

**Texas Education Agency
Qualified School Construction Bond (QSCB) Program Application for 2010**

District or Charter School Name: _____

County-District Number: _____

District or Charter School Contact Person: _____

Address 1: _____

Address 2: _____

City: _____

Zip Code: _____

Telephone: _____

Email Address: _____

Bond Authorization Requested

The maximum bond authorization that may be requested per district or charter school per allocation year is the greater of either:

- 1) \$5,000,000; or
- 2) $\{ \$5,000,000 + [\$500 \times (2009-2010 \text{ Public Education Information Management System student enrollment} - 400)] \}$.

The maximum bond authorization that may be requested per district or charter school per allocation year may be increased by an additional 5 percent if the district or charter school commits to designing and constructing its projects so that they receive certification under a high-performance building standard such as:

- o the Leadership in Energy and Environmental Design (LEED) Green Building Rating System;
- o the Texas Collaborative for High Performance Schools (TX-CHPS) Criteria;
- o the Green Building Initiative's Green Globes criteria; or
- o an equivalent standard adopted by the municipality or county in which the projects are located.

Acknowledgement of intent to design and construct projects so that they receive certification under a high-performance building standard (please check if applicable)

Numeric amount of the bond authorization requested: _____
(Example: \$5,250,000)

Written amount of the bond authorization requested: _____
(Example: Five million two hundred fifty thousand dollars)

Applicant must commit to spend at least 10 percent of the proceeds within six months and 100 percent of the proceeds within three years of issue of the QSCB bonds:

Anticipated issue date: _____

Anticipated amount of funds spent six months after issue: \$ _____

Anticipated amount of funds spent three years after issue: \$ _____

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Project Description(s)

	CAMPUS NAME	PROJECT TYPE <small>(check one box only for each project)</small>	ESTIMATED COST	NARRATIVE DESCRIPTION
Project 1		<input type="checkbox"/> New campus <input type="checkbox"/> New campus with land acquisition <input type="checkbox"/> Addition(s) only <input type="checkbox"/> Additions and repairs or rehabilitation <input type="checkbox"/> Repairs or rehabilitation only	\$	
Project 2		<input type="checkbox"/> New campus <input type="checkbox"/> New campus with land acquisition <input type="checkbox"/> Addition(s) only <input type="checkbox"/> Additions and repairs or rehabilitation <input type="checkbox"/> Repairs or rehabilitation only	\$	
Project 3		<input type="checkbox"/> New campus <input type="checkbox"/> New campus with land acquisition <input type="checkbox"/> Addition(s) only <input type="checkbox"/> Additions and repairs or rehabilitation <input type="checkbox"/> Repairs or rehabilitation only	\$	
Project 4		<input type="checkbox"/> New campus <input type="checkbox"/> New campus with land acquisition <input type="checkbox"/> Addition(s) only <input type="checkbox"/> Additions and repairs or rehabilitation <input type="checkbox"/> Repairs or rehabilitation only	\$	
		Issuance costs (if any):	\$	Cannot exceed 2% of the bond authorization amount requested
		TOTAL PROJECT COSTS & ISSUANCE COSTS:	\$	Must equal the bond authorization amount requested

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As used in this application:

- "Agency" means the Texas Education Agency (TEA);
- "Applicant" means the entity eligible to apply for bond authorization. If the application is approved, "applicant" means the entity granted the bond authorization.

Statement of provisions and assurances for the bond authorization requested in this application:

- A. The applicant certifies that 100 percent of the proceeds of the qualified school construction bonds will be used for some or all of the following qualified purposes:
- Construction of public school facilities;
 - Rehabilitation or repair of public school facilities;
 - Acquisition of land on which public school facilities will be constructed with proceeds of issuance;
 - Equipment related to the project(s) constructed or rehabilitated with the proceeds of issuance; or
 - Issuance costs not to exceed 2 percent of total bond proceeds.

Within six months of issuance, the applicant must have entered into contract(s) for use of proceeds equal to 10 percent of issuance. Additionally, 100 percent of the bond proceeds are to be used for a qualified purpose and must be spent within three years of the date of issuance.

B. Debt instruments:

A school district applicant shall issue one or more of the following four types of debt instruments:

- General Obligation Bond - authorized under the authority of the Texas Education Code, Chapter 45, Subchapter A;
- Lease Purchase - authorized under the Texas Local Government Code, §271.004 or §271.005;
- Time Warrant - authorized under the Texas Education Code, §45.103; or
- Maintenance Tax Note - authorized under the Texas Education Code, §45.108.

A charter applicant shall issue only the following type of debt instrument:

- Revenue Bond - as authorized under the Texas Education Code, Chapter 53, Subchapter C.

- C. **Compliance with the Davis-Bacon Act:** The applicant certifies that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the federal government pursuant to this authorization shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the secretary of labor in accordance with 40 United States Code (USC), Chapter 31, Subchapter IV. With respect to the labor standards specified in this section, the secretary of labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 USC Appendix) and 40 USC, §3145 (Section 1606).

The applicant certifies that all contracts will include language that acknowledges that all contractors or subcontractors must pay laborers and mechanics employed under the contract no less than locally prevailing wages for corresponding work on similar projects in the area. The U.S. Department of Labor determines locally prevailing wage rates.

Wage determinations: <http://www.access.gpo.gov/davisbacon/>
Texas wage determinations are linked from the following site:
<http://www.access.gpo.gov/davisbacon/TX.html>

- D. The applicant certifies that the applicant will comply with any arbitrage and rebate requirements that may be applicable on governmental tax-exempt bonds.

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Statement of provisions and assurances for the bond authorization requested in this application (continued):

- E. No other agreement, written or oral, purporting to alter or amend this application shall be valid.
- F. The applicant certifies that **the person signing this application has been properly delegated this authority.**
- G. In the conduct of the bond authorization, the applicant shall be subject to **Texas State Board of Education rules and commissioner of education rules pertaining to school facilities and the bond authorization and to the laws of the State of Texas governing this bond authorization.** This document constitutes the entire agreement between the agency and the applicant for the bond authorization.
- H. The agency may conduct **desk reviews or on-site monitoring reviews** to determine compliance with the approved application and the applicable statute(s), law(s), regulations, and guidelines.
- I. If the applicant, in the agency's sole determination, fails or refuses for any reason to perform any of its obligations under this contract, **the agency may impose such sanctions as it may deem appropriate.** The cancellation, termination, or suspension of this bond authorization, if imposed, shall become effective at the close of business on the day of the applicant's receipt of written notice thereof from the agency.
- J. The applicant, to the extent permitted by law, shall hold the agency harmless from and shall indemnify the agency against any and all claims, demands, and causes of action of whatever kind or nature asserted by any third party and occurring or in any way incident to, arising from, or in connection with any acts of the applicant, its agents, employees, and subcontractors, done in the conduct of the bond authorization.
- K. **The applicant shall maintain its records and accounts in a manner that assures a full accounting for all funds received and expended by the applicant in connection with the bond authorization.** These records and accounts shall be retained by the applicant and made available for programmatic or financial audit by the agency and by others authorized by law or regulation to make such an audit for a period of not less than five years from the date of the end of debt service. If an audit has been announced, the records shall be retained until such audit has been completed.
- L. The applicant certifies that no funds provided under this bond authorization shall be used to purchase supplies, equipment, or services from any **companies found to be guilty of unfair business practices** within 12 months from the determination of guilt.
- M. The applicant certifies that no funds will be used to pay for **religious worship, instruction, or proselytization**, or for any equipment or supplies for such, or for any construction, remodeling, repair, operation, or maintenance of any facility or part of a facility to be used for religious worship, instruction, or proselytization (34 Code of Federal Regulations, §76.532 and Public Law 107-110, §9505).
- N. The applicant certifies that any construction or major renovation of an existing or new instructional facility using funds obtained by the applicant under this bond authorization shall consider, in the design of the instructional facility, **security criteria developed by the Texas School Safety Center under the Texas Education Code, §37.2051.**

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I certify that to the best of my knowledge, the information in this application is true and correct. I further certify that any ensuing program and activity will be conducted in accordance with all applicable federal and state laws and regulations, application guidelines and instructions, and the statement of provisions and assurances contained herein.

Printed Name of Superintendent or Other Authorized District or
Charter School Official

X

Original Signature (Blue Ink Preferred) of Superintendent or
Other Authorized District or Charter School Official

X

Date

Please return to: Texas Education Agency
Document Control Center, Room 6-108
ATTN: QSCB
1701 North Congress Avenue
Austin, TX 78701

Fax or email submissions will *not* be accepted. **Completed applications will be considered on a first-come, first-served basis, with an application deadline of 5:00 p.m. (CDT), June 30, 2010.**

Questions? Call Sam Lester of the State Funding Division at (512) 475-2029 or Gary Marek of the State Funding Division at (512) 463-9190.