



## **3645.1: PROCEDURES - CHANGE ORDERS**

**The following procedures shall be followed with respect to the administration of board-approved construction, renovation, and remodeling of capital improvements of the District (hereinafter referred to as "construction").**

## **I. Definitions**

**For purposes of this Rule, the following definitions shall apply:**

**A. "Superintendent's Construction Review Committee" shall mean a committee established by the superintendent to receive construction reports and other communications from the owner's representative(s) and to make decisions under the provisions of this Rule on construction related matters.**

**B. "Time is of the Essence" shall mean that time is a material condition in a construction contract and delay in the performance of the contract could disrupt the orderly progress of the construction, affect the operations of the District, or affect the cost of construction.**

**C. "Owner's Representative(s)" shall mean the construction manager(s), architect(s), engineer(s), or consultant(s) employed by the district to assist with the construction.**

## **II. Incorporation of Rule Into Contracts and Agreements**

**All contracts or agreements between the District and the construction manager(s), architect(s), engineer(s), or consultant(s) shall incorporate this Rule.**

## **III. Change Orders Changing Cost of Construction \$10,000 or Less**

**A. Change Orders either increasing or decreasing the contract amount by \$10,000 or less may be approved by the Superintendent or his/her designee upon the recommendation of the owner's representative(s) having the duty and responsibility to make the recommendation to the District.**

**B. The Change Order shall not require prior approval of the Board of Education but shall be reported to the Board of Education at one of its regularly scheduled meetings or special meetings within ninety days of such approval.**

## **IV. Change Orders Increasing or Decreasing the Cost of Construction in an Amount Exceeding \$10,000:**

**A. Where Time Is of the Essence: Where time is of the essence, proposed Change Orders may be approved by the Superintendent or his/her designee without prior presentation to the Board of Education if:**

**1. The owner's representative(s) with the responsibility of submitting recommendations for Change Orders**

to the District determines that time is of the essence and that the decision on the Change Order cannot reasonably be delayed for submission to and consideration by the Board of Education, and submits its determination in writing to the Superintendent, and

2. The Superintendent or his/her designee determines that time is of the essence and that a decision in the Change Order cannot reasonably be delayed for submission to and consideration by the Board of Education prior to the approval of the Change Order, and

3. Both the owner's representative(s) and the Superintendent or his/her designee agree that the Change Order is reasonable and necessary, and

4. In the event the superintendent or his/her designee, in consultation with the Superintendent's Construction Review Committee and the owner's representative(s) are of the opinion that the proposed cost, scope, or effect of the Change Order is not reasonable or beneficial to the district, the contractor may be directed to proceed with the change proposed subject to a determination of cost at a later date.

Change Orders under this subparagraph shall be reported to the Board of Education at one of its regularly scheduled or special meetings within ninety days of the approval of the Change Order by the Superintendent or his/her designee.

#### **B. Where Time is Not of the Essence:**

Change Orders where time is not of the essence shall be submitted to the Board of Education for consideration, approval, or rejection at a regularly scheduled or special meeting of the Board of Education in such form as the Board may require.

#### **V. Material Changes:**

Notwithstanding any other provisions of this Rule, no Change Order may be approved which materially changes the scope of a construction project without prior approval of the Board of Education.

#### **VI. Execution of Documents:**

Change Order documents may be executed by the Superintendent or his/her designee, and, the Chief Financial Officer is designated to so act on behalf of the Superintendent.

**Date of Adoption**

**May 18, 1998**

**Date of Revision**

**October 18, 2004**

**September 17, 2018**

**Reaffirmed**

**May 3, 2010**

**Related Policies and Rules**

**[3645: Procedures - Change Orders](#)**