

**MEMORANDUM No. 20**

TO: Kentucky School Architects and School Districts

FROM: Greg Dunbar, District Facilities Branch Manager; [greg.dunbar@education.ky.gov](mailto:greg.dunbar@education.ky.gov)

DATE: March 5, 2012

RE: Emergency Declarations

---

Over the last few days the storms that have passed through the Commonwealth have left communities in dire need. Of concern to this office is the damage done to our school buildings and how we may best help districts and their architects address the challenges that they may face. The best way that we can help address the issues is to outline the regulatory requirements for moving forward quickly, streamlining approvals from this office, and offer suggestions on how to fund the needed repairs.

702 KAR 4:160 notes that following actions (regulatory language in standard type, **commentary in bold type**);

Section 1. Definitions. (7) "Emergency" means the loss of use of physical facilities resulting from an unforeseen occurrence which requires prompt action.

Section 2. Construction Project Application., Subsection (11) If an emergency requiring the submission of a Form BG-1 occurs:

- **Take all precautions to address the safety of the persons on site, contact emergency personnel as required.**
- **Contact maintenance personnel to stabilize and waterproof the facility, the situation may require that community volunteers be sought and hiring local contractors with the equipment to address the situation be brought to the site.**
  - **Keep records of all volunteer's hours, equipment rented, materials purchased and payments to contractors. These may be able to be reimbursed later.**
- **Contact your insurance carrier.**
- **Contact your Architect.**
  - (a) The emergency shall be declared in accordance with KRS 424.260 or 45A.380, whichever is applicable (**This can be done by the Superintendent and confirmed by the local board as soon as a meeting can be scheduled.**) ; and
  - (b) The board shall:
    1. Notify the division and request approval to proceed with the plans and corrective action; (**This can be done with a simple phone call or email to this office.**)
    2. Submit to the division:
      - a. Form BG-1; (**Submit this as soon as a board meeting can be scheduled, but do not slow down the process to address the emergency.**)
      - b. Copy of the board order declaring the emergency; and
      - c. Copy of the written determination as required by KRS 45A.380 for those districts that have adopted the Model Procurement Code.

- **At this time, the district would be able to pay for the work from:**
  - **General Fund**
  - **FSKP Cash (local or State – this is the local nickel)**
  - **Capital outlay Cash**
  - **SFCC 2011 Cash escrow**
  - **If the work that is undertaken is of a size that it cannot be covered by “cash in hand”, unless the building is “transitional” the work may be able to be bonded to not only undertake the work, but also to reimburse the district for “out of pocket” expenses. This can be determined as the project is unfolding with the help of your fiscal agent and design team.**

Thank you for your assistance. If you have any questions, please contact me at 502-564-4326.