



Summary:

The intent of this Directive is to provide guidance regarding building and sites that may have historical significance.

Overview:

In compliance with Section 14.09 of the New York State Historic Preservation Act of 1980, State agencies shall consult with the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP / SHPO) if it appears that any project may or will cause any change, beneficial or adverse, in the quality of any historic, architectural, archeological or cultural property that is listed on the National Register of Historic Places or property listed on the State Register of Historic Places or that is determined by the commissioner to be eligible for listing on the State Register of Historic Places. It requires State agencies, to the fullest extent practicable, consistent with other provisions of the law, to avoid or mitigate adverse impacts to such properties, to fully explore all feasible and prudent alternatives and to give due consideration to feasible and prudent plans which would avoid or mitigate adverse impacts to such property.

Consultation is also required for buildings 50+ years old, to determine historic significance and eligibility for listing. Buildings that are not 50+ years old at the start of design but may be by the completion of construction, or buildings that may be deemed eligible for reasons other than age, shall be reviewed with the Project Coordinator to determine the appropriate actions (if any) in regard to historic preservation.

Consultation may also be required if there will be site disturbance and the site has been identified as within an archeologically sensitive area by the Fund.

Responsibility:

For Fund projects requiring a consultation, the Fund's Agency Preservation Officer (APO) will determine the timing of consultations with OPRHP and do all consulting with OPRHP. Unless approved by the Fund's APO, consultants will not have direct contact with OPRHP.

Procedures

The Consultant's responsibilities are as follows:

I. Program Verification Phase

- a. The scope may have identified that the building is potentially eligible for listing as a historic structure (generally a building or structure greater than 50 years old), or that the site may contain historic cultural resources (archaeological objects, historic viewshed, etc.). If not identified in the scope, the Consultant shall discuss the possibility that the project may affect a historic structure or cultural resources with the Fund Coordinator and the Campus.
- b. The Consultant shall request specific documentation from the Campus defining the historic nature of the structure (what portions, both interior and exterior, which still retain a significant portion of their historic character) or the possibility of encountering cultural resources, such as archaeological investigations performed previously on campus.
- c. The Consultant shall provide an assessment of the impact of this review on the project scope, schedule, and budget.

II. Concept Phase (scope may be combined with the Schematic Phase below)

- a. The Consultant shall explore design options that are both sympathetic to the historic resources involved and address building code, maintenance and constructability concerns associated with the archaic construction that might be restored. The Consultant shall document the effect the repair, restoration or replacement of the historic elements may have on the campus program for the project.
- b. The Consultant shall document the existing conditions of the historic resources with photographs keyed to drawings and includes these in the Concept Report.
- c. The Consultant provides a Concept Report showing the proposed design, existing conditions and other information regarding the historic elements. The Fund Project Coordinator (with assistance from the APO as necessary) shall determine if the Concept Report contains the information necessary to convey the intent of the historic preservation or cultural resources interventions.
- d. The Fund APO shall consult with OPRHP as appropriate based on the project scope. Each correspondence received from OPRHP will be shared with the Consultant. The Consultant shall respond in writing to the Fund to specific concerns raised.
- e. Significant concerns raised by OPRHP may require more research, archeological study, and investigation, possibly through special consultants with expertise to address OPRHP concerns in the appropriate detail, which will be performed by Extra Compensation unless already provide for in Schedule B of the Agreement. Common reports are window surveys, masonry surveys and archeological cultural surveys.

III. Schematic Phase

- a. The Schematic Report submission should be based on the design approach approved by the Fund. Further review and consultation with OPRHP may be pursued as noted for the Concept Phase. Note that for certain project types (windows / masonry / miscellaneous exterior work / site projects, etc.) the Schematic Design Phase may be the appropriate time to begin consultation with the OPRHP.
- b. An excellent resource when working with archaic materials, can be found at: <https://parks.ny.gov/shpo/technical-assistance/>. At this website are links for the Secretary of the Interiors Standards, and technical preservation guidance for exterior and interior materials and assemblies.

IV. Design Manual / Construction Document Phases

- a. The submissions should be based on the design approach approved by the Fund. The construction cost estimate should reflect any special work and efforts that may be required of the Contractor. When initiated by the Fund, further review, and consultation with OPRHP may be pursued as noted for the Concept Phase.
- b. The bidding documentation should clearly define any special expertise that the Contractor must have, as well all special work and efforts required.
- c. The Consultant shall require in the construction documents of all projects involving excavation in undisturbed areas that whenever, during construction, objects of archaeological, paleontological or historical interest are discovered, such objects should not be moved or destroyed.

V. Construction Phase

- a. **Equivalents (Substitutions)**
 - (1) The Consultant must rely on the technical and esthetic basis provided by the written specifications when reviewing equivalents for approval in accordance with Section 2.20 of the Construction Agreement. Therefore, the language of the specifications shall be scrutinized and tested against possible equivalent scenarios prior to bidding.
 - (2) Equivalents that alter the design intent requested by OPRHP must be reviewed by the Fund and possibly OPRHP prior to approval.
- b. In the event of such a discovery, it will be the responsibility of the contractor to reschedule its work to avoid disturbing said objects and to immediately notify both the onsite representatives of the Consultant and the Fund's Construction Coordinator. Upon receipt of such notice, the Fund will notify the Education Department, who will promptly inspect.
- c. In the event objects are to be removed or salvaged requiring additional work by the contractor, a change order will be issued, with the amount thereof to be calculated pursuant to the provisions of Section 4.03 of the Construction Agreement.

- d. If required by the consultation results, the Consultant will document the work with photographs, sketches, etc. as appropriate to provide a detailed record of the work performed.