

# **TENNESSEE BOARD OF REGENTS**

Drafted by: The Office of Facilities Development

## **Information for Campus In-House Construction / Maintenance projects including Gift-In-Place projects / Emergency Project Procedures**

Each campus should have a defined, written review process that establishes the procedures and responsibilities for in-house construction and maintenance projects to assure that the project complies with State Law, applicable codes and State Building Commission (SBC) policy. Each in-house project shall go through the review process established by the campus with the Office of Facilities Development to determine if further review and permitting will be required as well as SBC approval for the project.

Projects included in the review process may be in one or more of the following categories:

1. Review and approval by the State Fire Marshal's Office (SFMO) is required for a change of occupancy, an alteration of an exit arrangement, fire resistive assemblies, type of construction, and involves the installation of fire suppression or detection systems, or fuel-fired equipment. There is no minimum value set for the SFMO required review. The SFMO requirements apply to both owned and leased facilities. Structural analysis may be required on existing buildings. If there is a question, the campus contact at the SFMO to determine if their review is required.
2. Documents sealed by an Architect / Engineer are required if the work involves any building systems (structural, mechanical, electrical, plumbing, sprinkler, roof) or the project requires SFMO approval. Work of \$50,000 or more may require A/E sealed documents.
3. A contract that is \$25,000 or more will require a licensed contractor. The licensing requirement applies to furniture that is connected to the building or building electrical system.
4. A single contract that is \$100,000 or more will require a Contract Bond.
5. Projects between \$100,000 and \$500,000 may be "Delegated" projects which requires approval by the State Architect. (Item 2.01 A.6 - SBC By-laws, Policy & Procedure)
6. A project or combination of projects within 6 months that exceed \$100,000 within a single building will require SBC approval.
7. A project that includes electrical work will require a State permit and inspections in accordance with the Rules for Electrical Installations.

The process shall be approved by the appropriate campus designee as appointed by the President of the campus. Each project shall include a sign-off process for that project. The process developed by each campus shall establish a facilities person responsible for the procedure determining which projects will require a code review, submittal to the State Fire Marshall as required by rule, seal of a licensed professional and a licensed contractor when required by state law and a process to obtain a building permit (and subsequent inspections) as appropriate. The campus may employ any combination of responsible parties as appropriate.

1. In-house code authority
2. In-house Architect or Engineer
3. TBR Code Consultant
4. TBR Architect or Engineer Consultant

## **Currently Adopted Building Codes**

[Tennessee State Fire Marshal's Office Currently Adopted Codes](#)

## **ADA compliance information:**

[01 41 15 Basic Regulatory Requirements](#)

## **Architects & Engineers rules:**

[Requirements for Building Design](#)

## **References:**

### **Gift-In-Place projects:**

Gift-In-Place projects are projects that are to be executed on campus by a third-party donor. All Gift-In-Place projects require SBC approval. In addition, all projects including the items enumerated below must be submitted to the State Architect and approved prior to construction. The Designers Manual incorporates various SBC requirements, and the Contracting Requirements and Specifications should be used when appropriate.

The following items need to be completed for each Gift-In-Place project.

1. A completed "Gift in Place Justification Form" will need to be submitted to the State Architect/ SBC: review Item 5.03 - SBC By-laws, Policy & Procedure [Gift in Place Justification Form](#)
2. Final plans and specifications approved by the OSA in accordance with the State Building Commission Policy and Procedures, relating to project reviews.
3. Approval letter(s) from State Fire Marshal's Office, local codes officials and any other applicable authorities showing compliance with all applicable federal, state, and local laws and requirements.
4. SBC standard contract bond form, property insurance, liability insurance and Builders Risk insurance as defined in the "Gift in Place Justification" form identified in #1 above.
5. Statement to the Office of the State Architect for acknowledgement that full funding is in place before commencement of construction or installation.

## **TBR Office of Facilities Development**

[TBR Designers Manual 2018](#)

The OFD / Designers Manual website offers significant aids to campuses as well as designers. To help ensure compliance with SBC Policy for local, SBC or State Architect approved, projects that involve construction the TBR / AIA A201 General Conditions shall be used. Other sections should be used as applicable.

## **State Building Commission**

[SBC Policy & Procedures](#)

Pursuant to T.C.A./statutes Design and Construction Projects (Capital Improvements and Capital Maintenance) are under the authority of the Commission.

The term "Capital Improvement" means, regardless of Total Project Cost and funding source (public or private funds or both) a project on State Property, excluding Highway Projects, that

involves:

1. The construction or erection of new buildings or Structures, including prefabricated and modular buildings and Structures that are or will be attached to a permanent foundation;
2. The demolition of a building or structure;
3. A Renovation; or
4. A project funded in an Appropriations Bill or Bond Bill passed by the Legislature with outlay dollars, or a project funded with residual funds.

The term "Capital Maintenance" means:

1. Work meeting the definition of Major Maintenance (defined in subsection P below); or
2. Maintenance or construction in a single building or structure, within a six (6) month period or less, and having a Total Project Cost, taking into account all contracts pursuant to which the work was performed, in excess of \$100,000 funded by sources other than capital appropriations;
3. A project funded in an Appropriations Bill or Bond Bill passed by the Legislature with maintenance dollars, or a project funded with residual funds.

The term "Capital Project" means, collectively, any project that is a Capital Improvement or Capital Maintenance, whether overseen by the State or performed as a gift in place.

#### SBC Policy Item 6.01 Local Building Permit Purchase

Local building permits shall normally be purchased on State projects where local building authorities desire to and will sell such building permits. The Commission shall be advised, at the earliest stage possible on any State project, of any conflict between the classification of a proposed State project and local zoning requirements.

#### Delegated Authority

Delegated authority is provided in *Section 2.04 of the State Building Commission (SBC) Policy and Procedures*, for campus-funded maintenance projects from \$100,000 to \$500,000 as defined in Section 2.04.A. It delegates authority to the State Architect (SA) and Finance & Administration (F&A) to authorize and approve projects below \$500,000, including designer selection and construction procurement, pursuant to applicable State Building Commission policies and other applicable laws and procedures. Projects more than \$100,000 but less than \$500,000 still need approval. To initiate a delegated project, the campus must submit the same information as required to initiate the request for SBC approval. It is the express intent of the Commission that no major maintenance or renovation project be split to avoid the \$500,000 threshold.

#### Tennessee State Law

T.C.A. references are 2016 – one source to review T.C.A. is:

[Tennessee Code Annotated](#)

#### TCA 62-6-102. Chapter definitions. (Extract from Chapter 6 – General Contractors)

(2) "Commercial building contractors" are those contractors authorized to bid on and contract for every phase of the construction, direction, alteration, repair or demolition of any building or structure for use and occupancy by the general public;

(3) "Contracting" means any person or entity who performs or causes to be performed any of the activities defined in subdivision (4)(A) or (7);

(4) (A) (i) "Contractor" means any person or entity that undertakes to, attempts to or submits a

price or bid or offers to construct, supervise, superintend, oversee, schedule, direct or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down or furnishing labor to install material or equipment for any building, highway, road, railroad, sewer, grading, excavation, pipeline, public utility structure, project development, housing, housing development, improvement or any other construction undertaking for which the total cost is twenty-five thousand dollars (\$25,000) or more; provided, however, with respect to a licensed masonry contractor, such term means and includes the masonry portion of the construction project, the total cost of which exceeds one hundred thousand dollars (\$100,000), materials and labor;

**AG Opinion of Owner acting as a General Contractor**

The Attorney General has determined that the Contractor's License Law does not apply to a campus acting as its own general contractor. A campus may perform as a general contractor without a contractor's license; however, subcontractors will need to be appropriately licensed.

**TCA 62-2-107. Employment of licensees on public works**

(a) Neither the state, nor any county, city, town or village or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer or registered landscape architect.

(b) (1) Nothing in this section shall be held to apply to such public work if:

(A) The contemplated expenditure for the complete project does not exceed fifty thousand dollars (\$50,000), and the work does not alter the structural, mechanical or electrical system of the project; or

(B) The contemplated expenditure for the complete project does not exceed one hundred thousand dollars (\$100,000), the project is in a state park, and the work is solely maintenance, as defined in the policy and procedures of the state building commission.

**T.C.A. 49-7-132. Approval of expenditures by state building commission.**

Any expenditure or combination of separate expenditures in excess of one hundred thousand dollars (\$100,000), or any subsequent threshold established by the state building commission, made in any six-month period on a single building or structure owned or leased by a state institution of higher education or governing board of the institution shall be subject to the approval of the state building commission.

**State Fire Marshal Review**

[Codes Enforcement](#)

The Codes Enforcement section enforces statewide adopted fire and building construction safety codes and standards to afford a reasonable degree of safety to life and property from fire and hazards incident to the design, construction, alteration, and repair of buildings or structures. State law / regulation require all State-owned buildings and State leased buildings to have a State Fire Marshal permit for appropriate projects. The SFMO definition of projects requiring their review & approval "Construction means the erection of a new building, an addition to an existing building, a change of occupancy, an alteration that alters the exit arrangement, fire resistive assemblies, or type of construction, or involves the installation of fire suppression, fire detection systems or fuel fired equipment.

**Electrical Permits and Inspections**

[Rules of Department of Commerce and Insurance Division of Fire Prevention - Electrical Installations](#)

State law / regulation require all State-owned buildings to have an electrical permit and appropriate

inspections. Electrical Installations is a section within the State Fire Marshal's office. Rules and requirements cover most significant electrical work. The requirements are identified in Chapter 0780-2-1 of the Rules of the Tennessee Department of Commerce and Insurance. Inspections will be conducted in pursuant to T.C.A., § 68-102-143.

There may be other laws, rules or requirements that would apply to special projects; however, the above information will cover most projects.

## Emergency Project Procedures

The authority granted to the Tennessee Board of Regents per State Building Commission (SBC) Bylaws, Policy, & Procedures Item 2.04.D, allows the TBR to be responsible for their own emergency response procedures which shall be kept updated on the website of the Office of the State Architect.

**Definition of Construction Emergency for Capital Projects:** Damage or malfunction of property of the Campus caused by an unanticipated, sudden and unexpected occurrence which involves a pressing necessity for immediate repair, reconstruction, or maintenance in order to permit the safe continuation of the necessary function of the property, or the life, health or safety of any person in which the total cost of the work exceeds \$100,000.

### Procedure

1. Campus immediately reports emergency incident to the State of Tennessee Office of Risk Management (ORM). All property losses, regardless of the amount are required to be reported immediately to the ORM.
  - If during **regular business hours**, contact the ORM at (865) 974-5409.
  - If **after hours**, please email the Risk Management Director, Pamela Jeffreys, at [pjeffrey@tennessee.edu](mailto:pjeffrey@tennessee.edu) and Jennifer Lane at [jlane4@tennessee.edu](mailto:jlane4@tennessee.edu) with a brief description of loss.

If immediate cleanup or water extraction is needed, contact the only approved remediation contractor, Belfor at (800) 856-3333. Tell Belfor that you are with the State of TN account.

### [Emergency Services / Restoration Contract Usage Instructions](#)

After notification, clean up as quickly as possible in order to protect the property from further damage. Take photographs of all damage and do not discard anything until an adjuster arrives.

2. Campus is to notify the TBR System Office of Facilities Development (OFD) of all construction emergencies within 24 hours of the occurrence. In instances where the emergency is not considered critical or sensitive, notification may be made via e-mail. Primary notification should be directed to the OFD Executive Director. If the primary contact is unavailable the secondary contact would be to the OFD Director Project Management. Contact information is available on the following websites:

### [TBR Office of Facilities Staff Directory](#)

3. Campus is to document the nature of the emergency repair and include the following information:
  - Campus name, location, building name and description of incident.

- Pictures, videos, witness statements, official reports, etc.
- Age of item(s) involved in repair and any regular maintenance documentation and preceding repairs
- Cost Estimates / Internal Work Orders
- Design Services Required
- Requested Procurement Method
- Funding Verification from Campus Chief Business Officer

This information should be submitted as soon as possible for SBC Reporting.

4. TBR OFD reports the project to the SBC as required by policy. The campus will assist in providing the following information:
  - Department Name,
  - Requested Action,
  - Project Title,
  - Project Description,
  - Scope of Emergency,
  - Total Project Budget, and
  - Source of Funding.
  - Required approvals by the Executive Director of the Office of Facilities Development are included in the notification to the SBC.
  
5. Qualifying Construction Emergencies and construction emergency work shall proceed as approved by the Executive Director of the Office of Facilities Development.
  
6. Emergencies that do not qualify as “construction” emergencies will be documented and submitted in accordance with standard SBC project protocol.