

From: EDReliefFunds <EDReliefFunds@cde.ca.gov>
Sent: Tuesday, February 27, 2024 12:03 PM
To: Jennifer Huiras (Educational Support Srvcs) <jhuiras@lodiUSD.net>
Subject: RE: [EXTERNAL] CE Request for 8 outdoor learning shelters

Dear Lodi Unified School District,

With the understanding that the LEA has followed the procurement standards in 2 CFR 318–327, the purchase may be approved. State and local regulations cannot circumvent federal regulations. It is the responsibility of the LEA, however, to not only adhere to the procurement requirements, but to maintain documentation of completing the procurement process as a part of record retention. Incomplete documentation of this process may invalidate the approval if reviewed in a compliance review or audit. Please see below for approval.

Equipment and Capital Expenditures Approval - Outdoor Learn Centers at 8 Sites

The application for the use of Elementary and Secondary School Emergency Relief (ESSER) I Funds authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, ESSER II Funds authorized by the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, ESSER III Funds authorized by the American Rescue Plan (ARP) Act, Governor’s Emergency Education Relief (GEER) I Funds authorized by the CARES Act, and/or GEER II Funds authorized by the CRRSA Act for the capital expenditure(s) with a unit cost of \$5,000 or more as designated in your application may be allowed, based on alignment with the allowable uses of the applicable program, as prescribed in the following guidance, for ESSER I Funds (<https://www.cde.ca.gov/fg/cr/esser.asp>), ESSER II Funds (<https://www.cde.ca.gov/fg/cr/crrsa.asp>), ESSER III Funds (<https://www.cde.ca.gov/fg/cr/arpact.asp>), GEER I Funds (<https://www.cde.ca.gov/fg/cr/learningloss.asp>), and/or the Expanded Learning Opportunities Grant (ELO-G) (<https://www.cde.ca.gov/ls/he/hn/covidreliefgrants.asp>).

However, please note that all local educational agencies (LEAs) must be able to demonstrate compliance with all federal and state procurement requirements during monitoring reviews and audits. Please be aware that pandemic is not considered a justification to exempt LEAs from following state and federal procurement requirements. Prior written approval from the California Department of Education (CDE) does not guarantee a determination of allowability by auditors or federal program monitors. State procurement requirements can be found in the California *Public Contract Code*, sections 20100–22178. Federal procurement requirements can be found in Title 2, Code of Federal Regulations (2 CFR), sections 200.317–327. LEAs should reference the state guidance found at: <https://www.cde.ca.gov/fg/ac/co/bidthreshold2024.asp>. Additionally, federal procurement guidance can be found on page 20 of the CDE’s Federal Grants Fiscal Guidance located at: <https://www.cde.ca.gov/fg/ac/ff/documents/federalgrantsfiscalguidance.pdf>.

All expenditures for this request must be obligated within the applicable period of performance for the funding source used. Please see 34 CFR 76.707 for examples of when various activities are considered obligated. All obligations must be liquidated within 120 days of the obligation deadline. **Please be aware that if the expenditure is not properly obligated within the period of performance or liquidated within the allowable liquidation period, in alignment with federal requirements, the LEA may be required to return all associated costs charged to the applicable federal grant.** In accordance with 2 CFR 200.405, to be allocable to a federal grant, the goods or services related to these costs must be incurred specifically for the award. As such, the full scope of contracted goods or services must be received and associated costs paid prior to the end of the liquidation period for the applicable fund source, even if the federal funds are paid in advance or will only partially contribute toward the project. To find the

applicable deadlines for each Federal Stimulus funding source, please visit <https://www.cde.ca.gov/fg/cr/relieffunds.asp>.

Please note: The request to use ESSER III funds for this project describes an allowable use of ESSER III funds. However, unlike previous funding sources, ESSER III requires each LEA receiving funds to complete an Expenditure Plan with public input, describing how the LEA intends to use its ESSER III allocation. If this project is not already included in the LEA's ESSER III Expenditure Plan, you may wish to delay start of the project until the LEA revises the plan and has the project described in the plan discussed in advance with community partners and governing board.

Construction:

Please note: For any construction projects, you must also comply with all construction requirements found on the California Department of Education (CDE) website.

The placement of new modular classrooms on a school site is subject to the requirements of [Title 5 California Code of Regulations \(CCR\) Section 14030](#), and oversight by the Division of the State Architect (DSA). For information about DSA assistance during the COVID-19 pandemic for emergency school facilities, LEAs should refer to BU 20-01. However, please be aware that this flexibility was no longer available as of November 8, 2022. Relocatable buildings and structures, including shade structures, receiving DSA approval for temporary use during an emergency may be temporarily installed for a maximum period up to three years in accordance with [IR A-1.16](#). Reconstruction or alteration projects to school buildings less than specified construction cost thresholds are exempt from DSA review, as described in [IR A-22](#). Please contact DSA directly for guidance related to DSA review and approval, if applicable.

Construction projects are permitted, but LEAs must follow applicable federal construction regulations, such as safety and health standards (Title 34, Code of Federal Regulations [34 CFR] 75.609), energy conservation (34 CFR 75.616), federal reporting requirements, and Davis-Bacon prevailing wage rules. LEAs may be asked during monitoring or reviews to show documentation that the LEA is not able to meet the need arising from the health emergency in a more cost-effective or efficient manner, such as leasing property or improving property already owned and in use.

You should review all information regarding construction on the CDE's Capital Expenditure FAQs page, located at: <https://www.cde.ca.gov/fg/cr/capexpfaqs.asp>.

Best,
Robyn
CDE Federal Stimulus Team

To receive updates on Federal Stimulus Funds, including reporting updates, please join our listserv by sending a blank email message to join-edrelieffunds@mlist.cde.ca.gov.

From: Jennifer Huiras (Educational Support Svcs) <jhuiras@lodiUSD.net>
Sent: Monday, January 22, 2024 9:30 AM
To: EDReliefFunds <EDReliefFunds@cde.ca.gov>
Subject: [EXTERNAL] CE Request for 8 outdoor learning shelters

Hello,

Please see the attached application for use of ESSER III funds to build outdoor learning shelters.

The project consisted of the installation of 8 outdoor learning shelters, one at each site. They are steel framed with a metal roof. Approximately 1920 sqft (30' x 64'). There was no flooring installed as part of this project. We are gathering the paperwork to put this project out bid ASAP so awarded in March, notice to proceed in April , Construction begins in June ends in Sept/Oct.

Jennifer Huiras

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