

TENNESSEE BOARD OF REGENTS

Drafted by: The Office of Facilities Development

Information for Institution In-House Construction / Maintenance projects.

To ensure the safety of occupants and facilities the compliance with applicable codes and rules is required. Each institution 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 is in compliance with applicable codes, rules and State Building Commission (SBC) policy. Each in-house project shall go through the review process established by the institution to determine if further review and permit will be required.

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, 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, contact the SFMO to determine if their review is required or email a floor plan & key information to: Fred.Garbler@state.tn.us
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 \$25,000 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 contract or work order that is \$50,000 or more will require Wage Rates
5. A single contract that is \$100,000 or more will require a Contract Bond.
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 developed by each institution 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 process shall be approved by the appropriate Vice President of the institution. Each project shall include a sign-off process for that project. The institution 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

Some references that should be considered include:

TBR Office of Facilities Development

List of applicable codes – Basic Regulatory Requirements which may be found in the Designers Manual as well as the Contract Bond form and Wage Rate request.

<http://ofd.tbr.edu>

Select – Designers Manual:

Contract Bond	00 61 13
Prevailing Wage Rates	00 73 43
Basic Regulatory Requirements	01 41 15.

State Building Commission

Policy item 2.01 Definition of a project requiring approval of the Commission

Policy Item 2.01 A.3:

The major maintenance or renovations not covered in paragraph 4 (*change of use*), funded from sources other than capital appropriations with expenditures, or a combination of separate expenditures, in excess of \$100,000 made in a six month period on a single building or structure owned or leased by the State institution of higher education or governing board thereof. Major maintenance shall not include cost of utilities, recurring and routine maintenance of systems and grounds, telephones/network installations and relocations, and custodial services. It is the express intent of the Commission that no major maintenance or renovation project be split to avoid the \$100,000 threshold. [T.C.A. 49-7-129, et. seq.]

Policy Item 6.01 Local Building Permit Purchase

The SBC policy Item 6.01 states: "Local building permits shall normally be purchased on State projects where local building authorities desire to and will sell such building permits". For any project that might be covered by local code requirements the institution should make application to the local officials for a building permit. If a permit is purchased, the appropriate inspections should be conducted by the local codes officials and appropriate certificates should be issued.

SBC Policy can be found on the State Architects website

<http://www.tn.gov/finance/rpa/archit.shtml>

Tennessee State Law

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

As used in this chapter, unless the context otherwise requires:

(1) “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;

(2) “Contracting” means any person or entity who performs or causes to be performed any of the activities defined in subdivision (3)(A) or (6);

(3) (A) (i) “Contractor” means any person or entity who 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 of the same is twenty-five thousand dollars (\$25,000) or more;

All T.C.A. references are June 1, 2007 – one source to review T.C.A. is:

<http://www.michie.com/>

Owner acting as a General Contractor

The Attorney General has determined that the Contractors License Law does not apply to an institution acting as its own general contractor. An institution may perform as a general contractor without a contractor’s license; however, subcontractors will need to be appropriately licensed.

62-2-107. Employment of licensees on public works — Excluded 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) Nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the complete project does not exceed twenty five thousand dollars (\$25,000), and such work does not alter the structural, mechanical or electrical system of the project.

(c) For the purposes of this chapter, “public work” does not include construction, reconstruction or renovation of all or any part of an electric distribution system owned or operated directly or through a board by a municipality, county, power district or other subdivision of the state of Tennessee, that is to be constructed, reconstructed or renovated according to specifications established in the American National Standard Electrical Safety Code, the National Electrical Code, or other recognized specifications governing design and construction requirements for such facilities. Notwithstanding the foregoing, “electrical distribution system” does not include any office buildings, warehouses or other structures containing walls and a roof which are to be open to the general public. [Acts 1979, ch. 263, § 36; T.C.A., § 62-236; Acts 1988, ch. 990, § 9; 1994, ch. 644, § 3.]

Also see: TENNESSEE ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS, AND REGISTERED INTERIOR DESIGNERS LAW AND RULES

<http://www.state.tn.us/commerce/boards/ae/index.html>

Review by the State Fire Marshal

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 or detection systems or fuel fired equipment”.

The above excerpt from: RULES OF TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE DIVISION OF FIRE PREVENTION

The homepage for the SFMO has various references and links:

<http://www.state.tn.us/commerce/sfm/>

Rules for Review of Construction Plans and Specifications may be found at:

<http://www.state.tn.us/sos/rules/0780/0780-02/0780-02-03.pdf>

Electrical Permits and Inspections

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.

State Fire Marshal's Office – Fire Prevention Division

The Rules covering electrical installations may be found at:

<http://www.tennessee.gov/sos/rules/0780/0780-02/0780-02-01.pdf>

<http://www.state.tn.us/commerce/sfm/electInsSec.html>

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