

TEA Assurances Related to Construction or Major Renovation
2009-2010 ARRA Title XIV, State Fiscal Stabilization Fund Grant

The applicant assures that it will comply with each of the assurances stated below related to using federal funds for construction or for major renovation under the State Fiscal Stabilization Fund (SFSF) grant.

1. The applicant assures that the project complies with the Americans with Disabilities Guidelines for Buildings and Facilities. 34 CFR 300.718, 28 CFR Part 36 Appendix A, and 41 CFR Subpart 101-19 Appendix A.
2. The applicant assures that it has a full title or other interest in the site, including right of access, that is sufficient to insure the applicant's undisturbed use and possession of the facility for 50 years or the useful life of the facility, whichever is longer. 34 CFR §75.603
3. The applicant assures that sufficient funds are available to meet any nonFederal share of the cost of constructing the facility. 34 CFR §75.604
4. The applicant assures that it will begin work on construction within a reasonable time after the grant for the construction is made. 34 CFR §75.605(a)
5. The applicant assures that it will complete the construction within a reasonable time. 34 CFR §75.606(a)
6. The applicant assures that it will complete construction in accordance with the application and approved drawings and specifications. 34 CFR §75.606(b)
7. The applicant assures that the construction is functional, economical, and not elaborate in design nor extravagant in the use of materials compared with facilities of a similar type constructed in the State or other applicable geographical area. 34 CFR §75.607(a)
8. The applicant assures that, in developing plans for the facility, it will consider excellence of architecture and design. 34 CFR §75.607(b)
9. The applicant assures that the project complies with the standards under the Occupational Safety and Health Act of 1970 (Pub. L. 91-576) and State and local codes, to the extent that they are more stringent. 34 CFR §75.609
10. The applicant assures that the project complies with the Federal regulations on access by the handicapped that apply to construction and alteration of facilities. These regulations are: (a) For residential facilities 24 CFR part 40; and (b) For non-residential facilities 41 CFR subpart 101-19.6. 34 CFR §75.610
11. The applicant assures that in planning the construction, an evaluation was performed on flood hazards in connection with construction and as far as practicable, it has avoided uneconomic, hazardous, or unnecessary use of flood plains in connection with the construction. This requirement is in accordance with the provisions of Executive Order 11988 of February 10, 1978 (43 FR 6030) and rules and regulations that may be issued by the Secretary to carry out these provisions. 34 CFR §75.611
12. The applicant assures that it will maintain competent architectural engineering supervision and inspection at the construction site to insure that the work conforms to the approved drawings and specifications. 34 CFR §75.612
13. The applicant understands that it is subject to the regulations on relocation assistance and real property acquisition in 34 CFR Part 15. 34 CFR §75.613
14. The applicant assures that, when construction is completed, sufficient funds will be available for effective operation and maintenance of the facilities. 34 CFR §75.614

TEA Assurances Related to Construction or Major Renovation
2009-2010 ARRA Title XIV, State Fiscal Stabilization Fund Grant

15. The applicant assures that it will operate and maintain the facilities in accordance with applicable Federal, State, and local requirements. 34 CFR §75.615
16. The applicant assures that, to the extent feasible, it will design and construct the facility to maximize the efficient use of energy. 34 CFR §75.616(a)
17. The applicant assures that the project complies with ASHRAE standards in designing and constructing facilities built with project funds. The applicable standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers are: (a) ASHRAE-90 A-1980 (Sections 1-9), (2) ASHRAE-90 B-1975 (Sections 10-11) and (3) ASHRAE-90 C-1977 (Section 12). These standards may be obtained from the publication sales department at ASHRAE, Inc., 1791 Tullie Circle, NE., Atlanta, Georgia 30329. 34 CFR §75.616(c)
18. The applicant assures that it will not use, within the Coastal Barrier Resources System, funds made available under a program administered by the Secretary for any purpose prohibited by 31 U.S.C. Chapter 55 (sections 3501-3510). 34 CFR §75.617
19. The applicant assures compliance with the Davis-Bacon Act of 1931 and that the applicant obtained Federal wage determination rates from the U.S. Department of Labor for all applicable trades prior to bid solicitation and contract award. 40 U.S.C. Chapter 31, Subchapter IV and ARRA, Section 1606
20. The applicant assures that the project does not violate the LRE (least restrictive environment) requirements of 34 CFR §300.114.
21. The applicant assures that it complies with ARRA section 1605 related to the use of American iron, steel, and manufactured goods used in the project.
22. The applicant assures that it will require the facility to comply with the following standards to ensure access to persons with disabilities, including but not limited to the following:
 - Uniform Federal Accessibility Standards
<http://www.access-board.gov/ufas/ufas-html/ufas.htm>
 - 28 CFR Part 35 regulations implementing Title II of the Americans with Disabilities Act of 1990
<http://www.ed.gov/policy/rights/reg/ocr/edlite-28cfr35.html>
 - Architectural Barriers Act – rules promulgated by the United States Access Board
<http://www.access-board.gov/gs.htm>
 - Texas Accessibility Standards of the Architectural Barriers
<http://www.license.state.tx.us/ab/tas/abtas.htm>
 - 19 Texas Administrative Code (TAC), Chapter 61. Subchapter CC. Commissioner's Rules Concerning School Facilities
<http://wwwdev.tea.state.tx.us/school.finance/facilities/stg.html>