State of Nebraska. The Task Force is responsible for overseeing the project's progress, and for paying its share of billed amounts on work satisfactorily performed. Because the Task Force provides funding for specific purposes, it must review and approve certain documents to ensure the project is not growing in scope, and that funds are being spent in the manner appropriate for successful completion of the project.

7.2 **Required Reviews & Approvals.** For projects that

receive ANY amount of 309 Task Force funds, the Task Force reserves the right to review and approve ALL contracts and ALL bid plans/specifications, as well as any contract change orders and addenda to bid plans. Failure to pursue or to obtain contract or bid plan/specification approvals may have the effect of releasing the Task Force from obligation to pay bills on the project. Task Force approvals must be obtained prior to the documents being signed or executed by the Owner. It is highly recommended that agencies utilize the Task Force email address [AS.309@nebraska.gov](mailto:AS.309@nebraska.gov) for all review/approval submissions.

7.3 **Contract Approvals.** The Task Force must approve any document that obligates the agency (owner) to pay for materials and/or labor on a 309-funded project regardless of whether the 309 funding is partial or 100%. This requirement cannot be waived. The Task Force reviews contracts primarily for: a) whether the contract amount is appropriate for the project allocation, and b) whether the services, work, or materials are appropriate for the scope of the project. At times the Task Force may make suggestions to terms and conditions that in the Task Force's opinion will be in the best interest of the agency, but in no case do these suggestions constitute a legal review. The Task Force in no case assumes any liability for the legal terms and conditions of the contract, even when we suggest revisions. The various types of contracts that require approval are:

- Consultant Design (or Study) Contracts
- Construction Contracts
- Proposals from Consultants, Contractors, or Vendors
- Requisitions/Purchase Orders
- ANY Letter Agreement, Form or Document which commits funds
- ANY Revisions, additions, or amendments and change orders to the above documents

7.4 **Contract Approval Procedures.** The draft contract document must be sent to the Task Force, along with a statement requesting review and approval. A draft contract document is one that is unsigned by the Owner. The submission should be made to: [AS.309@nebraska.gov](mailto:AS.309@nebraska.gov). The Task Force will endeavor to respond to the submission within one calendar week (or less) of receiving the complete document(s) including all necessary information. This one-week period does NOT necessarily include time spent resolving issues or questions with the

agency, and it does not include time spent seeking an allocation increase approval. Once the draft contract is approved, the Task Force is to receive a copy of the executed contract signature page.

**7.5 Consultant Design Contracts Special Provisions.** Because of the nature of Task Force projects, it is not unusual to have a large change to a project after it has been bid. The Task Force recommends that consultant design contracts include provisions that limit the fee for design of change orders. Provisions should also provide that the consultant is NOT entitled to a fee when proposed changes do not require design, drawings, alterations, additions, or deletions by the consultant, OR when the proposed change is due to the consultant's error or omission.

**7.6 Contracts Special Provisions.** The 309 Task Force highly discourages agencies from entering into contracts that either: a) limit the liability of the other party, or b) holds another party "harmless." Also, if agencies propose using AIA standard contract documents, they should be appropriately modified for state use; i.e., incorporate the Nebraska Prompt Pay Act, eliminate arbitration provisions because they are not consistent with state law, current insurance provisions, etc. The Task Force generally does not allow "Liquidated Damages" provisions in contracts, because they tend to inflate bids.

**7.7 Proposals Procedures.** Consultant, contractor, or vendor proposals are often used as attachments to standard agency contracts. In such cases, both the proposal and draft contract must be submitted for review and approval. In cases where the proposal is the sole contracting document, the agency should alert the Task Force to that fact and submit the proposal in draft form (unsigned by Owner). The content of the proposal should include a detailed cost estimate and an explanation of scope. Means of submitting draft proposals **are the same as those outlined in 7.4**. Once the draft proposal is approved, the Task Force is to receive a copy of the executed proposal signature page.

**7.8 Requisitions/Purchase Orders Procedures.** The Task Force must review and approve all draft requisitions or purchase orders. Agencies may use their own form of requisition or purchase order on non-materials only projects, but the vendor proposal and a reference number must be included with the submission. The means of requisition or purchase order submissions are the same as paragraph 7.4, and are treated in the same manner as contracts, amendments, and change orders.

**7.9 Contract Change Orders Procedures.** The Task Force requires four (4) types of information in order to approve a change order: 1) change order number; 2) change order amount; 3) explanation of change; and any supporting materials to document the amount or explanation; and, 4) extensions or reductions of the contract's time period. The means of draft change order submissions **are the same as paragraph 7.4**. The Task Force must approve ALL change orders, even no cost or deduct change orders. If a change order is approved by the Task Force, and then any of the four items above changes from the original submission, then the new information must be submitted for re-approval. Once approved, the Task Force is to receive a copy of the signed change order. If an agency chooses to pay 100% of all change orders on a 309 Task Force funded project, Task Force approval of change orders may be waived. However, the Task Force requests that the agency submit a copy of the change order for the Task Force's project file records.

**7.10 Plans/Specifications Reviews.** The Task Force MUST review all draft bid documents (plans/specifications) on any 309-funded project. "Draft" plans & specifications are generally developed to 95% completion. The Task Force reviews draft plans and specifications primarily for: a) whether the design is appropriate for the project allocation; b) whether the solution, work, and materials described are appropriate for the scope of the project; c) whether specific Task Force design standards or directives have been met; and d) obvious errors that can lead to change orders if not corrected prior to bidding. At times, the Task Force may make design suggestions, as well as suggestions to document terms and conditions that in the Task Force's opinion will be in the best interest of the agency, but in no case do these suggestions constitute a legal or design review. The Task Force in no case assumes any liability for the plan/specification design, or legal terms and conditions of the documents, even when we suggest revisions.

**7.11 Plan/Specification Review Process.** The draft plans/specifications must be sent to the Task Force, along with a statement requesting review. The Task Force's preference is to receive electronic submissions of the plans/specifications for our review. The Task Force will endeavor to review and respond within the following periods of time after receiving the documents in our office:



- Two (2) calendar weeks for projects estimated to be under \$1,000,000
- Three (3) calendar weeks for projects estimated to be over \$1,000,000

The time periods above do NOT necessarily include time spent resolving issues or questions with the agency, and only starts when complete (NOT partial) plans & specifications are received by the Task Force. The complexity of a project and the number of disciplines (i.e., mechanical, electrical, structural) may also impact the Task Force’s review period. Once reviewed, the Task Force is to receive a copy set of the final, 100% bid documents. It is the agency’s responsibility to ensure that all plans and specifications have been properly reviewed and approved by the Authority Having Jurisdiction (AHJ) or any other required regulatory agency (i.e., State Fire Marshal, State Energy Office, DHHS Health Division, etc.).

**7.12 Addenda Review Process.** Since addenda are revisions to the plans/specifications and ultimately the contract documents, the Task Force must review them. Addenda are submitted by the same means as in paragraph 7.11, but the Task Force will endeavor to issue a response within 48 hours (two business days - weekends and state holidays excluded) of receiving it. The 48-hour review time period does NOT include time spent resolving issues or questions with the agency.

**7.13 Bidding Projects.** Agencies are required to follow the state’s bidding laws, but the Task Force is not responsible for enforcing such laws. Other than state bidding laws, the Task Force does not prescribe bidding requirements to the agency. The Task Force encourages competitive and open bidding and awarding the contract to the lowest responsible bidder, pursuant to state law. Once a 309 project is bid, the agency submits the results (bid tabulation) to the Task Force, and may at the same time submit the draft construction contract for approval. If the successful bid requires an additional amount of Task Force funds to contract for the project, then the agency must request an allocation increase. In such case, the draft construction contract will not be reviewed and approved until after the allocation increase is approved by the AS Budget Division.

**7.14 Hiring Design Consultants.** Agencies are required to hire and utilize professional consultants as per current state law, but the Task Force cannot be

responsible for enforcing such laws. The Task Force recognizes agency open-end agreements when consistent with state law. Whenever a consultant selection process as per state statute 81-1701 through 81-1721 is used for a 309 Task Force project, the Task Force should be invited to take part in, or monitor, the process.

**7.15 Allowable Costs for 309 Task Force Payments.** With prior approval, the Task Force can pay for 1) A/E professional services fees; 2) construction, materials and installation costs; 3) special inspections, testing, abatement, and demolition costs; and, 4) A/E reimbursable expenses for printing, electronic advertising of bid documents, mileage, phone usage, etc.. Note reimbursable A/E expenses must be approved as part of the consultant’s contract. Newspaper bid advertising is not paid directly by the Task Force, but can be paid when billed through consultant contract reimbursable expenses. Costs the Task Force will NOT pay for include: non-approved telecommunications (see Paragraph 3.30), in-house project management, artwork, electronically shared submittal services, and moving and relocation costs. **If Task Force funds have not been allocated, under no circumstances will the Task Force reimburse an agency for payments made on completed work – or a completed project – even if the costs are considered “allowable” costs.**

**7.16 Payment of Bills/Invoices.** When submitting payment requests, the *Payment Recommendation Form* must be filled out completely and include at least one authorized signature. Please use the Business Unit (BU# 6512XXXX) number when submitting this form. The completed form, along with copies of invoices, bills, or applications for payment should be sent electronically to the 309 Task Force. When applicable, it is the agency’s responsibility to pay their share of cooperative funding directly to the contractor, consultant or vendor. See the Task Force website for the current Payment Recommendation Form at: [das.nebraska.gov/309/pdf/payment\\_recommendation.pdf](http://das.nebraska.gov/309/pdf/payment_recommendation.pdf)

**7.17 Completion Inspections.** Per state statute 81-182, all allocations will require a certificate of completion by an inspector PRIOR to final payment. No more than 95% can be paid on the primary contract for each allocation until such inspection is made by the Task Force. However, in some cases, an agency inspector may certify completion upon the request of the Task Force. Please contact the Task Force to schedule timely completion inspections in order to

avoid delayed payments.

- 7.18 Project Close Out.** After all payments on all contracts for a specific allocation (BU “Business Unit” #) are made, then the agency will submit a *Final Report* to close out the allocation. This form is to be filled out on the Task Force’s website: [das.nebraska.gov/309](http://das.nebraska.gov/309). It is the intention of the Task Force to close out projects in a timely manner in order to free up any remaining funds. Inability of an agency to act diligently in closing out projects may be a factor in considering future allocations. Inactivity of a substantially completed project for one year may result in the closing of the allocation by the Task Force in order to reclaim any remaining 309 funds, per paragraph 6.4.

## SECTION 8: MATERIALS ONLY ALLOCATIONS

- 8.1 Materials Only Projects.** Projects where the Task Force pays for the materials, but not the labor, are called “materials only” projects. They are generally smaller in scope and are accomplished by agency staff performing the labor. Materials bills or invoices on these projects are paid 100% by the Task Force directly to the vendor (typically a lumber yard, hardware store, or supplies company).
- 8.2 Materials Only Requests.** Requests to the Task Force for materials only project funding can be made at any time, using the *Allocation Request* form and do not necessarily have to be included in the agency’s biennial request. However, for budgeting purposes the Task Force recommends Material Only Request projects also be included in the agency’s Biennial Budget requests if an agency anticipates requesting such funds.
- 8.3 Materials Only Requisitions.** After a materials only allocation is approved by the Governor, vendor estimates or proposals shall be submitted to the Task Force office for approval, as per paragraph 7.8. Once approved, the materials can be obtained from the vendor, and the payment of bills made in the same manner, using the same form, as in paragraph 7.16.
- 8.4 Materials Only Practices.** The labor for materials only projects are intended to be accomplished by in-house staff. However, it may be acceptable for an agency to hire and pay a company to perform the labor for certain materials projects with the prior permission of the Task Force.

## SECTION 9: CAPITAL CONSTRUCTION & RENOVATION/NON-309 PROJECTS

- 9.1 309 Task Force Review.** Agencies often obtain capital construction funding for renovations, additions, and new construction. The sources of funding for such projects can involve state appropriations, federal funds, agency or department funds, or private or other funds. Although 309 Task Force funds are not involved, it is strongly encouraged that such projects on state facilities be reviewed by the Task Force in order to identify potential future maintenance requirements, and adherence to specific design guidelines.
- 9.2 Capital Construction & Renovation General Policy.** The policy of the 309 Task Force is that capital construction projects (renovations, additions, and new construction) do NOT become eligible for Task Force funds for a period of ten (10) years from the date of substantial completion. Draft plans & specifications (at 95% development) for non-309 projects submitted to the Task Force will be reviewed within thirty (30) days. However, the Task Force will NOT review such plans and specifications if they are at the 100% stage, or if our review cannot be completed before bidding of the project.
- 9.3 Guidelines for Renovations.** When an entire facility is renovated, the entire building envelope (i.e., roof, windows, exterior walls, entrances, etc.) should be included in the renovation without an expectation of receiving 309 funding. When a portion of a facility is renovated, only the applicable portion of the building envelope needs to be addressed in the project for the purposes of this paragraph. The scope of renovation should include all applicable and necessary fire/life safety, and ADA code upgrades for the area being renovated. This also applies when a renovation in one part of the building necessitates a code upgrade outside of the scope of the renovation. 309 Task Force funds cannot be expected for building envelope and code upgrades made necessary by a non-309 renovation project if the upgrades were not previously included in a biennial request to the Task Force.
- 9.4 Capital Construction & Renovation Design Cautions.** Agencies should exercise caution when incorporating building elements in the design of capital construction & renovation projects when such building elements are not eligible to receive Task Force funds for repair in the future. See paragraph 12.18 for the non-eligible building

elements.

**9.5 Capital Construction & Renovation Design Guidelines.** The design of state capital construction & renovation projects should adhere to Part C - Design Guidelines (Sections 12, 13, and 14). If a capital construction or renovation project does not adhere to an item or items published in Part C - Design Guidelines, then the agency may be responsible to pay for the future repair or remedy of the particular item(s).

**9.6 "Green" Capital Construction & Renovation.** "Green" (vegetated) roofs may be installed in non-309 construction. However, when replacement eventually becomes necessary, the Task Force will likely only pay for a standard roof replacement system or for only the membrane that protects the structure, and NOT any of the vegetation system. Repair requests on vegetated roofs installed through non-309 construction will only be considered by the Task Force if it is clear that the design, installation, or performance of the vegetation system did not contribute to a roofing or building system problem.

**9.7 Capital Construction & Renovation Design Issues.** The Task Force cannot be expected to eventually pay for the remedy, repair, or replacement of building systems that incorporate poor, impractical or overly complex design, or design that purposely ignores the fundamental requirement of providing facility envelopes that are weather-tight. Agencies and their designers/consultants have design freedom, but the Task Force expects that freedom to come with the responsibility to choose materials, designs, and details that will function and perform without premature failure requiring remediation, repair, or replacement.

**9.8 LEED Certification.** LEED certification or other building certification costs will not be funded by the Task Force.

## **SECTION 10: GIFTS OF PROPERTY, ACQUISITIONS, & CHANGE OF BUILDING ELIGIBILITY**

**10.1 Gifts of Property.** The process for approval of gifts of property to state agencies (other than University and State College gifts) is provided in state statute 81-1108.33. The law calls for a review of the proposed gift by the State Building Division and the 309 Task Force, and report and recommendation to the Governor and Legislature. According to the statute, the two divisions "*shall review the plans,*

*specifications, other construction or repair documents, and potential maintenance requirements as a requirement for acceptance by the state...*" In some cases, it **may be necessary** for the two divisions **to inspect the property structure(s)** to determine "*potential maintenance requirements.*" The general policy of the Task Force is any **gift of property** will NOT be eligible for Task Force funds for ten (10) years, **unless** it has met the requirements of state statute 81-1108.33, in which case the period is reduced to five (5) years. Where potential maintenance items (repairs or replacements needed within five years) are found on structures gifted to the state, those repairs and replacements are the sole responsibility of the agency to appropriately address. Any property that becomes owned by a state agency or commission without Governor and Legislature approval as per state statute 81-1108.33 is deemed to be in violation of law (University and State Colleges excepted), and therefore, will **never** be eligible for 309 Task Force funds. The Task Force will have no involvement with a property that is in violation of state law.

**10.2 Acquisitions of Property.** When a property is acquired by an agency or commission, it does NOT become eligible for 309 Task Force funds for a period of ten (10) years, unless the Task Force is given the opportunity to review potential maintenance requirements of the property. If this is done, the period is reduced to five (5) years. Where potential maintenance items (repairs or replacements needed within five years) are found on acquired structures through review by the 309 Task Force, those repairs and replacements are the sole responsibility of the agency to appropriately address. This paragraph applies to all state agencies eligible for Task Force funds, AND for gifts of property to the University and State Colleges.

**10.3 Change in Building Eligibility for Task Force Funds.** When a building or structure officially changes use and becomes "state-supported" or otherwise technically eligible for Task Force funds (as in the case of a revenue bond structure being converted to a classroom building or other state use), it will be considered the same as an "acquisition" for the purposes of Task Force funding, and paragraph 10.2 will apply.

## **SECTION 11: TRAINING SPONSORED BY THE 309 TASK FORCE**

**11.1 Applicability.** This section applies to training programs sponsored and paid by the 309 Task

Force. This section does NOT apply to training for equipment provided in specific 309 Task Force allocated projects, as covered in paragraph 3.24.

- 11.2 Approval of Specific Training Programs.** The Task Force will sponsor and pay for training that directly relates to the facility maintenance and repair duties of state employees, but not for training related to landscaping, pest control, and security systems. The Task Force will pay for training only when such training receives approval from the Task Force **prior** to registrations being made. No approval will be given for training that is currently underway, or has already been completed. Task Force approved training is intended to be generic to systems, and not limited to specific vendor equipment.
- 11.3 Supervisor's Approval and Process.** Individuals requesting registration for 309 Task Force training events shall gain approval from their supervisor. The supervisor will then communicate (via email) that request to the Task Force's Training Coordinator. If approved, the Training Coordinator will register the student(s) for the class.
- 11.4 Applicable Costs Paid by the 309 Task Force.** The cost of Task Force approved training will be paid by the Task Force, unless there is an absence as per paragraph 11.5 below. The general policy of the Task Force is that travel, meal, and lodging expenses of the person or persons attending the training are NOT eligible for compensation by the Task Force, and such costs are the responsibility of the agency or person(s) attending. The Task Force only pays for the cost of the training program.
- 11.5 Registration.** Sufficient time must be given the Task Force to adequately evaluate requested training. If a training program starts before the Task Force has had time to evaluate, then the requesting agency will be 100% responsible for the cost of training. Registration deadlines must be respected by the agencies and persons planning to attend Task Force approved training programs. Failure to register by the deadline will result in exclusion of the person(s) from the training program.
- 11.6 Registrant Absence.** If any state employee registered for a Task Force approved training program is absent, it is the general policy of the Task Force that the registrant, or his/her sponsoring agency, is 100% responsible for the cost of the training program. The absence may be excused if a written explanation is provided to the Task Force,

and it is determined by the Task Force to be acceptable. However, the Task Force reserves the right to reject the written explanation, and the cost for the training.

- 11.7 Substitutions.** If a registered training attendee becomes unable to attend the training program, then the agency or department can propose a qualified substitute to take his or her place. However, the substitution must be proposed prior to the start of training, and the Task Force reserves the right to refuse payment of the training if the substitute's duties are not directly related to the training program. Agencies cannot propose unqualified substitutes as a way to avoid payment for a "no-show."
- 11.8 Licensure and Credentialing Fees.** The 309 Task Force does not pay for a state employee's professional licensure, licensing renewal fees, credentialing, or dues to professional organizations such as the American Institute of Architects (AIA), American Water Works Association (AWWA), International Facility Management Association (IFMA) or similar professional or trade organization.
- 11.9 Training Calendar.** A list of current training events is available on-line at the Task Force's Website. [das.nebraska.gov/309](http://das.nebraska.gov/309)

## **PART C: DESIGN GUIDELINES**

### **SECTION 12: ARCHITECTURAL/ROOFING DESIGN GUIDELINES**

- 12.1 General Statement.** The following 309 Task Force “design guidelines” are not comprehensive and do not constitute specifications; they are simply a listing of recommended aspects of design that contribute to successful projects and help reduce future maintenance problems and issues. Agencies and commissions, and their consultants and in-house project managers, are encouraged to incorporate these design guidelines where applicable and appropriate. However, all must understand that utilization of any of these guidelines does not transfer design responsibility or liability from the consultant or agency to the Task Force. It is also noted the implementation of these design guidelines may not necessarily be practical or feasible in every case.
- 12.2 Roof Systems Restrictions.** The only roof types (systems) that the 309 Task Force greatly discourages are those with non-standard or overly expensive materials, or roofs that can be considered “decorative finish” as per state statute 81-173. Proposed roofs that incorporate non-standard or overly expensive materials are greatly discouraged because they can negatively affect insurance availability and rates, and they will be considered a very low priority of the Task Force.
- 12.3 Ballasted Roofs.** The 309 Task Force does not often install ballasted roofs, but in some cases ballasted roofs may be appropriate for economy or compatibility with existing or adjacent roofs. However, due to the possibility of ballast being blown by storm force winds, ballasted roofs should not be installed adjacent to structures that include significant areas of exterior glass, and they should utilize a minimum of 60 mil thickness EPDM membranes.
- 12.4 Built-Up Roofs.** Built-up roofs are acceptable and have a very good track record, but fewer contractors are installing built-up roofs, and they tend to be more expensive than low-sloped rubber roofs. If an agency, campus, or consultant, desire a built-up roof they should contact the 309 Task Force regarding the specifics of the individual project.
- 12.5 Roof Slope.** For “low-sloped” roof systems that are

NOT metal roofs, the final roof slope shall be ¼” per lineal foot minimum unless unfeasible to accomplish, but no lower than 1/8” per foot, and valleys in tapered insulation should be 1/8” (recommended), but no lower than 1/16” per foot. **For new construction of “low-sloped” roof systems, the slope should be built into the structure whenever practical.** For “steep” roof systems (shingles, metal, etc.) the final roof slope should be a 4 in 12 pitch minimum, except that metal roofs can go as low as 2 in 12. Also see 12.11 for metal roofs slope.

- 12.6 Roof Deck.** When a metal deck is specified, it should be a minimum of 24-gauge thickness. Minimum deck sheeting thickness should be ½” and supported at 16” on center. If supports are greater than 16”, then “H” clips are required. When re-roofing over an existing concrete deck, fasteners are not recommended, but rather foam adhesive or asphalt applied in warm weather (50 degrees or higher) and in sufficient quantity to achieve proper adhesion (40 pounds minimum per 100 square feet). When the existing deck is either structural or cellular lightweight concrete, there should not be a warranty issue adhering to it with mechanical attachment (assumes no hollow-core or plank), foam adhesive, or asphalt. However, if it is non-cellular lightweight concrete (vermiculite, perlite, etc.), this material tends to hold moisture, and pull-out tests must be accomplished in order to achieve the desired warranty (see 12.14), or the material must be removed. See also 12.19 for roof testing/test cuts.
- 12.7 Roof Drainage.** On low-sloped roofs, drains should be cast iron with flange, deck clamp, bottom outlet, removable galvanized dome strainer, and flashing ring integral with gravel stop. Roofs drains should be set with the flashing ring 1” above the deck. It is recommended that for general cases, maximum roof area drained by each 4” leader should be no more than 3,500 square feet. Although installation of secondary/overflow drains may not necessarily be code required on re-roofs, every attempt should be made to install them on re-roof projects where practical and feasible. The point where water enters secondary/overflow drains should be placed 2” in elevation above the perimeter of the tapered insulation sump around the primary drain(s), but no more than 4” higher than the primary, and they should not drain into the primary leader. On new construction, through-wall scuppers should be avoided for either primary or secondary drainage. Sumps of at least 24” square (36” square preferred)

should be incorporated at each drain, with a minimum slope of 1" per foot.

- 12.8 Roof Flashings & Curbs.** Minimum roof flashing heights and curb heights should be no lower than 8" for existing roofs, but for new construction, our recommendation is 24" or no less than 12" where a wall rises from a roof, and there is a window opening in the intersecting wall. The bottom of the window structural opening should be at least 14" above the surface of the roof in order to maintain 12" of flashing height below the window. Any new low-slope roof edge metal or parapet flashings should comply with the most current edition of ANSI/SPRI ES-1 for edge securement of low-slope membrane roof systems.
- 12.9 Roof Overhangs.** The Task Force recommends a minimum of 12" overhang on all shingled or "steep" sloped roofs, to avoid premature deterioration of walls. When re-roofing a building with no existing overhangs is requested, the request should include adding an overhang of at least 12".
- 12.10 Treated Wood.** Currently, the use of treated wood known as "CCA" has been banned from use. It has been replaced with "ACQ" treated wood. However, ACQ is causing corrosion problems with nails, fasteners, and metal that comes into contact with it. Because of this problem, the Task Force requires roofing specifications include stainless-steel or hot dipped galvanized fasteners complying with ASTM-A153.
- 12.11 Metal Roofs.** For metal roofs, the minimum slope is as per paragraph 12.5 (4 in 12 slope recommended; 2 in 12 slope minimum, although 1 in 12 can be used on existing structures). Standing seams should be a minimum of 2" and there should be no exposed fasteners – hidden cleats should be used that allow for expansion. Single panels should be used from eave to ridge with NO roof panel end laps. 24-gauge metal panels should be installed.
- 12.12 Asphalt Shingles.** For exposed high-wind areas, a 110 mph rated shingle should be used. Otherwise, 90 mph rated shingles are acceptable. A six-nail pattern should be used in all cases. For heated buildings with asphalt shingles, ice & water shield must be installed from the eave a minimum of 24" measured horizontally from the interior face of the exterior wall, and in all valleys.
- 12.13 Roof Insulation Values & Layers Offset.** Roof insulation, whether in new construction or a re-roof

project, should have an insulation value in accordance with the applicable energy code for the project. However, because of diminishing returns of excessive insulation, and the difficulties in attaching many layers of insulation on a roof structure, the Task Force will likely not allow or pay for roof insulation excessively over the amounts required by code. Multiple layers of insulation should be installed with a minimum 6" offset in both directions. The bottom layer of insulation should be a maximum thickness of 2" to allow proper adhesion of the insulation to the roof deck.

- 12.14 Roof Warranties.** For "low-sloped" roofing systems, the specified warranty shall be a **minimum** of twenty (20) year NDL (No Dollar Limit) warranty against leaks from the manufacturer of the membrane, and the contractor's warranty for workmanship should be no less than two (2) years from completion. For metal roofing systems and for asphalt shingles, the recommended warranty for material and labor from the contractor or installer should be ten (10) years, but no less than five (5) years. In addition, a manufacturer's standard material warranty of twenty (20) years should be available on metal roofs, and thirty (30) years on asphalt shingles. It is the goal of the Task Force to design for and obtain a 90 mph rated wind warranty on low-sloped roofs, but we will accept a 72 mph wind warranty when the deck is non-cellular lightweight concrete. Copies of roof warranties on 309 Task Force projects must be submitted to the Task Force office upon completion of the project.
- 12.15 Roof Access.** All roofing projects, whether they are a 309 Task Force project, or a new roof in a capital project, should include proper and safe access to the roof for maintenance purposes. Roof hatches, permanently installed ladders, and other safe, acceptable means of roof access, should be designed for every roof. Roof access requests of 309 Task Force funds are acceptable and usually considered a high priority.
- 12.16 Built-In Gutters.** Built-in gutters are not recommended in new construction. Existing built-in gutters are recommended to be covered or removed.
- 12.17 Masonry Waterproofing Sealers.** The 309 Task Force does not allow the use of waterproofing sealers on brick walls because past experience shows that they can trap water inside the wall and cause deterioration. Possible exceptions are

products that are successful in allowing water to permeate out of the wall. However, the Task Force must approve each proposed case/application.

**12.18 Skylights, Exterior Brick Walls, EIFS, and Built-In Gutters.** The Task Force does NOT recommend the use of skylights (see 3.9 for alternatives and 3.31 for variances), freestanding exterior brick walls & planters, Exterior Insulation Finish Systems (EIFS – see 3.17 for alternatives and 3.31 for variances), and built-in gutters for new state construction or renovation projects. **If any of these are designed and specified for construction, the Task Force will NOT pay for the repair or replacement of the item, including peripheral or consequential damage caused by the items.**

**12.19 Roof Test Cuts.** The Task Force encourages roof test cuts to be performed either prior to, or in conjunction with, the design of the re-roof project. Such test cuts should be of sufficient size (24” square recommended) and of sufficient quantity to identify the various layers of the existing roof system and the deck condition. The Task Force can pay for test cuts whether or not an allocation has been made. However, the Task Force requires that draft roof test cut contracts be reviewed and approved prior to the work.

### SECTION 13: MECHANICAL/HVAC DESIGN GUIDELINES

**13.1 General Statement.** The following 309 Task Force “design guidelines” are not comprehensive and do not constitute specifications; they are simply a listing of recommended aspects of design that contribute to successful projects and help reduce future maintenance requirements. Agencies and commissions, and their consultants and in-house project managers, are encouraged to incorporate these design guidelines where applicable and appropriate. However, all must understand that utilization of any of these guidelines does not transfer design responsibility or liability from the consultant or agency to the Task Force. Implementation of these design guidelines may not necessarily be practical or feasible in every case.

**13.2 International Energy Conservation Codes (IECC).** HVAC upgrade projects comprising 50% of the value of the building should be designed per the applicable model energy code and that code should be clearly stated in the plans and specifications. This applies to new (non-309) construction, as well.

Applicable International Energy Conservation Code and other codes as dictated by the Nebraska Energy Office design apply to each of the paragraphs below, 13.3 through 13.6. While energy codes do not specifically prohibit installing new systems or equipment with lower efficiency ratings than existing systems or equipment, this should only be specified after careful comparisons of life cycle costs and maintenance requirements.

**13.3 ASHRAE for HVAC Design.** Design of HVAC systems and equipment, whether in new (non-309) construction or upgrades to existing facilities, should be designed according to the applicable and current American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) standards.

**13.4 Controls Wiring Conduit.** All mechanical systems/HVAC controls wiring located in mechanical rooms should be installed in conduit. This applies to both new construction and upgrades to existing facilities.

**13.5 Flexible Ductwork.** Flexible ductwork should be avoided in HVAC upgrade projects and in new construction. However, it may be acceptable in the last several feet of duct run connecting to a room diffuser.

**13.6 Ceiling Space as Return Air Plenums.** In new construction the design of mechanical systems should NOT include any negatively pressurized return air plenums in ceiling spaces at zones along the exterior of the building. In the case of HVAC upgrade projects in existing buildings; correction of this condition should be a priority if feasible.

**13.7 Utilities Metering.** Individual building and campus utilities metering is encouraged. It is the current policy of the Task Force to install individual building utilities metering whenever a significant HVAC project is undertaken with Task Force funds, and to install campus metering (reporting to a central station) when it becomes a high priority of the Task Force.

**13.8 HVAC Controls.** Controls specifications should be non-proprietary, and allow the Owner to modify/adjust the systems. Controls interface (e.g. BACnet) should be provided and all points that need to be monitored as well as set points and control points, should be specified in a table in either the HVAC specifications or drawings for HVAC upgrade projects.

**13.9 Mechanical Systems Training.** Specifications should include mechanical systems training as part of the construction/installation contract. Such training should occur at the conclusion of the project, as well as a follow-up ninety (90) to one hundred and twenty (120) days after the initial training. A minimum of four (4) hours total training time should be included in the specifications. The Task Force recommends such training sessions be video recorded for future reference.

#### SECTION 14: ELECTRICAL DESIGN GUIDELINES

**14.1 General Statement.** The following 309 Task Force “design guidelines” are not comprehensive and do not constitute specifications; they are simply a listing of recommended aspects of design that contribute to successful projects and help reduce future maintenance requirements. Agencies and commissions, and their consultants and in-house project managers, are encouraged to incorporate these design guidelines where applicable and appropriate. However, all must understand that utilization of any of these guidelines does not transfer design responsibility or liability from the consultant or agency to the Task Force. It is also noted the implementation of these design guidelines may not necessarily be practical or feasible in every case.

**14.2 State Electric Code/National Electric Code (NEC) & Energy Codes.** Electrical upgrades in existing facilities, as well as new electrical systems in new construction, should, at a minimum, be designed per the State Electric Code, which is the National Electric Code (NEC). The International Energy Conservation Code (and other codes as dictated by the Nebraska Energy Office) design should be incorporated where applicable for electrical upgrades and installation. This applies to new/non-309 construction, as well.

**14.3 Non-Metallic Conduit.** Although the NEC allows non-metallic conduit for electrical installations, the 309 Task Force recommends using only metallic conduit for building interior wiring systems. If non-metallic conduit is planned for an electrical upgrade project funded with 309 funds, the Task Force should approve of the installation plan or design. Examples of approved non-metallic conduit locations would be direct burial, damp or wet locations, grounding electrode conductor raceways and exposed corrosive environments. HDPE

conduit may be used only if listed/approved in accordance with the National Electric Code (NEC), Article 353.

**14.4 Use of Aluminum Conductors.** Only COPPER conductors should be used in electrical systems. This applies to both 309 projects and non-309 projects.

**14.5 Grade of Electrical Devices/Light Fixtures.** All electrical devices and light fixtures should be designed and installed as “specification” grade in lieu of residential grade.

**14.6 Lighting Levels.** All lighting levels should be designed to the recommendations of the Illuminating Engineering Society (IES).

**14.7 Low Mercury Content.** All fluorescent lamps designed should be specified as “low mercury content.”

**14.8 Electronic Ballasts, Drivers and Low Voltage Light Fixture Transformers.** Fluorescent and HID fixtures should only utilize electronic ballasts. Non-electronic (e.g. fluorescent) ballasts will be replaced as part of any 309 Task Force lighting project. Drivers and low voltage light fixtures are to be electronic.

**14.9 Watt Density/Incandescent Lamps.** Watt density should meet International Energy Conservation Code requirements. All incandescent lamps should be replaced with self-ballasted fluorescent lamps if the fixture is not to be replaced in remodeling projects only. All new fixtures should be fluorescent, HID or LED unless specialized or historical lighting requirements are required.

**14.10 Lighting Panels.** Lighting shall be designed for bolt-on (commercial grade) circuit breakers as opposed to plug-on circuit breakers for load center style panels. An exception would be for residential or residential style facilities where load center and plug-in breakers can be used.

**14.11 Ground Wire.** All circuit conduits should include a separate, green-jacketed ground wire.

**14.12 Power Factor Correction.** Large electrical projects, and projects where the power company supplying electricity charges a penalty for low power factor, should include power factor correction equipment as part of the project.



**14.13 Exterior Lights.** Lights designed for use external to a facility should be designed with cut-off type fixtures that do not allow light to emit above the horizontal. LED fixtures should be the primary basis of design and used where applicable to meet the exterior lighting level needed. All new exterior lighting shall meet the requirements of the International Energy Conservation Code.

**14.14 Electrical Metering.** Individual building and campus electric use metering is encouraged. The policy of the Task Force is to install individual

building electric use metering whenever a significant electrical upgrade project is undertaken with Task Force funds, and to install campus electrical metering (reporting to a central station) to the greatest extent possible.

**14.15 Emergency Lighting.** All facilities are to have emergency interior and exterior lighting designed pursuant to the requirements of NFPA 101 Life Safety Code and installed in accordance with the requirements of the National Electrical Code (NEC).

## *END OF HANDBOOK*