

**RULES
OF
TENNESSEE BOARD FOR LICENSING CONTRACTORS**

**CHAPTER 0680-08
GO BUILD TENNESSEE**

TABLE OF CONTENTS

0680-08-.01	Definitions	0680-08-.05	Contractual or Promotional Agreements
0680-08-.02	Reports	0680-08-.06	Go Build Account
0680-08-.03	Requests for Information by the Board	0680-08-.07	Applications for Disbursements
0680-08-.04	Contracts for Resources	0680-08-.08	Disbursing of Funds

0680-08-.01 DEFINITIONS.

- (1) "Board" means the Tennessee Board for Licensing Contractors.
- (2) "Corporation" means the Corporation created to implement and administer the Go Build Tennessee Program pursuant to T.C.A. § 4-41-103.
- (3) "Program" means the "Go Build Tennessee Program" created in T.C.A. title 4, chapter 41.

Authority: T.C.A. § 4-41-105. **Administrative History:** Original rule filed July 18, 2017; effective October 16, 2017.

0680-08-.02 REPORTS.

- (1) The Corporation shall submit quarterly reports to the commissioner of the department of labor and workforce development and the Executive Director of the Board. The quarterly reports shall include:
 - (a) A compilation prepared by a licensed Certified Public Accountant in compliance with generally accepted accounting principles; and
 - (b) Information documenting the number of training opportunities for secondary and postsecondary students in the construction industry created or attracted by the Corporation during that quarter. These reports should indicate increases and decreases in training opportunities from the previous quarter.
 1. Enrollment statistics will measure the impact of the Corporation's effect. Enrollment data is to be collected from the Tennessee Division of College, Career and Technical Education, The Tennessee Board of Regents, The Tennessee Council for Career and Technical Education, and the Tennessee Department of Education. The Program may also conduct additional surveys to gather relevant information.
- (2) The Corporation shall submit a copy of the annual report submitted pursuant to T.C.A. § 4-41-109(b) including a statement of the Corporation's operations, and all information requested in paragraphs (1)(a) and (1)(b) of this rule on an annual basis, to the Board within ninety (90) days after the end of the Corporation's fiscal year.

Authority: T.C.A. §§ 4-41-105 and 4-41-109. **Administrative History:** Original rule filed July 18, 2017; effective October 16, 2017.

0680-08-.03 REQUESTS FOR INFORMATION BY THE BOARD.

- (1) The Corporation shall respond within seven (7) calendar days to any request for information pertaining to the disbursement of funds and provide all information pertinent to such request by the Board, its Executive Director, or such person authorized to act on behalf of the Board or its Executive Director; however, the Executive Director may allow for a reasonable extension of time for a response upon written request by the Corporation unless the Board has voted to not allow such additional period.
- (2) Within seven (7) calendar days of scheduling a meeting of the Corporation, the Corporation shall notify the Executive Director of the Board of the date, time, and location of the scheduled meeting.
 - (a) If an emergency meeting of the Corporation is scheduled to take place within one (1) week of scheduling the meeting, the Corporation shall notify the Executive Director immediately.

Authority: T.C.A. § 4-41-105. **Administrative History:** Original rule filed July 18, 2017; effective October 16, 2017.

0680-08-.04 CONTRACTS FOR RESOURCES.

- (1) Should the Corporation contract with independent persons or entities for materials, labor, or any other needed resources that the Corporation may lawfully obtain, the Corporation shall adhere to the following protocol:
 - (a) The Corporation shall receive at least three (3) bids to perform a contract unless the Corporation makes a finding in writing that one of the following contingencies exists:
 1. That receiving multiple bids would not be in the best interest of the Corporation;
 2. That the Corporation has previously attempted to obtain multiple bids but was unable to do so; or
 3. That the qualifications of one (1) vendor make it the only qualified vendor to provide the services required under the contract.
 - (b) All bids shall be in writing, shall disclose the person or entity's name making the bid, the price or cost structure – including total cost under the contract, and such other information as the Corporation may require.
 - (c) No member of the Corporation shall take part in the consideration or discussion of a contract if such person has a direct or indirect interest in any company placing a bid. Direct interest in a company means any ownership interest by the Corporation member or any member of such person's immediate family. Indirect interest includes social, familial, or professional connections which reasonably prevent a member of the Corporation from acting objectively.
 - (d) The Corporation shall select the best vendor taking into account the overall cost, the professional qualifications of the vendor, and the needs of the Corporation.
 - (e) The Corporation may delegate the review and acceptance of bids to one (1) or more persons each having no direct or indirect interest in any of the bidders, as defined above, who shall review all submissions and choose a qualifying person or entity based on overall cost, the professional qualifications of the vendor, and the needs of the Corporation.

(Rule 0680-08-.04, continued)

- (f) No member of the Corporation or any entity that they have an interest in directly or indirectly have a financial interest in shall enter into a contract with the Corporation for resources or services.

Authority: T.C.A. § 4-41-105. **Administrative History:** Original rule filed July 18, 2017; effective October 16, 2017.

0680-08-.05 CONTRACTUAL OR PROMOTIONAL AGREEMENTS.

- (1) A copy of the following information shall be sent to the Board office within thirty (30) days after entering into a contractual or promotional agreement pursuant to § 4-41-104:
 - (a) A statement of the purpose or direction of the contractual or promotional agreement;
 - (b) A detailed description of the contractual or promotional agreement and timeline of any such agreement;
 - (c) The name of any entity with whom the Corporation entered any such contractual or promotional agreement;
 - (d) The maximum amount to be expended under any contractual or promotional agreement; and
 - (e) The number of bidders considered in awarding the contractual or promotional agreement.
- (2) Any change in the information provided pursuant to paragraph (1), including any extension of an agreement or additional expenditure under an agreement, shall be publicly disclosed in the same manner as provided in paragraph (1).

Authority: T.C.A. §§ 4-41-104 and 4-41-105. **Administrative History:** Original rule filed July 18, 2017; effective October 16, 2017.

0680-08-.06 GO BUILD ACCOUNT.

- (1) To fund the Program, fifty percent (50%) of the Board's excess licensing revenue collected during that fiscal year after all expenditures for that fiscal year shall be transferred to the Go Build Account on an annual basis.
 - (a) The transfer of funds shall be made during the first quarter of every fiscal year beginning with 2015-2016, with the last transfer to be made in fiscal year 2018-2019.
 - (b) All funds that are transferred to the Corporation shall be transferred from the Board's reserve balance and shall not be budget expenditure.
- (2) Prior to any dissolution of the Corporation, the members shall cause the Corporation to discharge or make reasonable provisions for the payment of claims and make distributions of all assets after payment or provision of claims to the Board. If funds were contributed to the Corporation by entities other than the Board, the Corporation shall pro rate the amount to be remitted to the Board based on the percentage of their contribution plus any amount used during the current fiscal year from the initial funding contribution compared to all contributions made within the current fiscal year. All other assets and funds shall be distributed, after payment or provision of claims, according to Tennessee and federal law.

(Rule 0680-80-.06, continued)

Authority: T.C.A. § 4-41-105. **Administrative History:** Original rule filed July 18, 2017; effective October 16, 2017.

0680-08-.07 APPLICATIONS FOR DISBURSEMENTS.

- (1) The Program may, but is not required to, make grant applications available to Programs, as described in this rule.
- (2) If the Program accepts grant applications, any eligible institution may make application to the Program. The Program shall require each eligible institution to file a written application with the Corporation prior to any disbursement.
 - (a) “Eligible institution” means secondary schools in Tennessee, postsecondary schools in Tennessee, the Tennessee colleges of applied technology, and other community colleges in Tennessee.
 - (b) “Eligible program” means career and technical education Programs or other certified and nationally accredited programs that encourage and promote career opportunities in the construction industry that are in secondary schools in this state, postsecondary schools in this state, the Tennessee colleges of applied technology, and other community colleges in this state.
- (3) A copy of the statement of purpose or direction pursuant to 0680-08-.06 (1)(a), a copy of the detailed description of the project and timeline pursuant to 0680-08-.06 (1)(b), the name of the applicant, and the total amount of funds approved to be disbursed from the Program pursuant to any application resulting in the Corporation granting funds from the Program to an eligible institution for an eligible Program shall be publicly disclosed on the Corporation’s website within thirty (30) days after any agreement is made.
- (4) The Corporation shall receive all applications in writing and in choosing which applicants will receive grants shall follow the following protocol:
 - (a) The application shall disclose the person or entity’s name making application;
 - (b) No member of the Corporation shall take part in the consideration of or discussion of an application if such person has a direct or indirect interest in any person or entity making application. No member shall propose on or contract with the Corporation if such person has a direct interest in or an indirect financial interest in any person or entity making application. Direct interest in a person or entity means any ownership interest by the Corporation member or any member of such person’s immediate family. Indirect interest includes social, familial, or professional connections which reasonably prevent a member of the Corporation from acting objectively; and
 - (c) The Corporation may delegate the review of applications to one (1) or more persons each having no direct or indirect interest in any of the applicants, as defined above, who shall review all submissions and choose a qualifying person or entity.

Authority: T.C.A. § 4-41-105. **Administrative History:** Original rule filed July 18, 2017; effective October 16, 2017.

0680-08-.08 DISBURSING OF FUNDS.

- (1) Funds collected pursuant to T.C.A. § 4-41-105(b) shall be used by the Corporation to pay expenses incurred by the Corporation for the administration of the Program.

(Rule 0680-08-.08, continued)

- (2) Funds shall be used to encourage and promote career opportunities in the construction industry by way of attending a school with career and technical education Programs and other certified and nationally accredited Programs that are in secondary and postsecondary schools in this state, Tennessee colleges of applied technology, and other community colleges in this state, and through apprenticeship Programs.

Authority: T.C.A. §§ 4-41-105, 4-41-107, and 4-41-108. **Administrative History:** Original rule filed July 18, 2017; effective October 16, 2017.