

## **PROPERTY MATTERS**

### **POLICY FOR RENOVATION AND CONSTRUCTION**

#### **POLICY OVERVIEW**

##### **Governing Authorities**

- This policy is set forth for the purpose of permitting the Ordinary and the parishes/institutions of the Diocese of Springfield to meet all canonical, legal and pastoral **responsibilities before any construction project** begins. All **Projects** (see definition below) must adhere to this policy.
  
- Civil and Canon Law Consideration
  - All property in the Diocese of Springfield is held in the name of the **Roman Catholic Bishop of Springfield, a corporation sole.**
  - The Bishop, in addition to being the Canonical Ordinary for the Diocese of Springfield, is also the sole officer of the civil corporation: Roman Catholic Bishop of Springfield, a corporation sole.
  - **To be valid, all contracts of more than \$25,000 must be signed by the Bishop.**
  
- The Diocesan Building Commission, Chancery staff, and all applicable diocesan consultants are available to assist the pastors/administrators.

##### **Diocesan Building Commission**

- Members are appointed by the Bishop to advise him on property matters related to new construction, renovation, liturgical changes and major repairs.
- Composition of members includes:
  - Priests, Deacons
  - Lay professionals in the fields of architecture, engineering and construction.
  - Diocesan officials with financial expertise.

## **Director of Buildings and Grounds (DBG)**

- The DBG of the Diocese of Springfield serves as **technical resource** for the parishes, institutions and Diocesan Building Commission for matters concerning the initiation, planning and implementation of construction, repair, or alteration of properties.
- The DBG acts as the liaison between the Diocesan Building Commission and the parishes and other institutions in the diocese.
- Director of Buildings and Grounds Essential Functions/Major Responsibilities
  - Carry out tasks as may be assigned by the Commission during the planning and implementation phase of a project.
  - To the extent requested, provide assistance to parishes and institutions with the initiation and prosecution of building/repair projects.
  - Negotiate, as required with contractors, equipment supplies, and parties involved with a project.
  - Physically inspect the progress and completion of assigned projects.
  - Maintain a project status report containing basic data for each project. The project status report shall be updated as the project develops. The project status report shall be presented to the Chairman of the Building Commission on a monthly basis and to the full Diocesan Building Commission for their deliberation.
  - Collect all necessary plans, reports, contracts, insurance certificates, photos and other pertinent information as may be required for a project's permanent file. The permanent file shall be kept in the vault in the Chancellor's office of the Diocese of Springfield.
  - Examine requisitions for payment as to their accuracy before such documents are submitted through the proper channels for payment.
  - Ensure that a copy of all signed contracts is submitted to the Diocesan Finance Office and placed in the Chancery Office safe.
- Job Skills, Knowledge and Experience
  - A professional reputation for effectiveness, honesty and integrity.
  - The willingness to work with various individuals in a polite and respectful manner as a representative of the Roman Catholic Bishop of Springfield.
  - An in-depth working knowledge of current building and repair procedures.
  - An in-depth working knowledge of the Policy for Renovation and Construction of the Diocese of Springfield and other diocesan related policy matters.

➤ Specific Exclusions to Stated Duties

- The DBG shall perform no service nor engage in any activity for which the Commonwealth of Massachusetts requires registration and which is normally performed by attorneys, registered architects, registered professional engineers, environmental consultants, or other design professionals.
- The DBG will not act as a design professional and shall not prepare plans, contracts, and/or technical specifications for any project for which the Commonwealth of Massachusetts or local code requires a certified design professional.

**Handicapped Accessibility**

- Freedom of access for the handicapped to all church programs, services, properties and celebrations should be a priority, especially in renovations.
- All diocesan and parish buildings, including churches, schools, halls, offices and other facilities should be accessible to the handicapped.
  - New buildings and remodeling **projects** must provide for the needs of the physically handicapped.
  - Existing structures should be examined to determine the feasibility of alterations providing free access to all.
- Accessibility designs should be consistent with the requirements of federal, state and local laws.

**Procedures**

- All **requests related to this policy** are initially directed to the Ordinary and referred by him to the Diocesan Building Commission for its recommendation prior to his making a final decision on property related matters.
  - Only requests in writing will be considered
  - **Requirements for Bishop's approval**
    - Description of the scope of the **project** and the needs of the parish.
    - Consideration by the Parish Council and the Parish Finance Council.
    - Summation of their deliberation and conclusion.
- **Project** is defined as all work and costs related to the following:
  - Repair and maintenance.
  - New construction.
  - Addition to, renovation of or relocation of a building.
  - Completion of an unfinished building.
  - Any liturgical changes, especially to the sanctuary.
  - Demolition of buildings.

➤ **Pastor's Signing Authority**

- Canonically the Pastor has the authority to sign related documents for project whose cost, **in the aggregate, is not greater than \$ 25,000.** **It is recommended that** the pastor seeks the advice of the parish Finance Council on projects in the \$ 15,000 to \$ 25,000 range. The advice of the council should be documented in writing.
- For projects with **aggregate costs over \$25,000**, the Bishop is required to sign all related documents.
- **Projects must be reviewed as a whole.** They cannot be divided into component parts in order to meet the cost requirement levels.
- **Notwithstanding the above, for all projects, regardless of the dollar amount, where environmental issues regulated by federal, state or local laws are present (such as asbestos, lead paint, oil or hazardous materials, mold, waste disposal, wetlands, etc.) shall be brought to the attention of the DBG for review.**

➤ **Building Commission meetings**

- The Building Commission typically meets monthly on the 1<sup>st</sup> Monday of the month.
- Requests for approval of projects received by the Bishop before the 15<sup>th</sup> of the month will be placed on the agenda for the next Building Commission meeting.
- Emergency Building Commission members can be convened to make recommendations on time sensitive projects on a case-by-case basis.

➤ **Building Commission meeting with pastor/administrator and the relevant parish/institution's committee**

- If the Building Commission or Pastor feels that this is necessary
- Will be held at a regularly scheduled Commission meeting or a special purpose interim meeting.

**No negotiations** of any sort should be entered into with any architect or contractor **until appropriate written permission** has been obtained from the Bishop.

➤ **In the case of emergency Projects** regarding immediate and necessary repairs

- Sufficient funds must be on hand to proceed with immediate and necessary repairs/needs in times of crisis i.e. damage due to weather, fire, etc.
- **Interim Permission may be gained**
  - Through a direct call to the Chairman of the Building Commission.
  - Through the Emergency Building Commission.
  - For any expenditure with interim permission to be presented at the next Building Commission meeting for formal written approval issued in the normal manner.

- **Projects that require an architect or will exceed \$100,000** in the aggregate
  - Building Commission may assign, at its discretion, a representative to attend meeting with the pastor/administrator and the parish/institution committee.
  - Representative may be a Building Commission member and/or another individual with appropriate experience.
  - Building Commission representative.
    - Assists parish in developing the scope, design and costs of the **Project**.
    - Helps assure consistency with diocesan policy for adequate functional construction with special reverence to modesty of design and cost.
- **Approved requests** for project outlays which total over the range of \$15,000-\$25,000 aggregate for one Project
  - Requests should always include the solicitation of at least three bids.
  - Three bids requirement relates to all requests for repair and maintenance work, new construction, addition to or renovation or relocation of a building, completion of an unfinished building, any sanctuary changes or liturgical renovations, and demolition of buildings.
  - Information on these matters should be forwarded in writing to the Bishop via the Building Commission.
- Total **expected costs** within one project **less than \$15,000**
  - Pastors/administrators are advised to contact the DBG before finalizing Projects.
  - DBG will assist and advise as to bidding requirements.

## **Contracts and Bidding**

### **Permission to Proceed**

- Once **Permission is granted** to enter into preliminary discussions with architects or contractors for any **Project**
  - The Building Commission will ask the **DBG to contact the pastor/administrator to secure the specifications of the work to be done.**
  - The DBG will help prepare and review proposed specifications before any business is solicited.
    - State Law requires that specification for certain types of **Projects** be prepared by an architect or a licensed engineer.

- In all **Projects**, it will be the DBG's responsibility to determine whether an architect is required, or whether specifications prepared by the DBG or by someone else are acceptable.

### Bishop/Building Commission

If architectural services are required, the pastor may suggest the name of a firm to the Building Commission or

- The Building Commission can provide the parish/institution with a list of approved architects.
- At least three architects must be interviewed before a choice is indicated.
- The Bishop reserves the right to make his own selection of architect.

### Contracts

#### Architect's Contract

- **Before the architect begins work**
  - A fee for services will be agreed upon mutually and a contract signed.
- The latest edition of the American Institute of Architects (AIA) contractual form (*form & supplement.*) in Appendix
  - may be modified to meet diocesan standards as determined by the Bishop and legal counsel for the diocese.
  - no other forms of contract will be used unless another form is recommended by diocesan legal counsel and approved by the Bishop.
- The contract will be issued in triplicate and signed in the following order:
  - The architect
  - The pastor or administrator
  - The Bishop of Springfield
- The Diocesan Legal Counsel has advised that any agreements requiring the Bishop's signature should **not be signed by the Bishop until all other necessary signatures have been obtained.**
- After the **architectural services contract** has been **signed**
  - The DBG will coordinate the **Project** with the pastor/administrator and the architect through the design phase, construction document phase and the bidding phase.
  - For all Projects, it will be the DBG's responsibility in consultation with the pastor/administrator to determine whether a **General Contractor** is required.

#### Bidding the Project

- Once the specifications have been drawn up, the DBG, with the pastor/administrator's permission, will seek appropriate bids for the work specified.
  - Bids must be received from at least three qualified contractors.
  - The pastor/administrator may suggest bidders.
  
- Only qualified Union and/or non-union General Contractors may be invited to bid (see labor section of this policy) based on the dollar value of the project.
  - **Under \$ 2,500,000.00** either pre-qualified union or non-union
  - **Over \$ 2,500,000.00** union general contractors only unless a **parish member is the owner of a non-union firm and is pre-qualified.**
- **Lowest bid** will generally be accepted
  - Cost will, however, be only one factor.
    - Special facts or circumstance i.e. contractor is a parishioner
    - Pastor/Administrator recommendation
    - Recommendation of building commission
    - Recommendation of Parish and/or Finance Council
  
- Contractor's Contract
  - Contract will be prepared on the standard AIA form
    - Modified to meet diocesan standards as determined by the Bishop and legal counsel for the diocese.
    - Other forms only if recommended by diocesan legal counsel and approved by the Bishop.
- The DBG, the architect, and the diocesan legal counsel will develop the contract.
- The contractor's contract will be issued, when signed, in triplicate and signed in the following order:
  - The contractor
  - The pastor or administrator
  - The Bishop of Springfield
  
- No work shall begin until all parties have received their signed contract, bonds (if required) and insurance certificate are received by the Diocese.
- The pastor/administrator will be conversant with the terms of the contract and a signatory to the contract.
  - DBG and the Diocesan Building Commission will work with the pastor/administrator, architect, and contractor, as needed to assist the pastor/administrator and contractor in carrying the **Project** to completion.

## Funding Matters

- **The parish must have sufficient funds on hand**
  - To meet the total cost of a contemplated **Project**, including the architect's fee.
  - In excess of the parish's current obligations.
  - On deposit in a parish account or a parish chancery savings account.
  - To pay ongoing maintenance costs of the **Project**.
  
- If these sufficient funds are not on hand, parish must
  - Determine if feasibility study should be completed to validate fund raising.
  - Identify fundraising activities planned in conjunction with the **Project in project request letter to the Bishop**.
  - A specific written request for approval from the Bishop's office to initiate fundraising.
    - Three-year exemption from Cathedraticum for the specified fundraising granted in certain cases with the stipulation that the 1<sup>st</sup> year goal of the Annual Catholic Appeal must be guaranteed during the first year's fund collection.
  - The Bishop will not approve any project unless all funding requirements are met.
  
- **Exceptions**
  - Only in very rare instances will exceptions to the cash on hand policy be entertained i.e. weather or fire damage crisis for which diocesan insurance will provide funding.
  - Bishop must approve any deviations in writing before project begins.
  - The Building Commission must be made aware of the funding exceptions.
  
- **Outstanding Debts**
  - The existence of debt does not automatically eliminate the possibility of approval for **Projects** but will be given sufficient consideration in the approval process.
  - The pastor should meet with the Bishop and his staff to discuss a reasonable arrangement.
  - The Finance Office recommendation, along with the financial profile of the parish, will be presented to the Building Commission for review and for recommendation to the Bishop.

## Labor Matters

- Labor unions play a significant role in upholding the dignity of the worker.
- Bids from union and non-union contractors



- Exceptions to exclusive union labor contractors:
  - Repair or renovation work is less than \$2,500,000 as set by the USCCB
  - New construction is less than \$ 2,500,000 – adjusted from time to time to reflect inflationary factors in the local building and construction industry.
  - Qualified non-union general contractors whose owner(s) is/ are members of **the** parish.
  - Qualified union labor is not readily available.
  - Qualified non-union labor may be considered for other significant pastoral reasons.

### **Getting Pre-Qualified**

- **Any General or Sub Contractor that would like to be pre-qualified to bid on Diocesan projects may request pre-qualification by submitting a completed AIA 305-1986 Contractor’s Qualification Statement and submit to the Director of Buildings and Grounds. Statement shall be reviewed by the DBG and Finance Officer in confidence. Their recommendations shall be made to the Building Commission and Bishop for approval.**

### **Volunteer Labor**

- Any construction or renovation work to be done with volunteer help
  - Must first have the authorization of the DBG and/or Building Commission.
  - Will be subject to approval by the provider(s) of the diocesan property and liability insurance.
  - Must have a Certificate of Insurance of \$1,000,000.

### **Other Policy Specifics**

#### **Insurance and Performance Bonds**

- The Contractor shall forward to the Roman Catholic Bishop an insurance certificate
  - Reviewed by the DBG and applicable diocesan personnel and made part of contract prior to Bishop’s signature and prior to commencing work.
  - Showing coverage for Workman’s Compensation in accordance with the Commonwealth of Massachusetts law and public liability insurance with minimum limits of \$2,000,000/\$4,000,000 each occurrence, limit of \$10,000,000 aggregate.
- Exceptions may be granted

- For **Projects under \$25,000**, Public Liability Insurance shall be \$500,000 per person, \$1,000,000 per occurrence, limit of \$2,000,000 aggregate.
  - For **Projects \$25,000 to \$160,000**, Public Liability Insurance shall be \$500,000 per person, \$2,000,000 per occurrence; limit of \$4,000,000 aggregate
  - For **Projects over \$160,000**, Public Liability Insurance shall be \$500,000 per person, \$3,000,000 per occurrence; limit of \$5,000,000 aggregate.
- 100% Performance and Payment Bonds are required on all projects over \$ 100,000.00 in value.

### Asbestos and Hazardous Materials

Handling and disposing of such materials is governed by strict federal, state and local laws.

- Diligent care must be exercised in the handling and removal of asbestos and hazardous waste in all diocesan and parish buildings.
  - Strict coordination is required with the diocesan legal counsel for environmental matters.
  - Notification to DBG must be given prior to start of project.
  - When removing vinyl asbestos tile the mastic, if testing confirms it contains asbestos, shall also be removed in its entirety.
- **A qualified Industrial Hygienic Consultant will be retained by the diocese for all related environmental work.**
- **The firm will be**
    - **Certified and licensed** in accordance with applicable laws.
    - Responsible for asbestos inspection and for the design, planning and monitoring of asbestos abatement and other environmental work.
    - Required to file all necessary reports to governmental authorities and coordinate all environmental activities with diocesan legal counsel.
- **One firm shall be designated** by the diocese to handle and coordinate **all environmental work within the Diocese of Springfield**
- Provide a single point of contact for parishes, DBG, diocesan legal counsel and Bishop.
  - Provide basis for historical knowledge of diocesan needs.
  - Shall be independent of any contractor or architect

- Will work closely with the diocesan legal counsel responsible for environmental matters.
- Shall report directly to the DBG and the diocesan legal counsel for environmental matters.
- List of qualified contractors is on file with the DBG and Building Commission.