

TENNESSEE BOARD OF REGENTS

Drafted by: The Office of Facilities Development

Information for Institution In-House Construction / Maintenance projects including Gift-In-Place projects.

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. Every SBC project that is done locally must comply with SBC Policy. Each in-house project shall go through the review process established by the institution to determine if further review and permitting 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, 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, contact the appropriate campus contact at the SFMO to determine if their review is required. See SFMO Project Assignment Chart.
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 "Threshold" 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.

Architects & Engineers rules:

<http://www.tn.gov/commerce/section/architects-engineers>

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 following Plans Reviewers may be contacted directly:

<http://www.tn.gov/commerce/article/fire-plans-review> - Plans Examiner Names and Phone No's

APSU – Tom Battle
TSU – Marty Smith

ETSU – Rickey Cottrell
TTU – Dennis Rhodes

MTSU – Dennis Rhodes
UoM – David Smith

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 parities as appropriate.

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

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](#)
2. Final plans and specifications approved by the OSA in accordance with Item 3 of 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:

The OFD / Designers Manual website offers significant aids to institutions as well as designers. To help ensure compliance with SBC Policy for local SBC or State Architect approved projects the involve construction, the TBR / AIA A201 General Conditions (00 72 13) and Supplementary Conditions (00 73 16) be used. Other sections should be used as applicable.

<http://ofd.tbr.edu>

Select – Designers Manual:

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

Contract Bond	00 61 13
Basic Regulatory Requirements	01 41 15.

State Building Commission:

SBC 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 \$500,000 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 \$500,000 threshold.

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. SBC Policy can be found on the following State Architects website
<http://www.tn.gov/finance/section/fa-osa> State Architect
<http://www.tn.gov/finance/article/fa-osa-policy-precudures> SBC Policy & Procedures

Threshold Project:

An Amendment of *Section 2.01A of the State Building Commission (SBC) Policy and Procedures, approved at the Executive Sub-committee of December 19, 2011 and effective beginning January 1, 2012* increased the threshold for campus-funded maintenance projects from \$100,000 to \$500,000. 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 threshold project, the campus must submit the same information as required to initiate the request for SBC approval.

Implementation

1. Project should be discussed with your Project Manager to determine if it is eligible to be classified as a Threshold project, the appropriate delivery method to be used, and if it needs a designer. The standard design process will be used, but in some case the regional designer may be able to help. Note: President's cannot sign purchases over \$249,999 without the Chancellor's signature.
2. A DB70 clearly stating the scope and source of funding is to be submitted to TBR (diane.uhler@tbr.edu) for each project greater than \$100,000 but less than or equal to \$500,000.
3. Funding cannot be from bond proceeds or residual funds. It is to be with cash sources within the current fiscal year.
4. Any revisions which exceed and/or cause the original total project cost amount to exceed the \$500,000 threshold, requires SBC approval.
5. Changes to the SBC-1 that affect scope, budget, and sources of funds, but such that the total project cost still stays under the threshold shall require additional reporting to the SBC, but may be referred to the full SBC, depending on the nature of the change
6. Once approved by The OSA and F&A, the project will be reported at the next SBC meeting.

Tennessee State Law

T.C.A. references are 2015 – one source to review T.C.A. is:
<http://www.michie.com/>

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 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.

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 located 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.

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.tn.gov/commerce/section/fire-prevention>

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

<http://www.tn.gov/commerce/topic/fire-codes-enforcement>

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.

The Rules covering electrical installations may be found at:

<http://www.tn.gov/commerce/article/fire-electrical-permits>

<http://www.tn.gov/commerce/topic/fire-permits-licensing>

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