ALABAMA STATE DEPARTMENT OF EDUCATION

CONSTRUCTION REQUIREMENTS
FOR
COUNTY AND CITY PUBLIC SCHOOLS

PROJECTS TOTALLY FUNDED WITH LOCAL FUNDS
AND
SUBMITTAL OF ALL PLANS AND SPECIFICATIONS

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1. **THE CURRENT EDITION OF THE ALABAMA BUILDING COMMISSION’S (ABC) MANUAL OF PROCEDURES AND ADMINISTRATIVE RULES THAT ARE APPLICABLE TO K-12 PUBLIC SCHOOLS SHALL BE CONSIDERED INCLUSIVE FOR THIS DOCUMENT. THE ABC STANDARD DOCUMENTS SHALL BE UTILIZED FOR COUNTY AND CITY PUBLIC SCHOOL PROJECTS.**

2. **CONSTRUCTION APPROVAL LETTER (SDE FORM A)**

   A. This compliance is the first requirement that must be met before any phase of school construction can be permitted regardless of type funding. The local Superintendent shall complete **SDE Form A** or write a letter to the State Superintendent of Education, Attention: School Facilities. The local Superintendent’s letter shall state the following:

   1. Type of funding
   2. Outline of needs for new facilities
   3. Additions to existing facilities
   4. Intended use of proposed facilities
   5. Type of school: K-Elementary, Elementary, Middle, Senior High, etc.

   B. New construction or renovation of school facilities utilizing any type funds shall have the approval of the State Superintendent of Education.

   C. If a project is for a new school on a new site, the local superintendent shall request the State School Architect’s approval of the site. This request should be made prior to property purchase.

3. **BUDGET APPROVAL**

   A. Each local Board of Education prepares and submits to the State Superintendent of Education its annual budget. Sufficient resources must be budgeted to fund all contracts for professional and construction services. All funds shall be considered as local except for Alabama Public School and College Authority (APSCA) funds or as otherwise noted. Local obligations on APSCA contracts, if applicable, must be evidenced.

   B. A county or city superintendent of education, with the approval of his Board, shall have the authority during the fiscal year to make revisions within the budget.

4. **SELECTION AND EMPLOYMENT OF DESIGN PROFESSIONAL**

   A. It is suggested that the Alabama Building Commission’s **Recommended Procedures for Selecting Design Professionals** be utilized.

   B. The employment of design professionals is not subject to the **Competitive Bid Law** or **Public Works Law**.
C. This selection is to be made by the local Board of Education.

5. AGREEMENT BETWEEN OWNER AND ARCHITECT (ABC FORM B-2)

A. On projects totally funded with local funds, the agreement shall be negotiated on ABC Form B-2 and ABC Form B-2A/Attachment A. The standard form should not be altered in any manner. Clarification of fees, basis for billing, and fee adjustment for major renovations must be established. All applicable blanks should be filled in, and any specific provisions required should be listed in the Special Provisions portion of the agreement. The design professional and the local Superintendent of Education must sign the agreement. Amendments must be executed on ABC Form B-4 August 2001.

B. FOUR (4) copies (minimum) of this agreement shall be submitted to the State School Architect for review, approval of the State Superintendent of Education and distribution. Attach supporting documents to each copy of agreement.

C. Distribution shall be as follows:

1. The Local Superintendent
2. The Architect
3. The State Building Commission
4. The State School Architect
5. The Program/Construction Manager (if utilized)

D. Payments to design professionals shall be made at the local level and do not require the approval of the State Superintendent of Education.

6. PLANNING PROGRAM

A. A school plant should be designed to house a school program. Of first importance is the determination of an educational program based on projected curriculum and type of instructional areas to be provided. It is the responsibility of the Owner to furnish this information in the form of a Planning Program, or Educational Specification, and to specifically establish budget requirements.

B. A Planning Program must be submitted with schematic drawings.

7. TRANSMITTAL OF SUBMITTAL DOCUMENTS AND OTHER MATERIALS

A. Reference to projects should denote the following:

    RE: ENTIRE NAME OF PROJECT
    COUNTY OR CITY SYSTEM
    B.C. NO. (IF ASSIGNED)
    METHOD OF FUNDING
B. A copy of the submittal document sent to the Alabama Building Commission may be used in lieu of item A above. A local job number is always helpful for tracking.

C. Many signatures are not legible and cannot be identified. Accordingly, enter legibly the name and title of each person submitting documents to this office.

8. SCHEMATIC PLAN AND PLANNING PROGRAM SUBMITTAL

A. After approval by the local school Board, submit one copy of the schematic plans to the State School Architect, one copy to the State Building Commission, one copy, when applicable, to the local health department and copies to any other participating agencies for review and approval.

B. Educational Specifications (Planning Program) shall be submitted with the schematic plans to the State School Architect.

C. Proposed plan shall include all existing buildings located on the site.

D. School systems are encouraged to submit one copy of applicable schematic plan sheets and pertinent specifications to the respective consultants at the State Department of Education for review of the following components:

   Kitchen and Cafeteria: Child Nutrition Programs
   State Department of Education
   Gordon Persons Building
   P. O. Box 302101
   Montgomery, Alabama 36130-2101
   Telephone: (334) 242-1988

   Library Media: Library Media
   State Department of Education
   Gordon Persons Building
   P. O. Box 302101
   Montgomery, Alabama 36130-2101
   Telephone: (334) 353-1191

   Career/Technical Education: Career/Technical Education
   State Department of Education
   Gordon Persons Building
   P. O. Box 302101
   Montgomery, Alabama 36130-2101
   Telephone: (334) 242-9960
Note: Request for guidance and information should be addressed to the various agencies listed above.

9. PRELIMINARY PLANS AND OUTLINE SPECIFICATIONS (LOCAL AND PSCA)

Submittal and approval procedures are the same as for schematics.

10. FINAL PLANS AND SPECIFICATIONS

A. The local school Board shall confer with the design professional during development of final plans and specifications to be assured the plans include all features which have been requested. The design professional and the local board should review the completed plans and specifications to insure a complete understanding of the entire job prior to approval of plans by the local school Board.

B. Submittal and approval procedures are the same as for schematics.

C. Approval of the final plans and specifications by the State School Architect, State Building Commission, and all applicable agencies, is required prior to advertising for bids.

D. Index of Standard Project Manual Documents. (August 2001)

- Advertisement for Bids following ABC Form C-1 Sample
- ABC Form C-2: Instructions to Bidders
- ABC Form C-3: Proposal Form
- ABC Form C-3A Proposal Form - Attachment
- ABC Form C-4: Form of Bid Bond
- ABC Form C-5: Construction Contract
- ABC Form C-6: Performance Bond
E. Final drawings to be submitted should, where applicable, include the following:

1. Vicinity Map.
2. Plot plan showing boundaries, size, and shape of site.
3. Adjoining streets, walks, and drives.
4. Position of the buildings on site.
5. Location and connections of all service lines.
6. Finished contours with finished grades at buildings and elevation of first floor.
7. Location of wells, if any.
8. Sewage disposal system.
9. Location of walks, drives, parking, ramps, and exterior steps.
10. Floor plan.
11. Elevations (exterior).
12. Roof plan.
13. Details and building sections.
14. Plumbing plans.
15. Heating, ventilation, and air-conditioning plans.
16. Electrical plans.
17. Structural plans.
18. Intended locations of future work or additions.

F. Registration Seals. The specification cover and all sheets of drawings shall bear the seal of the design professional under whose supervision they were prepared. Architectural project construction documents related to engineering disciplines shall also bear the seal of the registered engineer responsible for that portion of the work. Engineering project construction documents related to architectural work shall also bear the seal of the registered architect responsible for the portion of the work.

G. Plans and specifications must be prepared in accordance with all state laws and requirements. The completeness of plans and specifications, as well as compliance with code requirements, is a direct responsibility of the design professional and approval of these documents by the State Department of Education in no way relieves the design professional of this responsibility.
H. Final plans and specifications should not be issued to bidders, or bid dates established, until the State School Architect and Alabama Building Commission have made approval of the final plans and specifications, or a conditional approval has been received. It is the responsibility of each design professional to schedule and prosecute his work in a manner that will allow adequate time for submissions and reviews.

11. ADVERTISEMENT FOR BIDS (ABC FORM C-1)

For projects exceeding $50,000.00, advertise for bids once a week for three (3) consecutive weeks in a newspaper of general circulation in the county in which the proposed work is to be done. For projects estimated to be in excess of $500,000, advertise at least once in three (3) newspapers of general circulation throughout the state.

12. RECEIVING BIDS

A. All contractors bidding on projects exceeding $50,000.00 in cost must be licensed by the State Licensing Board for General Contractors and bondable for the cost of the project. The bidder shall show such evidence by clearly displaying his or her current license number on the outside of the sealed envelope in which the proposal is delivered.

B. A bid from any unlicensed contractor must be rejected.

C. In accordance with Title 39 bid security is required in the form of a bid bond or certified check in the amount of five (5) percent of the bid, except not to exceed $10,000.00.

13. CONTRACTURAL DOCUMENTS (ABC FORMS C-5, C-6, C-7)

A. On projects totally funded with local funds, the agreement shall be negotiated on ABC Form C-5. This document along with ABC Form C-6, ABC Form C-7, Plans and Specifications constitute a complete contract.

B. All applicable blanks should be filled in, and any specific provisions required should be listed. The standard form should not be altered in any manner.

C. The Contractor and the local Superintendent of Education must sign the agreement.

D. Submittal and approval of A/E Agreement is required before construction contract can be processed.

E. Five (5) copies (minimum) of this agreement, along with the bid tabulation shall be
submitted to the State School Architect for review, approval of the State Superintendenter of Education, and distribution. An additional copy, along with name and address of program/construction manager, is required if utilized.

F. Distribution by the State School Architect shall be as follows:

1. The Local Superintendent
2. The Contractor
3. The Design Professional
4. The State Building Commission
5. The State School Architect
6. The Program/Construction Manager (if utilized)

14. NOTICE TO PROCEED (ISSUED BY AWARDING AUTHORITY)

A. Notice should be given only after the State Superintendent of Education approves the construction contract.

B. Distribution by the Awarding Authority shall be as follows:

1. The Design Professional
2. The Contractor
3. The State School Architect
4. The State Building Commission
5. The Program/Construction Manager (if utilized)

C. Periodic payments to the contractor shall be made at the local level and do not require the approval of the State School Architect or the State Superintendent of Education.

15. CONTRACT CHANGE ORDERS (ABC FORM C-12)

A. The awarding authority may make changes “within the general scope” of the Contract. The requirements of the State’s Competitive Bid Laws may limit the extent to which work may be awarded through change order action as opposed to award through the competitive bid process. When considering making changes to the contract, the design professional and the awarding authority should be cognizant of the potential of conflict with the laws. Determination of legality of change orders rests with the awarding authority and its legal advisor. In an opinion of June 15, 1979, the Office of the Attorney General offers guidelines for making such determinations.

B. Change order to be signed by the local superintendent, design professional contractor, and surety. Concurrence of owner's legal counsel is required on Justification Form if cumulative total of change orders exceeds 10%.
C. **Five (5) copies** shall be sent to the State School Architect for approval.

D. Distribution by the State School Architect shall be as follows:

1. The Local Superintendent
2. The Contractor
3. The State School Architect
4. The Design Professional
5. The State Building Commission
6. The Program/Construction Manager (if utilized)

16. **DESIGN PROFESSIONAL’S REPORTS OF INSPECTION**

A. Prepare after each inspection utilizing Building Commission format.

B. Distribution by the design professional as follows:

1. The Local Superintendent
2. The Contractor
3. The State School Architect
4. The State Building Commission
5. The Building Commission Field Inspector
6. The Program/Construction Manager (if utilized)

17. **FINAL INSPECTION**

A. Before the date of final inspection by state agencies, the design professional shall have made an inspection in detail and shall state in his notification that the project is ready for final inspection and acceptance by such agencies.

B. The design professional is to notify the State School Architect and the State Building Commission (the date and time of day) prior to scheduling this inspection. This notification must be received within the time frame established by the Alabama Building Commission.

C. The design professional shall notify the Contractor of the scheduled inspection date and insure access to all parts of the building.

D. At the conclusion of the final inspection, the inspection party shall agree upon a **date of substantial completion** for the contract time element or that completion is insufficient for time determination and that another final inspection will be required. If a date for occupancy or date for turning the building over to the local superintendent is determined, the owner shall be advised regarding his assuming insurance coverage.

E. The design professional is to submit one copy of the Final Inspection Report to the
18. RECORD DOCUMENTS
The design professional shall furnish the local superintendent record documents as called for by the ABC. The record documents shall be delivered to the local superintendent immediately after final inspection and before the design professional’s final supervision fee is paid.

19. ADVERTISEMENT OF COMPLETION (ABC FORM C-14)
   
   A. In accordance with Title 39 of the Code of Alabama, immediately after completion of the contract, the contractor shall give notice of said completion by and advertisement in some newspaper of general circulation, published within the city or county wherein the work has been done, once a week for a period of four (4) successive weeks.

   B. The contractor through the design professional to the awarding authority shall submit proof of publication of said notice by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county, the notice may be posted at the Courthouse for thirty (30) days and proof of same shall be made by the Probate Judge or Sheriff and the contractor.

20. FINAL PAYMENT

   Prior to actual final payment, the design professional obtains from the contractor, all warranties on equipment, roofing guarantees and other guarantees and presents them to the local superintendent for his permanent record and file.

21. YEAR END INSPECTION

   An inspection is required at the end of the one-year warranty period. The inspection date should be set by the design professional shortly before the expiration of the one-year period, and should be coordinated with the approving agencies.

22. ACT 2012-491 (Immigration Law)

   A. All contractors (including architects and engineers) are required to enroll in the E-Verify program and to provide documentation of enrollment in the E-Verify program with their contracts or agreements.

   B. All contracts and agreement must include the following statement:

   By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and
shall be responsible for all damages resulting therefrom.

This immigration statement should be included under “Special Provisions” of the standard contracts.

23. Upon the recommendation of the Department of Finance, Division of Risk Management, the waivers of subrogation clauses included in the building commission's professional services agreements and construction contracts have been modified. The revisions are mandatory for all projects that are or will be insured under the State Insurance Fund. The revised clauses are included in the Building Commission memos. It is the responsibility of the owner to ensure that the revised language is incorporated into all professional service agreements and construction contracts.

24. GENERAL

All current Alabama Building Commission laws, rules, regulations, guidelines and standard documents applicable to elementary and secondary public school construction that are not in conflict with this publication shall be followed. The State Department of Education approval of contracts and submittals are for “Construction Approval Processing” only. The Department of Education is not a party to contracts. Compliance with all state and federal laws, rules, regulations, etc., are the responsibility of the Awarding Authority.