The University of Tennessee

Information for Institution In-House Construction / Maintenance projects including Gift-In-Place projects / Emergency Project Procedures

Each campus/institution should have a defined, written review process that establishes the procedures and responsibilities for in-house construction and maintenance projects to ensure that projects comply with State Law, State Building Commission policy, applicable codes, and UT policies. Each in-house project shall go through a review process established by the campus/institution and each campus is responsible for submitting project requests to the Department of Capital Projects (DCP) as outlined in FI620.

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

1. Review by the Tennessee Historical Commission (THC) for alterations or demolition is being contemplated in a building which is 50 years or older. Campus / institution should provide a brief scope and potential cost of the work to DCP for submission to THC. (TCA 4-11-111(a))
2. 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, fuel- fired equipment, and as otherwise required by the SFMO. There is no minimum value set for the SFMO required review. SFMO requirements apply to both owned and leased facilities. Structural analysis may be required on existing buildings. If there is a question, the campus should contact the SFMO to determine if their review is required.
3. Documents sealed by an Architect / Engineer (A/E) are required if the work involves any building systems (structural, mechanical, electrical, plumbing, sprinkler, building envelope, etc.) civil, landscaping, or the project requires SFMO approval. Work of $50,000 or more may require A/E sealed documents. (TCA 62-2-107)
    - Professional Consultants as selected by the SBC should be engaged for any work requiring licensed professional involvement. Campus personnel may be used with prior State/DCP approval.
4. A contract that is $25,000 or more will require a licensed general contractor. The licensing requirement also applies to furniture or other elements that are connected to the building or building electrical system. The $25,000 is based on the total cost of the project. (TCA 62-6-102)
    - A Drug Free Work Affidavit is required for any contractor with five or more employees who contracts with the state. This is required at the time of submission of a bid. (TCA 50-9-113)
    - Any installation of new roofing systems will require warranties and bonds as outlined by the SBC. (SBC 6.03)
5. A single contract that is $100,000 or more will require a Contract Bond. (TCA 12-4-201-206)
6. Risk Management should be consulted for all insurance requirements including Builders Risk / Installation Floater amounts. (Insurance and Bonding Guidelines)
7. Projects for Capital Improvements (new square footage, demolition, monuments/ statues, or work will change the function of the space) of any value require approval by the Department of Capital Projects. These projects may be "Delegated" projects to allow for campus/institution execution of the project.
8. Projects for Capital Maintenance using institutional funding and under $1,000,000 are "Delegated" projects which are under campus/ institution authority.

9. Campuses will complete the Campus Project Checklist – Statutory Requirements for Maintenance Projects under $1,000,000 in value, for each project and have it approved by the campus head of facilities and submitted to the Chief Business Officer prior to work beginning. This worksheet will be used when submitting purchase orders and contracts through the Procurement Office.
10. A project or combination of projects within 6 months that exceed $1,000,000 within a single building will require SBC approval. (TCA 49-7-132)
11. Prior to submitting any contract or issuing a purchase order, the campus/institution will demonstrate compliance with all applicable statutory requirements.
    - Campus/institutions should consult with Procurement Services on bidding and contracting if multiple trade contractors are desired prior to project initiation.
12. A project that includes electrical work will require a State permit and inspections in accordance with the Rules for Electrical Installations.

Campus/Institution processes shall establish the staff members responsible for the procedures which ensure compliance with relevant statues, codes, policies, and approvals. These procedures will be approved by the respective Chief Business Officer.

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 either DCP and/or SBC approval. In addition, all projects including the items enumerated below must be submitted to the State Architect through the DCP 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.

UT Policies and Procedures

F10620 - Capital Outlay

UT Department of Capital Projects

UT Designer's Manual

The DCP 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 that involve construction the UT / 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; 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 $1,000,000 funded by sources other than capital appropriations; or
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.
4. The repair or renovation of a building or structure or a portion thereof in which the state has an interest and that:
    a. Being funded by direct appropriations for major maintenance; or
    b. Will cost in excess of $1,000,000 for a building, structure, or portion thereof or in excess of $3,000,000 in total project cost (excluding furniture and equipment).

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 improvement projects from $100,000 to $1,000,000 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 $1,000,000, 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 $1,000,000 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 $1,000,000 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 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 and insured.

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 million dollars ($1,000,000), 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 University of Tennessee per State Building Commission (SBC) Bylaws, Policy, & Procedures Item 2.04.D, allows this institution 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 University 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 $1,000,000.

Procedure

1. Campus immediately reports emergency incident to the UT System Office of Risk Management (ORM). Office of Risk Management Property Claim Procedures

   All property losses, ***regardless of the amount***, are required to be reported immediately to the ORM.

2. Campus Notifies the Department of Capital Projects (OCP) 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 Senior Director of Design and Construction. If the primary contact is unavailable the secondary contact would be to the Budget Director of the Department of Capital Projects. Contact information is available on the following websites:

   Department of Capital Projects Contact Information

3. Campus Documents Emergency

   Campus should document nature of emergency repair and include the following:
   - 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

   These reports should be submitted as soon as possible for SBC Reporting.

4. OCP Reports Project to the SBC

   Emergency Projects are reported to the SBC and include 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 Capital Projects and the Chief Financial Officer of the University of Tennessee are also included in the notification to the SBC.

5. Qualifying Construction Emergencies

   Construction Emergency work shall proceed as approved by the Associate Vice President, Department of Capital Projects, the Chief Financial Officer, and the President for the University of Tennessee.

6. Emergencies that do not Qualify as Construction Emergencies

   If the circumstances presented by the campus do not qualify as a construction emergency, the decision is documented, and the campus promptly notified. The project request will be submitted in accordance with the SBC project protocol.